

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Bill No. 186, Page 3, Section 56.601, Line 50, by inserting  
2 after said section and line:

3  
4 "190.1010. 1. As used in this section, the following terms shall mean:

5 (1) "Employee", a first responder employed by an employer;

6 (2) "Employer", the state, a unit of local government, or a public hospital or ambulance service that  
7 employs first responders;

8 (3) "First responder", a 911 dispatcher, paramedic, emergency medical technician, or a volunteer or  
9 full-time paid firefighter;

10 (4) "Peer support advisor", a person approved by the employer who voluntarily provides confidential  
11 support and assistance to employees experiencing personal or professional problems. An employer shall  
12 provide peer support advisors with an appropriate level of training in counseling to provide emotional and  
13 moral support;

14 (5) "Peer support counseling program", a program established by an employer to train employees to  
15 serve as peer support advisors in order to conduct peer support counseling sessions;

16 (6) "Peer support counseling session", communication with a peer support advisor designated by an  
17 employer. A peer support counseling session is accomplished primarily through listening, assessing, assisting  
18 with problem solving, making referrals to a professional when necessary, and conducting follow-up as  
19 needed;

20 (7) "Record", any record kept by a therapist or by an agency in the course of providing behavioral  
21 health care to a first responder concerning the first responder and the services provided. "Record" includes  
22 the personal notes of the therapist or agency, as well as all records maintained by a court that have been  
23 created in connection with, in preparation for, or as a result of the filing of any petition. "Record" does not  
24 include information that has been de-identified in accordance with the federal Health Insurance Portability  
25 and Accountability Act (HIPAA) and does not include a reference to the receipt of behavioral health care  
26 noted during a patient history and physical or other summary of care.

27 2. (1) Any communication made by an employee or peer support advisor in a peer support  
28 counseling session, as well as any oral or written information conveyed in the peer support counseling  
29 session, shall be confidential and shall not be disclosed by any person participating in the peer support  
30 counseling session or released to any person or entity. Any communication relating to a peer support

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counseling session made confidential under this section that is made between peer support advisors and the supervisors or staff of a peer support counseling program, or between the supervisor and staff of a peer support counseling program, shall be confidential and shall not be disclosed. The provisions of this section shall not be construed to prohibit any communications between counselors who conduct peer support counseling sessions or any communications between counselors and the supervisors or staff of a peer support counseling program.

(2) Any communication described in subdivision (1) of this subsection may be subject to a subpoena for good cause shown.

(3) The provisions of this subsection shall not apply to the following:

(a) Any threat of suicide or homicide made by a participant in a peer support counseling session or any information conveyed in a peer support counseling session related to a threat of suicide or homicide;

(b) Any information mandated by law or agency policy to be reported, including, but not limited to, domestic violence, child abuse or neglect, or elder abuse or neglect;

(c) Any admission of criminal conduct; or

(d) Any admission or act of refusal to perform duties to protect others or the employee.

(4) All communications, notes, records, and reports arising out of a peer support counseling session shall not be considered public records subject to disclosure under chapter 610.

(5) A department or organization that establishes a peer support counseling program shall develop a policy or rule that imposes disciplinary measures against a peer support advisor who violates the confidentiality of the peer support counseling program by sharing information learned in a peer support counseling session with personnel who are not supervisors or staff of the peer support counseling program unless otherwise exempted under the provisions of this subsection.

3. Any employer that creates a peer support counseling program shall be subject to the provisions of this section. An employer shall ensure that peer support advisors receive appropriate training in counseling to conduct peer support counseling sessions. An employer may refer any person to a peer support advisor within the employer's organization or, if those services are not available with the employer, to another peer support counseling program that is available and approved by the employer. Notwithstanding any other provision of law to the contrary, an employer shall not mandate that any employee participate in a peer support counseling program."; and

Further amend said bill, Page 5, Section 211.031, Line 93, by inserting after all of said section and line the following:

"287.245. 1. As used in this section, the following terms shall mean:

(1) "Association", volunteer fire protection associations as defined in section 320.300;

(2) "State fire marshal", the state fire marshal selected under the provisions of sections 320.200 to 320.270;

(3) "Volunteer firefighter", the same meaning as in section 287.243;

(4) "Voluntary ~~[firefighter-cancer]~~ critical illness benefits pool" or "pool", the same meaning as in section 320.400.

2. (1) Any association may apply to the state fire marshal for a grant for the purpose of funding such association's costs related to workers' compensation insurance premiums for volunteer firefighters.

(2) Any voluntary ~~[firefighter-cancer]~~ critical illness benefits pool may apply to the state fire marshal for a grant for the ~~[purpose of establishing a]~~ voluntary ~~[firefighter-cancer]~~ critical illness benefits pool. ~~[This subdivision shall expire June 30, 2023.]~~

3. Subject to appropriations, the state fire marshal may disburse grants to any applying volunteer fire protection association subject to the following schedule:

(1) Associations which had zero to five volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for two thousand dollars in grant money;

(2) Associations which had six to ten volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand five hundred dollars in grant money;

(3) Associations which had eleven to fifteen volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand dollars in grant money;

(4) Associations which had sixteen to twenty volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for five hundred dollars in grant money.

4. Grant money disbursed under this section shall only be used for the purpose of paying for the workers' compensation insurance premiums of volunteer firefighters or ~~[establishing]~~ for the benefit of a voluntary ~~[firefighter-cancer]~~ critical illness benefits pool."; and

Further amend said bill, Page 6, Section 301.3175, Line 32, by inserting after said section and line the following:

"320.400. 1. For purposes of this section, the following terms mean:

(1) "Covered individual", a ~~[firefighter]~~ first responder who:

(a) Is a paid employee or is a volunteer ~~[firefighter as defined in section 320.333]~~;

(b) Has been assigned to at least five years of hazardous duty as a ~~[firefighter]~~ paid employee or volunteer;

(c) Was exposed to ~~[an agent classified by the International Agency for Research on Cancer, or its successor organization, as a group 1 or 2A carcinogen, or classified as a cancer-causing agent by the American Cancer Society, the American Association for Cancer Research, the Agency for Health Care Policy and Research, the American Society for Clinical Oncology, the National Institute for Occupational Safety and Health, or the United States National Cancer Institute]~~ or diagnosed with a critical illness type;

(d) Was last assigned to hazardous duty ~~[as a firefighter]~~ within the previous fifteen years; and

(e) In the case of a diagnosis of cancer, is not seventy years of age or older at the time of the diagnosis of cancer;

(2) "Critical illness", one of the following:

(a) In the case of a cancer claim, exposure to an agent classified by the International Agency for Research on Cancer, or its successor organization, as a group 1 or 2A carcinogen, or classified as a cancer-causing agent by the American Cancer Society, the American Association for Cancer Research, the Agency for Healthcare Research and Quality, the American Society of Clinical Oncology, the National Institute for Occupational Safety and Health, or the United States National Cancer Institute;

(b) In the case of a posttraumatic stress injury claim, such an injury that is diagnosed by a psychiatrist licensed pursuant to chapter 334 or a psychologist licensed pursuant to chapter 337 and established by a preponderance of the evidence to have been caused by the employment conditions of the first responder;

(3) "Dependent", the same meaning as in section 287.240;

~~[(3)]~~ (4) "Emergency medical technician-basic", the same meaning as in section 190.100;

(5) "Emergency medical technician-paramedic", the same meaning as in section 190.100;

(6) "Employer", any political subdivision of the state;

~~[(4)]~~ (7) "First responder", a firefighter, emergency medical technician-basic or emergency medical technician-paramedic, or telecommunicator;

(8) "Posttraumatic stress injury", any psychological or behavioral health injury suffered by and through the employment of an individual due to exposure to stressful and life-threatening situations and rigors of the employment, excluding any posttraumatic stress injuries that may arise solely as a result of a legitimate personnel action by an employer such as a transfer, promotion, demotion, or termination;

(9) "Telecommunicator", the same meaning as in section 650.320;

(10) "Voluntary ~~[firefighter cancer]~~ critical illness benefits pool" or "pool", an entity described in section 537.620 that is established for the purposes of this section;

(11) "Volunteer", a volunteer firefighter, as defined in section 320.333; volunteer emergency medical technician-basic; volunteer emergency medical technician-paramedic; or volunteer telecommunicator.

2. (1) Three or more employers may create a ~~[voluntary firefighter cancer benefits]~~ pool for the purpose of this section. Notwithstanding the provisions of sections 537.620 to 537.650 to the contrary, a pool created pursuant to this section may allow covered individuals to join the pool. An employer or covered individual may make contributions into the ~~[voluntary firefighter cancer benefits]~~ pool established for the purpose of this section. Any professional organization formed for the purpose, in whole or in part, of representing or providing resources for any covered individual may make contributions to the pool on behalf of any covered individual without the professional organization itself joining the pool. The contribution levels and award levels shall be set by the board of trustees of the pool.

(2) For a covered individual or an employer that chooses to make contributions into the ~~[voluntary firefighter cancer benefits]~~ pool, the pool shall provide the minimum benefits specified by the board of

trustees of the pool to covered individuals, based on the award level of the ~~[cancer]~~ critical illness at the time of diagnosis, after the employer or covered individual becomes a participant.

(3) Benefit levels for cancer shall be established by the board of trustees of the pool based on the category and stage of the cancer. Benefit levels for a posttraumatic stress injury shall be established by the board of trustees of the pool. Awards of benefits may be made to the same individual for both cancer and posttraumatic stress injury provided the qualifications for both awards are met.

(4) In addition to ~~[an]~~ a cancer award pursuant to subdivision (3) of this subsection:

(a) A payment may be made from the pool to a covered individual for the actual award, up to twenty-five thousand dollars, for rehabilitative or vocational training employment services and educational training relating to the cancer diagnosis;

(b) A payment may be made to covered individual of up to ten thousand dollars if the covered individual incurs cosmetic disfigurement costs resulting from cancer.

(5) If the cancer is diagnosed as terminal cancer, the covered individual may receive a lump-sum payment of twenty-five thousand dollars as an accelerated payment toward the benefits due based on the benefit levels established pursuant to subdivision (3) of this subsection.

(6) The covered individual may receive additional awards if the cancer increases in award level, but the amount of any benefit paid earlier for the same cancer may be subtracted from the new award.

(7) If a covered individual dies while owed benefits pursuant to this section, the benefits shall be paid to the dependent or domestic partner, if any, at the time of death. If there is no dependent or domestic partner, the obligation of the pool to pay benefits shall cease.

(8) If a covered individual returns to the same position of employment after a cancer diagnosis, the covered individual may receive benefits in this section for any subsequent new type of covered cancer diagnosis.

(9) The cancer benefits payable pursuant to this section shall be reduced by twenty-five percent if a covered individual used a tobacco product within the five years immediately preceding the cancer diagnosis.

(10) A cancer claim for benefits from the pool shall be filed no later than two years after the diagnosis of the cancer. The claim for each type of cancer needs to be filed only once to allow the pool to increase the award level pursuant to subdivision (3) of this subsection.

(11) A payment may be made from the pool to a covered individual for the actual award, up to ten thousand dollars, for seeking treatment with a psychiatrist licensed pursuant to chapter 334 or a psychologist licensed pursuant to chapter 337 and any subsequent courses of treatment recommended by such licensed individuals. If a covered individual returns to the same position of employment after a posttraumatic stress injury diagnosis, the covered individual may receive benefits in this section for the continued treatment of such injury or any subsequently covered posttraumatic stress injury diagnosis.

(12) For purposes of all other employment policies and benefits that are not workers' compensation benefits payable under chapter 287, health insurance, and any benefits paid pursuant to chapter 208, a covered individual's ~~[cancer]~~ critical illness diagnosis shall be treated as an on-the-job injury or illness.

3. The board of trustees of ~~[the pool]~~ a pool created pursuant to this section may:

(1) Create a program description to further define or modify the benefits of this section;

(2) Modify the contribution rates, benefit levels, including the maximum amount, consistent with subdivision (1) of this subsection, and structure of the benefits based on actuarial recommendations and with input from a committee of the pool; and

(3) Set a maximum amount of benefits that may be paid to a covered individual for each ~~[cancer]~~ critical illness diagnosis.

4. The board of trustees of the pool shall be considered a public governmental body and shall be subject to all of the provisions of chapter 610.

5. A pool may accept or apply for any grants or donations from any private or public source.

6. (1) Any pool may apply to the state fire marshal for a grant for the ~~[purpose of establishing a voluntary firefighter cancer benefits]~~ pool. The state fire marshal shall disburse grants to the pool upon receipt of the application.

(2) The state fire marshal may grant money disbursed under section 287.245 to be used for the purpose of setting up a pool.

~~[(3) This subsection shall expire on June 30, 2023.]~~

7. (1) This ~~[subsection]~~ section shall not affect any determination as to whether a covered individual's ~~[cancer]~~ critical illness arose out of and in the course of employment and is a compensable injury pursuant to chapter 287. Receipt of benefits from ~~[the]~~ a pool under this section shall not be considered competent evidence or proof by itself of a compensable injury under chapter 287.

(2) Should it be determined that a covered individual's ~~[cancer]~~ critical illness arose out of and in the course of employment and is a compensable injury under chapter 287, the compensation and death benefit provided under chapter 287 shall be reduced one hundred percent by any benefits received from the pool under this section.

(3) The employer in any claim made pursuant to chapter 287 shall be subrogated to the right of the employee or to the dependent or domestic partner to receive benefits from ~~[the]~~ a pool and such employer may recover any amounts which such employee or the dependent or domestic partner would have been entitled to recover from ~~[the]~~ a pool under this section. Any receipt of benefits from the pool under this section shall be treated as an advance payment by the employer, on account of any future installments of benefits payable pursuant to chapter 287."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.