

Senate Engrossed House Bill

~~communicable disease information; 911 dispatchers~~  
(now: trauma counseling; 911 dispatchers)

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

**CHAPTER 109**  
**HOUSE BILL 2717**

AN ACT

AMENDING SECTIONS 38-672 AND 38-673, ARIZONA REVISED STATUTES; RELATING TO  
TRAUMATIC EVENT COUNSELING.

(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 public  
8 safety employees who are exposed to any one of the following events while  
9 in the course of duty up to twelve visits of licensed counseling, which  
10 may be provided through telehealth, paid for by the employer:  
11 1. Visually OR AUDIBLY witnessing the death or maiming or visually  
12 OR AUDIBLY witnessing the immediate aftermath of such a death or maiming  
13 of one or more human 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 B. Payment by the employer for licensed counseling pursuant to this  
20 section does not create a presumption that a claim is compensable under  
21 section 23-1043.01, subsection B.  
22 C. For each program established pursuant to this section, this  
23 state and each political subdivision of this state shall compile the  
24 following data:  
25 1. The total number of public safety employees who have  
26 participated in the program.  
27 2. The average number of visits per public safety employee.  
28 3. The average number of months that a public safety employee  
29 participated in the program.  
30 4. The average number of days that a public safety employee who  
31 participated in the program missed work.  
32 5. The total number of public safety employees who participated in  
33 the program and who subsequently filed a workers' compensation claim and  
34 the number of those claims that were approved and the number of those  
35 claims that were denied.  
36 6. For each employer, the total amount of work missed by public  
37 safety employees who participated in the program and how missed work was  
38 provided for by the employer or through employee benefits.  
39 D. On or before September 1 of each year, this state and each  
40 political subdivision of this state shall submit the data collected  
41 pursuant to subsection C of this section to the department of  
42 administration. On or before October 1 of each year, the department of  
43 administration shall compile the data into a report and submit the report  
44 to the governor, the president of the senate, the speaker of the house of  
45 representatives, the chairperson of the senate health and human services

1 committee, or its successor committee, the chairperson of the house of  
2 representatives health AND HUMAN SERVICES committee, or its successor  
3 committee, the chairperson of the senate ~~commerce and~~ MILITARY AFFAIRS,  
4 public safety AND BORDER SECURITY committee, or its successor committee,  
5 and the chairperson of the house of representatives ~~judiciary~~ MILITARY  
6 AFFAIRS and public safety committee, or its successor committee, and shall  
7 provide a copy of this report to the secretary of state. Subsection C of  
8 this section and this subsection do not authorize this state or a  
9 political subdivision of this state to compile and report data that is  
10 protected under the health insurance portability and accountability act of  
11 1996 (P.L. 104-191; 110 Stat. 1936).

12 E. This section does not apply to a state employer that provides a  
13 program to its public safety employees that is characterized by all of the  
14 following:

- 15 1. The program is paid for by the employer.
- 16 2. The program provides licensed counseling for any issue. For  
17 licensed counseling related to trauma experienced while in the line of  
18 duty, the licensed counseling is provided on the request of the public  
19 safety employee and is in person.
- 20 3. Before July 1, 2017, the program offers at least six visits per  
21 year.
- 22 4. On or after July 1, 2017, the program offers at least twelve  
23 visits per year.

24 F. For the purposes of this section:

25 1. "Licensed counseling" means counseling provided by a licensed  
26 mental health professional.

27 2. "Licensed mental health professional" means a licensed  
28 individual who specializes in trauma and crisis, who uses evidence-based  
29 treatment options and who is one of the following:

30 (a) A psychiatrist who is licensed pursuant to title 32, chapter 13  
31 or 17.

32 (b) A psychologist who is licensed pursuant to title 32,  
33 chapter 19.1.

34 (c) A mental health professional who is licensed pursuant to  
35 title 32, chapter 33 and who holds either a master's or doctoral degree  
36 related to the mental health profession.

37 (d) A mental health nurse practitioner or a psychiatric clinical  
38 nurse specialist who is licensed pursuant to title 32, chapter 15.

39 (e) A physician assistant who is licensed pursuant to title 32,  
40 chapter 25.

41 3. "Public safety employee":

42 (a) Means:

43 (i) Except as prescribed in subdivision (b) of this paragraph, an  
44 individual who is a member of the public safety personnel retirement  
45 system or the corrections officer retirement plan.

1 (ii) Except as prescribed in subdivision (b) of this paragraph, a  
2 probation officer, surveillance officer or juvenile detention officer who  
3 is employed by this state or a political subdivision of this state.

4 (iii) EXCEPT AS PRESCRIBED IN SUBDIVISION (b) OF THIS PARAGRAPH, A  
5 911 DISPATCHER IN A PRIMARY OR SECONDARY PUBLIC SAFETY ANSWERING POINT.

6 (b) Does not include peace officers or firefighters.

7 Sec. 2. Section 38-673, Arizona Revised Statutes, is amended to  
8 read:

9 38-673. Traumatic event counseling for peace officers,  
10 firefighters and 911 dispatchers: report:  
11 exceptions; definitions

12 A. Notwithstanding any other law, this state or a political  
13 subdivision of this state shall establish a program to provide peace  
14 officers, ~~and~~ firefighters AND 911 DISPATCHERS who are exposed to any one  
15 of the following events while in the course of duty up to twelve visits of  
16 licensed counseling, which may be provided through telehealth, paid for by  
17 the employer:

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

21 2. Responding to or being directly involved in a criminal  
22 investigation of an offense involving a dangerous crime against children  
23 as defined in section 13-705.

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

26 4. Using deadly force or being subjected to deadly force in the  
27 line of duty, regardless of whether the peace officer or firefighter was  
28 physically injured.

29 5. Witnessing the death of another peace officer or firefighter  
30 while engaged in the line of duty.

31 6. Responding to or being directly involved in an investigation  
32 regarding the drowning or near drowning of a child.

33 B. If the licensed mental health professional determines that the  
34 peace officer, ~~or~~ firefighter OR 911 DISPATCHER needs additional visits of  
35 licensed counseling beyond that which the peace officer, ~~or~~ firefighter OR  
36 911 DISPATCHER is entitled to under subsection A of this section and that  
37 the additional visits are likely to improve the peace officer's, ~~or~~  
38 firefighter's OR 911 DISPATCHER'S condition, the employer shall pay for up  
39 to an additional twenty-four visits, if the visits occur within one year  
40 after the first visit pursuant to this section.

41 C. An employer may not require a peace officer, ~~or~~ firefighter OR  
42 911 DISPATCHER who is receiving treatment pursuant to this section to use  
43 the peace officer's, ~~or~~ firefighter's OR 911 DISPATCHER'S accrued paid  
44 vacation leave, personal leave or sick leave if the peace officer, ~~or~~

1 firefighter OR 911 DISPATCHER leaves work to attend a treatment visit  
2 pursuant to this section.

3 D. If the licensed mental health professional determines that the  
4 peace officer, ~~or~~ firefighter OR 911 DISPATCHER is not fit for duty while  
5 the peace officer, ~~or~~ firefighter OR 911 DISPATCHER is receiving treatment  
6 pursuant to this section, the employer shall ensure that the peace  
7 officer, ~~or~~ firefighter OR 911 DISPATCHER has no loss of pay and benefits  
8 for up to thirty calendar days per incident after the date the licensed  
9 mental health professional determines that the employee is not fit for  
10 duty if all of the following apply:

11 1. The peace officer, ~~or~~ firefighter OR 911 DISPATCHER is unable to  
12 work light duty or the employer does not offer a light duty option.

13 2. The peace officer, ~~or~~ firefighter OR 911 DISPATCHER has  
14 exhausted the peace officer's, ~~or~~ firefighter's OR 911 DISPATCHER'S sick  
15 leave, vacation leave or other leave that is provided as part of the peace  
16 officer's, ~~or~~ firefighter's OR 911 DISPATCHER'S benefits package.

17 3. If the employer offers short-term disability benefits, the  
18 employer offered and the peace officer, ~~or~~ firefighter OR 911 DISPATCHER  
19 elected short-term disability benefits, but the peace officer, ~~or~~  
20 firefighter OR 911 DISPATCHER is not eligible to receive short-term  
21 disability benefits.

22 4. The employer does not have a supplemental program that provides  
23 pay and benefits after the occurrence of an injury. For the purposes of  
24 this paragraph, supplemental program that provides pay and benefits after  
25 the occurrence of an injury does not include a supplemental benefits plan  
26 established pursuant to section 38-961.

27 E. An employer shall allow a peace officer, ~~or~~ firefighter OR 911  
28 DISPATCHER to select the peace officer's, ~~or~~ firefighter's OR 911  
29 DISPATCHER'S own licensed mental health professional, except that if a  
30 licensed mental health professional declines to provide counseling  
31 pursuant to this section, the employer is not required to secure the  
32 services of that licensed mental health professional. The employer shall  
33 pay the licensed mental health professional pursuant to the schedule of  
34 fees that is fixed by the industrial commission of Arizona pursuant to  
35 section 23-908.

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

39 G. For each program established pursuant to this section, this  
40 state and each political subdivision of this state shall compile the  
41 following data for peace officers, ~~and~~ firefighters AND 911 DISPATCHERS:

42 1. For each category of persons, the total number of persons who  
43 have participated in the program.

44 2. For each category of persons, the average number of visits per  
45 person.

1           3. For each category of persons, the average number of months that  
2 a person participated in the program.

3           4. For each category of persons, the average number of days that a  
4 person who participated in the program missed work.

5           5. For each category of persons, the total number of persons who  
6 participated in the program and who subsequently filed a workers'  
7 compensation claim and the number of those claims that were approved and  
8 the number of those claims that were denied.

9           6. For each category of persons, of the total number of persons who  
10 have participated in the program, the percentage of persons who received  
11 additional visits under subsection B of this section.

12           7. For each category of persons, the total number of persons who  
13 were deemed not fit for duty by a licensed mental health professional  
14 pursuant to subsection D of this section.

15           8. For each employer, the total amount of work missed by each  
16 category of persons who participated in the program and how missed work  
17 was provided for by the employer or through employee benefits.

18           H. On or before September 1 of each year, this state and each  
19 political subdivision of this state shall submit the data collected  
20 pursuant to subsection G of this section to the department of  
21 administration. On or before October 1 of each year, the department of  
22 administration shall compile the data into a report and submit the report  
23 to the governor, the president of the senate, the speaker of the house of  
24 representatives, the chairperson of the senate health and human services  
25 committee, or its successor committee, the chairperson of the house of  
26 representatives health AND HUMAN SERVICES committee, or its successor  
27 committee, the chairperson of the senate ~~commerce and~~ MILITARY AFFAIRS,  
28 public safety AND BORDER SECURITY committee, or its successor committee,  
29 and the chairperson of the house of representatives ~~judiciary~~ MILITARY  
30 AFFAIRS and public safety committee, or its successor committee, and shall  
31 provide a copy of this report to the secretary of state. Subsection G of  
32 this section and this subsection do not authorize this state or a  
33 political subdivision of this state to compile and report data that is  
34 protected under the health insurance portability and accountability act of  
35 1996 (P.L. 104-191; 110 Stat. 1936).

36           I. This section does not apply to a state employer that provides a  
37 program to its peace officers, ~~and~~ firefighters AND 911 DISPATCHERS that  
38 is characterized by all of the following:

- 39           1. The program is paid for by the employer.  
40           2. The program provides licensed counseling for any issue. For  
41 licensed counseling related to trauma experienced while in the line of  
42 duty, the licensed counseling is provided on the request of the peace  
43 officer, ~~or~~ firefighter OR 911 DISPATCHER and is in person.

- 1           3. The program offers at least twelve visits per year and will  
2 offer additional visits if the licensed mental health professional  
3 determines that additional visits are necessary.
- 4           J. For the purposes of this section:
- 5           1. "Licensed counseling" means counseling provided by a licensed  
6 mental health professional.
- 7           2. "Licensed mental health professional" means a licensed  
8 individual who specializes in trauma and crisis, who uses ~~evidenced-based~~  
9 EVIDENCE-BASED treatment options and who is one of the following:
- 10          (a) A psychiatrist who is licensed pursuant to title 32, chapter 13  
11 or 17.
- 12          (b) A psychologist who is licensed pursuant to title 32, chapter  
13 19.1.
- 14          (c) A mental health professional who is licensed pursuant to title  
15 32, chapter 33 and who holds either a master's or doctoral degree related  
16 to the mental health profession.
- 17          (d) A mental health nurse practitioner or a psychiatric clinical  
18 nurse specialist who is licensed pursuant to title 32, chapter 15.
- 19          3. "911 DISPATCHER" MEANS A 911 DISPATCHER IN A PRIMARY OR  
20 SECONDARY PUBLIC SAFETY ANSWERING POINT.

APPROVED BY THE GOVERNOR MAY 1, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2023.