

HOUSE BILL No. 1184

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10-10-6; IC 16-31-6-1; IC 36-8.

Synopsis: Public safety officer benefits. Increases, from \$150,000 to \$225,000, the special death benefit for certain public safety officers and members of the 1925 police pension fund, the 1937 firefighters' pension fund, the 1953 police pension fund, or the 1977 police officers' and firefighters' pension and disability fund (1977 fund) who die in the line of duty after June 30, 2020. Requires a city to pay for the care of a police officer or firefighter who suffers an injury while on duty. Establishes mental health disability review panels (review panel) for evaluation of members of the 1977 fund who have been determined to have an impairment for mental illness. Includes mental illness in the description of "occupational diseases" for purposes of determining whether a 1977 fund member has an impairment. Makes the final determination of an impairment for a mental illness provisional for two years from the date of the final determination. Requires that, during that time, the 1977 fund member participate in a mental health treatment plan, at the employer's cost, and at the end of the two year period, requires the review panel to evaluate the 1977 fund member to determine if the 1977 fund member: (1) is medically able to return to duty; or (2) may continue for another two year provisional disability period. Requires that, at the end of the second provisional period, the review panel evaluate the 1977 fund member to determine if the 1977 fund member: (1) is medically able to return to duty; or (2) has a permanent impairment. Increases the maximum age to begin membership in the 1977 fund from 35 to 39 years of age. Provides that a unit's obligation to provide insurance coverage for a volunteer firefighter or member of an emergency medical services personnel
(Continued next page)

Effective: July 1, 2020.

Bartels

January 13, 2020, read first time and referred to Committee on Employment, Labor and Pensions.



Digest Continued

supersedes the obligation of another medical insurance carrier. Provides that a certified emergency medical technician or a licensed paramedic is not liable for transporting any person to an appropriate health care facility when the emergency medical technician or the licensed paramedic makes a good faith judgment that the emergency patient or the emergency patient's primary caregiver lacks the capacity to make an informed decision about the patient's: (1) safety; or (2) need for medical attention; and the emergency patient is reasonably likely to suffer disability or death without the medical intervention available at the facility.



Introduced

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1184

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-10-10-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Except as
3 provided in subsection (b), a special death benefit of ~~seventy-five~~
4 ~~thousand dollars (\$75,000)~~ for a public safety officer who dies in the
5 ~~line of duty before January 1, 1998, and~~ one hundred fifty thousand
6 dollars (\$150,000) for a public safety officer who dies in the line of
7 duty ~~after December 31, 1997, before July 1, 2020, and~~ **two hundred**
8 **twenty-five thousand dollars (\$225,000) for a public safety officer**
9 **who dies in the line of duty after June 30, 2020**, shall be paid in a
10 lump sum from the fund to the following relative of a public safety
11 officer who dies in the line of duty:
12 (1) To the surviving spouse.
13 (2) If there is no surviving spouse, to the surviving children (to be
14 shared equally).
15 (3) If there is no surviving spouse and there are no surviving



- 1 children, to the parent or parents in equal shares.
- 2 (b) If the fund would be reduced below two hundred fifty thousand
3 dollars (\$250,000) by payment in full of all claims that become final in
4 any month, the board shall proceed as follows:
- 5 (1) The board shall suspend payment of the claims that become
6 final during that month and the following two (2) months.
- 7 (2) At the end of the suspension period, the board shall pay all
8 suspended claims. If the fund would be exhausted by payment in
9 full of all suspended claims, the amount paid to each claimant
10 shall be prorated.
- 11 SECTION 2. IC 16-31-6-1, AS AMENDED BY P.L.77-2012,
12 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2020]: Sec. 1. (a) A certified emergency medical technician
14 who provides emergency medical services to an emergency patient is
15 not liable for an act or omission in providing those services unless the
16 act or omission constitutes negligence or willful misconduct. If the
17 emergency medical technician is not liable for an act or omission, no
18 other person incurs liability by reason of an agency relationship with
19 the emergency medical technician.
- 20 (b) This section does not affect the liability of a driver of an
21 ambulance for negligent operation of the ambulance.
- 22 **(c) Except as provided in subsections (a) and (b), a certified
23 emergency medical technician or a licensed paramedic who
24 provides emergency medical services is not liable for transporting
25 any person to an appropriate health care facility when the
26 emergency medical technician or the licensed paramedic makes a
27 good faith judgment that the emergency patient or the emergency
28 patient's primary caregiver lacks the capacity to make an informed
29 decision about the patient's:**
- 30 **(1) safety; or**
31 **(2) need for medical attention;**
32 **and the emergency patient is reasonably likely to suffer disability
33 or death without the medical intervention available at the facility.**
- 34 SECTION 3. IC 36-8-4-5 IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) A city shall pay for the care
36 of a police officer or firefighter who suffers an injury while ~~performing~~
37 ~~the person's~~ on duty or contracts illness caused by the performance of
38 the person's duty, including an injury or illness that results in a
39 disability or death presumed incurred in the line of duty under
40 IC 5-10-13. This care includes:
- 41 (1) medical and surgical care;
42 (2) medicines and laboratory, curative, and palliative agents and



1 means;

2 (3) X-ray, diagnostic, and therapeutic service, including during
3 the recovery period; and

4 (4) hospital and special nursing care if the physician or surgeon
5 in charge considers it necessary for proper recovery.

6 (b) Expenditures required by subsection (a) shall be paid from the
7 general fund of the city.

8 (c) A city that has paid for the care of a police officer or firefighter
9 under subsection (a) has a cause of action for reimbursement of the
10 amount paid under subsection (a) against any third party against whom
11 the police officer or firefighter has a cause of action for an injury
12 sustained because of or an illness caused by the third party. The city's
13 cause of action under this subsection is in addition to, and not in lieu
14 of, the cause of action of the police officer or firefighter against the
15 third party.

16 SECTION 4. IC 36-8-6-20, AS AMENDED BY P.L.40-2017,
17 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2020]: Sec. 20. (a) As used in this section, "dies in the line of
19 duty" has the meaning set forth in section 10.1 of this chapter.

20 (b) A special death benefit of ~~seventy-five thousand dollars~~
21 ~~(\$75,000) for a fund member who dies in the line of duty before~~
22 ~~January 1, 1998, and one hundred fifty thousand dollars (\$150,000) for~~
23 ~~a fund member who dies in the line of duty after December 31, 1997,~~
24 **before July 1, 2020, and two hundred twenty-five thousand dollars**
25 **(\$225,000) for a fund member who dies in the line of duty after**
26 **June 30, 2020**, shall be paid in a lump sum by the Indiana public
27 retirement system from the special death benefit fund established under
28 IC 5-10-9.8 to the following relative of a fund member who dies in the
29 line of duty:

30 (1) To the surviving spouse.

31 (2) If there is no surviving spouse, to the surviving children (to be
32 shared equally).

33 (3) If there is no surviving spouse and there are no surviving
34 children, to the parent or parents in equal shares.

35 (c) The benefit provided by this section is in addition to any other
36 benefits provided under this chapter.

37 SECTION 5. IC 36-8-7-26, AS AMENDED BY P.L.40-2017,
38 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2020]: Sec. 26. (a) As used in this section, "dies in the line of
40 duty" has the meaning set forth in section 12.4 of this chapter.

41 (b) A special death benefit of ~~seventy-five thousand dollars~~
42 ~~(\$75,000) for a fund member who dies in the line of duty before~~



1 ~~January 1, 1998~~, and one hundred fifty thousand dollars (\$150,000) for
 2 a fund member who dies in the line of duty ~~after December 31, 1997~~,
 3 **before July 1, 2020, and two hundred twenty-five thousand dollars**
 4 **(\$225,000) for a fund member who dies in the line of duty after**
 5 **June 30, 2020**, shall be paid in a lump sum by the Indiana public
 6 retirement system from the special death benefit fund established under
 7 IC 5-10-9.8 to the following relative of a fund member who dies in the
 8 line of duty:

9 (1) To the surviving spouse.

10 (2) If there is no surviving spouse, to the surviving children (to be
 11 shared equally).

12 (3) If there is no surviving spouse and there are no surviving
 13 children, to the parent or parents in equal shares.

14 (c) The benefit provided by this section is in addition to any other
 15 benefits provided under this chapter.

16 SECTION 6. IC 36-8-7.5-22, AS AMENDED BY P.L.40-2017,
 17 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2020]: Sec. 22. (a) As used in this section, "dies in the line of
 19 duty" has the meaning set forth in section 14.1 of this chapter.

20 (b) A special death benefit of ~~seventy-five thousand dollars~~
 21 ~~(\$75,000) for a fund member who dies in the line of duty before~~
 22 ~~January 1, 1998~~, and one hundred fifty thousand dollars (\$150,000) for
 23 a fund member who dies in the line of duty ~~after December 31, 1997~~,
 24 **before July 1, 2020, and two hundred twenty-five thousand dollars**
 25 **(\$225,000) for a fund member who dies in the line of duty after**
 26 **June 30, 2020**, shall be paid in a lump sum by the Indiana public
 27 retirement system from the special death benefit fund established under
 28 IC 5-10-9.8 to the following relative of a fund member who dies in the
 29 line of duty:

30 (1) To the surviving spouse.

31 (2) If there is no surviving spouse, to the surviving children (to be
 32 shared equally).

33 (3) If there is no surviving spouse and there are no surviving
 34 children, to the parent or parents in equal shares.

35 (c) The benefit provided by this section is in addition to any other
 36 benefits provided under this chapter.

37 SECTION 7. IC 36-8-8-7, AS AMENDED BY P.L.27-2019,
 38 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2020]: Sec. 7. (a) Subject to IC 36-8-4.7 and except as
 40 provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

41 (1) a police officer; or

42 (2) a firefighter;



1 who is less than ~~thirty-six (36)~~ **forty (40)** years of age and who passes
 2 the baseline statewide physical and mental examinations required
 3 under section 19 of this chapter shall be a member of the 1977 fund
 4 and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

5 (b) A police officer or firefighter with service before May 1, 1977,
 6 who is hired or rehired after April 30, 1977, may receive credit under
 7 this chapter for service as a police officer or firefighter prior to entry
 8 into the 1977 fund if the employer who rehires the police officer or
 9 firefighter chooses to contribute to the 1977 fund the amount necessary
 10 to amortize the police officer's or firefighter's prior service liability over
 11 a period of not more than thirty (30) years, the amount and the period
 12 to be determined by the system board. If the employer chooses to make
 13 the contributions, the police officer or firefighter is entitled to receive
 14 credit for the police officer's or firefighter's prior years of service
 15 without making contributions to the 1977 fund for that prior service. In
 16 no event may a police officer or firefighter receive credit for prior years
 17 of service if the police officer or firefighter is receiving a benefit or is
 18 entitled to receive a benefit in the future from any other public pension
 19 plan with respect to the prior years of service.

20 (c) Except as provided in section 18 of this chapter, a police officer
 21 or firefighter is entitled to credit for all years of service after April 30,
 22 1977, with the police or fire department of an employer covered by this
 23 chapter.

24 (d) A police officer or firefighter with twenty (20) years of service
 25 does not become a member of the 1977 fund and is not covered by this
 26 chapter, if the police officer or firefighter:

- 27 (1) was hired before May 1, 1977;
- 28 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
 29 of which were repealed September 1, 1981); and
- 30 (3) is rehired after April 30, 1977, by the same employer.

31 (e) A police officer or firefighter does not become a member of the
 32 1977 fund and is not covered by this chapter if the police officer or
 33 firefighter:

- 34 (1) was hired before May 1, 1977;
- 35 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
 36 of which were repealed September 1, 1981);
- 37 (3) was rehired after April 30, 1977, but before February 1, 1979;
 38 and
- 39 (4) was made, before February 1, 1979, a member of a 1925,
 40 1937, or 1953 fund.

41 (f) A police officer or firefighter does not become a member of the
 42 1977 fund and is not covered by this chapter if the police officer or



- 1 firefighter:
- 2 (1) was hired by the police or fire department of a unit before May
- 3 1, 1977;
- 4 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 5 of which were repealed September 1, 1981);
- 6 (3) is rehired by the police or fire department of another unit after
- 7 December 31, 1981; and
- 8 (4) is made, by the fiscal body of the other unit after December
- 9 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
- 10 unit.
- 11 If the police officer or firefighter is made a member of a 1925, 1937, or
- 12 1953 fund, the police officer or firefighter is entitled to receive credit
- 13 for all the police officer's or firefighter's years of service, including
- 14 years before January 1, 1982.
- 15 (g) As used in this subsection, "emergency medical services" and
- 16 "emergency medical technician" have the meanings set forth in
- 17 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:
- 18 (1) is employed by a unit that is participating in the 1977 fund;
- 19 (2) was employed as an emergency medical technician by a
- 20 political subdivision wholly or partially within the department's
- 21 jurisdiction;
- 22 (3) was a member of the public employees' retirement fund during
- 23 the employment described in subdivision (2); and
- 24 (4) ceased employment with the political subdivision and was
- 25 hired by the unit's fire department due to the reorganization of
- 26 emergency medical services within the department's jurisdiction;
- 27 shall participate in the 1977 fund. A firefighter who participates in the
- 28 1977 fund under this subsection is subject to sections 18 and 21 of this
- 29 chapter.
- 30 (h) A police officer or firefighter does not become a member of the
- 31 1977 fund and is not covered by this chapter if the individual was
- 32 appointed as:
- 33 (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- 34 (2) a police chief under a waiver under IC 36-8-4-6.5(c);
- 35 unless the executive of the unit requests that the 1977 fund accept the
- 36 individual in the 1977 fund and the individual previously was a
- 37 member of the 1977 fund.
- 38 (i) A police matron hired or rehired after April 30, 1977, and before
- 39 July 1, 1996, who is a member of a police department in a second or
- 40 third class city on March 31, 1996, is a member of the 1977 fund.
- 41 (j) A park ranger who:
- 42 (1) completed at least the number of weeks of training at the



1 Indiana law enforcement academy or a comparable law
 2 enforcement academy in another state that were required at the
 3 time the park ranger attended the Indiana law enforcement
 4 academy or the law enforcement academy in another state;

5 (2) graduated from the Indiana law enforcement academy or a
 6 comparable law enforcement academy in another state; and

7 (3) is employed by the parks department of a city having a
 8 population of more than one hundred ten thousand (110,000) but
 9 less than one hundred fifty thousand (150,000);

10 is a member of the fund.

11 (k) Notwithstanding any other provision of this chapter, a police
 12 officer or firefighter:

13 (1) who is a member of the 1977 fund before a consolidation
 14 under IC 36-3-1-5.1 or IC 36-3-1-6.1;

15 (2) whose employer is consolidated into the consolidated law
 16 enforcement department or the fire department of a consolidated
 17 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

18 (3) who, after the consolidation, becomes an employee of the
 19 consolidated law enforcement department or the consolidated fire
 20 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

21 is a member of the 1977 fund without meeting the requirements under
 22 sections 19 and 21 of this chapter.

23 (l) Notwithstanding any other provision of this chapter, if:

24 (1) before a consolidation under IC 8-22-3-11.6, a police officer
 25 or firefighter provides law enforcement services or fire protection
 26 services for an entity in a consolidated city;

27 (2) the provision of those services is consolidated into the law
 28 enforcement department or fire department of a consolidated city;
 29 and

30 (3) after the consolidation, the police officer or firefighter
 31 becomes an employee of the consolidated law enforcement
 32 department or the consolidated fire department under
 33 IC 8-22-3-11.6;

34 the police officer or firefighter is a member of the 1977 fund without
 35 meeting the requirements under sections 19 and 21 of this chapter.

36 (m) A police officer or firefighter who is a member of the 1977 fund
 37 under subsection (k) or (l) may not be:

38 (1) retired for purposes of section 10 of this chapter; or

39 (2) disabled for purposes of section 12 of this chapter;

40 solely because of a change in employer under the consolidation.

41 (n) Notwithstanding any other provision of this chapter and subject
 42 to subsection (o), a police officer or firefighter who:



1 (1) is an active member of the 1977 fund with an employer that
 2 participates in the 1977 fund;

3 (2) separates from that employer; and

4 (3) not later than one hundred eighty (180) days after the date of
 5 the separation described in subdivision (2), becomes employed as
 6 a full-time police officer or firefighter with the same or a second
 7 employer that participates in the 1977 fund;

8 is a member of the 1977 fund without meeting for a second time the
 9 age limitation under subsection (a) and the requirements under sections
 10 19 and 21 of this chapter. A police officer or firefighter to whom this
 11 subsection applies is entitled to receive credit for all years of 1977 fund
 12 covered service as a police officer or firefighter with all employers that
 13 participate in the 1977 fund.

14 (o) The one hundred eighty (180) day limitation described in
 15 subsection (n)(3) does not apply to a member of the 1977 fund who is
 16 eligible for reinstatement under IC 36-8-4-11.

17 (p) Notwithstanding any other provision of this chapter, a veteran
 18 who is:

19 (1) described in IC 36-8-4.7; and

20 (2) employed as a firefighter or police officer;

21 is a member of the 1977 fund.

22 SECTION 8. IC 36-8-8-12.5, AS AMENDED BY P.L.59-2009,
 23 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2020]: Sec. 12.5. (a) This section applies only to a fund
 25 member who:

26 (1) is hired for the first time after December 31, 1989;

27 (2) chooses coverage by this section and section 13.5 of this
 28 chapter under section 12.4 of this chapter; or

29 (3) is described in section 12.3(c)(2) of this chapter.

30 (b) At the same hearing where the determination of whether the
 31 fund member has a covered impairment is made, the local board shall
 32 determine the following:

33 (1) Whether the fund member has a Class 1 impairment. A Class
 34 1 impairment is a covered impairment that is the direct result of
 35 one (1) or more of the following:

36 (A) A personal injury that occurs while the fund member is on
 37 duty.

38 (B) A personal injury that occurs while the fund member is off
 39 duty and is responding to:

40 (i) an offense or a reported offense, in the case of a police
 41 officer; or

42 (ii) an emergency or reported emergency for which the fund



- 1 member is trained, in the case of a firefighter.
- 2 (C) An occupational disease (as defined in IC 22-3-7-10). A
- 3 covered impairment that is included within this clause and
- 4 subdivision (2), **including mental illnesses**, shall be
- 5 considered a Class 1 impairment.
- 6 (D) A health condition caused by an exposure risk disease that
- 7 results in a presumption of disability or death incurred in the
- 8 line of duty under IC 5-10-13.
- 9 (2) Whether the fund member has a Class 2 impairment. A Class
- 10 2 impairment is a covered impairment that is:
- 11 (A) a duty related disease. A duty related disease means a
- 12 disease arising out of the fund member's employment. A
- 13 disease shall be considered to arise out of the fund member's
- 14 employment if it is apparent to the rational mind, upon
- 15 consideration of all of the circumstances, that:
- 16 (i) there is a connection between the conditions under which
- 17 the fund member's duties are performed and the disease;
- 18 (ii) the disease can be seen to have followed as a natural
- 19 incident of the fund member's duties as a result of the
- 20 exposure occasioned by the nature of the fund member's
- 21 duties; and
- 22 (iii) the disease can be traced to the fund member's
- 23 employment as the proximate cause; or
- 24 (B) a health condition caused by:
- 25 (i) an exposure related heart or lung disease;
- 26 (ii) an exposure related cancer; or
- 27 (iii) exposure related Parkinson's disease;
- 28 that results in a presumption of disability incurred in the line
- 29 of duty under IC 5-10-15.
- 30 (3) Whether the fund member has a Class 3 impairment. A Class
- 31 3 impairment is a covered impairment that is not a Class 1
- 32 impairment or a Class 2 impairment.
- 33 SECTION 9. IC 36-8-8-13.1, AS AMENDED BY P.L.179-2018,
- 34 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2020]: Sec. 13.1. (a) If:
- 36 (1) the local board has determined under this chapter that a
- 37 covered impairment exists and the safety board has determined
- 38 that there is no suitable and available work within the department,
- 39 considering reasonable accommodation to the extent required by
- 40 the Americans with Disabilities Act; or
- 41 (2) the fund member has filed an appeal under section 12.7(o) of
- 42 this chapter;



1 the local board shall submit the local board's determinations and the
2 safety board's determinations to the system board's director.

3 (b) Whenever a fund member is determined to have an impairment
4 under section 12.7(i) of this chapter, the system board's director shall
5 initiate a review of the default award not later than sixty (60) days after
6 the director learns of the default award.

7 (c) After the system board's director receives the determinations
8 under subsection (a) or initiates a review under subsection (b), the fund
9 member must submit to an examination by a medical authority selected
10 by the system board. The authority shall determine if there is a covered
11 impairment. With respect to a fund member who is covered by sections
12 12.5 and 13.5 of this chapter, the authority shall determine the degree
13 of impairment. The system board shall adopt rules to establish
14 impairment standards, such as the impairment standards contained in
15 the United States Department of Veterans Affairs Schedule for Rating
16 Disabilities. The report of the examination shall be submitted to the
17 system board's director. If a fund member refuses to submit to an
18 examination, the authority may find that no impairment exists.

19 (d) The system board's director shall review the medical authority's
20 report and the local board's determinations and issue an initial
21 determination within sixty (60) days after receipt of the local board's
22 determinations. The system board's director shall notify the local board,
23 the safety board, and the fund member of the initial determination. The
24 following provisions apply if the system board's director does not issue
25 an initial determination within sixty (60) days and if the delay is not
26 attributable to the fund member or the safety board:

27 (1) In the case of a review initiated under subsection (a)(1):

28 (A) the determinations of the local board and the chief of the
29 police or fire department are considered to be the initial
30 determination; and

31 (B) for purposes of section 13.5(d) of this chapter, the fund
32 member is considered to be totally impaired.

33 (2) In the case of an appeal submitted under subsection (a)(2), the
34 statements made by the fund member under section 12.7(o) of this
35 chapter are considered to be the initial determination.

36 (3) In the case of a review initiated under subsection (b), the
37 initial determination is the impairment determined under section
38 12.7(i) of this chapter.

39 (e) The fund member, the safety board, or the local board may
40 object in writing to the director's initial determination within fifteen
41 (15) days after the determination is issued. If no written objection is
42 filed, the initial determination becomes the final order of the system



1 board. If a timely written objection is filed, the system board shall issue
 2 the final order after a hearing. Unless an administrative law judge
 3 orders a waiver or an extension of the period for cause shown, the final
 4 order shall be issued not later than one hundred eighty (180) days after
 5 the date of receipt of the local board's determination or the date the
 6 system board's director initiates a review under subsection (b). The
 7 following provisions apply if a final order is not issued within the time
 8 limit described in this subsection and if the delay is not attributable to
 9 the fund member or the chief of the police or fire department:

10 (1) In the case of a review initiated under subsection (a)(1):

11 (A) the determinations of the local board and the chief of the
 12 police or fire department are considered to be the final order;
 13 and

14 (B) for purposes of section 13.5(f) of this chapter, the fund
 15 member is considered to be totally impaired.

16 (2) In the case of an appeal submitted under subsection (a)(2), the
 17 statements made by the fund member under section 12.7(o) of this
 18 chapter are considered to be the final order.

19 (3) In the case of a review initiated under subsection (b), the
 20 impairment determined under section 12.7(i) of this chapter is
 21 considered to be the final order.

22 (f) If the system board approves the director's initial determination,
 23 then the system board shall issue a final order adopting the initial
 24 determination. The local board and the chief of the police or fire
 25 department shall comply with the initial determination. If the system
 26 board does not approve the initial determination, the system board may
 27 receive additional evidence on the matter before issuing a final order.

28 (g) Appeals of the system board's final order may be made under
 29 IC 4-21.5.

30 (h) The transcripts, records, reports, and other materials compiled
 31 under this section must be retained in accordance with the procedures
 32 specified in section 12.7(p) of this chapter.

33 **(i) The system board may seek the assistance of the mental**
 34 **health disability review panel established under IC 36-8-8.3-4 in**
 35 **issuing an initial determination or a final order.**

36 SECTION 10. IC 36-8-8-20, AS AMENDED BY P.L.40-2017,
 37 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2020]: Sec. 20. (a) As used in this section, "dies in the line of
 39 duty" has the meaning set forth in section 14.1 of this chapter.

40 (b) Benefits paid under this section are subject to section 2.5 of this
 41 chapter.

42 (c) A special death benefit of ~~seventy-five thousand dollars~~



1 (~~\$75,000~~) for a fund member who dies in the line of duty before
 2 ~~January 1, 1998~~, and one hundred fifty thousand dollars (\$150,000) for
 3 a fund member who dies in the line of duty ~~after December 31, 1997~~,
 4 **before July 1, 2020, and two hundred twenty-five thousand dollars**
 5 **(\$225,000) for a fund member who dies in the line of duty after**
 6 **June 30, 2020**, shall be paid in a lump sum by the Indiana public
 7 retirement system from the special death benefit fund established under
 8 IC 5-10-9.8 to the following relative of a fund member who dies in the
 9 line of duty:

10 (1) To the surviving spouse.

11 (2) If there is no surviving spouse, to the surviving children (to be
 12 shared equally).

13 (3) If there is no surviving spouse and there are no surviving
 14 children, to the parent or parents in equal shares.

15 (d) The benefit provided by this section is in addition to any other
 16 benefits provided under this chapter.

17 SECTION 11. IC 36-8-8.3 IS ADDED TO THE INDIANA CODE
 18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2020]:

20 **Chapter 8.3. Impairment Determination for Mental Illness**

21 **Sec. 1. This chapter applies to a 1977 fund member who receives**
 22 **a final determination of an impairment for a mental health illness**
 23 **under IC 36-8-8-13.1 after June 30, 2020.**

24 **Sec. 2. As used in this chapter, "review panel" refers to a mental**
 25 **health disability review panel established under section 4 of this**
 26 **chapter.**

27 **Sec. 3. As used in this chapter, "system board" refers to the**
 28 **board of trustees of the Indiana public retirement system**
 29 **established by IC 5-10.5-3-1.**

30 **Sec. 4. (a) This chapter provides for the establishment of mental**
 31 **health disability review panels to review impairment**
 32 **determinations in the case of a mental health disability.**

33 **(b) A mental health disability review panel consists of:**

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

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

37 **(3) one (1) active or retired police officer or firefighter who is**
 38 **a member of the 1977 fund, depending on the profession of the**
 39 **fund member being evaluated.**

40 **(c) A mental health disability review panel shall be selected by**
 41 **the system board.**

42 **(d) Compensation shall be determined by the system board.**



1 **Sec. 5. (a) The final determination of an impairment for a**
2 **mental illness is provisional for two (2) years from the date of the**
3 **final determination by the system board under IC 36-8-8-13.1.**

4 **(b) During the initial two (2) year provisional period, the fund**
5 **member shall be subject to and responsible for active participation**
6 **in a mental health treatment plan as determined by the fund**
7 **member's treating physician.**

8 **(c) The employer shall pay for the fund member's mental health**
9 **care and treatment relating to the disability during the initial two**
10 **(2) year provisional period.**

11 **Sec. 6. (a) At the conclusion of the initial two (2) year**
12 **provisional period described in section 5 of this chapter, a mental**
13 **health disability review panel, as described in section 4 of this**
14 **chapter, shall evaluate the fund member.**

15 **(b) The review panel:**

16 **(1) shall examine reports and records submitted by the fund**
17 **member's treating physician, and any other mental health**
18 **care provider seen by the fund member; and**

19 **(2) may consult with other medical authorities;**
20 **in conducting its evaluation.**

21 **Sec. 7. (a) If the review panel determines the fund member is no**
22 **longer impaired, the review panel shall notify the system board and**
23 **the local board, and the fund member shall be returned to duty.**

24 **(b) If the review panel determines the fund member remains**
25 **impaired consistent with the final disability determination, the**
26 **fund member shall begin an additional two (2) year provisional**
27 **period from the date of the review panel's determination. The fund**
28 **member shall continue to be subject to and responsible for active**
29 **participation in a mental health treatment plan as determined by**
30 **the fund member's treating physician.**

31 **(c) The employer shall continue to pay for the fund member's**
32 **mental health care and treatment relating to the disability during**
33 **the second two (2) year provisional period.**

34 **Sec. 8. At the conclusion of the fund member's second two (2)**
35 **year provisional period, the review panel shall reevaluate the fund**
36 **member. The review panel shall conduct its reevaluation in the**
37 **manner described in section 6(b) of this chapter.**

38 **Sec. 9. (a) If, after the second evaluation, the review panel**
39 **determines the fund member is no longer impaired, the review**
40 **panel shall notify the system board and the local board, and the**
41 **fund member shall be returned to duty.**

42 **(b) If the review panel determines the fund member remains**



1 **impaired consistent with the final disability determination, the**
 2 **fund member shall be determined to have a permanent**
 3 **impairment.**

4 SECTION 12. IC 36-8-12-6, AS AMENDED BY P.L.174-2009,
 5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2020]: Sec. 6. (a) Each unit that has a volunteer fire
 7 department shall procure insurance in the name of and for the benefit
 8 of each member of the department. However, if a contract or agreement
 9 exists between a unit and a volunteer fire department, the contract or
 10 agreement must provide for insurance of the volunteer firefighters and
 11 emergency medical services personnel in the department in the
 12 amounts and with the coverages required by this chapter. Unless the
 13 contract or agreement stipulates otherwise, all insurance coverage must
 14 be under a group plan, rather than in the name of each individual
 15 firefighter and member of the emergency medical services personnel.
 16 Either the unit or the volunteer fire department, according to the
 17 contractor agreement, may undertake procurement of required
 18 insurance, but in either case, the costs of coverage must be borne by the
 19 unit. If a volunteer fire department serves more than one (1) unit under
 20 a contract or agreement, each unit that the department serves shall pay
 21 the amount for the insurance coverage determined under the following
 22 formula:

23 STEP ONE: For each census block or other area in a unit that is
 24 served by more than one (1) volunteer fire department, divide the
 25 population of the area by the number of volunteer fire
 26 departments serving the area, and round the quotient to the
 27 nearest one thousandth (.001).

28 STEP TWO: Add the quotients determined under STEP ONE for
 29 the unit.

30 STEP THREE: Determine the sum of the STEP TWO amounts for
 31 all of the units served by the same volunteer fire department.

32 STEP FOUR: Divide the STEP TWO amount for a unit by the
 33 STEP THREE amount and round the quotient to the nearest one
 34 thousandth (.001).

35 STEP FIVE: Multiply the costs of the insurance coverage for the
 36 volunteer fire department by the quotient determined under STEP
 37 FOUR, rounded to the nearest dollar.

38 (b) A diminution of insurance benefits may not occur under this
 39 section because of a change in the insurance carrier or a change as to
 40 who actually procures the required insurance.

41 (c) Each unit that has a volunteer fire department may procure an
 42 insurance policy for the benefit of auxiliary groups whose members



1 could be injured while assisting the volunteer firefighters and
2 emergency medical services personnel in the performance of their
3 duties.

4 (d) Each unit that has a volunteer fire department may procure an
5 insurance policy or any other type of instrument that provides
6 retirement benefits as an incentive to volunteer firefighters and
7 emergency medical services personnel for continued service.

8 (e) An insurance policy or other instrument containing any of the
9 provisions authorized by subsection (d) may not be considered in the
10 computation of nominal compensation for purposes of this chapter.

11 (f) A volunteer firefighter or member of the emergency medical
12 services personnel who becomes covered by an insurance policy or
13 other instrument containing any of the provisions authorized by
14 subsection (d) does not thereby become eligible for membership in the
15 public employees' retirement fund under IC 5-10.3.

16 (g) If a unit fails to provide the insurance for a volunteer firefighter
17 or member of the emergency medical services personnel that this
18 chapter requires it to provide, and a volunteer firefighter or member of
19 the emergency medical services personnel suffers a loss of the type that
20 the insurance would have covered, then the unit shall pay to that
21 volunteer firefighter or member of the emergency medical services
22 personnel the same amount of money that the insurance would have
23 paid to the volunteer firefighter or member of the emergency medical
24 services personnel.

25 **(h) A unit's obligation under this section supersedes any**
26 **obligation that another medical insurance carrier has to pay the**
27 **expenses of the volunteer firefighter or member of the emergency**
28 **medical services personnel.**

