

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas As Engrossed: H2/20/23 H3/6/23 H3/30/23 S4/4/23

94th General Assembly

# A Bill

Regular Session, 2023

HOUSE BILL 1302

By: Representatives Wing, A. Collins, L. Johnson, Scott, Vaught

By: Senator C. Tucker

## For An Act To Be Entitled

AN ACT TO OFFER TRAUMATIC EVENT LICENSED COUNSELING FOR PUBLIC SAFETY EMPLOYEES; TO ENSURE COVERAGE OF TRAUMATIC EVENT LICENSED COUNSELING FOR PUBLIC SAFETY EMPLOYEES; TO REQUIRE A STUDY OF AVAILABILITY FOR PEER SUPPORT ACCESS FOR VOLUNTEER FIREFIGHTERS; AND FOR OTHER PURPOSES.

## Subtitle

TO OFFER AND ENSURE COVERAGE OF TRAUMATIC EVENT LICENSED COUNSELING FOR PUBLIC SAFETY EMPLOYEES; AND TO REQUIRE A STUDY OF AVAILABILITY FOR PEER SUPPORT ACCESS FOR VOLUNTEER FIREFIGHTERS.

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

*SECTION 1. DO NOT CODIFY. Traumatic event licensed counseling for public safety employees – Exceptions – Definitions.*

*(a) As used in this section:*

*(1) "Firefighter" means:*

*(A) A paid, full-time member of a fire department or firefighting unit of a city of the first class, city of the second class, fire protection district, or an incorporated town or an unincorporated rural area of this state who actively engages in the fighting of fires on a regular basis; or*

*(B) A paid, full-time instructor of the Arkansas Fire*



Training Academy or a member of the firefighting organization of the Arkansas National Guard Robinson Maneuver Training Center or of the 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 a licensed individual who:

(A) Specializes in trauma and crisis;

(B) Uses evidence-based treatment options; and

(C) Is one (1) of the following:

(i) A psychiatrist;

(ii) A psychologist;

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

(iv) A mental health nurse practitioner or mental health clinical nurse who is:

(a) A registered nurse licensed and certified by the Arkansas State Board of Nursing as an advanced practice nurse; and

(b) Working within the scope of practice as authorized by law; or

(v) A psychiatric physician assistant who is working under the supervision of a licensed physician;

(4) "Police officer" means:

(A) A paid, full-time 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) A paid, full-time sheriff or deputy sheriff of a county of this state who is engaged in official duty; or

(C) A paid, full-time constable or night marshal of a town of this state who is engaged in official duty;

(5) "Public safety employee" means a public employee who is:

(A) A probation officer, surveillance officer, or adult or juvenile detention officer employed by this state or a political subdivision of this state;

(B) A firefighter; or

(C) A police officer; and

(6) "Traumatic event" means an individual's direct 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 individual or another person; or

(D) A mass casualties event.

(b)(1) A public employer that employs a public safety employee shall provide coverage for licensed counseling for a public safety employee who experiences a traumatic event while in the course of duty.

(2)(A) The coverage under subdivision (b)(1) shall allow for up to twelve (12) licensed counseling visits per calendar year.

(B) The public employer shall pay for the licensed counseling visits.

(C) The licensed counseling visits may be provided through telehealth.

(c) 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) A public employer that provides coverage under subdivision (b)(1) of this section shall ensure that the following data is compiled as part of the coverage:

(A) The number of public safety employees who have participated in licensed counseling;

(B) The average number of visits of licensed counseling per public safety employee;

(C) The average number of months that a public safety employee participated in licensed counseling;

(D) The average number of days that a public safety employee who participated in licensed counseling missed work;

(E)(i) The total number of public safety employees who participated in licensed counseling and who subsequently filed a workers' compensation claim.

(ii) The data compiled under subdivision (d)(1)(E)(i) of this section shall include the number of claims that were approved and the number of claims that were denied; and

(F) For each public employer:

(i) The total amount of work missed by public safety employees who participated in licensed counseling; and

(ii) How missed work was accounted for by the public employer or through employee benefits.

(2) In implementing subdivision (d)(1) of this section, a public employer shall not compile and report data that is protected under the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.

(e)(1)(A) A public employer shall allow a public safety employee to select the public safety employee's own licensed mental health professional.

(B) However, if a licensed mental health professional declines to provide licensed counseling under this section, then the public employer is not required to secure the services of that licensed mental health professional under subdivision (e)(1)(A) of this section.

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

(B) The public employee is responsible for providing any documentation to evidence the amount billed to the public employee under the current health benefit plan.

SECTION 2. DO NOT CODIFY. Study of availability of peer support access and licensed counseling for volunteer firefighters – Legislative findings – Reporting requirements – Definitions.

(a) As used in this section:

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

(2) "Licensed mental health professional" means a licensed individual who:

(A) Specializes in trauma and crisis;

(B) Uses evidence-based treatment options; and

(C) Is one (1) of the following:

(i) A psychiatrist;

(ii) A psychologist;

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

(iv) A mental health nurse practitioner or mental health clinical nurse who is:

(a) A registered nurse licensed and certified by the Arkansas State Board of Nursing as an advanced practice nurse; and

(b) Working within the scope of practice as authorized by law; or

(v) A psychiatric physician assistant who is working under the supervision of a licensed physician;

(3) "Traumatic event" means an individual's direct 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 individual or another person; or

(D) A mass casualty event; and

(4) "Volunteer firefighter" means a member of a fire department or firefighting unit who:

(A) Actively engages in fire suppression, rescue, pump operation, or other firefighting activity; and

(B) Receives less than five thousand dollars (\$5,000) in total compensation during the taxable year from the volunteer fire department or firefighting unit that the volunteer firefighter services.

(b) The General Assembly finds that:

(1) Volunteer firefighters provide a valuable and important service to the citizens and communities in this state by participating in a

firefighting unit that actively engages in fire suppression, rescue, pump operation, or other firefighting activities;

(2) Volunteer firefighters may experience traumatic events that experience and training has not adequately prepared the volunteer firefighters to handle and address in a healthy way;

(3) A volunteer firefighter who experiences a traumatic event should have access to licensed counseling and other available resources;

(4) Coverage for licensed counseling should be made available to a volunteer firefighter who experiences a traumatic event; and

(5) In order to demonstrate the effectiveness of licensed counseling for volunteer firefighters and benefits or difficulties in the providing coverage for licensed counseling to volunteer firefighters, additional data is needed.

(c) The State Fire Prevention Commission with the cooperation of local governments interested in participating shall study the availability of peer support access and licensed counseling for volunteer firefighters to evaluate the viability and sustainability of providing coverage for licensed counseling and peer support access for volunteer firefighters.

(d) The study under subsection (c) of this section shall include:

(1) Evaluating possible ways to fund coverage for licensed counseling for a traumatic event for volunteer firefighters; and

(2) Developing recommendations for potential legislation that is necessary to implement coverage for licensed counseling for volunteer firefighters.

(e) A report summarizing the results of the study under this section shall be filed with the Legislative Council no later than July 1, 2024.

*SECTION 3. DO NOT CODIFY. EFFECTIVE DATE. Section 1 of this act is effective January 1, 2024.*

*SECTION 4. DO NOT CODIFY. Expiration. This act expires January 1, 2025, unless extended by the General Assembly.*

/s/Wing