

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10252-NJf-38

Short Title: First Responders Mental Health. (Public)

Sponsors: Representative Clampitt.

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 Healthcare Plan Act.

9 "**§ 58-86A-1. Short title.**

10 This Article shall be known and may be cited as the "First Responders Mental Healthcare
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 (PSAP) as defined in G.S. 143B-1400 or at any
22 public safety agency to which 911 calls are transferred from a primary PSAP
23 as defined in G.S. 143B-1400 for dispatch of appropriate public safety
24 agencies.
- 25 (2) Eligible mental condition. – Stress, mental injury, or mental illness that is
26 medically diagnosed as an anxiety disorder, conduct disorder, depressive
27 disorder, obsessive-compulsive and related disorder, sleep-wake disorder, or
28 trauma and stressor-related disorder as described in the most recent edition of
29 the Diagnostic and Statistical Manual of Mental Disorders published by the
30 American Psychiatric Association.
- 31 (3) Emergency medical technicians and emergency medical dispatchers. – As
32 defined in G.S. 131E-155 and includes the Director of EMS.
- 33 (4) Firefighter. – As defined in G.S. 58-84-5 and includes fire dispatchers, fire
34 inspectors, and fire marshals.
- 35 (5) First responder. – A law enforcement officer, firefighter, 911 dispatcher,
36 emergency medical technician employed by a State or local government,



1 detention officer employed by a local government, correctional or probation
2 officer employed by the State, or a volunteer firefighter meeting the
3 requirements of G.S. 58-84.5. Included in this definition are first responders
4 employed by nongovernmental entities.

- 5 (6) Law enforcement officer. – As defined in G.S. 115B-1 and includes police
6 dispatchers, police investigators, sheriff's deputies, bailiffs, corrections
7 officers, detention officers, and jailers.

8 **"§ 58-86A-4. Eligibility.**

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

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

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

19 **"§ 58-86A-5. Benefits under mental health care plan.**

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

- 21 (1) Medical costs reimbursement. – Eligible first responders shall receive
22 reimbursement of up to five thousand dollars (\$5,000) per 12-month period
23 for any out-of-pocket medical expenses incurred, including deductibles,
24 copayments, or coinsurance costs, for an eligible mental condition. Receipts
25 of out-of-pocket expenses must be produced to receive this benefit. This
26 benefit may not be used in conjunction with the disability benefit under this
27 section.
28 (2) Salary benefit. – If a first responder's treatment plan requires leave from
29 employment as determined by a healthcare provider, either through Family
30 Medical Leave (FMLA) or a local government program, and sufficient proof
31 is provided to the insurance carrier, the Department, or other applicable payor
32 that this leave is necessary, a full-time first responder shall receive a monthly
33 benefit that is either (i) equal to seventy-five percent (75%) of the first
34 responder's monthly salary or (ii) five thousand dollars (\$5,000) a month,
35 whichever is less. This benefit may only be used 12 workweeks in a 12-month
36 period. This benefit may be used in conjunction with the medical costs
37 reimbursement benefit under this section.
38 (3) Disability benefit. – Upon sufficient proof to the insurance carrier, the
39 Department, or other applicable payor of (i) total disability resulting from the
40 diagnosis of an eligible mental condition or (ii) that the eligible mental
41 condition precludes the first responder from serving as a first responder, the
42 following disability benefits shall be paid to a first responder beginning six
43 months after the total disability or inability to perform the duties of a first
44 responder, whichever applies:
45 a. For a full-time first responder who is not a volunteer firefighter. – A
46 monthly benefit that is either (i) equal to seventy-five percent (75%)
47 of the first responder's monthly salary or (ii) five thousand dollars
48 (\$5,000) a month, whichever is less.
49 b. For a first responder who is a volunteer firefighter. – A monthly benefit
50 of one thousand five hundred dollars (\$1,500).

51 **"§ 58-86A-6. Limitations on disability benefits.**

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

2 (1) Disability benefits shall continue for no more than 36 consecutive months.

3 (2) Any first responder receiving disability benefits may be required to have his
4 or her condition reevaluated to determine if that first responder has regained
5 the ability to perform the duties of a first responder. If reevaluation indicates
6 the first responder has regained the ability to perform the duties of a first
7 responder, then the monthly disability benefits shall cease on the last day of
8 the month the reevaluation was conducted.

9 (3) If there is no reevaluation performed under subdivision (2) of this section, but
10 the first responder's healthcare provider determines that the first responder is
11 again able to perform the duties of a first responder, then the disability benefits
12 shall cease on the last day of the month the healthcare provider made the
13 determination.

14 (4) If a first responder returns to work as a first responder before exhaustion of
15 the 36 months of disability benefits that the first responder may receive under
16 this section, and if there is a subsequent recurrence of disability caused by an
17 eligible mental condition that again precludes the first responder from
18 performing the duties of a first responder, then the first responder shall be
19 entitled to any remaining monthly disability benefits, not to exceed 36 months
20 in total.

21 (5) The monthly disability benefit shall be subordinate to any other benefit paid
22 from any source to the first responder solely for a disability related to the
23 eligible mental condition diagnosis, so long as that source is not private
24 insurance purchased solely by the first responder. Disability benefits under
25 this Article shall be limited to the difference between the benefit amount paid
26 by the other source and the amounts specified in this Article."

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