

---

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 AND DeLUCA, MAY 14, 2019

---

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, MAY 14, 2019

---

AN ACT

1 Amending Titles 35 (Health and Safety) and 75 (Vehicles) of the  
2 Pennsylvania Consolidated Statutes, providing for emergency  
3 responder mental wellness and stress management; establishing  
4 the Statewide Critical Incident Stress Management Program;  
5 providing for duties of the Secretary of Health and the  
6 Department of Health; in emergency medical services system,  
7 further providing for support of emergency medical services;  
8 in operation of vehicles general provisions, further  
9 providing for EMS costs; and, in driving after imbibing  
10 alcohol or utilizing drugs, further providing for Accelerated  
11 Rehabilitative Disposition.

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 CHAPTER 75A

17 EMERGENCY RESPONDER MENTAL WELLNESS

18 AND STRESS MANAGEMENT

19 Sec.

20 75A01. Definitions.

21 75A02. Mental wellness and stress management protocol.

- 1 75A03. Peer-to-peer support programs.  
2 75A04. Trained peer support individuals.  
3 75A05. Toll-free helpline.  
4 75A06. Statewide Critical Incident Stress Management Program  
5 and regional programs.  
6 75A07. Trauma and suicide awareness and impact training.  
7 75A08. Nonprofit organizations.  
8 75A09. Publication.  
9 75A10. Confidential communications involving emergency  
10 responders.  
11 75A11. Funding.  
12 § 75A01. Definitions.

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

16 "Cooperating officials and agencies." Includes the  
17 following:

18 (1) The Municipal Police Officers' Education and  
19 Training Commission.

20 (2) The Director of the Bureau of Emergency Medical  
21 Services, as designated by the secretary.

22 (3) The State Fire Commissioner.

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

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

1 "Emergency responder." Any of the following:

2 (1) A first responder.

3 (2) A peace officer.

4 (3) A 911 dispatcher.

5 (4) A coroner who responds in an official capacity to an  
6 emergency.

7 "First responder." A current or former member of an  
8 emergency medical services agency, fire company, rescue company  
9 or quick response service.

10 "Mental wellness and stress management protocol." A plan  
11 that:

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

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

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

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

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

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

30 (i) recognizing the symptoms of a mental health

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

8 "Posttraumatic stress injury." The condition referred to as  
9 posttraumatic stress disorder in the Diagnostic and Statistical  
10 Manual of Mental Disorders, Fifth Edition (DSM-5), or  
11 superseding editions as published by the American Psychiatric  
12 Association.

13 "Quick response service." An operation in which emergency  
14 medical services providers of an emergency medical services  
15 agency:

16 (1) respond to an actual, reported or perceived  
17 emergency; and

18 (2) provide emergency medical services to patients  
19 pending the arrival of an ambulance.

20 "Regional emergency medical services council." The regional  
21 EMS councils established under section 8109 (relating to  
22 regional emergency medical services councils).

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

24 "Trained peer support individual." An emergency responder  
25 who has the training, credentials or experience to provide  
26 support and advocacy services and is recognized by the  
27 department under this chapter.

28 § 75A02. Mental wellness and stress management protocol.

29 (a) General rule.--The secretary, in consultation with  
30 cooperating officials and agencies, shall develop a mental

1 wellness and stress management protocol to assist emergency  
2 responders who:

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

6 (2) Have been exposed to critical incidents.

7 (b) Implementation.--The mental wellness and stress  
8 management protocol shall be implemented no later than 180 days  
9 after the effective date of this chapter. Emergency responders  
10 and agencies for which emergency responders perform their duties  
11 shall abide by the protocol formalized under this section.

12 § 75A03. Peer-to-peer support programs.

13 (a) Establishment of peer-to-peer support programs.--  
14 Notwithstanding any other provision of law, the secretary shall  
15 establish at least one regional peer support service program  
16 within the service area of each regional emergency medical  
17 services council for emergency responders in this Commonwealth.

18 (b) Cooperative establishment.--The secretary shall  
19 establish the peer-to-peer support programs in conjunction with  
20 cooperating officials and agencies, the Pennsylvania Emergency  
21 Health Services Council, the regional emergency medical services  
22 councils and any other entities designated by the department.

23 (c) Access.--The department shall, if possible, establish  
24 the peer-to-peer support programs in a manner that ensures  
25 access to a program by all emergency responders within this  
26 Commonwealth regardless of geographic location.

27 (d) Services.--Services provided by a peer-to-peer support  
28 program shall include peer-to-peer support for all of the  
29 following:

30 (1) Mental health issues, including treatment and

1 recovery support for posttraumatic stress, traumatic brain  
2 injury and depression.

3 (2) Alcohol, substance abuse or chemical dependence  
4 treatment and recovery support, including treatment planning,  
5 recovery coaching and relapse prevention.

6 (3) Sexual abuse trauma.

7 (4) Workplace abuse.

8 (5) Co-occurring disorders.

9 (6) Any other support service which the department  
10 believes will further the intent and goals of this chapter.

11 (e) Critical incident stress management.--Nothing in this  
12 chapter shall preclude incorporating critical incident stress  
13 management intervention into a peer-to-peer support program.

14 § 75A04. Trained peer support individuals.

15 The department, in conjunction with cooperating officials and  
16 agencies, shall establish guidelines for the recruitment,  
17 training and development of individuals capable of providing  
18 peer-to-peer support under section 75A03 (relating to peer-to-  
19 peer support programs). The guidelines shall include the  
20 establishment of minimum qualifications to receive credentials  
21 as a trained peer support individual and procedures to suspend,  
22 revoke or annul the credentials.

23 § 75A05. Toll-free helpline.

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

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

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

1 similar telephone number acronym for such purposes.

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

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

7 (b) Helpline operators.--An operator of the helpline must be  
8 one of the following:

9 (1) Provided instruction and practical training approved  
10 by the department and familiar with posttraumatic stress  
11 injuries and other emotional and psychological reactions  
12 common to emergency responders.

13 (2) Professionally trained to identify, assess and make  
14 an appropriate referral to either a peer-to-peer support  
15 program or a licensed behavioral health professional for the  
16 following:

17 (i) Mental health issues common to emergency  
18 responders, including treatment and recovery support for  
19 traumatic stress, including acute stress reaction, acute  
20 stress disorder, posttraumatic stress injury, traumatic  
21 brain injury and other conditions related to emotional  
22 reactions to traumatic and cumulative stress such as  
23 anxiety and depression.

24 (ii) Alcohol, substance abuse or chemical dependence  
25 treatment and recovery support, including treatment  
26 planning, recovery coaching and relapse prevention.

27 (iii) Co-occurring disorders.

28 (iv) Third-party counseling services which the  
29 department believes will further the intent and goals of  
30 this chapter.

1 (c) Posting.--A sign with information about the toll-free  
2 helpline shall be posted as follows at all sites where emergency  
3 responders serve:

4 (1) At least one sign, no smaller than 8 1/2 by 11  
5 inches and no larger than 1 by 2 feet, shall be posted in a  
6 conspicuous manner clearly visible to emergency responders.

7 (2) The sign shall include the following information:

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

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

12 (d) Online access to sign.--The department and cooperating  
13 officials and agencies shall provide the sign on their  
14 respective publicly accessible Internet websites for any person  
15 to print as needed.

16 § 75A06. Statewide Critical Incident Stress Management Program  
17 and regional programs.

18 (a) Establishment.--The department, in consultation with the  
19 Pennsylvania Emergency Health Services Council, shall establish  
20 a Statewide Critical Incident Stress Management Program to:

21 (1) Identify the emotional impact that external and  
22 internal critical incidents have on this Commonwealth's first  
23 responders.

24 (2) Prepare a response to event-driven situations  
25 affecting the emotional well-being of first responders.

26 (b) Regulations.--The department shall promulgate  
27 regulations to serve as a protocol for those regional emergency  
28 medical services councils that choose to establish regional  
29 critical incident stress management programs.

30 § 75A07. Trauma and suicide awareness and impact training.

1 (a) Training required.--Training provided under 53 Pa.C.S.  
2 Ch. 21 Subch. D. (relating to municipal police education and  
3 training) shall include trauma awareness training as established  
4 by the Municipal Police Officers' Education and Training  
5 Commission. Required initial and continuing education for  
6 emergency responders shall include trauma awareness training as  
7 established, as applicable, by the department and cooperating  
8 officials and agencies.

9 (b) Training topics.--Trauma awareness training shall  
10 include education on stress management, critical incidents,  
11 signs and symptoms of posttraumatic stress injury, vicarious  
12 trauma, substance abuse and addiction, warning signs of  
13 depression and suicide and any other topics as determined by the  
14 department. The training shall also include the availability of  
15 resources under this chapter.

16 § 75A08. Nonprofit organizations.

17 Nothing under this chapter shall prohibit the department or  
18 cooperating officials and agencies from contracting with  
19 nonprofit organizations within this Commonwealth to offer  
20 support services to eligible responders in accordance with this  
21 chapter.

22 § 75A09. Publication.

23 The department and cooperating officials and agencies shall  
24 post on their respective publicly accessible Internet websites  
25 the contact information of entities offering support services  
26 under this chapter.

27 § 75A10. Confidential communications involving emergency  
28 responders.

29 (a) Disclosure.--Except as provided under subsection (c), a  
30 trained peer support individual or helpline operator who, while

1 in the course of duty, has acquired information from any  
2 emergency responder in confidence may not be compelled or  
3 allowed without the consent of the emergency responder to  
4 disclose that information in a legal proceeding, trial or  
5 investigation before any governmental agency.

6 (b) Coparticipants.--Except as provided under subsection  
7 (c), a coparticipant who is present during the offering of  
8 trained peer support services may not be compelled or allowed,  
9 without the consent of the affected emergency responder, to  
10 disclose any communication made during the offering of the  
11 services in a legal proceeding, trial or investigation before a  
12 governmental agency.

13 (c) Exceptions.--The privilege established under subsections  
14 (a) and (b) shall not apply if any of the following apply:

15 (1) The communication indicates clear and present danger  
16 to the emergency responder who received trained peer support  
17 services or helpline assistance or to other individuals.

18 (2) The emergency responder who received trained peer  
19 support services or helpline assistance gives express consent  
20 to the disclosure.

21 (3) The emergency responder who received trained peer  
22 support services or helpline assistance is deceased and the  
23 surviving spouse or the executor or administrator of the  
24 estate of the deceased emergency responder gives express  
25 consent.

26 § 75A11. Funding.

27 The department may expend annually an amount not to exceed  
28 \$250,000 from the Emergency Medical Services Operating Fund to  
29 carry out the provisions of this chapter.

30 Section 2. Section 8153(c) of Title 35 is amended by adding

1 a paragraph to read:

2 § 8153. Support of emergency medical services.

3 \* \* \*

4 (c) Purpose of fund.--Except as provided under subsection  
5 (d), 75% of the money from the Emergency Medical Services  
6 Operating Fund shall be disbursed by the department for only the  
7 following uses:

8 \* \* \*

9 (5) To carry out the provisions of Chapter 75A (relating  
10 to emergency responder mental wellness and stress  
11 management).

12 \* \* \*

13 Section 3. Sections 3121 and 3807(b)(1)(ix) of Title 75 are  
14 amended to read:

15 § 3121. EMS costs.

16 In addition to any other costs that may be imposed under this  
17 part for a traffic violation, except for a parking violation, a  
18 cost of [~~\$10~~] \$20 shall be imposed. Moneys collected shall be  
19 forwarded to the State Treasurer for deposit in the Emergency  
20 Medical Services Operating Fund.

21 § 3807. Accelerated Rehabilitative Disposition.

22 \* \* \*

23 (b) Evaluation and treatment.--

24 (1) A defendant offered Accelerated Rehabilitative  
25 Disposition for a violation of section 3802 is, as a  
26 condition of participation in the program, subject to the  
27 following requirements in addition to any other conditions of  
28 participation imposed by the court:

29 \* \* \*

30 (ix) The defendant shall pay a cost of [~~\$25~~] \$50

1           which shall be forwarded to the State Treasurer for  
2           deposit in the Emergency Medical Services Operating Fund.

3           \* \* \*

4           Section 4. This act shall take effect in 60 days.