

HOUSE BILL No. 1136

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-21-9.

Synopsis: Mental health care for first responders. Establishes the Indiana first responders mental health wellness fund and program. Provides that the division of mental health and addiction of the office of the secretary of family and social services shall administer the program and fund. Provides that a first responder who meets certain requirements may apply to the division for: (1) costs associated with the first responder's active participation in a mental health treatment plan as determined by a psychologist or physician treating the first responder; and (2) compensation if the first responder is unable to work. Establishes requirements for obtaining compensation. Makes a continuous appropriation.

Effective: July 1, 2023.

Jackson

January 10, 2023, read first time and referred to Committee on Veterans Affairs and Public Safety.



Introduced

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1136

A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-21-9 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2023]:

4 **Chapter 9. Indiana First Responders Mental Health Wellness**
5 **Fund and Program**

6 **Sec. 1.** As used in this chapter, "critical incident" means an
7 actual or perceived event or situation that involves crisis, disaster,
8 trauma, or emergency.

9 **Sec. 2.** As used in this chapter, "DSM" refers to the most recent
10 edition of the American Psychiatric Association's Diagnostic and
11 Statistical Manual of Mental Disorders.

12 **Sec. 3.** As used in this chapter, "fund" refers to the Indiana first
13 responders mental health wellness fund established by section 8 of
14 this chapter.

15 **Sec. 4.** As used in this chapter, "Indiana first responder" refers
16 to any of the individuals designated under IC 10-10.5-2-1.

17 **Sec. 5.** As used in this chapter, "program" refers to the Indiana

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1 first responders mental health wellness program established by
2 section 9 of this chapter.

3 Sec. 6. As used in this chapter, "PTSD" refers to posttraumatic
4 stress disorder.

5 Sec. 7. As used in this chapter, "qualified critical incident"
6 means a critical incident that results in an Indiana first responder
7 being diagnosed with PTSD. The events may include:

- 8 (1) a shooting involving the Indiana first responder;
- 9 (2) a vehicle crash resulting in serious injury or death to an
10 Indiana first responder or citizen;
- 11 (3) the Indiana first responder being the victim of a felonious
12 assault;
- 13 (4) the death of a colleague or partner;
- 14 (5) the death of, or serious injury to, a person in the custody
15 or care of the Indiana first responder;
- 16 (6) the severe injury to, or death of, a child, particularly if the
17 Indiana first responder has a child of or near the same age; or
- 18 (7) an incident involving multiple deaths or injuries in a short
19 amount of time.

20 Sec. 8. (a) The Indiana first responders mental health wellness
21 fund is established for the purpose of providing benefits payments
22 to Indiana first responders who are eligible to participate in the
23 program. The fund shall be administered by the division.

24 (b) The fund consists of appropriations from the general
25 assembly.

26 (c) The expenses of administering the fund shall be paid from
27 money in the fund.

28 (d) The treasurer of state shall invest the money in the fund not
29 currently needed to meet the obligations of the fund in the same
30 manner as other public money may be invested. Interest that
31 accrues from these investments shall be deposited in the fund.

32 (e) Money in the fund at the end of a state fiscal year does not
33 revert to the state general fund.

34 (f) Money in the fund is continuously appropriated for the
35 purpose of funding the program.

36 Sec. 9. (a) The Indiana first responders mental health wellness
37 program is established in order to provide benefits to Indiana first
38 responders who are residents of Indiana who have been diagnosed
39 with PTSD directly related to a qualified critical incident. The
40 program shall be administered by the division.

41 (b) In order for an Indiana first responder to qualify for
42 benefits under the program, the first responder must:



- (1) be an Indiana resident;
- (2) be employed as a first responder in Indiana;
- (3) have been involved in a qualified critical incident in the line of duty;
- (4) be diagnosed with PTSD by a psychologist or physician treating the Indiana first responder:

- (A) not later than two (2) years after the date of the qualified critical incident described in subdivision (3); and

- (B) based on the diagnostic criteria identified in the DSM; and

- (5) not currently be eligible to receive:

- (A) worker's compensation under IC 22-3;

- (B) insurance coverage to treat the PTSD provided by the Indiana first responder's employer; or

- (C) disability benefits under:

- (i) the 1977 police officers' and firefighters' pension and disability fund under IC 36-8-8;

- (ii) a sheriff's pension trust under IC 36-8-10-12;

- (iii) the state police pre-1987 benefit system under IC 10-12-3 or the state police 1987 benefit system under IC 10-12-4;

- (iv) the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan under IC 5-10-5.5; or

- (v) disability benefits under the public employees' retirement fund under IC 5-10.3.

(c) An Indiana first responder who meets the requirements described in subsection (b) may apply to the division in a manner prescribed by the division for the following:

- (1) Costs associated with the Indiana first responder's active participation in a mental health treatment plan as determined by the Indiana first responder's treating psychologist or physician.

- (2) Subject to subsection (d), if an Indiana first responder's treating psychologist or physician determines that the first responder is unable to work as a result of the first responder's PTSD, the first responder may receive a weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the Indiana first responder's average weekly wages (as defined in IC 22-3-3-22) for a period not to exceed ten (10) days.

(d) If an Indiana first responder's treating psychologist or physician determines that the Indiana first responder is unable to



work for a period not to exceed thirty (30) weeks in addition to the period described in subsection (c)(2), the Indiana first responder may apply to the division, in a manner prescribed by the division, for review of the Indiana first responder's application by a mental health review panel established by subsection (e).

(e) The division shall establish a mental health review panel consisting of:

- (1) one (1) psychologist licensed under IC 25-33-1-5.1;
- (2) one (1) psychiatrist licensed as a physician under IC 25-22.5; and
- (3) one (1) medical doctor licensed as a physician under IC 25-22.5.

The review panel shall review applications submitted under subsection (d) to determine whether an Indiana first responder who meets the qualifications described in subsection (b) is unable to return to work and determine whether the Indiana first responder may receive a weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the Indiana first responder's average weekly wages (as defined in IC 22-3-3-22) for a period not to exceed thirty (30) weeks in addition to the period described in subsection (c)(2).

Sec. 10. If an Indiana first responder receives compensation under section 9(c)(2) or 9(e) of this chapter, the compensation terminates if the first responder subsequently receives benefits described in section 9(b)(5) of this chapter or obtains employment with a different employer.

Sec. 11. An Indiana first responder may take unpaid leave for the period the first responder is unable to work and receives compensation under section 9(c)(2) or 9(e) of this chapter. The employer of an Indiana first responder may not retaliate against an Indiana first responder who requests or obtains the qualified critical incident leave described in section 9 of this chapter.

Sec. 12. The division shall adopt rules under IC 4-22-2 necessary to administer this chapter.

