

**HOUSE . . . . . No. 3785**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Joseph W. McGonagle, Jr.***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the disability or death caused by post-traumatic stress disorder (PTSD).

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Carlos González</i>	<i>10th Hampden</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>David Biele</i>	<i>4th Suffolk</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>

<i>Carmin Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>

<i>John Barrett, III</i>	<i>1st Berkshire</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>

**HOUSE . . . . . No. 3785**

By Mr. McGonagle of Everett, a petition (accompanied by bill, House, No. 3785) of Joseph W. McGonagle, Jr., and others relative to disability or death caused by post-traumatic stress disorder for certain members of state retirement systems. Public Service.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act relative to the disability or death caused by post-traumatic stress disorder (PTSD).

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 32 of the General Laws is hereby amended by inserting after section 94B the  
2 following section:-

3 Section 94C. (a) “Post-traumatic stress disorder”, a disorder that meets the diagnostic  
4 criteria for post-traumatic stress, specified by the American Psychiatric Association in the fifth  
5 edition of the Diagnostic and Statistics Manual of Mental Disorders, or most recently published  
6 edition.

7  
8 “Mental health professional”, a person with professional training, experience and  
9 demonstrated competence in the treatment and diagnosis of mental conditions, who is certified or  
10 licensed to provide mental health care services and for whom diagnosis of mental conditions are  
11 within their scope of practice, including a physician, nurse with recognized psychiatric

12 specialties, psychiatrist, psychologist, clinical social worker, mental health counselor or alcohol  
13 and drug abuse counselor.

14 (b) Notwithstanding any general or special law to the contrary relative to the non-  
15 contributory or contributory retirement system, any condition of impairment of health caused by  
16 post-traumatic stress disorder or mental impairment diagnosed by a mental health professional  
17 resulting in total or partial disability or death of: (1) a full-time uniformed member of a paid  
18 police department, paid fire department, paid municipal emergency medical service department,  
19 the police department of the Massachusetts Bay Transportation Authority, the state police or the  
20 public works building police, (2) any employee in the department of correction or a county  
21 correctional facility whose regular or incidental duties require the care, supervision or custody of  
22 prisoners, criminally insane persons or defective delinquents, (3) any permanent crash crewmen,  
23 crash boatman, fire controlman or assistant fire controlman employed at the General Edward  
24 Lawrence Logan International Airport, (4) the members of the 104th fighter wing fire department  
25 or (5) members of the Massachusetts military reservation fire department, shall if they  
26 successfully passed a physical examination on entry into said service, which examination failed  
27 to reveal any evidence of said condition, shall be presumed to have been suffered in the line of  
28 duty, unless it is shown by a preponderance of the evidence that the post-traumatic stress or  
29 mental impairment was caused by non-service connected risk factors or non-service connected  
30 exposure.

31

32 (c) This section shall not apply to any person serving in said positions for fewer than 5  
33 years at the time that said condition of post-traumatic stress disorder or mental impairment is

34 first diagnosed, unless said condition of post-traumatic stress disorder or mental impairment can  
35 be demonstrated by a preponderance of the evidence that the work related event or work related  
36 stress which caused the post-traumatic stress disorder or mental impairment was extraordinary  
37 and unusual in comparison to pressures and tensions experienced by the average employee  
38 across all occupations, and that the work related event or work related stress, and not some other  
39 event or source of stress, was the predominant cause of the post-traumatic stress disorder or  
40 mental impairment. Any person first diagnosed with any condition of post-traumatic stress  
41 disorder or mental impairment within 5 years of the last date on which said person actively  
42 served shall be eligible to apply for benefits pursuant to this section, and if granted, said benefits  
43 shall be payable as of the date on which the employee last received regular compensation.

44 (d) Any condition of post-traumatic stress disorder or mental impairment shall not be  
45 presumed to have been suffered in the line of duty if by accident arising out of and in the course  
46 of employment if it results from any disciplinary action, work evaluation, job transfer, layoff,  
47 demotion, termination, resignation, retirement or similar action taken in good faith by the  
48 employer.