

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;***

9 ***as set out by the American Psychiatric Association's Diagnostic and Statistical***  
10 ***Manual of Mental Disorders.***

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

18 ~~**(3)**~~ ~~**(2)**~~ All moneys remaining in this fund on July 1, 1982, and deposited thereafter,  
19 including earnings from their investment, shall be deemed a trust and agency  
20 account. Beginning with the fiscal year 1994-95, through June 30, 1999, moneys  
21 remaining in the account at the end of the fiscal year in excess of three million  
22 dollars (\$3,000,000) shall lapse, but moneys in the revolving loan fund established  
23 in KRS 95A.262 shall not lapse. On and after July 1, 1999, moneys in this account  
24 shall not lapse.

25 ~~**(4)**~~ ~~**(3)**~~ Moneys in the fund are hereby appropriated by the General Assembly for the  
26 purposes provided in KRS 95A.200 to 95A.300.

27 ~~**(5)**~~ ~~**(4)**~~ (a) A ~~post-traumatic~~ stress injury that arises solely from a legitimate

1 personnel action such as transfer, promotion, demotion, or termination shall  
2 not be considered a compensable injury.

3 (b) ~~[Post-traumatic stress injury and post-traumatic stress disorder shall be~~  
4 ~~defined as set out by the American Psychiatric Association's Diagnostic and~~  
5 ~~Statistical Manual of Mental Disorders.~~

6 (c) ~~]~~The firefighter shall be diagnosed, by a psychiatrist, psychologist, or  
7 professional counselor credentialed under the provisions of KRS 335.500 to  
8 335.599, with **a stress injury**~~[post-traumatic stress injury or post-traumatic~~  
9 ~~stress]~~ disorder that has been caused by an event or an accumulation of events  
10 that have occurred in the course and scope of their employment as a full-  
11 time~~[,]~~ career or volunteer firefighter, regardless of whether or not there is an  
12 initial physical injury. **The event or an accumulation of events that have**  
13 **occurred in the course and scope of employment as a full-time career or**  
14 **volunteer firefighter shall extend from the firefighter's initial employment**  
15 **or service to the date of a diagnosis with the stress injury.**

16 (c)~~(d)~~ Once diagnosed, if a firefighter seeks mental health treatment, after in-  
17 network health insurance has been utilized, he or she may submit  
18 corresponding receipts for medical bills paid by the firefighter to the  
19 commission for reimbursement to the firefighter of out-of-pocket costs  
20 incurred from the funds specifically allocated in the commission's budget for  
21 firefighter mental health treatment. The firefighter shall pay his or her out-of-  
22 pocket share for the mental health treatment before submitting for  
23 reimbursement.

24 (d)~~(e)~~ From the time a firefighter seeks mental health treatment, there shall be  
25 **no**~~[a maximum]~~ limit ~~[of twelve (12) months]~~ for the benefit described in  
26 paragraph (c)~~(d)~~ of this subsection. **A lifetime cap on benefits described in**  
27 **paragraph (c) of this subsection may be imposed.**