

SENATE BILL 1797

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 5; Title 6; Title 7; Title 8; Title 50; Title 58;
Title 63 and Title 68, relative to the "Tennessee
Public Safety Behavioral Health Act."

WHEREAS, the State of Tennessee recognizes that there is a national epidemic of behavioral health issues, including, but not limited to, post-traumatic stress disorder (PTSD); and

WHEREAS, the trauma experienced by a public safety employee has a cumulative effect on the employee over the course of the employee's career, affecting the employee's performance, professional life, and personal life; and

WHEREAS, the rate of suicide among public safety employees is on the rise; and

WHEREAS, the State of Tennessee recognizes that PTSD and other behavioral health issues are treatable with appropriate care; and

WHEREAS, the State of Tennessee recognizes that public safety employees with PTSD and other behavioral health issues have more complex issues and require greater assistance than what is available through general employee assistance programs; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, Part 1, is amended by adding the following language as a new section:

(a) This section shall be known and may be cited as the "Tennessee Public Safety Behavioral Health Act."

(b) As used in this section:

(1) "Mental health service provider" means a person who:

(A)

(i) Is licensed as:

(a) A professional counselor designated as a mental health service provider under title 63, chapter 22, part 1;

(b) A licensed clinical social worker under title 63, chapter 23;

(c) A psychiatric mental health nurse practitioner under title 63, chapter 7; or

(d) A licensed marital and family therapist under title 63, chapter 22;

(ii) Is in good standing with:

(a) The board for professional counselors, marital and family therapists, and clinical pastoral therapists;

(b) The board of nursing; or

(c) The board of social worker licensure;

(iii) Has successfully completed education and training in at least one (1) trauma therapy and can provide evidence of successful completion to a public safety employer; and

(iv) Has a minimum of two (2) years of post-licensure work experience working with trauma patients; or

(B) Is licensed in good standing as a:

(i) Physician licensed under title 63, chapter 6 or 9;

(ii) Psychological examiner licensed under § 63-11-201(a)(1);

(iii) Senior psychological examiner licensed under § 63-11-201(a)(2); or

(iv) Psychologist licensed under § 63-11-201(a)(3);

(2) "Post traumatic stress disorder" or "PTSD" has the same meaning as defined in the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders;

(3) "Public safety employee" means an emergency medical worker or professional firefighter who is a paid, full-time employee of a public safety employer;

(4) "Public safety employer" means this state, a local government, or any other political subdivision of this state that employs public safety employees on a full-time basis; and

(5) "Trauma therapy" means, with respect to victims of trauma, at least one (1) of the following evidence-based trauma treatment practices: trauma-focused cognitive behavior therapy, exposure therapy, stress inoculation therapy, or eye movement desensitization reprocessing.

(c) Public safety employers shall:

(1) In addition to any other behavioral or mental health benefits offered, provide not less than ten (10) visits or sessions with a mental health service provider for the purpose of treating PTSD through the employee's health benefits or otherwise. Public safety employers may require a co-pay or co-insurance for these visits that is no more than co-pays or co-insurance for other health benefits offered by the employer;

(2) Promote the use of a mental health service provider and other behavioral health professionals to public safety employees;

(3) Establish, in conjunction with a mental health service provider, support programs in an effort to mitigate behavioral health issues within the public safety employee community; and

(4) Maintain, and regularly provide public safety employees with, at a minimum of once per year, a list of mental health service providers who are qualified to provide trauma therapy under this section.

(d) Public safety employers shall not engage in the retaliatory treatment of public safety employees seeking or utilizing mental health service providers or behavioral health programs, including, but not limited to, discharge, denial of promotions, punitive work assignments, transfers, or other similar retaliatory actions.

(e)

(1) At a minimum of once per year, a mental health service provider providing services to public safety employees shall participate in training, within the jurisdiction in which the public safety employees work, that familiarizes the provider with the unique problems associated with each public safety profession lifestyle, including, but not limited to, critical incident response training, critical incident stress management, field exercises such as ride-alongs and visits to fire and emergency medical services (EMS) stations, and similarly appropriate training.

(2) This subsection (e) does not apply to a mental health service provider described in subdivision (b)(1)(B).

(f) Any benefits offered and provided for by this section do not apply to workers' compensation plans under title 50.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.