

**Subject** Duty Disability Determinations

**Authors** Long and others

**Analyst** Marta James  
Jeff Diebel

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### Overview

This bill establishes treatment requirements for mental illness for eligible peace officers and firefighters before they can apply for duty disability benefits. The bill also adds preservice and in-service wellness training requirements and appropriates money to reimburse employers.

## Summary

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| 1 | <b>Public employer reimbursement.</b><br>Requires the state to reimburse local units of government that are statutorily obligated to provide continued medical insurance for eligible disabled public safety officers. As a prerequisite of receiving the reimbursement, a local unit of government must offer to public safety officers employed by the entity either annual wellness training or an employee assistance program/peer support program. |
| 2 | <b>Proof of disability.</b><br>Makes consistent reference in section 352B.10, to the new duty disability procedure for mental illness added under section 352B.102 for peace officers and firefighters in the State Patrol retirement plan.   |
| 3 | <b>Application for disability benefit.</b><br>Makes consistent reference in section 352B.101, to the new duty disability procedure for mental illness added under section 352B.102 for peace officers and firefighters in the State Patrol retirement plan.   |
| 4 | <b>Duty disability procedure; psychological condition.</b><br>Adds section 352B.102, adding additional duty disability procedural requirements for peace officers and firefighters in the State Patrol retirement plan who apply for a  |

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duty disability based on a mental illness. Requires 32 weeks of treatment before a final determination of eligibility for duty disability can be made.

**Subd. 1. Definitions.** Provides definitions used in the section.

**Subd. 2. Application.** Provides the additional requirements under this section apply to an application for a duty disability based on a psychological condition filed by a peace officer or firefighter in the State Patrol plan. A “psychological condition” is defined as being diagnosed with a mental illness in subdivision 1.

**Subd. 3. Initial approval.** Requires initial approval by the Minnesota State Retirement System (“MSRS”) to receive treatment under subdivision 4. Initial approval requires documentation of: (1) diagnosis of a mental illness by one licensed psychologist or psychiatrist; (2) active duty dates of service in a position in the State Patrol retirement plan with inherently dangerous duties; and (3) the diagnosis or exacerbation of mental illness following the active duty. Allows MSRS to request additional evidence if reasonable. Requires a public safety officer who receives initial approval to complete the additional treatment requirements under this section before qualifying for duty disability benefits.

**Subd. 4. Treatment required.** Requires 32 weeks of treatment for mental illness for a public safety officer who receives initial approval under subdivision 3. Treatment is at the direction of the employee’s mental health care provider who will assess progress monthly and issue a report at the end of treatment about the employee’s prognosis and ability to return to work in the position held at the time of injury or a position with the employer that puts the employee in the same or better financial position. Allows an employee to return to work or to light duties prior to the completion of 32 weeks of treatment if cleared by the employee’s mental health care provider, and if cleared, the employee is presumed to be fit for duty. Requires treatment costs to be paid by employers, who may apply for reimbursement in the form and manner specified by the commissioner of public safety.

**Subd. 5. Continuation of wages and benefits.** Requires the employer to continue to pay full wages, health care and retirement benefits, and any other benefits under a current collective bargaining agreement for the treatment periods under subdivisions 4 and 7, for up to 40 weeks total. Allows employers to apply for reimbursement for these costs and the costs of backfilling positions in the form and manner specified by the commissioner of public safety.

**Subd. 6. Final approval, denial, or continuation of treatment.** After completing 32 weeks of treatment, MSRS will review the duty disability application as provided under chapter 352B, determine the treatment requirements under subdivision 4 have been met, and issues one of three final determinations: (1)

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continue the initial approval for eight weeks of additional treatment; (2) deny the duty disability application because the employee is able to return to work or is otherwise ineligible; or (3) approve the duty disability application. Establishes a presumption that an employee who is able to return to work is fit for duty.

**Subd. 7. Additional treatment.** Requires an additional eight weeks of treatment after the initial 32 weeks for a public safety officer whose initial approval is continued under subdivision 6 because the employee is making progress and improving with treatment. Following this additional treatment, MSRS will make a final determination to approve or deny duty disability benefits.

5     **Application.**

Makes consistent reference in section 353.031, to the new duty disability procedure for mental illness added under section 353.032 for peace officers and firefighters in the police and fire plan.

6     **Duty disability procedure; psychological condition.**

Adds section 353.032, adding additional duty disability procedural requirements for peace officers and firefighters in the police and fire plan who apply for a duty disability based on a mental illness. Requires 32 weeks of treatment before a final determination of eligibility for duty disability can be made.

**Subd. 1. Definitions.** Provides definitions used in the section.

**Subd. 2. Application.** Provides the additional requirements under this section apply to an application for a duty disability based on a psychological condition filed by a peace officer or firefighter in the police and fire plan. A “psychological condition” is defined as being diagnosed with a mental illness in subdivision 1.

**Subd. 3. Initial approval.** Requires initial approval by the Public Employees Retirement Association (“PERA”) to receive treatment under subdivision 4. Initial approval requires documentation of: (1) diagnosis of a mental illness by one licensed psychologist or psychiatrist; (2) active duty dates of service in a position in the police and fire plan with inherently dangerous duties; and (3) the diagnosis or exacerbation of mental illness following the active duty. Allows PERA to request additional evidence if reasonable. Requires a public safety officer who receives initial approval to complete the additional treatment requirements under this section before qualifying for duty disability benefits.

**Subd. 4. Treatment required.** Requires 32 weeks of treatment for mental illness for a public safety officer who receives initial approval under subdivision 3. Treatment is at the direction of the employee’s mental health care provider who will assess progress monthly and issue a report at the end of treatment about the employee’s prognosis and ability to return to work in the position held at the

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**Subd. 5. Continuation of wages and benefits.** Requires the employer to continue to pay full wages, health care and retirement benefits, and any other benefits under a current collective bargaining agreement for the treatment periods under subdivisions 4 and 7, for up to 40 weeks total. Allows employers to apply for reimbursement for these costs and the costs of backfilling positions in the form and manner specified by the commissioner of public safety.

**Subd. 6. Final approval, denial, or continuation of treatment.** After completing 32 weeks of treatment, PERA will review the duty disability application as provided under chapter 353, determine the treatment requirements under subdivision 4 have been met, and issues one of three final determinations: (1) continue the initial approval for eight weeks of additional treatment; (2) deny the duty disability application because the employee is able to return to work or is otherwise ineligible; or (3) approve the duty disability application. Establishes a presumption that an employee who is able to return to work is fit for duty.

**Subd. 7. Additional treatment.** Requires an additional eight weeks of treatment after the initial 32 weeks for a public safety officer whose initial approval is continued under subdivision 6 because the employee is making progress and improving with treatment. Following this additional treatment, PERA will make a final determination to approve or deny duty disability benefits.

7 **Wellness training.**

Requires the Peace Officer Standards and Training (POST) Board to create learning objectives and a training course to prepare peace officers for the stressful and traumatic events that are common to policing and teach officers methods to process and cope with occupational stress and trauma. Requires both students studying law enforcement and licensed peace officers to receive the training.

8 **Appropriations.**

Appropriates money from the general fund to the commissioner of public safety to reimburse employers for the costs of treatment, continued wages and benefits, and backfilling positions, as provided under sections 352B.102 and 353.032. Also appropriates money to reimburse employers for the cost of continuing health

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insurance coverage for eligible public safety officers receiving regular duty disability under section 299A.465.



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