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SENATE BILL DRS45269-NJap-26

Short Title: First Responders Mental Health Care Plan. (Public)

Sponsors: Senators Johnson, Lazzara, and Perry (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT ESTABLISHING A SUPPLEMENTAL INSURANCE POLICY FOR FIRST
3 RESPONDERS DIAGNOSED WITH MENTAL HEALTH CONDITIONS.

4 The General Assembly of North Carolina enacts:

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

7 "Article 86A.

8 "First Responders Mental Health Care Plan Act.

9 **"§ 58-86A-1. Short title.**

10 This Article shall be known and may be cited as the "First Responders Mental Health Care
11 Plan Act."

12 **"§ 58-86A-2. First responder mental health care benefits plan.**

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

18 **"§ 58-86A-3. Definitions.**

19 The following definitions apply in this Article:

- 20 (1) 911 dispatcher. – A public safety telecommunicator or dispatcher at a primary
21 public safety answering point as defined in G.S. 143B-1400 or at any public
22 safety agency to which 911 calls are transferred from a primary PSAP as
23 defined in G.S. 143B-1400 for dispatch of appropriate public safety agencies.
24 (2) Eligible mental condition. – Stress, mental injury, or mental illness that is
25 medically diagnosed as an anxiety disorder, conduct disorder, depressive
26 disorder, obsessive-compulsive and related disorder, sleep-wake disorder, or
27 trauma and stressor-related disorder as described in the most recent edition of
28 the Diagnostic and Statistical Manual of Mental Disorders published by the
29 American Psychiatric Association.
30 (3) Emergency medical technician. – As defined in G.S. 131E-155.
31 (4) Firefighter. – As defined in G.S. 58-84-5.
32 (5) First responder. – A law enforcement officer, firefighter, 911 dispatcher,
33 emergency medical technician employed by a State or local government,
34 detention officer employed by local government, correctional or probation
35 officer employed by the State, or a volunteer firefighter meeting the
36 requirements of G.S. 58-84.5.



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(6) Law enforcement officer. – As defined in G.S. 115B-1.

"§ 58-86A-4. Eligibility.

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

- (1) Be currently employed as a first responder, regardless of the date of original diagnosis.
- (2) Be diagnosed by a health care provider, who establishes with a reasonable degree of medical certainty that employment activities as a first responder caused the mental condition due to a singular incident or accumulative effect of employment-related activities.

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

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

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

- (1) Medical costs reimbursement. – Eligible first responders shall receive reimbursement of up to five thousand dollars (\$5,000) per 12-month period for any out-of-pocket medical expenses incurred, including deductibles, copayments, or coinsurance costs, for an eligible mental health condition. Receipts of out-of-pocket expenses must be produced to receive this benefit. This benefit may not be used in conjunction with the disability benefit under this section.
- (2) Salary benefit. – If a first responder's treatment plan requires leave from employment as determined by a health care provider, either through FMLA or a local government program, and sufficient proof is provided to the insurance carrier, the Department, or other applicable payor that this leave is necessary, a full-time first responder shall receive a monthly benefit that is either (i) equal to seventy-five percent (75%) of the first responder's monthly salary or (ii) five thousand dollars (\$5,000) a month, whichever is less. This benefit may only be used 12 workweeks in a 12-month period. This benefit may be used in conjunction with the medical costs reimbursement benefit under this section.
- (3) Disability benefit. – Upon sufficient proof to the insurance carrier, the Department, or other applicable payor (i) of total disability resulting from the diagnosis of an eligible mental condition or (ii) that the eligible mental condition precludes the first responder from serving as a first responder, the following disability benefits shall be paid to a first responder beginning six months after the total disability or inability to perform the duties of a first responder, whichever applies:
 - a. For a full-time first responder who is not a volunteer firefighter. – A monthly benefit that is either (i) equal to seventy-five percent (75%) of the first responder's monthly salary or (ii) five thousand dollars (\$5,000) a month, whichever is less.
 - b. For a first responder who is a volunteer firefighter. – A monthly benefit of one thousand five hundred dollars (\$1,500).

"§ 58-86A-6. Limitations on disability benefits.

The following limitations apply to the disability benefits under this Article:

- (1) Disability benefits shall continue for no more than 36 consecutive months.
- (2) Any first responder receiving disability benefits may be required to have his or her condition reevaluated to determine if that first responder has regained the ability to perform the duties of a first responder. If reevaluation indicates the first responder has regained the ability to perform the duties of a first

- 1 responder, then the monthly disability benefits shall cease on the last day of
2 the month the reevaluation was conducted.
3 (3) If there is no reevaluation performed under subdivision (2) of this section, but
4 the first responder's health care provider determines that the first responder is
5 again able to perform the duties of a first responder, then the disability benefits
6 shall cease on the last day of the month the health care provider made the
7 determination.
8 (4) If a first responder returns to work as a first responder before exhaustion of
9 the 36 months of disability benefits that the first responder may receive under
10 this section, and if there is a subsequent recurrence of disability caused by an
11 eligible mental condition that again precludes the first responder from
12 performing the duties of a first responder, then the first responder shall be
13 entitled to any remaining monthly disability benefits, not to exceed 36 months
14 in total.
15 (5) The monthly disability benefit shall be subordinate to any other benefit paid
16 from any source to the first responder solely for a disability related to the
17 eligible mental condition diagnosis, so long as that source is not private
18 insurance purchased solely by the first responder. Disability benefits under
19 this Article shall be limited to the difference between the benefit amount paid
20 by the other source and the amounts specified in this Article."

21 **SECTION 2.** This act becomes effective January 1, 2024.