

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2717

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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 may
10 be provided through telehealth, paid for by the 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 as
16 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.

1 C. For each program established pursuant to this section, this state
2 and each political subdivision of this state shall compile the following
3 data:

4 1. The total number of public safety employees who have participated
5 in the program.

6 2. The average number of visits per public safety employee.

7 3. The average number of months that a public safety employee
8 participated in the program.

9 4. The average number of days that a public safety employee who
10 participated in the program missed work.

11 5. The total number of public safety employees who participated in
12 the program and who subsequently filed a workers' compensation claim and
13 the number of those claims that were approved and the number of those
14 claims that were denied.

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

18 D. 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 C 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 C of
32 this section and this subsection do not authorize this state or a political

1 subdivision of this state to compile and report data that is protected
2 under the health insurance portability and accountability act of 1996 (P.L.
3 104-191; 110 Stat. 1936).

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

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

8 2. The program provides licensed counseling for any issue. For
9 licensed counseling related to trauma experienced while in the line of
10 duty, the licensed counseling is provided on the request of the public
11 safety employee and is in person.

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

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

16 F. For the purposes of this section:

17 1. "Licensed counseling" means counseling provided by a licensed
18 mental health professional.

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

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

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

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

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

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

3 3. "Public safety employee":

4 (a) Means:

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

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

11 (iii) EXCEPT AS PRESCRIBED IN SUBDIVISION (b) OF THIS PARAGRAPH, A
12 911 DISPATCHER IN A PRIMARY OR SECONDARY PUBLIC SAFETY ANSWERING POINT.

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

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

16 38-673. Traumatic event counseling for peace officers,
17 firefighters and 911 dispatchers: report;
18 exceptions; definitions

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

25 1. Visually witnessing the death or maiming or visually witnessing
26 the immediate aftermath of such a death or maiming of one or more human
27 beings.

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

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

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

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

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

10 B. If the licensed mental health professional determines that the
11 peace officer, ~~or~~ firefighter OR 911 DISPATCHER needs additional visits of
12 licensed counseling beyond that which the peace officer, ~~or~~ firefighter OR
13 911 DISPATCHER is entitled to under subsection A of this section and that
14 the additional visits are likely to improve the peace officer's, ~~or~~
15 firefighter's OR 911 DISPATCHER'S condition, the employer shall pay for up
16 to an additional twenty-four visits, if the visits occur within one year
17 after the first visit pursuant to this section.

18 C. An employer may not require a peace officer, ~~or~~ firefighter OR
19 911 DISPATCHER who is receiving treatment pursuant to this section to use
20 the peace officer's, ~~or~~ firefighter's OR 911 DISPATCHER'S accrued paid
21 vacation leave, personal leave or sick leave if the peace officer, ~~or~~
22 firefighter OR 911 DISPATCHER leaves work to attend a treatment visit
23 pursuant to this section.

24 D. If the licensed mental health professional determines that the
25 peace officer, ~~or~~ firefighter OR 911 DISPATCHER is not fit for duty while
26 the peace officer, ~~or~~ firefighter OR 911 DISPATCHER is receiving treatment
27 pursuant to this section, the employer shall ensure that the peace officer,
28 ~~or~~ firefighter OR 911 DISPATCHER has no loss of pay and benefits for up to
29 thirty calendar days per incident after the date the licensed mental health
30 professional determines that the employee is not fit for duty if all of the
31 following apply:

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

3 2. The peace officer, ~~or~~ firefighter OR 911 DISPATCHER has exhausted
4 the peace officer's, ~~or~~ firefighter's OR 911 DISPATCHER'S sick leave,
5 vacation leave or other leave that is provided as part of the peace
6 officer's, ~~or~~ firefighter's OR 911 DISPATCHER'S benefits package.

7 3. If the employer offers short-term disability benefits, the
8 employer offered and the peace officer, ~~or~~ firefighter OR 911 DISPATCHER
9 elected short-term disability benefits, but the peace officer, ~~or~~
10 firefighter OR 911 DISPATCHER is not eligible to receive short-term
11 disability benefits.

12 4. The employer does not have a supplemental program that provides
13 pay and benefits after the occurrence of an injury. For the purposes of
14 this paragraph, supplemental program that provides pay and benefits after
15 the occurrence of an injury does not include a supplemental benefits plan
16 established pursuant to section 38-961.

17 E. An employer shall allow a peace officer, ~~or~~ firefighter OR 911
18 DISPATCHER to select the peace officer's, ~~or~~ firefighter's OR 911
19 DISPATCHER'S own licensed mental health professional, except that if a
20 licensed mental health professional declines to provide counseling pursuant
21 to this section, the employer is not required to secure the services of
22 that licensed mental health professional. The employer shall pay the
23 licensed mental health professional pursuant to the schedule of fees that
24 is fixed by the industrial commission of Arizona pursuant to section
25 23-908.

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

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

3 2. For each category of persons, the average number of visits per
4 person.

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

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

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

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

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

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

22 H. On or before September 1 of each year, this state and each
23 political subdivision of this state shall submit the data collected
24 pursuant to subsection G of this section to the department of
25 administration. On or before October 1 of each year, the department of
26 administration shall compile the data into a report and submit the report
27 to the governor, the president of the senate, the speaker of the house of
28 representatives, the chairperson of the senate health and human services
29 committee, or its successor committee, the chairperson of the house of
30 representatives health AND HUMAN SERVICES committee, or its successor
31 committee, the chairperson of the senate ~~commerce and~~ MILITARY AFFAIRS,
32 public safety AND BORDER SECURITY committee, or its successor committee,

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

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

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

12 2. The program provides licensed counseling for any issue. For
13 licensed counseling related to trauma experienced while in the line of
14 duty, the licensed counseling is provided on the request of the peace
15 officer, ~~or~~ firefighter **OR 911 DISPATCHER** and is in person.

16 3. The program offers at least twelve visits per year and will offer
17 additional visits if the licensed mental health professional determines
18 that additional visits are necessary.

19 J. For the purposes of this section:

20 1. "Licensed counseling" means counseling provided by a licensed
21 mental health professional.

22 2. "Licensed mental health professional" means a licensed individual
23 who specializes in trauma and crisis, who uses ~~evidenced-based~~
24 **EVIDENCE-BASED** treatment options and who is one of the following:

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

27 (b) A psychologist who is licensed pursuant to title 32, chapter
28 19.1.

29 (c) A mental health professional who is licensed pursuant to title
30 32, chapter 33 and who holds either a master's or doctoral degree related
31 to the mental health profession.

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

3 3. "911 DISPATCHER" MEANS A 911 DISPATCHER IN A PRIMARY OR SECONDARY
4 PUBLIC SAFETY ANSWERING POINT."

5 Amend title to conform

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