

REFERENCE TITLE: first responders; post-traumatic stress disorder

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2492

Introduced by
Representative Bliss

AN ACT

AMENDING SECTIONS 23-901, 23-901.01, 23-901.04, 23-901.05, 23-901.09, 23-1061 AND 23-1105, ARIZONA REVISED STATUTES; AMENDING TITLE 23, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-1106; AMENDING SECTION 38-672, ARIZONA REVISED STATUTES; REPEALING LAWS 2016, CHAPTER 240, SECTION 2, AS AMENDED BY LAWS 2022, CHAPTER 377, SECTION 2; RELATING TO WORKERS' COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 23-901, Arizona Revised Statutes, is amended to
3 read:

4 23-901. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Award" means the finding or decision of an administrative law
7 judge or the commission as to the amount of compensation or benefit due an
8 injured employee or the dependents of a deceased employee.

9 2. "Client" means an individual, association, company, firm,
10 partnership, corporation or any other legally recognized entity that is
11 subject to this chapter and that enters into a professional employer
12 agreement with a professional employer organization.

13 3. "Co-employee" means every person employed by an injured
14 employee's employer.

15 4. "Commission" means the industrial commission of Arizona.

16 5. "Compensation" means the compensation and benefits provided by
17 this chapter.

18 6. "Employee", "workman", "worker" and "operative" means:

19 (a) Every person in the service of this state or a county, city,
20 town, municipal corporation or school district, including regular members
21 of lawfully constituted police and fire departments of cities and towns,
22 whether by election, appointment or contract of hire.

23 (b) Every person in the service of any employer subject to this
24 chapter, including aliens and minors legally or illegally allowed to work
25 for hire, but not including a person whose employment is both:

26 (i) Casual.

27 (ii) Not in the usual course of the trade, business or occupation
28 of the employer.

29 (c) Lessees of mining property and the lessees' employees and
30 contractors engaged in the performance of work that is a part of the
31 business conducted by the lessor and over which the lessor retains
32 supervision or control are within the meaning of this paragraph employees
33 of the lessor, and are deemed to be drawing wages as are usually paid
34 employees for similar work. The lessor may deduct from the proceeds of
35 ores mined by the lessees the premium required by this chapter to be paid
36 for such employees.

37 (d) Regular members of volunteer fire departments organized
38 pursuant to title 48, chapter 5, article 1, regular firefighters of any
39 volunteer fire department, including private fire protection service
40 organizations, organized pursuant to title 10, chapters 24 through 40,
41 volunteer firefighters serving as members of a fire department of any
42 incorporated city or town or an unincorporated area without pay or without
43 full pay and on a part-time basis, and voluntary ~~politicemen~~ PEACE OFFICERS
44 and volunteer firefighters serving in any incorporated city, town or
45 unincorporated area without pay or without full pay and on a part-time

1 basis, are deemed to be employees, but for the purposes of this chapter,
2 the basis for computing wages for premium payments and compensation
3 benefits for regular members of volunteer fire departments organized
4 pursuant to title 48, chapter 5, article 1, or organized pursuant to title
5 10, chapters 24 through 40, regular members of any private fire protection
6 service organization, volunteer firefighters and volunteer ~~politicemen~~ PEACE
7 OFFICERS of these departments or organizations shall be the salary equal
8 to the beginning salary of the same rank or grade in the full-time service
9 with the city, town, volunteer fire department or private fire protection
10 service organization, provided if there is no full-time equivalent then
11 the salary equivalent shall be as determined by resolution of the
12 governing body of the city, town or volunteer fire department or
13 corporation.

14 (e) Members of the department of public safety reserve, organized
15 pursuant to section 41-1715, are deemed to be employees. For the purposes
16 of this chapter, the basis for computing wages for premium payments and
17 compensation benefits for a member of the department of public safety
18 reserve who is a peace officer shall be the salary received by officers of
19 the department of public safety for the officers' first month of regular
20 duty as an officer. For members of the department of public safety
21 reserve who are not peace officers, the basis for computing premiums and
22 compensation benefits is \$400 a month.

23 (f) Any person placed in on-the-job evaluation or in on-the-job
24 training under the department of economic security's temporary assistance
25 for needy families program or vocational rehabilitation program shall be
26 deemed to be an employee of the department for the purpose of coverage
27 under the state workers' compensation laws only. The basis for computing
28 premium payments and compensation benefits shall be \$200 per month. Any
29 person receiving vocational rehabilitation services under the department
30 of economic security's vocational rehabilitation program whose major
31 evaluation or training activity is academic, whether as an enrolled
32 attending student or by correspondence, or who is confined to a hospital
33 or penal institution, shall not be deemed to be an employee of the
34 department for any purpose.

35 (g) Regular members of a volunteer sheriff's reserve, which may be
36 established by resolution of the county board of supervisors, to assist
37 the sheriff in the performance of the sheriff's official duties. A roster
38 of the current members shall monthly be certified to the clerk of the
39 board of supervisors by the sheriff and shall not exceed the maximum
40 number authorized by the board of supervisors. Certified members of an
41 authorized volunteer sheriff's reserve shall be deemed to be employees of
42 the county for the purpose of coverage under the Arizona workers'
43 compensation laws and occupational disease disability laws and shall be
44 entitled to receive the benefits of these laws for any compensable
45 injuries or disabling conditions that arise out of and occur in the course

1 of the performance of duties authorized and directed by the sheriff.
 2 Compensation benefits and premium payments shall be based on the salary
 3 received by a regular full-time deputy sheriff of the county involved for
 4 the first month of regular patrol duty as an officer for each certified
 5 member of a volunteer sheriff's reserve. This subdivision does not
 6 provide compensation coverage for any member of a sheriff's posse who is
 7 not a certified member of an authorized volunteer sheriff's reserve except
 8 as a participant in a search and rescue mission or a search and rescue
 9 training mission.

10 (h) A working member of a partnership may be deemed to be an
 11 employee entitled to the benefits provided by this chapter on written
 12 acceptance, by endorsement, at the discretion of the insurance carrier for
 13 the partnership of an application for coverage by the working partner.
 14 The basis for computing premium payments and compensation benefits for the
 15 working partner shall be an assumed average monthly wage of not less than
 16 \$600 or more than the maximum wage provided in section 23-1041 and is
 17 subject to the discretionary approval of the insurance carrier. Any
 18 compensation for permanent partial or permanent total disability payable
 19 to the partner is computed on the lesser of the assumed monthly wage
 20 agreed to by the insurance carrier on the acceptance of the application
 21 for coverage or the actual average monthly wage received by the partner at
 22 the time of injury.

23 (i) The sole proprietor of a business subject to this chapter may
 24 be deemed to be an employee entitled to the benefits provided by this
 25 chapter on written acceptance, by endorsement, at the discretion of the
 26 insurance carrier of an application for coverage by the sole proprietor.
 27 The basis for computing premium payments and compensation benefits for the
 28 sole proprietor is an assumed average monthly wage of not less than \$600
 29 or more than the maximum wage provided by section 23-1041 and is subject
 30 to the discretionary approval of the insurance carrier. Any compensation
 31 for permanent partial or permanent total disability payable to the sole
 32 proprietor shall be computed on the lesser of the assumed monthly wage
 33 agreed to by the insurance carrier on the acceptance of the application
 34 for coverage or the actual average monthly wage received by the sole
 35 proprietor at the time of injury.

36 (j) A member of the Arizona national guard, Arizona state guard or
 37 unorganized militia shall be deemed a state employee and entitled to
 38 coverage under the Arizona workers' compensation law at all times while
 39 the member is receiving the payment of the member's military salary from
 40 this state under competent military orders or on order of the governor.
 41 Compensation benefits shall be based on the monthly military pay rate to
 42 which the member is entitled at the time of injury, but not less than a
 43 salary of \$400 per month or more than the maximum provided by the workers'
 44 compensation law. Arizona compensation benefits shall not inure to a
 45 member compensable under federal law.

1 (k) Certified ambulance drivers and attendants who serve without
2 pay or without full pay on a part-time basis are deemed to be employees
3 and entitled to the benefits provided by this chapter and the basis for
4 computing wages for premium payments and compensation benefits for
5 certified ambulance personnel shall be \$400 per month.

6 (l) Volunteer workers of a licensed health care institution may be
7 deemed to be employees and entitled to the benefits provided by this
8 chapter on written acceptance by the insurance carrier of an application
9 by the health care institution for coverage of such volunteers. The basis
10 for computing wages for premium payments and compensation benefits for
11 volunteers shall be \$400 per month.

12 (m) Personnel who participate in a search or rescue operation or a
13 search or rescue training operation that carries a mission identifier
14 assigned by the division of emergency management as provided in section
15 35-192.01 and who serve without compensation as volunteer state employees.
16 The basis for computation of wages for premium purposes and compensation
17 benefits is the total volunteer man-hours recorded by the division of
18 emergency management in a given quarter multiplied by the amount
19 determined by the appropriate risk management formula.

20 (n) Personnel who participate in emergency management training,
21 exercises or drills that are duly enrolled or registered with the division
22 of emergency management or any political subdivision as provided in
23 section 26-314, subsection C and who serve without compensation as
24 volunteer state employees. The basis for computation of wages for premium
25 purposes and compensation benefits is the total volunteer man-hours
26 recorded by the division of emergency management or political subdivision
27 during a given training session, exercise or drill multiplied by the
28 amount determined by the appropriate risk management formula.

29 (o) Regular members of the Arizona game and fish department
30 reserve, organized pursuant to section 17-214. The basis for computing
31 wages for premium payments and compensation benefits for a member of the
32 reserve is the salary received by game rangers and wildlife managers of
33 the Arizona game and fish department for the game rangers' and wildlife
34 managers' first month of regular duty.

35 (p) Every person employed pursuant to a professional employer
36 agreement.

37 (q) A working member of a limited liability company who owns less
38 than fifty percent of the membership interest in the limited liability
39 company.

40 (r) A working member of a limited liability company who owns fifty
41 percent or more of the membership interest in the limited liability
42 company may be deemed to be an employee entitled to the benefits provided
43 by this chapter on the written acceptance, by endorsement, of an
44 application for coverage by the working member at the discretion of the
45 insurance carrier for the limited liability company. The basis for

1 computing wages for premium payments and compensation benefits for the
2 working member is an assumed average monthly wage of \$600 or more but not
3 more than the maximum wage provided in section 23-1041 and is subject to
4 the discretionary approval of the insurance carrier. Any compensation for
5 permanent partial or permanent total disability payable to the working
6 member is computed on the lesser of the assumed monthly wage agreed to by
7 the insurance carrier on the acceptance of the application for coverage or
8 the actual average monthly wage received by the working member at the time
9 of injury.

10 (s) A working shareholder of a corporation who owns less than fifty
11 percent of the beneficial interest in the corporation.

12 (t) A working shareholder of a corporation who owns fifty percent
13 or more of the beneficial interest in the corporation may be deemed to be
14 an employee entitled to the benefits provided by this chapter on the
15 written acceptance, by endorsement, of an application for coverage by the
16 working shareholder at the discretion of the insurance carrier for the
17 corporation. The basis for computing wages for premium payments and
18 compensation benefits for the working shareholder is an assumed average
19 monthly wage of \$600 or more but not more than the maximum wage provided
20 in section 23-1041 and is subject to the discretionary approval of the
21 insurance carrier. Any compensation for permanent partial or permanent
22 total disability payable to the working shareholder is computed on the
23 lesser of the assumed monthly wage agreed to by the insurance carrier on
24 the acceptance of the application for coverage or the actual average
25 monthly wage received by the working shareholder at the time of injury.

26 7. "FIRST RESPONDER" MEANS AN EMPLOYEE OF THIS STATE OR A POLITICAL
27 SUBDIVISION OF THIS STATE WHO PROVIDES EMERGENCY RESPONSE SERVICES AND
28 INCLUDES ANY OF THE FOLLOWING:

29 (a) A PEACE OFFICER.

30 (b) A FIREFIGHTER AS DEFINED IN SECTION 9-500.47.

31 (c) A PARAMEDIC AS DEFINED IN SECTION 36-2201.

32 (d) AN EMERGENCY MEDICAL CARE TECHNICIAN AS DEFINED IN SECTION
33 36-2201.

34 (e) A PUBLIC SAFETY TELECOMMUNICATOR.

35 ~~7.~~ 8. "General order" means an order applied generally throughout
36 this state to all persons under jurisdiction of the commission.

37 ~~8.~~ 9. "Heart-related or perivascular injury, illness or death"
38 means myocardial infarction, coronary thrombosis or any other similar
39 sudden, violent or acute process involving the heart or perivascular
40 system, or any death resulting therefrom, and any weakness, disease or
41 other condition of the heart or perivascular system, or any death
42 resulting therefrom.

43 ~~9.~~ 10. "Insurance carrier" means every insurance carrier duly
44 authorized by the director of the department of insurance and financial

1 institutions to write workers' compensation or occupational disease
2 compensation insurance in this state.

3 ~~10.~~ 11. "Interested party" means the employer, the employee, or if
4 the employee is deceased, the employee's estate, the surviving spouse or
5 dependents, the commission, the insurance carrier or their representative.

6 ~~11.~~ 12. "Mental injury, illness or condition" means any mental,
7 emotional, psychotic or neurotic injury, illness or condition.

8 ~~12.~~ 13. "Order" means and includes any rule, direction,
9 requirement, standard, determination or decision other than an award or a
10 directive by the commission or an administrative law judge relative to any
11 entitlement to compensation benefits, or to the amount of compensation
12 benefits, and any procedural ruling relative to the processing or
13 adjudicating of a compensation matter.

14 ~~13.~~ 14. "Personal injury by accident arising out of and in the
15 course of employment" means any of the following:

16 (a) Personal injury by accident arising out of and in the course of
17 employment.

18 (b) An injury caused by the wilful act of a third person directed
19 against an employee because of the employee's employment, but does not
20 include a disease unless resulting from the injury.

21 (c) An occupational disease that is due to causes and conditions
22 characteristic of and peculiar to a particular trade, occupation, process
23 or employment, and not the ordinary diseases to which the general public
24 is exposed, and subject to **ANY OF THE FOLLOWING:**

25 (i) Section 23-901.01. ~~or~~

26 (ii) **SECTION 23-901.09. or,**

27 (iii) For heart-related, perivascular or pulmonary cases, section
28 23-1105.

29 (iv) **FOR POST-TRAUMATIC STRESS DISORDER CASES, SECTION 23-1106.**

30 **15. "PUBLIC SAFETY TELECOMMUNICATOR":**

31 (a) **MEANS AN INDIVIDUAL EMPLOYED BY A PRIMARY OR SECONDARY PUBLIC**
32 **SAFETY EMERGENCY COMMUNICATIONS CENTER AS THE INITIAL FIRST RESPONDER**
33 **WHOSE PRIMARY RESPONSIBILITY IS TO RECEIVE, PROCESS, TRANSMIT OR DISPATCH**
34 **EMERGENCY AND NONEMERGENCY CALLS FOR SERVICE BY LAW ENFORCEMENT, FIRE,**
35 **EMERGENCY MEDICAL OR OTHER PUBLIC SAFETY SERVICES THROUGH TELEPHONE, RADIO**
36 **OR ANOTHER COMMUNICATIONS DEVICE.**

37 (b) **INCLUDES ANY PUBLIC SAFETY ANSWERING POINT OPERATIONS EMPLOYEE**
38 **WHO MEETS THE SKILL AND TRAINING REQUIREMENTS AS REQUIRED IN THIS STATE**
39 **AND INCLUDES EMERGENCY COMMUNICATIONS CENTER EMPLOYEES, CALL HANDLING**
40 **EMPLOYEES, COMMUTER AIDED DISPATCH EQUIPMENT EMPLOYEES OR ANY OTHER**
41 **EMPLOYEE WHO ASSISTS THE PUBLIC SAFETY ANSWERING POINT OPERATIONS, WHEN**
42 **NEEDED.**

43 ~~14.~~ 16. "Professional employer agreement" means a written contract
44 between a client and a professional employer organization:

1 (a) In which the professional employer organization expressly
2 agrees to co-employ all or a majority of the employees providing services
3 for the client. In determining whether the professional employer
4 organization employs all or a majority of the employees of a client, any
5 person employed pursuant to the terms of the professional employer
6 agreement after the initial placement of client employees on the payroll
7 of the professional employer organization shall be included.

8 (b) That is intended to be ongoing rather than temporary in nature.

9 (c) In which employer responsibilities for worksite employees,
10 including hiring, firing and disciplining, are expressly allocated between
11 the professional employer organization and the client in the agreement.

12 ~~15.~~ 17. "Professional employer organization" means any person
13 engaged in the business of providing professional employer services.
14 Professional employer organization does not include a temporary help firm
15 or an employment agency.

16 ~~16.~~ 18. "Professional employer services" means the service of
17 entering into co-employment relationships under this chapter to which all
18 or a majority of the employees providing services to a client or to a
19 division or work unit of a client are covered employees.

20 ~~17.~~ 19. "Serve" or "service" means either:

21 (a) Mailing to the last known address of the receiving party.

22 (b) Transmitting by other means, including electronic transmission,
23 with the written consent of the receiving party.

24 ~~18.~~ 20. "Special order" means an order other than a general order.

25 ~~19.~~ 21. "Weakness, disease or other condition of the heart or
26 perivascular system" means arteriosclerotic heart disease, cerebral
27 vascular disease, peripheral vascular disease, cardiovascular disease,
28 angina pectoris, congestive heart trouble, coronary insufficiency,
29 ischemia and all other similar weaknesses, diseases and conditions, and
30 also previous episodes or instances of myocardial infarction, coronary
31 thrombosis or any similar sudden, violent or acute process involving the
32 heart or perivascular system.

33 ~~20.~~ 22. "Workers' compensation" means workmen's compensation as
34 used in article XVIII, section 8, Constitution of Arizona.

35 Sec. 2. Section 23-901.01, Arizona Revised Statutes, is amended to
36 read:

37 23-901.01. Occupational disease; proximate causation;
38 presumption; definition

39 A. The occupational diseases as defined by section 23-901,
40 paragraph ~~13~~ 14, subdivision (c) shall be deemed to arise out of the
41 employment only if all of the following six requirements exist:

42 1. There is a direct causal connection between the conditions under
43 which the work is performed and the occupational disease.

1 2. The disease can be seen to have followed as a natural incident
2 of the work as a result of the exposure occasioned by the nature of the
3 employment.

4 3. The disease can be fairly traced to the employment as the
5 proximate cause.

6 4. The disease does not come from a hazard to which workers would
7 have been equally exposed outside of the employment.

8 5. The disease is incidental to the character of the business and
9 not independent of the relation of employer and employee.

10 6. The disease after its contraction appears to have had its origin
11 in a risk connected with the employment, and to have flowed from that
12 source as a natural consequence, although it need not have been foreseen
13 or expected.

14 B. Notwithstanding subsection A of this section and section
15 23-1043.01, any disease, infirmity or impairment of a peace officer's
16 health that is caused by brain, bladder, rectal or colon cancer, lymphoma,
17 leukemia or adenocarcinoma or mesothelioma of the respiratory tract and
18 that results in disability or death is presumed to be an occupational
19 disease as defined in section 23-901, paragraph ~~13~~ 14, subdivision (c) and
20 is deemed to arise out of employment.

21 C. The presumption provided in subsection B of this section is
22 granted if all of the following apply:

23 1. The peace officer passed a physical examination before
24 employment and the examination did not indicate evidence of cancer.

25 2. The peace officer was assigned to hazardous duty for at least
26 five years.

27 D. Subsection B of this section applies to both of the following:

28 1. Peace officers currently in service.

29 2. Former peace officers who are sixty-five years of age or younger
30 and who are diagnosed with a cancer that is listed in subsection B of this
31 section not more than fifteen years after the peace officer's last date of
32 employment as a peace officer.

33 E. Subsection B of this section does not apply to cancers of the
34 respiratory tract if there is evidence that the peace officer's exposure
35 to cigarettes or tobacco products outside of the scope of the peace
36 officer's official duties is a substantial contributing cause in the
37 development of the cancer.

38 F. The presumption provided in subsection B of this section may be
39 rebutted by clear and convincing evidence that there is a specific cause
40 of the cancer other than an occupational exposure to a carcinogen as
41 defined by the international agency for research on cancer.

42 G. For the purposes of this section, "peace officer" means a
43 full-time peace officer who was regularly assigned to hazardous duty as a
44 part of a special operations, special weapons and tactics, explosive
45 ordinance disposal or hazardous materials response unit.

1 Sec. 5. Section 23-901.09, Arizona Revised Statutes, is amended to
2 read:

3 23-901.09. Presumption; cancers; firefighters and fire
4 investigators; applicability; definitions

5 A. Notwithstanding section 23-901.01, subsection A and section
6 23-1043.01:

7 1. Any disease, infirmity or impairment of a firefighter's or fire
8 investigator's health that is caused by brain, bladder, rectal or colon
9 cancer, lymphoma, leukemia or adenocarcinoma or mesothelioma of the
10 respiratory tract and that results in disability or death is presumed to
11 be an occupational disease as defined in section 23-901, paragraph ~~13~~ 14,
12 subdivision (c) and is deemed to arise out of employment.

13 2. Any disease, infirmity or impairment of a firefighter's or fire
14 investigator's health that is caused by buccal cavity, pharynx, esophagus,
15 large intestine, lung, kidney, prostate, skin, stomach, ovarian, breast or
16 testicular cancer or non-Hodgkin's lymphoma, multiple myeloma or malignant
17 melanoma and that results in disability or death is presumed to be an
18 occupational disease as defined in section 23-901, paragraph ~~13~~ 14,
19 subdivision (c) and is deemed to arise out of employment.

20 B. The presumptions provided in subsection A of this section are
21 granted if all of the following apply:

22 1. The firefighter or fire investigator passed a physical
23 examination before employment and the examination did not indicate
24 evidence of cancer.

25 2. The firefighter or fire investigator was assigned to hazardous
26 duty for at least five years.

27 3. For the presumption provided in subsection A, paragraph 2 of
28 this section and for firefighters only, the firefighter received a
29 physical examination that is reasonably aligned with the national fire
30 protection association standard on comprehensive occupational medical
31 program for fire departments (NFPA 1582).

32 C. Subsection A of this section applies to both of the following:

33 1. Firefighters or fire investigators currently in service.

34 2. Former firefighters or fire investigators who are sixty-five
35 years of age or younger and who are diagnosed with a cancer that is listed
36 in subsection A of this section not more than fifteen years after the
37 firefighter's or fire investigator's last date of employment as a
38 firefighter or fire investigator.

39 D. Subsection A of this section does not apply to cancers of the
40 respiratory tract if there is evidence that the firefighter's or fire
41 investigator's exposure to cigarettes or tobacco products outside of the
42 scope of the firefighter's or fire investigator's official duties is a
43 substantial contributing cause in the development of the cancer.

44 E. The presumption provided in subsection A of this section may be
45 rebutted by clear and convincing evidence that there is a specific cause

1 of the cancer other than an occupational exposure to a carcinogen as
2 defined by the international agency for research on cancer.

3 F. For the purposes of this section:

4 1. "Firefighter" means a full-time firefighter who was regularly
5 assigned to hazardous duty.

6 2. "Fire investigator" means a person who is employed full time by
7 a municipality or fire district and who is trained in the process of and
8 responsible for determining the origin, cause and development of a fire or
9 explosion.

10 Sec. 6. Section 23-1061, Arizona Revised Statutes, is amended to
11 read:

12 23-1061. Notice of accident; form of notice; claim for
13 compensation; reopening; payment of compensation;
14 notification of injury

15 A. Notwithstanding section 23-908, subsection E, ~~no~~ A claim for
16 compensation ~~shall be~~ IS NOT valid or enforceable unless the claim is
17 filed with the commission by the employee, or if resulting in death by the
18 parties entitled to compensation, or someone on their behalf, in writing
19 within one year after the injury occurred or the right thereto accrued.
20 The time for filing a compensation claim begins to run when the injury
21 becomes manifest or when the claimant knows or in the exercise of
22 reasonable diligence should know that the claimant has sustained a
23 compensable injury~~;~~, EXCEPT FOR AN EMPLOYEE WHO CURRENTLY RECEIVES
24 LICENSED COUNSELING, THAT EMPLOYEE HAS ONE YEAR AFTER THE DATE OF THE LAST
25 LICENSED COUNSELING VISIT TO FILE A CLAIM. Except as provided in
26 subsection B or N of this section, ~~neither~~ the commission ~~nor any~~ OR A
27 court ~~shall~~ DOES NOT have jurisdiction to consider a claim that is not
28 timely filed under this subsection, except if the employee or other party
29 entitled to file the claim has delayed in doing so because of justifiable
30 reliance on a material representation by the commission, employer or
31 insurance carrier or if the employee or other party entitled to file the
32 claim is insane or legally incompetent or incapacitated at the time the
33 injury occurs or the right to compensation accrues or during the one-year
34 period thereafter. If the insanity or legal incompetence or incapacity
35 occurs after the one-year period has commenced, the running of the
36 remainder of the one-year period ~~shall be~~ IS suspended during the period
37 of insanity or legal incompetence or incapacity. If the employee or other
38 party is insane or legally incompetent or incapacitated when the injury
39 occurs or the right to compensation accrues, the one-year period commences
40 to run immediately on the termination of insanity or legal incompetence or
41 incapacity. The commission on receiving a claim shall give notice to the
42 insurance carrier. FOR THE PURPOSES OF THIS SUBSECTION, "LICENSED
43 COUNSELING" HAS THE SAME MEANING PRESCRIBED IN SECTION 38-672.

44 B. Failure of an employee or any other party entitled to
45 compensation to file a claim with the commission within one year or to

1 comply with section 23-908 shall not bar a claim if the insurance carrier
2 or employer has commenced payment of compensation benefits under section
3 23-1044, 23-1045 or 23-1046, except that the payments provided for by
4 section 23-1046, subsection A, paragraph 1 and section 23-1065, subsection
5 A shall not be considered compensation benefits for the purposes of this
6 section.

7 C. If the commission receives a notification of the injury, the
8 commission shall send a claim form to the employee.

9 D. The issue of failure to file a claim must be raised at the first
10 hearing on a claim for compensation in respect to the injury or death.

11 E. Within ten days after receiving notice of an accident, the
12 employer shall inform the employer's insurance carrier and the commission
13 on ~~such~~ forms ~~as may be~~ prescribed by the commission.

14 F. Each insurance carrier and self-insuring employer shall report
15 to the commission a notice of the first payment of compensation and shall
16 serve on the commission and the employee any denial of a claim, any change
17 in the amount of compensation and the termination of compensation, except
18 that claims for medical, surgical and hospital benefits that are not
19 denied shall be reported to the commission in the form and manner
20 determined by the commission. In all cases where compensation is payable,
21 the insurance carrier or self-insuring employer shall promptly determine
22 the average monthly wage pursuant to section 23-1041. Within thirty days
23 after the payment of the first installment of compensation, the insurance
24 carrier or self-insuring employer shall notify the employee and commission
25 of the average monthly wage of the claimant as calculated, and the basis
26 for such determination. The commission shall then make its own
27 independent determination of the average monthly wage pursuant to section
28 23-1041. The commission, within thirty days after receipt of such notice,
29 shall notify the employee, employer and insurance carrier of such
30 determination. The amount determined by the commission shall be payable
31 retroactive to the first date of entitlement. The first payment of
32 compensation shall be accompanied by a notice on a form prescribed by the
33 commission stating the manner in which the amount of compensation was
34 determined.

35 G. Except as otherwise provided by law, the insurance carrier or
36 self-insuring employer shall process and pay compensation and provide
37 medical, surgical and hospital benefits, without the necessity for the
38 making of an award or determination by the commission.

39 H. On a claim that has been previously accepted, an employee may
40 reopen the claim to secure an increase or rearrangement of compensation or
41 additional benefits by filing with the commission a petition requesting
42 the reopening of the employee's claim on the basis of a new, additional or
43 previously undiscovered temporary or permanent condition, which petition
44 shall be accompanied by a statement from a physician setting forth the
45 physical condition of the employee relating to the claim. A claim shall

1 not be reopened if the initial claim for compensation was previously
2 denied by a notice of claim status or determination by the commission and
3 the notice or determination was allowed to become final and no exception
4 applies under section 23-947 excusing a late filing to request a
5 hearing. A claim shall not be reopened because of increased subjective
6 pain if the pain is not accompanied by a change in objective physical
7 findings. A claim shall not be reopened solely for additional diagnostic
8 or investigative medical tests, but expenses for any reasonable and
9 necessary diagnostic or investigative tests that are causally related to
10 the injury shall be paid by the employer or the employer's insurance
11 carrier. Expenses for reasonable and necessary medical and hospital care
12 and laboratory work shall be paid by the employer or the employer's
13 insurance carrier if the claim is reopened as provided by law and if these
14 expenses are incurred within fifteen days before the date that the
15 petition to reopen is filed. The payment for ~~such~~ THE reasonable and
16 necessary medical, hospital and laboratory work expense shall be paid for
17 by the employer or the employer's insurance carrier if the claim is
18 reopened as provided by law and if ~~such~~ THE expenses are incurred within
19 fifteen days before the filing of the petition to reopen. Surgical
20 benefits are not payable for any period before the date of filing a
21 petition to reopen, except that surgical benefits are payable for a period
22 before the date of filing the petition to reopen not to exceed seven days
23 if a bona fide medical emergency precludes the employee from filing a
24 petition to reopen before the surgery. No monetary compensation is
25 payable for any period before the date of filing the petition to reopen.

26 I. On the filing of a petition to reopen a claim, the commission
27 shall in writing notify the employer's insurance carrier or the
28 self-insuring employer, which shall in writing notify the commission and
29 the employee within twenty-one days after the date of ~~such~~ THE notice of
30 its acceptance or denial of the petition. The reopened claim shall be
31 processed thereafter in like manner as a new claim.

32 J. The commission shall investigate and review any claim in which
33 it appears to the commission that the claimant has not been granted the
34 benefits to which such claimant is entitled. If the commission determines
35 that payment or denial of compensation is improper in any way, it shall
36 hold a hearing pursuant to section 23-941 within sixty days after
37 receiving notice of such impropriety. Any claim for temporary partial
38 disability benefits under this subsection must be filed with the
39 commission within two years after the date the claimed entitlement to
40 compensation accrued or within two years after the date on which an award
41 for benefits encompassing the entitlement period becomes final. A claim
42 for temporary partial disability compensation shall be deemed to accrue
43 when the employee knew or with the exercise of reasonable diligence should
44 have known that the insurance carrier, self-insured employer or special
45 fund denied or improperly paid compensation. A claim for temporary

1 partial disability benefits shall not be deemed to have accrued any
2 earlier than ~~September 26, 2008~~ OCTOBER 6, 2024.

3 K. When there is a dispute as to which employer or insurance
4 carrier is liable for the payment of a compensable claim, the commission,
5 by order, may designate the employer or insurance carrier that shall pay
6 the claim. Payment shall begin within fourteen days after the employer or
7 insurance carrier has been ordered by the commission to commence payment.
8 When a final determination has been made as to which employer or insurance
9 carrier is actually liable, the commission shall direct any necessary
10 monetary adjustment or reimbursement among the parties or insurance
11 carriers involved.

12 L. On application to the commission and for good cause shown, the
13 commission may direct that a document filed as a claim for compensation
14 benefits be designated as a petition to reopen, effective as of the
15 original date of filing. In like manner on application and good cause
16 shown, the commission may direct that a document filed as a petition to
17 reopen be designated as a claim for compensation benefits, effective as of
18 the original date of filing.

19 M. If the insurance carrier or self-insurer does not issue a notice
20 of claim status denying the claim within twenty-one days after the date
21 the insurance carrier is notified by the commission of a claim or of a
22 petition to reopen, the insurance carrier shall pay immediately
23 compensation as if the claim were accepted, from the date the insurance
24 carrier is notified by the commission of a claim or petition to reopen
25 until the date on which the insurance carrier issues a notice of claim
26 status denying such claim. Compensation includes medical, surgical and
27 hospital benefits. This section ~~shall~~ DOES not apply to cases involving
28 seven days or less of time lost from work.

29 N. If an insurance carrier or self-insured employer receives
30 written notification of an injury from an employee who was injured and
31 intends to file a claim for compensation, the insurance carrier or
32 self-insured employer must forward the written notification of the injury
33 and intended claim for compensation to the commission within seven
34 business days and inform the employee of the employee's requirement to
35 file a claim with the commission. The one-year period as prescribed in
36 subsection A of this section is suspended from the date the insurance
37 carrier or self-insured employer received written notification of the
38 injury and intended claim for compensation until the date that the
39 insurance carrier or self-insured employer forwards the written
40 notification to the commission. When the commission receives such
41 notification, the commission must notify the employee of the employee's
42 responsibility to file a claim with the commission pursuant to this
43 section.

1 Sec. 7. Section 23-1105, Arizona Revised Statutes, is amended to
2 read:

3 23-1105. Heart-related, perivascular and pulmonary cases;
4 firefighters; presumption; definition

5 A. A heart-related, perivascular or pulmonary injury, illness or
6 death of a firefighter is presumed to be an occupational disease as
7 defined in section 23-901, paragraph ~~13~~ 14, subdivision (c), compensable
8 pursuant to section 23-1043.01 and deemed to arise out of employment if
9 all of the following apply:

10 1. The firefighter passed a physical examination before employment
11 and the examination did not indicate evidence of heart-related,
12 perivascular or pulmonary injury or illness.

13 2. The firefighter received a physical examination that is
14 reasonably aligned with the national fire protection association standard
15 on comprehensive occupational medical program for fire departments
16 (NFPA 1582).

17 3. The firefighter was exposed to a known event and the
18 heart-related, perivascular or pulmonary injury, illness or death occurred
19 within twenty-four hours after the exposure and was reasonably related to
20 the exposure.

21 B. The presumption provided in subsection A of this section may be
22 rebutted by a preponderance of the evidence that there is a specific cause
23 of the heart-related, perivascular or pulmonary injury, illness or death
24 other than the employment.

25 C. Subsection A of this section does not apply if there is evidence
26 that the firefighter's exposure to cigarettes or tobacco products outside
27 the scope of the firefighter's official duties is a substantial
28 contributing cause in the development of the heart-related, perivascular
29 or pulmonary injury, illness or death.

30 D. For the purposes of this section, "firefighter" means a
31 firefighter or volunteer firefighter as described in section 23-901,
32 paragraph 6, subdivision (d).

33 Sec. 8. Title 23, chapter 6, article 12, Arizona Revised Statutes,
34 is amended by adding section 23-1106, to read:

35 23-1106. Post-traumatic stress disorder; first responders;
36 presumption; definition

37 A. **POST-TRAUMATIC STRESS DISORDER:**

38 1. **IS PRESUMED TO BE AN OCCUPATIONAL DISEASE AS DEFINED IN SECTION**
39 **23-901, PARAGRAPH 14, SUBDIVISION (c).**

40 2. **IS COMPENSABLE PURSUANT TO SECTION 23-1043.01.**

41 3. **IS DEEMED TO ARISE OUT OF AN IN THE COURSE OF EMPLOYMENT, IF**
42 **BOTH OF THE FOLLOWING APPLY:**

43 (a) **THE FIRST RESPONDER CURRENTLY RECEIVES OR HAS RECEIVED LICENSED**
44 **COUNSELING PURSUANT TO SECTION 38-672.**

1 (b) A LICENSED MENTAL HEALTH PROFESSIONAL DIAGNOSED THE FIRST
2 RESPONDER WITH POST-TRAUMATIC STRESS DISORDER DUE TO PERFORMANCE OF
3 SERVICE-RELATED JOB DUTIES.

4 B. THE PRESUMPTION PROVIDED IN SUBSECTION A OF THIS SECTION MAY BE
5 REBUTTED BY A PREPONDERANCE OF THE EVIDENCE THAT THERE IS A SPECIFIC CAUSE
6 OF THE POST-TRAUMATIC STRESS DISORDER OTHER THAN THE EMPLOYMENT.

7 C. FOR THE PURPOSES OF THIS SECTION, "FIRST RESPONDER" MEANS A
8 PUBLIC SAFETY EMPLOYEE WHO IS ELIGIBLE TO RECEIVE LICENSED COUNSELING AS
9 PRESCRIBED IN SECTION 38-672.

10 Sec. 9. Section 38-672, Arizona Revised Statutes, is amended to
11 read:

12 38-672. Traumatic event counseling for public safety
13 employees; report; exceptions; definitions

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

19 1. IN THE CASE OF ANY PUBLIC SAFETY EMPLOYEE:

20 ~~1.~~ (a) ~~Visually or audibly witnessing~~ WITNESSING THROUGH AUDIO OR
21 VISUAL OBSERVATION the death or maiming or ~~visually or audibly witnessing~~
22 the immediate aftermath of ~~such~~ a death or maiming of one or more human
23 beings.

24 ~~2.~~ (b) Responding to or being directly involved in a criminal
25 investigation of an offense involving a dangerous crime against children
26 as defined in section 13-705.

27 ~~3.~~ (c) Requiring rescue in the line of duty where one's life was
28 endangered.

29 (d) USING DEADLY FORCE OR BEING SUBJECTED TO DEADLY FORCE IN THE
30 COURSE OF DUTY, REGARDLESS OF WHETHER THE PUBLIC SAFETY EMPLOYEE WAS
31 PHYSICALLY INJURED.

32 (e) WITNESSING THE DEATH OF ANOTHER PUBLIC SAFETY EMPLOYEE THROUGH
33 AUDIO OR VISUAL OBSERVATION WHILE ENGAGED IN THE COURSE OF DUTY.

34 2. IN THE CASE OF A FIREFIGHTER OR PEACE OFFICER, BEING EXPOSED TO
35 A PSYCHOLOGICALLY TRAUMATIC EVENT OR SERIES OF PSYCHOLOGICALLY TRAUMATIC
36 EVENTS IN THE COURSE OF THE FIREFIGHTER'S OR PEACE OFFICER'S EMPLOYMENT.

37 B. IF THE LICENSED MENTAL HEALTH PROFESSIONAL DETERMINES THAT THE
38 PUBLIC SAFETY TELECOMMUNICATOR NEEDS ADDITIONAL VISITS OF LICENSED
39 COUNSELING BEYOND WHAT A PUBLIC SAFETY EMPLOYEE IS ENTITLED TO UNDER
40 SUBSECTION A OF THIS SECTION, THE EMPLOYER SHALL PAY FOR UP TO AN
41 ADDITIONAL THIRTY-SIX VISITS.

42 C. AN EMPLOYER MAY NOT:

43 1. REQUIRE A PUBLIC SAFETY TELECOMMUNICATOR WHO IS RECEIVING
44 LICENSED COUNSELING PURSUANT TO THIS SECTION AND WHO HAS NOT FILED A CLAIM
45 FOR WORKERS' COMPENSATION TO UNDERGO AN INDEPENDENT MEDICAL EXAMINATION.

1 2. REQUIRE A PUBLIC SAFETY TELECOMMUNICATOR WHO IS RECEIVING
2 LICENSED COUNSELING PURSUANT TO THIS SECTION TO USE THE PUBLIC SAFETY
3 EMPLOYEE'S ACCRUED PAID VACATION, PERSONAL LEAVE OR SICK LEAVE IF THE
4 PUBLIC SAFETY EMPLOYEE LEAVES WORK TO RECEIVE TREATMENT PURSUANT TO THIS
5 SECTION.

6 D. IF THE LICENSED MENTAL HEALTH PROFESSIONAL DETERMINES THAT THE
7 PUBLIC SAFETY TELECOMMUNICATOR IS NOT FIT TO RETURN TO WORK WHILE THE
8 PUBLIC SAFETY TELECOMMUNICATOR CURRENTLY RECEIVES LICENSED COUNSELING
9 PURSUANT TO THIS SECTION, THE LICENSED MENTAL HEALTH PROFESSIONAL SHALL
10 NOTIFY THE EMPLOYER AND THE EMPLOYER SHALL CONTINUE TO PROVIDE THE PUBLIC
11 SAFETY TELECOMMUNICATOR WITH THE SAME PAY AND BENEFITS THAT THE PUBLIC
12 SAFETY TELECOMMUNICATOR RECEIVED BEFORE STARTING LICENSED COUNSELING.

13 E. AN EMPLOYER SHALL ALLOW A PUBLIC SAFETY TELECOMMUNICATOR TO
14 SELECT THE PUBLIC SAFETY TELECOMMUNICATOR'S OWN LICENSED MENTAL HEALTH
15 PROFESSIONAL, EXCEPT THAT IF A LICENSED MENTAL HEALTH PROFESSIONAL
16 DECLINES TO PROVIDE LICENSED COUNSELING PURSUANT TO THIS SECTION, THE
17 EMPLOYER IS NOT REQUIRED TO SECURE THE SERVICES OF THAT LICENSED MENTAL
18 HEALTH PROFESSIONAL. THE EMPLOYER MUST PAY THE LICENSED MENTAL HEALTH
19 PROFESSIONAL PURSUANT TO THE SCHEDULE OF FEES THAT IS FIXED BY THE
20 INDUSTRIAL COMMISSION OF ARIZONA PURSUANT TO SECTION 23-908.

21 ~~B.~~ F. EXCEPT AS PROVIDED IN SECTION 23-1106, payment by the
22 employer for licensed counseling pursuant to this section does not create
23 a presumption that a claim is compensable under section 23-1043.01,
24 subsection B.

25 ~~C.~~ G. For each program established pursuant to this section, this
26 state and each political subdivision of this state shall compile the
27 following data:

28 1. The total number of public safety employees who have
29 participated in the program.

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

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

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

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

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

42 ~~D.~~ H. On or before September 1 of each year, this state and each
43 political subdivision of this state shall submit the data collected
44 pursuant to subsection ~~C.~~ G of this section to the department of
45 administration. On or before October 1 of each year, the department of

1 administration shall compile the data into a report and submit the report
2 to the governor, the president of the senate, the speaker of the house of
3 representatives, the chairperson of the senate health and human services
4 committee, or its successor committee, the chairperson of the house of
5 representatives health and human services committee, or its successor
6 committee, the chairperson of the senate military affairs, public safety
7 and border security committee, or its successor committee, and the
8 chairperson of the house of representatives military affairs and public
9 safety committee, or its successor committee, and shall provide a copy of
10 this report to the secretary of state. Subsection ~~E~~ G of this section
11 and this subsection do not authorize this state or a political subdivision
12 of this state to compile and report data that is protected under the
13 health insurance portability and accountability act of 1996 (P.L. 104-191;
14 110 Stat. 1936).

15 ~~F~~ I. This section does not apply to a state employer that
16 provides a program to its public safety employees that is characterized by
17 all of the following:

- 18 1. The program is paid for by the employer.
- 19 2. The program provides licensed counseling for any issue. For
20 licensed counseling related to trauma experienced while in the line of
21 duty, the licensed counseling is provided on the request of the public
22 safety employee and is in person.
- 23 3. Before July 1, ~~2017~~ 2024, the program offers at least six visits
24 per year.
- 25 4. On or after July 1, ~~2017~~ 2024, the program offers at least
26 twelve visits per year.

27 ~~F~~ J. For the purposes of this section:

- 28 1. "Licensed counseling" means counseling provided by a licensed
29 mental health professional.
- 30 2. "Licensed mental health professional" means a licensed
31 individual who specializes in trauma and crisis, who uses evidence-based
32 treatment options and who is one of the following:
 - 33 (a) A psychiatrist who is licensed pursuant to title 32, chapter 13
34 or 17.
 - 35 (b) A psychologist who is licensed pursuant to title 32,
36 chapter 19.1.
 - 37 (c) A mental health professional who is licensed pursuant to
38 title 32, chapter 33 and who holds either a master's or doctoral degree
39 related to the mental health profession.
 - 40 (d) A mental health nurse practitioner or a psychiatric clinical
41 nurse specialist who is licensed pursuant to title 32, chapter 15.
 - 42 (e) A physician assistant who is licensed pursuant to title 32,
43 chapter 25.

1 3. "Public safety employee" ~~means:~~
2 ~~(a)~~ means:
3 ~~(i)~~ (a) ~~Except as prescribed in subdivision (b) of this paragraph,~~
4 An individual who is a member of the public safety personnel retirement
5 system or the corrections officer retirement plan.
6 ~~(ii)~~ (b) ~~Except as prescribed in subdivision (b) of this~~
7 ~~paragraph.~~ A probation officer, surveillance officer or juvenile detention
8 officer who is employed by this state or a political subdivision of this
9 state.
10 ~~(iii)~~ (c) ~~Except as prescribed in subdivision (b) of this~~
11 ~~paragraph.~~ A 911 dispatcher in a primary or secondary public safety
12 answering point **OR A PUBLIC SAFETY TELECOMMUNICATOR.**
13 ~~(b) Does not include peace officers or firefighters.~~
14 4. "PUBLIC SAFETY TELECOMMUNICATOR" HAS THE SAME MEANING PRESCRIBED
15 IN SECTION 23-901.
16 Sec. 10. Repeal
17 Laws 2016, chapter 240, section 2, as amended by Laws 2022, chapter
18 377, section 2, is repealed.
19 Sec. 11. Short title
20 This act may be cited as the "Officer Craig Tiger Act".