



Municipal Technical Advisory Service  
INSTITUTE *for* PUBLIC SERVICE

# Inside the Tennessee Public Safety Behavioral Health Act of 2018

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In Tennessee, we are programmed from an early age to call 911 when we need help. What has been neglected is who our first responders should call when they need help; what is their 911?

The evolution of fire services provided by firefighters 50 years ago to today's services provided by all-hazards fire and EMS departments has added many physical and emotional challenges for our public safety employees. Daily, these employees are called upon to do the unthinkable so that the rest of us can enjoy the quality of life to which we are accustomed.



*Photo Credit: Steven Cross. Firefighters preparing for primary search assignment.*

Effective July 1, 2018, the Tennessee Public Safety Behavioral Health Act<sup>1</sup> was passed and codified as a new section of the Tennessee Code Annotated, Title 8, Chapter 50, Part 1. This groundbreaking legislation addresses a pressing national and Tennessee crisis: the mental health epidemic among public safety employees.

The legislative intent of the act was to tackle several critical issues associated with the trauma and stress our first responders endure on our behalf, such as:

- Epidemic of behavioral health issues: The nation and Tennessee are grappling with a surge in behavioral health problems, particularly post-traumatic stress disorder (PTSD), affecting many public safety workers.
- Cumulative trauma: Public safety employees face cumulative trauma throughout their careers, significantly impacting their professional and personal lives.
- Rising suicide rates: Alarming, suicide rates among public safety officials are on the rise.

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<sup>1</sup> [Tenn. Code Ann. § 8-50-119](#)

- Treatable conditions: PTSD and other behavioral health issues can be effectively treated with appropriate care.
- Complex needs: Public safety employees dealing with these issues often require more specialized assistance than what general employee assistance programs can provide.

### **Key Definitions**

Like many other pieces of legislation, the Tennessee Public Safety Behavioral Health Act has its own definitions. Some of these include:

- “Public Safety Employee:” A full-time emergency medical worker or firefighter employed by a public safety employer.
- “Public Safety Employer:” The state of Tennessee, a local government, or any political subdivision of Tennessee employing public safety employees full-time.
- “Mental Health Service Provider:” A licensed professional in good standing with training in at least one trauma therapy and a minimum of two years of post-licensure experience with trauma patients.

### **Public Safety Employee Employer Requirements**

The Tennessee Public Safety Behavioral Health Act enabled some new requirements for public safety employee employers. Under the act, public safety employers must:

- Provide access to mental health services: Offer at least 10 visits or sessions with a mental health service provider for PTSD treatment, either through the employee’s health benefits or other means. Co-pays or co-insurance should not exceed those for other health benefits.
- Promote mental health resources: Encourage the use of mental health service providers and other behavioral health professionals among public safety employees.
- Establish support programs: Create support programs in collaboration with mental health service providers to address behavioral health issues within the public safety community.
- Maintain provider lists: Annually update and distribute a list of qualified mental health service providers for trauma therapy to public safety employees.

## Protections Against Retaliation

The act explicitly prohibits retaliatory action against public safety employees seeking or using mental health services. Such actions include but are certainly not limited to termination of employment, denial of promotions, punitive work assignments, transfers, or other similar measures that could be seen as retaliatory. The public safety world has many traditions, including being invincible and untouched by



*Photo Credit: Steven Cross. Vehicle crash extrication and helicopter transport*

our work. Statements like “It is just part of the job” and “I am good!” are expected, regardless of the emotional and physical challenges encountered when responding to traumatic human suffering and calamity.

## Public Safety Employee Provider Training Requirements

An important provision in the act requires mental health service providers to participate in annual training within the jurisdiction where public safety employees work. This training must aim to familiarize providers with the unique challenges of the public safety profession, including critical incident response, stress management, and practical exercises like ride-a-longs and visits to emergency services stations and facilities. This training builds mental health providers’ understanding and credibility needed to most effectively serve public safety employees.

Notably, physicians, psychological examiners, senior psychological examiners, and psychologists specified in subdivision (b)(1)(B) of the Act are exempt from this requirement. [T.C.A. 8-50-119](#)

## Some Frequently Asked Questions

- Are EMS and full-time firefighters considered public safety employees under the Act?
  - Yes, full-time EMS, firefighters, and law enforcement employees are included in the Act's definition of public safety employees.
  
- Our Employee Assistance Program only provides six visits, and the Act requires 10. How do we do this?
  - Providing not less than 10 visits or sessions with a mental health service provider to treat PTSD is a requirement of the Act.
  
- How often must mental health service providers participate in specialized training?
  - A minimum of once per year.

The Tennessee Public Safety Behavioral Health Act has been in effect since 2018, however, many public safety employers remain unaware of its requirements, sometimes even confusing it with the "James 'Dustin' Samples Act." Unlike the proactive Tennessee Behavioral Health Act, which aims to prevent PTSD and other behavioral health issues, the James 'Dustin' Samples Act establishes a rebuttable presumption that PTSD is work-related if specific conditions are met.

For further assistance in meeting the Act's requirements in your municipality, contact MTAS Fire Management Consultant Steve Cross at [steven.cross@tennessee.edu](mailto:steven.cross@tennessee.edu).



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