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**Proponent Testimony on SB 491
Senate Commerce Committee
Jeff King, Workers' Compensation Director, KDOL
February 21, 2022**

Madame Chair & Committee Members,

I am Jeff King, Workers' Compensation Director at the Kansas Department of Labor. I am submitting proponent testimony on Senate Bill 491.

Senate Bill 491 would allow PTSD without physical injury to be compensable under the Kansas Workers Compensation Act. PTSD is a recognized disorder, and most healthcare providers, especially those who specialize in the mental health area, do not believe the diagnosis has to be linked to a physical injury. However, the Workers Compensation law in Kansas defines an injury as meaning any change in the physical structure of the body, causing damage or harm thereto. The requirement of a change in the physical structure of the body to have an injury means that a mental injury (PTSD) alone is not enough to be compensable because it doesn't meet the definition.

An early case addressing this was *Followill v Emerson Electric Co.*, 234 Kan. 791, 674 P.2d 1050 (1984), in which an employee came upon an accident where a co-worker had his head crushed in a machine. After observing this grizzly scene, the employee was so affected by the event he had to seek mental health treatment, was hospitalized for a period of time, and was diagnosed with PTSD. He was unable to return to work and be anywhere near those machines. The claim was denied because the employee did not suffer an "injury" himself.

For PTSD, or any psychiatric diagnose to be compensable, you must show that the diagnosis is directly traceable to the physical injury, symptoms, or initial trauma. For example, a police officer who is shot and physically injured could potentially have a PTSD claim. However, for an officer who observes his partner being shot and killed, there would be no claim. A firefighter may observe and hear the screams of a person being burned to death and not being able to help them. Unless the firefighter is physically injured, he/she would have no claim for psychiatric issues related to the event.

Madame Chair, I thank the committee for your time and willingness to work with our agency.

Jeff King
Workers Compensation Director
Kansas Department of Labor