
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1853 Session of
2021

INTRODUCED BY D. MILLER, DECEMBER 22, 2021

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, DECEMBER 22, 2021

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for reimbursements for
3 physical examinations of firefighters; and establishing the
4 Firefighter Physical Examination Reimbursement Fund.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 35 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 75B

10 REIMBURSEMENTS FOR PHYSICAL EXAMINATIONS

11 OF FIREFIGHTERS

12 Sec.

13 75B01. Purpose.

14 75B02. Definitions.

15 75B03. Physical examinations.

16 75B04. Firefighter Physical Examination Reimbursement Fund.

17 75B05. Applications.

18 75B06. Fire company eligibility.

19 75B07. Reimbursements.

1 75B08. Annual reports.

2 75B09. Distribution of information.

3 75B10. Appropriations.

4 § 75B01. Purpose.

5 The General Assembly has determined that fire companies are
6 in need of financial support. The General Assembly intends that
7 the reimbursement payments provided under this chapter be used
8 to cover the costs incurred for required physical examinations
9 of firefighters.

10 § 75B02. Definitions.

11 The following words and phrases when used in this chapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Airport fire company." A fire company that does all of the
15 following:

16 (1) Is associated with an airport.

17 (2) Has a mutual aid agreement with a neighboring
18 municipality.

19 (3) Has responded to at least 15 fire or rescue
20 emergency calls annually to neighboring fire companies as
21 provided in documentation requested by the commissioner.

22 "Commissioner." The State Fire Commissioner.

23 "Eligible fire company." A fire company that is eligible
24 under section 75B06 (relating to fire company eligibility) to
25 receive reimbursement from the fund.

26 "Fire company." A volunteer fire company, a municipal fire
27 company or a combined volunteer and municipal fire company
28 located in this Commonwealth. The term includes an airport fire
29 company.

30 "Firefighter." A career firefighter or volunteer firefighter

1 who actively responded to at least 15 fire or rescue emergencies
2 as determined by the firefighter's fire company during the
3 previous calendar year.

4 "Fund." The Firefighter Physical Examination Reimbursement
5 Fund established under section 75B04 (relating to Firefighter
6 Physical Examination Reimbursement Fund).

7 "Licensed practitioner." A medical doctor, certified nurse
8 practitioner or physician assistant licensed to practice in this
9 Commonwealth.

10 "Municipality." A county, city, borough, incorporated town,
11 township or home rule municipality.

12 "NFPA 1582." The National Fire Protection Association
13 Standard 1582, Standard on Comprehensive Occupational Medical
14 Program for Fire Departments, 2018 edition.

15 "Office." The Office of the State Fire Commissioner.

16 "Physical examination." As follows:

17 (1) As defined in NFPA 1582.

18 (2) The term applies to initial physical examination
19 requirements and annual physical examination requirements as
20 determined by the fire company or as prescribed by a
21 governing collective bargaining agreement.

22 "Volunteer fire company." A nonprofit chartered corporation,
23 association or organization located in this Commonwealth that
24 provides fire protection or rescue services and that may offer
25 other voluntary emergency services, which may include voluntary
26 ambulance and voluntary rescue services, within this
27 Commonwealth.

28 § 75B03. Physical examinations.

29 (a) Initial and annual physical examinations.--

30 (1) Subject to any governing provision in a collective

1 bargaining agreement, a fire company may require each
2 firefighter of the fire company to obtain an initial physical
3 examination or an annual physical examination as a condition
4 of employment as a firefighter or as a condition of service
5 as a volunteer firefighter.

6 (2) Each initial physical examination and each annual
7 physical examination must:

8 (i) Comply with the standards specified in NFPA
9 1582.

10 (ii) Be administered by a licensed practitioner.

11 (b) Confidentiality.--The health records of a firefighter,
12 which are associated with a physical examination under this
13 chapter, shall remain private and shall not be shared with the
14 fire company of the firefighter or any other person except with
15 the written consent of the firefighter or as required under a
16 governing collective bargaining agreement.

17 (c) Levels of participation.--

18 (1) The licensed practitioner who administers a physical
19 examination of a firefighter shall issue a report to the fire
20 company of the firefighter that specifies the level of
21 participation for which the firefighter is medically
22 qualified at the time of the physical examination.

23 (2) Unless otherwise specified in a governing collective
24 bargaining agreement, or unless otherwise specified in a fire
25 company policy in the absence of a governing collective
26 bargaining agreement, the levels of participation shall be as
27 follows:

28 (i) Fit for duty, in which case the firefighter is
29 qualified to participate in all firefighter duties,
30 including interior firefighting and the wearing of a

1 self-contained breathing apparatus.

2 (ii) Limited duty, in which case the firefighter is
3 qualified to participate in firefighter duties that do
4 not entail the wearing of a self-contained breathing
5 apparatus. Limited duty status may:

6 (A) Be specified for a time certain.

7 (B) Require retest or follow up with the
8 individual's primary care physician.

9 (C) Include any additional measure consistent
10 with fire company policy unless superseded by any
11 related provisions in a governing collective
12 bargaining agreement.

13 § 75B04. Firefighter Physical Examination Reimbursement Fund.

14 (a) Establishment.--The Firefighter Physical Examination
15 Reimbursement Fund is established as a special fund within the
16 State Treasury. The fund shall consist of money appropriated or
17 transferred to the fund by act of the General Assembly, in
18 addition to any grants, gifts, donations or other payments from
19 other sources.

20 (b) Use.--Money in the fund shall be used for the purposes
21 of:

22 (1) reimbursing eligible fire companies for costs
23 incurred for the required physical examinations of
24 firefighters; and

25 (2) administering the provisions of this chapter.

26 § 75B05. Applications.

27 (a) Notice.--

28 (1) By September 8 of each year, the commissioner shall
29 provide application forms and written instructions for
30 reimbursements from the fund to:

1 (i) The fire chief and president of each volunteer
2 fire company.

3 (ii) The chief executive of each municipality in
4 which a municipal fire company is located.

5 (iii) The head of each combined volunteer and
6 municipal fire company and each airport fire company.

7 (2) The application forms and written instructions for
8 reimbursements from the fund shall also be posted on the
9 publicly accessible Internet website of the office.

10 (b) Contents.--An application for reimbursement from the
11 fund must contain the following:

12 (1) The name, address, telephone number and other
13 contact information of the fire company requesting
14 reimbursement.

15 (2) The name of all firefighters who received a physical
16 examination, along with the date of the physical examination,
17 for which reimbursement is sought.

18 (3) Documentation reflecting the out-of-pocket costs
19 borne by the fire companies or the firefighter for the
20 physical examinations to be reimbursed, as well as any
21 certification requirements otherwise prescribed.

22 (4) Any other information required by the office to
23 assist in processing reimbursement from the fund.

24 (c) Completion.--

25 (1) The period to submit applications for reimbursement
26 from the fund shall remain open for 45 days each year.

27 (2) Completed applications for reimbursement from the
28 fund must be submitted to the office within the designated
29 time frames and in the form and manner prescribed by the
30 office.

1 (d) Determination.--Within 60 days of the application
2 submission deadline each year, the commissioner shall act to
3 approve or disapprove submitted applications for reimbursement
4 from the fund. Applications that have not been approved or
5 disapproved within 60 days after the close of the application
6 period each year shall be deemed approved.

7 § 75B06. Fire company eligibility.

8 (a) Mandate.--Reimbursement from the fund may only be made
9 to an eligible fire company.

10 (b) Criteria.--To be considered an eligible fire company, a
11 fire company must:

12 (1) Actively participate in the Pennsylvania Fire
13 Information Reporting System (PennFIRS) under a signed
14 agreement. The following apply:

15 (i) The commissioner shall develop guidelines
16 specifying the criteria necessary to determine the level
17 of participation in PennFIRS for fire companies to remain
18 eligible for reimbursement from the fund.

19 (ii) The commissioner shall transmit notice of the
20 guidelines under subparagraph (i) to the Legislative
21 Reference Bureau for publication in the Pennsylvania
22 Bulletin.

23 (2) Certify that all firefighters to which reimbursement
24 from the fund is sought have completed, at a minimum, two
25 hours of training in the previous 12 months as to the
26 detection, management and treatment of mental health
27 conditions specifically related to the fire service. Training
28 must include providing related support resources and must be
29 approved by the commissioner.

30 (3) Certify that each firefighter who obtained an annual

1 physical examination and for whom reimbursement is sought
2 from the fund has received the minimum level of Firefighter 1
3 under the Pennsylvania State Fire Academy standards on or
4 before July 1 of the year in which the reimbursement
5 application is made.

6 § 75B07. Reimbursements.

7 (a) Retention of reimbursement.--If a fire company receives
8 reimbursement for costs that were paid directly by the fire
9 company on behalf of a firefighter, the fire company may retain
10 the reimbursement.

11 (b) Distribution of reimbursement.--If a fire company
12 receives reimbursement for costs that were paid directly by the
13 firefighter, the fire company shall distribute the reimbursement
14 to the firefighter as soon as practicable.

15 (c) Amount.--The amount of a reimbursement under subsection
16 (a) shall be commensurate with the actual expenses incurred for
17 the physical examination and shall not exceed \$650 per
18 firefighter.

19 (d) Pro rata reimbursements.--Reimbursements shall be made
20 on a pro rata basis if the total dollar amount of the approved
21 applications exceeds the amount of money available in the fund
22 to provide the reimbursements.

23 § 75B08. Annual reports.

24 (a) Requirement.--No later than September 1 of each year,
25 the office shall issue an annual report, which shall include all
26 of the following information:

27 (1) The money in the fund at the beginning of the
28 previous fiscal year and the balance in the fund at the end
29 of the previous fiscal year.

30 (2) The number of reimbursement applications received by

1 the office during the previous fiscal year.

2 (3) The number of reimbursements made during the
3 previous fiscal year.

4 (4) The fire companies to which reimbursements were made
5 during the previous fiscal year.

6 (5) The total dollar amount of reimbursements made
7 during the previous fiscal year.

8 (b) Confidentiality.--The confidentiality standards
9 specified in section 75B03 (relating to physical examinations)
10 shall govern information contained in any report under this
11 section.

12 (c) Submittal.--Each report under this section shall be
13 posted on the publicly accessible Internet website of the office
14 and submitted to the following:

15 (1) The chairperson and minority chairperson of the
16 Veterans Affairs and Emergency Preparedness Committee of the
17 Senate.

18 (2) The chairperson and minority chairperson of the
19 Veterans Affairs and Emergency Preparedness Committee of the
20 House of Representatives.

21 § 75B09. Distribution of information.

22 The office shall annually distribute information on the fund
23 to all fire companies in this Commonwealth, including
24 reimbursement procedures and eligibility criteria.

25 § 75B10. Appropriations.

26 Money necessary to administer this chapter shall be provided
27 by an annual appropriation by the General Assembly.

28 Section 2. This act shall take effect in 90 days.