

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1459 Session of  
2019

INTRODUCED BY SCHLOSSBERG, FARRY, BARRAR, SAINATO, CALTAGIRONE,  
CIRESI, FREEMAN, HARKINS, HILL-EVANS, KIRKLAND, KULIK,  
MADDEN, McCLINTON, NEILSON, O'MARA, READSHAW, SAPPEY,  
SOLOMON, THOMAS, YOUNGBLOOD, OTTEN, DeLUCA, GALLOWAY,  
HANBIDGE, HOWARD, SCHWEYER, POLINCHOCK, DAVIDSON, WILLIAMS,  
INNAMORATO, QUINN, MALAGARI, KORTZ, DONATUCCI, SIMS, LEE,  
WEBSTER, T. DAVIS, RABB, KENYATTA AND SAMUELSON, MAY 14, 2019

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 14, 2020

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, IN GENERAL PROVISIONS RELATING TO <--  
3 EMERGENCY MANAGEMENT SERVICES, FURTHER PROVIDING FOR  
4 DEFINITIONS; providing for emergency responder mental  
5 wellness and stress management; establishing the Statewide  
6 Critical Incident Stress Management Program; providing for  
7 duties of the Secretary of Health and the Department of  
8 Health; IN MISCELLANEOUS PROVISIONS, FURTHER PROVIDING FOR <--  
9 IMMUNITY FROM CIVIL LIABILITY; and, in emergency medical  
10 services system, further providing for support of emergency  
11 medical services†. <--

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 ~~Section 1. Title 35 of the Pennsylvania Consolidated~~ <--  
15 ~~Statutes is amended by adding a chapter to read:~~

16 SECTION 1. THE DEFINITION OF "PERSON" IN SECTION 7102 OF <--  
17 TITLE 35 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO  
18 READ:

19 § 7102. DEFINITIONS.

1 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS PART SHALL  
2 HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE  
3 MEANINGS GIVEN TO THEM IN THIS SECTION:

4 \* \* \*

5 "PERSON." AN INDIVIDUAL, CORPORATION, [FIRM,] ASSOCIATION,  
6 PARTNERSHIP, LIMITED LIABILITY COMPANY, BUSINESS TRUST,  
7 GOVERNMENT ENTITY, INCLUDING THE COMMONWEALTH, FOUNDATION,  
8 PUBLIC UTILITY, TRUST[, ] OR ESTATE[, PUBLIC OR PRIVATE  
9 INSTITUTION, GROUP, THE COMMONWEALTH OR A LOCAL AGENCY OR  
10 POLITICAL SUBDIVISION AND ANY LEGAL SUCCESSOR, REPRESENTATIVE OR  
11 AGENCY OF THE FOREGOING].

12 \* \* \*

13 SECTION 2. TITLE 35 IS AMENDED BY ADDING A CHAPTER TO READ:

14 CHAPTER 75A

15 ~~Emergency Responder Mental Wellness~~ <--

16 ~~and Stress Management~~

17 EMERGENCY RESPONDER MENTAL WELLNESS <--

18 AND STRESS MANAGEMENT

19 Sec.

20 75A01. Definitions.

21 75A02. Mental wellness and stress management ~~protocol~~ <--

22 GUIDELINES. <--

23 75A03. Peer-to-peer support programs.

24 75A04. Trained peer support providers.

25 75A05. Toll-free helpline.

26 75A06. Statewide Critical Incident Stress Management Program.

27 75A07. Trauma and suicide awareness and impact training.

28 75A08. Nonprofit organizations.

29 75A09. Publication.

30 75A10. Confidential communications involving emergency

1           responders.

2 75A11. Funding.

3 § 75A01. Definitions.

4       The following words and phrases when used in this chapter  
5 shall have the meanings given to them in this section unless the  
6 context clearly indicates otherwise:

7       "Cooperating officials and agencies." Includes the  
8 following:

9           (1) The Department of Human Services of the  
10 Commonwealth.

11           (2) A county mental health office located within this  
12 Commonwealth.

13           (3) The State Fire Commissioner.

14           (4) The Department of Drug and Alcohol Programs of the  
15 Commonwealth.

16       "Corrections officer." A full-time employee assigned to the  
17 Department of Corrections whose principal duty is the care,  
18 custody and control of inmates of a penal or correctional  
19 institution operated by the Department of Corrections.

20       "Critical incident." A situation to which an emergency  
21 responder responds that presents or involves either the death or  
22 serious bodily injury of an individual, or the imminent  
23 potential of death or serious bodily injury, or any situation  
24 faced by an emergency responder in the course of duty which  
25 causes or may cause the emergency responder to experience strong  
26 negative emotional reactions.

27       "CRITICAL INCIDENT STRESS MANAGEMENT NETWORK." A NETWORK <--  
28 THAT MEETS THE REQUIREMENTS OF MEMBERSHIP WITH THE PENNSYLVANIA  
29 VOLUNTARY CRITICAL INCIDENT STRESS MANAGEMENT NETWORK AS  
30 ADMINISTERED BY THE DEPARTMENT.

1 "Department." The Department of Health of the Commonwealth.

2 "Emergency responder." Any of the following:

3 (1) A current or former CERTIFIED EMERGENCY MEDICAL <--  
4 SERVICES PROVIDER, CURRENT OR FORMER member of an emergency  
5 medical services agency, fire company or rescue company.

6 (2) A peace officer.

7 (3) A 911 dispatcher.

8 (4) A coroner or medical examiner who responds in an  
9 official capacity to an emergency.

10 (5) A corrections officer.

11 "Mental wellness and stress management protocol." <--

12 GUIDELINES." A plan that: <--

13 (1) Requires education and training on traumatic brain  
14 injuries and traumatic stress, including acute stress  
15 reactions, acute stress disorder, posttraumatic stress  
16 injuries and other emotional reactions and components of  
17 trauma reaction for emergency responders.

18 (2) Sets responsibilities for public agencies and  
19 emergency responders who sustain a posttraumatic stress  
20 injury or traumatic brain injury arising from their work.

21 (3) Provides remedial supportive actions for public  
22 agencies in response to a report of a posttraumatic stress  
23 injury or traumatic brain injury sustained by an emergency  
24 responder.

25 "Peace officer." As defined in 18 Pa.C.S. § 501 (relating to  
26 definitions).

27 "Peer-to-peer support program." A regional peer support  
28 service program established under section 75A03 (relating to  
29 peer-to-peer support programs) which offers services:

30 (1) designated by the department to be used in:

1           (i) recognizing the symptoms of a mental health  
2           condition, including those caused by a critical incident;  
3           and  
4           (ii) making a behavioral health referral through an  
5           employee assistance program or other mental health agency  
6           for treatment by a licensed behavioral health  
7           professional; and  
8           (2) delivered by a trained peer support provider.

9           ~~"Posttraumatic stress injury." A posttraumatic stress~~ <--  
10          ~~disorder as defined by a mental disorder characterized by direct~~  
11          ~~exposure to a traumatic event as identified in the Diagnostic~~  
12          ~~and Statistical Manual of Mental Disorders, Fifth Edition (DSM-~~  
13          ~~5).~~

14          "POST-TRAUMATIC STRESS INJURY." A POST-TRAUMATIC STRESS <--  
15          DISORDER AS DEFINED BY THE AMERICAN PSYCHIATRIC ASSOCIATION AND  
16          DOCUMENTED IN THE AMERICAN PSYCHIATRIC ASSOCIATION'S DIAGNOSTIC  
17          AND STATISTICAL MANUAL OF MENTAL DISORDERS, 5TH EDITION.

18          "Public agency." As defined under section 5302 (relating to  
19          definitions).

20          "Secretary." The Secretary of Health of the Commonwealth.

21          "Trained peer support provider." An emergency responder who  
22          has the training, credentials or experience to provide support  
23          and advocacy services and is recognized by the department under  
24          this chapter.

25          ~~§ 75A02. Mental wellness and stress management protocol~~ <--

26                    GUIDELINES. <--

27          (a) General rule.--The secretary, in consultation with  
28          cooperating officials and agencies, shall develop a mental <--  
29          wellness and stress management protocol GUIDELINES to assist <--  
30          emergency responders who:

1           (1) Suffer or may have suffered posttraumatic stress  
2           injuries or traumatic brain injuries as a result of their  
3           employment.

4           (2) Have been exposed to critical incidents.

5           (b) Compliance.--Emergency responders and public agencies  
6           for which emergency responders perform their duties shall comply  
7           with the ~~protocol~~ GUIDELINES established under this section.       <--

8           § 75A03. Peer-to-peer support programs.

9           (a) Establishment of peer-to-peer support programs.--  
10           Notwithstanding any other provision of law, the secretary shall  
11           establish at least one regional peer-to-peer support service  
12           program within the service area of each of the department's  
13           regional or district offices located in this Commonwealth.

14           (b) Cooperative establishment.--The secretary shall  
15           establish the peer-to-peer support programs in conjunction with  
16           cooperating officials and agencies and any other entities  
17           designated by the department.

18           (c) Access.--The department shall, if possible, establish  
19           the peer-to-peer support programs in a manner that ensures  
20           access to a program by all emergency responders within this  
21           Commonwealth.

22           (d) Services.--Services provided by a peer-to-peer support  
23           program shall include peer-to-peer support for all of the  
24           following:

25                   (1) Mental health issues, including treatment and  
26                   recovery support for posttraumatic stress injuries, traumatic  
27                   brain injury and depression.

28                   (2) Alcohol, substance abuse or chemical dependence  
29                   treatment and recovery support, including treatment planning,  
30                   recovery coaching and relapse prevention.

- 1           (3) Sexual abuse trauma.  
2           (4) Workplace abuse.  
3           (5) Co-occurring disorders.  
4           (6) Any other support service which the department deems  
5           necessary.

6           (e) Critical incident stress management.--The program shall  
7           incorporate critical incident stress management intervention.  
8           § 75A04. Trained peer support providers.

9           (a) Establishment.--The department, in conjunction with  
10           cooperating officials and agencies, shall develop and establish  
11           guidelines for the recruitment and training of entities capable  
12           of providing peer-to-peer support under section 75A03 (relating  
13           to peer-to-peer support programs).

14           (b) Contents.--The guidelines shall include the  
15           establishment of minimum qualifications as a trained peer  
16           support provider.

17           (c) Credentialing requirement.--The department shall  
18           establish a clear credentialing requirement and a certificate  
19           evidencing a trained peer support provider's qualifications.

20           (d) Procedure.--A procedure shall be established for the  
21           suspension or revocation of credentials.

22           § 75A05. Toll-free helpline.

23           (a) General rule.--The department shall:

24           (1) Establish a toll-free helpline to respond to calls  
25           from emergency responders who have been involved in a  
26           critical incident or are dealing with mental wellness issues.

27           (2) Obtain the toll-free telephone number 866-1ST-HELP  
28           for such purposes. If the telephone number 866-1ST-HELP is  
29           not available, the department shall obtain a substantially  
30           similar telephone number acronym for such purposes.

1       (3) Permit persons to provide information anonymously,  
2       should they choose to do so.

3       (4) Ensure the confidentiality of the names of callers,  
4       information discussed during the call and any referrals for  
5       further services.

6       (b) Helpline operators.--An operator of the helpline must be  
7       an individual adequately trained in identifying posttraumatic  
8       stress injuries and other emotional and psychological reactions  
9       common to emergency responders or capable of making an  
10       appropriate referral to either a peer-to-peer support program or  
11       a licensed behavioral health professional for further mental  
12       health evaluation or care.

13       (c) Posting.--A sign shall be posted at all sites where  
14       emergency responders serve and shall:

15               (1) Be no smaller than 8 1/2 by 11 inches.

16               (2) Be posted in a conspicuous manner clearly visible to  
17       emergency responders.

18               (3) Include the following information:

19                       (i) The toll-free telephone number, which must be  
20       printed in bold type and large font.

21                       (ii) Notice that callers may provide information  
22       anonymously if they choose to do so.

23       (d) Online access to sign.--The department and cooperating  
24       officials and agencies shall provide the sign on their  
25       respective publicly accessible Internet websites for any person  
26       to print as needed.

27       § 75A06. Statewide Critical Incident Stress Management Program.

28       (a) Establishment.--The department, IN CONSULTATION WITH THE <--  
29       PENNSYLVANIA EMERGENCY HEALTH SERVICES COUNCIL'S CRITICAL  
30       INCIDENT STRESS MANAGEMENT COMMITTEE, WHICH SHALL CONSIST OF

1 REPRESENTATIVES OF EMERGENCY RESPONDERS AND THE PENNSYLVANIA  
2 CRITICAL INCIDENT STRESS MANAGEMENT NETWORK, shall establish a  
3 Statewide Critical Incident Stress Management Program to:

4 (1) Identify the emotional impact that external and  
5 internal critical incidents have on this Commonwealth's  
6 emergency responders.

7 (2) Prepare a response to event-driven situations  
8 affecting the emotional well-being of emergency responders.

9 (3) UPDATE THE CRITICAL INCIDENT STRESS MANAGEMENT TEAM <--  
10 LEVEL PARTICIPATION IN THE PENNSYLVANIA VOLUNTARY CRITICAL  
11 INCIDENT STRESS MANAGEMENT NETWORK.

12 (b) Protocol. The department shall establish a protocol for <--  
13 the department's critical incident stress management programs.

14 (RESERVED). <--

15 § 75A07. Trauma and suicide awareness and impact training.

16 (a) Training required.--The department shall develop a  
17 program of trauma and suicide awareness and impact training. The  
18 department may partner or contract with a third-party entity to  
19 provide the necessary training. The department shall require  
20 trauma and suicide awareness and impact training as a component  
21 of initial and continuing education for EMS providers and shall  
22 make the training available to other emergency responders.

23 (b) Training topics.--Trauma and suicide awareness and  
24 impact training shall include the following:

25 (1) Education on stress management.

26 (2) Critical incidents.

27 (3) Signs and symptoms of posttraumatic stress injury.

28 (4) Vicarious trauma.

29 (5) Substance abuse and addiction.

30 (6) Warning signs of depression and suicide and any

1 other relevant topics as determined by the department.

2 (7) The availability of additional resources, including  
3 the resources created under this chapter.

4 § 75A08. Nonprofit organizations.

5 Nothing under this chapter shall prohibit the department or  
6 cooperating officials and agencies from contracting with  
7 nonprofit organizations to offer support services to eligible  
8 emergency responders in accordance with this chapter.

9 § 75A09. Publication.

10 The department and cooperating officials and agencies shall  
11 post on their respective publicly accessible Internet websites  
12 the contact information of entities offering support services  
13 under this chapter AND SHALL UPDATE THE POSTING ANNUALLY. <--

14 § 75A10. Confidential communications involving emergency  
15 responders.

16 (a) Disclosure.--Except as provided under subsection (b), a  
17 trained peer support provider or coparticipant present during  
18 peer support services or a helpline operator may not disclose  
19 any information regarding an emergency responder without the  
20 consent of the emergency responder.

21 (b) Exceptions.--The privilege established under subsection  
22 (a) shall not apply if any of the following apply:

23 (1) The trained peer support provider or helpline  
24 operator reasonably believes a clear and present danger  
25 exists to the emergency responder or to other individuals.

26 (2) The emergency responder has given express consent to  
27 disclose information.

28 (3) The emergency responder is deceased and the  
29 surviving spouse or the executor or administrator of the  
30 estate of the deceased emergency responder has given express

1 consent.

2 § 75A11. Funding.

3 The department may expend annually an amount not to exceed  
4 \$250,000 from the money allocated to the Catastrophic Medical  
5 and Rehabilitation Fund for victims of trauma.

6 ~~Section 2. Section 8153(d) of Title 35 is amended to read: <--~~

7 ~~SECTION 3. SECTIONS 7704(A) AND 8153(D) OF TITLE 35 ARE <--~~

8 ~~AMENDED TO READ: SECTION 7704(A) OF TITLE 35 IS AMENDED AND THE <--~~

9 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

10 § 7704. IMMUNITY FROM CIVIL LIABILITY.

11 (A) GENERAL RULE.--NEITHER THE COMMONWEALTH, NOR ANY  
12 COMMONWEALTH AGENCY, NOR ANY POLITICAL SUBDIVISION [THEREOF NOR  
13 OTHER AGENCIES], NOR, EXCEPT IN CASES OF WILLFUL MISCONDUCT,  
14 GROSS NEGLIGENCE, RECKLESSNESS OR BAD FAITH, THE AGENTS,  
15 EMPLOYEES, ~~VOLUNTEERS~~ OR REPRESENTATIVES OF ANY OF THEM ENGAGED <--  
16 IN ANY EMERGENCY SERVICES ACTIVITIES, NOR, EXCEPT IN CASES OF  
17 WILLFUL MISCONDUCT [OR], GROSS NEGLIGENCE, RECKLESSNESS OR BAD  
18 FAITH, ANY INDIVIDUAL OR OTHER PERSON UNDER CONTRACT WITH THEM  
19 TO PROVIDE EQUIPMENT OR WORK ON A COST BASIS TO BE USED IN  
20 DISASTER RELIEF, NOR, EXCEPT IN CASES OF WILLFUL MISCONDUCT  
21 [OR], GROSS NEGLIGENCE, RECKLESSNESS OR BAD FAITH, ANY PERSON,  
22 FIRM, CORPORATION OR AN AGENT OR EMPLOYEE OF ANY OF THEM ENGAGED  
23 IN [DISASTER] EMERGENCY SERVICES ACTIVITIES, WHILE COMPLYING  
24 WITH OR ATTEMPTING TO COMPLY WITH THIS PART OR ANY RULE OR  
25 REGULATION PROMULGATED PURSUANT TO THE PROVISIONS OF THIS PART,  
26 SHALL BE LIABLE FOR THE DEATH OF OR ANY INJURY TO PERSONS OR  
27 LOSS OR DAMAGE TO PROPERTY AS A RESULT OF THAT ACTIVITY.

28 (A.1) DEPLOYMENT PROTECTIONS.--A PERSON THAT OR AN AGENT OR <--  
29 EMPLOYEE OF AN EMPLOYER WHO IS TEMPORARILY DEPLOYED BY THE  
30 COMMONWEALTH OR PROVIDES EQUIPMENT FOR THE PURPOSE OF EMERGENCY

1 SERVICES ACTIVITIES IN RESPONSE TO A MUTUAL AID REQUEST BY THE  
2 AGENCY SHALL BE GRANTED IMMUNITY UNDER SUBSECTION (A), EXCEPT IN  
3 CASES OF WILLFUL MISCONDUCT, GROSS NEGLIGENCE, RECKLESSNESS OR  
4 BAD FAITH, AND SHALL NOT BE LIABLE FOR THE DEATH OR INJURY TO  
5 PERSONS OR FOR DAMAGE TO OR LOSS OF PROPERTY AS A RESULT OF THAT  
6 ACTIVITY. NO IMMUNITY, RIGHTS OR PRIVILEGES SHALL BE GRANTED TO  
7 PERSONS UNDER THIS SUBSECTION UNLESS DEPLOYED BY THE  
8 COMMONWEALTH IN ACCORDANCE WITH SUBSECTION (A.2).

9 (A.2) DEPLOYMENT BY THE COMMONWEALTH.--THE AGENCY SHALL  
10 PROMULGATE, ADOPT AND ENFORCE RULES, REGULATIONS, STANDARDS,  
11 DIRECTIVES AND ORDERS AS MAY BE DEEMED NECESSARY TO CARRY OUT  
12 THE PROVISIONS UNDER SUBSECTION (A.1).

13 \* \* \*

14 SECTION 4. SECTION 8153(D) OF TITLE 35 IS AMENDED TO READ: <--  
15 § 8153. Support of emergency medical services.

16 \* \* \*

17 (d) Allocation to Catastrophic Medical and Rehabilitation  
18 Fund.--Twenty-five percent of the money in the Emergency Medical  
19 Services Operating Fund shall be allocated to a Catastrophic  
20 Medical and Rehabilitation Fund for victims of trauma and to  
21 carry out the provisions of Chapter 75A (relating to emergency  
22 responder mental wellness and stress management). After the  
23 exhaustion of all alternative financial resources, other than  
24 those excluded by the department from consideration, the  
25 catastrophic fund shall be available for the purchase of  
26 medical, rehabilitation and attendant care services for trauma  
27 victims and may be made available for the purchase of supportive  
28 services such as respite care and counseling services for the  
29 family or household members of trauma victims. The department  
30 may, by regulation, prioritize the distribution of funds by and

1 within classification of traumatic injury.

2 \* \* \*

3 Section ~~3~~ 4 5. This act shall take effect as follows: <--

4 (1) The addition of 35 Pa.C.S. § 75A02(b) shall take  
5 effect in 180 days.

6 (2) The remainder of this act shall take effect  
7 immediately.