

HOUSE BILL 427

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO PUBLIC SAFETY; CREATING A PRESUMPTION THAT POSTTRAUMATIC STRESS DISORDER IS PROXIMATELY CAUSED BY EMPLOYMENT FOR LAW ENFORCEMENT OFFICERS AND EMERGENCY MEDICAL SERVICES FIRST RESPONDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the New Mexico Occupational Disease Disablement Law is enacted to read:

.224421.1AIC March 2, 2023 (6:06pm)

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"[NEW MATERIAL] OCCUPATIONAL CONDITION--POSTTRAUMATIC

STRESS DISORDER--PRESUMPTION.--

A. As used in this section:

(1) "law enforcement officer" means:

(a) a full-time salaried and commissioned or certified law enforcement officer of a police or sheriff's department that is part of or administered by the state or a political subdivision of the state;

(b) an adult correctional officer;

(c) a juvenile correctional officer;

(d) a juvenile probation or parole officer; and

(e) an adult probation or parole officer; and

HLVMC→(f) an adult detention officer; and

(g) a juvenile detention officer;

and←HLVMC

(2) "emergency medical services first responder" means a person who is licensed by the department of health and who functions within the emergency medical services system to provide initial emergency aid.

B. If a law enforcement officer or an emergency medical services first responder is diagnosed with posttraumatic stress disorder by a physician or psychologist that results in physical impairment, primary or secondary

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mental impairment or death, and the condition was not revealed during an initial employment medical screening examination or during a subsequent medical review pursuant to the Occupational Health and Safety Act and rules promulgated pursuant to that act, the condition is presumed to be proximately caused by employment as a law enforcement officer or an emergency medical services first responder.

C. The presumption created in Subsection B of this section may be rebutted by a preponderance of evidence in a court of competent jurisdiction showing that the law enforcement officer or emergency medical services first responder engaged in conduct or activities outside of employment that posed a significant risk of developing the condition.

D. When the presumption created in this section does not apply, it shall not preclude a law enforcement officer or an emergency medical services first responder from demonstrating a causal connection between employment and condition or injury by a preponderance of evidence in a court of competent jurisdiction.

E. Medical treatment based on the presumption created in this section shall be provided by an employer as for a job-related condition or injury unless and until a court of competent jurisdiction determines that the presumption does not apply. If the court determines that the presumption does not

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apply or that the condition is not job-related, the employer's workers' compensation insurance provider shall be reimbursed for health care costs by the medical or health insurance plan or benefit provided for the law enforcement officer or the emergency medical services first responder by the employer."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2023.