



State of Rhode Island  
Office of the General Treasurer

**James A. Diossa**  
General Treasurer

April 2, 2024

The Honorable Stephen Casey  
Chair, House Committee on Municipal Government and Housing

The Honorable Members of the House Committee on Municipal Government and Housing

**RE:** 2024-H 7464, *An Act Relating to Towns and Cities – Relief of Injured and Deceased Fire Fighters and Police Officers*

Chair Casey:

I write in opposition to 2024-H 7464, which *entitles* fire fighters and police officers diagnosed with debilitating Post-Traumatic Stress Injuries (“PTSI”) to Injured on Duty (“IOD”) benefits without requiring proof that their injury was sustained in the course of their employment. Since this legislation purports to expand accidental disability benefits for public safety professionals, it will have an impact on the Municipal Employees’ Retirement System (“MERS”) *and* on locally administered pension plans.

Consistent with Rhode Island law, legislation concerning the pension system should not be approved without the benefit of a pension impact note. *See* R.I. Gen. Laws § 45-21-42.2. (Legislation impacting the pension system “shall *not* be approved by the general assembly unless an explanatory statement or note . . . is appended to the proposed legislation which actuarially calculates . . . the projected twenty (20) year cost of the proposed legislation”) (emphasis added). This independent assessment will clarify the impact the proposed legislation will have on both the State budget, and the sustainability of the pension system. The Chairperson of the House Finance Committee – with the approval of the Speaker of the House – can request a pension impact note concerning proposed legislation originating in the House of Representatives. *See* R.I. Gen. Laws § 45-21-42.2.

Concerning the merits, this legislation provides that an individual with a PTISI is “*entitled* to receive an accidental disability retirement.” 2024-H 7464 (emphasis added). As such, this language creates a *conclusive* presumption that an individual diagnosed with a debilitating PTISI is automatically eligible for an accidental disability benefit. While the act requires cursory proof that

a PTSI diagnosis be related to a “potentially traumatic event,” suffered while “rendering [ ] emergency assistance in the state of Rhode Island” on-duty or off-duty, the state is deprived of any meaningful opportunity to rebut that claim.

PTSI can be caused by any number of events or experiences. This can include combat, sexual assault, abuse, accidents, a medical diagnosis, or other serious event. *See* National Institute of Mental Health, *Post-Traumatic Stress Disorder*, NIH Publication No. 23-MH-8124 (2023). “Sometimes, [even] learning that a relative or close friend experienced trauma can cause [Post-Traumatic Stress Disorder (PTSD)].” *Id.*

The onset and course of the disorder likewise varies considerably. *See id.* Symptoms “usually begin within 3 months of the traumatic event, but they sometimes emerge later.” *Id.* Indeed, delayed-onset PTSD is a well-recognized diagnosis that can make it more difficult to determine the causal event or events. *See* Meaghan L. O’Donnell PhD, *Exploration of Delayed-Onset Posttraumatic Stress Disorder After Severe Injury*, Australian Center for Posttraumatic Mental Health (Jan. 2013).

Whether an individual’s PTSI is linked to a job-related experience, or an unrelated traumatic event is difficult to discern. Consequently, it is entirely foreseeable – for example – that a military veteran with a PTSI from combat experience overseas that is aggravated by a life-saving encounter while employed as a police officer or fire fighter would qualify for an accidental disability.

Moreover, this legislation only requires diagnosis from “a licensed mental health professional, with a master’s degree or higher.” But the plain language of this bill would not require a mental health professional have a master’s degree or doctorate in a relevant field. The current accidental disability statute for police officers and fire fighters requires certification of the claimed disability by a physician. *See* R.I. Gen. Laws § 45-21.2-9. Allowing diagnosis of a complicated medical disorder with important causal elements to be made by a medical professional with less formal credentials than are currently required for all other claimed disabling conditions (including other psychiatric or mental injuries) will lessen the standards for attaining a lifetime disability pension predicated on this particular psychiatric injury.

Rather than expand accidental disability presumptions, Rhode Island should follow the lead of states like Minnesota that have expanded treatment options for public safety personnel before they are considered for disability benefits. Several years ago, Minnesota enacted legislation permitting public safety professionals to qualify for an accidental disability benefit based on PTSD. In the years since enactment, Minnesota has seen “PTSD-related retirements” “skyrocket.” Tim Walker, *Bill Seeks to Lower Number of PTSD Retirements Among First Responders*, Minnesota House of Representatives (Mar. 9, 2023). “From 2019 to 2022, 846 public safety workers – about 90% of them in law enforcement – filed for duty disability pensions in Minnesota.” Randy Furst, *Police disability retirements stressing communities, sending state pension costs soaring*, Star Tribune (Mar. 25, 2023). “The public safety pension fund operated by Minnesota’s Public Employees Retirement Association [saw] an increase in disability applications, particularly involving police PTSD claims. The increase is costing about \$40 million more each year than expected.” *Id.*

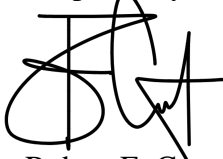
Rather than simply provide affected public safety professionals with a disability retirement, Minnesota has reversed course and enacted legislation that focuses on *treatment*. See House File 1234, Fourth Engrossment. In an effort supported by the state police and fire chiefs' associations, the Minnesota legislature passed legislation last year that requires police officers and fire fighters diagnosed with PTSD and seeking a disability pension to undergo 24 weeks of treatment (subject to eight additional weeks if necessary). Once treatment is completed and a medical professional concludes the employee is still unable to return to work, the employee could then apply for a disability benefit. See *id.*

To be clear, the Office of the General Treasurer recognizes the difficult and often dangerous work of public safety personnel. Police officers and fire fighters see and experience unimaginable events on a routine basis. In recognition of that, prevailing state law *already allows* public safety professionals diagnosed with debilitating PTSIs to qualify for accidental disability retirement allowances and IOD benefits. See R.I. Gen. Laws § 45-21.2-9 (“Application for the allowance is made by the member or on the member’s behalf, stating that the member is physically *or mentally incapacitated* for further service as the result of an injury or illness sustained while in the performance of duty. . .”) (emphasis added). Such individuals face no greater an administrative hurdle than any other public safety professional seeking an accidental disability benefit for job-related injuries.

This legislation – though well intended – will not produce the desired outcome: to help public safety professionals remain healthy, recover from mental health related duress, and strive towards safely returning to work. Instead of an automatic entitlement to a disability benefit upon diagnosis, the state should first focus its efforts on providing police officers and fire fighters with access to the treatment they need to recover and reserve disability benefits for those unable to safely return to work despite treatment.

Please feel free to reach out by email at [Robert.CravenJr@treasury.ri.gov](mailto:Robert.CravenJr@treasury.ri.gov) or by phone at (401) 330-0661 with any further questions.

Respectfully,



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cc: The Honorable Jaqueline Baginski