

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,

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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