

1.1 moves to amend H.F. No. 1234 as follows:

1.2 Page 2, after line 5, insert:

1.3 "Sec. 2. Minnesota Statutes 2022, section 299A.465, is amended by adding a subdivision
1.4 to read:

1.5 Subd. 4a. **Annual appropriation.** An amount necessary to fully fund the reimbursement
1.6 requests under subdivision 4 is annually appropriated from the general fund to the
1.7 commissioner of public safety for deposit into the public safety officer's benefit account.
1.8 This appropriation is a statutory appropriation as defined in section 16A.011, subdivision
1.9 14a.

1.10 Sec. 3. Minnesota Statutes 2022, section 352B.10, subdivision 1, is amended to read:

1.11 Subdivision 1. **Duty disability.** (a) A member who is determined to qualify for duty
1.12 disability as defined in section 352B.011, subdivision 7, is entitled to receive a duty disability
1.13 benefit while disabled. The benefits must be paid monthly. The duty disability benefit is an
1.14 amount equal to the member's average monthly salary multiplied by 60 percent, plus an
1.15 additional 3.0 percent for each year and pro rata for completed months of service in excess
1.16 of 20 years, if any.

1.17 (b) Notwithstanding paragraph (a), if the member has applied for a duty disability based
1.18 on a psychological condition, the application must be supported by evidence that the applicant
1.19 is unable to perform the duties of the position held by the applicant on the date of injury or
1.20 the onset of the illness or to another position with the employer which provides salary and
1.21 employer-provided benefits, including pension benefits, that are equal to or greater than
1.22 those for the position held by the employee on the date of the injury, event, or onset of the
1.23 mental illness."

1.24 Page 3, line 6, after "additional" insert "procedure, including all completion of treatment"

2.1 Page 3, line 8, delete "DUTY DISABILITY PROCEDURE;" and insert "APPLICATION
2.2 FOR PSYCHOLOGICAL"

2.3 Page 3, line 9, after "CONDITION" insert "TREATMENT"

2.4 Page 3, line 27, after "in" insert "psychological, psychopharmaceutical, and functional
2.5 neurological approaches, and active participation in"

2.6 Page 3, line 29, after the period, insert "Treatment includes utilization of multiple
2.7 treatment modalities, including chemical dependency treatment, when indicated, and
2.8 evidence-based trauma treatment."

2.9 Page 4, delete subdivision 3 and insert:

2.10 "Subd. 3. **Approval.** (a) An employee who applies for treatment of a psychological
2.11 condition that was a result of the performance of duties related to the occupation must
2.12 receive approval for psychological treatment as provided under this subdivision.

2.13 (b) The executive director shall grant approval to an employee who submits, in the form
2.14 and manner specified by the executive director:

2.15 (1) a report by a mental health professional diagnosing the employee with a mental
2.16 illness and finding that the employee is currently unable to perform the normal duties of
2.17 the position held by the employee on the date of the injury, event, or onset of the mental
2.18 illness on a full- or part-time basis; and

2.19 (2) documentation from the employer certifying the dates the employee was on duty in
2.20 a position covered under the police and fire plan.

2.21 (c) An employee who receives approval under this subdivision is not considered disabled
2.22 for the purposes of a duty disability under section 353.656, subdivision 1, unless the employee
2.23 completes the additional requirements under this section, receives final confirmation under
2.24 subdivision 6, and applies for disability benefits under section 353.031 before receiving
2.25 duty disability benefits or related benefits.

2.26 (d) The executive director must notify an employing entity electronically and by mail
2.27 that an application for psychological condition treatment has been submitted by an employee
2.28 and request the certification required under paragraph (b), clause (2), from the employing
2.29 entity within six business days after the application has been received by the executive
2.30 director.

2.31 (e) An employer shall submit the certification required under paragraph (b), clause (2),
2.32 within five business days of an employee's application, and the employee shall receive

3.1 approval no later than 14 business days after the employee's application is received by the
3.2 executive director, whether or not the employer's certification has been submitted. Nothing
3.3 in this paragraph shall delay the treatment of the psychological condition of the employee."

3.4 Page 4, line 28, delete "initial" and after "complete" insert "up to"

3.5 Page 5, line 5, after "weeks" insert "or earlier"

3.6 Page 5, line 10, delete "determination" and insert "confirmation"

3.7 Page 5, line 15, delete "final"

3.8 Page 5, line 28, delete "initial or final" and insert "psychological condition treatment"

3.9 Page 6, delete subdivision 6 and insert:

3.10 "Subd. 6. **Termination or continuation of psychological condition treatment.** (a)

3.11 Following completion of treatment under subdivision 4, the association shall confirm the
3.12 treatment requirements are satisfied, and make one of the following determinations:

3.13 (1) continue the approval for an additional eight weeks for the employee to complete
3.14 additional treatment, as provided under subdivision 7;

3.15 (2) terminate the psychological condition treatment because the employee is:

3.16 (i) able to return to full-time work in the position held by the employee on the date of
3.17 the injury, event, or onset of the mental illness; or

3.18 (ii) able to return to another vacant full-time position with the employer which provides
3.19 salary and employer-provided benefits, including pension benefits, that are equal to or
3.20 greater than those for the position held by the employee on the date of the injury, event, or
3.21 onset of the mental illness, as certified by the employer in the form and manner specified
3.22 by the executive director; or

3.23 (3) confirm the employee has met the requirements under section 352B.102, after which
3.24 the employee may apply for a duty disability benefit based on a psychological condition
3.25 under section 352B.10.

3.26 (b) After confirmation and application under paragraph (a), clause (3), the association
3.27 shall approve the employee's application for disability benefits because the employee is
3.28 eligible under sections 352B.10 and 352B.101, at which time the employee is entitled to
3.29 receive disability benefits as provided under this section and any related benefits. The
3.30 disability benefit begins to accrue the day following the day on which the employer ceases
3.31 to continue salary and benefits under subdivision 5.

4.1 (c) Following completion of the additional treatment requirements under subdivision 7,
4.2 if applicable, the association shall confirm the additional treatment requirements are satisfied,
4.3 after which, the employee may apply for disability benefits because the employee is eligible
4.4 under section 353.031, at which time the employee is entitled to receive disability benefits
4.5 as provided under this section and any related benefits. The disability benefit begins to
4.6 accrue the day following the day on which the employer ceases to continue salary and
4.7 benefits under subdivision 5.

4.8 (d) A fitness for duty presumption shall apply to an employee who is determined able
4.9 to return to work as provided under paragraph (a), clause (2), except as provided under
4.10 subdivision 10."

4.11 Page 6, after line 13, insert:

4.12 "(d) If an employee is unable to receive treatment through the prescribed treatment
4.13 program due to circumstances beyond the employee's control, which includes, but is not
4.14 limited to, a lack of availability of a mental health facility or a mental health professional,
4.15 the employee shall continue to receive their regular compensation, benefits, and retirement
4.16 service credits, until such mental health facility or mental health professional becomes
4.17 available to the employee for their treatment program. The continuation of salary and benefits
4.18 allowed under this paragraph must not exceed 30 days beyond the day treatment is prescribed,
4.19 except that the continuation of benefits and salary may be extended beyond 30 days if written
4.20 documentation from the mental health facility or mental health professional providing the
4.21 treatment start date is submitted by the employee to the executive director and the employer."

4.22 Page 8, line 1, delete "final"

4.23 Page 8, line 17, delete "the Bureau of Criminal Apprehension" and insert "any individual,
4.24 private entity, or government entity"

4.25 Page 8, line 18, after "discovery" insert ", search warrant,"

4.26 Page 8, line 22, after the semicolon, insert "and"

4.27 Page 8, line 23, delete the semicolon and insert a period

4.28 Page 8, delete lines 24 to 26

4.29 Page 9, delete lines 12 to 14 and insert:

4.30 "(ii) may appeal the independent medical provider's determination by requesting an
4.31 examination be conducted by a qualified professional selected by the employee from a panel
4.32 established by mutual agreement between the League of Minnesota Cities, the Association

5.1 of Minnesota Counties, the Minnesota Peace and Police Officers Association, the Minnesota
 5.2 Professional Fire Fighters Association, the Minnesota Chiefs of Police Association, and the
 5.3 Minnesota Law Enforcement Association, which shall consist of five licensed psychiatrists
 5.4 or psychologists who have expertise regarding psychological or emotional disorders and
 5.5 who are qualified to opine as to the employee's fitness to engage in police or firefighting
 5.6 duties. The agreed upon panel of qualified professionals must be submitted to the executive
 5.7 director and made available for use in the appeal process. If the employee fails to select a
 5.8 qualified professional from the panel within ten days of any notice of appeal, the employing
 5.9 entity may select the qualified professional from the panel. A determination made by a
 5.10 qualified professional under this clause is binding and not subject to appeal; and"

5.11 Page 9, after line 24, insert:

5.12 "Subd. 12. **Annual appropriation.** An amount necessary to fully fund the reimbursement
 5.13 requests under subdivision 9 is annually appropriated from the general fund to the
 5.14 commissioner of public safety for deposit into the public safety officer's benefit account.
 5.15 This appropriation is a statutory appropriation as defined in section 16A.011, subdivision
 5.16 14a."

5.17 Page 9, before line 25, insert:

5.18 "Sec. 8. **[352B.103] PSYCHOLOGICAL CONDITION TREATMENT ACCOUNT.**

5.19 (a) The psychological condition treatment account is created in the special revenue fund.
 5.20 Money in the account consists of money transferred or appropriated to the account.

5.21 (b) Money in the account is appropriated to the executive director for administration of
 5.22 the psychological condition treatment under section 352B.102."

5.23 Page 10, line 4, after "additional" insert "procedure, including all completion of treatment"

5.24 Page 10, after line 5, insert:

5.25 "Sec. 10. Minnesota Statutes 2022, section 353.031, subdivision 4, is amended to read:

5.26 Subd. 4. **Additional requirements; eligibility for police and fire or local government**
 5.27 **correctional service retirement plan disability benefits.** (a) If an application for disability
 5.28 benefits is filed within two years of the date of the injury or the onset of the illness that gave
 5.29 rise to the disability application, the application must be supported by evidence that the
 5.30 applicant is unable to perform the duties of the position held by the applicant on the date
 5.31 of the injury or the onset of the illness causing the disability. The employer must provide
 5.32 evidence indicating whether the applicant is able or unable to perform the duties of the

6.1 position held on the date of the injury or onset of the illness causing the disability, a clear
6.2 explanation of any duties that the individual can or cannot perform, and an explanation of
6.3 why the employer may or may not authorize continued employment to the applicant in the
6.4 current or other position.

6.5 (b) If an application for disability benefits is filed more than two years after the date of
6.6 injury or the onset of an illness causing the disability, the application must be supported by
6.7 evidence that the applicant is unable to perform the duties that were expected to be performed
6.8 by the applicant during the 90 days preceding the last day the applicant performed services
6.9 for the employer. The employer must provide evidence of the duties that were expected to
6.10 be performed by the applicant during the 90 days preceding the last day the applicant
6.11 performed services, whether the applicant can or cannot perform those duties overall, a
6.12 clear explanation of any duties that the applicant can or cannot perform, and an explanation
6.13 of why the employer may or may not authorize continued employment to the applicant in
6.14 the current or other position.

6.15 (c) Any report supporting a claim to disability benefits under section 353.656 or 353E.06
6.16 must specifically relate the disability to its cause; and for any claim to duty disability from
6.17 an injury or illness arising out of an act of duty, the report must state the specific act of duty
6.18 giving rise to the claim, and relate the cause of disability to inherently dangerous duties
6.19 specific to the positions covered by the public employees police and fire plan and the local
6.20 government correctional service retirement plan. Any report that does not relate the cause
6.21 of disability to specific inherently dangerous duties performed by the employee may not be
6.22 relied upon as evidence to support eligibility for benefits and may be disregarded in the
6.23 executive director's decision-making process.

6.24 (d) Any application for duty disability must be supported by a first report of injury as
6.25 defined in section 176.231.

6.26 (e) If a member who has applied for and been approved for disability benefits before
6.27 the termination of service does not terminate service or is not placed on an authorized leave
6.28 of absence as certified by the governmental subdivision within 45 days following the date
6.29 on which the application is approved, the application shall be canceled. If an approved
6.30 application for disability benefits has been canceled, a subsequent application for disability
6.31 benefits may not be filed on the basis of the same medical condition for a minimum of one
6.32 year from the date on which the previous application was canceled.

6.33 (f) Notwithstanding section 353.01, subdivision 41, if the member has applied for a duty
6.34 disability based on a psychological condition, the application must be supported by evidence

7.1 that the applicant is unable to perform the duties of the position held by the applicant on
7.2 the date of injury or the onset of the illness or to another position with the employer which
7.3 provides salary and employer-provided benefits, including pension benefits, that are equal
7.4 to or greater than those for the position held by the employee on the date of the injury, event,
7.5 or onset of the mental illness."

7.6 Page 10, line 6, delete "DUTY DISABILITY PROCEDURE;" and insert
7.7 "APPLICATION FOR PSYCHOLOGICAL"

7.8 Page 10, line 7, after "CONDITION" insert "TREATMENT"

7.9 Page 11, line 1, after "in" insert "psychological, psychopharmaceutical, and functional
7.10 neurological approaches, and active participation in"

7.11 Page 11, line 3, after the period, insert "Treatment includes utilization of multiple
7.12 treatment modalities, including chemical dependency treatment, when indicated, and
7.13 evidence-based trauma treatment."

7.14 Page 11, delete subdivision 3, and insert:

7.15 "Subd. 3. **Approval.** (a) An employee who applies for treatment of a psychological
7.16 condition that was a result of the performance of duties related to the occupation must
7.17 receive approval for psychological treatment as provided under this subdivision.

7.18 (b) The executive director shall grant approval to an employee who submits, in the form
7.19 and manner specified by the executive director:

7.20 (1) a report by a mental health professional diagnosing the employee with a mental
7.21 illness and finding that the employee is currently unable to perform the normal duties of
7.22 the position held by the employee on the date of the injury, event, or onset of the mental
7.23 illness on a full- or part-time basis; and

7.24 (2) documentation from the employer certifying the dates the employee was on duty in
7.25 a position covered under the police and fire plan.

7.26 (c) An employee who receives approval under this subdivision is not considered disabled
7.27 for the purposes of a duty disability under section 353.656, subdivision 1, unless the employee
7.28 completes the additional requirements under this section, receives final confirmation under
7.29 subdivision 6, and applies for disability benefits under section 353.031 before receiving
7.30 duty disability benefits or related benefits.

7.31 (d) The executive director must notify an employing entity electronically and by mail
7.32 that an application for psychological condition treatment has been submitted by an employee

8.1 and request the certification required under paragraph (b), clause (2), from the employing
8.2 entity within six business days after the application has been received by the executive
8.3 director.

8.4 (e) An employer shall submit the certification required under paragraph (b), clause (2),
8.5 within five business days of an employee's application, and the employee shall receive
8.6 approval no later than 14 business days after the employee's application is received by the
8.7 executive director, whether or not the employer's certification has been submitted. Nothing
8.8 in this paragraph shall delay the treatment of the psychological condition of the employee."

8.9 Page 11, line 31, delete "initial" and after "complete" insert "up to"

8.10 Page 12, line 7, after "weeks" insert "or earlier"

8.11 Page 12, line 12, delete "determination" and insert "confirmation"

8.12 Page 12, line 17, delete "final"

8.13 Page 12, line 29, delete "initial or final" and insert "psychological condition treatment"

8.14 Page 13, after line 13, insert:

8.15 "(d) If an employee is unable to receive treatment through the prescribed treatment
8.16 program due to circumstances beyond the employee's control, which includes, but is not
8.17 limited to, a lack of availability of a mental health facility or a mental health professional,
8.18 the employee shall continue to receive their regular compensation, benefits, and retirement
8.19 service credits, until such mental health facility or mental health professional becomes
8.20 available to the employee for their treatment program. The continuation of salary and benefits
8.21 allowed under this paragraph must not exceed 30 days beyond the day treatment is prescribed,
8.22 except that continuation of benefits and salary may be extended beyond 30 days if written
8.23 documentation from the mental health facility or mental health professional providing the
8.24 treatment start date is submitted by the employee to the executive director and the employer."

8.25 Page 13, delete subdivision 6 and insert:

8.26 "Subd. 6. **Termination or continuation of psychological condition treatment.** (a)
8.27 Following completion of treatment under subdivision 4, the association shall confirm the
8.28 treatment requirements are satisfied, and make one of the following determinations:

8.29 (1) continue the approval for an additional eight weeks for the employee to complete
8.30 additional treatment, as provided under subdivision 7;

8.31 (2) terminate the psychological condition treatment because the employee is:

9.1 (i) able to return to full-time work in the position held by the employee on the date of
9.2 the injury, event, or onset of the mental illness; or

9.3 (ii) able to return to another vacant full-time position with the employer which provides
9.4 salary and employer-provided benefits, including pension benefits, that are equal to or
9.5 greater than those for the position held by the employee on the date of the injury, event, or
9.6 onset of the mental illness, as certified by the employer in the form and manner specified
9.7 by the executive director; or

9.8 (3) confirm the employee has met the requirements under section 353.032, after which
9.9 the employee may apply for a duty disability benefit based on a psychological condition
9.10 under section 353.031.

9.11 (b) After confirmation and application under paragraph (a), clause 3, the association
9.12 shall approve the employee's application for disability benefits because the employee is
9.13 eligible under section 353.031, at which time the employee is entitled to receive disability
9.14 benefits as provided under this section and any related benefits. The disability benefit begins
9.15 to accrue the day following the day on which the employer ceases to continue salary and
9.16 benefits under subdivision 5.

9.17 (c) Following completion of the additional treatment requirements under subdivision 7,
9.18 if applicable, the association shall confirm the additional treatment requirements are satisfied,
9.19 after which, the employee may apply for disability benefits because the employee is eligible
9.20 under section 353.031, at which time the employee is entitled to receive disability benefits
9.21 as provided under this section and any related benefits. The disability benefit begins to
9.22 accrue the day following the day on which the employer ceases to continue salary and
9.23 benefits under subdivision 5.

9.24 (d) A fitness for duty presumption shall apply to an employee who is determined able
9.25 to return to work as provided under paragraph (a), clause (2), except as provided under
9.26 subdivision 10."

9.27 Page 14, line 33, delete "final"

9.28 Page 15, line 14, delete "the Bureau of Criminal Apprehension" and insert "any individual,
9.29 private entity, or government entity"

9.30 Page 15, line 15, after "discovery" insert ", search warrant,"

9.31 Page 15, line 19, after the semicolon, insert "and"

9.32 Page 15, line 20, delete the semicolon and insert a period

10.1 Page 15, delete lines 21 to 23

10.2 Page 16, delete lines 9 to 11 and insert:

10.3 "(ii) may appeal the independent medical provider's determination by requesting an
10.4 examination be conducted by a qualified professional selected by the employee from a panel
10.5 established by mutual agreement between the League of Minnesota Cities, the Association
10.6 of Minnesota Counties, the Minnesota Peace and Police Officers Association, the Minnesota
10.7 Professional Fire Fighters Association, the Minnesota Chiefs of Police Association, and the
10.8 Minnesota Law Enforcement Association, which list shall consist of five licensed
10.9 psychiatrists or psychologists who have expertise regarding psychological or emotional
10.10 disorders and who are qualified to opine as to the employee's fitness to engage in police or
10.11 firefighting duties. The agreed upon panel of qualified professionals must be submitted to
10.12 the executive director and made available for use in the appeal process. If the employee
10.13 fails to select a qualified professional from the panel within ten days of any notice of appeal,
10.14 the employing entity may select the qualified professional from the panel. A determination
10.15 made by a qualified professional under this clause is binding and not subject to appeal; and"

10.16 Page 16, after line 21, insert:

10.17 "Subd. 12. **Annual appropriation.** An amount necessary to fully fund the reimbursement
10.18 requests under subdivision 9 is annually appropriated from the general fund to the
10.19 commissioner of public safety for deposit into the public safety officer's benefit account.
10.20 This appropriation is a statutory appropriation as defined in section 16A.011, subdivision
10.21 14a."

10.22 Page 16, before line 22, insert:

10.23 "Sec. 12. **[353.033] PSYCHOLOGICAL CONDITION TREATMENT ACCOUNT.**

10.24 (a) The psychological condition treatment account is created in the special revenue fund.
10.25 Money in the account consists of money transferred or appropriated to the account.

10.26 (b) Money in the account is appropriated to the executive director for administration of
10.27 the psychological condition treatment under section 353.032."

10.28 Page 17, delete section 9 and insert:

- 11.1 "Sec. 14. **APPROPRIATION.**
- 11.2 (a) \$..... in fiscal year 2024 and \$..... in fiscal year 2025 are appropriated from the
- 11.3 general fund for transfer to the psychological condition treatment account under Minnesota
- 11.4 Statutes, section 352B.103.
- 11.5 (b) \$..... in fiscal year 2024 and \$..... in fiscal year 2025 are appropriated from the
- 11.6 general fund for transfer to the psychological condition treatment account under Minnesota
- 11.7 Statutes, section 353.033."
- 11.8 Renumber the sections in sequence and correct the internal references
- 11.9 Amend the title as follows:
- 11.10 Page 1, line 2, after "officer" insert "and firefighter"
- 11.11 Correct the title numbers accordingly