



Pennsylvania Municipal
League



MEMO

To: Members of the Pennsylvania House of Representatives

From: Amy Sturges, Deputy Executive Director for Advocacy, PA Municipal League and PA State Association of Township Commissioners

Marie Wade, Esq., General Counsel, Delaware Valley Municipal Management Association

Ron Grutza, Senior Director of Governmental Affairs, PA State Association of Boroughs

Joe Gerdes, Director of Government Relations, PA State Association of Township Supervisors

Frank Mazza, Director of Government Relations, County Commissioners Association of PA

Re: Opposition to House Bill 1632 – Post-traumatic Stress Injury for First Responders

Date: April 29, 2024

On behalf of our collective members, we are ***strongly opposed*** to House Bill 1632 continuing to move through the legislative process without amendments to reduce the significant negative impact this legislation will have on taxpayers, local governments, and first responders. Simply put, this legislation is not ready to move forward.

We believe the intention behind HB 1632 is a good one. Local governments want and need their first responders to be mentally fit for the jobs they perform daily,

As written, however, HB 1632 is very broad and imposes a costly unfunded mandate that will severely stress municipal budgets to the ultimate detriment of first responders. The high cost to defend and pay out claims will increase taxes and decrease the availability of local funds to support first responders. Further, the bill does nothing to provide the needed increases in community mental health funding to begin rebuilding the system and assure access to critical mental health services.

The bill seeks to relax the standard for first responders to receive benefits under Workers' Compensation for post-traumatic stress injury. Specifically, the current standard of proving abnormal working conditions would be lifted. It's important to note that in 2013 the PA Supreme Court relaxed the abnormal working conditions standard for PTSI claims in *Payes v. WCAB 79 A. 3d 543 (Pa. 2013)*. This bill removes the standard altogether.

We pose the following questions that should be answered before the bill moves further:

- Should an employer be responsible for workers' comp payments when a first responder has been retired or has moved on to another employer? For example, a first responder can retire at age 50, be diagnosed at age 60, and file a claim at age 63.
- Shouldn't there be some objective parameters around a claim for mental impairment that by its very nature is subjective, especially when the current standard is being removed?
- Does a general practitioner have the training to diagnosis post-traumatic stress injury?
- Why is there no incentive or requirement for a first responder who is granted workers' comp payments to seek mental health treatment?
- Have the bill's advocates determined that insurance companies will still write workers' comp policies after enactment? Are they certain the State Workers Insurance Fund (SWIF) can handle additional insureds and additional claims?
- How do the bill's advocates justify the direct conflict with Act 59 of 2020 which requires mandatory assignment of police officers with symptoms of post-traumatic stress injury to administrative duty while they receive treatment and work to return to full duty?

For the last 6 years, our Coalition has provided consistent information and language that would clarify and narrow the provisions of this legislation to make it palatable and affordable for local governments while still addressing the needs of first responders suffering from post-traumatic stress injury.

Again today, we reiterate our opposition, as well as our commitment to work toward a well written, balanced, and fiscally responsible piece of legislation.

Respectfully, we ask that House Bill 1632 not be brought up for further action until the questions above are answered and local governments' concerns are addressed.

Thank you for your consideration.