

Stricken language would be deleted from and underlined language would be added to present law.
Act 398 of the Regular Session

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H3/12/25

A Bill

HOUSE BILL 1505

By: Representatives Wing, Barker, Furman, L. Johnson, McAlindon, Rye

By: Senators C. Tucker, J. Scott

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING PUBLIC SAFETY
EMPLOYEES WHO HAVE EXPERIENCED A TRAUMATIC EVENT; TO
OFFER LICENSED COUNSELING TO PUBLIC SAFETY EMPLOYEES
WHO HAVE EXPERIENCED A TRAUMATIC EVENT; TO REQUIRE A
PUBLIC EMPLOYER TO PROVIDE COVERAGE FOR LICENSED
COUNSELING FOR A PUBLIC SAFETY EMPLOYEE WHO HAS
EXPERIENCED A TRAUMATIC *EVENT*; TO DECLARE AN
EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE A PUBLIC EMPLOYER TO OFFER
AND PROVIDE COVERAGE FOR LICENSED
COUNSELING FOR A PUBLIC SAFETY EMPLOYEE
WHO HAS EXPERIENCED A TRAUMATIC EVENT;
AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 21, Chapter 5, Subchapter 1, is amended
to add an additional section to read as follows:

21-5-112. Coverage for licensed counseling for traumatic event –

Definitions.

(a) As used in this section:

(1) "Firefighter" means a person who is a:

(A) Paid, full-time member of a fire department or
firefighting unit of a public employer and who actively engages in the
fighting of fires on a regular basis;



(B) Paid, full-time instructor of the Arkansas Fire Training Academy; or

(C) Member of the firefighting organization of the:
(i) Arkansas National Guard Robinson Maneuver Training Center; or

(ii) Arkansas National Guard Fort Chaffee Joint Maneuver Training Center;

(2) "Licensed counseling" means counseling provided by a licensed mental health professional;

(3) "Licensed mental health professional" means an individual who:

(A) Is a licensed:

(i) Psychiatrist;

(ii) Psychologist;

(iii) Mental health professional who holds either a master's degree or a doctoral degree related to the mental health profession;

(iv) Advanced practice registered nurse working within the scope of his or her practice as a mental health nurse practitioner or a mental health clinical nurse; or

(v) Psychiatric physician assistant working under the supervision of a licensed physician;

(B) Specializes in trauma and crisis; and

(C) Uses evidence-based treatment options;

(4) "Police officer" means a paid, full-time:

(A) Law enforcement officer engaged in official duty who is a member of:

(i) A regular police force;

(ii) The Division of Arkansas State Police; or

(iii) The law enforcement organization of the:

(a) Arkansas National Guard Robinson Maneuver Training Center; or

(b) Arkansas National Guard Fort Chaffee Joint Maneuver Training Center;

(B) Sheriff or deputy sheriff of a county in this state who is engaged in official duty; or

(C) Constable or night marshal of a town in this state who

is engaged in official duty;

(5) "Public employer" means the state, a political subdivision of the state, or a city of the first class, a city of the second class, or an unincorporated town of the state;

(6) "Public safety employee" means an employee of a public employer who is a:

(A) Probation officer;

(B) Surveillance officer;

(C) Adult or juvenile detention officer;

(D) Police officer; or

(E) Firefighter; and

(7) "Traumatic event" means a public safety employee's exposure in the line of duty to an incident involving:

(A) The extraordinary traumatic bodily injury or death of a person;

(B) The serious injury, death, abuse, or exploitation of a minor;

(C) An immediate threat to the life of the public safety employee or another person; or

(D) A mass casualties event.

(b)(1) Except as provided in subsection (e) of this section, a public employer that employs a public safety employee shall provide coverage for licensed counseling for a public safety employee who has experienced a traumatic event.

(2)(A) The coverage required under subdivision (b)(1) of this section shall include coverage for a public safety employee to participate in up to twelve (12) licensed counseling visits in a calendar year in which the public safety employee experiences a traumatic event, regardless of the number of traumatic events experienced by the public safety employee during the calendar year.

(B)(i) Except as provided in subdivision (b)(2)(B)(ii) of this section, if a public safety employee begins receiving licensed counseling for which coverage is required under this section on or after July 1 in a year, any licensed counseling visits to which the public safety employee is entitled under this section that the public safety employee does not use before the end of the calendar year may be carried over to the

following calendar year.

(ii) A public safety employee shall not receive more than eighteen (18) covered licensed counseling visits under this section in a calendar year.

(C) Licensed counseling allowed under this section may be provided through telehealth.

(c)(1)(A) A public employer shall pay for all licensed counseling allowed under this section.

(B) A public employer shall pay a licensed mental health professional an amount not to exceed the deductibles and conditions under the public safety employee's current health benefit plan.

(C) A public safety employee shall provide documentation to substantiate the amount billed to the public safety employee for licensed counseling under the public safety employee's current health benefit plan.

(2) Payment by a public employer for licensed counseling under this section does not create a presumption that a claim is compensable under § 11-9-113 or § 11-9-114.

(d)(1) Except as provided in subdivision (d)(2) of this section, a public employer shall allow a public safety employee to select the licensed mental health professional who will provide the licensed counseling allowed under this section.

(2) If a licensed mental health professional declines to provide licensed counseling to a public safety employee under this section, the public employer that employs the public safety employee is not required to secure the services of that licensed mental health professional.

(e) A public employer may satisfy the requirements of this section through its creation of or participation in a program that:

(1) Provides licensed counseling that meets the requirements of this section; and

(2) Requires the public employer to provide coverage for licensed counseling as required under this section.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that Acts 2023, No. 537, required public employers to provide coverage for licensed counseling for public safety employees who experience a traumatic event in the course of their duties;

that Acts 2023, No. 537, expired on January 1, 2025, leaving no requirement in place for public employers to provide coverage for licensed counseling for public safety employees who experience a traumatic event in the course of their duties; that it is in the best interest of the state to provide mental health support for public safety employees who experience traumatic events in the course of their duties; that mental health services for public safety employees is important to the public peace, health, and safety as the state relies on these employees to respond appropriately in an emergency; and that this act is immediately necessary because coverage for licensed counseling for public safety employees who experience a traumatic event in the course of their duties is essential to the continued service of these public safety employees to ensure the public peace, health, and safety. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Wing

APPROVED: 3/25/25