

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2103

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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 of
15 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 as
18 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 line
22 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.

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

3 B. If the licensed mental health professional determines that the
4 peace officer, firefighter or 911 dispatcher needs additional visits of
5 licensed counseling beyond that which the peace officer, firefighter or 911
6 dispatcher is entitled to under subsection A of this section and that the
7 additional visits are likely to improve the peace officer's, firefighter's
8 or 911 dispatcher's condition, the employer shall pay for up to an
9 additional twenty-four visits, if the visits occur within one year after
10 the first visit pursuant to this section.

11 C. An employer may not require a peace officer, firefighter or 911
12 dispatcher who is receiving treatment pursuant to this section to use the
13 peace officer's, firefighter's or 911 dispatcher's accrued paid vacation
14 leave, personal leave or sick leave if the peace officer, firefighter or
15 911 dispatcher leaves work to attend a treatment visit pursuant to this
16 section.

17 D. If the licensed mental health professional determines that the
18 peace officer, firefighter or 911 dispatcher is not fit for duty while the
19 peace officer, firefighter or 911 dispatcher is receiving treatment
20 pursuant to this section, the employer shall ensure that the peace officer,
21 firefighter or 911 dispatcher has no loss of pay and benefits for up to
22 thirty calendar days per incident after the date the licensed mental health
23 professional determines that the employee is not fit for duty if all of the
24 following apply:

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

27 2. The peace officer, firefighter or 911 dispatcher has exhausted
28 the peace officer's, firefighter's or 911 dispatcher's sick leave, vacation
29 leave or other leave that is provided as part of the peace officer's,
30 firefighter's or 911 dispatcher's benefits package.

31 3. If the employer offers short-term disability benefits, the
32 employer offered and the peace officer, firefighter or 911 dispatcher
33 elected short-term disability benefits, but the peace officer, firefighter

1 or 911 dispatcher is not eligible to receive short-term disability
2 benefits.

3 4. The employer does not have a supplemental program that provides
4 pay and benefits after the occurrence of an injury. For the purposes of
5 this paragraph, supplemental program that provides pay and benefits after
6 the occurrence of an injury does not include a supplemental benefits plan
7 established pursuant to section 38-961.

8 E. An employer shall allow a peace officer, firefighter or 911
9 dispatcher to select the peace officer's, firefighter's or 911 dispatcher's
10 own licensed mental health professional, except that if a licensed mental
11 health professional declines to provide counseling pursuant to this
12 section, the employer is not required to secure the services of that
13 licensed mental health professional. The employer shall pay the licensed
14 mental health professional pursuant to the schedule of fees that is fixed
15 by the industrial commission of Arizona pursuant to section 23-908.

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

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

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

24 2. For each category of persons, the average number of visits per
25 person.

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

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

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

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

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

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

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

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

- 31 1. The program is paid for by the employer.
- 32 2. The program provides licensed counseling for any issue. For
33 licensed counseling related to trauma experienced while in the line of

1 duty, the licensed counseling is provided on the request of the peace
2 officer, firefighter or 911 dispatcher and is in person.

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

6 J. For the purposes of this section:

7 1. "Licensed counseling" means counseling provided by a licensed
8 mental health professional.

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

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

14 (b) A psychologist who is licensed pursuant to title 32, chapter
15 19.1.

16 (c) A mental health professional who is licensed pursuant to title
17 32, chapter 33 and who holds either a master's or doctoral degree related
18 to the mental health profession.

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

21 3. "911 dispatcher" means a 911 dispatcher in a primary or secondary
22 public safety answering point.

23 4. "PEACE OFFICERS" INCLUDES DEPUTY CONSTABLES."

24 Amend title to conform

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