

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Kentucky Fire Commission (New Administrative Regulation)

739 KAR 2:160. Reimbursement for line-of-duty stress injury treatment.

RELATES TO: KRS 42.190, 95A.200, 95A.210, 95A.220, 95A.240, 136.392, 335.500 - 335.599

STATUTORY AUTHORITY: KRS 95A.220, 95A.240

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.220 establishes the Firefighters Foundation Program fund and appropriates the monies in the fund for the purposes provided in KRS 95A.200 to 95A.300. KRS 95A.240 requires the Kentucky Fire Commission to administer the Firefighters Foundation Program fund and authorizes the Commission to issue such reasonable rules and regulations as will facilitate the administration of the fund and further the purposes of KRS 95A.200 to 95A.300. KRS 95A.220(5) requires the Kentucky Fire Commission to reimburse a qualifying firefighter for his or her out-of-pocket expenses for treatment of a qualifying stress injury. This administrative regulation establishes requirements for obtaining stress injury reimbursement benefits.

Section 1. Definitions.

- (1) "Full-time career firefighter" means any member of a paid municipal fire department organized under KRS Chapter 95, 67A, or 67C, any member of a fire protection district organized under KRS Chapter 75, any member of a county fire department created pursuant to KRS Chapter 67, or any firefighter employed by an air board created under KRS Chapter 183.
- (2) "Fund" is defined by KRS 95A.210(4).
- (3) "Mental health professional" means a psychiatrist, psychologist, or professional counselor credentialed under KRS 335.500 to 335.599.
- (4) "Qualifying firefighter" means an individual who satisfies the requirements of Section 3 of this administrative regulation.
- (5) "Stress injury" is defined by KRS 95A.220(1).
- (6) "Volunteer firefighter" means any member of a fire department organized under KRS Chapter 273.

Section 2. Funding.

- (1) For each fiscal year, \$1,250,000 shall be made available from the fund for a program to reimburse current and former full-time career firefighters and volunteer firefighters for their out-of-pocket expenses for treatment of stress injuries caused by an event or an accumulation of events occurring in the course and scope of their employment.
- (2) Upon exhaustion or termination of funding, reimbursement benefits pursuant to this administrative regulation shall cease.

Section 3. Eligibility. An individual shall be eligible to receive reimbursement pursuant to Section 4 of this administrative regulation if:

- (1) The individual is currently a full-time career firefighter or volunteer firefighter or was formerly a full-time career firefighter or volunteer firefighter;
- (2) The individual has been diagnosed with a stress injury by a mental health professional;
- (3) The stress injury has been caused by an event or an accumulation of events that have occurred in the course and scope of the individual's employment as a full-time career firefighter or volunteer firefighter; and
- (4) The individual submits to the commission a completed:

- (a) Stress Injury Reimbursement Application form;
- (b) Substitute W-9 form; and
- (c) Certification of Stress Injury Diagnosis form.

Section 4. Reimbursement.

(1) After receiving treatment for a stress injury, a qualifying firefighter may submit to the commission corresponding receipts for the out-of-pocket expenses for such treatment for reimbursement from the funds allocated for stress injury reimbursement pursuant to Section 1 of this administrative regulation. Reimbursable out-of-pocket expenses for stress injury treatment include expenses paid by a qualifying firefighter for:

- (a) Initial diagnosis;
- (b) Counseling or therapy;
- (c) Medication;
- (d) Mental health facility expenses;
- (e) In-patient treatment; or
- (f) Out-patient treatment.

(2) A qualifying firefighter shall pay any out-of-pocket expenses for stress injury treatment before submitting receipts for reimbursement.

(3) After a qualifying firefighter has paid any out-of-pocket expenses for which reimbursement is sought, a qualifying firefighter seeking reimbursement shall submit to the commission:

- (a) All insurance payment receipts for treatment of the stress injury;
- (b) A completed Stress Injury Voucher; and
- (c) All receipts for out-of-pocket expenses for treatment of the stress injury which have been paid by the qualifying firefighter and for which reimbursement is sought.

Section 5. Limitations on Reimbursement Benefits. Reimbursement benefits for each qualifying firefighter shall not exceed \$50,000 unless:

(1) A written request for additional benefits is submitted to the commission by the qualifying firefighter, which shall include the dollar amount of the additional reimbursement benefits requested; and

(2) The financial department of the commission determines that the requested additional reimbursement benefits are available pursuant to Section 1 of this administrative regulation.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Certification of Stress Injury Diagnosis" form;
- (b) "Stress Injury Reimbursement Application" form;
- (c) "Stress Injury Voucher"; and
- (d) "Substitute W-9" form.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Fire Commission office, 110 Cleveland Drive, Paris, Kentucky 40361, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained at: <http://kyfires.acadisonline.com/>.

RICKY KING, Chair

APPROVED BY AGENCY: February 23, 2024

FILED WITH LRC: March 11, 2024 at 1:00 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 21, 2024 at 1:00 p.m. ET at the Kentucky Fire Commission, 110 Cleveland Drive, Paris, Kentucky 40361. Individuals interested in

being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through May 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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