

HOUSE BILL No. 1118

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2; IC 12-21-9.

Synopsis: Mental health care for first responders. Establishes the Indiana first responders mental health wellness fund and program (fund and program). Provides that the division of mental health and addiction of the office of the secretary of family and social services (division) shall administer the fund and program. 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, 2024.

Jackson, Pressel

January 8, 2024, read first time and referred to Committee on Public Health.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1118



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 12-7-2-51.3 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2024]: **Sec. 51.3. "Critical incident", for purposes of IC 12-21-9,**
- 4 **has the meaning set forth in IC 12-21-9-1.**
- 5 SECTION 2. IC 12-7-2-73.8 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2024]: **Sec. 73.8. "DSM", for purposes of IC 12-21-9, has the**
- 8 **meaning set forth in IC 12-21-9-2.**
- 9 SECTION 3. IC 12-7-2-91, AS AMENDED BY P.L.246-2023,
- 10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 11 JULY 1, 2024]: Sec. 91. "Fund" means the following:
- 12 (1) For purposes of IC 12-12-1-9, the fund described in
- 13 IC 12-12-1-9.
- 14 (2) For purposes of IC 12-15-20, the meaning set forth in
- 15 IC 12-15-20-1.
- 16 (3) For purposes of IC 12-17-12, the meaning set forth in
- 17 IC 12-17-12-4.



- 1 (4) For purposes of IC 12-17.2-7.2, the meaning set forth in
 2 IC 12-17.2-7.2-4.7.
 3 (5) For purposes of IC 12-17.6, the meaning set forth in
 4 IC 12-17.6-1-3.
 5 **(6) For purposes of IC 12-21-9, the meaning set forth in**
 6 **IC 12-21-9-3.**
 7 ~~(6)~~ (7) For purposes of IC 12-23-2, the meaning set forth in
 8 IC 12-23-2-1.
 9 ~~(7)~~ (8) For purposes of IC 12-23-18, the meaning set forth in
 10 IC 12-23-18-4.
 11 ~~(8)~~ (9) For purposes of IC 12-24-6, the meaning set forth in
 12 IC 12-24-6-1.
 13 ~~(9)~~ (10) For purposes of IC 12-24-14, the meaning set forth in
 14 IC 12-24-14-1.
 15 ~~(10)~~ (11) For purposes of IC 12-30-7, the meaning set forth in
 16 IC 12-30-7-3.

17 SECTION 4. IC 12-7-2-115.5 IS ADDED TO THE INDIANA
 18 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 19 [EFFECTIVE JULY 1, 2024]: **Sec. 115.5. "Indiana first responder",**
 20 **for purposes of IC 12-21-9, has the meaning set forth in**
 21 **IC 12-21-9-4.**

22 SECTION 5. IC 12-7-2-146, AS AMENDED BY P.L.146-2023,
 23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2024]: Sec. 146. "Program" refers to the following:

- 25 (1) For purposes of IC 12-10-5.7, the meaning set forth in
 26 IC 12-10-5.7-2.
 27 (2) For purposes of IC 12-10-7, the adult guardianship services
 28 program established by IC 12-10-7-5.
 29 (3) For purposes of IC 12-10-10, the meaning set forth in
 30 IC 12-10-10-5.
 31 (4) For purposes of IC 12-17.2-2-14.2, the meaning set forth in
 32 IC 12-17.2-2-14.2(a).
 33 (5) For purposes of IC 12-17.6, the meaning set forth in
 34 IC 12-17.6-1-5.
 35 **(6) For purposes of IC 12-21-9, the meaning set forth in**
 36 **IC 12-21-9-5.**

37 SECTION 6. IC 12-7-2-151.5 IS ADDED TO THE INDIANA
 38 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 39 [EFFECTIVE JULY 1, 2024]: **Sec. 151.5. "PTSD", for purposes of**
 40 **IC 12-21-9, has the meaning set forth in IC 12-21-9-6.**

41 SECTION 7. IC 12-7-2-154.5 IS ADDED TO THE INDIANA
 42 CODE AS A **NEW SECTION TO READ AS FOLLOWS**



1 [EFFECTIVE JULY 1, 2024]: **Sec. 154.5. "Qualified critical**
 2 **incident"**, for purposes of IC 12-21-9, has the meaning set forth in
 3 **IC 12-21-9-7.**

4 SECTION 8. IC 12-21-9 IS ADDED TO THE INDIANA CODE AS
 5 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2024]:

7 **Chapter 9. Indiana First Responders Mental Health Wellness**
 8 **Fund and Program**

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

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

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

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

20 **Sec. 5. As used in this chapter, "program" refers to the Indiana**
 21 **first responders mental health wellness program established by**
 22 **section 9 of this chapter.**

23 **Sec. 6. As used in this chapter, "PTSD" refers to posttraumatic**
 24 **stress disorder.**

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

- 28 (1) a shooting involving the Indiana first responder;
- 29 (2) a vehicle crash resulting in serious injury or death to an
 30 Indiana first responder or citizen;
- 31 (3) the Indiana first responder being the victim of a felonious
 32 assault;
- 33 (4) the death of the Indiana first responder's colleague or
 34 partner;
- 35 (5) the death of, or serious injury to, a person in the custody
 36 or care of the Indiana first responder;
- 37 (6) the severe injury to, or death of, a child, particularly if the
 38 Indiana first responder has a child of or near the same age as
 39 the injured or deceased child; or
- 40 (7) an incident involving multiple deaths or injuries in a short
 41 period of time.

42 **Sec. 8. (a) The Indiana first responders mental health wellness**



1 fund is established for the purpose of providing benefits payments
 2 to Indiana first responders who are eligible to participate in the
 3 program. The fund shall be administered by the division.

4 (b) The fund consists of appropriations from the general
 5 assembly.

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

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

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

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

16 **Sec. 9. (a) The Indiana first responders mental health wellness**
 17 **program is established to provide benefits to Indiana first**
 18 **responders who are residents of Indiana and who have been**
 19 **diagnosed with PTSD directly related to a qualified critical**
 20 **incident. The program shall be administered by the division.**

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

23 (1) be an Indiana resident;

24 (2) be employed as a first responder in Indiana;

25 (3) have been involved in a qualified critical incident in the
 26 line of duty;

27 (4) be diagnosed with PTSD by a psychologist or physician
 28 treating the Indiana first responder:

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

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

33 (5) not currently be eligible to receive:

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

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

37 (C) disability benefits under:

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

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

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



1 **IC 10-12-4;**

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

5 **(v) the public employees' retirement fund under**
 6 **IC 5-10.3.**

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

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

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

21 **(d) If an Indiana first responder's treating psychologist or**
 22 **physician determines that the Indiana first responder is unable to**
 23 **work for a period not to exceed thirty (30) weeks in addition to the**
 24 **period described in subsection (c)(2), the Indiana first responder**
 25 **may apply to the division, in a manner prescribed by the division,**
 26 **for review of the Indiana first responder's application by a mental**
 27 **health review panel established by subsection (e).**

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

30 **(1) one (1) psychologist licensed under IC 25-33-1-5.1;**

31 **(2) one (1) psychiatrist licensed as a physician under**
 32 **IC 25-22.5; and**

33 **(3) one (1) medical doctor licensed as a physician under**
 34 **IC 25-22.5.**

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



1 subsection (c)(2).

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

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

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

