

House Bill 451

By: Representatives Seabaugh of the 34th, Kennard of the 101st, Hitchens of the 161st, Gaines of the 120th, Camp of the 135th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and
2 employees, so as to require the provision of supplemental, illness-specific insurance to
3 certain first responders diagnosed with occupational post-traumatic stress disorder; to provide
4 for legislative findings; to provide for definitions; to provide for certain insurance benefits
5 to eligible first responders; to provide for limitations and restrictions of such benefits; to
6 provide for methods of funding; to provide for treatment of premiums; to amend Code
7 Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of
8 Georgia taxable net income, so as to provide an exemption for benefits received from such
9 insurance coverage for first responders; to provide for related matters; to provide for an
10 effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
14 is amended by adding a new chapter to read as follows:

H. B. 451

15 "CHAPTER 25

16 45-25-1.

17 The Georgia General Assembly finds that:

18 (1) First responders are often exposed to traumatic events in the line of duty and are at
19 risk of developing post-traumatic stress disorder, which, if untreated, can result in the
20 inability to serve as a first responder as well as grave health consequences, including
21 death by suicide;

22 (2) Major medical insurance provides coverage for mental health treatment on parity
23 with other illnesses, and major medical insurance companies are best suited to help first
24 responders identify healthcare providers who can treat post-traumatic stress disorder and
25 provide coverage for treatment by such providers;

26 (3) The Office of Public Safety Support within the Department of Public Safety was
27 established to provide peer counselors and critical incident support services to first
28 responders exposed to traumatic events at work. The intent of this chapter is to expand
29 on this existing support by ensuring that, after a qualifying diagnosis of occupational
30 post-traumatic stress disorder, such first responders have financial resources readily
31 available to them;

32 (4) Having financial resources readily available to meet the financial needs of first
33 responders at the critically important time of identifying the mental healthcare provider
34 of their choice and beginning treatment, as well as having additional financial resources
35 available for the continuation of treatment, pursuit of recovery, and return to service as
36 first responders, will better serve first responders and their families; and

37 (5) Nothing in this chapter is intended to reimburse for or provide mental healthcare
38 treatment or replace or disrupt coverage for mental health treatment under major medical
39 insurance.

40 45-25-2.

41 As used in this chapter, the term:

42 (1) 'Covered condition' means an eligible first responder's occupational post-traumatic
43 stress disorder that is the direct result of an experience of or an exposure to a traumatic
44 event, wherein such experience or exposure takes place during the normal course of the
45 first responder's regular occupational or volunteer duties on behalf of a public entity and
46 the diagnosis is made no later than two years after the date of the traumatic event.

47 (2) 'Eligible first responder' means a first responder who experienced or was exposed to
48 a traumatic event during the normal course of performing regular occupational or
49 volunteer duties on behalf of a public entity and such experience or exposure resulted in
50 post-traumatic stress disorder, if the first responder received a diagnosis of post-traumatic
51 stress disorder arising from such experience or exposure no later than two years after the
52 traumatic event.

53 (3) 'First responder' means a person designated or trained to respond to an emergency.
54 Such term includes any of the following professions:

55 (A) 'Communications officer' shall have the same meaning as provided in Code
56 Section 37-12-1;

57 (B) 'Correctional officer' shall have the same meaning as provided in Code
58 Section 45-1-8;

59 (C) 'Emergency medical professional' shall have the same meaning as provided in
60 Code Section 16-10-24.2;

61 (D) 'Emergency medical technician' shall have the same meaning as provided in Code
62 Section 16-10-24.2;

63 (E) 'Firefighter' shall have the same meaning as provided in Code Section 25-4-2;

64 (F) 'Highway emergency response operator' shall have the same meaning as provided
65 in Code Section 45-1-8;

66 (G) 'Jail officer' shall have the same meaning as provided in Code Section 45-1-8;

- 67 (H) 'Juvenile correctional officer' shall have the same meaning as provided in Code
68 Section 45-1-8;
- 69 (I) 'Peace officer' shall have the same meaning as provided in Code Section 35-8-2; and
70 (J) 'Probation officer' shall have the same meaning as provided in Code Section 45-1-8.
- 71 (4) 'Monthly salary' means regular monthly earnings excluding overtime, bonuses, and
72 commissions.
- 73 (5) 'Post-traumatic stress disorder' means an anxiety disorder caused by experiencing or
74 being exposed to a traumatic event and which satisfies the clinical diagnostic criteria set
75 forth in the American Psychiatric Association's *Diagnostic and Statistical Manual of*
76 *Mental Disorders* (DSM-5), in effect as of January 1, 2023.
- 77 (6) 'Public entity' means a department agency, board, bureau, commission, authority, or
78 instrumentality of the State of Georgia, any local government or authority, including a
79 county, municipal, or consolidated government in this state, or any other political division
80 in this state. Such term includes a school district, independent school district, or other
81 local school system in this state.
- 82 (7) 'Qualified diagnostician' means an individual that is board certified in the medical
83 specialty appropriate for trauma related mental health diagnoses. Such term includes any
84 of the following professions:
- 85 (A) 'Nurse practitioner' means a nurse duly licensed in this state under Chapter 26 of
86 Title 43;
- 87 (B) 'Physician' shall have the same meaning as provided in Code Section 43-34-1;
- 88 (C) 'Physician assistant' shall have the same meaning as provided in Code
89 Section 43-34-23;
- 90 (D) 'Psychiatrist' means a person duly authorized to practice psychiatry as provided for
91 in Code Section 43-34-21; and
- 92 (E) 'Psychologist' means a person duly authorized to practice psychology as provided
93 in Chapter 39 of Title 43.

94 (8) 'Traumatic event' means an actual or threatened death, serious injury, or act of sexual
95 violence that occurs on or after July 1, 2023, and which the first responder experienced
96 or was exposed to during the normal course of the first responder's regular occupational
97 or volunteer duties on behalf of a public entity. In cases involving multiple traumatic
98 events occurring on or after July 1, 2023, the traumatic event is the most recent event
99 determined by the qualified diagnostician to be related to the symptoms of post-traumatic
100 stress disorder.

101 45-25-3.

102 (a) A public entity shall provide and maintain sufficient insurance coverage on each of its
103 first responders to pay the benefits described in subsection (b) of this Code section to
104 eligible first responders with covered conditions arising from a traumatic event which the
105 first responder experienced or was exposed to while performing first responder services for
106 such public entity. Such coverage shall also pay such benefits for covered conditions
107 arising from an employed first responder's services as a first responder volunteer for
108 another public entity. In the event a volunteer first responder of one public entity is
109 simultaneously employed as a first responder by another public entity, the public entity for
110 which such person is a volunteer shall not be required to maintain the coverage on such
111 volunteer otherwise required under this Code section during the period of such employment
112 with the other public entity. In no circumstance shall a first responder be entitled, as a
113 result of this chapter, to more than the lifetime benefits described under this chapter.

114 (b) An eligible first responder with a covered condition shall be entitled to the following
115 benefits:

116 (1) One lump sum benefit per lifetime of \$10,000.00 payable to the eligible first
117 responder upon submission to the insurer of acceptable proof of a clinical diagnosis of
118 a covered condition by a qualified diagnostician as provided for in subsection (e) of this
119 Code section; and

120 (2) An income replacement disability benefit payable as a result of a clinical diagnosis
121 of a covered condition, which disability benefit is payable as described below:

122 (A) If the first responder's qualified diagnostician determines that the covered
123 condition precludes continuation of the first responder's regular occupational or
124 volunteer duties as a first responder and provides proof acceptable to the insurer,
125 including evidence of appropriate care and treatment, then the disability benefit shall
126 begin ninety days after the date the covered condition first precludes continuation of
127 such duties;

128 (B) The disability benefit shall continue, subject to standard requirements of disability
129 insurances and subject to the cumulative lifetime disability benefit limit described in
130 subparagraph (E) of this paragraph, during the period of continuous disability arising
131 from the covered condition;

132 (C) The disability benefit shall cease when the first responder's qualified diagnostician
133 determines that the eligible first responder has regained the ability to perform the duties
134 previously performed as a first responder;

135 (D) Subject to the cumulative lifetime disability benefit limit provided for in
136 subparagraph (E) of this paragraph, the disability benefit shall recommence if the first
137 responder's qualified diagnostician determines that the eligible first responder has again
138 become unable to perform his or her regular occupational or volunteer duties as a first
139 responder due to a covered condition and provides proof acceptable to the insurer; and

140 (E) The disability benefit shall end after a total of 36 monthly payments in the amount
141 set forth below have been made to the eligible first responder:

142 (i) If the eligible first responder is employed by a public entity, a monthly benefit
143 equal to 60 percent of the eligible first responder's combined monthly salary for all
144 public entities for which the first responder is employed as a first responder or a
145 monthly benefit of \$5,000.00, whichever is less; or

146 (ii) If the eligible first responder is a volunteer first responder and not employed as
147 a first responder by any public entity, a monthly benefit of \$1,500.00.

148 (c) Any first responder who receives income replacement disability benefits under
149 paragraph (2) of subsection (b) of this Code section may be required by the insurer
150 providing such benefits to have his or her condition reevaluated by a qualified
151 diagnostician selected by the insurer. In the event any such reevaluation reveals that such
152 first responder has regained the ability to perform the duties previously performed as a first
153 responder, then such benefits shall cease.

154 (d) The benefits under paragraph (2) of subsection (b) of this Code section, as applicable,
155 shall be subordinate to any other income replacement disability benefit actually paid to the
156 first responder for such disability from any employer funded group long-term disability
157 plan, not including any disability insurance purchased in whole or in part by the first
158 responder, and shall be limited to the difference between the amount of such other paid
159 benefit and the amount specified under subparagraph (b)(2)(E) of this Code section, as
160 applicable.

161 (e) Proof of a first responder's covered condition requires both of the following:

162 (1) A clinical diagnosis of post-traumatic stress disorder made by a qualified
163 diagnostician which substantiates that the clinical diagnosis is the direct result of
164 experiencing or being exposed to a traumatic event, or repeated experiences or exposures
165 to traumatic events, during his or her regular occupational or volunteer duties on behalf
166 of a public entity. Such clinical diagnosis shall be made within two years following the
167 date of the traumatic event, and such clinical diagnosis shall include documentation
168 indicating the date and nature of the traumatic event or the most recent traumatic event
169 related to the symptoms of post-traumatic stress disorder if due to repeated experiences
170 or exposures; and

171 (2) Written documentation of criteria required for the diagnosis of post-traumatic stress
172 disorder under the American Psychiatric Association's *Diagnostic and Statistical Manual*
173 *of Mental Disorders* (DSM-5), in effect as of January 1, 2023.

174 (f) Information that reasonably could be used to identify individuals making claims or
175 receiving benefits under this Code section must be treated as sensitive mental health
176 information and, absent express authorization by the individual, may only be used and
177 shared for administration of benefits, underwriting, and for purposes of aggregation and
178 de-identification, and also may be used only in compliance with applicable laws and
179 published privacy notices.

180 (g) The benefits shall be administered in a manner designed to ensure that first responders
181 are able to obtain the lump sum benefit provided for in paragraph (1) of subsection (b) of
182 this Code section in a confidential manner similar to receiving mental health benefits under
183 an employer sponsored major medical health plan or employee assistance program, or, for
184 the disability benefit provided for in paragraph (2) of subsection (b) of this Code section,
185 in a confidential manner similar to receiving other employer sponsored disability benefits
186 involving mental health issues. In no event shall information solely about an individual's
187 diagnosis, claims, or benefits be used for any employment action.

188 45-25-4.

189 The governing authority of any county, municipality, or consolidated government is
190 authorized to use available revenues, including, but not limited to, proceeds from county
191 and municipal taxes imposed under Chapter 8 of Title 33, for purposes of providing
192 insurance under this chapter.

193 45-25-5.

194 Funds received as premiums for the coverages specified in this chapter shall not be subject
195 to premium taxes under Chapter 8 of Title 33.

196 45-25-6.

197 The computation of premium amounts by an insurer for the coverages specified in this
198 chapter shall be subject to generally accepted adjustments from insurance underwriting."

199 **SECTION 2.**

200 Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of
201 Georgia taxable net income, is amended in subsection (a) by adding a new paragraph to read
202 as follows:

203 "(12.5) Payments received by a first responder pursuant to subsection (b) of Code
204 Section 45-25-3, to any extent such amounts are included in the taxpayer's federal
205 adjusted gross income and are not otherwise exempt under any other provision of this
206 Code section."

207 **SECTION 3.**

208 This Act shall become effective upon its approval by the Governor or upon its becoming law
209 without such approval.

210 **SECTION 4.**

211 All laws and parts of laws in conflict with this Act are repealed.