



Did You Know? Workers' Comp Covers Mental Health

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Did you know that you may be eligible for workers' compensation benefits for a mental health injury or illness resulting from work?

Studies show that 30-50% of adults have a mental illness at some point in their life, while the myriad effects of the COVID-19 pandemic caused a significant increase in conditions such as anxiety, depression and substance abuse. The American Psychological Association (APA) reports that 57% of workers experienced work-related stress showing signs of workplace burnout.

May is Mental Health Awareness Month – it's important for workers to know that they may be able to receive compensation for lost wages and medical treatment related to an emotional or mental health condition that was caused or aggravated by their employment and diagnosed by an appropriate medical professional.

State Differences in Coverage

Workers' compensation laws vary from state to state and most workers are eligible for workers' compensation benefits depending on where they live and work. These state differences include what conditions are covered, how much a worker can receive in benefits, for how long and how exactly to complete the claim.

As of January 2022, the Workers' Compensation Research Institute (WCRI) documented that 36 states covered mental stress claims when unrelated to a physical injury and 49 states covered mental illness from cumulative, repeat trauma in work to some extent. Currently, Alabama, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Montana, Ohio, Oklahoma and Texas do not cover mental health injuries on their own for most workers.

To find out whether mental health conditions are covered in a particular state, a worker should contact their state's workers' compensation agency.

Coverage for First Responders

One group of workers who have more access to workers' compensation benefits for workplace mental injuries are first responders. The COVID-19 pandemic caused many policymakers to think about how to better serve those on the front lines of the public health response, especially first responders such as firefighters, EMTs and law enforcement.

The National Council of Compensation Insurance (NCCI) noted in their 2023 Regulatory and Legislative Trends Report that 86 bills were introduced across the country on the subject of workplace-related mental injuries, including 71 related to post-traumatic stress and many related to first responders. In 2023, Connecticut expanded workers' compensation coverage for workers with post-traumatic stress injuries, while Idaho, Missouri, Nevada, Tennessee, Virginia and Washington all enacted laws which made it easier for first responders to get care for PTSD developed on the job and similar conditions.

The reasons for this are clear. A 2018 report by the Substance Abuse and Mental Health Services Administration found that first responders are 50% more likely to suffer post-traumatic stress conditions than the national average. A 2021 NCCI report noted that 75% of all COVID-19 related workers' compensation claims were submitted by healthcare professionals and first responders. Most recently, a 2022 survey found that more than 1/3 of nurses planned to leave their jobs because of burnout and work-related stress, and 65% of nurses reported they had been verbally or physically attacked on the job.

I expect that states around the country will continue to adjust their workers' compensation laws related to mental health injuries as the relationship between workplace accidents and exposures and mental health and wellness becomes increasingly clear. Every worker deserves the financial security of workers' compensation benefits when injured or sickened on the job, including for mental and emotional conditions.

Christopher J. Godfrey is the director of the Office of Workers' Compensation Programs.

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