

..... moves to amend S.F. No. 2884; H.F. No. 1889, the delete-everything amendment (S2884-DE1), as follows:

Page ..., after line ..., insert:

**"ARTICLE ...**  
**DUTY DISABILITY BENEFITS AND CONTINUATION OF HEALTH COVERAGE**  
**FOR PEACE OFFICERS AND FIREFIGHTERS**

Section 1. Minnesota Statutes 2024, section 299A.465, subdivision 1, is amended to read:

Subdivision 1. **Officer or firefighter disabled in line of duty.** (a) This subdivision applies to any peace officer or firefighter:

(1) who the Public Employees Retirement Association or the Minnesota State Retirement System determines is eligible to receive a duty disability benefit pursuant to section 353.656 or 352B.10, subdivision 1, respectively; or

(2) who ~~(i) does not qualify to receive disability benefits by operation of the eligibility requirements set forth in section 353.656, subdivision 1, paragraph (b), (ii) retires pursuant to section 353.651, subdivision 4, or (iii)~~ is a member of a local police or salaried firefighters relief association and qualifies for a duty disability benefit under the terms of plans of the relief associations, and the peace officer or firefighter ~~described in item (i), (ii), or (iii)~~ has discontinued public service as a peace officer or firefighter as a result of a disabling injury and has been determined, by the Public Employees Retirement Association, to have otherwise met the duty disability criteria set forth in section 353.01, subdivision 41.

~~(b) A determination made on behalf of a peace officer or firefighter described in paragraph (a), clause (2), must be at the request of the peace officer or firefighter made for the purposes of this section.~~ Determinations made in accordance with paragraph (a) are binding on the peace officer or firefighter, employer, and state. The determination must be made by the executive director of the Public Employees Retirement Association or by the executive director of the Minnesota State Retirement System, whichever applies, and is not subject to section 356.96, subdivision 2. Upon making a determination, the executive director ~~shall~~ must provide written notice to the peace officer or firefighter and the employer. ~~This~~ The notice must include: ~~(1) a written statement of the reasons for the determination; (2). If the notice is from the executive director of the Minnesota State Retirement System, the notice must also include:~~

(1) a notice that the person may petition for a review of the determination by requesting that a contested case be initiated before the Office of Administrative Hearings, the cost of which must be borne by the peace officer or firefighter and the employer; and

~~(3)~~ (2) a statement that any person who does not petition for a review within 60 days is precluded from contesting issues determined by the executive director in any other administrative review or court procedure.

If, prior to the contested case hearing, additional information is provided to support the claim for duty disability as defined in section 352B.011, subdivision 7, ~~or 353.01, subdivision 41, whichever applies~~, the executive director may reverse the determination without the requested hearing. If a hearing is held before the Office of Administrative Hearings, the determination rendered by the judge conducting the fact-finding hearing is a final decision and order under section 14.62, subdivision 2a, and is binding on the applicable executive director, the peace officer or firefighter, employer, and state. Review of a final determination made by the Office of Administrative Hearings under this section may only be obtained by writ of certiorari to the Minnesota Court of Appeals under sections 14.63 to 14.68. Only the peace officer or firefighter, employer, and state have standing to participate in a judicial review of the decision of the Office of Administrative Hearings.

(c) The officer's or firefighter's employer ~~shall~~ must continue to provide health coverage and pay for the coverage as required by paragraphs (d) to (g) for:

(1) the officer or firefighter; and

(2) the officer's or firefighter's dependents if the officer or firefighter was receiving dependent coverage at the time of the injury under the employer's group health plan.

(d) For an officer or firefighter who has applied for or been approved to receive benefits under section 353.656 prior to the date of enactment or an officer or firefighter who applies for and is approved for total and permanent duty disability benefits under section 353.656, subdivision 1a, the employer is responsible for the continued payment of the employer's contribution for health coverage of the officer or firefighter and, if applicable, the officer's or firefighter's dependents. Coverage must continue for the officer or firefighter and, if applicable, the officer's or firefighter's dependents until the officer or firefighter reaches age 65 or, if deceased, would have reached age 65.

(e) For an officer or firefighter approved to receive benefits under section 353.656 on or after the date of enactment and who is not approved for total and permanent duty disability benefits under section 353.656, subdivision 1a, the employer is responsible for the continued

payment of the employer's contribution for health coverage of the officer or firefighter and, if applicable, the officer's or firefighter's dependents. Coverage must continue:

(1) for the officer or firefighter for a period of 60 months or, if earlier, until the officer or firefighter reaches age 65; and

(2) for the officer's or firefighter's dependents for a period of 60 months.

(f) For an officer or firefighter who has applied for or been approved to receive benefits under section 352B.10, subdivision 1, the employer is responsible for the continued payment of the employer's contribution for health coverage of the officer or firefighter and, if applicable, the officer's or firefighter's dependents. Coverage must continue for the officer or firefighter and, if applicable, the officer's or firefighter's dependents until the officer or firefighter reaches age 65 or, if deceased, would have reached age 65.

~~(d) The employer is responsible for the continued payment of the employer's contribution for coverage of the officer or firefighter and, if applicable, the officer's or firefighter's dependents. Coverage must continue for the officer or firefighter and, if applicable, the officer's or firefighter's dependents until the officer or firefighter reaches or, if deceased, would have reached the age of 65. However,~~(g) The employer is not required to continue health coverage for dependents does not have to be continued after the person is no longer a dependent.

(h) An officer or firefighter who has applied for or been approved to receive benefits under section 353.656 may affirmatively waive health coverage under this section but must not receive any payment or other consideration from the employer in exchange for waiver of the coverage. Any agreement entered into between an officer or firefighter who has applied for or been approved to receive benefits under section 353.656 and the officer's or firefighter's employer or the employer's agent providing for compensation for a waiver of coverage under this section is void. Nothing in this subdivision shall be construed to render void any agreement entered into prior to the date of enactment.

(i) Once a duty disability determination is made pursuant to section 353.656, the employer has no right to challenge and is prohibited from challenging the continuation and payment of health coverage under this section.

Sec. 2. Minnesota Statutes 2024, section 353.032, subdivision 3, is amended to read:

Subd. 3. **Approval.** (a) An employee who applies for treatment of a psychological condition that was a result of the performance of duties related to the occupation and cannot perform the normal duties of the position held by the employee on the date of injury, event,

4.1 or onset of mental illness must receive approval from the executive director for psychological  
4.2 treatment as provided under this subdivision.~~(b)~~ The executive director shall grant approval  
4.3 to an employee who submits, in the form and manner specified by the executive director,  
4.4 an application that includes:

4.5 (1) a report by a mental health professional diagnosing the employee with a mental  
4.6 illness and finding that the employee is currently unable to perform the normal duties of  
4.7 the position held by the employee on the date of the injury, event, or onset of the mental  
4.8 illness on a full- or part-time basis; and

4.9 ~~(2) documentation from the employer certifying the dates the employee was on duty in~~  
4.10 ~~a position covered under the police and fire plan~~ proof that a first report of injury was filed  
4.11 by the employee with the employer.

4.12 (b) An employee is eligible for treatment of a psychological condition under subdivision  
4.13 4, paragraph (a), while maintaining full-time or part-time work for the employer when the  
4.14 mental injury was a result of the performance of the employee's occupational duties. The  
4.15 executive director shall grant approval to the employee who submits, in the form and manner  
4.16 specified by the executive director, an application that includes:

4.17 (1) a report by a mental health professional diagnosing the employee with a mental  
4.18 illness that was a result of the performance of the employee's occupational duties and  
4.19 determining that the employee is medically able to continuing working full-time or part-time  
4.20 in the position held by the employee at the time of the injury, event, or onset of the mental  
4.21 illness; and

4.22 (2) proof that a first report of injury was filed by the employee with the employer.

4.23 (c) An employee who receives approval under this subdivision is not considered disabled  
4.24 for the purposes of a duty disability under section 353.656, subdivision 1, unless the employee  
4.25 completes the additional requirements under this section, receives final confirmation under  
4.26 subdivision 6, and applies for disability benefits under section 353.031 before receiving  
4.27 duty disability benefits or related benefits.

4.28 (d) The executive director must notify an employing entity electronically and by mail  
4.29 that an application for psychological condition treatment has been submitted by an employee  
4.30 and request ~~the certification required under paragraph (b), clause (2), from the employing~~  
4.31 ~~entity~~ documentation from the employer certifying the dates the employee was on duty in  
4.32 a position covered under the police and fire plan within six business days after the application  
4.33 has been received by the executive director.

(e) An employer shall submit the certification required under paragraph ~~(b)~~, ~~clause (2)~~, (d) within five business days of receiving notice from the executive director, and the employee shall receive approval no later than 14 business days after the employee's application is received by the executive director, whether or not the employer's certification has been submitted. Nothing in this paragraph shall delay the treatment of the psychological condition of the employee.

Sec. 3. Minnesota Statutes 2024, section 353.032, subdivision 4, is amended to read:

Subd. 4. **Treatment required.** (a) Except as provided in paragraph (f), beginning when the application is received by the executive director, an employee who receives approval under subdivision 3 shall complete up to 24 consecutive weeks of active treatment modalities for the employee's diagnosed mental illness, as provided under this subdivision, before a final confirmation can be made under subdivision 6. Treatment shall be at the direction of a mental health professional using treatment modalities indicated for the treatment of the diagnosed mental illness. An employee shall not be penalized for an interruption in active, consecutive treatment that is not initiated by or resulting from an intentional action of the employee. Subject to the limit under subdivision 9, the employer shall pay for the treatment costs to the extent not paid for by the employee's health insurance and may seek reimbursement.

(b) The employee's mental health professional must assess the employee's progress in treatment monthly and at the end of the 24 weeks or earlier, including any change to the employee's ability to return to the position held by the employee on the date of the injury, event, or onset of the mental illness, or to another position with the employer which provides salary and employer-provided benefits, including pension benefits, that are equal to or greater than those for the position held by the employee on the date of the injury, event, or onset of the mental illness. A final confirmation under subdivision 6 must be supported by a report from the employee's mental health professional containing an opinion about the employee's prognosis, the duration of the disability, and the expectations for improvement following the treatment. A report that does not contain and support a finding that the employee's disability as a result of a psychological condition will last for at least 12 months must not be relied upon to support approval of duty disability benefits.

(c) The employee may ~~return to work~~ return to work full-time or part-time ~~work~~ prior to the completion of the 24 weeks of treatment if the employee's mental health professional determines that they are medically able to do so.

(d) The employee may return to light duty assignments, subject to availability of a position, prior to the completion of the 24 weeks of treatment, if deemed medically appropriate by the employee's mental health professional and with the employer's approval.

(e) A fitness for duty presumption shall apply to an employee who is cleared to return to work or light duty under paragraph (c) or (d), except as provided under subdivision 10.

(f) No employee shall be required to complete treatment under this subdivision more than three times in ten years.

Sec. 4. Minnesota Statutes 2024, section 353.032, subdivision 5, is amended to read:

**Subd. 5. Continuation of salary and benefits.** (a) Subject to subdivision 9, for the period that an employee is seeking psychological condition treatment approval under subdivision 3 or 6, beginning when the application is received by the executive director, appealing a determination thereof, or receiving treatment under subdivision 4 or 7, the employer shall continue:

(1) to pay, for a current employee only, the employee's full salary and employer-provided benefits, including any employer contribution to health care and retirement benefits. The employer must not require the employee to use accrued vacation, sick, holiday, personal time off or any leave benefits while the employee is receiving treatment under subdivision 4. The employer must proportionally reduce the salary paid to an employee who is otherwise receiving benefits for the disability that provide compensation for all or a portion of the employee's salary for the same time period. Nothing in this paragraph requires an employer to pay more than 100 percent of the employee's salary;

(2) to provide health insurance benefits to the employee and to the employee's dependents, if the employee was receiving dependent coverage at the time of the injury, event, or onset of the mental illness under the employer's group health plan; and

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

(b) An employee shall obtain service credit for the treatment period required under subdivision 4 or 7.

(c) Nothing prevents an employer from providing benefits in addition to those required by this section or otherwise affects an employee's rights with respect to any other employment benefit.

(d) If an employee is unable to receive treatment through the prescribed treatment program due to circumstances beyond the employee's control, which includes but is not limited to a lack of availability of a mental health facility or a mental health professional, the employee shall continue to receive their regular compensation, benefits, and retirement service credits, until such mental health facility or mental health professional becomes available to the employee for their treatment program. The employer must not require the employee to use sick or vacation leave during this period. The continuation of salary and benefits allowed under this paragraph must not exceed 30 days beyond the day treatment is prescribed, except that continuation of benefits and salary may be extended beyond 30 days if written documentation from the mental health facility or mental health professional providing the treatment start date is submitted by the employee to the executive director and the employer.

Sec. 5. Minnesota Statutes 2024, section 353.032, subdivision 6, is amended to read:

**Subd. 6. Termination or continuation of psychological condition treatment.** (a) Following completion of treatment under subdivision 4, the association shall confirm the treatment requirements are satisfied, and make one of the following determinations based on the report of the employee's mental health professional:

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

(2) terminate the psychological condition treatment because the employee is:

(i) able to return to or continue full-time or part-time work in the position held by the employee on the date of the injury, event, or onset of the mental illness; or

(ii) able to return to another vacant full-time position with the employer which provides salary and employer-provided benefits, including pension benefits, that are equal to or greater than those for the position held by the employee on the date of the injury, event, or onset of the mental illness, as certified by the employer in the form and manner specified by the executive director; or

(3) confirm the employee has met the requirements under section 353.032, after which the employee may apply for a duty disability benefit based on a psychological condition under section 353.031.

(b) The association must notify the employee and the employer electronically and by mail of its determination under paragraph (a).

~~(b)~~ (c) After confirmation and application under paragraph (a), clause (3), the association must approve the employee's application for disability benefits if the employee is eligible under section 353.031, at which time the employee is entitled to receive disability benefits as provided under this section and any related benefits. The disability benefit begins to accrue the day following the day on which the employer ceases to continue salary and benefits under subdivision 5 and section 353.656, subdivision 4, paragraph (a).

~~(e)~~ (d) Following completion of the additional treatment requirements under subdivision 7, if applicable, the association shall confirm the additional treatment requirements are satisfied, after which, the employee may apply for disability benefits because the employee is eligible under section 353.031, at which time the employee is entitled to receive disability benefits as provided under this section and any related benefits. The disability benefit begins to accrue the day following the day on which the employer ceases to continue salary and benefits under subdivision 5 and section 353.656, subdivision 4, paragraph (a).

(e) Treatment requirements that remain incomplete 60 days past the 24 weeks of treatment under subdivision 4 or the additional eight weeks of treatment under subdivision 7 terminate.

~~(d)~~ (f) A fitness for duty presumption shall apply to an employee who is determined able to return to work as provided under paragraph (a), clause (2), except as provided under subdivision 10.

Sec. 6. Minnesota Statutes 2024, section 353.032, subdivision 7, is amended to read:

Subd. 7. **Additional treatment.** (a) Except as provided in paragraph (g), if, after completing the treatment required under subdivision 4, the employee's mental health professional's report determines that the employee is making progress in treatment, and the employee's prognosis is expected to further improve with additional treatment, the association shall continue the employee's initial approval under subdivision 6, paragraph (a), clause (1), and the employee shall complete up to an additional eight consecutive weeks of active treatment modalities as provided under this subdivision. The association must notify the employer electronically and by mail that the initial approval has been continued within six business days after the executive director receives the mental health professional's report.

(b) Treatment shall be at the direction of a mental health professional using treatment modalities indicated for the treatment of the employee's diagnosed mental illness. An employee shall not be penalized for an interruption in active, consecutive treatment that is not initiated by or resulting from an intentional action of the employee. Subject to subdivision 9, the employer shall pay for the treatment costs to the extent not paid for by the employee's health insurance and may seek reimbursement.



(c) The employee's mental health professional must assess the employee's progress in treatment at the end of eight weeks, including any change to the employee's ability to return to the position held by the employee on the date of the injury, event, or onset of the mental illness, or to another position with the employer which provides salary and employer-provided benefits, including pension benefits, that are equal to or greater than those for the position held by the employee on the date of the injury, event, or onset of the mental illness. A final confirmation under subdivision 6, paragraph ~~(b)~~ (c), must be supported by an updated report from the employee's mental health professional containing an opinion about the employee's prognosis, the duration of the disability, and the expectations for improvement following the additional treatment. An updated report that does not contain and support a finding that the employee's disability as a result of a psychological condition will last for at least 12 months must not be relied upon to support approval of duty disability benefits.

(d) The employee may return to full-time or part-time work ~~prior to the completion of for the employer or continue to work full-time or part-time for the employer during the eight~~ weeks of treatment if the employee's mental health professional determines that they are medically able to do so and with the employer's approval.

(e) The employee may return to light duty assignments, subject to availability of a position, prior to the completion of the eight weeks of treatment, if deemed medically appropriate by the employee's mental health professional and with the employer's approval.

(f) A fitness for duty presumption shall apply to an employee who is cleared to return to work or light duty under paragraph (d) or (e), except as provided under subdivision 10.

(g) No employee shall be required to complete treatment under this subdivision more than three times in ten years.

Sec. 7. Minnesota Statutes 2024, section 353.032, subdivision 9, is amended to read:

Subd. 9. **Employer reimbursement; limit.** (a) Except as provided in paragraph (c), an employer subject to this section may annually apply by August 1 for the preceding fiscal year to the commissioner of public safety for reimbursement of:

(1) the treatment costs incurred by the employer under subdivision 4 or 7; and

(2) the costs incurred to continue salary and benefits as required under subdivision 5.

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

(c) No employer shall be required to pay for the salary, benefits, and treatment costs required under subdivisions 4, 5, and 7 for a single employee more than three times in ten years.

(d) An officer or firefighter receiving treatment under this section must provide to the employer, on a monthly basis, billing statements or invoices for treatment costs incurred as outlined in subdivisions 4 and 7.

Sec. 8. Minnesota Statutes 2024, section 353.032, subdivision 10, is amended to read:

**Subd. 10. Fitness for duty presumption.** (a) An employee who is cleared or determined able to work full-time or part-time while receiving treatment under subdivision 3, paragraph (c); or return to work or light duty under subdivision 4, paragraph (e); 6, paragraph (e) (f); or 7, paragraph (f), is presumed fit for duty, except as follows:

(1) an employer may request a fitness for duty exam by an independent medical provider if the exam is completed within six weeks of the employer receiving the determination from the treating mental health professional, and the independent medical provider's report is completed no more than six weeks later;

(2) an employee found unfit for duty by an independent medical provider under clause (1):

(i) is presumed eligible for a duty disability, as provided under subdivision 6, paragraph (a), clause (3), if the employee otherwise meets the eligibility requirements under section 353.031; or

(ii) may appeal the independent medical provider's determination by requesting an examination under paragraph (c); and

(3) the fitness-for-duty timeline under this paragraph may be modified by mutual agreement of the employer and employee.

(b) Nothing in this section shall be deemed to affect the Americans with Disabilities Act, United States Code, title 42, chapter 126; the Family Medical Leave Act, United States Code, title 29, chapter 28; or the Minnesota Human Rights Act, chapter 363A.

(c) An employee who wishes to appeal the independent medical provider's determination under paragraph (a), clause (2), item (ii), may request an examination by a qualified professional selected by the employee from a panel established by mutual agreement among the League of Minnesota Cities, the Association of Minnesota Counties, the Minnesota Peace and Police Officers Association, the Minnesota Professional Fire Fighters Association,

11.1 the Minnesota Chiefs of Police Association, and the Minnesota Law Enforcement  
11.2 Association. The panel shall consist of five licensed psychiatrists or psychologists who have  
11.3 expertise regarding psychological or emotional disorders and who are qualified to opine as  
11.4 to the employee's fitness to engage in police or firefighting duties. The agreed upon panel  
11.5 of qualified professionals must be submitted to the executive director and made available  
11.6 for use in the appeal process. If the employee fails to select a qualified professional from  
11.7 the panel within ten days of any notice of appeal, the employing entity may select the  
11.8 qualified professional from the panel. A determination made by a qualified professional  
11.9 under this item is binding and not subject to appeal. This panel may be the same panel as  
11.10 the panel established under section 352B.102, subdivision 10.

11.11 Sec. 9. **EFFECTIVE DATE.**

11.12 Sections 1 to 8 are effective the day following final enactment."

11.13 Renumber the articles in sequence

11.14 Amend the title accordingly