GEORGIA FIRST RESPONDER
PTSD PROGRAM

ACCG GEORGIA MUNICIPAL ASSOCIATION

Georgia First Responder PTSD Program
Offered through GMA and ACCG Insurance Programs
Program FAQ

This document provides information on GMA and ACCG's Georgia First Responder PTSD Program (GFRPTSD).[1] For additional questions, contact GFRPTSD@lockton.com and provide your contact information to schedule a follow-up call.

Information about the statutorily required benefits in O.C.G.A. § 45-25-1 et seq. (2024):

Q. What is the purpose of HB 451 (2024)?

A. The Ashley Wilson Act (the Act or HB 451) requires all public entities in Georgia to offer a supplemental benefit program for eligible first responders diagnosed with post-traumatic stress disorder (PTSD) resulting from exposure to line of duty traumatic events. It creates two once-per-lifetime financial safety nets to assist with uninsured costs associated with PTSD treatment and recovery. A first responder may access the benefits quickly and confidentially without worrying 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.

Q. What was the effective date of the Act?

A. The effective date of the Act is January 1, 2025. That was the date on which public entities were required to offer the benefits.

Q. Doesn't workers' compensation pay for occupational PTSD?

A. In Georgia, a first responder may file a claim for occupational PTSD under workers' compensation, provided the PTSD follows from or is due to a physical injury in the line of duty. However, the workers' compensation system is not designed primarily to address and treat mental injuries. The system does not meet the first responders' confidentiality needs since employers and supervisors are notified of PTSD claims and does not allow a first responder to choose their own mental health care providers.

[1] These FAQs cover the general requirements of the Act and the parameters of the Georgia First Responder PTSD Program. They are not legal or tax advice.

Q. Doesn't a first responder's health plan pay for treatment of PTSD?

A, By law, employer health benefit plans are required to cover mental health treatment. But employer health plans do not cover all costs associated with treatment and recovery such as deductibles, co-pays, and out-of-network treatment costs.

Q. How does the Act define PTSD?

A. The Act defines PTSD as an ***anxiety disorder caused by experiencing or being exposed to a traumatic event*** and which satisfies the clinical diagnostic criteria set forth in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders in effect January 1, 2024.

Q. How does the Act define a First Responder who can be eligible for benefits?

A. The Act defines ***eligible first responder*** as 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 resulted in PTSD, if the first responder received a diagnosis of PTSD arising from such experience and exposure no later than two years after the traumatic event.

Q. How does the Act define a First Responder?

A. The definition of First Responder mirrors the definition in the law that created the Office of Public Safety Support. Under the Act, 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

Q. What are the benefits required under the Act?

A. 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 due to their PTSD diagnosis:

- The **disability benefit begins 90 days** following a first responder's inability to continue regular occupational or volunteer duties 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.

Q. Does the Act include medical benefits, such as counseling services?

A. No. The benefits provided under the Act are financial in nature. The Act was designed with the expectation that first responders already have major medical health insurance that includes mental health benefits, and the Act does not disrupt those benefits.

Q. How is Covered Condition defined under the Act?

A. 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.

Q. How does the Act define a Traumatic Event?

A. The Act defines a ***traumatic event*** as an actual or threatened death, serious injury, or act of sexual violence that occurs after July 1, 2024, and which the first responder experienced or was exposed to during the normal course of the first responder's regular occupational or volunteer duties on behalf of the public entity. 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.

Q. How does the Act define Qualified Diagnostician?

A. **Qualified diagnosticians** are psychiatrists, psychologists, and physicians who are duly authorized to practice in Georgia and are certified in a medical specialty appropriate for trauma related mental health diagnoses.

Q. How can a first responder find a Qualified Diagnostician?

A. First responders are encouraged to contact the customer service phone line for their major medical health insurance for help finding a qualified diagnostician. First responders who do not have major medical health insurance could contact the Office of Public Safety Support for peer counseling and confidential assistance obtaining a referral to a qualified diagnostician. In a critical situation, a first responder should dial 988.

Q. How does the Act ensure that a first responder can get the benefits confidentially?

A. The Act requires that the first responder be able to obtain the lump sum benefit confidentially in a manner similar to using health insurance to pay for mental health treatment or using employee assistance program benefits and be able to obtain the long term disability benefit confidentially in a manner similar to obtaining other disability benefits for mental health conditions. The Act provides that all communications between the first responder and the

administrator or insurer are confidential and privileged.

Q. If an employer learns of a first responder's claim, can the employer use that information for employment purposes?

A. No. The Act states: "In no event shall information solely about an individual's diagnosis, claims, or benefits be used for any employment action."

Q. How would a first responder obtain a PTSD diagnosis submitted in support of their claim?

A. A first responder's primary care physician can recommend a qualified diagnostician. In addition, a first responder can call the customer service number on their major medical health plan ID card for help locating an in-network qualified diagnostician. In many cases, qualified diagnosticians offer virtual appointments that eliminate the need to travel.

Q. Following a traumatic event, how much time does a first responder have to obtain a PTSD diagnosis from a qualified diagnostician?

A. A first responder has up to ***24 months following a traumatic event*** to obtain a PTSD diagnosis from a qualified diagnostician and file a claim for the supplemental benefits.

Q. Following end of service or retirement, how much time does a first responder have to obtain a PTSD diagnosis from a qualified diagnostician and file a claim?

A. 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 and a diagnosis is received within 24 months of the traumatic event.

Q. The Act says the traumatic event date must be on or after July 1, 2024, but the Act was not effective until January 1, 2025. How does this work?

A. These dates create a temporary transition period. The Act's purpose is to encourage first responders to promptly seek treatment for symptoms of PTSD. If a first responder was already receiving treatment for PTSD arising from a qualifying traumatic event that occurred between July 1, 2024 and January 1, 2025, benefits should be payable after proof of the qualifying diagnosis is provided to the insurer on or after January 1, 2025. The waiting period for disability benefits cannot start before January 1, 2025.

Q. How does the Act address cumulative trauma or the witnessing of traumatic events over time?

A. In cases involving multiple traumatic events occurring on or after July 1, 2024, the traumatic event is the most recent traumatic event determined by the qualified diagnostician to be related to the symptoms of PTSD.

Q. Are benefits provided under the Act taxable?

A. Benefits provided under the Act are not subject to Georgia income tax. Due to the design of coverage, benefits paid through the Georgia First Responder PTSD Program should also not be subject to federal taxation. However, benefits provided through self-insurance or other coverage should be presumed taxable unless tax counsel has reviewed the coverage documents and advised otherwise.

Q. Is a first responder receiving benefits under this program also eligible for leave under the Family and Medical Leave Act (FMLA)?

A. FMLA eligibility is not impacted by this program.

Q. Is the PTSD lump-sum benefit reduced if a first responder is receiving benefits from sources outside of the program?

A. No. The PTSD lump-sum benefit is not reduced if a first responder is receiving benefits elsewhere.

Q. Is the PTSD disability benefit reduced if a first responder receives disability benefits from sources outside of the program?

A. The PTSD disability benefit would be reduced if a first responder receives disability benefits from an employer funded group long-term disability plan or workers' compensation. The PTSD disability benefit would not be reduced if the first responder received disability benefits from insurance paid by the first responder.

Q: If a first responder has received the once-per-lifetime lump sum and disability benefits, would they be eligible for a second set of benefits if they switched employers in the future?

A. No. An eligible first responder is not entitled to more than the once-per-lifetime benefits.

Administration of the GMA and ACCG Programs

Q. Does GMA and ACCG offer insurance coverage compliant with the Act?

A. GMA and ACCG partnered with MetLife to design and implement a highly customized insurance program compliant with the Act.

Q. Who pays the cost of coverage under the program?

A. A public entity pays the cost of the program on behalf of its first responders. The Act defines ***public entity*** as a department, agency, board, bureau, commission, authority, or instrumentality of the State of Georgia, any local government or authority, including a county, municipality, or consolidated government in this state, or any other political division in this state. Such term includes a school district, independent school district, or other local school system in this state.

Q. **Is a public entity required to purchase the PTSD insurance from GMA or ACCG Programs?**

A. No. A public entity may purchase the PTSD insurance from other private insurance companies or self-insure the coverage upon approval from the Georgia Office of Commissioner of Insurance and Safety Fire.

Q. **If a public entity chooses to participate in the GMA or ACCG programs, how often will it be billed for cost of the coverage?**

A. GMA and ACCG bill participating public entities twice annually.

Q. **If a public entity wants to participate, how does it obtain a quote from GMA or ACCG?**

A. To obtain a quote, the public entity should contact GFRPTSD@lockton.com and provide contact information to schedule a follow-up call.

Q. **If a first responder is employed by two public entities, which public entity is required to pay the cost of the insurance?**

A. The program will bill both public entities 50% of the required premium.

Q. **If a first responder is employed by public entity A and volunteers at public entity B, which public entity is required to pay the cost of the insurance?**

A. Public entity A, the place of employment, is required to pay the cost of the insurance.

Q. **If a first responder volunteers at public entity A and B, which public entity is required to pay the cost of the insurance?**

A. The program will bill both public entities 50% of the required premium.

Q. **If a public entity hires a first responder in the middle of the billing cycle, is it required to pay back premium for the newly hired first responder?**

A. No. While the first responder is eligible on the first day of service, the public entity would include the newly hired first responder in its next semi-annual first responder census.

Q. **May a public entity increase the lifetime benefits above those required under the Act?**

A. The GMA and ACCG Program allows a public entity to increase PTSD coverage in two ways:

- Increasing the lump-sum benefit from $3,000 to $5,000, $10,000 or $15,000
- Increasing the monthly disability benefit for volunteers from $1,500 to $2,000

Q. **If an employee transfers (within the same public entity) from a position without first responder duties to a new position as a first responder, what start date should be listed on the semi-annual first responder census?**

A. The start date for eligibility will be the first date the employee began performing first responder duties.

Q. If a first responder transfers to another position in the public entity, and that new position does not include first responder duties, should the employee be listed as "terminated" on the first responder census, even though employment has not ended?

A. Yes. The date that the employee ceased to work in the first responder position should be shown as the termination date on the census. Premiums will not be charged for anyone past their termination date.

Q. Should first responders who resign or who stop working in first responder status be removed from the first responder census?

A. No. First responders should remain on the census for all future census requests to support claims eligibility. However, the date they terminated service as a first responder always should be included as the termination date. Premiums will not be charged for anyone past their termination date.