

This Document can be made available
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **4026**

03/07/2022 Authored by Long, Mueller, O'Neill, Huot, Poston and others
The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy
04/04/2022 Adoption of Report: Amended and re-referred to the Committee on State Government Finance and Elections

1.1 A bill for an act
1.2 relating to labor; modifying timeline for duty disability determinations; requiring
1.3 treatment as part of workers' compensation benefits; requiring preservice and
1.4 in-service wellness training for peace officers and firefighters; appropriating money;
1.5 amending Minnesota Statutes 2020, sections 299A.465, subdivision 4; 352B.10,
1.6 subdivision 4; 352B.101; 353.031, subdivision 1; proposing coding for new law
1.7 in Minnesota Statutes, chapters 352B; 353; 626.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2020, section 299A.465, subdivision 4, is amended to read:

1.10 Subd. 4. **Public employer reimbursement.** (a) A public employer subject to this section
1.11 may annually apply by August 1 for the preceding fiscal year to the commissioner of public
1.12 safety for reimbursement to help defray a portion of its costs of complying with this section.
1.13 Except as provided for in paragraph (b), the commissioner shall provide an equal pro-rata
1.14 share reimbursement to the public employer out of the public safety officer's benefit account
1.15 based on the availability of funds for each eligible officer, firefighter, and qualifying
1.16 dependents. Individual shares must not exceed the actual costs of providing coverage under
1.17 this section by a public employer.

1.18 (b) Beginning on January 1, 2023, a public employer is not eligible for reimbursement
1.19 under paragraph (a) unless the employer provides at least one of the following:

1.20 (1) annual wellness training to peace officers and firefighters who either are employed
1.21 or volunteer for the employer; or

1.22 (2) an employee assistance program or peer support program.

2.1 Wellness training for peace officers must incorporate the learning objectives established by
2.2 the Peace Officer Standards and Training Board under section 626.8477. No later than
2.3 February 1, 2023, the Board of Firefighter Training and Education must create a wellness
2.4 training program for public employers to offer to firefighters to satisfy the requirements of
2.5 this paragraph.

2.6 Sec. 2. Minnesota Statutes 2020, section 352B.10, subdivision 4, is amended to read:

2.7 Subd. 4. **Proof of disability.** (a) No disability benefits may be paid unless adequate
2.8 proof is furnished to the executive director of the existence of the disability.

2.9 (b) Except as provided under section 352B.102, adequate proof of a disability must
2.10 include a written expert report by a licensed physician, by a licensed chiropractor, or with
2.11 respect to a mental impairment, by a licensed psychologist.

2.12 (c) Following the commencement of benefit payments, the executive director has the
2.13 right, at reasonable times, to require the disabilitant to submit proof of the continuance of
2.14 the disability claimed.

2.15 Sec. 3. Minnesota Statutes 2020, section 352B.101, is amended to read:

2.16 **352B.101 APPLICATION FOR DISABILITY BENEFIT.**

2.17 (a) Except as provided in paragraph (b), a member claiming a disability benefit must
2.18 file a written application for benefits in the office of the system in a form and manner
2.19 prescribed by the executive director. The member shall provide medical or psychological
2.20 evidence to support the application. The benefit begins to accrue the day following the start
2.21 of disability or the day following the last day for which the member was paid, whichever
2.22 is later, but not earlier than 180 days before the date the application is filed with the executive
2.23 director.

2.24 (b) Notwithstanding any law to the contrary, an employee, as defined in section 352B.102,
2.25 subdivision 1, clause (2), who applies for a duty disability benefit based on a psychological
2.26 condition, as defined in section 352B.102, subdivision 1, clause (8), is not eligible for duty
2.27 disability benefits under this chapter until the employee has satisfied the additional
2.28 requirements under section 352B.102.

3.1 Sec. 4. [352B.102] DUTY DISABILITY PROCEDURE; PSYCHOLOGICAL
3.2 CONDITION.

3.3 Subdivision 1. Definitions. For the purposes of this section, the following terms have
3.4 the meanings given:

3.5 (1) "diagnosed with a mental illness" or "diagnosis of a mental illness" means a diagnosis
3.6 by a licensed psychiatrist or psychologist and meeting the criteria for a condition or conditions
3.7 included in the most recent editions of the DC: 0-5 Diagnostic Classification of Mental
3.8 Health and Development Disorders of Infancy and Early Childhood published by Zero to
3.9 Three or the Diagnostic and Statistical Manual of Mental Disorders published by the
3.10 American Psychiatric Association;

3.11 (2) "employee" means a peace officer or firefighter who is diagnosed with a mental
3.12 illness and is a member of the State Patrol retirement plan under section 352B.02;

3.13 (3) "employer" means an employer of a member of the State Patrol retirement plan;

3.14 (4) "firefighter" has the meaning given in section 299A.465, subdivision 5, paragraph
3.15 (c);

3.16 (5) "mental health care provider" means a currently licensed psychologist or psychiatrist
3.17 whose practice primarily involves mental health treatment;

3.18 (6) "peace officer" has the meaning given in section 299A.465, subdivision 5, paragraph
3.19 (a);

3.20 (7) "psychiatrist" means a physician licensed under chapter 147 if the physician is:

3.21 (i) certified by the American Board of Psychiatry and Neurology;

3.22 (ii) certified by the American Osteopathic Board of Neurology and Psychiatry; or

3.23 (iii) eligible for board certification in psychiatry;

3.24 (8) "psychological condition" means a diagnosis of a mental illness; and

3.25 (9) "psychologist" means a psychologist licensed by the Board of Psychology under
3.26 sections 148.88 to 148.98.

3.27 Subd. 2. Application. Notwithstanding any law to the contrary, the procedure in this
3.28 section applies to any application for a duty disability based on a psychological condition
3.29 for an employee.

4.1 Subd. 3. **Initial approval.** (a) An employee who applies for duty disability as provided
4.2 under sections 352B.10 and 352B.101 based on a psychological condition must first receive
4.3 initial approval as provided under this subdivision.

4.4 (b) To apply for initial approval, the employee shall submit the following documentation
4.5 in the form and manner prescribed by the executive director:

4.6 (1) a report by a licensed psychologist or psychiatrist finding that the employee is
4.7 diagnosed with a mental illness and is currently unable to perform the duties of the position
4.8 held by the employee on the date of the injury or the onset of the mental illness;

4.9 (2) documentation from the employer certifying the dates the employee was on active
4.10 duty in a position with inherently dangerous duties specific to the position covered under
4.11 the State Patrol retirement plan; and

4.12 (3) documentation that the employee was diagnosed with a mental illness after being
4.13 employed on active duty in a position covered under the State Patrol retirement plan under
4.14 section 352B.02 and had not been diagnosed with a mental illness previously. If the employee
4.15 was diagnosed with a mental illness prior to active duty, the employee may also submit
4.16 medical and health care evidence that the mental illness worsened as a result of active duty
4.17 to meet this requirement.

4.18 (c) The executive director has the right, as deemed reasonable, to request additional
4.19 medical and health care evidence, including all medical records and relevant information
4.20 from any source, as well as additional employment records or certifications from the
4.21 employer, to establish adequate proof that an employee meets the requirements for initial
4.22 approval.

4.23 (d) An employee who receives initial approval under this subdivision is not considered
4.24 disabled for the purposes of a duty disability under section 352B.011, subdivision 7. The
4.25 employee must complete the additional requirements under this section and receive final
4.26 approval under subdivision 6 before receiving duty disability benefits or related benefits.

4.27 Subd. 4. **Treatment required.** (a) An employee who receives initial approval under
4.28 subdivision 3 shall complete at least 32 weeks of treatment for the employee's diagnosed
4.29 mental illness, as provided under this subdivision, before a final determination can be made
4.30 under subdivision 6. Treatment shall be at the direction of a licensed psychologist or
4.31 psychiatrist using treatment modalities indicated for the treatment of the diagnosed mental
4.32 illness. The employer shall pay for the treatment costs and may seek reimbursement as
4.33 provided under paragraph (e).

5.1 (b) The employee's mental health care provider must assess the employee's progress in
5.2 treatment monthly and at the end of the 32 weeks, including any change to the employee's
5.3 ability to return to the position held by the employee on the date of injury or at the onset of
5.4 the mental illness, or to another position with the employer which produces an economic
5.5 status as close as possible to, or better than, the economic status the employee would have
5.6 enjoyed before the date of injury or onset of mental illness. A final determination under
5.7 subdivision 6 must be supported by a report from the employee's mental health care provider
5.8 containing an opinion about the employee's prognosis, the duration of the disability, and
5.9 the expectations for improvement following the treatment. A report that does not contain
5.10 and support a finding that the employee's disability as a result of a psychological condition
5.11 will last for at least 12 months must not be relied upon to support final approval of duty
5.12 disability benefits.

5.13 (c) The employee may return to work prior to the completion of the 32 weeks of treatment,
5.14 if the employee's mental health care provider determines that the employee is medically
5.15 able to do so.

5.16 (d) The employee may return to light duty assignments prior to the completion of the
5.17 32 weeks of treatment if deemed medically appropriate by the employee's mental health
5.18 care provider and with the employer's approval.

5.19 (e) An employer may annually apply by August 1 for the preceding fiscal year to the
5.20 commissioner of public safety for reimbursement of the treatment costs incurred by the
5.21 employer under this subdivision and subdivision 7. An employer must apply for this
5.22 reimbursement in the form and manner specified by the commissioner of public safety.

5.23 (f) Notwithstanding any law to the contrary, an employee who is cleared to return to
5.24 work or light duty under paragraph (c) or (d) is presumed to be fit for duty. An employer
5.25 must not request a fitness for duty exam or deny the employee's return to work or light duty
5.26 except upon a showing of substantial factors to rebut the presumption.

5.27 Subd. 5. **Continuation of wages and benefits.** (a) For an employee receiving treatment
5.28 under subdivision 4 or 7, an employer shall continue:

5.29 (1) to pay the employee's full wages or salary, including any employer contribution to
5.30 health care and retirement benefits;

5.31 (2) to provide health insurance benefits to the employee and to the employee's dependents,
5.32 if the employee was receiving dependent coverage at the time of the injury under the
5.33 employer's group health plan; and

6.1 (3) to provide any other employment benefits provided to the employee under the
6.2 employee's currently applicable collective bargaining agreement.

6.3 (b) Nothing in paragraph (a): (1) prevents an employer from providing benefits in addition
6.4 to those required by this section; or (2) otherwise affects an employee's rights with respect
6.5 to any other employment benefit.

6.6 (c) An employer subject to this subdivision may annually apply by August 1 for the
6.7 preceding fiscal year to the commissioner of public safety for reimbursement of:

6.8 (1) the costs incurred to continue wages and benefits as required under this subdivision;
6.9 and

6.10 (2) the wage-related costs incurred to backfill a position for the period of treatment
6.11 required for an employee under subdivision 4 or 7.

6.12 (d) An employer must apply for the reimbursement in the form and manner specified
6.13 by the commissioner of public safety.

6.14 Subd. 6. **Final approval, denial, or continuation of treatment.** (a) Following completion
6.15 of treatment under subdivision 4, the Minnesota State Retirement System shall review an
6.16 employee's application for duty disability as provided under sections 352B.10 and 352B.101,
6.17 confirm the treatment requirements are satisfied, and make one of the following
6.18 determinations:

6.19 (1) continue the initial approval for an additional eight weeks for the employee to
6.20 complete additional treatment, as provided under subdivision 7;

6.21 (2) deny the employee's application for duty disability because the employee is able to
6.22 return to employment in the position held by the employee on the date of injury or at the
6.23 onset of the mental illness, or to another position with the employer which produces an
6.24 economic status as close as possible to, or better than, the economic status the employee
6.25 would have enjoyed before the date of injury or onset of the mental illness, or because the
6.26 employee is otherwise determined to be ineligible under sections 352B.10 and 352B.101;
6.27 or

6.28 (3) determine the employee is eligible under sections 352B.10 and 352B.101 and approve
6.29 the employee's application for duty disability, at which time the employee may start to
6.30 receive duty disability benefits as provided under this chapter and any related benefits
6.31 stemming from a determination of duty disability.

6.32 (b) Following completion of the additional treatment under subdivision 7, if applicable,
6.33 the Minnesota State Retirement System shall confirm the treatment requirements are satisfied,

7.1 review any updates to the employee's application for duty disability, and issue a final approval
7.2 or denial, as provided under paragraph (a), clauses (2) and (3).

7.3 (c) Notwithstanding any law to the contrary, an employee determined to be able to return
7.4 to employment as provided under paragraph (a), clause (2), is presumed to be fit for duty.
7.5 An employer must not request a fitness for duty exam or deny the employee's return to work
7.6 except upon a showing of substantial factors to rebut the presumption.

7.7 Subd. 7. **Additional treatment.** (a) If, after completing the treatment required under
7.8 subdivision 4, the mental health care provider's report determines that the employee is
7.9 making progress in treatment, and the employee's prognosis is expected to further improve
7.10 with additional treatment, the Minnesota State Retirement System shall continue the
7.11 employee's initial approval under subdivision 6, clause (1), and the employee shall complete
7.12 up to an additional eight weeks of treatment as provided under this subdivision.

7.13 (b) Treatment shall be at the direction of a licensed psychologist or psychiatrist using
7.14 treatment modalities indicated for the treatment of the employee's diagnosed mental illness.
7.15 The employer shall pay for the treatment costs and may seek reimbursement as provided
7.16 under subdivision 4, paragraph (e).

7.17 (c) The employee's mental health care provider must assess the employee's progress in
7.18 treatment at the end of eight weeks, including any change to the employee's ability to return
7.19 to the position held by the employee on the date of injury or at the onset of the mental illness,
7.20 or to another position with the employer which produces an economic status as close as
7.21 possible to, or better than, the economic status the employee would have enjoyed before
7.22 the date of injury or onset of mental illness. A final determination under subdivision 6 must
7.23 be supported by an updated report from the employee's mental health provider containing
7.24 an opinion about the employee's prognosis, the duration of the disability, and the expectations
7.25 for improvement following the additional treatment. An updated report that does not contain
7.26 and support a finding that the employee's disability as a result of a psychological condition
7.27 will last for at least 12 months may not be relied upon to support final approval of duty
7.28 disability benefits.

7.29 (d) The employee may return to work prior to the completion of the eight weeks of
7.30 treatment, if the employee's mental health care provider determines that the employee is
7.31 medically able to do so.

7.32 (e) The employee may return to light duty assignments prior to the completion of the
7.33 eight weeks of treatment, if deemed medically appropriate by the employee's mental health
7.34 care provider and with the employer's approval.

8.1 (f) Notwithstanding any law to the contrary, an employee who is cleared to return to
8.2 work or light duties under paragraph (d) or (e) is presumed to be fit for duty. An employer
8.3 must not request a fitness for duty exam or deny the employee's return to work or light
8.4 duties except upon a showing of substantial factors to rebut the presumption.

8.5 Sec. 5. Minnesota Statutes 2020, section 353.031, subdivision 1, is amended to read:

8.6 Subdivision 1. **Application.** (a) This section applies to all disability determinations for
8.7 the public employees general fund, the public employees police and fire fund, and the local
8.8 government correctional service retirement plan and any other disability determination
8.9 subject to approval by the board, except as otherwise specified in section 353.032, 353.33,
8.10 353.656, or 353E.05. These requirements and the requirements of section 353.03, subdivision
8.11 3, are in addition to the specific requirements of each plan and govern in the event there is
8.12 any conflict between these sections and the procedures specific to any of those plans under
8.13 section 353.33, 353.656, or 353E.06.

8.14 (b) Notwithstanding any law to the contrary, an employee, as defined in section 353.032,
8.15 subdivision 1, clause (2), who applies for a duty disability benefit based on a psychological
8.16 condition, as defined in section 353.032, subdivision 1, clause (8), is not eligible for duty
8.17 disability benefits under this chapter until the employee has satisfied the additional
8.18 requirements under section 353.032.

8.19 Sec. 6. **[353.032] DUTY DISABILITY PROCEDURE; PSYCHOLOGICAL**
8.20 **CONDITION.**

8.21 Subdivision 1. Definitions. For the purposes of this section, the following terms have
8.22 the meanings given:

8.23 (1) "diagnosed with a mental illness" or "diagnosis of a mental illness" means a diagnosis
8.24 by a licensed psychiatrist or psychologist, and meeting the criteria for a condition or
8.25 conditions included in the most recent editions of the *DC: 0-5 Diagnostic Classification of*
8.26 *Mental Health and Development Disorders of Infancy and Early Childhood* published by
8.27 *Zero to Three* or the *Diagnostic and Statistical Manual of Mental Disorders* published by
8.28 the American Psychiatric Association;

8.29 (2) "employee" means a peace officer or firefighter who is diagnosed with a mental
8.30 illness and is a member of the police and fire plan under section 353.64;

8.31 (3) "employer" means an employer of a member of the police and fire plan;

9.1 (4) "firefighter" has the meaning given in section 299A.465, subdivision 5, paragraph
9.2 (c);

9.3 (5) "mental health care provider" means a currently licensed psychologist or psychiatrist
9.4 whose practice primarily involves mental health treatment;

9.5 (6) "peace officer" has the meaning given in section 299A.465, subdivision 5, paragraph
9.6 (a);

9.7 (7) "psychiatrist" means a physician licensed under chapter 147 if the physician is:

9.8 (i) certified by the American Board of Psychiatry and Neurology;

9.9 (ii) certified by the American Osteopathic Board of Neurology and Psychiatry; or

9.10 (iii) eligible for board certification in psychiatry;

9.11 (8) "psychological condition" means a diagnosis of a mental illness; and

9.12 (9) "psychologist" means a psychologist licensed by the Board of Psychology under
9.13 sections 148.88 to 148.98.

9.14 Subd. 2. **Application.** Notwithstanding any law to the contrary, the procedure in this
9.15 section applies to any application for a duty disability based on a psychological condition
9.16 for an employee.

9.17 Subd. 3. **Initial approval.** (a) An employee who applies for duty disability under section
9.18 353.031 based on a psychological condition must first receive initial approval as provided
9.19 under this subdivision.

9.20 (b) To apply for initial approval, the employee shall submit the following documentation
9.21 in the form and manner prescribed by the executive director of the association:

9.22 (1) a report by a licensed psychologist or psychiatrist finding that the employee is
9.23 diagnosed with a mental illness and is currently unable to perform the duties of the position
9.24 held by the employee on the date of the injury or the onset of the mental illness;

9.25 (2) documentation from the employer certifying the dates the employee was on active
9.26 duty in a position with inherently dangerous duties specific to the position covered under
9.27 the police and fire plan; and

9.28 (3) documentation that the employee was diagnosed with a mental illness after being
9.29 employed on active duty in a position covered under the police and fire plan under section
9.30 353.64 and had not been diagnosed with a mental illness previously. If the employee was
9.31 diagnosed with a mental illness prior to active duty, the employee may also submit medical

10.1 and health care evidence that the mental illness worsened as a result of active duty to meet
10.2 this requirement.

10.3 (c) The executive director of the association has the right, as deemed reasonable, to
10.4 request additional medical and health care evidence, including all medical records and
10.5 relevant information from any source, as well as additional employment records or
10.6 certifications from the employer, to establish adequate proof that an employee meets the
10.7 requirements for initial approval.

10.8 (d) An employee who receives initial approval under this subdivision is not considered
10.9 disabled for the purposes of a duty disability under section 353.01, subdivision 41. The
10.10 employee must complete the additional requirements under this section and receive final
10.11 approval under subdivision 6 before receiving duty disability benefits or related benefits.

10.12 Subd. 4. **Treatment required.** (a) An employee who receives initial approval under
10.13 subdivision 3 shall complete at least 32 weeks of treatment for the employee's diagnosed
10.14 mental illness, as provided under this subdivision, before a final determination can be made
10.15 under subdivision 6. Treatment shall be at the direction of a licensed psychologist or
10.16 psychiatrist using treatment modalities indicated for the treatment of the diagnosed mental
10.17 illness. The employer shall pay for the treatment costs and may seek reimbursement as
10.18 provided under paragraph (e).

10.19 (b) The employee's mental health care provider must assess the employee's progress in
10.20 treatment monthly and at the end of the 32 weeks, including any change to the employee's
10.21 ability to return to the position held by the employee on the date of injury or at the onset of
10.22 the mental illness, or to another position with the employer which produces an economic
10.23 status as close as possible to, or better than, the economic status the employee would have
10.24 enjoyed before the date of injury or onset of mental illness. A final determination under
10.25 subdivision 6 must be supported by a report from the employee's mental health provider
10.26 containing an opinion about the employee's prognosis, the duration of the disability, and
10.27 the expectations for improvement following the treatment. A report that does not contain
10.28 and support a finding that the employee's disability as a result of a psychological condition
10.29 will last for at least 12 months may not be relied upon to support final approval of duty
10.30 disability benefits.

10.31 (c) The employee may return to work prior to the completion of the 32 weeks of treatment
10.32 if the employee's mental health care provider determines that the employee is medically
10.33 able to do so.

11.1 (d) The employee may return to light duty assignments prior to the completion of the
11.2 32 weeks of treatment, if deemed medically appropriate by the employee's mental health
11.3 care provider and with the employer's approval.

11.4 (e) An employer may annually apply by August 1 for the preceding fiscal year to the
11.5 commissioner of public safety for reimbursement of the treatment costs incurred by the
11.6 employer under this subdivision and subdivision 7. An employer must apply for this
11.7 reimbursement in the form and manner specified by the commissioner of public safety.

11.8 (f) Notwithstanding any law to the contrary, an employee who is cleared to return to
11.9 work or light duty under paragraph (c) or (d) is presumed to be fit for duty. An employer
11.10 may not request a fitness for duty exam or deny the employee's return to work or light duty
11.11 except upon a showing of substantial factors to rebut the presumption.

11.12 Subd. 5. Continuation of wages and benefits. (a) For an employee receiving treatment
11.13 under subdivision 4 or 7, an employer shall continue:

11.14 (1) to pay the employee's full wages or salary, including any employer contribution to
11.15 health care and retirement benefits;

11.16 (2) to provide health insurance benefits to the employee and to the employee's dependents,
11.17 if the employee was receiving dependent coverage at the time of the injury under the
11.18 employer's group health plan; and

11.19 (3) to provide any other employment benefits provided to the employee under the
11.20 employee's currently applicable collective bargaining agreement.

11.21 (b) Nothing in paragraph (a): (1) prevents an employer from providing benefits in addition
11.22 to those required by this section; or (2) otherwise affects an employee's rights with respect
11.23 to any other employment benefit.

11.24 (c) An employer subject to this subdivision may annually apply by August 1 for the
11.25 preceding fiscal year to the commissioner of public safety for reimbursement of:

11.26 (1) the costs incurred to continue wages and benefits as required under this subdivision;
11.27 and

11.28 (2) the wage-related costs incurred to backfill a position for the period of treatment
11.29 required for an employee under subdivision 4 or 7.

11.30 (d) An employer must apply for the reimbursement in the form and manner specified
11.31 by the commissioner of public safety.

12.1 Subd. 6. **Final approval, denial, or continuation of treatment.** (a) Following completion
12.2 of treatment under subdivision 4, the association shall review an employee's application for
12.3 duty disability as provided under section 353.031, confirm the treatment requirements are
12.4 satisfied, and make one of the following determinations:

12.5 (1) continue the initial approval for an additional eight weeks for the employee to
12.6 complete additional treatment, as provided under subdivision 7;

12.7 (2) deny the employee's application for duty disability because the employee is able to
12.8 return to employment in the position held by the employee on the date of injury or at the
12.9 onset of the mental illness, or to another position with the employer which produces an
12.10 economic status as close as possible to, or better than, the economic status the employee
12.11 would have enjoyed before the date of injury or onset of the mental illness, or because the
12.12 employee is otherwise determined to be ineligible under section 353.031; or

12.13 (3) determine the employee is eligible under section 353.031 and approve the employee's
12.14 application for duty disability, at which time the employee may start to receive duty disability
12.15 benefits as provided under this chapter and any related benefits stemming from a
12.16 determination of duty disability.

12.17 (b) Following completion of the additional treatment under subdivision 7, if applicable,
12.18 the association shall confirm the treatment requirements are satisfied, review any updates
12.19 to the employee's application for duty disability, and issue a final approval or denial, as
12.20 provided under paragraph (a), clauses (2) and (3).

12.21 (c) Notwithstanding any law to the contrary, an employee determined to be able to return
12.22 to employment as provided under paragraph (a), clause (2), is presumed to be fit for duty.
12.23 An employer must not request a fitness for duty exam or deny the employee's return to work
12.24 except upon a showing of substantial factors to rebut the presumption.

12.25 Subd. 7. **Additional treatment.** (a) If, after completing the treatment required under
12.26 subdivision 4, the mental health care provider's report determines that the employee is
12.27 making progress in treatment, and the employee's prognosis is expected to further improve
12.28 with additional treatment, the association shall continue the employee's initial approval
12.29 under subdivision 6, clause (1), and the employee shall complete up to an additional eight
12.30 weeks of treatment as provided under this subdivision.

12.31 (b) Treatment shall be at the direction of a licensed psychologist or psychiatrist using
12.32 treatment modalities indicated for the treatment of the employee's diagnosed mental illness.
12.33 The employer shall pay for the treatment costs and may seek reimbursement as provided
12.34 under subdivision 4, paragraph (e).

13.1 (c) The employee's mental health care provider must assess the employee's progress in
13.2 treatment at the end of eight weeks, including any change to the employee's ability to return
13.3 to the position held by the employee on the date of injury or at the onset of the mental illness,
13.4 or to another position with the employer which produces an economic status as close as
13.5 possible to, or better than, the economic status the employee would have enjoyed before
13.6 the date of injury or onset of mental illness. A final determination under subdivision 6 must
13.7 be supported by an updated report from the employee's mental health care provider containing
13.8 an opinion about the employee's prognosis, the duration of the disability, and the expectations
13.9 for improvement following the additional treatment. An updated report that does not contain
13.10 and support a finding that the employee's disability as a result of a psychological condition
13.11 will last for at least 12 months must not be relied upon to support final approval of duty
13.12 disability benefits.

13.13 (d) The employee may return to work prior to the completion of the eight weeks of
13.14 treatment, if the employee's mental health care provider determines that the employee is
13.15 medically able to do so.

13.16 (e) The employee may return to light duty assignments prior to the completion of the
13.17 eight weeks of treatment, if deemed medically appropriate by the employee's mental health
13.18 care provider and with the employer's approval.

13.19 (f) Notwithstanding any law to the contrary, an employee who is cleared to return to
13.20 work or light duty under paragraph (d) or (e) is presumed to be fit for duty. An employer
13.21 must not request a fitness for duty exam or deny the employee's return to work or light duty
13.22 except upon a showing of substantial factors to rebut the presumption.

13.23 **Sec. 7. [626.8477] WELLNESS TRAINING.**

13.24 Subdivision 1. **Learning objectives and training course.** (a) The board must create
13.25 learning objectives to prepare peace officers for the stressful and traumatic events that are
13.26 common to policing and teach officers methods to process and cope with the stress and
13.27 trauma inherent to policing. The learning objectives must be updated as the board considers
13.28 appropriate.

13.29 (b) The commissioner of public safety, in consultation with the board, must create a
13.30 training course that incorporates each of the learning objectives established by the board
13.31 under paragraph (a).

14.1 Subd. 2. **Preservice training required.** (a) The learning objectives developed pursuant
14.2 to subdivision 1 must be included in the required curriculum of a professional peace officer
14.3 education program.

14.4 (b) A person is not eligible to take the peace officer licensing examination after July 1,
14.5 2024, unless the individual has received the training described in paragraph (a).

14.6 Subd. 3. **In-service training required.** Beginning July 1, 2023, the chief law enforcement
14.7 officer of every state and local law enforcement agency shall provide in-service wellness
14.8 training to every peace officer and part-time peace officer employed by the agency. The
14.9 training must comply with the learning objectives developed and approved by the board
14.10 and must meet board requirements for board-approved continuing education credit. Each
14.11 peace officer with a license renewal date after June 30, 2023, is not required to complete
14.12 this training until the officer's next full three-year licensing cycle.

14.13 Subd. 4. **Record keeping required.** The head of each local and state law enforcement
14.14 agency shall maintain written records of the agency's compliance with the requirements of
14.15 subdivision 3. The written records are subject to periodic review by the board and must be
14.16 made available to the board at its request.

14.17 Sec. 8. **APPROPRIATIONS.**

14.18 (a) \$..... in fiscal year 2023 is appropriated from the general fund to the commissioner
14.19 of public safety for the purposes of Minnesota Statutes, sections 352B.102 and 353.032,
14.20 including reimbursing employers for the costs of treatment, payment of continued wages
14.21 and benefits, and backfilling positions. The base in fiscal year 2024 and beyond is \$.....

14.22 (b) \$..... in fiscal year 2023 is appropriated from the general fund to the commissioner
14.23 of public safety for the purpose of reimbursing employers under Minnesota Statutes, section
14.24 299A.465, subdivision 4. This appropriation is available until June 30, 2024. The base in
14.25 fiscal year 2024 and beyond is \$.....