

Ohio House Passes HB 80, Includes PTSD Expansion

By Jonathan Miller

On June 5, the Ohio House of Representatives passed [House Bill 80](#), which added several updates to the Ohio Workers' Compensation program. This is notable because HB 80 is officially a budget bill, with a deadline of passing both Senate approval and signature by Governor Mike DeWine by July 1. These updates to the Ohio Revised Code are likely being inserted into the budget bill to increase the chances of successful passage through the Ohio Senate.

While there are several updates, two stand out for Ohio's employers: HB 80 creates a caveat to the general principle that an employee may not have a solely psychiatric injury without also sustaining an underlying physical injury. This exception applies only to peace officers, firefighters, or emergency medical workers who are diagnosed with post-traumatic stress disorder that has been received in the course of, and arising out of his or her employment. While it is certainly easy to draw a moral connection to this exception, it does raise questions for whether this exception will ultimately lead to an attack on the Armstrong decision (*Armstrong v. John R. Jurgensen Co.*, 136 Ohio St. 3d 58, 2013-Ohio-2237, 990 N.E.2d 568), the seminal case for precluding purely psychological conditions. Finally, HB 80 removes an employer's ability to consent or deny any settlement which is no longer in that employer's experience.

For advice and best practices on how to proceed in light of the recent ruling, please contact one of the listed Roetzel attorneys.

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