

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: HB451-GEORGIA FIRST RESPONDERS PTSD PROGRAM

DATE: 12-16-2024

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

ANNUAL- \$28,792.00

☐ **OTHER**

CAPITAL-

COMMISSION ACTION REQUESTED ON: 12-16-2024

PURPOSE: To accept the Proposal for Coverage premium from ACCG-IRMA for the Post Traumatic Stress Disorder (PTSD) coverage required by law due to the signing of HB451 (2024) to become effective 01/01/2025.

BACKGROUND / HISTORY: The Ashley Wilson Act (HB451) in Georgia requires all public entities to offer a supplemental benefit program for first responders diagnosed with PTSD resulting from exposure to line of duty traumatic events.

FACTS AND ISSUES:

*This act provides benefits for eligible first responders with a covered condition of PTSD that is a direct result of an experience or exposure to a traumatic event during their normal course of their regular occupational or volunteer duties on behalf of Habersham County.

*The effective date of the law is 01/01/2025

*Eligible First Responder includes: Communication Officer, Emergency Medical Professional, Firefighter, Jail Officer, Peace Officer, Correctional Officer, Emergency Medical Technician, HERO Officer/Operator, Juvenile Correctional Officer, Probation Officer

*The Act requires two once-per-lifetime benefits. The First is a \$3,000 lump sum benefit paid following a diagnosis by a qualified diagnostician, the second is a long-term disability benefit to be paid at 60% of their monthly pay to a maximum of \$5,000/month for up to 36 months.

OPTIONS:

- 1) Approve recommendation
 - 2) Deny recommendation
 - 3) Commission defined alternative
-
-

RECOMMENDED SAMPLE MOTION: I make a motion to approve the premium proposal from ACCG-IRMA to provide insurance coverage as required by House Bill 451-the Georgia First Responder Program.

DEPARTMENT: Human Resources

Prepared by: Ann Cain

Director: Ann Cain

**ADMINISTRATIVE
COMMENTS:**

_____ **DATE:** _____

County Manager



ACCG – IRMA Georgia First Responder PTSD Program Proposal for Coverage

Effective Date: January 1, 2025

Anniversary Date: January 1

Member: Habersham County

Member Number: 2850

Insurer: Metropolitan Life Insurance Company (MetLife)

There are two coverage components required by House Bill 451 (2024) effective January 1, 2025:

- 1) Lifetime Critical Illness Lump Sum PTSD Diagnosis Benefit
- 2) Lifetime Long-Term PTSD Disability Benefit (Income Replacement)

The ACCG-IRMA Critical Illness Lump Sum PTSD Diagnosis Benefit and Long-Term Disability (Income Replacement) coverage components are designed to comply with House Bill 451 when purchased together. However, a county is permitted to purchase only one component if you have existing coverage that complies with the new law.

Estimated annual premiums are based on the Eligible First Responder census data provided by the county. While the premiums below are estimated annual amounts, the county will be billed on a semiannual basis in an amount that reflects the county's updates to the census.

Component 1: Lump Sum PTSD Diagnosis Benefit –		
All First Responders		
Lifetime Benefit per first responder:	\$3,000	(Mandated Limit)
Lump Sum PTSD Diagnosis Benefit - Estimated Annual Premium for All First Responders:		\$8,964.00
Component 2: PTSD Disability Limit		
Employed First Responders		
Monthly benefit:	60% of pre-disability first responder earnings	
Maximum monthly benefit per first responder:	\$5,000	
Estimated Annual Premium for Employed First Responders:		\$19,828.00
Volunteer First Responders		
Monthly Benefit per first responder:	\$1,500	
Estimated Annual Premium for Volunteer First Responders:		\$0.00
PTSD Disability Limit – Estimated Annual Premium for All First Responders:		\$19,828.00
Estimated Annual Premium for Components 1 & 2: Lump Sum PTSD Diagnosis Benefit and PTSD Disability Benefit		\$28,792.00

This proposal is valid for 30 days after proposal is issued or until the effective date, whichever is later.
This overview is not a part of the policy(ies) and does not provide or explain all provisions of the policy(ies).

11/11/2024



Optional Limits for Consideration:

The coverage limits reflected for Lump Sum PTSD (\$3,000) and PTSD Disability Benefit (60% of earnings for employees and \$1,500/month for volunteers) on Page 1 of the Proposal for Coverage reflect the mandated amounts required by HB 451. However, if your county would like to purchase additional limits above the mandated amounts, the pricing is outlined in the table below. You can select a higher limit for Lump Sum PTSD only, a higher limit for PTSD Disability only, or a higher limit for both coverages. To elect a higher limit, please check the box beside the chosen limit(s).

***If you do NOT want to elect a higher limit, you can disregard this form. If optional limits are not selected, coverage will default to the minimum required limits in HB 451.**

In order to bind coverage for this program (mandated OR optional limits), the executed Application and Participation Agreement as well as the enrollment documents are required.

Lump Sum PTSD Diagnosis Limit	Total Premium Cost at Higher Limit	Check to increase limit
\$5,000	\$30,732.00	
\$10,000	\$35,776.00	
\$15,000	\$40,820.00	

PTSD Disability Benefit (Class 2 Volunteers ONLY)	Total Premium Cost at Higher Limit	Check to increase limit
\$2,000	\$28,792.00	

This document must be signed and returned to Lockton at gfrptsd@lockton.com for the higher limits to be effective.

County Name: Habersham County

Name of Authorized County Employee: _____

Title of Authorized County Employee: Chairman, Board of Commissioners

Signature of Authorized County Employee: _____

Date: _____

This proposal is valid for 30 days after proposal is issued or until the effective date, whichever is later.
This overview is not a part of the policy(ies) and does not provide or explain all provisions of the policy(ies).

11/11/2024

**ACCG - INTERLOCAL RISK MANAGEMENT (ACCG-IRMA)
FIRST RESPONDER PTSD APPLICATION AND PARTICIPATION AGREEMENT**

Employers eligible to participate in ACCG-IRMA (hereinafter a “Participating Employer” or “Employer”) shall complete this Application and Participation Agreement in order to purchase First Responder PTSD coverage fully insured by MetLife under the ACCG-IRMA First Responder PTSD Fund Master Policy for a Lump Sum PTSD Diagnosis Benefit, a PTSD Disability (Income Replacement) Benefit, or a Combined Lump Sum PTSD Diagnosis Benefit and PTSD Disability (Income Replacement) Benefit. Once approved by ACCG-IRMA’s Program Administrator, the Participating Employer will receive a one-page Summary of Benefits identifying the purchased coverage(s) (the “First Responder PTSD Policy”) and a link to the Policy Certificate for the purchased coverage(s), so it may make these available to their First Responders.

Who Does What?

- ACCG-IRMA is the Policyholder of a First Responder PTSD Policy insured by MetLife, which provides a Lump Sum Benefit and a Disability (Income Replacement) Benefit. These coverages together are designed to meet the requirements of the Ashley Wilson Act (the “Act”), effective January 1, 2025.
- Association County Commissioners of Georgia (“ACCG”) is the Program Administrator for ACCG-IRMA. ACCG uses information from the First Responder census data provided by the Participating Employer to bill for the premiums due under the First Responder PTSD Policy and maintains (either directly or through the broker for the First Responder PTSD Policy) Participating Employers’ Application and Participation Agreements.
- Participating Employers are responsible for providing census data to ACCG-IRMA’s broker that identifies all First Responders (as defined below) performing first responder services for them, classifying the First Responders by statutory definition and as employed or volunteer, and identifying those First Responders who are First Responders for another Public Entity.
- Participating Employers are responsible for submitting complete and accurate census data and paying premiums to ACCG-IRMA, communicating with First Responders about the coverages the Employer provides, providing the Summary of Benefits and link to the applicable Certificate to First Responders, and providing all requested information and documentation requested by ACCG-IRMA’s broker to ensure the census is current.
- Participating Employers are responsible for designating an authorized member of human resources staff to receive inquiries from MetLife related to work requirements or work status for disability claims and provide all information requested by MetLife for that purpose.
- To comply with the confidentiality provisions of the Act, ACCG and ACCG-IRMA’s broker will not inform Participating Employers whether a First Responder has submitted a claim for benefits or received any such benefits.
- Participating Employers are responsible for ensuring that any information in their possession related to claims, and any other information that would reasonably identify an individual as having been diagnosed with PTSD, is used only in accordance with applicable laws and is kept confidential in the same way as mental health information related to an employer sponsored major medical plan or employee assistance program.
- Participating Employers are prohibited by law from taking any employment action solely as a result of a First Responder’s diagnosis, claims, or benefits under the Act.
- MetLife evaluates claims and pays approved claims under the First Responder PTSD Policy. All claims for benefits must be submitted to MetLife.
- First Responders do not need to inform the Participating Employer that they are making a claim.
- Neither ACCG-IRMA nor ACCG have any role in claim determination or payment.

Definition of First Responder. A First Responder for the Participating Employer is an individual who meets one or more of the following definitions as a result of services he or she performs for the Participating Employer as an employee or volunteer:

- (A) 'Communications officer' as defined in Code Section 37-12-1;
- (B) 'Correctional officer' as defined in Code Section 45-1-8;
- (C) 'Emergency medical professional' as defined in Code Section 16-10-24.2;
- (D) 'Emergency medical technician' as defined in Code Section 16-10-24.2;
- (E) 'Firefighter' as defined in Code Section 25-4-2;
- (F) 'Highway emergency response operator' as defined in Code Section 45-1-8;
- (G) 'Jail officer' as defined in Code Section 45-1-8;
- (H) 'Juvenile correctional officer' as defined in Code Section 45-1-8;
- (I) 'Peace officer' as defined in Code Section 35-8-2;
- (J) 'Probation officer' as defined in Code Section 45-1-8; and
- (K) Law enforcement officer with the Department of Natural Resources.

Employer Obligations:

- Employer shall not require any kind of contribution from First Responders for the coverage(s) provided under the First Responder PTSD Policy.
- Employer is solely responsible for identifying all First Responders (as defined above). Any questions about First Responder status should be resolved by contacting legal counsel.
- Employer shall submit initial First Responder census data to the ACCG-IRMA broker in the form requested, and must update this census data as requested in order to ensure that all First Responders are properly identified and classified.
- The Employer's cost for coverage under the First Responder PTSD Policy will be based on the most recent census data at the time of billing.
- Employer shall provide the Summary of Benefits and a link to the applicable Certificate to all First Responders at no charge, and shall provide a copy of the applicable Policy to First Responders upon request.
- If the Policy is terminated for any reason, Employer shall provide notification of termination to all First Responders.
- Whenever requested to do so by MetLife or ACCG, Employer shall provide MetLife or ACCG the information requested.

Benefits Exempt from Income Tax:

- MetLife has determined that benefits it will pay under the policy are not subject to state or federal income taxation. Accordingly, MetLife will not report benefits to the IRS or withhold any amounts from benefit payments.
- MetLife will advise benefit recipients that benefits are not subject to federal or state income tax, so MetLife will not withhold taxes or provide a 1099 or W-2 or report benefit payments to the IRS. MetLife will remind benefit recipients that the benefits may offset other benefits received by the recipient or have other tax consequences and encourage them to consult their tax advisor for guidance.
- MetLife will provide a summary of benefits to the benefits recipient upon request.
- Legal counsel to ACCG-IRMA has advised ACCG-IRMA of the following:
 - The Ashley Wilson Act provides that benefits payable pursuant to the Ashley Wilson Act are not subject to Georgia income tax.
 - Benefits payable under the policy to First Responders (as defined in the statute) are not subject to federal income tax because the Ashley Wilson Act is a statute in the nature of a

workers' compensation act under Treas. Reg. Section 1.104-1(b) and the MetLife policy bases benefits solely on diagnosis of work-related injuries or sickness as described in the Act.

- Participating Employers have no tax obligations arising from payment of benefits to their First Responders.
- A copy of the opinion letter is available upon request.

Information Privacy and Security:

- See the attached PTSD Privacy Notice, which will be posted on the website where policy information is published. This Notice explains the privacy requirements of the Ashley Wilson Act and how individually identifiable information is used and shared.
- As a critical illness and disability policy, the PTSD Program is not subject to the federal information privacy and security law that applies to group health plans (HIPAA). However, ACCG, the ACCG-IRMA broker, and MetLife protect individually identifiable information and use and share it only in accordance with the privacy provisions of the Ashley Wilson Act and any other applicable privacy laws.
- Participating Employers will provide census data to ACCG-IRMA's broker using a secure portal established by the broker.

Desired Coverage (See Attached Proposal for Estimated Annual Premiums):

Participating Employer is applying for and agreeing to purchase the First Responder PTSD Combined Lump Sum Diagnosis Benefit and PTSD Disability (Income Replacement) Benefit unless the following option is checked.

_____ First Responder Lump Sum PTSD Diagnosis Benefit Only* *(Alone, this coverage does NOT meet the requirements of the Ashley Wilson Act. Leave BLANK if you want the full coverage.)*

The coverage elected above automatically renews at each anniversary of the effective date, based on then current premiums established by the Program Administrator. Coverage may be terminated in accordance with the ACCG-IRMA Bylaws regarding termination of membership in an ACCG-IRMA Fund.

On behalf of Habersham County BOC [Name of Participating Employer],
Habersham County, Georgia, I submit this Application and Participation Agreement and agree to its terms.

Signature: _____

Print Name: _____

Date: _____

Title: Chairman, BOC

Privacy Notice for Georgia First Responders PTSD Program

This Privacy Notice describes the individually identifiable information about First Responders that Program Administrators of the Georgia First Responders PTSD Program collect and how it is used and shared.

PROGRAM ADMINISTRATORS: Certain employees of Georgia Municipal Association (“GMA”) and Association County Commissioners of Georgia (“ACCG”) provide administrative services for the PTSD Program. The Southeastern Series of Lockton Companies, Inc. serves as broker for the MetLife insurance policy that is offered through the PTSD Program. GMA, ACCG, and Lockton are all Program Administrators of the PTSD Program.

PRIVACY OBLIGATIONS UNDER ASHLEY WILSON ACT: The Ashley Wilson Act contains privacy requirements for information that “could reasonably be used to identify individuals making claims or who have made claims or who have received benefits.” These privacy requirements were included because federal privacy law (HIPAA) does not apply to the Program. Program Administrators and MetLife treat this information as “sensitive mental health information” and only use and share the information to operate the Program, prepare aggregated reports, comply with the law, or as authorized by the First Responder.

Communications between First Responders (or their representatives) and Program Administrators or MetLife are confidential and privileged.

The Act ensures that First Responders can get the lump sum benefit in a confidential manner similar to receiving mental health benefits under a group health plan (subject to HIPAA) or under an employee assistance program, and limits interactions with the employer for disability benefits to those allowed for other mental health disability benefits.

- First Responders submit their claims for benefits directly to MetLife and do not need to inform the Employer.
- MetLife will not inform Program Administrators of claims or benefits without the First Responder’s express authorization.
- MetLife and Program Administrators will never tell Employers whether a First Responder has made a claim for or received a lump sum benefit (without express authorization).
- For the disability benefit, MetLife will only communicate with a human resources contact at the Employer about work requirements and work status, which will indicate that the First Responder has submitted a claim for disability benefits.
- Due to the nature of the Program, MetLife does not need to and will not provide any reports of benefits to the IRS or the Employer.
- If an Employer learns of a claim or benefits from the First Responder or otherwise,

the Employer is prohibited by law from taking any employment action solely as a result of a First Responder's diagnosis, claims, or benefits.

- Employers are required to treat any information they may learn about claims or benefits confidentially as they would treat mental health information associated with a group health plan or employee assistance program.
- Employers are required to designate an employee who is authorized to securely submit eligibility information about First Responders to the Program Administrators' eligibility portal. This information identifies which employees and volunteers meet the definition of First Responder and does not contain any information about claims or benefits.

PROTECTED INDIVIDUALLY IDENTIFIABLE INFORMATION MAINTAINED BY PROGRAM ADMINISTRATORS; USE AND SHARING

Eligibility Data: A designated representative of each Employer that offers the Program securely submits the following information to the eligibility portal twice a year: **first and last name, social security number, date of birth, type of First Responder (by statutory definition), and employed or volunteer status.** This information is used to ensure proper billing of premiums and is securely shared with MetLife to enable MetLife to validate identity and determine eligibility for benefits when First Responders submit claims. To comply with the Act's privacy requirements, MetLife will NOT check with the Employer to determine eligibility when a claim is made.

Information Provided by First Responder: If a First Responder contacts a Program Administrator with questions about the Program, the Program Administrator may collect individually identifiable information necessary to answer the questions or direct the First Responder to the right resource and otherwise communicate with the First Responder. This information may include name, phone number, email, employer, employment status, and other information shared by the First Responder. This information is used to answer the questions and may be shared with other Program Administrators or MetLife as appropriate for answering the question and for customer service purposes.

Information About First Responder Claims or Receipt of Benefits: Program Administrators do not have access to information about whether a First Responder has submitted a claim for benefits or has received benefits unless the First Responder shares that information with the Program Administrator(s). MetLife is prohibited from sharing individually identifiable information about claims and benefits with the Program Administrators without an express written authorization from the First Responder. However, Program Administrators may learn about claims or benefits from a First Responder or someone acting on behalf of the First Responder. Program Administrators may share this information with other Program Administrators and MetLife as they deem appropriate for the operation of the Program.

Reports that Do Not Include Direct Identifiers: Program Administrators may request reports from MetLife that show use of benefits for purposes of evaluating the Program. These reports will not contain names or other direct identifiers. However, the reports may contain information (such as type of First Responder and geographic location of employer) that could be used with other information to identify individuals. These reports will be used as the Program Administrators deem appropriate for the operation of the Program and may be shared among the Program Administrators and with MetLife. Reports that could reasonably be used to identify an individual shall not be shared except as required by law.

PROTECTION OF INDIVIDUALLY IDENTIFIABLE INFORMATION

The Program Administrators and MetLife have privacy and information security policies and procedures and safeguards designed to ensure that individually identifiable information is protected from unauthorized access, misuse, and destruction. These controls are designed to meet a variety of applicable laws. For more information about MetLife's privacy practices, refer to the MetLife Privacy Notice posted on <https://www.gfrptsdinsurance.com/>.

**RESOLUTION AUTHORIZING PARTICIPATION IN THE
ACCG - INTERLOCAL RISK MANAGEMENT AGENCY
SUPPLEMENTAL MEDICAL, ACCIDENT, AND
DISABILITY FUND:
FIRST RESPONDER PTSD PROGRAM**

WHEREAS, Article 9, Section 3, Paragraph 1 of the Constitution of Georgia authorizes counties and other political subdivisions to contract with each other for activities which the contracting parties are authorized by law to undertake; and,

WHEREAS, Chapter 85 of Title 36 of the Official Code of Georgia Annotated authorizes counties to execute intergovernmental contracts to form, and become members of, an interlocal risk management agency for the purpose of sharing the risks of accident, disability, supplemental medical, general liability, motor vehicle liability, property damage, or any combination of such risks with those of other counties; and,

WHEREAS, counties within Georgia have found it increasingly difficult to obtain commercial insurance protection, and have found the costs of such protection often exceed the ability of a county to pay; and,

WHEREAS, counties in Georgia need a stable method for managing their risks to avoid the unpredictable and cyclical nature of the commercial insurance market; and,

WHEREAS, many Georgia counties do not have sufficient resources to self-insure their risks on an individual basis; and,

WHEREAS, through the Association County Commissioners of Georgia, Georgia counties have created an intergovernmental risk management agency so that the Georgia counties may insure and/or self-insure their risks; and,

WHEREAS, the County of Habersham is an existing member of the Association County Commissioners of Georgia – Interlocal Risk Management Agency (hereafter referred to as ACCG-IRMA), an interlocal risk management agency formed pursuant to Chapter 85 of Title 36 of the Official Code of Georgia Annotated, and previously has entered into an intergovernmental contract for the purpose of joining ACCG-IRMA and participating in the ACCG-IRMA Property and Liability Fund and/or the first Supplemental Medical,

Accident and Disability Fund known as the Firefighters' Cancer Benefit Program (the "Fund(s)"); and,

WHEREAS, ACCG-IRMA has also established a second Supplemental Medical, Accident, and Disability Fund known as the First Responder PTSD Program for the purpose of protecting against certain other liabilities imposed upon Georgia counties by state law; and,

WHEREAS, the governing authority of the County of _____ finds that it is in the best interest of its citizens to participate in this second ACCG-IRMA Supplemental Medical, Accident, and Disability Fund (the First Responder PTSD Program),

NOW THEREFORE, BE IT RESOLVED by the governing authority of the County of Habersham, Georgia:

SECTION 1

The governing authority of the County of _____ hereby authorizes the County to become a participant in the ACCG-IRMA Supplemental Medical, Accident, and Disability Fund known as the First Responder PTSD Program for the purpose of providing coverage for those risks imposed upon the County by state law and for which the Supplemental Medical, Accident, and Disability Fund has been established. The County's continuing participation in the ACCG-IRMA Fund(s) in which the County is currently enrolled is hereby confirmed.

SECTION 2

The Board of Commissioners, Chairman of the County
(Insert Title of Chief Executive Officer)
of Habersham is authorized to execute on behalf of the County any and all documents necessary and proper to become a participant in the ACCG-IRMA Supplemental Medical, Accident, and Disability Fund known as the First Responder PTSD Program.

SECTION 3

The powers of ACCG-IRMA, unless the intergovernmental contract and ACCG-IRMA bylaws are amended, shall be limited to those authorized by Chapter 85

of Title 36 of the Official Code of Georgia Annotated, and the related Rules and Regulations of the Commissioner of Insurance of the State of Georgia.

SECTION 4

The continuing operations of ACCG-IRMA and the obligation of the County to fully participate in such operations shall be effectuated in accordance with the intergovernmental contract and ACCG-IRMA bylaws.

SECTION 5

The Human Resources Director is designated as the County's
(Insert Title of Designated Person)
representative to ACCG-IRMA. The County may change its representative by informing ACCG-IRMA of the change in writing.

SECTION 6

This resolution shall be effective upon its passage and approval.

Adopted this _____ day of _____ 20 _____ .

Chairman or Sole Commissioner

County of Habersham

ATTEST:

Clerk of the County of _____
(Imprint County Seal)

Explanation - ACCG

GEORGIA FIRST RESPONDER PTSD PROGRAM

Purpose of HB 451 - the Ashley Wilson Act

The Ashley Wilson Act (the Act or HB451) requires all public entities in Georgia to offer a supplemental benefit program for first responders diagnosed with post-traumatic stress disorder (PTSD) resulting from exposure to line of duty traumatic events. It creates a once-per-lifetime financial safety net to assist with uninsured costs associated with PTSD treatment and recovery. A first responder may access the benefits quickly and confidentially without worry over stigma or job loss. The Act does not impact employer health plans, which are required to provide coverage for PTSD and other mental health conditions.

For over two years, Ashley Wilson, a sergeant with the Gwinnett County Police Department and PTSD survivor, championed HB 451 on behalf of all Georgia first responders. Her story is captured in a link below.

Covered Condition

The Act provides benefits for Eligible First Responders with a "covered condition" of PTSD that is the direct result of an experience of or exposure to a traumatic event during the normal course of their regular occupational or volunteer duties on behalf of a public entity. To be a covered condition, the PTSD must be diagnosed by a qualified diagnostician no more than two years after the date of the traumatic event.

- The effective date of the law (when claims may first be submitted) is **January 1, 2025**.
- The traumatic event must occur **on or after July 1, 2024**.
- HB 451 defines a **traumatic event** as an actual or threatened death, severe injury, or act of sexual violence. In cases involving multiple traumatic events occurring after July 1, 2024, the traumatic event is the most recent event determined by the qualified diagnostician to be related to the symptoms of PTSD.
- An eligible First Responder may file a claim for the supplemental benefits **up to 24 months following end of service** provided the traumatic event resulting in the PTSD occurred when the First Responder was in active service.

- Qualified diagnosticians are psychiatrists, psychologists, and physicians who are board certified in the medical specialty appropriate for trauma related health diagnoses.
- **Eligible First Responder** means any of the following:
 - Communications Officer
 - Emergency Medical Professional
 - Firefighter
 - Jail Officer
 - Peace Officer (including law enforcement officer with the Department of Natural Resources)
 - Correctional Officer
 - Emergency Medical Technician
 - Highway Emergency Response Operator
 - Juvenile Correctional Officer
 - Probation Officer

Benefits

The Act requires two once-per-lifetime benefits. The first is a \$3,000 lump-sum benefit paid following diagnosis of occupational PTSD by a qualified diagnostician. The second is a long-term disability benefit if the eligible first responder is no longer able to perform their duties as a first responder.

- The **disability benefit begins 90 days** after the First Responder is determined to be unable to continue work as a first responder due to the covered condition, despite receipt of appropriate treatment.
- The disability benefit is paid **monthly for up to 36 months**.
- Paid first responders receive **60% of their monthly pay** to a maximum of \$5,000 per month.
- Volunteer first responders receive **\$1,500** per month.

House Bill 451 (AS PASSED HOUSE AND SENATE)

By: Representatives Seabaugh of the 34th, Kennard of the 101st, Hitchens of the 161st, Gaines of the 120th, Camp of the 135th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and
2 employees, so as to require the provision of certain insurance benefits to certain first
3 responders diagnosed with occupational post-traumatic stress disorder; to provide for
4 legislative findings; to provide for definitions; to provide for limitations and restrictions of
5 such benefits; to provide for methods of funding; to provide for treatment of premiums; to
6 provide for annual reporting; to amend Code Section 48-7-27 of the Official Code of Georgia
7 Annotated, relating to computation of Georgia taxable net income, so as to provide an
8 exemption for benefits received from such insurance coverage for first responders; to provide
9 for a short title; to provide for related matters; to provide for an effective date and
10 applicability; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12

13 **SECTION 1.**

14 This Act shall be known and may be cited as the "Ashley Wilson Act."

SECTION 2.

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by adding a new chapter to read as follows:

"CHAPTER 2545-25-1.

The Georgia General Assembly finds that:

(1) First responders are often exposed to traumatic events in the line of duty and are at risk of developing post-traumatic stress disorder, which, if untreated, can result in the inability to serve as a first responder as well as grave health consequences, including death by suicide;

(2) Major medical insurance provides coverage for mental health treatment on parity with other illnesses, and major medical insurance companies are best suited to help first responders identify healthcare providers who can treat post-traumatic stress disorder and provide coverage for treatment by such providers;

(3) The Office of Public Safety Support within the Department of Public Safety was established to provide peer counselors and critical incident support services to first responders exposed to traumatic events at work. The intent of this chapter is to expand on this existing support by ensuring that, after a qualifying diagnosis of occupational post-traumatic stress disorder, such first responders have financial resources readily available to them;

(4) Having financial resources readily available to meet the financial needs of first responders at the critically important time of identifying the mental healthcare provider of their choice and beginning treatment, as well as having additional financial resources available for the continuation of treatment, pursuit of recovery, and return to service as first responders, will better serve first responders and their families; and

(5) Nothing in this chapter is intended to reimburse for or provide mental healthcare treatment or replace or disrupt coverage for mental health treatment under major medical insurance.

45-25-2.

As used in this chapter, the term:

(1) 'Covered condition' means an eligible first responder's occupational post-traumatic stress disorder that is the direct result of an experience of or an exposure to a traumatic event, wherein such experience or exposure takes place during the normal course of the first responder's regular occupational or volunteer duties on behalf of a public entity and the diagnosis is made no later than two years after the date of the traumatic event.

(2) 'Eligible first responder' means a first responder who experienced or was exposed to a traumatic event during the normal course of performing regular occupational or volunteer duties on behalf of a public entity and such experience or exposure resulted in post-traumatic stress disorder, if the first responder received a diagnosis of post-traumatic stress disorder arising from such experience or exposure no later than two years after the traumatic event.

(3) 'First responder' means any of the following:

(A) 'Communications officer' as defined in Code Section 37-12-1;

(B) 'Correctional officer' as defined in Code Section 45-1-8;

(C) 'Emergency medical professional' as defined in Code Section 16-10-24.2;

(D) 'Emergency medical technician' as defined in Code Section 16-10-24.2;

(E) 'Firefighter' as defined in Code Section 25-4-2;

(F) 'Highway emergency response operator' as defined in Code Section 45-1-8;

(G) 'Jail officer' as defined in Code Section 45-1-8;

(H) 'Juvenile correctional officer' as defined in Code Section 45-1-8;

(I) 'Peace officer' as defined in Code Section 35-8-2;

66 (J) 'Probation officer' as defined in Code Section 45-1-8; and

67 (K) Law enforcement officer with the Department of Natural Resources.

68 (4) 'Monthly salary' means regular monthly earnings excluding overtime, bonuses, and
69 commissions.

70 (5) 'Post-traumatic stress disorder' means an anxiety disorder caused by experiencing or
71 being exposed to a traumatic event and which satisfies the clinical diagnostic criteria set
72 forth in the American Psychiatric Association's *Diagnostic and Statistical Manual of*
73 *Mental Disorders*, in effect on January 1, 2024.

74 (6) 'Public entity' means a department, agency, board, bureau, commission, authority, or
75 instrumentality of the State of Georgia, any local government or authority, including a
76 county, municipal, or consolidated government in this state, or any other political division
77 in this state. Such term includes a school district, independent school district, or other
78 local school system in this state.

79 (7) 'Qualified diagnostician' means a physician, psychiatrist, or psychologist who is duly
80 authorized to practice in this state and is certified in a medical specialty appropriate for
81 trauma related mental health diagnoses.

82 (8) 'Traumatic event' means an actual or threatened death, serious injury, or act of sexual
83 violence that occurs on or after July 1, 2024, and which the first responder experienced
84 or was exposed to during the normal course of the first responder's regular occupational
85 or volunteer duties on behalf of a public entity. In cases involving multiple traumatic
86 events occurring on or after July 1, 2024, the traumatic event is the most recent event
87 determined by the qualified diagnostician to be related to the symptoms of post-traumatic
88 stress disorder.

89 45-25-3.

90 (a) A public entity shall provide and maintain sufficient insurance coverage on each of its
91 first responders to pay the benefits described in subsection (b) of this Code section to

eligible first responders with covered conditions arising from a traumatic event which the first responder experienced or was exposed to while performing first responder services for such public entity. Such coverage shall also pay such benefits for covered conditions arising from an employed first responder's services as a volunteer first responder for the same or another public entity. In the event a volunteer first responder of one public entity is simultaneously employed as a first responder by another public entity, the public entity for which such person is a volunteer shall not be required to maintain the coverage on such volunteer otherwise required under this Code section during the period of such employment with the other public entity. In no circumstance shall a first responder be entitled, as a result of this chapter, to more than the lifetime benefits described under this chapter.

(b) An eligible first responder with a covered condition shall be entitled to the following benefits:

(1) One lump sum benefit per lifetime of \$3,000.00 payable to the eligible first responder upon submission to the insurer of acceptable proof of a clinical diagnosis of a covered condition by a qualified diagnostician as provided for in subsection (f) of this Code section; and

(2) An income replacement disability benefit payable as a result of a clinical diagnosis of a covered condition, which disability benefit is payable as described below:

(A) If the first responder's qualified diagnostician determines that the covered condition precludes continuation of the first responder's regular occupational or volunteer duties as a first responder and provides proof acceptable to the insurer, including evidence of appropriate care and treatment, then the disability benefit shall begin 90 days after the date the covered condition first precludes continuation of such duties;

(B) The disability benefit shall continue, subject to standard requirements of disability insurances and subject to the cumulative lifetime disability benefit limit described in

subparagraph (E) of this paragraph, during the period of continuous disability arising from the covered condition;

(C) The disability benefit shall cease when the first responder's qualified diagnostician determines that the eligible first responder has regained the ability to perform the duties previously performed as a first responder;

(D) Subject to the cumulative lifetime disability benefit limit provided for in subparagraph (E) of this paragraph, the disability benefit shall recommence if the first responder's qualified diagnostician determines that the eligible first responder has again become unable to perform his or her regular occupational or volunteer duties as a first responder due to a covered condition and provides proof acceptable to the insurer; and

(E) The disability benefit shall end after a total of 36 monthly payments in the amount set forth below have been made to the eligible first responder:

(i) If the eligible first responder is employed by a public entity, a monthly benefit equal to 60 percent of the eligible first responder's combined monthly salary for all public entities for which the first responder is employed as a first responder or a monthly benefit of \$5,000.00, whichever is less; or

(ii) If the eligible first responder is a volunteer first responder and not employed as a first responder by any public entity, a monthly benefit of \$1,500.00.

(c) Any first responder who receives income replacement disability benefits under paragraph (2) of subsection (b) of this Code section may be required by the insurer providing such benefits to have his or her condition reevaluated by a qualified diagnostician selected by the insurer. In the event any such reevaluation reveals that such first responder has regained the ability to perform the duties previously performed as a first responder, then such benefits shall cease.

(d) The benefits under paragraph (1) of subsection (b) of this Code section, as applicable, shall be subordinate to any other insurance benefit payable to the first responder for medical expenses incurred as a result of the covered condition.

(e) The benefits under paragraph (2) of subsection (b) of this Code section, as applicable, shall be subordinate to any other income replacement disability benefit payable to the first responder for such disability from any employer funded group long-term disability plan or workers' compensation benefit, not including any disability insurance purchased in whole or in part by the first responder, and shall be limited to the difference between the amount of such other paid benefit and the amount specified under subparagraph (b)(2)(E) of this Code section, as applicable.

(f) Proof of a first responder's covered condition requires both of the following:

(1) A clinical diagnosis of post-traumatic stress disorder made by a qualified diagnostician which substantiates that the clinical diagnosis is the direct result of experiencing or being exposed to a traumatic event, or repeated experiences or exposures to traumatic events, during his or her regular occupational or volunteer duties on behalf of a public entity. Such clinical diagnosis shall be made within two years following the date of the traumatic event, and such clinical diagnosis shall include documentation indicating the date and nature of the traumatic event or the most recent traumatic event related to the symptoms of post-traumatic stress disorder if due to repeated experiences or exposures; and

(2) Written documentation of criteria required for the diagnosis of post-traumatic stress disorder under the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders*, in effect on January 1, 2024.

(g) Information that could reasonably be used to identify individuals making claims or who have made claims or who have received benefits under this Code section shall be treated as sensitive mental health information and, absent express authorization by the individual, shall only be used and shared for administration of benefits, underwriting, and for purposes of aggregation and de-identification or for purposes of compliance with Article 4 of Chapter 18 of Title 50 or other applicable laws. Communications, in any form,

171 between such individuals and the administrator or insurer of the benefits shall be
172 confidential and privileged.

173 (h) The benefits shall be administered in a manner designed to ensure that first responders
174 are able to obtain the lump sum benefit provided for in paragraph (1) of subsection (b) of
175 this Code section in a confidential manner similar to receiving mental health benefits under
176 an employer sponsored major medical health plan or employee assistance program, or, for
177 the disability benefit provided for in paragraph (2) of subsection (b) of this Code section,
178 in a confidential manner similar to receiving other employer sponsored disability benefits
179 involving mental health issues. In no event shall information solely about an individual's
180 diagnosis, claims, or benefits be used for any employment action.

181 (i) The benefits shall be administered in a manner designed to enforce lifetime limits and
182 to coordinate benefits. Any insurer or self-insurer of the benefits shall disclose the amount
183 of benefits already paid to an individual upon written request by another insurer or
184 self-insurer that is evaluating a claim by such individual as provided under subsection (b)
185 of this Code section.

186 45-25-4.

187 The governing authority of any county, municipality, or consolidated government is
188 authorized to use available revenues, including, but not limited to, proceeds from county
189 and municipal taxes imposed under Chapter 8 of Title 33, for purposes of providing
190 insurance under this chapter.

191 45-25-5.

192 Funds received as premiums for the coverages specified in this chapter shall not be subject
193 to premium taxes under Chapter 8 of Title 33.

194 45-25-6.

195 The computation of premium amounts by an insurer for the coverages specified in this
196 chapter shall be subject to generally accepted adjustments from insurance underwriting.

197 45-25-7.

198 The Commissioner of Insurance shall submit an annual report summarizing the use of the
199 benefits provided for in this chapter to the chairpersons of the House Committee on
200 Insurance and the Senate Insurance and Labor Committee no later than July 1, 2025, and
201 annually thereafter. The Commissioner of Insurance shall not be required to distribute
202 copies of the annual report to the members of the General Assembly but shall notify the
203 members of the availability of the annual report in the manner which he or she deems to
204 be most effective and efficient."

205 **SECTION 3.**

206 Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of
207 Georgia taxable net income, is amended in subsection (a) by adding a new paragraph to read
208 as follows:

209 "(12.5) Payments received by a first responder pursuant to subsection (b) of Code
210 Section 45-25-3, to any extent such amounts are included in the taxpayer's federal
211 adjusted gross income and are not otherwise exempt under any other provision of this
212 Code section."

213 **SECTION 4.**

214 This Act shall become effective on January 1, 2025. Section 3 of this Act shall be applicable
215 to taxable years beginning on or after January 1, 2024.

216

SECTION 5.

217 All laws and parts of laws in conflict with this Act are repealed.