

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 AND KORTZ, MAY 14, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 29, 2019

AN ACT

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

- 1 75A02. Mental wellness and stress management protocol.
2 75A03. Peer-to-peer support programs.
3 75A04. Trained peer support providers.
4 75A05. Toll-free helpline.
5 75A06. Statewide Critical Incident Stress Management Program
6 and regional programs. <--
7 75A07. Trauma and suicide awareness and impact training.
8 75A08. Nonprofit organizations.
9 75A09. Publication.
10 75A10. Confidential communications involving emergency
11 responders.
12 75A11. Funding.

13 § 75A01. Definitions.

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

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

19 (1) The Department of Human Services of the
20 Commonwealth.

21 (2) A county mental health office located within this
22 Commonwealth.

23 (3) The State Fire Commissioner.

24 (4) THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS OF THE <--
25 COMMONWEALTH.

26 "Corrections officer." A full-time employee assigned to the
27 Department of Corrections whose principal duty is the care,
28 custody and control of inmates of a penal or correctional
29 institution operated by the Department of Corrections.

30 "Critical incident." A situation to which an emergency

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

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

8 "Emergency medical services provider or EMS provider." As <--
9 defined under section 8103 (relating to definitions).

10 "Emergency responder." Any of the following:

11 (1) A first responder CURRENT OR FORMER MEMBER OF AN <--
12 EMERGENCY MEDICAL SERVICES AGENCY, FIRE COMPANY OR RESCUE
13 COMPANY.

14 (2) A peace officer.

15 (3) A 911 dispatcher.

16 (4) A coroner OR MEDICAL EXAMINER who responds in an <--
17 official capacity to an emergency.

18 (5) A corrections officer.

19 "First responder." A current or former member of an <--
20 emergency medical services agency, fire company or rescue
21 company.

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

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

29 (2) Sets responsibilities for employer PUBLIC agencies <--
30 and emergency responders who sustain a posttraumatic stress

1 injury or traumatic brain injury arising from their work.

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

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

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

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

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

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

19 (2) delivered by a trained peer support ~~individual~~ <--
20 PROVIDER. <--

21 "Posttraumatic stress injury." A posttraumatic stress
22 disorder as defined by a mental disorder characterized by direct
23 exposure to a traumatic event as identified in the Diagnostic
24 and Statistical Manual of Mental Disorders, Fifth Edition (DSM-
25 5).

26 "PUBLIC AGENCY." AS DEFINED UNDER SECTION 5302 (RELATING TO <--
27 DEFINITIONS).

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

29 "Trained peer support provider." An emergency responder who
30 has the training, credentials or experience to provide support

1 and advocacy services and is recognized by the department under
2 this chapter.

3 § 75A02. Mental wellness and stress management protocol.

4 (a) General rule.--The secretary, in consultation with
5 cooperating officials and agencies, shall develop a mental
6 wellness and stress management protocol to assist emergency
7 responders who:

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

11 (2) Have been exposed to critical incidents.

12 (b) Compliance.--Emergency responders and PUBLIC agencies <--
13 for which emergency responders perform their duties shall abide <--
14 by COMPLY WITH the protocol established under this section. <--

15 § 75A03. Peer-to-peer support programs.

16 (a) Establishment of peer-to-peer support programs.--
17 Notwithstanding any other provision of law, the secretary shall
18 establish at least one regional ~~peer~~ PEER-TO-PEER support <--
19 service program within the service area of each of ~~its~~ THE <--
20 DEPARTMENT'S regional or district offices located in this
21 Commonwealth.

22 (b) Cooperative establishment.--The secretary shall
23 establish the peer-to-peer support programs in conjunction with
24 cooperating officials and agencies, ~~the regional emergency~~ <--
25 ~~medical services councils~~ and any other entities designated by
26 the department.

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

1 (d) Services.--Services provided by a peer-to-peer support
2 program shall include peer-to-peer support for all of the
3 following:

4 (1) Mental health issues, including treatment and
5 recovery support for posttraumatic stress INJURIES, traumatic <--
6 brain injury and depression.

7 (2) Alcohol, substance abuse or chemical dependence
8 treatment and recovery support, including treatment planning,
9 recovery coaching and relapse prevention.

10 (3) Sexual abuse trauma.

11 (4) Workplace abuse.

12 (5) Co-occurring disorders.

13 (6) Any other support service which the department deems
14 necessary.

15 (e) Critical incident stress management.--The program shall
16 incorporate critical incident stress management intervention.
17 § 75A04. Trained peer support providers.

18 (a) Establishment.--The department, in conjunction with
19 cooperating officials and agencies, shall develop and establish
20 guidelines for the recruitment and training of providers <--
21 ENTITIES capable of providing peer-to-peer support under section <--
22 75A03 (relating to peer-to-peer support programs).

23 (b) Contents.--The guidelines shall include the
24 establishment of minimum qualifications as a trained peer
25 support provider.

26 (c) Credentialing requirement.--The department shall
27 establish a clear credentialing requirement and a certificate
28 evidencing a TRAINED PEER SUPPORT provider's qualifications. <--

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

1 § 75A05. Toll-free helpline.

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

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

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

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

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

15 (b) Helpline operators.--An operator of the helpline must be
16 a provider AN INDIVIDUAL adequately trained in identifying with <--
17 posttraumatic stress injuries and other emotional and
18 psychological reactions common to emergency responders or
19 capable of making an appropriate referral to either a peer-to-
20 peer support program or a licensed behavioral health
21 professional for further mental health evaluation or care.

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

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

25 (2) Be posted in a conspicuous manner clearly visible to
26 emergency responders.

27 (3) Include the following information:

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

30 (ii) Notice that callers may provide information

1 anonymously if they choose to do so.

2 (d) Online access to sign.--The department and cooperating
3 officials and agencies shall provide the sign on their
4 respective publicly accessible Internet websites for any person
5 to print as needed.

6 § 75A06. Statewide Critical Incident Stress Management Program
7 and regional programs. <--

8 (a) Establishment.--The department shall establish a
9 Statewide Critical Incident Stress Management Program to:

10 (1) Identify the emotional impact that external and
11 internal critical incidents have on this Commonwealth's first <--
12 EMERGENCY responders. <--

13 (2) Prepare a response to event-driven situations
14 affecting the emotional well-being of first EMERGENCY <--
15 responders.

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

18 § 75A07. Trauma and suicide awareness and impact training.

19 (a) Training required.--The department shall provide for and <--
20 include trauma awareness DEVELOP A PROGRAM OF TRAUMA AND SUICIDE <--
21 AWARENESS AND IMPACT training. The department may partner or
22 contract with a third-party entity to provide the necessary
23 training. The department shall require TRAUMA AND SUICIDE <--
24 AWARENESS AND IMPACT TRAINING AS A COMPONENT OF initial and
25 continuing education for emergency responders and shall include <--
26 trauma awareness training EMS PROVIDERS AND SHALL MAKE THE <--
27 TRAINING AVAILABLE TO OTHER EMERGENCY RESPONDERS.

28 (b) Training topics.--Trauma AND SUICIDE awareness AND <--
29 IMPACT training shall include the following:

30 (1) Education on stress management.

- 1 (2) Critical incidents.
2 (3) Signs and symptoms of posttraumatic stress injury.
3 (4) Vicarious trauma.
4 (5) Substance abuse and addiction.
5 (6) Warning signs of depression and suicide and any
6 other relevant topics as determined by the department.
7 (7) The availability of additional resources, INCLUDING <--
8 THE RESOURCES CREATED UNDER THIS CHAPTER.

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 to offer support services to eligible
13 EMERGENCY responders in accordance with this chapter. <--

14 § 75A09. Publication.

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

19 § 75A10. Confidential communications involving emergency
20 responders.

21 (a) Disclosure.--Except as provided under subsection (b), a
22 trained peer support provider or coparticipant present during
23 peer support services OR A HELPLINE OPERATOR may not disclose <--
24 any information regarding an emergency responder without the
25 consent of the emergency responder.

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

28 (1) The ~~peer support~~ TRAINED PEER SUPPORT PROVIDER or <--
29 helpline operator reasonably believes a clear and present
30 danger exists to the emergency responder or to other

1 individuals.

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

4 (3) The emergency responder is deceased and the
5 surviving spouse or the executor or administrator of the
6 estate of the deceased emergency responder has given express
7 consent.

8 § 75A11. Funding.

9 The department may expend annually an amount not to exceed
10 \$250,000 from the Emergency Medical Services Operating Fund to <--
11 carry out the provisions of this chapter. MONEY ALLOCATED TO THE <--
12 CATASTROPHIC MEDICAL AND REHABILITATION FUND FOR VICTIMS OF
13 TRAUMA.

14 Section 2. Section 8153(c) of Title 35 is amended by adding <--
15 a paragraph to read:

16 § 8153. Support of emergency medical services.

17 * * *

18 (c) Purpose of fund. Except as provided under subsection
19 (d), 75% of the money from the Emergency Medical Services
20 Operating Fund shall be disbursed by the department for only the
21 following uses:

22 * * *

23 (5) To carry out the provisions of Chapter 75A (relating
24 to emergency responder mental wellness and stress
25 management).

26 * * *

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

29 § 3121. EMS costs.

30 In addition to any other costs that may be imposed under this

1 ~~part for a traffic violation, except for a parking violation, a~~
2 ~~cost of [\$10] \$20 shall be imposed. Moneys collected shall be~~
3 ~~forwarded to the State Treasurer for deposit in the Emergency~~
4 ~~Medical Services Operating Fund.~~

5 ~~§ 3807. Accelerated Rehabilitative Disposition.~~

6 * * *

7 ~~(b) Evaluation and treatment.~~

8 ~~(1) A defendant offered Accelerated Rehabilitative~~
9 ~~Disposition for a violation of section 3802 is, as a~~
10 ~~condition of participation in the program, subject to the~~
11 ~~following requirements in addition to any other conditions of~~
12 ~~participation imposed by the court:~~

13 * * *

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

17 * * *

18 SECTION 2. SECTION 8153(D) OF TITLE 35 IS AMENDED TO READ: <--

19 § 8153. SUPPORT OF EMERGENCY MEDICAL SERVICES.

20 * * *

21 (D) ALLOCATION TO CATASTROPHIC MEDICAL AND REHABILITATION
22 FUND.--TWENTY-FIVE PERCENT OF THE MONEY IN THE EMERGENCY MEDICAL
23 SERVICES OPERATING FUND SHALL BE ALLOCATED TO A CATASTROPHIC
24 MEDICAL AND REHABILITATION FUND FOR VICTIMS OF TRAUMA AND TO
25 CARRY OUT THE PROVISIONS OF CHAPTER 75A (RELATING TO EMERGENCY
26 RESPONDER MENTAL WELLNESS AND STRESS MANAGEMENT). AFTER THE
27 EXHAUSTION OF ALL ALTERNATIVE FINANCIAL RESOURCES, OTHER THAN
28 THOSE EXCLUDED BY THE DEPARTMENT FROM CONSIDERATION, THE
29 CATASTROPHIC FUND SHALL BE AVAILABLE FOR THE PURCHASE OF
30 MEDICAL, REHABILITATION AND ATTENDANT CARE SERVICES FOR TRAUMA

1 VICTIMS AND MAY BE MADE AVAILABLE FOR THE PURCHASE OF SUPPORTIVE
2 SERVICES SUCH AS RESPITE CARE AND COUNSELING SERVICES FOR THE
3 FAMILY OR HOUSEHOLD MEMBERS OF TRAUMA VICTIMS. THE DEPARTMENT
4 MAY, BY REGULATION, PRIORITIZE THE DISTRIBUTION OF FUNDS BY AND
5 WITHIN CLASSIFICATION OF TRAUMATIC INJURY.

6 * * *

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

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

10 (2) The remainder of this act shall take effect
11 immediately.