Local Government Mandate Statement Kentucky Legislative Research Commission 2021 Regular Session

Part I: Measure Information

Bill Request #: 117							
Bill #: HB 44 GA							
Document ID #: <u>5873</u>							
Bill Subject/Title: AN ACT relating to mental health and making an appropriation therefor.							
Sponsor: Representative Jason Petrie							
Unit of Government: X City X County X Urban-County Unified Local Unified Local							
<u>X</u> Charter County <u>X</u> Consolidated Local <u>X</u> Government							
Office(s) Impacted: Fire Departments							
Requirement: X Mandatory Optional							
Effect on Powers & Duties: Modifies ExistingX_ Adds New Eliminates Existing							

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

The American Psychiatric Association as referenced by HB 44 GA, defines post-traumatic stress (PTS) and post-traumatic stress disorder (PTSD) as psychiatric disorders that can occur in people who have experienced or witnessed a traumatic event such as a natural disaster, a serious accident, a terrorist act, war/combat, rape or other violent personal assault. Studies have found that anywhere between approximately 7 percent and 37 percent of firefighters meet the criteria for a current diagnosis of PTSD¹.

HB 44 GA provides that firefighters receive "Crisis Intervention Team (CIT) Training", same as what law enforcement currently receives and with the following goals in mind:

- To effectively respond to persons suffering from mental illness, substance abuse, mental or developmental disabilities, or dual diagnosis.
- Reduce injuries to firefighter, officers, and citizens;
- Reduce inappropriate incarceration;
- Reduce liability; and
- Improve risk management practices for firefighter and law enforcement agencies.

HB 44 GA stipulates what the CIT training shall include, who shall present the curriculum, and how the curriculum shall be presented. The Kentucky Law Enforcement Council or the Kentucky Fire Commission shall approve all of the above criteria.

A PTS injury resulting solely from a transfer, promotion, demotion, or termination shall not be considered a compensable injury. A firefighter shall be diagnosed with a PTS injury or PTSD that occurred in the course and scope of his or her employment as a full-time career or volunteer firefighter, regardless of whether or not there is an initial physical injury. The diagnosis must be made by a psychiatrist, psychologist, or professional credentialed counselor. Credentialed counselor means a credential holder who has been determined by the Kentucky Board of Licensed Professional Counselors to have met all provisions set forth in KRS 335.500 to 335.599.

HB 44 GA provides that the firefighter may request reimbursement for out-of-pocket expenses for mental health treatments paid by the firefighter after in-network health insurance has been utilized. Once a firefighter has been diagnosed, and starting from the date of the first treatment, there is a maximum limit of twelve months to receive the benefit.

The impact of HB 44 GA is indeterminable. This is a new area of concern. As a result, there is very little data available on a state or national basis. The funding for the program will be from the Firefighter Foundation Program Fund albeit a specific amount has not been dedicated for this specific use.

Conversations with the Kentucky Firefighter's Association provided the following as a point of reference: there are currently only an estimated ten Lexington-Fayette County Firefighters suffering from PTS. This Department annually employs an average of 500 firefighters.

Part III: Differences to Local Government Mandate Statement from Prior Versions

HB 44 HCS 1 retains the original provisions of the bill as introduced, but specifies that, in regards to diagnosis of post-traumatic stress injury or disorder, the diagnosis is to be made by a professional, credentialed counselor, rather than just a counselor.

HB 44 HCS 2 retains the provisions of HB 44 HCS 1 except it removes the specific amount of \$1,250,000 that would have been available from the Firefighters Foundation Program Fund for the care and treatment of all full time fire fighters and volunteer firefighters affected by PTS injury or disorder.

HB44 GA retains all the provisions of HB 44 HCS 2. There are no changes.

Data Source(s):	LRC Staff, U.S. Fire Administration (within FEMA), Kentucky Firefighter's
	Association, Kentucky Professional Firefighters Local A-16

<u>1. Black M.D., Daniel B. Development of PTSD in Firefighters.</u> verywellmind.com. Feb. 2020

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