

**ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020**  
**COMMITTEE STATEMENT**  
**LB963**

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**Hearing Date:** Monday January 27, 2020  
**Committee On:** Business and Labor  
**Introducer:** Brewer  
**One Liner:** Change provisions relating to workers' compensation for injuries to first responders and frontline state employees

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 7 Senators Chambers, Crawford, Halloran, Hansen, B., Hansen, M., Lathrop, Slama

**Nay:**

**Absent:**

**Present Not Voting:**

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**Oral Testimony:**

**Proponents:**

Tom Brewer  
Jodi Teal  
Tyler Fausset  
Donald Dodge  
Heather Livengood  
Keith Urkoski  
Rhonda Meyer  
Nancy Crist  
Darren Garrean  
Michael Dwyer  
Stephanie Levy

**Representing:**

District 43 Senator  
First Responders Foundation  
Omaha Fire -- Local 385  
Omaha Fire -- Local 385  
Self -- Treyner, IA  
Nebraska Professional Firefighter  
Nebraska Volunteer Firefighters Association  
International Association of Firefighters Local 644  
Nebraska Professional Firefighters  
Nebraska State Volunteer Firefighter Association  
Independent Mental Health

**Opponents:**

Lynn Rex  
Korby Gilbertson

**Representing:**

League of Nebraska Municipalities  
Nebraskans for Workers Compensation Equity and Fairness; American Property Casualty Insurers Association  
Nebraska Association of Trial Attorneys

Todd Bennett

**Neutral:**

Myrrhanda Jones

**Representing:**

IAFF Center for Excellence for Behavioral Health Treatment and Recovery

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**Summary of purpose and/or changes:**

Bill Summary:

LB 963 allows first responders to establish a prima facie evidence of a personal injury under the Nebraska Workers'

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Compensation Act for mental injury or mental illness.

First responders can establish a prima facie case by: (1) presenting evidence that the first responder underwent a mental health examination upon employment or before the onset of the mental injury or illness; (2) presents evidence from a mental health professional stating the first responder suffers from a mental injury or illness; and (3) prior to the conditions that caused the mental injury or illness participated in resilience training and updated training at least annually.

LB 963 requires the Department of Health and Human Services to reimburse a first responder for the cost of annual resilience training not otherwise reimbursed by the employer. The DHHS will maintain and update records of first responders who have completed annual resilience training.

The legislation also provides definitions of mental health professionals and resilience training.

**Section-by-Section Summary:**

Section 1: States the legislative intent.

Establishes the process for establishing a prima facie case of mental illness or injury by a first responder.

Requires the Department of Health and Human Services to reimburse the cost of annual resilience training.

Defines mental health professional as: a practicing psychologist; a physician assistant with certification in psychiatric or mental health specialty; an advanced practice registered nurse with certification in a psychiatric or mental health specialty; a licensed mental health practitioner; or a clergy member.

Defines resilience training.

Section 2: Requires the Critical Incident Stress Management Program to develop guidelines for resilience training, set reimbursement rates, and set an annual limit on the hours of resilience training.

Section 3: Strikes the original section.

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**Explanation of amendments:**

The committee amendment, AM2523:

Limits the definition of Mental Health Professional to:

Practicing Physician licensed in this state,

A practicing psychologist licensed in this state, or

A mental health practitioner licensed in this state.

Clarifies that the mental injury or illness arose from conditions of employment.

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Matt Hansen, M., Chairperson