

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 AND INNAMORATO, MAY 14, 2019

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 24, 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.

1 75A01. Definitions.  
2 75A02. Mental wellness and stress management protocol.  
3 75A03. Peer-to-peer support programs.  
4 75A04. Trained peer support individuals PROVIDERS. <--  
5 75A05. Toll-free helpline.  
6 75A06. Statewide Critical Incident Stress Management Program  
7 and regional programs.  
8 75A07. Trauma and suicide awareness and impact training.  
9 75A08. Nonprofit organizations.  
10 75A09. Publication.  
11 75A10. Confidential communications involving emergency  
12 responders.  
13 75A11. Funding.  
14 § 75A01. Definitions.  
15 The following words and phrases when used in this chapter  
16 shall have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:  
18 "Cooperating officials and agencies." Includes the  
19 following:  
20 ~~(1) The Municipal Police Officers' Education and~~ <--  
21 ~~Training Commission.~~  
22 ~~(2) The Director of the Bureau of Emergency Medical~~  
23 ~~Services, as designated by the secretary.~~  
24 (1) THE DEPARTMENT OF HUMAN SERVICES OF THE <--  
25 COMMONWEALTH.  
26 (2) A COUNTY MENTAL HEALTH OFFICE LOCATED WITHIN THIS  
27 COMMONWEALTH.  
28 (3) The State Fire Commissioner.  
29 "CORRECTIONS OFFICER." A FULL-TIME EMPLOYEE ASSIGNED TO THE <--  
30 DEPARTMENT OF CORRECTIONS WHOSE PRINCIPAL DUTY IS THE CARE,

1 CUSTODY AND CONTROL OF INMATES OF A PENAL OR CORRECTIONAL  
2 INSTITUTION OPERATED BY THE DEPARTMENT OF CORRECTIONS.

3 "Critical incident." A situation to which an emergency  
4 responder responds that presents or involves either the death or  
5 serious bodily injury of an individual, or the imminent  
6 potential of death or serious bodily injury, or any situation  
7 faced by an emergency responder in the course of duty which  
8 causes or may cause the emergency responder to experience strong  
9 negative emotional reactions.

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

11 "EMERGENCY MEDICAL SERVICES PROVIDER OR EMS PROVIDER." AS <--  
12 DEFINED UNDER SECTION 8103 (RELATING TO DEFINITIONS).

13 "Emergency responder." Any of the following:

14 (1) A first responder.

15 (2) A peace officer.

16 (3) A 911 dispatcher.

17 (4) A coroner who responds in an official capacity to an  
18 emergency.

19 (5) A CORRECTIONS OFFICER. <--

20 "First responder." A current or former member of an  
21 emergency medical services agency, fire company, OR rescue <--  
22 company or quick response service. <--

23 "Mental wellness and stress management protocol." A plan  
24 that:

25 (1) Requires education and training on traumatic brain  
26 injuries and traumatic stress, including acute stress  
27 reactions, acute stress disorder, posttraumatic stress  
28 injuries and other emotional reactions and components of  
29 trauma reaction for emergency responders.

30 (2) Sets responsibilities for employer agencies and

1 emergency responders who sustain a posttraumatic stress  
2 injury or traumatic brain injury arising from their work.

3 (3) ~~Mandates~~ PROVIDES remedial supportive actions for <--  
4 employer agencies in response to a report of a posttraumatic  
5 stress injury or traumatic brain injury sustained by an  
6 emergency responder.

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

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

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

13 (i) recognizing the symptoms of a mental health  
14 condition, including those caused by a critical incident;  
15 and

16 (ii) making a behavioral health referral through an  
17 employee assistance program or other mental health agency  
18 for treatment by a licensed behavioral health  
19 professional; and

20 (2) delivered by a trained peer support individual.

21 "Posttraumatic stress injury." ~~The condition referred to as~~ <--  
22 ~~posttraumatic stress disorder~~ A POSTTRAUMATIC STRESS DISORDER AS <--  
23 DEFINED BY A MENTAL DISORDER CHARACTERIZED BY DIRECT EXPOSURE TO  
24 A TRAUMATIC EVENT AS IDENTIFIED in the Diagnostic and  
25 Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), <--  
26 ~~or superseding editions as published by the American Psychiatric~~  
27 ~~Association.~~

28 ~~"Quick response service." An operation in which emergency~~ <--  
29 ~~medical services providers of an emergency medical services~~  
30 ~~agency:~~

1 ~~(1) respond to an actual, reported or perceived~~  
2 ~~emergency; and~~

3 ~~(2) provide emergency medical services to patients~~  
4 ~~pending the arrival of an ambulance.~~

5 ~~"Regional emergency medical services council." The regional~~  
6 ~~EMS councils established under section 8109 (relating to~~  
7 ~~regional emergency medical services councils).~~

8 ~~"Secretary." The Secretary of Health of the Commonwealth.~~

9 ~~"Trained peer support individual PROVIDER." An emergency~~ <--  
10 ~~responder who has the training, credentials or experience to~~  
11 ~~provide support and advocacy services and is recognized by the~~  
12 ~~department under this chapter.~~

13 ~~§ 75A02. Mental wellness and stress management protocol.~~

14 ~~(a) General rule.--The secretary, in consultation with~~  
15 ~~cooperating officials and agencies, shall develop a mental~~  
16 ~~wellness and stress management protocol to assist emergency~~  
17 ~~responders who:~~

18 ~~(1) Suffer or may have suffered posttraumatic stress~~  
19 ~~injuries or traumatic brain injuries as a result of their~~  
20 ~~employment.~~

21 ~~(2) Have been exposed to critical incidents.~~

22 ~~(b) Implementation. The mental wellness and stress~~ <--  
23 ~~management protocol shall be implemented no later than 180 days~~  
24 ~~after the effective date of this chapter. COMPLIANCE.--~~ <--

25 ~~Emergency responders and agencies for which emergency responders~~  
26 ~~perform their duties shall abide by the protocol formalized~~ <--  
27 ~~ESTABLISHED under this section.~~ <--

28 ~~§ 75A03. Peer-to-peer support programs.~~

29 ~~(a) Establishment of peer-to-peer support programs.--~~  
30 ~~Notwithstanding any other provision of law, the secretary shall~~

1 establish at least one regional peer support service program  
2 within the service area of each ~~regional emergency medical~~ <--  
3 ~~services council for emergency responders~~ OF ITS REGIONAL OR <--  
4 DISTRICT OFFICES LOCATED in this Commonwealth.

5 (b) Cooperative establishment.--The secretary shall  
6 establish the peer-to-peer support programs in conjunction with  
7 cooperating officials and agencies, ~~the Pennsylvania Emergency~~ <--  
8 ~~Health Services Council~~, the regional emergency medical services  
9 councils and any other entities designated by the department.

10 (c) Access.--The department shall, if possible, establish  
11 the peer-to-peer support programs in a manner that ensures  
12 access to a program by all emergency responders within this  
13 Commonwealth ~~regardless of geographic location.~~ <--

14 (d) Services.--Services provided by a peer-to-peer support  
15 program shall include peer-to-peer support for all of the  
16 following:

17 (1) Mental health issues, including treatment and  
18 recovery support for posttraumatic stress, traumatic brain  
19 injury and depression.

20 (2) Alcohol, substance abuse or chemical dependence  
21 treatment and recovery support, including treatment planning,  
22 recovery coaching and relapse prevention.

23 (3) Sexual abuse trauma.

24 (4) Workplace abuse.

25 (5) Co-occurring disorders.

26 (6) Any other support service which the department  
27 ~~believes will further the intent and goals of this chapter~~ <--  
28 DEEMS NECESSARY. <--

29 (e) Critical incident stress management.--~~Nothing in this~~ <--  
30 ~~chapter shall preclude incorporating~~ THE PROGRAM SHALL <--

1 INCORPORATE critical incident stress management intervention  
2 into a peer to peer support program. <--

3 § 75A04. Trained peer support individuals. <--

4 The department, in conjunction with cooperating officials and  
5 agencies, shall establish guidelines for the recruitment,  
6 training and development of individuals capable of providing  
7 peer to peer support under section 75A03 (relating to peer to  
8 peer support programs). The guidelines shall include the  
9 establishment of minimum qualifications to receive credentials  
10 as a trained peer support individual and procedures to suspend,  
11 revoke or annul the credentials.

12 § 75A04. TRAINED PEER SUPPORT PROVIDERS. <--

13 (A) ESTABLISHMENT.--THE DEPARTMENT, IN CONJUNCTION WITH  
14 COOPERATING OFFICIALS AND AGENCIES, SHALL DEVELOP AND ESTABLISH  
15 GUIDELINES FOR THE RECRUITMENT AND TRAINING OF PROVIDERS CAPABLE  
16 OF PROVIDING PEER-TO-PEER SUPPORT UNDER SECTION 75A03 (RELATING  
17 TO PEER-TO-PEER SUPPORT PROGRAMS).

18 (B) CONTENTS.--THE GUIDELINES SHALL INCLUDE THE  
19 ESTABLISHMENT OF MINIMUM QUALIFICATIONS AS A TRAINED PEER  
20 SUPPORT PROVIDER.

21 (C) CREDENTIALING REQUIREMENT.--THE DEPARTMENT SHALL  
22 ESTABLISH A CLEAR CREDENTIALING REQUIREMENT AND A CERTIFICATE  
23 EVIDENCING A PROVIDER'S QUALIFICATIONS.

24 (D) PROCEDURE.--A PROCEDURE SHALL BE ESTABLISHED FOR THE  
25 SUSPENSION OR REVOCATION OF CREDENTIALS.

26 § 75A05. Toll-free helpline.

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

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

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

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

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

10      (b) Helpline operators.--An operator of the helpline must be  
11 one of the following: <--

12       ~~(1) Provided instruction and practical training approved~~  
13 ~~by the department and familiar A PROVIDER ADEQUATELY TRAINED~~ <--  
14 ~~IN IDENTIFYING with posttraumatic stress injuries and other~~  
15 ~~emotional and psychological reactions common to emergency~~  
16 ~~responders.~~ <--

17       ~~(2) Professionally trained to identify, assess and make~~  
18 ~~OR CAPABLE OF MAKING an appropriate referral to either a~~ <--  
19 ~~peer-to-peer support program or a licensed behavioral health~~  
20 ~~professional for the following:~~ <--

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

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

1           ~~(iii) Co-occurring disorders.~~

2           ~~(iv) Third party counseling services which the~~  
3           ~~department believes will further the intent and goals of~~  
4           ~~this chapter. FURTHER MENTAL HEALTH EVALUATION OR CARE. <--~~

5           (c) ~~Posting.--A sign with information about the toll-free <--~~  
6           ~~helpline shall be posted as follows at all sites where emergency <--~~  
7           ~~responders serve AND SHALL: <--~~

8           (1) ~~At least one sign, BE no smaller than 8 1/2 by 11 <--~~  
9           ~~inches and no larger than 1 by 2 feet, shall be. <--~~

10           (2) ~~BE posted in a conspicuous manner clearly visible to~~  
11           ~~emergency responders.~~

12           ~~(2) The sign shall include (3) INCLUDE the following <--~~  
13           ~~information:~~

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

16           (ii) ~~Notice that callers may provide information~~  
17           ~~anonymously if they choose to do so.~~

18           (d) ~~Online access to sign.--The department and cooperating~~  
19           ~~officials and agencies shall provide the sign on their~~  
20           ~~respective publicly accessible Internet websites for any person~~  
21           ~~to print as needed.~~

22           § 75A06. ~~Statewide Critical Incident Stress Management Program~~  
23           ~~and regional programs.~~

24           (a) ~~Establishment.--The department, in consultation with the <--~~  
25           ~~Pennsylvania Emergency Health Services Council, shall establish~~  
26           ~~a Statewide Critical Incident Stress Management Program to:~~

27           (1) ~~Identify the emotional impact that external and~~  
28           ~~internal critical incidents have on this Commonwealth's first~~  
29           ~~responders.~~

30           (2) ~~Prepare a response to event-driven situations~~

1 affecting the emotional well-being of first responders.

2 (b) ~~Regulations~~ PROTOCOL.--The department shall ~~promulgate~~ <--  
3 ~~regulations to serve as a protocol for those regional emergency~~  
4 ~~medical services councils that choose to establish regional~~  
5 ESTABLISH A PROTOCOL FOR THE DEPARTMENT'S critical incident <--  
6 stress management programs.

7 § 75A07. Trauma and suicide awareness and impact training.

8 ~~(a) Training required. Training provided under 53 Pa.C.S. <--~~  
9 ~~Ch. 21 Subch. D. (relating to municipal police education and~~  
10 ~~training) shall include trauma awareness training as established~~  
11 ~~by the Municipal Police Officers' Education and Training~~  
12 ~~Commission. Required initial and continuing education for~~  
13 ~~emergency responders shall include trauma awareness training as~~  
14 ~~established, as applicable, by the department and cooperating~~  
15 ~~officials and agencies.~~

16 ~~(b) Training topics. Trauma awareness training shall~~  
17 ~~include education on stress management, critical incidents,~~  
18 ~~signs and symptoms of posttraumatic stress injury, vicarious~~  
19 ~~trauma, substance abuse and addiction, warning signs of~~  
20 ~~depression and suicide and any other topics as determined by the~~  
21 ~~department. The training shall also include the availability of~~  
22 ~~resources under this chapter.~~

23 (A) TRAINING REQUIRED.--THE DEPARTMENT SHALL PROVIDE FOR AND <--  
24 INCLUDE TRAUMA AWARENESS TRAINING. THE DEPARTMENT MAY PARTNER OR  
25 CONTRACT WITH A THIRD-PARTY ENTITY TO PROVIDE THE NECESSARY  
26 TRAINING. THE DEPARTMENT SHALL REQUIRE INITIAL AND CONTINUING  
27 EDUCATION FOR EMERGENCY RESPONDERS AND SHALL INCLUDE TRAUMA  
28 AWARENESS TRAINING.

29 (B) TRAINING TOPICS.--TRAUMA AWARENESS TRAINING SHALL  
30 INCLUDE THE FOLLOWING:

- 1           (1) EDUCATION ON STRESS MANAGEMENT.
- 2           (2) CRITICAL INCIDENTS.
- 3           (3) SIGNS AND SYMPTOMS OF POSTTRAUMATIC STRESS INJURY.
- 4           (4) VICARIOUS TRAUMA.
- 5           (5) SUBSTANCE ABUSE AND ADDICTION.
- 6           (6) WARNING SIGNS OF DEPRESSION AND SUICIDE AND ANY  
7           OTHER RELEVANT TOPICS AS DETERMINED BY THE DEPARTMENT.
- 8           (7) THE AVAILABILITY OF ADDITIONAL RESOURCES.

9 § 75A08. Nonprofit organizations.

10       Nothing under this chapter shall prohibit the department or  
11 cooperating officials and agencies from contracting with  
12 nonprofit organizations within this Commonwealth to offer <--  
13 support services to eligible responders in accordance with this  
14 chapter.

15 § 75A09. Publication.

16       The department and cooperating officials and agencies shall  
17 post on their respective publicly accessible Internet websites  
18 the contact information of entities offering support services  
19 under this chapter.

20 § 75A10. Confidential communications involving emergency  
21 responders.

22       ~~(a) Disclosure. Except as provided under subsection (c), a~~ <--  
23 ~~trained peer support individual or helpline operator who, while~~  
24 ~~in the course of duty, has acquired information from any~~  
25 ~~emergency responder in confidence may not be compelled or~~  
26 ~~allowed without the consent of the emergency responder to~~  
27 ~~disclose that information in a legal proceeding, trial or~~  
28 ~~investigation before any governmental agency.~~

29       ~~(b) Coparticipants. Except as provided under subsection~~  
30 ~~(c), a coparticipant who is present during the offering of~~

1 ~~trained peer support services may not be compelled or allowed,~~  
2 ~~without the consent of the affected emergency responder, to~~  
3 ~~disclose any communication made during the offering of the~~  
4 ~~services in a legal proceeding, trial or investigation before a~~  
5 ~~governmental agency.~~

6 ~~(c) Exceptions. The privilege established under subsections~~  
7 ~~(a) and (b) shall not apply if any of the following apply:~~

8 ~~(1) The communication indicates clear and present danger~~  
9 ~~to the emergency responder who received trained peer support~~  
10 ~~services or helpline assistance or to other individuals.~~

11 ~~(2) The emergency responder who received trained peer~~  
12 ~~support services or helpline assistance gives express consent~~  
13 ~~to the disclosure.~~

14 ~~(3) The emergency responder who received trained peer~~  
15 ~~support services or helpline assistance is deceased and the~~  
16 ~~surviving spouse or the executor or administrator of the~~  
17 ~~estate of the deceased emergency responder gives express~~  
18 ~~consent.~~

19 ~~(A) DISCLOSURE.--EXCEPT AS PROVIDED UNDER SUBSECTION (B), A <--~~  
20 ~~TRAINED PEER SUPPORT PROVIDER OR COPARTICIPANT PRESENT DURING~~  
21 ~~PEER SUPPORT SERVICES MAY NOT DISCLOSE ANY INFORMATION REGARDING~~  
22 ~~AN EMERGENCY RESPONDER WITHOUT THE CONSENT OF THE EMERGENCY~~  
23 ~~RESPONDER.~~

24 ~~(B) EXCEPTIONS.--THE PRIVILEGE ESTABLISHED UNDER SUBSECTION~~  
25 ~~(A) SHALL NOT APPLY IF ANY OF THE FOLLOWING APPLY:~~

26 ~~(1) THE PEER SUPPORT OR HELPLINE OPERATOR REASONABLY~~  
27 ~~BELIEVES A CLEAR AND PRESENT DANGER EXISTS TO THE EMERGENCY~~  
28 ~~RESPONDER OR TO OTHER INDIVIDUALS.~~

29 ~~(2) THE EMERGENCY RESPONDER HAS GIVEN EXPRESS CONSENT TO~~  
30 ~~DISCLOSE INFORMATION.~~

1           (3) THE EMERGENCY RESPONDER IS DECEASED AND THE  
2           SURVIVING SPOUSE OR THE EXECUTOR OR ADMINISTRATOR OF THE  
3           ESTATE OF THE DECEASED EMERGENCY RESPONDER HAS GIVEN EXPRESS  
4           CONSENT.

5   § 75A11. Funding.

6           The department may expend annually an amount not to exceed  
7           \$250,000 from the Emergency Medical Services Operating Fund to  
8           carry out the provisions of this chapter.

9           Section 2. Section 8153(c) of Title 35 is amended by adding  
10 a paragraph to read:

11 § 8153. Support of emergency medical services.

12           \* \* \*

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

17           \* \* \*

18           (5) To carry out the provisions of Chapter 75A (relating  
19           to emergency responder mental wellness and stress  
20           management).

21           \* \* \*

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

24 § 3121. EMS costs.

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

30 § 3807. Accelerated Rehabilitative Disposition.

1 \* \* \*

2 (b) Evaluation and treatment.--

3 (1) A defendant offered Accelerated Rehabilitative  
4 Disposition for a violation of section 3802 is, as a  
5 condition of participation in the program, subject to the  
6 following requirements in addition to any other conditions of  
7 participation imposed by the court:

8 \* \* \*

9 (ix) The defendant shall pay a cost of [~~\$25~~] \$50  
10 which shall be forwarded to the State Treasurer for  
11 deposit in the Emergency Medical Services Operating Fund.

12 \* \* \*

13 Section 4. This act shall take effect ~~in 60 days~~. AS <--  
14 FOLLOWS:

15 (1) THE ADDITION OF 35 PA.C.S. § 75A02(B) SHALL TAKE  
16 EFFECT IN 180 DAYS.

17 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
18 IMMEDIATELY.