
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2508 Session of
2018

INTRODUCED BY SCHLOSSBERG, FARRY, BARRAR, A. DAVIS, DEASY,
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JUNE 18, 2018

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, JUNE 18, 2018

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 Critical Incident Stress Management Program; providing
5 for duties of the Secretary of Health and the Department of
6 Health; in emergency medical services system, further
7 providing for support of emergency medical services; in
8 operation of vehicles general provisions, further providing
9 for EMS costs; and, in driving after imbibing alcohol or
10 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. Certified peer counselors.
3 75A05. Toll-free helpline.
4 75A06. Critical Incident Stress Management Program.
5 75A07. Trauma awareness training.
6 75A08. Nonprofit organizations.
7 75A09. Publication.
8 75A10. Confidential communications involving emergency
9 responders.
10 75A11. Funding.
11 § 75A01. Definitions.

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

15 "Certified peer counselor." An emergency responder who has
16 the training, credentials or experience to provide counseling
17 and is recognized by the department under this chapter.

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 (3) The State Fire Commissioner.

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

1 unusually strong negative emotional reactions.

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

3 "Emergency responder." Any of the following:

4 (1) A first responder.

5 (2) A peace officer.

6 (3) A 911 dispatcher.

7 (4) A coroner who responds in an official capacity to an
8 emergency.

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

12 "Mental wellness and stress management protocol." A plan
13 that:

14 (1) Requires education on posttraumatic stress injuries
15 and traumatic brain injuries for emergency responders.

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

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

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

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

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

29 (i) the treatment of and recovery from a mental
30 health condition; and

1 (ii) critical incident response; and
2 (2) delivered by a certified peer counselor.
3 "Quick response service." An operation in which emergency
4 medical services providers of an emergency medical services
5 agency:

6 (1) respond to an actual, reported or perceived
7 emergency; and
8 (2) provide emergency medical services to patients
9 pending the arrival of an ambulance.

10 "Secretary." The Secretary of Health of the Commonwealth.
11 § 75A02. Mental wellness and stress management protocol.

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

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

19 (2) Have been involved in critical incidents.

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

25 § 75A03. Peer-to-peer support programs.

26 (a) Establishment of peer-to-peer support programs.--
27 Notwithstanding any other provision of law, the secretary shall
28 establish a minimum of four regional peer support service
29 programs for emergency responders in this Commonwealth.

30 (b) Cooperative establishment.--The secretary shall

1 establish the peer-to-peer support programs in conjunction with
2 cooperating officials and agencies.

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

7 (d) Services.--Services provided by a peer-to-peer support
8 program shall include peer-to-peer counseling for all of the
9 following:

10 (1) Mental health issues, including treatment and
11 recovery support for posttraumatic stress, traumatic brain
12 injury and depression.

13 (2) Alcohol, substance abuse or chemical dependence
14 treatment and recovery support, including treatment planning,
15 recovery coaching and relapse prevention.

16 (3) Sexual abuse trauma.

17 (4) Co-occurring disorders.

18 (5) Any other counseling service which the department
19 believes will further the intent and goals of this chapter.

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

23 § 75A04. Certified peer counselors.

24 The department, in conjunction with cooperating officials and
25 agencies, shall establish guidelines for the recruitment,
26 training and development of individuals capable of providing
27 peer-to-peer counseling services under section 75A03 (relating
28 to peer-to-peer support programs). The guidelines shall include
29 the establishment of minimum qualifications to receive
30 credentials as a certified peer counselor and procedures to

1 suspend, revoke or annul the credentials.

2 § 75A05. Toll-free helpline.

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

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

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

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

13 (4) Ensure the confidentiality of the names of callers,
14 information discussed during the call and any referrals for
15 further debriefing or counseling.

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

18 (1) Provided instruction and practical training by the
19 department and familiar with posttraumatic stress injuries
20 and other emotional and psychological injuries unique to
21 emergency responders.

22 (2) Professionally trained to provide counseling
23 services for the following:

24 (i) Mental health issues unique to emergency
25 responders, including treatment and recovery support for
26 posttraumatic stress, traumatic brain injury and
27 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) Other counseling services which the department
3 believes will further the intent and goals of this
4 chapter.

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:

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

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

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

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

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

20 § 75A06. Critical Incident Stress Management Program.

21 The department, in consultation with the Pennsylvania
22 Emergency Health Services Council, shall establish a Critical
23 Incident Stress Management Program to:

24 (1) Identify the emotional impact that external and
25 internal critical incidents have on this Commonwealth's first
26 responders.

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

29 § 75A07. Trauma awareness training.

30 (a) Training required.--Training provided under 53 Pa.C.S.

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

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

14 § 75A08. Nonprofit organizations.

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

20 § 75A09. Publication.

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

25 § 75A10. Confidential communications involving emergency
26 responders.

27 (a) Disclosure.--Except as provided under subsection (c), a
28 peer-to-peer counselor or helpline operator who, while in the
29 course of duty, has acquired information from any emergency
30 responder in confidence may not be compelled or allowed without

1 the consent of the emergency responder to disclose that
2 information in a legal proceeding, trial or investigation before
3 any governmental agency.

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

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

13 (1) The communication indicates clear and present danger
14 to the emergency responder who received peer-to-peer
15 counseling services or helpline assistance or to other
16 individuals.

17 (2) The emergency responder who received peer-to-peer
18 counseling services or helpline assistance gives express
19 consent to the disclosure.

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

25 § 75A11. Funding.

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

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

1 § 8153. Support of emergency medical services.

2 * * *

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

7 * * *

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

11 * * *

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

14 § 3121. EMS costs.

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

20 § 3807. Accelerated Rehabilitative Disposition.

21 * * *

22 (b) Evaluation and treatment.--

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

28 * * *

29 (ix) The defendant shall pay a cost of [\$25] \$50
30 which shall be forwarded to the State Treasurer for

1 deposit in the Emergency Medical Services Operating Fund.

2 * * *

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