

New Mental-Health Manual Likely to Impact HR

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In psychiatry, unlike other branches of medicine, there is no laboratory test that can confirm the existence of a particular mental disorder. Psychiatrists and other mental health professionals rely on the *Diagnostic and Statistical Manual of Mental Disorders*, known as "DSM-5" to diagnose patients. The American Psychiatric Association has just released a new fifth edition of the manual and human resources executives should take note. It contains new diagnostic categories not listed in its predecessor and loosens the criteria for some diagnoses which will likely result in more people qualifying for these diagnoses. DSM-5 is likely to impact HR by expanding the number of employees who will qualify as disabled under the Americans with Disabilities Act and be entitled to reasonable accommodation.

While DSM-5 cautions that the assignment of a diagnosis does not imply a specific level of impairment or disability, this distinction has little practical meaning given the enactment of the ADA Amendments Act in 2008 in which Congress decreed that the definition of "disability" for purposes of the ADA is to be construed broadly in favor of coverage. The Equal Employment Opportunity Commission's regulations issued under that law even decreed that certain psychiatric disorders, including Posttraumatic Stress Disorder, Major Depressive Disorder and Bipolar Disorder, will almost always qualify as disabilities. Employees with other diagnosed mental disorders can qualify for the ADA's protection simply by showing that they are limited in their ability to interact with others, one of the "major life activities" recognized under the amended ADA.

Critics of DSM-5 say the new manual permits more of the ordinary quirks and travails of everyday life to be diagnosed as mental disorders. As a result, requested accommodations by employees are likely to extend beyond mere leaves of absence or adjusted work schedules to permit therapist visits.

Within the next few years, HR professionals could be inundated with requests for job modifications from employees who are simply forgetful or do not communicate well, for more time off for employees with severe PMS or who are grieving the loss of a loved one, and forgiveness of misconduct from the personality disordered. Indeed, DSM-5 is likely to bring some daunting new challenges to HR professionals.

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James J. McDonald, Jr.

Partner

949.851.2424

Email