

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4778**

BY DELEGATES DEAN, MILLER, D. KELLY, MAYNARD, J.  
JEFFRIES, PAYNTER, ANGELUCCI, STAGGERS, JENNINGS,  
HANSHAW (MR. SPEAKER) AND LOVEJOY

[Introduced February 10, 2020; Referred to the  
Committee on Fire Departments and Emergency  
Medical Services then Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §15-5-29, relating to creating the First Responders Mental Health Advisory  
 3 Board; setting forth the board’s responsibilities; requiring reports; and defining a term.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY  
 MANAGEMENT.**

**§15-5-29. First Responders Mental Health Advisory Board.**

1 (a) Findings. -- First responders are more likely than members of the general public to  
 2 develop behavioral health problems, including depression and post-traumatic stress disorder.  
 3 Firefighters, for example, are more likely to die by suicide than in the line of duty. Firefighters and  
 4 other first responders are first on the scene to not only witness an accident, injury or shocking  
 5 event, but also deal with the emotional repercussions – both within themselves and their  
 6 community. They have little time to care for their own health and mental health needs while  
 7 ministering to the needs of others.

8 (b) For the purposes of this section a “first responder” is defined as a person who performs  
 9 one or more “emergency services” as that term is defined in §15-5-1 of this code.

10 (c) There is hereby created the First Responders Mental Health Advisory Board whose  
 11 responsibility it is to identify the mental health issues arising out of and facing first responders in  
 12 the performance of their jobs and seek solutions to those issues.

13 (d) The board consists of five members, one of whom must be a deputy sheriff, appointed  
 14 by the Governor to serve at his or her will and pleasure.

15 (e) The board shall develop recommendations to address:

16 (1) The mental health issues facing first responders;

17 (2) Potential solutions for state and local governments to provide greater access to mental  
 18 health care services for first responders;

19           (3) The sufficiency of first responder organizations' employee health insurance plans for  
20 obtaining access to mental health care services for first responders;

21           (4) The sufficiency of first responder organizations' human resources policies, including:

22           (A) Whether guaranteed employment should be offered for a first responder who self-  
23 reports a mental health issue;

24           (B) The effectiveness of existing employee assistance programs for treating post-  
25 traumatic stress disorder and whether those programs should be expanded;

26           (C) Any policy modification necessary to improve access to mental health care services  
27 for first responders; and

28           (D) The establishment of best practices for municipalities, counties, and state agencies  
29 regarding legal reporting duties for first responders anonymously seeking mental health  
30 treatment;

31           (5) The effectiveness of workers' compensation and other benefit claims for first  
32 responders, including determining:

33           (A) The process by which those claims for first responders are handled and whether that  
34 process may be improved;

35           (B) The feasibility of requiring post-traumatic stress disorder to be covered under workers'  
36 compensation for first responders and if covered, the standards for diagnosing that condition;

37           (C) The effectiveness of workers' compensation benefits and related benefits, and whether  
38 those benefits are excessively denied; and

39           (D) Methods for improving the appeals process for workers' compensation and other  
40 benefit claims;

41           (6) The feasibility of mental health training during the licensing or certification and renewal  
42 process for first responders;

43           (7) The effectiveness of methods for assessing a first responder's mental health care  
44 needs after a critical incident, including determining;

45           (A) The feasibility of creating a standardized post-critical incident checklist to assess a first  
46 responder's mental health and of establishing minimum requirements for a first responder to  
47 return to duty; and

48           (B) The effectiveness of critical incident stress debriefing programs used by local  
49 governments in this state and whether:

50           (i) Those programs may be expanded statewide; and

51           (ii) Peer support may benefit those programs;

52           (8) The opportunities for public-private partnership to provide mental health care services  
53 to first responders; and

54           (9) Possible West Virginia-specific barriers, including stigmas, for first responders seeking  
55 mental health care services.

56           (f) The board shall develop a written report of its recommendations and deliver the report  
57 to the Governor, and the Legislature not later than January 1, 2021.

NOTE: The purpose of this bill is to create the First Responders Mental Health Advisory Board. The bill sets forth the board's responsibilities, requires reports, and defines a term.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.