



**KANSAS TRIAL LAWYERS
ASSOCIATION**

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TO: Sen. Renee Erickson, Chair
Members of Senate Commerce Committee

From: Phillip Slape and Jon Voegeli, Slape & Howard, Chartered, Wichita
On Behalf of the Kansas Trial Lawyers Association

Date: February 21, 2022

Re: SB 491: AN ACT concerning workers compensation; relating to post-traumatic stress disorder suffered by first responders; amending K.S.A. 44-508 and repealing the existing section. (PROPONENT; WRITTEN ONLY)

We are with the firm of Slape & Howard, and we are members of the Kansas Trial Lawyers Association (KTLA). We are testifying on behalf of KTLA in support of SB 491. We respectfully request that the Committee pass the bill favorably.

Members of the Kansas Trial Lawyers Association have represented thousands of Kansans injured at work. We have had the honor of representing first responders that have suffered work injuries in the line of duty. Many of their injuries are a result of traumatic circumstances that can permanently affect their health, both physically and mentally.

Currently, the workers compensation laws in Kansas do not cover PTSD that is not directly associated with a physical injury¹. For example, if you are a police officer that was shot in the line of duty, you must prove that the mental trauma suffered was a result of the pain from the bullet, and not due to the situation of being fired upon. It means that a firefighter that lost someone while trying to rescue them must show that any PTSD they suffered is from the scarring of the burns, and not the tragic circumstance that may haunt them.

SB 491 will allow first responders that suffer from a PTSD diagnosis to seek treatment without showing that a physical injury was the cause. It addresses the very real, serious, and treatable issue of PTSD that our first responders sometimes face as a result of their brave service to our communities. The current law is especially unfair to those that our society relies upon to keep us safe. It limits the ability of both the injured worker and their department to address the issues that come with a PTSD diagnosis. SB 491 will ensure that first responders get proper treatment and help them continue to perform their jobs safely and effectively.

Make no mistake -- SB 491 is limited in scope. As introduced, SB 491 allows first responders to claim benefits only for PTSD, and only if they are diagnosed by criteria set forth in the DSM-5.

¹ See *Followill v. Emerson Electric Company*, 234 Kan. 791, 674, P.2d (1984)

For the first responders who suffer from PTSD, SB 491 is an important and long-overdue step. It destigmatizes and supports the mental health of these Kansas workers. More importantly, it helps to combat skyrocketing rates of self-medication, position abandonment, and suicide because it will ensure they get the mental health care and treatment they need.

SB 491 will help first responders injured on the job who are diagnosed with PTSD. On behalf of the Kansas Trial Lawyers Association, we respectfully request that the committee support SB 491 and pass it favorably.