

38-672. Traumatic event counseling for public safety employees; report; exceptions; definitions

(Rpld. 1/1/27)

A. Notwithstanding any other law, this state or a political subdivision of this state shall establish a program to provide public safety employees who are exposed to any one of the following events while in the course of duty up to twelve visits of licensed counseling, which may be provided through telehealth, paid for by the employer:

1. Visually or audibly witnessing the death or maiming or visually or audibly witnessing the immediate aftermath of such a death or maiming of one or more human beings.
2. Responding to or being directly involved in a criminal investigation of an offense involving a dangerous crime against children as defined in section 13-705.
3. Requiring rescue in the line of duty where one's life was endangered.

B. Payment by the employer for licensed counseling pursuant to this section does not create a presumption that a claim is compensable under section 23-1043.01, subsection B.

C. For each program established pursuant to this section, this state and each political subdivision of this state shall compile the following data:

1. The total number of public safety employees who have participated in the program.
2. The average number of visits per public safety employee.
3. The average number of months that a public safety employee participated in the program.
4. The average number of days that a public safety employee who participated in the program missed work.
5. The total number of public safety employees who participated in the program and who subsequently filed a workers' compensation claim and the number of those claims that were approved and the number of those claims that were denied.
6. For each employer, the total amount of work missed by public safety employees who participated in the program and how missed work was provided for by the employer or through employee benefits.

D. On or before September 1 of each year, this state and each political subdivision of this state shall submit the data collected pursuant to subsection C of this section to the department of administration. On or before October 1 of each year, the department of administration shall compile the data into a report and submit the report to the governor, the president of the senate, the speaker of the house of representatives, the chairperson of the senate health and human services committee, or its successor committee, the chairperson of the house of representatives health and human services committee, or its successor committee, the chairperson of the senate military affairs, public safety and border security committee, or its successor committee, and the chairperson of the house of representatives military affairs and public safety committee, or its successor committee, and shall provide a copy of this report to the secretary of state. Subsection C of this section and this subsection do not authorize this state or a political subdivision of this state to compile and report data that is protected under the health insurance portability and accountability act of 1996 (P.L. 104-191; 110 Stat. 1936).

E. This section does not apply to a state employer that provides a program to its public safety employees that is characterized by all of the following:

1. The program is paid for by the employer.

2. The program provides licensed counseling for any issue. For licensed counseling related to trauma experienced while in the line of duty, the licensed counseling is provided on the request of the public safety employee and is in person.

3. Before July 1, 2017, the program offers at least six visits per year.

4. On or after July 1, 2017, the program offers at least twelve visits per year.

F. For the purposes of this section:

1. "Licensed counseling" means counseling provided by a licensed mental health professional.

2. "Licensed mental health professional" means a licensed individual who specializes in trauma and crisis, who uses evidence-based treatment options and who is one of the following:

(a) A psychiatrist who is licensed pursuant to title 32, chapter 13 or 17.

(b) A psychologist who is licensed pursuant to title 32, chapter 19.1.

(c) A mental health professional who is licensed pursuant to title 32, chapter 33 and who holds either a master's or doctoral degree related to the mental health profession.

(d) A mental health nurse practitioner or a psychiatric clinical nurse specialist who is licensed pursuant to title 32, chapter 15.

(e) A physician assistant who is licensed pursuant to title 32, chapter 25.

3. "Public safety employee":

(a) Means:

(i) Except as prescribed in subdivision (b) of this paragraph, an individual who is a member of the public safety personnel retirement system or the corrections officer retirement plan.

(ii) Except as prescribed in subdivision (b) of this paragraph, a probation officer, surveillance officer or juvenile detention officer who is employed by this state or a political subdivision of this state.

(iii) Except as prescribed in subdivision (b) of this paragraph, a 911 dispatcher in a primary or secondary public safety answering point.

(b) Does not include peace officers or firefighters.