

1 HB67
2 216017-1
3 By Representatives Simpson and Pettus
4 RFD: County and Municipal Government
5 First Read: 11-JAN-22
6 PFD: 01/06/2022

8 SYNOPSIS: Under existing law, an employee who is
9 disabled or killed as a result of an occupational
10 disease is entitled to compensation.

11 Also under existing law, an occupational
12 disease is not considered to include a mental
13 disease or disorder, including post-traumatic
14 stress disorder, unless a physical injury
15 accompanies the mental disease or disorder.

16 This bill would provide that a law
17 enforcement officer or firefighter employed by a
18 municipality, county, or fire district and
19 diagnosed with post-traumatic stress disorder would
20 be reimbursed for certain co-payments for treatment
21 or would require a county or municipality to
22 maintain sufficient coverage for the reimbursement
23 of co-payments.

24 This bill would also require counties,
25 municipalities, and fire districts to provide
26 disability payments or coverage for law enforcement

1 officers and firefighters who are unable to return
2 to work as a result of PTSD.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT

7
8 Relating to counties, municipalities, and fire
9 districts; to provide that a law enforcement officer or
10 firefighter employed by a county, municipality, or fire
11 district and diagnosed with post-traumatic stress disorder
12 would be reimbursed for certain copayments for treatment under
13 certain conditions; to require counties, municipalities, and
14 fire districts to maintain certain disability insurance
15 coverage for law enforcement officers and firefighters who are
16 unable to return to work as a result of post-traumatic stress
17 disorder under certain conditions; and to exclude certain
18 payments and reimbursement from state income taxation.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) For the purposes of this act, the
21 following terms shall have the following meanings:

22 (1) FIREFIGHTER. A full-time paid firefighter
23 certified by the Alabama Fire College and employed by a
24 municipality, county, or fire district established under
25 Chapter 89 of Title 11, Code of Alabama 1975.

1 (2) OFFICER. A law enforcement officer certified by
2 the Alabama Peace Officers' Standards and Training Commission
3 and employed full-time by a municipality or county.

4 (3) POST-TRAUMATIC STRESS DISORDER (PTSD). A mental
5 health condition that meets the diagnostic criteria in the
6 Diagnostic and Statistical Manual of Mental Disorders, Fifth
7 Edition, published by the American Psychiatric Association.

8 (4) SPECIFIC EVENT. An isolated and extraordinarily
9 traumatic event that involves an officer or firefighter acting
10 within the line and scope of duty and that includes the
11 officer or firefighter satisfying either of the following:

12 a. Witnessing or being directly engaged in actions
13 resulting in the death of an individual or individuals on the
14 scene of the event.

15 b. Witnessing or being directly engaged in actions,
16 during or in rapid emergency response immediately after the
17 occurrence, that resulted in injuries of such an extraordinary
18 and severe nature that they lead directly to the death of an
19 individual or individuals due to the injuries on the way to,
20 or no more than 48 hours after reaching, a hospital for
21 initial treatment.

22 (b) (1) A county, municipality, or fire district
23 shall reimburse an officer or firefighter employed by the
24 county, municipality, or fire district for any copayment paid
25 by or on behalf of the officer or firefighter for the
26 treatment, including counseling or therapy, of PTSD or shall
27 maintain sufficient coverage to provide any reimbursement of

1 copayment paid by or on behalf of the officer or firefighter
2 for the treatment of PTSD, including counseling or therapy.

3 (2) To be eligible for reimbursement of copayment
4 costs or coverage under this subsection, the officer or
5 firefighter must satisfy all of the following:

6 a. Agree that the employing county, municipality, or
7 fire district is not liable under Chapter 5, Title 25, Code of
8 Alabama 1975, to the officer or firefighter who elects to
9 receive benefits under this act. The exemption from liability
10 provided by this paragraph is based on the specific diagnosis
11 for which the officer or firefighter elects to receive
12 benefits.

13 b. The officer or firefighter participated in a peer
14 support event, as defined under Section 36-21-14, Code of
15 Alabama 1975, where such services are reasonably available,
16 conducted by a certified peer support member where the officer
17 or firefighter received a debriefing, defusing, or coaching
18 session.

19 c. The officer or firefighter received certification
20 from a licensed clinical psychologist or board certified
21 psychiatrist licensed to practice in this state and with
22 experience diagnosing PTSD, utilizing an evaluation that
23 includes symptom validity testing and other procedures to rule
24 out the presence of malingering by using established
25 guidelines and criteria, that the officer or firefighter has
26 post-traumatic stress disorder and that the disorder resulted
27 solely from his or her involvement in a specific event which

1 occurred in the course of his or her employment and not from
2 an event or events which occurred outside the line and scope
3 of or prior to or after his or her employment.

4 d. The treating clinical psychologist or board
5 certified psychiatrist determines that the treatment,
6 including therapy or counseling, is medically necessary.

7 (c) The county, municipality, or fire district
8 employing an officer or firefighter shall provide disability
9 payments or coverage for those officers and firefighters who
10 qualify for the reimbursements required in subsection (b),
11 only if both of the following additional conditions are
12 satisfied:

13 (1) The treating licensed clinical psychologist or
14 board certified psychiatrist determines the officer or
15 firefighter is unable to continue his or her employment and is
16 unable to return to work as a result of his or her PTSD
17 resulting from the specific event that is eligible under
18 subsection (b).

19 (2) The officer or firefighter remains in the care
20 of the treating licensed clinical psychologist or board
21 certified psychiatrist for treatment and provides monthly
22 confirmation of his or her attendance at sessions, including
23 therapy or counseling, recommended by the treating health care
24 professional for his or her PTSD resulting from the specific
25 event that is eligible under subsection (b).

26 (d) The disability benefits required under this
27 section shall be in an amount equal to $66 \frac{2}{3}$ percent of the

1 officer or firefighter's base compensation at the time of the
2 specific event. Payments shall be made on a monthly basis
3 provided the officer or firefighter remains eligible as
4 required in this subsection. The term of payment shall be for
5 a total of no more than 12 months for any incident eligible
6 under subsection (b).

7 (e) An officer or firefighter who receives benefits
8 under this section may only be eligible to return to work in
9 the same or similar role with any county, municipal, or fire
10 district when the return is authorized, in writing, by the
11 treating licensed clinical psychologist or board certified
12 psychiatrist who certified eligibility as required in
13 subsection (b). If the clinical licensed psychologist or board
14 certified psychiatrist who made the original diagnosis is
15 unavailable, an officer or firefighter may receive an
16 authorization from another clinical licensed psychologist or
17 board certified psychiatrist who meets the standards required
18 in paragraph (b) (2) c.

19 (f) A self-insurance group established by a county
20 under Chapter 26 of Title 11, Code of Alabama 1975, may
21 provide the disability payments required by this section for
22 an officer or firefighter employed by a member of the
23 self-insurance group.

24 (g) Any payments received by a covered employee
25 pursuant to this act, to any extent the amounts are included
26 in the federal adjusted gross income of the taxpayer, shall be
27 excluded from taxable income for state income tax purposes.

1 Any funds received as premiums for the coverages provided by
2 this act may not be subject to any premium taxes otherwise
3 required by law.

4 Section 2. The reimbursement and benefits
5 requirements of this act shall not apply to PTSD resulting
6 from specific events occurring prior to the effective date of
7 this act.

8 Section 3. Volunteer fire departments may elect to
9 provide the benefits provided in this act to members meeting
10 the criteria established for the provision of the payment of
11 disability benefits provided in Section 1(c) and the
12 reimbursement of the co-payments made by or on behalf of a
13 member for the treatment, including counseling or therapy,
14 provided in Section 1(b) (1). A participating volunteer fire
15 department shall pay all costs associated with the benefits
16 and may discontinue benefits at its discretion by providing
17 its members with at least 60 days' notice. A participating
18 volunteer fire department shall also establish a methodology
19 for determining the amount of the disability benefits provided
20 to its members and shall apply the methodology equally and
21 without discrimination to each of its members.

22 Section 4. This act shall become effective January
23 1, 2023, following its passage and approval by the Governor,
24 or its otherwise becoming law.