

1 SB166
2 207888-4
3 By Senators Barfoot, Sessions, Reed, Jones, Smitherman,
4 Melson, Shelnuttt, Livingston, Scofield, Gudger, Waggoner,
5 Stutts, Chambliss, Chesteen, Roberts, Whatley, Marsh and Allen
6 RFD: Governmental Affairs
7 First Read: 02-FEB-21

8 SYNOPSIS: Under existing law, when an employer and
9 employee are subject to the workers' compensation
10 laws, an employee who is disabled or killed as a
11 result of an occupational disease is entitled to
12 compensation.

13 Also under existing law, an occupational
14 disease is not considered to include a mental
15 disease or disorder, including post-traumatic
16 stress disorder, unless a physical injury
17 accompanies the mental disease or disorder.

18 This bill would provide that a law
19 enforcement officer or firefighter employed by a
20 municipality, county, or fire district and
21 diagnosed with post-traumatic stress disorder would
22 be reimbursed for certain co-payments for treatment
23 or would require a county or municipality to
24 maintain sufficient coverage for the reimbursement
25 of co-payments.

26 This bill would also require counties,
27 municipalities, and fire districts to provide

1 disability payments or coverage for law enforcement
2 officers and firefighters who are unable to return
3 to work as a result of PTSD.

4
5 A BILL
6 TO BE ENTITLED
7 AN ACT

8
9 Relating to counties, municipalities, and fire
10 districts; to provide that a law enforcement officer or
11 firefighter employed by a county, municipality, or fire
12 district and diagnosed with post-traumatic stress disorder
13 would be reimbursed for certain co-payments for treatment
14 under certain conditions; to require counties, municipalities,
15 and fire districts to maintain certain disability insurance
16 coverage for law enforcement officers and firefighters who are
17 unable to return to work as a result of post-traumatic stress
18 disorder under certain conditions; and to exclude certain
19 payments and reimbursement from state income taxation.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) For the purposes of this act, the
22 following terms shall have the following meanings:

23 (1) FIREFIGHTER. A full-time paid firefighter
24 certified by the Alabama Fire College and employed by a
25 municipality, county, or fire district established under
26 Chapter 89 of Title 11, Code of Alabama 1975.

1 (2) OFFICER. A law enforcement officer certified by
2 the Alabama Peace Officers' Standards and Training Commission
3 and employed full time by a municipality or county.

4 (3) POST-TRAUMATIC STRESS DISORDER (PTSD). A mental
5 health condition that meets the diagnostic criteria in the
6 Diagnostic and Statistical Manual of Mental Disorders, Fifth
7 Edition, published by the American Psychiatric Association.

8 (4) SPECIFIC EVENT. An isolated and extraordinarily
9 traumatic event that involves an officer or firefighter acting
10 within the line and scope of duty and that includes the
11 officer or firefighter satisfying either of the following:

12 a. Witnessing or being directly engaged in actions
13 resulting in the death of an individual or individuals on the
14 scene of the event.

15 b. Witnessing or being directly engaged in actions,
16 during or in rapid emergency response immediately after the
17 occurrence, that resulted in injuries of such an extraordinary
18 and severe nature that they lead directly to the death of an
19 individual or individuals due to the injuries on the way to,
20 or no more than 24 hours after, reaching a hospital for
21 initial treatment.

22 (b) (1) A county, municipality, or fire district
23 shall reimburse an officer or firefighter employed by the
24 county, municipality, or fire district for any co-payment paid
25 by or on behalf of the officer or firefighter for the
26 treatment, including counseling or therapy, of PTSD or shall
27 maintain sufficient coverage to provide any reimbursement of

1 co-payment paid by or on behalf of the officer or firefighter
2 for the treatment of PTSD, including counseling or therapy.

3 (2) To be eligible for reimbursement of co-payment
4 costs or coverage under this subsection, the officer or
5 firefighter must satisfy all of the following:

6 a. Agree that the employing county, municipality, or
7 fire district is not liable under Chapter 5, Title 25, Code of
8 Alabama 1975, to the officer or firefighter who elects to
9 receive benefits under this act. The exemption from liability
10 provided by this paragraph is based on the specific diagnosis
11 for which the officer or firefighter elects to receive
12 benefits.

13 b. The officer or firefighter participated in a peer
14 support event, where such services are reasonably available,
15 conducted by a certified peer support member where the officer
16 or firefighter received a debriefing, defusing, or coaching
17 session in accordance with Section 36-21-14.

18 c. The officer or firefighter received certification
19 from a licensed clinical psychologist or board certified
20 psychiatrist licensed to practice in this state and with
21 experience diagnosing PTSD, utilizing an evaluation that
22 includes symptom validity testing and other procedures to rule
23 out the presence of malingering by using established
24 guidelines and criteria, that the officer or firefighter has
25 post-traumatic stress disorder and that the disorder resulted
26 solely from his or her involvement in a specific event as
27 defined in subdivision (a) (4) which occurred in the course of

1 his or her employment and not from an event or events which
2 occurred outside the line and scope of or prior to or after
3 his or her employment.

4 d. The treating clinical psychologist or board
5 certified psychiatrist determines that the treatment,
6 including therapy or counseling, is medically necessary.

7 (c) (1) The county, municipality, or fire district
8 employing an officer or firefighter shall provide disability
9 payments or coverage for those officers and firefighters who
10 qualify for the reimbursements required in subsection (b),
11 only if both of the following additional conditions are
12 satisfied:

13 a. The treating licensed clinical psychologist or
14 board certified psychiatrist determines the officer or
15 firefighter is unable to continue his or her employment and is
16 unable to return to work as a result of his or her PTSD
17 resulting from a specific event that is eligible under
18 subsection (b).

19 b. The officer or firefighter remains in the care of
20 the treating licensed clinical psychologist or board certified
21 psychiatrist for treatment and provides monthly confirmation
22 of his or her attendance at sessions, including therapy or
23 counseling, recommended by the treating health care
24 professional for his or her PTSD resulting from a specific
25 event that is eligible under subsection (b).

26 (2) The disability benefits required under this
27 subsection shall be in an amount equal to $66 \frac{2}{3}$ percent of

1 the officer or firefighter's base compensation at the time of
2 the specific event. Payments shall be made on a monthly basis
3 provided the officer or firefighter remains eligible as
4 required in this subsection. The term of payment shall be for
5 a total of no more than 24 months for any incident eligible
6 under subsection (b).

7 (3) An officer or firefighter who receives benefits
8 under this subsection may only be eligible to return to work
9 in the same or similar role with any county, municipal, or
10 fire district when the return is authorized, in writing, by
11 the treating licensed clinical psychologist or board certified
12 psychiatrist who certified eligibility as required in
13 subsection (b). In the case the clinical licensed psychologist
14 or board certified psychiatrist who made the original
15 diagnosis is unavailable, an officer or firefighter may
16 receive an authorization from another clinical licensed
17 psychologist or board certified psychiatrist who meets the
18 standards required in paragraph (b)(2)c.

19 (4) A self-insurance group established by a county
20 under Chapter 26 of Title 11, Code of Alabama 1975, may
21 provide the disability payments required by this subsection
22 for an officer or firefighter employed by a member of the
23 self-insurance group.

24 (5) Any payments received by a covered employee
25 pursuant to this act, to any extent the amounts are included
26 in the federal adjusted gross income of the taxpayer, shall be
27 excluded from taxable income for state income tax purposes.

1 Any funds received as premiums for the coverages provided by
2 this act may not be subject to any premium taxes otherwise
3 required by law.

4 Section 2. The reimbursement and benefits
5 requirements of this act shall not apply to PTSD resulting
6 from specific events occurring prior to the effective date of
7 this act.

8 Section 3. This act shall become effective January
9 1, 2022, following its passage and approval by the Governor,
10 or its otherwise becoming law.