

HOUSE BILL 780

By Ramsey

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 51, Part 2; Title 50, Chapter 6 and Title 56, relative to the "Firefighter Suicide Prevention Act."

WHEREAS, the responsibilities of the modern firefighter continue to expand well beyond fighting fires and now require response to numerous incidents such as emergency medical response, incidents involving hazardous materials, vehicle extrication, mass casualty incidents, disaster relief, search and rescue, and active shooter incidents; and

WHEREAS, suicide has become an epidemic in the fire service in the United States; and

WHEREAS, cumulative post-traumatic stress resulting in post-traumatic stress disorder was one of the leading causes of those suicides; and

WHEREAS, post-traumatic stress disorder can be treated, and firefighter lives, and careers, can be saved with treatment. Their employers will save financially by not having to replace and retrain new firefighters; and

WHEREAS, the Tennessee's Workers' Compensation Law does not recognize cumulative post-traumatic stress disorder as an on-the-job injury; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 51, Part 2, is amended by adding the following as a new section:

(a) This section is called and may be cited as the "Firefighter and EMS Suicide Prevention Act."

(b) As used in this section:

(1) "Emergency medical services personnel" means any regular or full-time, paid employee of a city, county, or other political subdivision of this state

whose duties require the employee to actively engage in emergency medical response, rescue services, or other emergency medical response tasks;

(2) "Employer" means any city, county, or political subdivision of this state that employs firefighters and emergency medical services personnel;

(3) "Firefighter" means any regular or full-time, paid employee of a city, county, or political subdivision of this state whose duties require the employee to actively engage in suppressing fires, rescue services, or other emergency response tasks;

(4) "In the line of duty" means in the course of employment and in the actual discharge of the duties of the position;

(5) "Mental health professional" means a person with professional training, experience, and demonstrated competence in the treatment and diagnosis of mental conditions, who is certified or licensed to provide mental healthcare services, and who is a "mental health services provider" as that term is defined in § 8-50-119(b)(1); and

(6) "Post-traumatic stress disorder" has the same meaning as defined in the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders.

(c) If a firefighter or emergency medical services personnel is diagnosed by a mental health professional with post-traumatic stress disorder, such injury is presumed to have been incurred in the line of duty and is compensable under the workers' compensation law, compiled in title 50, chapter 6, unless it is shown by a preponderance of evidence that the post-traumatic stress disorder was caused by nonservice-connected risk factors or nonservice-connected exposure.

(d) This section applies to any firefighter or emergency medical services personnel who is diagnosed with post-traumatic stress disorder within three (3) years of the last active date of employment as a firefighter or emergency medical services personnel.

(e) A mental condition resulting solely from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by the employer is not considered an injury sustained in the line of duty under this section.

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it.