

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

H.B. 523  
Mar 29, 2023  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10252-NJf-38

Short Title: First Responders Mental Health. (Public)

Sponsors: Representative Clampitt.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT ESTABLISHING A SUPPLEMENTAL INSURANCE POLICY FOR FIRST  
3 RESPONDERS DIAGNOSED WITH MENTAL HEALTH CONDITIONS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 58 of the General Statutes is amended by adding a new Article  
6 to read:

7 "Article 86A.

8 "First Responders Mental Healthcare Plan Act.

9 "§ 58-86A-1. Short title.

10 This Article shall be known and may be cited as the "First Responders Mental Healthcare  
11 Plan Act."

12 "§ 58-86A-2. First responder mental health care benefits plan.

13 A first responder mental health care benefits plan is established and shall be administered by  
14 the Department of Insurance. The plan shall be a supplemental insurance policy that provides  
15 benefits required under this Article to eligible first responders with a diagnosis of a mental  
16 condition outlined in this Article. The program aims to promote healing and the return to service  
17 of first responders.

18 "§ 58-86A-3. Definitions.

19 The following definitions apply in this Article:

- 20 (1) 911 dispatcher. – A public safety telecommunicator or dispatcher at a primary  
21 public safety answering point (PSAP) as defined in G.S. 143B-1400 or at any  
22 public safety agency to which 911 calls are transferred from a primary PSAP  
23 as defined in G.S. 143B-1400 for dispatch of appropriate public safety  
24 agencies.
- 25 (2) Eligible mental condition. – Stress, mental injury, or mental illness that is  
26 medically diagnosed as an anxiety disorder, conduct disorder, depressive  
27 disorder, obsessive-compulsive and related disorder, sleep-wake disorder, or  
28 trauma and stressor-related disorder as described in the most recent edition of  
29 the Diagnostic and Statistical Manual of Mental Disorders published by the  
30 American Psychiatric Association.
- 31 (3) Emergency medical technicians and emergency medical dispatchers. – As  
32 defined in G.S. 131E-155 and includes the Director of EMS.
- 33 (4) Firefighter. – As defined in G.S. 58-84-5 and includes fire dispatchers, fire  
34 inspectors, and fire marshals.
- 35 (5) First responder. – A law enforcement officer, firefighter, 911 dispatcher,  
36 emergency medical technician employed by a State or local government.



1 detention officer employed by a local government, correctional or probation  
2 officer employed by the State, or a volunteer firefighter meeting the  
3 requirements of G.S. 58-84.5. Included in this definition are first responders  
4 employed by nongovernmental entities.

- 5 (6) Law enforcement officer. – As defined in G.S. 115B-1 and includes police  
6 dispatchers, police investigators, sheriff's deputies, bailiffs, corrections  
7 officers, detention officers, and jailers.

8 **"§ 58-86A-4. Eligibility.**

9 To be eligible to receive benefits, first responders shall meet all of the following:

- 10 (1) Be currently employed as a first responder, regardless of the date of original  
11 diagnosis.  
12 (2) Be diagnosed by a healthcare provider, who establishes with a reasonable  
13 degree of medical certainty that the condition is the result of a singular  
14 incident or accumulative effect of employment-related activities.  
15 (3) Have a diagnosed condition that resulted from the first responder acting within  
16 the scope of his or her employment as a first responder.

17 A first responder is not eligible to receive benefits under this Article if receiving benefits  
18 related to a mental condition under the North Carolina Workers' Compensation Act.

19 **"§ 58-86A-5. Benefits under mental health care plan.**

20 The following benefits are available under the mental health care plan:

- 21 (1) Medical costs reimbursement. – Eligible first responders shall receive  
22 reimbursement of up to five thousand dollars (\$5,000) per 12-month period  
23 for any out-of-pocket medical expenses incurred, including deductibles,  
24 copayments, or coinsurance costs, for an eligible mental condition. Receipts  
25 of out-of-pocket expenses must be produced to receive this benefit. This  
26 benefit may not be used in conjunction with the disability benefit under this  
27 section.  
28 (2) Salary benefit. – If a first responder's treatment plan requires leave from  
29 employment as determined by a healthcare provider, either through Family  
30 Medical Leave (FMLA) or a local government program, and sufficient proof  
31 is provided to the insurance carrier, the Department, or other applicable payor  
32 that this leave is necessary, a full-time first responder shall receive a monthly  
33 benefit that is either (i) equal to seventy-five percent (75%) of the first  
34 responder's monthly salary or (ii) five thousand dollars (\$5,000) a month,  
35 whichever is less. This benefit may only be used 12 workweeks in a 12-month  
36 period. This benefit may be used in conjunction with the medical costs  
37 reimbursement benefit under this section.  
38 (3) Disability benefit. – Upon sufficient proof to the insurance carrier, the  
39 Department, or other applicable payor of (i) total disability resulting from the  
40 diagnosis of an eligible mental condition or (ii) that the eligible mental  
41 condition precludes the first responder from serving as a first responder, the  
42 following disability benefits shall be paid to a first responder beginning six  
43 months after the total disability or inability to perform the duties of a first  
44 responder, whichever applies:  
45 a. For a full-time first responder who is not a volunteer firefighter. – A  
46 monthly benefit that is either (i) equal to seventy-five percent (75%)  
47 of the first responder's monthly salary or (ii) five thousand dollars  
48 (\$5,000) a month, whichever is less.  
49 b. For a first responder who is a volunteer firefighter. – A monthly benefit  
50 of one thousand five hundred dollars (\$1,500).

51 **"§ 58-86A-6. Limitations on disability benefits.**

1        The following limitations apply to the disability benefits under this Article:

2            (1)    Disability benefits shall continue for no more than 36 consecutive months.

3            (2)    Any first responder receiving disability benefits may be required to have his  
4            or her condition reevaluated to determine if that first responder has regained  
5            the ability to perform the duties of a first responder. If reevaluation indicates  
6            the first responder has regained the ability to perform the duties of a first  
7            responder, then the monthly disability benefits shall cease on the last day of  
8            the month the reevaluation was conducted.

9            (3)    If there is no reevaluation performed under subdivision (2) of this section, but  
10           the first responder's healthcare provider determines that the first responder is  
11           again able to perform the duties of a first responder, then the disability benefits  
12           shall cease on the last day of the month the healthcare provider made the  
13           determination.

14           (4)    If a first responder returns to work as a first responder before exhaustion of  
15           the 36 months of disability benefits that the first responder may receive under  
16           this section, and if there is a subsequent recurrence of disability caused by an  
17           eligible mental condition that again precludes the first responder from  
18           performing the duties of a first responder, then the first responder shall be  
19           entitled to any remaining monthly disability benefits, not to exceed 36 months  
20           in total.

21           (5)    The monthly disability benefit shall be subordinate to any other benefit paid  
22           from any source to the first responder solely for a disability related to the  
23           eligible mental condition diagnosis, so long as that source is not private  
24           insurance purchased solely by the first responder. Disability benefits under  
25           this Article shall be limited to the difference between the benefit amount paid  
26           by the other source and the amounts specified in this Article."

27        **SECTION 2.** This act becomes effective January 1, 2024.