

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

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.