

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H2/20/23

A Bill

HOUSE BILL 1302

5 By: Representative Wing
6

For An Act To Be Entitled

8 AN ACT TO MANDATE TRAUMATIC EVENT LICENSED COUNSELING
9 FOR PUBLIC SAFETY EMPLOYEES; TO REQUIRE A STUDY OF
10 AVAILABILITY FOR PEER SUPPORT ACCESS FOR VOLUNTEER
11 FIREFIGHTERS; AND FOR OTHER PURPOSES.
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Subtitle

14 TO MANDATE TRAUMATIC EVENT LICENSED
15 COUNSELING FOR PUBLIC SAFETY EMPLOYEES;
16 AND TO REQUIRE A STUDY OF AVAILABILITY
17 FOR PEER SUPPORT ACCESS FOR VOLUNTEER
18 FIREFIGHTERS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 21, Chapter 5, Subchapter 6, is amended
25 to add an additional section to read as follows:

26 21-5-611. Traumatic event licensed counseling for public safety
27 employees – Exceptions – Definitions.

28 (a) As used in this section:

29 (1) "Firefighter" means:

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

35 (B) A paid, full-time instructor of the Arkansas Fire
36 Training Academy or a member of the firefighting organization of the Arkansas



1 National Guard Robinson Maneuver Training Center or of the Arkansas National
2 Guard Fort Chaffee Joint Maneuver Training Center;

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

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

7 (A) Specializes in trauma and crisis;

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

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

10 (i) A psychiatrist;

11 (ii) A psychologist;

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

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

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

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

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

22 (4) "Police officer" means:

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

25 (i) A regular police force;

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

27 (iii) The law enforcement organization of the:

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

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

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

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

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

- 1 (A) A member of a state-supported retirement system;
2 (B) A probation officer, surveillance officer, or juvenile
3 detention officer employed by this state or a political subdivision of this
4 state;
5 (C) A firefighter; or
6 (D) 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.
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) The public employer shall pay the licensed mental health
25 professional subject to the deductibles and conditions under the public
26 safety employee's current health benefit plan.

27
28 SECTION 2. DO NOT CODIFY. Study of availability of peer support
29 access and licensed counseling for volunteer firefighters – Legislative
30 findings – Reporting requirements – Definitions.

31 (a) As used in this section:

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

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

36 (A) Specializes in trauma and crisis;

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

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

3 (i) A psychiatrist;

4 (ii) A psychologist;

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

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

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

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

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

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

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

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

21 (C) An immediate threat to the life of the individual or
22 another person; or

23 (D) A mass casualty event; and

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

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

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

31 (b) The General Assembly finds that:

32 (1) Volunteer firefighters provide a valuable and important
33 service to the citizens and communities in this state by participating in a
34 firefighting unit that actively engages in fire suppression, rescue, pump
35 operation, or other firefighting activities;

36 (2) Volunteer firefighters may experience traumatic events that

1 experience and training has not adequately prepared the volunteer
2 firefighters to handle and address in a healthy way;

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

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

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

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

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

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

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

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

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25 SECTION 3. DO NOT CODIFY. EFFECTIVE DATE. Section 1 of this act is
26 effective on or after January 1, 2024.

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28 /s/Wing
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