

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

SENATOR REGAN, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, IN
SENATE, AS AMENDED, JUNE 22, 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." A plan
12 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 (b) Compliance.--Emergency responders and public agencies
2 for which emergency responders perform their duties shall comply
3 with the ~~protocol~~ GUIDELINES established under this section. <--

4 § 75A03. Peer-to-peer support programs.

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

10 (b) Cooperative establishment.--The secretary shall
11 establish the peer-to-peer support programs in conjunction with
12 cooperating officials and agencies and any other entities
13 designated by the department.

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

18 (d) Services.--Services provided by a peer-to-peer support
19 program shall include peer-to-peer support for all of the
20 following:

21 (1) Mental health issues, including treatment and
22 recovery support for posttraumatic stress injuries, traumatic
23 brain injury and depression.

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

27 (3) Sexual abuse trauma.

28 (4) Workplace abuse.

29 (5) Co-occurring disorders.

30 (6) Any other support service which the department deems

1 necessary.

2 (e) Critical incident stress management.--The program shall
3 incorporate critical incident stress management intervention.
4 § 75A04. Trained peer support providers.

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

10 (b) Contents.--The guidelines shall include the
11 establishment of minimum qualifications as a trained peer
12 support provider.

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

16 (d) Procedure.--A procedure shall be established for the
17 suspension or revocation of credentials.
18 § 75A05. Toll-free helpline.

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

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

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

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

29 (4) Ensure the confidentiality of the names of callers,
30 information discussed during the call and any referrals for

1 further services.

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

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

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

12 (2) Be posted in a conspicuous manner clearly visible to
13 emergency responders.

14 (3) Include the following information:

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

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

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

23 § 75A06. Statewide Critical Incident Stress Management Program.

24 (a) Establishment.--The department, IN CONSULTATION WITH THE <--
25 PENNSYLVANIA EMERGENCY HEALTH SERVICES COUNCIL'S CRITICAL
26 INCIDENT STRESS MANAGEMENT COMMITTEE, WHICH SHALL CONSIST OF
27 REPRESENTATIVES OF EMERGENCY RESPONDERS AND THE PENNSYLVANIA
28 CRITICAL INCIDENT STRESS MANAGEMENT NETWORK, shall establish a
29 Statewide Critical Incident Stress Management Program to:

30 (1) Identify the emotional impact that external and

1 internal critical incidents have on this Commonwealth's
2 emergency responders.

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

5 (3) UPDATE THE CRITICAL INCIDENT STRESS MANAGEMENT TEAM <--
6 LEVEL PARTICIPATION IN THE PENNSYLVANIA VOLUNTARY CRITICAL
7 INCIDENT STRESS MANAGEMENT NETWORK.

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

10 (RESERVED). <--

11 § 75A07. Trauma and suicide awareness and impact training.

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

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

21 (1) Education on stress management.

22 (2) Critical incidents.

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

24 (4) Vicarious trauma.

25 (5) Substance abuse and addiction.

26 (6) Warning signs of depression and suicide and any
27 other relevant topics as determined by the department.

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

30 § 75A08. Nonprofit organizations.

1 Nothing under this chapter shall prohibit the department or
2 cooperating officials and agencies from contracting with
3 nonprofit organizations to offer support services to eligible
4 emergency responders in accordance with this chapter.

5 § 75A09. Publication.

6 The department and cooperating officials and agencies shall
7 post on their respective publicly accessible Internet websites
8 the contact information of entities offering support services
9 under this chapter.

10 § 75A10. Confidential communications involving emergency
11 responders.

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

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

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

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

24 (3) The emergency responder is deceased and the
25 surviving spouse or the executor or administrator of the
26 estate of the deceased emergency responder has given express
27 consent.

28 § 75A11. Funding.

29 The department may expend annually an amount not to exceed
30 \$250,000 from the money allocated to the Catastrophic Medical

1 and Rehabilitation Fund for victims of trauma.

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

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

4 AMENDED TO READ:

5 § 7704. IMMUNITY FROM CIVIL LIABILITY.

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

23 * * *

24 § 8153. Support of emergency medical services.

25 * * *

26 (d) Allocation to Catastrophic Medical and Rehabilitation
27 Fund.--Twenty-five percent of the money in the Emergency Medical
28 Services Operating Fund shall be allocated to a Catastrophic
29 Medical and Rehabilitation Fund for victims of trauma and to
30 carry out the provisions of Chapter 75A (relating to emergency

1 responder mental wellness and stress management). After the
2 exhaustion of all alternative financial resources, other than
3 those excluded by the department from consideration, the
4 catastrophic fund shall be available for the purchase of
5 medical, rehabilitation and attendant care services for trauma
6 victims and may be made available for the purchase of supportive
7 services such as respite care and counseling services for the
8 family or household members of trauma victims. The department
9 may, by regulation, prioritize the distribution of funds by and
10 within classification of traumatic injury.

11 * * *

12 Section 3 4. This act shall take effect as follows:

<--

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

15 (2) The remainder of this act shall take effect
16 immediately.