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HOUSE BILL 6

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

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and Dayan Hochman-Vigil and Melanie Ann Stansbury

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:

"[NEW MATERIAL] OCCUPATIONAL CONDITION--POSTTRAUMATIC
STRESS DISORDER--PRESUMPTION.--

A. As used in this section:

(1) "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; and

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1 (2) "law enforcement officer" means a full-
2 time salaried and commissioned or certified law enforcement
3 officer of a police or sheriff's department that is part of or
4 administered by the state or a political subdivision of the
5 state.

6 B. If a law enforcement officer or emergency
7 medical services first responder is diagnosed with
8 posttraumatic stress disorder by a physician or psychologist
9 that results in physical impairment, primary or secondary
10 mental impairment or death, and the condition was not revealed
11 during an initial employment medical screening examination or
12 during a subsequent medical review pursuant to the Occupational
13 Health and Safety Act and rules promulgated pursuant to that
14 act, the condition is presumed to be proximately caused by
15 employment as a law enforcement officer or emergency medical
16 services first responder.

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

24 D. When the presumption created in this section
25 does not apply, it shall not preclude a law enforcement officer

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underscoring material = new
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1 or emergency medical services first responder from
2 demonstrating a causal connection between employment and
3 condition or injury by a preponderance of evidence in a court
4 of competent jurisdiction.

5 E. Medical treatment based on the presumption
6 created in this section shall be provided by an employer as for
7 a job-related condition or injury unless and until a court of
8 competent jurisdiction determines that the presumption does not
9 apply. If the court determines that the presumption does not
10 apply or that the condition is not job-related, the employer's
11 workers' compensation insurance provider shall be reimbursed
12 for health care costs by the medical or health insurance plan
13 or benefit provided for the law enforcement officer or
14 emergency medical services first responder by the employer."

15 SECTION 2. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2020.