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FISCAL IMPACT REPORT

SPONSOR <u>Thomson/Cates/Gurrola</u>	LAST UPDATED <u>1/30/2024</u>
	ORIGINAL DATE <u>1/24/2024</u>
SHORT TITLE <u>Firefighter & Emergency Peer Support Act</u>	BILL NUMBER <u>House Bill 101/aHJC</u>
	ANALYST <u>Hanika-Ortiz</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
SFMO FPF	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	Other state funds

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From

Department of Homeland Security and Emergency Management (DSHEM)

Energy, Minerals and Natural Resources Department (EMNRD)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Bill 101 strikes the appropriation; strikes redundant language; clarifies that the “peer support team member” is one who completed the requisite training requirements; and in the limited liability section, excepts acts, errors, or omissions that constitute “a failure to exercise ordinary care;” subject to the Tort Claims Act.

Synopsis of House Bill 101

House Bill 101 (HB101) would require the State Fire Marshal’s Office (SFMO) to implement a training course to train peer support team members in offering and providing peer support services to emergency service providers struggling with behavioral health issues. The bill would also allow any state, local or regional public fire agency to establish a peer support program.

HB101 includes confidentiality provisions for communications between a peer support team member and an emergency service provider. The bill gives emergency service providers the right to refuse to disclose such confidential communication in a civil, administrative, or arbitration proceeding, whether that provider is a party to the litigation. The bill exempts from these confidentiality provisions; 1) consultations between peer support team members, 2)

disclosure when necessary to prevent death, substantial bodily harm, or a crime, 3) disclosure made pursuant to a court order in a civil proceeding, or 4) the emergency service provider gives permission. Additionally, HB101 limits liability for peer support team members, and their fire agency employers, except for acts, errors or omissions that constitute “a failure to exercise ordinary care. The bill also subjects those acts, errors and omissions to the Tort Claims Act.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, or May 15, 2024, if enacted.

FISCAL IMPLICATIONS

The LFC budget recommendation for SFMO for FY25 includes \$9.5 million from the fire protection fund (FPF), which was an increase of approximately 10 percent from actual spending.

FPF receives about \$100 million each fiscal year from a portion of insurance premium tax revenue. Money from FPF is appropriated to SFMO for operations and for distributions to fire departments. FPF funds not used for distributions are transferred to the fire protection grant fund (FPGF), which allows departments to competitively bid for funding for special projects. Laws 2021, Chapter 125, however, amended the statutes governing those funds to increase transfers from FPF to FPGF and made that fund nonrecurring. Previously, after distributions to fire departments, about 40 percent of balances flowed to FPGF and 60 percent to the general fund.

At the end of June 2022 and 2023, using revised revenue projections, DHSEM was granted a budget adjustment to increase its budgets with FPF revenues by \$30 million and \$10 million, respectively, thereby preventing unexpected excess revenue from flowing to the general fund. LFC objected to no avail. Changes to budget adjustment language or the statute governing the FPF could ensure reversions to the general fund as legislatively intended, if still true. Expanded FPGF funding, however, does allow SFMO to provide additional grant funding to fire departments. For FY23, LFC reported SFMO distributed \$29.4 million in fire protection grant funding to departments for infrastructure and stipends for recruitment, retention, and education.

SIGNIFICANT ISSUES

HB101 enacts the firefighter and emergency service provider peer support act to allow state, local, or regional public fire agencies to create peer support programs for emergency service providers. Peer support is based on the idea that those who have overcome stressful and traumatic events in their work environments are uniquely qualified to assist others dealing with similar experiences.

In HB101, within the definitions section, critical incident stress management (CISM) is singled out for definition from the other matters that could benefit from peer support services, such as substance misuse, grief support, line of duty death, serious illness, suicidal thoughts, and workplace issues. The definition makes the distinction in that CISM is incident specific, a form of psychological support and diffusing that follows exposure to a traumatic incident or event.

Peer support may also reduce the use of formal mental health, medical, and social services, which can reduce the cost of an emergency service provider’s recovery from stress and trauma.

PERFORMANCE IMPLICATIONS

According to EMNRD, the Forestry Division has accessed the Interior Department and United States Department of Agriculture’s Forest Service joint behavioral health programs after incidents that result in unusually strong emotional, cognitive, behavioral, or physical reactions that interfere with normal functioning of employees. HB101 would help to make these supports more accessible to its wildland firefighters without having to engage in time-intensive interagency agreements.

ADMINISTRATIVE IMPLICATIONS

HB101 requires SFMO to implement a training course for peer support services and provides an appropriation to cover those costs in the first fiscal year. Because HB101 includes vague definitions for “peer support program” and “peer support services,” the bill appears to leave the design of the course, and the methods used to examine the new program’s efficacy over time, to SFMO, which would impact staff time and resources. Alternatively, SFMO could issue a request-for-proposal to select an established, evidence-based program with a body of research behind it.

OTHER SUBSTANTIVE ISSUES

Although peer support can be offered on its own or as a complement to clinical care, a peer support worker does not take the place of a behavioral health clinician. Training and the fire agencies’ peer support program policies should include language about boundaries and limits for participants.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Limited tools available to prevent the long-term psychological and emotional challenges that emergency service providers may face without adequate peer support and resources.

AHO/al/n/ss