



**Senate Committee on Commerce**

**Testimony in Opposition to Senate Bill 491**

**Presented by Eric Stafford, Vice President of Government Affairs, Kansas Chamber  
Dan Murray, Executive Director, National Federation of Independent Business**

**Monday, February 21, 2022**

Madam Chair and members of the committee, on behalf of the Kansas Chamber and NFIB Kansas, we appreciate the opportunity to submit joint testimony in opposition to Senate Bill 491, which would allow for compensation for first responders under the Kansas work comp system for post-traumatic stress disorder (PTSD).

PTSD is a specific diagnosis that has multiple manifestations. Placing mental health treatment under workers compensation, instead of health insurance will, without a doubt, result in more litigation and claims, driving up workers compensation premiums. As of December 2019, 14 states including Kansas have no coverage for mental health under work comp laws. Nine states cover mental health only claims like PTSD. And the remaining states cover mental health in a limited capacity.

We are grateful for our first responders and their dedication to protecting and serving our communities. The problem with PTSD as a workers compensation claim is separating a the physical injury and mental injury is less clear that the workplace incident was the prevailing factor in the development of PTSD in first responders. These will not be easy cases to determine which extends the duration of a case, increasing the financial award to the individual and liability to public and private employers. This bill impacts school districts, manufacturers, small businesses, and large businesses.

States that have passed coverage for PTSD have seen costs increase significantly. California's SB 452 was estimated to increase claims from \$14 million per year to \$95 million per year just for peace officers (firefighters estimated to increase from \$6 million to \$21 million). Some estimates suggest those numbers could go as high as \$179 million based on the changes in law.

In closing, we believe PTSD coverage is best left covered under the employer's health insurance plan and we would ask that you not support Senate Bill 491. Thank you for allowing us to testify, and I'm happy to answer questions at the appropriate time.