

House Engrossed

~~traumatic event counseling; constables~~
(now: constables; traumatic event counseling)

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2103

AN ACT

AMENDING SECTION 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 38-673, Arizona Revised Statutes, is amended to
3 read:

4 38-673. Traumatic event counseling for peace officers,
5 firefighters and 911 dispatchers; report;
6 exceptions; definitions

7 A. Notwithstanding any other law, this state or a political
8 subdivision of this state shall establish a program to provide peace
9 officers, firefighters and 911 dispatchers who are exposed to any one of
10 the following events while in the course of duty up to twelve visits of
11 licensed counseling, which may be provided through telehealth, paid for by
12 the employer:

13 1. Visually or audibly witnessing the death or maiming or visually
14 or audibly witnessing the immediate aftermath of such a death or maiming
15 of one or more human beings.

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

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

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

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

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

28 B. If the licensed mental health professional determines that the
29 peace officer, firefighter or 911 dispatcher needs additional visits of
30 licensed counseling beyond that which the peace officer, firefighter or
31 911 dispatcher is entitled to under subsection A of this section and that
32 the additional visits are likely to improve the peace officer's,
33 firefighter's or 911 dispatcher's condition, the employer shall pay for up
34 to an additional twenty-four visits, if the visits occur within one year
35 after the first visit pursuant to this section.

36 C. An employer may not require a peace officer, firefighter or 911
37 dispatcher who is receiving treatment pursuant to this section to use the
38 peace officer's, firefighter's or 911 dispatcher's accrued paid vacation
39 leave, personal leave or sick leave if the peace officer, firefighter or
40 911 dispatcher leaves work to attend a treatment visit pursuant to this
41 section.

42 D. If the licensed mental health professional determines that the
43 peace officer, firefighter or 911 dispatcher is not fit for duty while the
44 peace officer, firefighter or 911 dispatcher is receiving treatment
45 pursuant to this section, the employer shall ensure that the peace

1 officer, firefighter or 911 dispatcher has no loss of pay and benefits for
2 up to thirty calendar days per incident after the date the licensed mental
3 health professional determines that the employee is not fit for duty if
4 all of the following apply:

5 1. The peace officer, firefighter or 911 dispatcher is unable to
6 work light duty or the employer does not offer a light duty option.

7 2. The peace officer, firefighter or 911 dispatcher has exhausted
8 the peace officer's, firefighter's or 911 dispatcher's sick leave,
9 vacation leave or other leave that is provided as part of the peace
10 officer's, firefighter's or 911 dispatcher's benefits package.

11 3. If the employer offers short-term disability benefits, the
12 employer offered and the peace officer, firefighter or 911 dispatcher
13 elected short-term disability benefits, but the peace officer, firefighter
14 or 911 dispatcher is not eligible to receive short-term disability
15 benefits.

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

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

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

33 G. For each program established pursuant to this section, this
34 state and each political subdivision of this state shall compile the
35 following data for peace officers, firefighters and 911 dispatchers:

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

38 2. For each category of persons, the average number of visits per
39 person.

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

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

44 5. For each category of persons, the total number of persons who
45 participated in the program and who subsequently filed a workers'

1 compensation claim and the number of those claims that were approved and
2 the number of those claims that were denied.

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

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

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

12 H. On or before September 1 of each year, this state and each
13 political subdivision of this state shall submit the data collected
14 pursuant to subsection G of this section to the department of
15 administration. On or before October 1 of each year, the department of
16 administration shall compile the data into a report and submit the report
17 to the governor, the president of the senate, the speaker of the house of
18 representatives, the chairperson of the senate health and human services
19 committee, or its successor committee, the chairperson of the house of
20 representatives health and human services committee, or its successor
21 committee, the chairperson of the senate military affairs, public safety
22 and border security committee, or its successor committee, and the
23 chairperson of the house of representatives military affairs and public
24 safety committee, or its successor committee, and shall provide a copy of
25 this report to the secretary of state. Subsection G of this section and
26 this subsection do not authorize this state or a political subdivision of
27 this state to compile and report data that is protected under the health
28 insurance portability and accountability act of 1996 (P.L. 104-191; 110
29 Stat. 1936).

30 I. This section does not apply to a state employer that provides a
31 program to its peace officers, firefighters and 911 dispatchers that is
32 characterized by all of the following:

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

34 2. The program provides licensed counseling for any issue. For
35 licensed counseling related to trauma experienced while in the line of
36 duty, the licensed counseling is provided on the request of the peace
37 officer, firefighter or 911 dispatcher and is in person.

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

41 J. For the purposes of this section:

42 1. "Licensed counseling" means counseling provided by a licensed
43 mental health professional.

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

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

6 (b) A psychologist who is licensed pursuant to title 32, chapter
7 19.1.

8 (c) A mental health professional who is licensed pursuant to title
9 32, chapter 33 and who holds either a master's or doctoral degree related
10 to the mental health profession.

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

13 3. "911 dispatcher" means a 911 dispatcher in a primary or
14 secondary public safety answering point.

15 4. "PEACE OFFICERS" INCLUDES CONSTABLES AND DEPUTY CONSTABLES.