

The House Committee on Public Safety and Homeland Security offers the following substitute to HB 451:

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 that the applicability of certain provisions shall be
6 subject to appropriations; to provide for limitations and restrictions of such benefits; to
7 provide for methods of funding; to provide for treatment of premiums; to amend Code
8 Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of
9 Georgia taxable net income, so as to provide an exemption for benefits received from such
10 insurance coverage for first responders; to provide for related matters; to provide for an
11 effective date and applicability; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

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

16 "CHAPTER 25

17 45-25-1.

18 The Georgia General Assembly finds that:

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

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

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

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

38 (5) Nothing in this chapter is intended to reimburse for or provide mental health
39 treatment or replace or disrupt coverage for mental health treatment under major medical
40 insurance. Nothing in this chapter is intended to affect the rights provided under
41 Chapter 9 of Title 34, relating to workers' compensation.

42 45-25-2.

43 As used in this chapter, the term:

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

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

55 (3) 'First responder' means any of the following:

56 (A) Communications officer, as defined in Code Section 37-12-1;

57 (B) Correctional officer, as defined in Code Section 45-1-8;

58 (C) Emergency medical professional, as defined in Code Section 16-10-24.2;

59 (D) Emergency medical technician, as defined in Code Section 16-10-24.2;

60 (E) Firefighter, as defined in Code Section 25-4-2;

61 (F) Highway emergency response operator, as defined in Code Section 45-1-8;

62 (G) Jail officer, as defined in Code Section 45-1-8;

63 (H) Juvenile correctional officer, as defined in Code Section 45-1-8;

64 (I) Peace officer, as defined in Code Section 35-8-2;

65 (J) Probation officer, as defined in Code Section 45-1-8; and

66 (K) Law enforcement officer with the Department of Natural Resources.

67 (4) 'Monthly salary' means regular monthly earnings excluding overtime, bonuses, and
68 commissions.

69 (5) 'Post-traumatic stress disorder' means a disorder caused by experiencing or being
70 exposed to a traumatic event and which satisfies the clinical diagnostic criteria set forth
71 in the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental*
72 *Disorders* at the time of diagnosis.

73 (6) 'Public entity' means a department agency, board, bureau, commission, authority, or
74 instrumentality of the State of Georgia, any local government or authority, including a
75 county, municipal, or consolidated government in this state, or any other political division
76 in this state. Such term includes a school district, independent school district, or other
77 local school system in this state.

78 (7) 'Qualified diagnostician' means any of the following individuals who are board
79 certified in the medical specialty appropriate for trauma related mental health diagnoses:

80 (A) Nurse practitioner duly licensed in this state under Chapter 26 of Title 43 who is
81 recognized by the Georgia Board of Nursing as a certified nurse practitioner;

82 (B) Physician, as defined in Code Section 43-34-1;

83 (C) Physician assistant, as defined in Code Section 43-34-23;

84 (D) Psychiatrist duly authorized to practice psychiatry as provided in
85 Code Section 43-34-21; and

86 (E) Psychologist duly authorized to practice psychology as provided in Chapter 39 of
87 Title 43.

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

95 45-25-3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

165 (2) Written documentation of criteria required for the diagnosis of post-traumatic stress
166 disorder under the American Psychiatric Association's *Diagnostic and Statistical Manual*
167 of *Mental Disorders* at the time of diagnosis.

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

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

182 (h) The requirements of this Code section upon a public entity that is a department agency,
183 board, bureau, commission, authority, or instrumentality of the State of Georgia shall be
184 subject to appropriations by the General Assembly.

185 45-25-4.

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

190 45-25-5.

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

193 45-25-6.

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

196 **SECTION 2.**

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

200 "(12.5) Payments received by a first responder pursuant to subsection (b) of Code
201 Section 45-25-3, to any extent such amounts are included in the taxpayer's federal
202 adjusted gross income and are not otherwise exempt under any other provision of this
203 Code section;"

204 **SECTION 3.**

205 This Act shall become effective July 1, 2023. Section 2 of this Act shall apply to taxable
206 years beginning on or after January 1, 2023.

207 **SECTION 4.**

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