

1 AN ACT relating to firefighters.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 95A.220 is amended to read as follows:

4 (1) ***For the purposes of this section, "stress injury" means:***

5 ***(a) Post-traumatic stress injury;***

6 ***(b) Post-traumatic stress disorder;***

7 ***(c) Acute stress disorder; or***

8 ***(d) Other specified stress-related disorder, but shall not include complex post-***
9 ***traumatic stress disorder;***

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

12 **(2)** There is established the "Firefighters Foundation Program Fund" consisting of
13 appropriations from the general fund of the Commonwealth of Kentucky, and
14 insurance premium surcharge proceeds and earnings on the investments of those
15 proceeds which accrue to this fund pursuant to KRS 42.190 and 136.392. The fund
16 may also receive any other funds, gifts, or grants made available to the state for
17 distribution to local governments and volunteer fire departments in accordance with
18 the provisions of KRS 95A.200 to 95A.300 and KRS 95A.262.

19 ~~**(3)**~~ ~~**(2)**~~ All moneys remaining in this fund on July 1, 1982, and deposited thereafter,
20 including earnings from their investment, shall be deemed a trust and agency
21 account. Beginning with the fiscal year 1994-95, through June 30, 1999, moneys
22 remaining in the account at the end of the fiscal year in excess of three million
23 dollars (\$3,000,000) shall lapse, but moneys in the revolving loan fund established
24 in KRS 95A.262 shall not lapse. On and after July 1, 1999, moneys in this account
25 shall not lapse.

26 ~~**(4)**~~ ~~**(3)**~~ Moneys in the fund are hereby appropriated by the General Assembly for the
27 purposes provided in KRS 95A.200 to 95A.300.

- 1 ~~(5)~~~~(4)~~ (a) A ~~post-traumatic~~ stress injury that arises solely from a legitimate
2 personnel action such as transfer, promotion, demotion, or termination shall
3 not be considered a compensable injury.
- 4 (b) ~~Post-traumatic stress injury and post-traumatic stress disorder shall be~~
5 ~~defined as set out by the American Psychiatric Association's Diagnostic and~~
6 ~~Statistical Manual of Mental Disorders.~~
- 7 ~~(e)~~ The firefighter shall be diagnosed, by a psychiatrist, psychologist, ~~or~~
8 ~~professional counselor,~~ **or nurse practitioner** credentialed under ~~the~~
9 ~~provisions of~~ KRS 335.500 to 335.599, with **a stress injury** ~~post-traumatic~~
10 ~~stress injury or post-traumatic stress disorder~~ that has been caused by an
11 event or an accumulation of events that have occurred in the course and scope
12 of **his or her** ~~their~~ employment as a full-time~~ly~~ career or volunteer
13 firefighter, regardless of whether or not there is an initial physical injury. **The**
14 **event or an accumulation of events that have occurred in the course and**
15 **scope of employment as a career or volunteer firefighter shall extend from**
16 **the firefighter's initial employment or service to the date of a diagnosis with**
17 **the stress injury.**
- 18 ~~(c)~~~~(d)~~ Once diagnosed, if a firefighter seeks mental health treatment~~, after in-~~
19 ~~network health insurance has been utilized~~, he or she may submit
20 corresponding receipts for medical bills paid by the firefighter to the
21 commission for reimbursement to the firefighter of out-of-pocket costs
22 incurred from the funds specifically allocated in the commission's budget for
23 firefighter mental health treatment, **if applicable**. ~~The firefighter shall pay his~~
24 ~~or her out of pocket share for the mental health treatment before submitting~~
25 ~~for reimbursement~~.
- 26 ~~(d)~~~~(e)~~ From the time a firefighter seeks mental health treatment, there shall **not**
27 be **a** ~~maximum~~ limit ~~of twelve (12) months for~~ **on** the benefit described in

1 paragraph (c)~~[(d)]~~ of this subsection, *except that a lifetime cap on benefits*
2 *described in paragraph (c) of this subsection may be imposed.*