



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
APPEALS & CONSTITUTIONAL LITIGATION DIVISION
GOVERNMENT ACCOUNTABILITY UNIT

EVAN DANIELS
UNIT CHIEF COUNSEL
EVAN.DANIELS@AZAG.GOV

April 18, 2019

Mr. Ed Zuercher
City Manager, City of Phoenix
Phoenix City Hall
200 W Washington Street, 12th Floor
Phoenix, AZ 85003

Re: State Law Requirements Regarding Healthcare for First Responders

Mr. Zuercher:

Yesterday, the Office of the Attorney General (“Office”) forwarded to you a letter dated April 16, 2019 concerning state law requirements regarding healthcare for first responders. The Office’s April 16 letter mistakenly identified HB 2501 as having amended certain statutes in 2018. This letter serves to correct that error and provide the accurate information concerning the enacted state law requirements the April 16 letter intended to address.

The April 16 letter should have identified HB 2502, in 2018, and HB 2410, in 2017, as the bills establishing statutory amendments regarding workers’ compensation and traumatic event counseling for firefighters and peace officers. Specifically, A.R.S. §§ 23-901 and 38-672 were amended and A.R.S. §§ 23-1105 and 38-673 were added.¹

Through HB 2410, A.R.S. § 23-901 was amended to add heart-related, perivascular or pulmonary cases as an occupational disease subject to the newly created A.R.S. § 23-1105. Section 23-1105 creates a presumption that, unless rebutted, a firefighter’s heart-related, perivascular or pulmonary injury, illness or death is an occupational disease, compensable as a heart-related injury in the course of employment, and deemed to arise out of and in the course of employment if certain conditions are met regarding physical examinations and time of exposure.

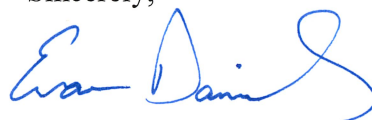
In 2018, HB 2502 amended A.R.S. § 38-672 to exclude peace officers and firefighters from that statute and instead addressed traumatic event counseling for them separately in A.R.S. § 38-673. Section 38-673 requires that the state and political subdivisions provide peace officers and firefighters with up to twelve, but possibly as many as twenty-four, visits to licensed counseling if exposed to any one of six listed events in the course of duty (though it does not

¹ HB 2161 as discussed in the April 16 letter correctly identified the 2017 amendments to A.R.S. § 23-901.01.

create a presumption as stated in the April 16 letter). Nevertheless, employers may not require use of paid leave to receive treatment during work hours and must ensure no loss of pay and benefits, subject to certain conditions, for up to thirty calendar days per incident after the date the employee is determined not fit to return to work. *See* A.R.S. § 38-673(C), (D). Moreover, employers generally must allow firefighters or peace officers to select their own licensed mental health professionals. *Id.* at (E).

The Office regrets citing the incorrect measures in the April 16 letter. That error notwithstanding, HB 2161, HB 2502, and HB 2410 amended state law as it relates to healthcare benefits for first responders, and the Office maintains its request that the League share this letter with its members as a reminder of state law requirements they are responsible to follow.

Sincerely,



Evan Daniels
Unit Chief Counsel