

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas As Engrossed: H2/20/23 H3/6/23 H3/30/23

2 94th General Assembly

# A Bill

3 Regular Session, 2023

HOUSE BILL 1302

4

5 By: Representatives Wing, A. Collins, L. Johnson, Scott, Vaught

6 By: Senator C. Tucker

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## For An Act To Be Entitled

9 AN ACT TO OFFER TRAUMATIC EVENT LICENSED COUNSELING  
10 FOR PUBLIC SAFETY EMPLOYEES; TO ENSURE COVERAGE OF  
11 TRAUMATIC EVENT LICENSED COUNSELING FOR PUBLIC SAFETY  
12 EMPLOYEES; TO REQUIRE A STUDY OF AVAILABILITY FOR  
13 PEER SUPPORT ACCESS FOR VOLUNTEER FIREFIGHTERS; AND  
14 FOR OTHER PURPOSES.

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## Subtitle

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. DO NOT CODIFY. Traumatic event licensed counseling for public safety employees – Exceptions – Definitions.

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(a) As used in this section:

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(1) "Firefighter" means:

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(A) A paid, full-time member of a fire department or firefighting unit of a city of the first class, city of the second class,

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fire protection district, or an incorporated town or an unincorporated rural area of this state who actively engages in the fighting of fires on a regular basis; or

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(B) A paid, full-time instructor of the Arkansas Fire



1 Training Academy or a member of the firefighting organization of the Arkansas  
2 National Guard Robinson Maneuver Training Center or of the Arkansas National  
3 Guard Fort Chaffee Joint Maneuver Training Center;

4 (2) "Licensed counseling" means counseling provided by a  
5 licensed mental health professional;

6 (3) "Licensed mental health professional" means a licensed  
7 individual who:

8 (A) Specializes in trauma and crisis;

9 (B) Uses evidence-based treatment options; and

10 (C) Is one (1) of the following:

11 (i) A psychiatrist;

12 (ii) A psychologist;

13 (iii) A mental health professional who holds either  
14 a master's or doctoral degree related to the mental health profession;

15 (iv) A mental health nurse practitioner or mental  
16 health clinical nurse who is:

17 (a) A registered nurse licensed and certified  
18 by the Arkansas State Board of Nursing as an advanced practice nurse; and

19 (b) Working within the scope of practice as  
20 authorized by law; or

21 (v) A psychiatric physician assistant who is working  
22 under the supervision of a licensed physician;

23 (4) "Police officer" means:

24 (A) A paid, full-time law enforcement officer engaged in  
25 official duty who is a member of:

26 (i) A regular police force;

27 (ii) The Division of Arkansas State Police; or

28 (iii) The law enforcement organization of the:

29 (a) Arkansas National Guard Robinson Maneuver  
30 Training Center; or

31 (b) Arkansas National Guard Fort Chaffee Joint  
32 Maneuver Training Center;

33 (B) A paid, full-time sheriff or deputy sheriff of a  
34 county of this state who is engaged in official duty; or

35 (C) A paid, full-time constable or night marshal of a town  
36 of this state who is engaged in official duty;

1 (5) "Public safety employee" means a public employee who is:

2 (A) A member of a state-supported retirement system;

3 (B) A probation officer, surveillance officer, or juvenile  
4 detention officer employed by this state or a political subdivision of this  
5 state;

6 (C) A firefighter; or

7 (D) A police officer; and

8 (6) "Traumatic event" means an individual's direct exposure in  
9 the line of duty to an incident involving:

10 (A) The extraordinary traumatic bodily injury or death of  
11 a person;

12 (B) The serious injury, death, abuse, or exploitation of a  
13 minor;

14 (C) An immediate threat to the life of the individual or  
15 another person; or

16 (D) A mass casualties event.

17 (b)(1) A public employer that employs a public safety employee shall  
18 provide coverage for licensed counseling for a public safety employee who  
19 experiences a traumatic event while in the course of duty.

20 (2)(A) The coverage under subdivision (b)(1) shall allow for up  
21 to twelve (12) licensed counseling visits.

22 (B) The public employer shall pay for the licensed  
23 counseling visits.

24 (C) The licensed counseling visits may be provided through  
25 telehealth.

26 (c) Payment by a public employer for licensed counseling under this  
27 section does not create a presumption that a claim is compensable under §§  
28 11-9-113 or 11-9-114.

29 (d)(1) A public employer that provides coverage under subdivision  
30 (b)(1) of this section shall ensure that the following data is compiled as  
31 part of the coverage:

32 (A) The number of public safety employees who have  
33 participated in licensed counseling;

34 (B) The average number of visits of licensed counseling  
35 per public safety employee;

36 (C) The average number of months that a public safety

1 employee participated in licensed counseling;

2 (D) The average number of days that a public safety  
3 employee who participated in licensed counseling missed work;

4 (E)(i) The total number of public safety employees who  
5 participated in licensed counseling and who subsequently filed a workers'  
6 compensation claim.

7 (ii) The data compiled under subdivision  
8 (d)(1)(E)(i) of this section shall include the number of claims that were  
9 approved and the number of claims that were denied; and

10 (F) For each public employer:

11 (i) The total amount of work missed by public safety  
12 employees who participated in licensed counseling; and

13 (ii) How missed work was accounted for by the public  
14 employer or through employee benefits.

15 (2) In implementing subdivision (d)(1) of this section, a public  
16 employer shall not compile and report data that is protected under the Health  
17 Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.

18 (e)(1)(A) A public employer shall allow a public safety employee  
19 to select the public safety employee's own licensed mental health  
20 professional.

21 (B) However, if a licensed mental health professional  
22 declines to provide licensed counseling under this section, then the public  
23 employer is not required to secure the services of that licensed mental  
24 health professional under subdivision (e)(1)(A) of this section.

25 (2) The public employer shall pay the licensed mental health  
26 professional subject to the deductibles and conditions under the public  
27 safety employee's current health benefit plan.

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29 SECTION 2. DO NOT CODIFY. Study of availability of peer support  
30 access and licensed counseling for volunteer firefighters – Legislative  
31 findings – Reporting requirements – Definitions.

32 (a) As used in this section:

33 (1) "Licensed counseling" means counseling provided by a  
34 licensed mental health professional;

35 (2) "Licensed mental health professional" means a licensed  
36 individual who:

- 1                   (A) Specializes in trauma and crisis;  
2                   (B) Uses evidence-based treatment options; and  
3                   (C) Is one (1) of the following:  
4                         (i) A psychiatrist;  
5                         (ii) A psychologist;  
6                         (iii) A mental health professional who holds either  
7 a master's or doctoral degree related to the mental health profession;  
8                         (iv) A mental health nurse practitioner or mental  
9 health clinical nurse who is:  
10                                 (a) A registered nurse licensed and certified  
11 by the Arkansas State Board of Nursing as an advanced practice nurse; and  
12                                 (b) Working within the scope of practice as  
13 authorized by law; or  
14                                 (v) A psychiatric physician assistant who is working  
15 under the supervision of a licensed physician;  
16                   (3) "Traumatic event" means an individual's direct exposure in  
17 the line of duty to an incident involving:  
18                         (A) The extraordinary traumatic bodily injury or death of  
19 a person;  
20                         (B) The serious injury, death, abuse, or exploitation of a  
21 minor;  
22                         (C) An immediate threat to the life of the individual or  
23 another person; or  
24                         (D) A mass casualty event; and  
25                   (4) "Volunteer firefighter" means a member of a fire department  
26 or firefighting unit who:  
27                         (A) Actively engages in fire suppression, rescue, pump  
28 operation, or other firefighting activity; and  
29                         (B) Receives less than five thousand dollars (\$5,000) in  
30 total compensation during the taxable year from the volunteer fire department  
31 or firefighting unit that the volunteer firefighter services.  
32                   (b) The General Assembly finds that:  
33                         (1) Volunteer firefighters provide a valuable and important  
34 service to the citizens and communities in this state by participating in a  
35 firefighting unit that actively engages in fire suppression, rescue, pump  
36 operation, or other firefighting activities;

