

Testimony in Opposition to LD 467
An Act to Support E-9-1-1
Dispatchers and Corrections Officers Diagnosed with Post-Traumatic Stress Disorder
March 1, 2021
Presented by Elizabeth Brogan

Senator Rafferty, Representative Sylvester and members of the Joint Committee on Labor and Housing, my name is Elizabeth Brogan and I am the Executive Director of the Workers' Compensation Coordinating Council and Maine Council of Self-Insurers. I appear before you today in opposition to LD 467.

Mental injuries caused by mental stress, including post-traumatic stress disorder, are compensable under the Maine Workers' Compensation Act for all kinds of workers, including corrections officers and 9-1-1 dispatchers, based on the individual merits of the case.

The rebuttable presumption of compensable PTSD for first responders including police, firefighters and emergency medical services responders was passed into law in 2017. Corrections officers were included in the original bill, LD 848, but removed by amendment. It was pointed out at the time, by then-executive director of the Workers' Compensation Board, Paul Sighinolfi, that corrections officers are not included among groups most likely to suffer PTSD in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), used by psychiatrists and psychologists for PTSD-diagnostic purposes and considered a definitive resource.

E-9-1-1 dispatchers were not included in the original bill in the 128th Legislature, but were part of a bill similar to this one, which failed in the 129th Legislature. Emotionally challenging as a dispatcher's job may be, these workers are differently positioned than first responders on the scene of a traumatic event.

The Workers' Compensation Act should ideally provide a fair system for *all* of Maine's workers and employers, not a patchwork quilt of different standards, depending on the type of work performed, a thumb on the scale for one group and not another. (Understandably, this seems to lead to a proliferation of bills seeking special status for different groups of workers or types of injuries.)

The effect of the current thumb on the scale has yet to be assessed. The PTSD law includes a requirement for analysis of the cost and impact of the existing presumption on municipalities, counties and state, to be reported to this committee by Jan. 1, 2022. To my knowledge, this mandated analysis is still a work in progress. Expanding the law at this point would throw a wrench in the analysis and suggest a disinterest in its eventual conclusions.

Finally, unlike other provisions of the Workers' Compensation Act, presumptions generally favor public employees, rather than all workers across the board. The resulting costs are

therefore borne primarily by public employers—our state, counties and municipalities—potentially impacting all the various services they provide.

For these reasons, I urge the committee to vote “ought not to pass” on LD 467. I am happy to answer any questions.