

## Brown & Carlson Insight

### **Supreme Court Clarifies Benefits for PTSD/Occupational Injury Claims – A Right to Benefits End When the DSM-5 PTSD Criteria No Longer Apply**

In a March 8, 2023 decision, the state Supreme Court clarified the right to workers' compensation benefits for an occupational disease, mental impairment/Post Traumatic Stress Disorder (PTSD) claim. The Court confirmed that the right to benefits ends when the injured worker no longer meets the DSM-5 requirements for a PTSD diagnosis.

In *Chrz v. Mower County* the employee, a sheriff's deputy, sustained a compensable work injury. Treating physicians had diagnosed in September of 2019 a PTSD diagnoses under DSM-5 criteria, related to his job duties.

In October of 2020, a psychological IME evaluation concluded that the employee no longer met the criteria of a PTSD diagnoses under DSM-5, but instead the employee met the criteria for an Adjustment Disorder diagnosis. On March 30, 2020 the employee's expert re-evaluated the Employee and agreed. His report also concluded that the employee no longer met the DSM-5 criteria for PTSD. Instead, he opined, the employee continued with an "other specified trauma and stressor disorder" and major depressive disorder diagnosis, and he recommended further medical treatment.

At hearing, the compensation judge determined that the employee sustained a work-related PTSD injury and was entitled to the recommended ongoing mental health benefits per the employee's physician.

On appeal, the WCCA reversed the award of benefits after the date that the PTSD diagnosis no longer applied. It was determined that the employee was no longer eligible for workers' compensation benefits after the March 30, 2021 physician conclusion that the employee no longer met the diagnostic criteria for PTSD.

The employee appealed, but the Supreme Court agreed with the WCCA. Their opinion reinforced and clarified that the only mental impairment which is compensable as an "occupational disease" under the Minnesota Workers' Compensation Act is PTSD, when diagnosed under the DSM-5 criteria. (Minn. Stat. 176.011, subd. 15(a) and (d).) Once an employee no longer has a PTSD diagnosis as determined by a licensed psychologist under that criteria, then that employee's rights to ongoing workers compensation benefits for a mental health "occupational disease" terminate (even when ongoing mental health care is being recommended).

The Supreme Court Decision is found at: <https://mn.gov/law-library-stat/archive/supct/2023/OPA220792-030823.pdf>

The National Library of Medicine, DSM-5 PTSD criteria for adults can be found at: [https://www.ncbi.nlm.nih.gov/books/NBK207191/box/part1\\_ch3.box16/](https://www.ncbi.nlm.nih.gov/books/NBK207191/box/part1_ch3.box16/)

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