

JUNE 2023 E-NEWSLETTER

NEW STATUTORY CHANGES EFFECTIVE JULY 1, 2023

CANCER PRESUMPTION EXPANDED

Virginia Code § 65.2-402(C) provides for a presumption that certain cancers causing the death or disability arose out of the employment for certain public safety employees who have completed five years of service in their position. The presumption was expanded to include bladder and thyroid cancer diagnosed after July 1, 2023.

The cancer presumption was also expanded to include additional classes of public safety employees: (1) arson investigators or bomb investigators employed by the Department of State Police; and (2) members of the State Police Officers' Retirement System who collect, analyze, or handle hazardous materials, infectious biological substances and radiological agents, fentanyl, or methamphetamine.

PTSD STATUTE EXPANDED

Virginia Code § 65.2-107 has been expanded from covering only PTSD to covering anxiety disorder and depressive disorder. The eligibility requirements for anxiety disorder and depressive disorder are the same as post-traumatic stress disorder, except that the qualifying event for anxiety and depressive disorders cannot arise result from responding to crime scenes for investigation. A board-certified psychiatrist or a psychologist must diagnose the employee anxiety disorder or depressive disorder as a result of a qualifying event or exposure occurring in the line of duty on or after July 1, 2023.



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