

Conference Engrossed

licensed mental health professional; definition

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2336

AN ACT

AMENDING SECTION 38-672, ARIZONA REVISED STATUTES; AMENDING LAWS 2016,
CHAPTER 240, SECTION 2; AMENDING LAWS 2018, CHAPTER 259, SECTION 3;
RELATING TO EMPLOYEE BENEFITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-672, Arizona Revised Statutes, is amended to
3 read:

4 38-672. Traumatic event counseling for public safety
5 employees; report; exceptions; definitions

6 A. Notwithstanding any other law, this state or a political
7 subdivision of this state shall establish a program to provide public
8 safety employees who are exposed to any one of the following events while
9 in the course of duty up to twelve visits of licensed counseling, which
10 may be provided through telehealth, paid for by the employer:

11 1. Visually witnessing the death or maiming or visually witnessing
12 the immediate aftermath of such a death or maiming of one or more human
13 beings.

14 2. Responding to or being directly involved in a criminal
15 investigation of an offense involving a dangerous crime against children
16 as defined in section 13-705.

17 3. Requiring rescue in the line of duty where one's life was
18 endangered.

19 B. Payment by the employer for licensed counseling pursuant to this
20 section does not create a presumption that a claim is compensable under
21 section 23-1043.01, subsection B.

22 C. For each program established pursuant to this section, this
23 state and each political subdivision of this state shall compile the
24 following data:

25 1. The total number of public safety employees who have
26 participated in the program.

27 2. The average number of visits per public safety employee.

28 3. The average number of months that a public safety employee
29 participated in the program.

30 4. The average number of days that a public safety employee who
31 participated in the program missed work.

32 5. The total number of public safety employees who participated in
33 the program and who subsequently filed a workers' compensation claim and
34 the number of those claims that were approved and the number of those
35 claims that were denied.

36 6. For each employer, the total amount of work missed by public
37 safety employees who participated in the program and how missed work was
38 provided for by the employer or through employee benefits.

39 D. On or before September 1 of each year, this state and each
40 political subdivision of this state shall submit the data collected
41 pursuant to subsection C of this section to the department of
42 administration. On or before October 1 of each year, the department of
43 administration shall compile the data into a report and submit the report
44 to the governor, the president of the senate, the speaker of the house of

1 representatives, the chairperson of the senate health and human services
2 committee, or its successor committee, the chairperson of the house of
3 representatives health committee, or its successor committee, the
4 chairperson of the senate commerce and public safety committee, or its
5 successor committee, and the chairperson of the house of representatives
6 judiciary and public safety committee, or its successor committee, and
7 shall provide a copy of this report to the secretary of state. Subsection
8 C of this section and this subsection do not authorize this state or a
9 political subdivision of this state to compile and report data that is
10 protected under the health insurance portability and accountability act of
11 1996 (P.L. 104-191; 110 Stat. 1936).

12 E. This section does not apply to a state employer that provides a
13 program to its public safety employees that is characterized by all of the
14 following:

15 1. The program is paid for by the employer.

16 2. The program provides licensed counseling for any issue. For
17 licensed counseling related to trauma experienced while in the line of
18 duty, the licensed counseling is provided on the request of the public
19 safety employee and is in person.

20 3. Before July 1, 2017, the program offers at least six visits per
21 year.

22 4. On or after July 1, 2017, the program offers at least twelve
23 visits per year.

24 F. For the purposes of this section:

25 1. "Licensed counseling" means counseling provided by a licensed
26 mental health professional ~~pursuant to title 32, chapter 19.1 or 33 if~~
27 ~~licensees under title 32, chapter 33 have training and expertise in~~
28 ~~treating trauma.~~

29 2. "LICENSED MENTAL HEALTH PROFESSIONAL" MEANS A LICENSED
30 INDIVIDUAL WHO SPECIALIZES IN TRAUMA AND CRISIS, WHO USES EVIDENCE-BASED
31 TREATMENT OPTIONS AND WHO IS ONE OF THE FOLLOWING:

32 (a) A PSYCHIATRIST WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13
33 OR 17.

34 (b) A PSYCHOLOGIST WHO IS LICENSED PURSUANT TO TITLE 32,
35 CHAPTER 19.1.

36 (c) A MENTAL HEALTH PROFESSIONAL WHO IS LICENSED PURSUANT TO
37 TITLE 32, CHAPTER 33 AND WHO HOLDS EITHER A MASTER'S OR DOCTORAL DEGREE
38 RELATED TO THE MENTAL HEALTH PROFESSION.

39 (d) A MENTAL HEALTH NURSE PRACTITIONER OR A PSYCHIATRIC CLINICAL
40 NURSE SPECIALIST WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 15.

41 (e) A PHYSICIAN ASSISTANT WHO IS LICENSED PURSUANT TO TITLE 32,
42 CHAPTER 25.

1 ~~2.~~ 3. "Public safety employee":
2 (a) Means:
3 (i) Except as prescribed in subdivision (b) of this paragraph, an
4 individual who is a member of the public safety personnel retirement
5 system or the corrections officer retirement plan.
6 (ii) Except as prescribed in subdivision (b) of this paragraph, a
7 probation officer, surveillance officer or juvenile detention officer who
8 is employed by this state or a political subdivision of this state.
9 (b) Does not include peace officers or firefighters.
10 Sec. 2. Laws 2016, chapter 240, section 2 is amended to read:
11 Sec. 2. Delayed repeal
12 Section ~~38-962~~ 38-672, Arizona Revised Statutes, ~~as added by this~~
13 ~~act,~~ is repealed from and after December 31, ~~2022~~ 2026.
14 Sec. 3. Laws 2018, chapter 259, section 3 is amended to read:
15 Sec. 3. Delayed repeal
16 Section 38-673, Arizona Revised Statutes, ~~as added by this act,~~ is
17 repealed from and after December 31, ~~2022~~ 2026.