

95A.220 Firefighters Foundation Program fund -- Funds accruing under KRS 42.190 and 136.392 -- Lapsing of certain funds -- Moneys appropriated -- Treatment for stress injury.

- (1) For the purposes of this section, "stress injury" means:
 - (a) Post-traumatic stress injury;
 - (b) Post-traumatic stress disorder;
 - (c) Acute stress disorder; or
 - (d) Other specified stress-related disorder, but shall not include complex post-traumatic stress disorder;

as set out in the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders.

- (2) There is established the "Firefighters Foundation Program fund" consisting of appropriations from the general fund of the Commonwealth of Kentucky, and insurance premium surcharge proceeds and earnings on the investments of those proceeds which accrue to this fund pursuant to KRS 42.190 and 136.392. The fund may also receive any other funds, gifts or grants made available to the state for distribution to local governments and volunteer fire departments in accordance with the provisions of KRS 95A.200 to 95A.300 and KRS 95A.262.
- (3) All moneys remaining in this fund on July 1, 1982, and deposited thereafter, including earnings from their investment, shall be deemed a trust and agency account. Beginning with the fiscal year 1994-95, through June 30, 1999, moneys remaining in the account at the end of the fiscal year in excess of three million dollars (\$3,000,000) shall lapse, but moneys in the revolving loan fund established in KRS 95A.262 shall not lapse. On and after July 1, 1999, moneys in this account shall not lapse.
- (4) Moneys in the fund are hereby appropriated by the General Assembly for the purposes provided in KRS 95A.200 to 95A.300.
- (5)
 - (a) A stress injury that arises solely from a legitimate personnel action such as transfer, promotion, demotion, or termination shall not be considered a compensable injury.
 - (b) The firefighter shall be diagnosed, by a psychiatrist, psychologist, or professional counselor credentialed under KRS 335.500 to 335.599, with a stress injury that has been caused by an event or an accumulation of events that have occurred in the course and scope of his or her employment as a full-time career or volunteer firefighter, regardless of whether or not there is an initial physical injury. The event or an accumulation of events that have occurred in the course and scope of employment as a career or volunteer firefighter shall extend from the firefighter's initial employment or service to the date of a diagnosis with the stress injury.
 - (c) Once diagnosed, if a firefighter seeks mental health treatment, after in-network health insurance has been utilized, he or she may submit corresponding receipts for medical bills paid by the firefighter to the commission for reimbursement to the firefighter of out-of-pocket costs incurred from the funds specifically allocated in the commission's budget for

firefighter mental health treatment, if applicable. The firefighter shall pay his or her out-of-pocket share for the mental health treatment before submitting for reimbursement.

- (d) From the time a firefighter seeks mental health treatment, there shall not be a limit on the benefit described in paragraph (c) of this subsection, except that a lifetime cap on the benefits described in paragraph (c) of this subsection may be imposed.

Effective: June 29, 2023

History: Amended 2023 Ky. Acts ch. 184, sec. 5, effective June 29, 2023. -- Amended 2021 Ky. Acts ch. 114, sec. 2, effective June 29, 2021. -- Amended 2004 Ky. Acts ch. 71, sec. 2, effective July 13, 2004. -- Amended 1998 Ky. Acts ch. 244, sec. 8, effective July 15, 1998; and ch. 510, sec. 8, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 97, sec. 3, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 381, sec. 4, effective July 14, 1992. -- Amended 1984 Ky. Acts ch. 300, sec. 9, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 246, sec. 5, effective April 1, 1982. -- Created 1980 Ky. Acts ch. 373, sec. 3, effective July 15, 1980.

2024-2026 Budget Reference. See State/Executive Branch Budget, 2024 Ky. Acts ch. 175, Pt. I, J, 11, (2) at 1879.