

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 523

Short Title: First Responders Mental Health. (Public)

Sponsors: Representatives Clampitt, White, Saine, and Reeder (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

March 30, 2023

A BILL TO BE ENTITLED

AN ACT ESTABLISHING A SUPPLEMENTAL INSURANCE POLICY FOR FIRST RESPONDERS DIAGNOSED WITH MENTAL HEALTH CONDITIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 58 of the General Statutes is amended by adding a new Article to read:

"Article 86A.

"First Responders Mental Healthcare Plan Act.

"§ 58-86A-1. Short title.

This Article shall be known and may be cited as the "First Responders Mental Healthcare Plan Act."

"§ 58-86A-2. First responder mental health care benefits plan.

A first responder mental health care benefits plan is established and shall be administered by the Department of Insurance. The plan shall be a supplemental insurance policy that provides benefits required under this Article to eligible first responders with a diagnosis of a mental condition outlined in this Article. The program aims to promote healing and the return to service of first responders.

"§ 58-86A-3. Definitions.

The following definitions apply in this Article:

- (1) 911 dispatcher. – A public safety telecommunicator or dispatcher at a primary public safety answering point (PSAP) as defined in G.S. 143B-1400 or at any public safety agency to which 911 calls are transferred from a primary PSAP as defined in G.S. 143B-1400 for dispatch of appropriate public safety agencies.
- (2) Eligible mental condition. – Stress, mental injury, or mental illness that is medically diagnosed as an anxiety disorder, conduct disorder, depressive disorder, obsessive-compulsive and related disorder, sleep-wake disorder, or trauma and stressor-related disorder as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.
- (3) Emergency medical technicians and emergency medical dispatchers. – As defined in G.S. 131E-155 and includes the Director of EMS.
- (4) Firefighter. – As defined in G.S. 58-84-5 and includes fire dispatchers, fire inspectors, and fire marshals.



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- 1 (5) First responder. – A law enforcement officer, firefighter, 911 dispatcher,
2 emergency medical technician employed by a State or local government,
3 detention officer employed by a local government, correctional or probation
4 officer employed by the State, or a volunteer firefighter meeting the
5 requirements of G.S. 58-84.5. Included in this definition are first responders
6 employed by nongovernmental entities.
- 7 (6) Law enforcement officer. – As defined in G.S. 115B-1 and includes police
8 dispatchers, police investigators, sheriff's deputies, bailiffs, corrections
9 officers, detention officers, and jailers.

10 **"§ 58-86A-4. Eligibility.**

11 To be eligible to receive benefits, first responders shall meet all of the following:

- 12 (1) Be currently employed as a first responder, regardless of the date of original
13 diagnosis.
- 14 (2) Be diagnosed by a healthcare provider, who establishes with a reasonable
15 degree of medical certainty that the condition is the result of a singular
16 incident or accumulative effect of employment-related activities.
- 17 (3) Have a diagnosed condition that resulted from the first responder acting within
18 the scope of his or her employment as a first responder.

19 A first responder is not eligible to receive benefits under this Article if receiving benefits
20 related to a mental condition under the North Carolina Workers' Compensation Act.

21 **"§ 58-86A-5. Benefits under mental health care plan.**

22 The following benefits are available under the mental health care plan:

- 23 (1) Medical costs reimbursement. – Eligible first responders shall receive
24 reimbursement of up to five thousand dollars (\$5,000) per 12-month period
25 for any out-of-pocket medical expenses incurred, including deductibles,
26 copayments, or coinsurance costs, for an eligible mental condition. Receipts
27 of out-of-pocket expenses must be produced to receive this benefit. This
28 benefit may not be used in conjunction with the disability benefit under this
29 section.
- 30 (2) Salary benefit. – If a first responder's treatment plan requires leave from
31 employment as determined by a healthcare provider, either through Family
32 Medical Leave (FMLA) or a local government program, and sufficient proof
33 is provided to the insurance carrier, the Department, or other applicable payor
34 that this leave is necessary, a full-time first responder shall receive a monthly
35 benefit that is either (i) equal to seventy-five percent (75%) of the first
36 responder's monthly salary or (ii) five thousand dollars (\$5,000) a month,
37 whichever is less. This benefit may only be used 12 workweeks in a 12-month
38 period. This benefit may be used in conjunction with the medical costs
39 reimbursement benefit under this section.
- 40 (3) Disability benefit. – Upon sufficient proof to the insurance carrier, the
41 Department, or other applicable payor of (i) total disability resulting from the
42 diagnosis of an eligible mental condition or (ii) that the eligible mental
43 condition precludes the first responder from serving as a first responder, the
44 following disability benefits shall be paid to a first responder beginning six
45 months after the total disability or inability to perform the duties of a first
46 responder, whichever applies:
- 47 a. For a full-time first responder who is not a volunteer firefighter. – A
48 monthly benefit that is either (i) equal to seventy-five percent (75%)
49 of the first responder's monthly salary or (ii) five thousand dollars
50 (\$5,000) a month, whichever is less.

