

**95A.292 Alan "Chip" Terry Professional Development and Wellness Program --
Administrative regulations – Funding -- Leave following critical incident.**

- (1) The commission shall establish the Alan "Chip" Terry Professional Development and Wellness Program for firefighters.
- (2) The program shall:
 - (a) Use seminar-based peer support and counseling services designed to reduce negative mental and behavioral health outcomes; and
 - (b) Be offered to Kentucky professional and volunteer firefighters in Kentucky at least two (2) times each calendar year.
- (3) On a limited basis, the program may be offered to professional and volunteer firefighters from states other than Kentucky upon application to and approval by the executive director. However, no Kentucky professional and volunteer firefighters may be denied admission to the program if professional and volunteer firefighters from another state are admitted to the program.
- (4) The commission shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section. The administrative regulations shall address, at a minimum:
 - (a) The required qualifications and duties of any person used by the commission to implement or administer the program;
 - (b) The curriculum, programming, seminar type, and treatment modalities used in the program;
 - (c) The extent to which a participating firefighter's relatives or friends may participate in seminars;
 - (d) The standards by which professional and volunteer firefighters from other states may be accepted into the program by the executive director; and
 - (e) A protocol for establishing reciprocity for interagency assistance with other state, federal, and tribal professional and volunteer firefighters in administering the program.
- (5)
 - (a) Except as provided in paragraphs (b) and (c) of this subsection, communications, identifying data, and any reports made in the application for or in the course of a firefighter's participation in the program shall be confidential and privileged from disclosure in any civil or criminal proceeding and shall not be subject to discovery, disclosure, or production upon the order or subpoena of a court or other agency with subpoena power, regardless of who possesses them. The participating firefighter is the holder of the privilege.
 - (b) The commission may use anonymous data for research, statistical analysis, and educational purposes.
 - (c) Any communication making an actual threat of physical violence against a clearly identified or reasonably identifiable victim or an actual threat of some specific violent act may be revealed by the program in order to prevent the commission of any physical violence or violent act using the protocol

established in KRS 202A.400.

- (6) (a) There is hereby established in the State Treasury a restricted fund to be known as the professional and volunteer firefighters professional development and wellness program fund.
 - (b) The fund shall consist of moneys received from the Firefighters Foundation Program Fund established in KRS 95A.220, grants, gifts, state appropriations, and federal funds.
 - (c) The fund shall be administered by the commission.
 - (d) Amounts deposited in the fund shall be used only for administration of the program.
 - (e) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.
 - (f) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
 - (g) Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.
- (7) (a) For the purposes of this subsection, "critical incident" means any event that has a stressful impact sufficient enough to overwhelm a firefighter's usual coping strategies. These events may include:
- 1. A fire or vehicle crash resulting in serious injury or death to a first responder or citizen;
 - 2. A firefighter being the victim of a felonious assault;
 - 3. The death of a colleague or partner;
 - 4. A death of, or serious injury to, a person in the medical care of the firefighter;
 - 5. The severe injury to, or death of, a child, particularly if the firefighter has a child of or near the same age; or
 - 6. An incident involving multiple deaths or injuries in a short amount of time.
- (b) Any firefighter involved directly in a critical incident may take up to forty-eight (48) hours of leave immediately following a critical incident. This leave may commence upon:
- 1. The completion of that firefighter's shift encompassing the critical incident, or when all necessary administrative procedures relating to a critical incident have been completed; and
 - 2. The firefighter informs his or her supervisor.
- (c) For regular firefighters, this leave may be unpaid or paid leave. The pay status is to be determined by the firefighter's employment contract, collective labor agreement if any, or by written departmental policy. This subsection shall not be construed to set aside any employment contract, labor agreement, or

departmental policies that grant more than forty-eight (48) hours of leave following an officer involved critical incident.

- (d) For volunteer firefighters, this leave may be unpaid or paid leave. The pay status is to be determined by the firefighter's written departmental policy.

Effective: July 14, 2022

History: Amended 2022 Ky. Acts ch. 94, sec. 2, effective July 14, 2022. -- Created 2019 Ky. Acts ch. 67, sec. 2, effective March 25, 2019.

2022-2024 Budget Reference. See State/Executive Branch Budget, 2022 Ky. Acts ch. 199, Pt. I, J, 11, (2) at 1698.