

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

- (1) 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.
- (2) 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.
- (3) Moneys in the fund are hereby appropriated by the General Assembly for the purposes provided in KRS 95A.200 to 95A.300.
- (4)
  - (a) A post-traumatic 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) Post-traumatic stress injury and post-traumatic stress disorder shall be defined as set out by the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders.
  - (c) The firefighter shall be diagnosed, by a psychiatrist, psychologist, or professional counselor credentialed under the provisions of KRS 335.500 to 335.599, with post-traumatic stress injury or post-traumatic stress disorder that has been caused by an event or an accumulation of events that have occurred in the course and scope of their employment as a full-time, career or volunteer firefighter, regardless of whether or not there is an initial physical injury.
  - (d) 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. The firefighter shall pay his or her out-of-pocket share for the mental health treatment before submitting for reimbursement.
  - (e) From the time a firefighter seeks mental health treatment, there shall be a maximum limit of twelve (12) months for the benefit described in paragraph (d) of this subsection.

**Effective:** June 29, 2021

**History:** 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.

**2020-2022 Budget Reference.** See State/Executive Branch Budget, 2020 Ky. Acts ch. 92, Pt. I, K, 11, (2) at 898.