



Rep. Lindsey LaPointe

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10200HB1321ham002

LRB102 03336 AWJ 38709 a

1 AMENDMENT TO HOUSE BILL 1321

2 AMENDMENT NO. _____. Amend House Bill 1321 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the First
5 Responder Mental Health Grant Program Act.

6 Section 5. Legislative intent.

7 (a) The General Assembly recognizes the difficult nature
8 of the job of first responder, including trauma endured by
9 first responders in the performance of their duties.

10 (b) It is the intent of the General Assembly to ensure that
11 first responders, including police, firefighters, emergency
12 medical technicians, and public safety telecommunicators
13 across this State have full access to supportive and
14 responsive behavioral health services and treatment.

15 (c) The General Assembly recognizes that these services
16 should be responsive to the individual's needs and must be

1 kept confidential.

2 (d) The General Assembly recognizes that the
3 administration and provision of these services both recognize
4 and reduce the historical barrier of stigma and a lack of
5 confidentiality that first responders face when attempting to
6 access behavioral health services and treatment.

7 Section 10. Definitions. In this Act:

8 "Behavioral health" means mental health, health relating
9 to substance use, or both.

10 "Behavioral health care" means services, treatment,
11 medication, and other measures to overcome, mitigate, or
12 prevent a behavioral health issue. These services, treatment,
13 medication, and other measures qualify as "behavioral health
14 care" even if there is no formal diagnosis of a specific
15 condition.

16 "Department" means the Department of Human Services.

17 "First responder" means a law enforcement officer,
18 firefighter, emergency medical services personnel as defined
19 in Section 3.5 of the Emergency Medical Services (EMS) Systems
20 Act, or public safety telecommunicator as defined in Section 2
21 of the Emergency Telephone Systems Act.

22 "Record" means any record kept by a therapist or by an
23 agency in the course of providing behavioral health care to a
24 first responder concerning the first responder and the
25 services provided. "Record" includes the personal notes of the

1 therapist or agency. "Record" includes all records maintained
2 by a court that have been created in connection with, in
3 preparation for, or as a result of the filing of any petition
4 or certificate under Chapter II, Chapter III, or Chapter IV of
5 the Mental Health and Developmental Disabilities Code and
6 includes the petitions, certificates, dispositional reports,
7 treatment plans, and reports of diagnostic evaluations and of
8 hearings under Article VIII of Chapter III or under Article V
9 of Chapter IV of that Code. "Record" does not include
10 information that has been de-identified in accordance with
11 HIPAA, as specified in 45 CFR 164.514. "Record" does not
12 include a reference to the receipt of behavioral health care
13 noted during a patient history and physical or other summary
14 of care.

15 Section 15. First Responder Behavioral Health Grant
16 Program.

17 (a) Subject to appropriation, there is created within the
18 Department of Human Services a First Responder Behavioral
19 Health Grant Program to provide grants to the following
20 recipients:

- 21 (1) units of local government;
- 22 (2) law enforcement agencies;
- 23 (3) fire protection districts;
- 24 (4) school districts;
- 25 (5) public or private hospitals; or

1 (6) ambulance services that employ first responders.

2 (b) There is created a First Responder Behavioral Health
3 Grant Fund in the State treasury that shall be used by the
4 Secretary of Human Services to make grants to the eligible
5 recipients as provided in subsection (a).

6 (c) Recipients eligible for grants under this Section
7 shall use the grants for expenses related to behavioral health
8 care services for first responders, including, but not limited
9 to, telehealth services. An employer may not reduce behavioral
10 health care provided through a first responder's employee
11 benefit package as a result of the receipt of grant funds under
12 this Act.

13 (d) All records, notes, and conclusions by a treatment
14 provider providing behavioral health care to first responders
15 whose employers receive grants under this Act shall not be
16 shared with the employer unless otherwise mandated by law.

17 (e) Applicants seeking grants under this Act shall apply
18 to the Department in a form and manner prescribed by the
19 Department.

20 (f) The Department may adopt any rules necessary to
21 implement this Act."