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## FISCAL IMPACT REPORT

SPONSOR Kane ORIGINAL DATE 02/03/14  
LAST UPDATED \_\_\_\_\_ HM 40  
SHORT TITLE First Responder PTSD Study SB \_\_\_\_\_  
ANALYST Cerny

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		Indeterminate				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Health (DOH)

Workers' Compensation Administration (WCA)

### SUMMARY

#### Synopsis of Bill

House Memorial 40 requests that the WCA study the disability impact of posttraumatic stress disorder (PTSD) on certain professional and review the presumptions for first responders.

### FISCAL IMPLICATIONS

WCA analysis states fiscal impact is indeterminate at this time. DOH states no fiscal impact.

### SIGNIFICANT ISSUES

HM 40 states that approximately eight million American adults have been diagnosed with PTSD.

HM 40 also states that PTSD can significantly impair a person's life, with those afflicted experiencing guilt and depression, with many other negative symptoms, including flashbacks to traumatic events, trouble sleeping, frightening thoughts, nightmares, being "easily startled" with angry outbursts, and potentially feeling emotionally numb with a loss of interest in what were once enjoyable activities. The memorial states that PTSD affects the individual and the individual's entire family. Persons who work in certain professional fields, such as emergency

responders, may be more at risk for PTSD.

HM 40 requests that the WCA be requested to study PTSD and its relationship to job-related health problems for first responders; and that the worker's compensation administration review the current presumptions for first responders, including eleven cancers, five infectious diseases and various cardiovascular provisions, that are presumed to be job-related for the purposes of making a claim to the WCA.

HM 40 also requests that the workers' compensation administration allow all interested persons representing workers and employers to participate and provide recommendations and input into this study. The workers' compensation administration is also requested to provide recommendations to the legislature.

WCA analysis states that PTSD is not typically reported to the WCA since it is a secondary mental impairment. Reporting is mandatory for an initial injury or exposure by filing a First Report of Accident with the WCA. It is not required for resulting mental impairments. The WCA does not currently collect data on this issue and it would have to develop a methodology for collecting data on PTSD.

## **PERFORMANCE IMPLICATIONS**

WCA analysis states "Data on the 'disability impact' of PTSD is not available as it is not reported. The Memorial is somewhat vague in that it requests generally that the WCA study the effect PTSD and its relationship to job-related health problems for first reporters and also that it review presumptions but not to what end. The presumptions were studied in detailed when the statute was first enacted in 2009."

The Department of Health Emergency Medical Systems Bureau would appreciate the opportunity to participate in the review if HM40 is enacted. Per Section 24-10B-4, NMSA 1978 the Department of Health (DOH) Emergency Medical Systems (EMS) Bureau is designated as the lead agency for the emergency medical services system. As that lead agency, the Bureau has been tasked with the operation of a critical incident stress management program for emergency providers utilizing specifically trained volunteers who shall be considered as public employees for the purposes of the Tort Claims Act [41-4-1 to 41-4- 27NMSA 1978] when called upon to perform their duties. The EMS Bureau manages the New Mexico Crisis Support Team and provides Critical Incident Stress Management to first responders in the state, including Emergency Medical Technicians, firefighters, law enforcement and search and rescue.

## **TECHNICAL ISSUES**

The Memorial does not specify a committee of the Legislature to which the WCA should address its report.

## **OTHER SUBSTANTIVE ISSUES**

The Advisory Council on Workers' Compensation and Occupational Disease has not considered this piece of legislation.

CAC/ds