

1 AN ACT relating to the mental health of first responders.

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

3 ➔Section 1. KRS 95A.292 is amended to read as follows:

4 (1) The commission shall establish the Alan "Chip" Terry Professional Development
5 and Wellness Program for firefighters and rescue squad members.

6 (2) As used in this section, "rescue squad member" means an individual who is a
7 member of a rescue squad as defined in KRS 39F.010.

8 (3) The program shall:

9 (a) Use seminar-based peer support and counseling services designed to reduce
10 negative mental and behavioral health outcomes; and
11 (b) Be offered to Kentucky professional and volunteer firefighters and rescue
12 squad members in Kentucky at least two (2) times each calendar year.

13 (4) On a limited basis, the program may be offered to professional and volunteer
14 firefighters and rescue squad members from states other than Kentucky upon
15 application to and approval by the executive director. However, no Kentucky
16 professional and volunteer firefighters or rescue squad members may be denied
17 admission to the program if professional and volunteer firefighters or rescue squad
18 members from another state are admitted to the program.

19 (5) The commission shall promulgate administrative regulations in accordance
20 with KRS Chapter 13A to implement this section. The administrative regulations
21 shall address, at a minimum:

22 (a) The required qualifications and duties of any person used by the commission
23 to implement or administer the program;
24 (b) The curriculum, programming, seminar type, and treatment modalities used in
25 the program;
26 (c) The extent to which a participating firefighter or rescue squad member's
27 [u]firefighter's]relatives or friends may participate in seminars;

1 (d) The standards by which professional and volunteer firefighters **or rescue**
2 **squad members** from other states may be accepted into the program by the
3 executive director; and

4 (e) A protocol for establishing reciprocity for interagency assistance with other
5 state, federal, and tribal professional and volunteer firefighters **or rescue**
6 **squad members** in administering the program.

7 **(6)(5)** **The commission shall enter into an agreement with the Division of**
8 **Emergency Management to provide rescue squad members with access to the**
9 **program.**

10 (7) (a) Except as provided in paragraphs (b) and (c) of this subsection,
11 communications, identifying data, and any reports made in the application for
12 or in the course of a **firefighter or rescue squad member's****[firefighter's]**
13 participation in the program shall be confidential and privileged from
14 disclosure in any civil or criminal proceeding and shall not be subject to
15 discovery, disclosure, or production upon the order or subpoena of a court or
16 other agency with subpoena power, regardless of who possesses them. The
17 participating firefighter **or rescue squad member** is the holder of the
18 privilege.

19 (b) The commission may use anonymous data for research, statistical analysis,
20 and educational purposes.

21 (c) Any communication making an actual threat of physical violence against a
22 clearly identified or reasonably identifiable victim or an actual threat of some
23 specific violent act may be revealed by the program in order to prevent the
24 commission of any physical violence or violent act using the protocol
25 established in KRS 202A.400.

26 **(8)(6)** (a) There is hereby established in the State Treasury a restricted fund to be
27 known as the professional and volunteer firefighters professional development

1 and wellness program fund.

2 (b) The fund shall consist of moneys received from the Firefighters Foundation

3 Program Fund established in KRS 95A.220, grants, gifts, state appropriations,

4 and federal funds.

5 (c) The fund shall be administered by the commission.

6 (d) Amounts deposited in the fund shall be used only for administration of the

7 program.

8 (e) Notwithstanding KRS 45.229, fund amounts not expended at the close of a

9 fiscal year shall not lapse but shall be carried forward to the next fiscal year.

10 (f) Any interest earnings of the fund shall become a part of the fund and shall not

11 lapse. {

12 (g) ~~Moneys deposited in the fund are hereby appropriated for the purposes set~~

13 ~~forth in this section and shall not be appropriated or transferred by the General~~

14 ~~Assembly for any other purposes.]~~

15 (9)[(7)] (a) For the purposes of this subsection, "critical incident" means any event

16 that has a stressful impact sufficient enough to overwhelm a firefighter or

17 rescue squad member's[firefighter's] usual coping strategies. These events

18 may include:

19 1. A fire or vehicle crash resulting in serious injury or death to a first

20 responder or citizen;

21 2. A firefighter or rescue squad member being the victim of a felonious

22 assault;

23 3. The death of a colleague or partner;

24 4. A death of, or serious injury to, a person in the medical care of the

25 firefighter or rescue squad member;

26 5. The severe injury to, or death of, a child, particularly if the firefighter or

27 rescue squad member has a child of or near the same age; or

1 6. An incident involving multiple deaths or injuries in a short amount of
2 time.

3 (b) Any firefighter **or rescue squad member** involved directly in a critical
4 incident may take up to forty-eight (48) hours of leave immediately following
5 a critical incident. This leave may commence upon:

6 1. The completion of that **firefighter or rescue squad**
7 **member's**[firefighter's] shift encompassing the critical incident, or when
8 all necessary administrative procedures relating to a critical incident
9 have been completed; and

10 2. The firefighter **or rescue squad member** informs his or her supervisor.

11 (c) For regular firefighters, this leave may be unpaid or paid leave. The pay status
12 is to be determined by the firefighter's employment contract, collective labor
13 agreement if any, or by written departmental policy. This subsection shall not
14 be construed to set aside any employment contract, labor agreement, or
15 departmental policies that grant more than forty-eight (48) hours of leave
16 following an officer involved critical incident.

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

19 (e) **For rescue squad members, this leave may be unpaid or paid leave. The pay**
20 **status is to be determined by a written policy of the Division of Emergency**
21 **Management.**

22 ➔ SECTION 2. A NEW SECTION OF KRS CHAPTER 39F IS CREATED TO
23 READ AS FOLLOWS:

24 **The division shall enter into an agreement with the Kentucky Fire Commission to**
25 **provide rescue squad members with access to the program under Section 1 of this Act.**

26 ➔ Section 3. This Act may be cited as Gavin's Rights.