



Sarah Huckabee Sanders  
GOVERNOR

## STATE OF ARKANSAS FIRE PROTECTION SERVICES BOARD

ARKANSAS LEGISLATIVE COUNCIL (ALC)  
Arkansas State Legislature  
1 Capitol Mall, Fifth Floor  
Little Rock, AR 72201

Re: HB1302 of 2022 – 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.

House Bill 1302 tasked the Arkansas Fire Protection Services Board (AFPSB) with researching the access to mental health care and peer support for volunteer firefighters. The AFPSB formed a committee to complete the research. The following are the findings and recommendations of the committee:

- Insurance
  - Worker's compensation does not cover mental health.
  - There are insurance companies in the state currently issuing policies to volunteer fire departments for Accident and Sickness. These policies have a mental health coverage
  - This committee has no recommendations for a revenue source. However, legislation that offers incentives for local governments to provide coverage to their volunteer firefighters seems like a viable option.
- There is not a peer support group made up of volunteer firefighters in the State of Arkansas.
  - The Arkansas Professional Firefighters have offered their peer support team until a permanent solution can be established
  - The Arkansas Fire Training Academy is will willing to develop or adopt a curriculum for train the trainer of peer support teams

Brad Hardin

Chairman  
Fire Protection Services Board

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

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

2 94th General Assembly

# A Bill

3 Regular Session, 2023

HOUSE BILL 1302

4

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

6 By: Senator C. Tucker

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## For An Act To Be Entitled

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

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## Subtitle

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

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

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(a) As used in this section:

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(1) "Firefighter" means:

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(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

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



1 Training Academy or a member of the firefighting organization of the Arkansas  
2 National Guard Robinson Maneuver Training Center or of the Arkansas National  
3 Guard Fort Chaffee Joint Maneuver Training Center;

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

6 (3) "Licensed mental health professional" means a licensed  
7 individual who:

8 (A) Specializes in trauma and crisis;

9 (B) Uses evidence-based treatment options; and

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

11 (i) A psychiatrist;

12 (ii) A psychologist;

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

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

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

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

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

23 (4) "Police officer" means:

24 (A) A paid, full-time law enforcement officer engaged in  
25 official duty who is a member of:

26 (i) A regular police force;

27 (ii) The Division of Arkansas State Police; or

28 (iii) The law enforcement organization of the:

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

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

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

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

- 1           (5) "Public safety employee" means a public employee who is:
- 2                   (A) A probation officer, surveillance officer, or adult or
- 3 juvenile detention officer employed by this state or a political subdivision
- 4 of this state;
- 5                   (B) A firefighter; or
- 6                   (C) A police officer; and

- 7           (6) "Traumatic event" means an individual's direct exposure in
- 8 the line of duty to an incident involving:
- 9                   (A) The extraordinary traumatic bodily injury or death of
- 10 a person;
- 11                   (B) The serious injury, death, abuse, or exploitation of a
- 12 minor;
- 13                   (C) An immediate threat to the life of the individual or
- 14 another person; or
- 15                   (D) A mass casualties event.

16           (b)(1) A public employer that employs a public safety employee shall

17 provide coverage for licensed counseling for a public safety employee who

18 experiences a traumatic event while in the course of duty.

19           (2)(A) The coverage under subdivision (b)(1) shall allow for up

20 to twelve (12) licensed counseling visits per calendar year.

21                   (B) The public employer shall pay for the licensed

22 counseling visits.

23                   (C) The licensed counseling visits may be provided through

24 telehealth.

25           (c) Payment by a public employer for licensed counseling under this

26 section does not create a presumption that a claim is compensable under §§

27 11-9-113 or 11-9-114.

28           (d)(1) A public employer that provides coverage under subdivision

29 (b)(1) of this section shall ensure that the following data is compiled as

30 part of the coverage:

31                   (A) The number of public safety employees who have

32 participated in licensed counseling;

33                   (B) The average number of visits of licensed counseling

34 per public safety employee;

35                   (C) The average number of months that a public safety

36 employee participated in licensed counseling;

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

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

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

9                   (F) For each public employer:

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

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

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

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

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

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

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

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

34                   (a) As used in this section:

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

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

3           (A) Specializes in trauma and crisis;

4           (B) Uses evidence-based treatment options; and

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

6                   (i) A psychiatrist;

7                   (ii) A psychologist;

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

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

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

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

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

18           (3) "Traumatic event" means an individual's direct exposure in  
19 the line of duty to an incident involving:

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

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

24                   (C) An immediate threat to the life of the individual or  
25 another person; or

26                   (D) A mass casualty event; and

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

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

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

34           (b) The General Assembly finds that:

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

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

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

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

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

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

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

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

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

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

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

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

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31 SECTION 4. DO NOT CODIFY. Expiration. This act expires January 1,  
32 2025, unless extended by the General Assembly.

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34 /s/Wing