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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1234

02/02/2023 Authored by Her, Frazier, Long, Hortman, Frederick and others
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to labor; modifying peace officer duty disability provisions; requiring a
1.3 report; appropriating money; amending Minnesota Statutes 2022, sections
1.4 299A.465, subdivision 4; 352B.10, subdivisions 2a, 4; 352B.101; 353.031,
1.5 subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 352B;
1.6 353; 626.

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

1.8 Section 1. Minnesota Statutes 2022, section 299A.465, subdivision 4, is amended to read:

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

1.17 (b) Beginning on January 1, 2024, a public employer is not eligible for reimbursement
1.18 under paragraph (a) unless the employer provides at least one of the following:

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

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

1.22 (c) Wellness training for peace officers under paragraph (b), clause (1), must incorporate
1.23 the learning objectives established by the Peace Officer Standards and Training Board under

2.1 section 626.8478. No later than February 1, 2024, the Minnesota Fire Initiative must create  
2.2 a wellness training program for public employers to offer to firefighters to satisfy the  
2.3 requirements of paragraph (b). Training programs established in the Hometown Heroes  
2.4 Assistance Program under section 299A.477, subdivision 2, clause (4), satisfy the  
2.5 requirements of paragraph (b).

2.6 Sec. 2. Minnesota Statutes 2022, section 352B.10, subdivision 2a, is amended to read:

2.7 Subd. 2a. **Applying for benefits; accrual.** No application for disability benefits shall  
2.8 be made until after the last day physically on the job. The disability benefit begins to accrue  
2.9 the day following the last day for which the employee is paid sick leave or annual leave but  
2.10 not earlier than 180 days before the date the application is filed. A member who is terminated  
2.11 must file a written application in an office of the system or with a person authorized by the  
2.12 executive director. Except as otherwise specified under section 352B.102, applications must  
2.13 comply with section 352.113, subdivision 2, paragraph (b).

2.14 Sec. 3. Minnesota Statutes 2022, section 352B.10, subdivision 4, is amended to read:

2.15 Subd. 4. **Proof of disability.** (a) No disability benefits may be paid unless the member  
2.16 provides adequate proof to the executive director of the existence of the disability.

2.17 (b) Adequate proof of a disability must include a written expert report by a licensed  
2.18 physician, an APRN, or a licensed chiropractor, or with respect to a mental impairment, by  
2.19 a licensed psychologist. Adequate proof of a disability based on a psychological condition,  
2.20 as defined under section 352B.102, subdivision 1, clause (6), must include the medical  
2.21 reports and assessments required under section 352B.102.

2.22 (c) Following the commencement of benefit payments, the executive director has the  
2.23 right, at reasonable times, to require the disability benefit recipient to submit proof of the  
2.24 continuance of the disability claimed.

2.25 Sec. 4. Minnesota Statutes 2022, section 352B.101, is amended to read:

2.26 **352B.101 APPLICATION FOR DISABILITY BENEFIT.**

2.27 (a) Except as otherwise specified under section 352B.102 and paragraph (b), a member  
2.28 claiming a disability benefit must file a written application for benefits in the office of the  
2.29 system in a form and manner prescribed by the executive director. The member shall provide  
2.30 medical or psychological evidence to support the application. The benefit begins to accrue  
2.31 the day following the start of disability or the day following the last day for which the

3.1 member was paid, whichever is later, but not earlier than 180 days before the date the  
3.2 application is filed with the executive director.

3.3 (b) Notwithstanding any law to the contrary, an employee, as defined in section 352B.102,  
3.4 subdivision 1, clause (2), who applies for a duty disability benefit based on a psychological  
3.5 condition, as defined in section 352B.102, subdivision 1, clause (6), is not eligible for duty  
3.6 disability benefits under this chapter until the employee has satisfied the additional  
3.7 requirements under section 352B.102.

3.8 **Sec. 5. [352B.102] DUTY DISABILITY PROCEDURE; PSYCHOLOGICAL**  
3.9 **CONDITION.**

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

3.12 (1) "mental illness" means the diagnosis of a mental illness by a mental health  
3.13 professional, by meeting the criteria for a condition or conditions included in the most recent  
3.14 edition of the Diagnostic and Statistical Manual of Mental Disorders published by the  
3.15 American Psychiatric Association;

3.16 (2) "employee" means an individual diagnosed with a mental illness who is a:

3.17 (i) current member under section 352B.011, subdivision 10; or

3.18 (ii) former member under section 352B.011, subdivision 10, within 18 months of  
3.19 termination of employment;

3.20 (3) "employing entity" means the entity that pays a state employee's salary and remits  
3.21 retirement contributions;

3.22 (4) "mental health professional" has the meaning given in section 245I.02, subdivision  
3.23 27;

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

3.26 (6) "psychological condition" means a mental illness as defined in clause (1); and

3.27 (7) "treatment" includes but is not limited to active participation in the International  
3.28 Association of Fire Fighters Center of Excellence for Behavioral Health Treatment and  
3.29 Recovery.

4.1 Subd. 2. **Application; dual diagnosis.** (a) Notwithstanding any law to the contrary, and  
4.2 except as provided in paragraph (b), the procedure in this section applies to an application  
4.3 for a duty disability by an employee based on the employee's psychological condition.

4.4 (b) The additional procedure in this section does not apply to a duty disability application  
4.5 under paragraph (a) that is also based on a dual diagnosis of a physical condition. An  
4.6 employee with a dual diagnosis may, but is not required to, seek treatment under subdivisions  
4.7 4 and 7, subject to the procedure in this section.

4.8 Subd. 3. **Initial approval.** (a) An employee who applies for duty disability under section  
4.9 352B.10, subdivision 1, based on a psychological condition must first receive initial approval  
4.10 under this subdivision.

4.11 (b) The executive director shall grant initial approval to an employee who submits, in  
4.12 the form and manner specified by the executive director:

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

4.17 (2) documentation from the employing entity certifying the dates that the employee was  
4.18 on duty in a position covered under the State Patrol retirement plan.

4.19 (c) An employee who receives initial approval under this subdivision is not considered  
4.20 disabled for the purposes of a duty disability under section 352B.10, subdivision 1. The  
4.21 employee must complete the additional requirements under this section and receive final  
4.22 approval under subdivision 6 before receiving duty disability benefits or related benefits.

4.23 (d) An employing entity shall submit the certification required under paragraph (b),  
4.24 clause (2), within five business days of an employee's application, and the employee shall  
4.25 receive initial approval no later than six business days after the employee's application,  
4.26 whether or not the employing entity's certification has been submitted.

4.27 Subd. 4. **Treatment required.** (a) Except as provided in paragraph (f), an employee  
4.28 who receives initial approval under subdivision 3 shall complete 24 consecutive weeks of  
4.29 active treatment modalities for the employee's diagnosed mental illness, as provided under  
4.30 this subdivision, before a final determination can be made under subdivision 6. An employee's  
4.31 treatment shall be at the direction of a mental health professional using treatment modalities  
4.32 indicated for the treatment of the diagnosed mental illness. An employee shall not be  
4.33 penalized for an interruption in active, consecutive treatment that is not initiated by or

5.1 resulting from an intentional action of the employee. Subject to the limit under subdivision  
5.2 9, the employing entity shall pay for the treatment costs and may seek reimbursement from  
5.3 the commissioner of public safety.

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

5.16 (c) The employee may return to full- or part-time work prior to the completion of the  
5.17 24 weeks of treatment if the employee's mental health professional determines that the  
5.18 employee is medically able to do so.

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

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

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

5.27 Subd. 5. **Continuation of salary and benefits.** (a) Subject to subdivision 9, for the  
5.28 period that an employee is seeking initial or final approval under subdivision 3 or 6, appealing  
5.29 a determination thereof, or receiving treatment under subdivision 4 or 7, the employing  
5.30 entity shall continue:

5.31 (1) to pay, for a current employee only, the employee's full salary and employing  
5.32 entity-provided benefits, including any employing entity contribution to health care and  
5.33 retirement benefits. The employing entity must proportionally reduce the salary paid to an  
5.34 employee who is otherwise receiving benefits for the disability that provide compensation

6.1 for all or a portion of the employee's salary for the same time period. Nothing in this  
6.2 paragraph requires an employing entity to pay more than 100 percent of the employee's  
6.3 salary;

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

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

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

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

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

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

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

6.29 (iii) otherwise determined to be ineligible under sections 352B.10 and 352B.101; or

6.30 (3) approve the employee's application for duty disability because the employee is eligible  
6.31 under sections 352B.10 and 352B.101, at which time the employee is entitled to receive  
6.32 duty disability benefits as provided under this section and any related benefits. The

7.1 employee's duty disability benefit begins to accrue the day following the day on which the  
7.2 employing entity ceases to continue salary and benefits under subdivision 5.

7.3 (b) Following completion of the additional treatment under subdivision 7, if applicable,  
7.4 the executive director shall confirm that the employee has satisfied the additional treatment  
7.5 requirements, review any updates to the employee's application for duty disability, and issue  
7.6 a final approval or denial, as provided under paragraph (a), clauses (2) and (3).

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

7.10 Subd. 7. **Additional treatment.** (a) Except as provided in paragraph (g), if, after  
7.11 completing the treatment required under subdivision 4, the mental health professional's  
7.12 report determines that the employee is making progress in treatment, and the employee's  
7.13 prognosis is expected to further improve with additional treatment, the executive director  
7.14 shall continue the employee's initial approval under subdivision 6, paragraph (a), clause  
7.15 (1), and the employee shall complete up to an additional eight consecutive weeks of active  
7.16 treatment modalities as provided under this subdivision.

7.17 (b) Treatment shall be at the direction of a mental health professional using treatment  
7.18 modalities indicated for the treatment of the employee's diagnosed mental illness. An  
7.19 employee shall not be penalized for an interruption in active, consecutive treatment that is  
7.20 not initiated by or resulting from an intentional action of the employee. Subject to subdivision  
7.21 9, the employing entity shall pay for the treatment costs and may seek reimbursement from  
7.22 the commissioner of public safety.

7.23 (c) The employee's mental health professional must assess the employee's progress in  
7.24 treatment at the end of eight weeks, including any change to the employee's ability to return  
7.25 to the position held by the employee on the date of the injury, event, or onset of the mental  
7.26 illness, or to another position with the employing entity which provides salary and employing  
7.27 entity-provided benefits, including pension benefits, that are equal to or greater than those  
7.28 for the position held by the employee on the date of the injury, event, or onset of the mental  
7.29 illness. A final determination under subdivision 6, paragraph (b), must be supported by an  
7.30 updated report from the employee's mental health provider containing an opinion about the  
7.31 employee's prognosis, the duration of the disability, and the expectations for improvement  
7.32 following the additional treatment. An updated report that does not contain and support a  
7.33 finding that the employee's disability as a result of a psychological condition will last for

8.1 at least 12 months must not be relied upon to support final approval of duty disability  
8.2 benefits.

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

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

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

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

8.14 Subd. 8. **Treatment data.** A "health record," as defined by section 144.291, subdivision  
8.15 2, paragraph (c), arising from treatment sought under this section is classified as private  
8.16 data on individuals, as defined by section 13.02, subdivision 12, and must not be accessed  
8.17 by, shared with, or disclosed or disseminated to the Bureau of Criminal Apprehension,  
8.18 including through discovery or subpoena, in any type of investigation or legal action.

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

8.22 (1) the treatment costs incurred by the employing entity under subdivision 4 or 7;

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

8.25 (3) the salary-related costs incurred to backfill a position for the treatment period required  
8.26 under subdivision 4 or 7.

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

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



9.1 Subd. 10. **Fitness for duty presumption.** (a) An employee who is cleared or determined  
 9.2 able to return to work or light duty under subdivision 4, paragraph (e); 6, paragraph (c); or  
 9.3 7, paragraph (f), is presumed fit for duty, except as follows:

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

9.8 (2) an employee found unfit for duty by an independent medical provider under clause  
 9.9 (1):

9.10 (i) is presumed eligible for a duty disability, as provided under subdivision 6, paragraph  
 9.11 (a), clause (3); or

9.12 (ii) may appeal the independent medical provider's determination by requesting a  
 9.13 fact-finding session conducted by an administrative law judge assigned by the Office of  
 9.14 Administrative Hearings; and

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

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

9.20 Subd. 11. **Report.** No later than four years after the day following final enactment of  
 9.21 this act, the executive director, in coordination with employing entities, employees, and  
 9.22 mental health professionals, shall submit a report to the chairs and ranking minority members  
 9.23 of the legislative committees with jurisdiction over labor and pensions regarding the impact  
 9.24 of this section on public safety duty disability trends and costs.

9.25 Sec. 6. Minnesota Statutes 2022, section 353.031, subdivision 1, is amended to read:

9.26 Subdivision 1. **Application.** (a) This section applies to all disability determinations for  
 9.27 the public employees general fund, the public employees police and fire fund, and the local  
 9.28 government correctional service retirement plan and any other disability determination  
 9.29 subject to approval by the board, except as otherwise specified in section 353.032, 353.33,  
 9.30 353.656, or 353E.05. These requirements and the requirements of section 353.03, subdivision  
 9.31 3, are in addition to the specific requirements of each plan and govern in the event there is  
 9.32 any conflict between these sections and the procedures specific to any of those plans under  
 9.33 section 353.33, 353.656, or 353E.06.

10.1 (b) Notwithstanding any law to the contrary, an employee, as defined in section 353.032,  
 10.2 subdivision 1, clause (2), who applies for a duty disability benefit based on a psychological  
 10.3 condition, as defined in section 353.032, subdivision 1, clause (7), is not eligible for duty  
 10.4 disability benefits under this chapter until the employee has satisfied the additional  
 10.5 requirements under section 353.032.

10.6 Sec. 7. [353.032] DUTY DISABILITY PROCEDURE; PSYCHOLOGICAL  
 10.7 CONDITION.

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

10.10 (1) "mental illness" means diagnosis of a mental illness by a mental health professional,  
 10.11 and meeting the criteria for a condition or conditions included in the most recent edition of  
 10.12 the Diagnostic and Statistical Manual of Mental Disorders published by the American  
 10.13 Psychiatric Association;

10.14 (2) "employee" means an individual diagnosed with a mental illness who is a:

10.15 (i) peace officer or firefighter;

10.16 (ii) paramedic, emergency medical technician, or supervisor or manager of paramedics  
 10.17 or emergency medical technicians employed at least half time;

10.18 (iii) member under section 353.64, subdivision 10; or

10.19 (iv) former member under section 353.64, subdivision 10, within 18 months of  
 10.20 termination;

10.21 (3) "employer" means an employer of a current or former member of the police and fire  
 10.22 plan;

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

10.25 (5) "mental health professional" has the meaning given in section 245I.02, subdivision  
 10.26 27;

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

10.29 (7) "psychological condition" means a mental illness, as defined in clause (1); and

11.1 (8) "treatment" includes but is not limited to active participation in the International  
11.2 Association of Fire Fighters Center of Excellence for Behavioral Health Treatment and  
11.3 Recovery.

11.4 Subd. 2. **Application; dual diagnosis.** (a) Notwithstanding any law to the contrary, and  
11.5 except as provided in paragraph (b), the procedure in this section applies to an application  
11.6 for a duty disability by an employee based on a psychological condition.

11.7 (b) The additional procedure in this section does not apply to a duty disability application  
11.8 under paragraph (a) that is also based on a dual diagnosis of a physical condition. An  
11.9 employee with a dual diagnosis may, but is not required to, seek treatment under subdivisions  
11.10 4 and 7, subject to the procedure in this section.

11.11 Subd. 3. **Initial approval.** (a) An employee who applies for duty disability under section  
11.12 353.656, subdivision 1, based on a psychological condition must first receive initial approval  
11.13 as provided under this subdivision.

11.14 (b) The executive director shall grant initial approval to an employee who submits, in  
11.15 the form and manner specified by the executive director:

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

11.20 (2) documentation from the employer certifying the dates the employee was on duty in  
11.21 a position covered under the police and fire plan.

11.22 (c) An employee who receives initial approval under this subdivision is not considered  
11.23 disabled for the purposes of a duty disability under section 353.656, subdivision 1. The  
11.24 employee must complete the additional requirements under this section and receive final  
11.25 approval under subdivision 6 before receiving duty disability benefits or related benefits.

11.26 (d) An employer shall submit the certification required under paragraph (b), clause (2),  
11.27 within five business days of an employee's application, and the employee shall receive initial  
11.28 approval no later than six business days after the employee's application, whether or not  
11.29 the employer's certification has been submitted.

11.30 Subd. 4. **Treatment required.** (a) Except as provided in paragraph (f), an employee  
11.31 who receives initial approval under subdivision 3 shall complete 24 consecutive weeks of  
11.32 active treatment modalities for the employee's diagnosed mental illness, as provided under  
11.33 this subdivision, before a final determination can be made under subdivision 6. Treatment

12.1 shall be at the direction of a mental health professional using treatment modalities indicated  
12.2 for the treatment of the diagnosed mental illness. An employee shall not be penalized for  
12.3 an interruption in active, consecutive treatment that is not initiated by or resulting from an  
12.4 intentional action of the employee. Subject to the limit under subdivision 9, the employer  
12.5 shall pay for the treatment costs and may seek reimbursement.

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

12.18 (c) The employee may return to full- or part-time work prior to the completion of the  
12.19 24 weeks of treatment if the employee's mental health professional determines that they are  
12.20 medically able to do so.

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

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

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

12.28 Subd. 5. **Continuation of salary and benefits.** (a) Subject to subdivision 9, for the  
12.29 period that an employee is seeking initial or final approval under subdivision 3 or 6, appealing  
12.30 a determination thereof, or receiving treatment under subdivision 4 or 7, the employer shall  
12.31 continue:

12.32 (1) to pay, for a current employee only, the employee's full salary and employer-provided  
12.33 benefits, including any employer contribution to health care and retirement benefits. The  
12.34 employer must proportionally reduce the salary paid to an employee who is otherwise

13.1 receiving benefits for the disability that provide compensation for all or a portion of the  
13.2 employee's salary for the same time period. Nothing in this paragraph requires an employer  
13.3 to pay more than 100 percent of the employee's salary;

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

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

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

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

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

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

13.20 (2) deny the employee's application for duty disability because the employee is:

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

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

13.28 (iii) otherwise determined to be ineligible under section 353.031; or

13.29 (3) approve the employee's application for duty disability because the employee is eligible  
13.30 under section 353.031, at which time the employee is entitled to receive duty disability  
13.31 benefits as provided under this section and any related benefits. The duty disability benefit

14.1 begins to accrue the day following the day on which the employer ceases to continue salary  
14.2 and benefits under subdivision 5.

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

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

14.10 Subd. 7. **Additional treatment.** (a) Except as provided in paragraph (g), if, after  
14.11 completing the treatment required under subdivision 4, the mental health professional's  
14.12 report determines that the employee is making progress in treatment, and the employee's  
14.13 prognosis is expected to further improve with additional treatment, the association shall  
14.14 continue the employee's initial approval under subdivision 6, paragraph (a), clause (1), and  
14.15 the employee shall complete up to an additional eight consecutive weeks of active treatment  
14.16 modalities as provided under this subdivision.

14.17 (b) Treatment shall be at the direction of a mental health professional using treatment  
14.18 modalities indicated for the treatment of the employee's diagnosed mental illness. An  
14.19 employee shall not be penalized for an interruption in active, consecutive treatment that is  
14.20 not initiated by or resulting from an intentional action of the employee. Subject to subdivision  
14.21 9, the employer shall pay for the treatment costs and may seek reimbursement.

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

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

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

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

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

15.11 Subd. 8. **Treatment data.** A "health record," as defined by section 144.291, subdivision  
15.12 2, paragraph (c), arising from treatment sought under this section is classified as private  
15.13 data on individuals, as defined by section 13.02, subdivision 12, and must not be accessed  
15.14 by, shared with, or disclosed or disseminated to the Bureau of Criminal Apprehension,  
15.15 including through discovery or subpoena, in any type of investigation or legal action.

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

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

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

15.21 and

15.22 (3) the salary-related costs incurred to backfill a position for the treatment period required  
15.23 under subdivision 4 or 7.

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

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

15.29 Subd. 10. **Fitness for duty presumption.** (a) An employee who is cleared or determined  
15.30 able to return to work or light duty under subdivision 4, paragraph (e); 6, paragraph (c); or  
15.31 7, paragraph (f), is presumed fit for duty, except as follows:

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

16.5 (2) an employee found unfit for duty by an independent medical provider under clause  
16.6 (1):

16.7 (i) is presumed eligible for a duty disability, as provided under subdivision 6, paragraph  
16.8 (a), clause (3); or

16.9 (ii) may appeal the independent medical provider's determination by requesting a  
16.10 fact-finding session conducted by an administrative law judge assigned by the Office of  
16.11 Administrative Hearing; and

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

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

16.17 Subd. 11. **Report.** No later than four years after the day following final enactment of  
16.18 this act, the executive director, in coordination with employers, employees, and mental  
16.19 health professionals, shall submit a report to the chairs and ranking minority members of  
16.20 the legislative committees with jurisdiction over labor and pensions regarding the impact  
16.21 of this section on public safety duty disability trends and costs.

16.22 **Sec. 8. [626.8478] WELLNESS TRAINING.**

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

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



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

17.4 (b) A person is not eligible to take the peace officer licensing examination after July 1,  
17.5 2024, unless the individual has received the training described in paragraph (a).

17.6 Subd. 3. **In-service training required.** Beginning July 1, 2024, the chief law enforcement  
17.7 officer of every state and local law enforcement agency shall provide in-service wellness  
17.8 training to every peace officer and part-time peace officer employed by the agency. The  
17.9 training must comply with the learning objectives developed and approved by the board  
17.10 and must meet board requirements for board-approved continuing education credit. A peace  
17.11 officer with a license renewal date after June 30, 2024, is not required to complete this  
17.12 training until the officer's next full three-year licensing cycle.

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

17.17 Sec. 9. **APPROPRIATIONS.**

17.18 (a) Beginning in fiscal year 2024, an amount sufficient for the purposes of Minnesota  
17.19 Statutes, sections 352B.102 and 353.032, including reimbursing employers for the costs of  
17.20 treatment, payment of continued wages and benefits, and backfilling positions is appropriated  
17.21 from the general fund to the commissioner of public safety.

17.22 (b) Beginning in fiscal year 2024, an amount sufficient for the purposes of reimbursing  
17.23 employers under Minnesota Statutes, section 299A.465, subdivision 4, is appropriated from  
17.24 the general fund to the commissioner of public safety.