

1.1 moves to amend H.F. No. 4026 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. [176.1022] TREATMENT.

1.4 Subdivision 1. Definitions. For the purposes of this section, the following terms have
1.5 the meanings given:

1.6 (1) "CAPS-5" means the Clinician-Administered PTSD Scale for the fifth edition of the
1.7 Diagnostic and Statistical Manual of Mental Disorders by the American Psychiatric
1.8 Association ("DSM-5");

1.9 (2) "diagnosed with post-traumatic stress disorder" means diagnosis by a licensed
1.10 psychiatrist or psychologist, and meeting the criteria for the condition of post-traumatic
1.11 stress disorder described in the most recently published edition of the DSM;

1.12 (3) "employee" means an individual diagnosed with a mental impairment, as defined in
1.13 section 176.011, subdivision 15, paragraph (d), who is:

1.14 (i) a peace officer or firefighter who is a member of the police and fire plan under section
1.15 353.64;

1.16 (ii) a local government correctional service employee who is a member of the local
1.17 governmental correctional service retirement plan under section 353E.02;

1.18 (iii) a 911 telecommunicator as defined in section 403.02, subdivision 17c, who is a
1.19 member of the general employees retirement plan under section 353.01, subdivision 2;

1.20 (iv) a peace officer or firefighter who is a member of the State Patrol retirement plan
1.21 under section 352B.02; or

1.22 (v) a state employee in covered correctional service who is a member of the correctional
1.23 employees retirement plan under section 352.91;

2.1 (4) "employer" means a person or entity that employs one or more employees. The term
2.2 includes an individual, group of persons, state, county, town, city, or other governmental
2.3 subdivision;

2.4 (5) "mental health care provider" has the meaning given under Minnesota Rules, part
2.5 5221.6700, subpart 2, item A, subitem (5);

2.6 (6) "PTSD" means post-traumatic stress disorder; and

2.7 (7) "treatment for post-traumatic stress disorder" means the treatment described under
2.8 Minnesota Rules, part 5221.6700, at the direction of a mental health care provider.

2.9 Subd. 2. **Interaction with other laws.** (a) Notwithstanding any law to the contrary, an
2.10 employee shall:

2.11 (1) complete the treatment required under subdivision 4 before a decision on
2.12 compensability for workers' compensation benefits can be made under this chapter;

2.13 (2) complete the continued treatment required under subdivision 5, if applicable, before
2.14 permanent restrictions can be addressed under this chapter; and

2.15 (3) receive a decision on compensability for workers' compensation benefits under this
2.16 chapter before applying for duty disability benefits under section 352.95, 352B.10, 353.031,
2.17 or 353E.06.

2.18 (b) The length of leave provided under subdivisions 4 and 5 may be reduced by any
2.19 period of paid leave taken for the same purpose under United States Code, title 29, chapter
2.20 28.

2.21 Subd. 3. **Assessment.** To qualify for a leave of absence under subdivision 4, an employee
2.22 shall self-certify to their employer that:

2.23 (1) the employee is currently diagnosed with post-traumatic stress disorder and has
2.24 experienced symptoms of post-traumatic stress disorder in the week prior to the certification
2.25 as determined by a CAPS-5 assessment by a mental health care provider;

2.26 (2) the employee is currently unable to perform their normal duties in a position listed
2.27 under subdivision 1, clause (3), items (i) to (v), as a result of post-traumatic stress disorder;
2.28 and

2.29 (3) the employee, after being employed on active duty in a position listed under
2.30 subdivision 1, clause (3), items (i) to (v), was diagnosed with post-traumatic stress disorder
2.31 and had not been diagnosed with post-traumatic stress disorder previously.

3.1 Subd. 4. Leave for treatment. (a) An employer shall grant an employee who qualifies
3.2 under subdivision 3, a leave of absence from work for up to 32 weeks to receive treatment
3.3 for post-traumatic stress disorder, subject to the following:

3.4 (1) the employee shall complete up to 32 weeks of treatment as provided under this
3.5 subdivision, before a determination of compensability for workers' compensation benefits
3.6 can be made under this chapter. Leave for treatment shall commence on the date that the
3.7 employer receives the self-certification under subdivision 3;

3.8 (2) ongoing good-faith participation in treatment by the employee is required. For the
3.9 purposes of this subdivision, good faith means following the plan established by the
3.10 employee's mental health care provider, or at minimum one treatment per week;

3.11 (3) treatment shall be at the direction of the employee's mental health care provider, who
3.12 must assess the employee's progress in treatment monthly and at the end of the 32 weeks,
3.13 including any change to the employee's ability to return to work in the same position, or in
3.14 another position with the employer;

3.15 (4) the employee may return to work prior to the completion of the 32 weeks of treatment,
3.16 if the employee's mental health care provider determines that they are medically able to do
3.17 so; and

3.18 (5) the employee may return to light duty assignments prior to the completion of the 32
3.19 weeks of treatment, if deemed medically appropriate by the employee's mental health care
3.20 provider and with the employer's approval.

3.21 (b) An employer may annually apply by August 1 for the preceding fiscal year to the
3.22 commissioner of public safety for reimbursement of the treatment costs incurred by the
3.23 employer under this subdivision. An employer must apply for this reimbursement in the
3.24 form and manner specified by the commissioner of public safety.

3.25 (c) Permanent restrictions under this chapter cannot be addressed for an employee until
3.26 the treatment requirement under this subdivision is satisfied.

3.27 Subd. 5. Additional leave for treatment. (a) If, after completing the treatment required
3.28 under subdivision 4, the employer's mental health care provider determines that the employee
3.29 is making progress in treatment and has not reached maximum medical improvement, the
3.30 employer shall extend the employee's leave of absence from work for up to an additional
3.31 eight weeks to receive additional treatment for post-traumatic stress disorder, subject to the
3.32 following:

4.1 (1) the employee shall complete up to an additional eight weeks of treatment as provided
4.2 under this subdivision; and

4.3 (2) the requirements in subdivision 4, paragraph (a), clauses 2 to 5, shall apply to the
4.4 eight weeks of treatment required under this subdivision.

4.5 (b) An employer may annually apply by August 1 for the preceding fiscal year to the
4.6 commissioner of public safety for reimbursement of the treatment costs incurred by the
4.7 employer under this subdivision. An employer must apply for this reimbursement in the
4.8 form and manner specified by the commissioner of public safety.

4.9 (c) If subdivision 5 applies to an employee, permanent restrictions under this chapter
4.10 cannot be addressed until the treatment requirement under this subdivision is satisfied.

4.11 Subd. 6. **Continuation of benefits; employer reimbursement.** (a) For an employee
4.12 receiving treatment under subdivisions 4 or 5, an employer shall continue:

4.13 (1) to pay the employee's full wages or salary, including any employer contribution to
4.14 health care and retirement benefits;

4.15 (2) to provide health insurance benefits to the employee and to the employee's dependents,
4.16 if the employee was receiving dependent coverage at the time of the injury under the
4.17 employer's group health plan; and

4.18 (3) to provide any other employment benefits provided to the employee under the
4.19 employee's currently applicable collective bargaining agreement.

4.20 (b) Nothing in paragraph (a) prevents an employer from providing benefits in addition
4.21 to those required by this section or otherwise affects an employee's rights with respect to
4.22 any other employment benefit.

4.23 (c) An employer subject to this subdivision may annually apply by August 1 for the
4.24 preceding fiscal year to the commissioner of public safety for reimbursement of:

4.25 (1) the costs incurred to continue wages and benefits as required under this subdivision;
4.26 and

4.27 (2) the wage-related costs incurred to backfill a position for the period of treatment
4.28 required for an employee under subdivisions 4 or 5.

4.29 (d) An employer must apply for the reimbursement in the form and manner specified
4.30 by the commissioner of public safety.

4.31 Subd. 7. **Treatment data.** A "health record," as defined by section 144.291, subdivision
4.32 2, paragraph (c), arising from treatment sought under this section is classified as private

5.1 data on individuals, as defined by section 13.02, subdivision 12, and may not be accessed
5.2 by, shared with, or disclosed or disseminated to the Bureau of Criminal Apprehension,
5.3 including through discovery or subpoena, in any type of investigation or legal action.

5.4 Sec. 2. Minnesota Statutes 2020, section 299A.465, subdivision 4, is amended to read:

5.5 Subd. 4. **Public employer reimbursement.** (a) A public employer subject to this section
5.6 may annually apply by August 1 for the preceding fiscal year to the commissioner of public
5.7 safety for reimbursement to help defray a portion of its costs of complying with this section.
5.8 Except as provided for in paragraph (b), the commissioner shall provide an equal pro rata
5.9 share reimbursement to the public employer out of the public safety officer's benefit account
5.10 based on the availability of funds for each eligible officer, firefighter, and qualifying
5.11 dependents. Individual shares must not exceed the actual costs of providing coverage under
5.12 this section by a public employer.

5.13 (b) Beginning on August 1, 2023, a public employer is not eligible for reimbursement
5.14 under paragraph (a) unless the employer provides at least one of the following:

5.15 (1) annual wellness training to peace officers and firefighters who either are employed
5.16 or volunteer for the employer; or

5.17 (2) an employee assistance program or peer support program.

5.18 Wellness training for peace officers must incorporate the learning objectives established by
5.19 the Peace Officer Standards and Training Board under section 626.8477. No later than
5.20 February 1, 2023, the Board of Firefighter Training and Education must create a wellness
5.21 training program for public employers to offer to firefighters to satisfy the requirements of
5.22 this paragraph.

5.23 Sec. 3. Minnesota Statutes 2020, section 352.95, subdivision 3, is amended to read:

5.24 Subd. 3. **Applying for benefits; accrual.** (a) No application for disability benefits may
5.25 be made until after the last day physically on the job. The disability benefit begins to accrue
5.26 the day following the last day for which the employee is paid sick leave or annual leave,
5.27 but not earlier than 180 days before the date the application is filed. A terminated employee
5.28 must file a written application in an office of the system or with a person authorized by the
5.29 executive director. Except as provided in paragraph (b), applications must comply with
5.30 section 352.113, subdivision 2, paragraph (b).

5.31 (b) Notwithstanding any law to the contrary, an employee, as defined in section 176.1022,
5.32 subdivision 1, clause 3, item (v):

6.1 (1) is not eligible for duty disability unless the employee has completed the treatment
6.2 required under section 176.1022; and

6.3 (2) must receive a decision on compensability of workers' compensation benefits under
6.4 chapter 176 before applying for duty disability benefits under this section.

6.5 Sec. 4. Minnesota Statutes 2020, section 352B.10, subdivision 2a, is amended to read:

6.6 Subd. 2a. **Applying for benefits; accrual.** (a) No application for disability benefits shall
6.7 be made until after the last day physically on the job. The disability benefit begins to accrue
6.8 the day following the last day for which the employee is paid sick leave or annual leave but
6.9 not earlier than 180 days before the date the application is filed. A member who is terminated
6.10 must file a written application in an office of the system or with a person authorized by the
6.11 executive director. Except as provided in paragraph (b), applications must comply with
6.12 section 352.113, subdivision 2, paragraph (b).

6.13 (b) Notwithstanding any law to the contrary, an employee, as defined in section 176.1022,
6.14 subdivision 1, clause 3, item (iv):

6.15 (1) is not eligible for duty disability unless the employee has completed the treatment
6.16 required under section 176.1022; and

6.17 (2) must receive a decision on compensability of workers' compensation benefits under
6.18 chapter 176 before applying for duty disability benefits under this section.

6.19 Sec. 5. Minnesota Statutes 2020, section 352B.101, is amended to read:

6.20 **352B.101 APPLICATION FOR DISABILITY BENEFIT.**

6.21 Except as provided under section 352B.10, subdivision 2a, paragraph (b), a member
6.22 claiming a disability benefit must file a written application for benefits in the office of the
6.23 system in a form and manner prescribed by the executive director. The member shall provide
6.24 medical or psychological evidence to support the application. The benefit begins to accrue
6.25 the day following the start of disability or the day following the last day for which the
6.26 member was paid, whichever is later, but not earlier than 180 days before the date the
6.27 application is filed with the executive director.

6.28 Sec. 6. Minnesota Statutes 2020, section 353.031, subdivision 1, is amended to read:

6.29 Subdivision 1. **Application.** (a) This section applies to all disability determinations for
6.30 the public employees general fund, the public employees police and fire fund, and the local
6.31 government correctional service retirement plan and any other disability determination

7.1 subject to approval by the board, except as otherwise specified in paragraph (b) and section
7.2 353.33, 353.656, or 353E.05. These requirements and the requirements of section 353.03,
7.3 subdivision 3, are in addition to the specific requirements of each plan and govern in the
7.4 event there is any conflict between these sections and the procedures specific to any of those
7.5 plans under section 353.33, 353.656, or 353E.06.

7.6 (b) Notwithstanding any law to the contrary, an employee, as defined in section 176.1022,
7.7 subdivision 1, clause 3, items (i), (ii), and (iii):

7.8 (1) is not eligible for duty disability unless the employee has completed the treatment
7.9 required under section 176.1022; and

7.10 (2) must receive a decision on compensability of workers' compensation benefits under
7.11 chapter 176 before applying for duty disability benefits under this section.

7.12 Sec. 7. [626.8477] WELLNESS TRAINING.

7.13 Subdivision 1. Learning objectives and training course. (a) The board must create
7.14 learning objectives to prepare peace officers for the stressful and traumatic events that are
7.15 common to policing and teach officers methods to process and cope with the stress and
7.16 trauma inherent to policing. The learning objectives must be updated as the board considers
7.17 appropriate.

7.18 (b) The commissioner of public safety, in consultation with the board, must create a
7.19 training course that incorporates each of the learning objectives established by the board
7.20 under paragraph (a).

7.21 Subd. 2. Preservice training required. (a) The learning objectives developed pursuant
7.22 to subdivision 1 must be included in the required curriculum of a professional peace officer
7.23 education program.

7.24 (b) A person is not eligible to take the peace officer licensing examination after July 1,
7.25 2024, unless the individual has received the training described in paragraph (a).

7.26 Subd. 3. In-service training required. Beginning July 1, 2023, the chief law enforcement
7.27 officer of every state and local law enforcement agency shall provide in-service wellness
7.28 training to every peace officer and part-time peace officer employed by the agency. The
7.29 training must comply with the learning objectives developed and approved by the board
7.30 and must meet board requirements for board-approved continuing education credit. Each
7.31 peace officer with a license renewal date after June 30, 2023, is not required to complete
7.32 this training until the officer's next full three-year licensing cycle.

8.1 Subd. 4. **Record keeping required.** The head of each local and state law enforcement
8.2 agency shall maintain written records of the agency's compliance with the requirements of
8.3 subdivision 3. The written records are subject to periodic review by the board and must be
8.4 made available to the board at its request.

8.5 Sec. 8. **APPROPRIATIONS.**

8.6 (a) \$..... in fiscal year 2023 is appropriated from the general fund to the commissioner
8.7 of public safety for the purpose of reimbursing employers for the costs of treatment, payment
8.8 of continued wages and benefits, and backfilling positions, as provided under section
8.9 176.1022. The base in fiscal year 2024 and beyond is \$.....

8.10 (c) \$..... in fiscal year 2023 is appropriated from the general fund to the commissioner
8.11 of public safety for the purpose of reimbursing employers under Minnesota Statutes, section
8.12 299A.465, subdivision 4. This appropriation is available until June 30, 2024. The base in
8.13 fiscal year 2024 and beyond is \$....."

8.14 Amend the title accordingly