

State of Arizona  
House of Representatives  
Fifty-third Legislature  
Second Regular Session  
2018

**CHAPTER 259**  
**HOUSE BILL 2502**

AN ACT

AMENDING SECTION 38-672, ARIZONA REVISED STATUTES; AMENDING TITLE 38, CHAPTER 4, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-673; REPEALING SECTION 38-673, ARIZONA REVISED STATUTES; RELATING TO EMPLOYEE BENEFITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-672, Arizona Revised Statutes, is amended to  
3 read:

4 38-672. Traumatic event counseling for public safety  
5 employees; report; exceptions; definitions

6 A. Notwithstanding any other law, this state or a political  
7 subdivision of this state shall establish a program to provide ~~any of the~~  
8 ~~following persons~~ PUBLIC SAFETY EMPLOYEES who are exposed to any one of  
9 the following events while in the course of duty up to twelve visits of  
10 licensed counseling, which may be provided via telemedicine, paid for by  
11 the employer:

12 ~~1. In the case of the peace officer, the use of deadly force or~~  
13 ~~subjection to deadly force in the line of duty, regardless of whether the~~  
14 ~~officer was physically injured.~~

15 ~~2. In the case of a firefighter, witnessing the death of another~~  
16 ~~firefighter while engaged in the line of duty.~~

17 ~~3. In the case of a public safety employee:~~

18 ~~(a)~~ 1. Visually witnessing the death or maiming or visually  
19 witnessing the immediate aftermath of such a death or maiming of one or  
20 more human beings.

21 ~~(b)~~ 2. Responding to or being directly involved in a criminal  
22 investigation of AN OFFENSE INVOLVING a dangerous crime against ~~a child~~  
23 ~~punishable under~~ CHILDREN AS DEFINED IN section 13-705.

24 ~~(c)~~ 3. Requiring rescue in the line of duty where one's life was  
25 endangered.

26 B. Payment by the employer for licensed counseling pursuant to this  
27 section does not create a presumption that a claim is compensable under  
28 section 23-1043.01, subsection B.

29 C. FOR EACH PROGRAM ESTABLISHED PURSUANT TO THIS SECTION, THIS  
30 STATE AND EACH POLITICAL SUBDIVISION OF THIS STATE SHALL COMPILE THE  
31 FOLLOWING DATA:

32 1. THE TOTAL NUMBER OF PUBLIC SAFETY EMPLOYEES WHO HAVE  
33 PARTICIPATED IN THE PROGRAM.

34 2. THE AVERAGE NUMBER OF VISITS PER PUBLIC SAFETY EMPLOYEE.

35 3. THE AVERAGE NUMBER OF MONTHS THAT A PUBLIC SAFETY EMPLOYEE  
36 PARTICIPATED IN THE PROGRAM.

37 4. THE AVERAGE NUMBER OF DAYS THAT A PUBLIC SAFETY EMPLOYEE WHO  
38 PARTICIPATED IN THE PROGRAM MISSED WORK.

39 5. THE TOTAL NUMBER OF PUBLIC SAFETY EMPLOYEES WHO PARTICIPATED IN  
40 THE PROGRAM AND WHO SUBSEQUENTLY FILED A WORKERS' COMPENSATION CLAIM AND  
41 THE NUMBER OF THOSE CLAIMS THAT WERE APPROVED AND THE NUMBER OF THOSE  
42 CLAIMS THAT WERE DENIED.

43 6. FOR EACH EMPLOYER, THE TOTAL AMOUNT OF WORK MISSED BY PUBLIC  
44 SAFETY EMPLOYEES WHO PARTICIPATED IN THE PROGRAM AND HOW MISSED WORK WAS  
45 PROVIDED FOR BY THE EMPLOYER OR THROUGH EMPLOYEE BENEFITS.

1 D. ON OR BEFORE SEPTEMBER 1, 2019 AND SEPTEMBER 1 OF EACH YEAR  
2 THEREAFTER, THIS STATE AND EACH POLITICAL SUBDIVISION OF THIS STATE SHALL  
3 SUBMIT THE DATA COLLECTED PURSUANT TO SUBSECTION C OF THIS SECTION TO THE  
4 DEPARTMENT OF ADMINISTRATION. ON OR BEFORE OCTOBER 1, 2019 AND OCTOBER 1  
5 OF EACH YEAR THEREAFTER, THE DEPARTMENT OF ADMINISTRATION SHALL COMPILE  
6 THE DATA INTO A REPORT AND SUBMIT THE REPORT TO THE GOVERNOR, THE  
7 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE  
8 CHAIRPERSON OF THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR ITS  
9 SUCCESSOR COMMITTEE, THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES  
10 HEALTH COMMITTEE, OR ITS SUCCESSOR COMMITTEE, THE CHAIRPERSON OF THE  
11 SENATE COMMERCE AND PUBLIC SAFETY COMMITTEE, OR ITS SUCCESSOR COMMITTEE,  
12 AND THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES JUDICIARY AND PUBLIC  
13 SAFETY COMMITTEE, OR ITS SUCCESSOR COMMITTEE, AND SHALL PROVIDE A COPY OF  
14 THIS REPORT TO THE SECRETARY OF STATE. SUBSECTION C OF THIS SECTION AND  
15 THIS SUBSECTION DO NOT AUTHORIZE THIS STATE OR A POLITICAL SUBDIVISION OF  
16 THIS STATE TO COMPILE AND REPORT DATA THAT IS PROTECTED UNDER THE HEALTH  
17 INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (P.L. 104-191; 110  
18 STAT. 1936).

19 ~~E.~~ E. This section does not apply to a state employer that  
20 provides a program to its public safety employees that is characterized by  
21 all of the following:

22 1. The program is paid for by the employer.

23 2. The program provides licensed counseling for any issue. For  
24 licensed counseling related to trauma experienced while in the line of  
25 duty, the licensed counseling is provided on the request of the public  
26 safety employee and ~~shall be~~ IS in person.

27 3. Before July 1, 2017, the program offers at least six visits per  
28 year.

29 4. On or after July 1, 2017, the program offers at least twelve  
30 visits per year.

31 ~~F.~~ F. For the purposes of this section:

32 1. "Licensed counseling" means counseling provided by a licensed  
33 mental health professional pursuant to title 32, chapter 19.1 or ~~chapter~~  
34 33 if licensees under title 32, chapter 33 have training and expertise in  
35 treating trauma.

36 2. "Public safety employee":

37 (a) Means:

38 ~~(a)~~ (i) EXCEPT AS PRESCRIBED IN SUBDIVISION (b) OF THIS PARAGRAPH,  
39 an individual who is a member of the public safety personnel retirement  
40 system or the corrections officer retirement plan.

41 ~~(b)~~ (ii) EXCEPT AS PRESCRIBED IN SUBDIVISION (b) OF THIS  
42 PARAGRAPH, a probation officer, surveillance officer or juvenile detention  
43 officer who is employed by this state or a political subdivision of this  
44 state.

45 (b) DOES NOT INCLUDE PEACE OFFICERS OR FIREFIGHTERS.

1           Sec. 2. Title 38, chapter 4, article 5, Arizona Revised Statutes,  
2 is amended by adding section 38-673, to read:

3           38-673. Traumatic event counseling for peace officers and  
4           firefighters; report; exceptions; definitions

5           A. NOTWITHSTANDING ANY OTHER LAW, THIS STATE OR A POLITICAL  
6 SUBDIVISION OF THIS STATE SHALL ESTABLISH A PROGRAM TO PROVIDE PEACE  
7 OFFICERS AND FIREFIGHTERS WHO ARE EXPOSED TO ANY ONE OF THE FOLLOWING  
8 EVENTS WHILE IN THE COURSE OF DUTY UP TO TWELVE VISITS OF LICENSED  
9 COUNSELING, WHICH MAY BE PROVIDED VIA TELEMEDICINE, PAID FOR BY THE  
10 EMPLOYER:

11           1. VISUALLY WITNESSING THE DEATH OR MAIMING OR VISUALLY WITNESSING  
12 THE IMMEDIATE AFTERMATH OF SUCH A DEATH OR MAIMING OF ONE OR MORE HUMAN  
13 BEINGS.

14           2. RESPONDING TO OR BEING DIRECTLY INVOLVED IN A CRIMINAL  
15 INVESTIGATION OF AN OFFENSE INVOLVING A DANGEROUS CRIME AGAINST CHILDREN  
16 AS DEFINED IN SECTION 13-705.

17           3. REQUIRING RESCUE IN THE LINE OF DUTY WHERE ONE'S LIFE WAS  
18 ENDANGERED.

19           4. USING DEADLY FORCE OR BEING SUBJECTED TO DEADLY FORCE IN THE  
20 LINE OF DUTY, REGARDLESS OF WHETHER THE PEACE OFFICER OR FIREFIGHTER WAS  
21 PHYSICALLY INJURED.

22           5. WITNESSING THE DEATH OF ANOTHER PEACE OFFICER OR FIREFIGHTER  
23 WHILE ENGAGED IN THE LINE OF DUTY.

24           6. RESPONDING TO OR BEING DIRECTLY INVOLVED IN AN INVESTIGATION  
25 REGARDING THE DROWNING OR NEAR DROWNING OF A CHILD.

26           B. IF THE LICENSED MENTAL HEALTH PROFESSIONAL DETERMINES THAT THE  
27 PEACE OFFICER OR FIREFIGHTER NEEDS ADDITIONAL VISITS OF LICENSED  
28 COUNSELING BEYOND THAT WHICH THE PEACE OFFICER OR FIREFIGHTER IS ENTITLED  
29 TO UNDER SUBSECTION A OF THIS SECTION AND THAT THE ADDITIONAL VISITS ARE  
30 LIKELY TO IMPROVE THE PEACE OFFICER'S OR FIREFIGHTER'S CONDITION, THE  
31 EMPLOYER SHALL PAY FOR UP TO AN ADDITIONAL TWENTY-FOUR VISITS, IF THE  
32 VISITS OCCUR WITHIN ONE YEAR AFTER THE FIRST VISIT PURSUANT TO THIS  
33 SECTION.

34           C. AN EMPLOYER MAY NOT REQUIRE A PEACE OFFICER OR FIREFIGHTER WHO  
35 IS RECEIVING TREATMENT PURSUANT TO THIS SECTION TO USE THE PEACE OFFICER'S  
36 OR FIREFIGHTER'S ACCRUED PAID VACATION, PERSONAL LEAVE OR SICK LEAVE IF  
37 THE PEACE OFFICER OR FIREFIGHTER LEAVES WORK TO ATTEND A TREATMENT VISIT  
38 PURSUANT TO THIS SECTION.

39           D. IF THE LICENSED MENTAL HEALTH PROFESSIONAL DETERMINES THAT THE  
40 PEACE OFFICER OR FIREFIGHTER IS NOT FIT FOR DUTY WHILE THE PEACE OFFICER  
41 OR FIREFIGHTER IS RECEIVING TREATMENT PURSUANT TO THIS SECTION, THE  
42 EMPLOYER SHALL ENSURE THAT THE PEACE OFFICER OR FIREFIGHTER HAS NO LOSS OF  
43 PAY AND BENEFITS FOR UP TO THIRTY CALENDAR DAYS PER INCIDENT AFTER THE  
44 DATE THE LICENSED MENTAL HEALTH PROFESSIONAL DETERMINES THAT THE EMPLOYEE  
45 IS NOT FIT FOR DUTY IF ALL OF THE FOLLOWING APPLY:

1           1. THE PEACE OFFICER OR FIREFIGHTER IS UNABLE TO WORK LIGHT DUTY OR  
2 THE EMPLOYER DOES NOT OFFER A LIGHT DUTY OPTION.

3           2. THE PEACE OFFICER OR FIREFIGHTER HAS EXHAUSTED THE PEACE  
4 OFFICER'S OR FIREFIGHTER'S SICK LEAVE, VACATION LEAVE OR OTHER LEAVE THAT  
5 IS PROVIDED AS PART OF THE PEACE OFFICER'S OR FIREFIGHTER'S BENEFITS  
6 PACKAGE.

7           3. IF THE EMPLOYER OFFERS SHORT-TERM DISABILITY BENEFITS, THE  
8 EMPLOYER OFFERED AND THE PEACE OFFICER OR FIREFIGHTER ELECTED SHORT-TERM  
9 DISABILITY BENEFITS, BUT THE PEACE OFFICER OR FIREFIGHTER IS NOT ELIGIBLE  
10 TO RECEIVE SHORT-TERM DISABILITY BENEFITS.

11           4. THE EMPLOYER DOES NOT HAVE A SUPPLEMENTAL PROGRAM THAT PROVIDES  
12 PAY AND BENEFITS AFTER THE OCCURRENCE OF AN INJURY. FOR THE PURPOSES OF  
13 THIS PARAGRAPH, SUPPLEMENTAL PROGRAM THAT PROVIDES PAY AND BENEFITS AFTER  
14 THE OCCURRENCE OF AN INJURY DOES NOT INCLUDE A SUPPLEMENTAL BENEFITS PLAN  
15 ESTABLISHED PURSUANT TO SECTION 38-961.

16           E. AN EMPLOYER SHALL ALLOW A PEACE OFFICER OR FIREFIGHTER TO SELECT  
17 THE PEACE OFFICER'S OR FIREFIGHTER'S OWN LICENSED MENTAL HEALTH  
18 PROFESSIONAL, EXCEPT THAT IF A LICENSED MENTAL HEALTH PROFESSIONAL  
19 DECLINES TO PROVIDE COUNSELING PURSUANT TO THIS SECTION, THE EMPLOYER IS  
20 NOT REQUIRED TO SECURE THE SERVICES OF THAT LICENSED MENTAL HEALTH  
21 PROFESSIONAL. THE EMPLOYER SHALL PAY THE LICENSED MENTAL HEALTH  
22 PROFESSIONAL PURSUANT TO THE SCHEDULE OF FEES THAT IS FIXED BY THE  
23 INDUSTRIAL COMMISSION OF ARIZONA PURSUANT TO SECTION 23-908.

24           F. PAYMENT BY THE EMPLOYER FOR LICENSED COUNSELING PURSUANT TO THIS  
25 SECTION DOES NOT CREATE A PRESUMPTION THAT A CLAIM IS COMPENSABLE UNDER  
26 SECTION 23-1043.01, SUBSECTION B.

27           G. FOR EACH PROGRAM ESTABLISHED PURSUANT TO THIS SECTION, THIS  
28 STATE AND EACH POLITICAL SUBDIVISION OF THIS STATE SHALL COMPILE THE  
29 FOLLOWING DATA FOR PEACE OFFICERS AND FIREFIGHTERS:

30           1. FOR EACH CATEGORY OF PERSONS, THE TOTAL NUMBER OF PERSONS WHO  
31 HAVE PARTICIPATED IN THE PROGRAM.

32           2. FOR EACH CATEGORY OF PERSONS, THE AVERAGE NUMBER OF VISITS PER  
33 PERSON.

34           3. FOR EACH CATEGORY OF PERSONS, THE AVERAGE NUMBER OF MONTHS THAT  
35 A PERSON PARTICIPATED IN THE PROGRAM.

36           4. FOR EACH CATEGORY OF PERSONS, THE AVERAGE NUMBER OF DAYS THAT A  
37 PERSON WHO PARTICIPATED IN THE PROGRAM MISSED WORK.

38           5. FOR EACH CATEGORY OF PERSONS, THE TOTAL NUMBER OF PERSONS WHO  
39 PARTICIPATED IN THE PROGRAM AND WHO SUBSEQUENTLY FILED A WORKERS'  
40 COMPENSATION CLAIM AND THE NUMBER OF THOSE CLAIMS THAT WERE APPROVED AND  
41 THE NUMBER OF THOSE CLAIMS THAT WERE DENIED.

42           6. FOR EACH CATEGORY OF PERSONS, OF THE TOTAL NUMBER OF PERSONS WHO  
43 HAVE PARTICIPATED IN THE PROGRAM, THE PERCENTAGE OF PERSONS WHO RECEIVED  
44 ADDITIONAL VISITS UNDER SUBSECTION B OF THIS SECTION.

1           7. FOR EACH CATEGORY OF PERSONS, THE TOTAL NUMBER OF PERSONS WHO  
2 WERE DEEMED NOT FIT FOR DUTY BY A LICENSED MENTAL HEALTH PROFESSIONAL  
3 PURSUANT TO SUBSECTION D OF THIS SECTION.

4           8. FOR EACH EMPLOYER, THE TOTAL AMOUNT OF WORK MISSED BY EACH  
5 CATEGORY OF PERSONS WHO PARTICIPATED IN THE PROGRAM AND HOW MISSED WORK  
6 WAS PROVIDED FOR BY THE EMPLOYER OR THROUGH EMPLOYEE BENEFITS.

7           H. ON OR BEFORE SEPTEMBER 1, 2019 AND SEPTEMBER 1 OF EACH YEAR  
8 THEREAFTER, THIS STATE AND EACH POLITICAL SUBDIVISION OF THIS STATE SHALL  
9 SUBMIT THE DATA COLLECTED PURSUANT TO SUBSECTION G OF THIS SECTION TO THE  
10 DEPARTMENT OF ADMINISTRATION. ON OR BEFORE OCTOBER 1, 2019 AND OCTOBER 1  
11 OF EACH YEAR THEREAFTER, THE DEPARTMENT OF ADMINISTRATION SHALL COMPILE  
12 THE DATA INTO A REPORT AND SUBMIT THE REPORT TO THE GOVERNOR, THE  
13 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE  
14 CHAIRPERSON OF THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR ITS  
15 SUCCESSOR COMMITTEE, THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES  
16 HEALTH COMMITTEE, OR ITS SUCCESSOR COMMITTEE, THE CHAIRPERSON OF THE  
17 SENATE COMMERCE AND PUBLIC SAFETY COMMITTEE, OR ITS SUCCESSOR COMMITTEE,  
18 AND THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES JUDICIARY AND PUBLIC  
19 SAFETY COMMITTEE, OR ITS SUCCESSOR COMMITTEE, AND SHALL PROVIDE A COPY OF  
20 THIS REPORT TO THE SECRETARY OF STATE. SUBSECTION G OF THIS SECTION AND  
21 THIS SUBSECTION DO NOT AUTHORIZE THIS STATE OR A POLITICAL SUBDIVISION OF  
22 THIS STATE TO COMPILE AND REPORT DATA THAT IS PROTECTED UNDER THE HEALTH  
23 INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (P.L. 104-191; 110  
24 STAT. 1936).

25           I. THIS SECTION DOES NOT APPLY TO A STATE EMPLOYER THAT PROVIDES A  
26 PROGRAM TO ITS PEACE OFFICERS AND FIREFIGHTERS THAT IS CHARACTERIZED BY  
27 ALL OF THE FOLLOWING:

28           1. THE PROGRAM IS PAID FOR BY THE EMPLOYER.

29           2. THE PROGRAM PROVIDES LICENSED COUNSELING FOR ANY ISSUE. FOR  
30 LICENSED COUNSELING RELATED TO TRAUMA EXPERIENCED WHILE IN THE LINE OF  
31 DUTY, THE LICENSED COUNSELING IS PROVIDED ON THE REQUEST OF THE PEACE  
32 OFFICER OR FIREFIGHTER AND IS IN PERSON.

33           3. THE PROGRAM OFFERS AT LEAST TWELVE VISITS PER YEAR AND WILL  
34 OFFER ADDITIONAL VISITS IF THE LICENSED MENTAL HEALTH PROFESSIONAL  
35 DETERMINES THAT ADDITIONAL VISITS ARE NECESSARY.

36           J. FOR THE PURPOSES OF THIS SECTION:

37           1. "LICENSED COUNSELING" MEANS COUNSELING PROVIDED BY A LICENSED  
38 MENTAL HEALTH PROFESSIONAL.

39           2. "LICENSED MENTAL HEALTH PROFESSIONAL" MEANS A PSYCHIATRIST OR  
40 PSYCHOLOGIST WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13, 17 OR 19.1.

41           Sec. 3. Delayed repeal

42           Section 38-673, Arizona Revised Statutes, as added by this act, is  
43 repealed from and after December 31, 2022.

44           Sec. 4. Short title

45           This act may be cited as the "Officer Craig Tiger Act".

APPROVED BY THE GOVERNOR APRIL 23, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2018.