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Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 568, L.D. 882, “An Act to Protect Communication with Providers of Critical Incident Stress Management Peer Support”

Amend the bill by striking out the title and substituting the following:

'An Act to Protect Communication with Providers of Critical Incident Stress Management and Peer Support'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 25 MRSA c. 501, headnote is amended to read:

CHAPTER 501

CRITICAL INCIDENT STRESS MANAGEMENT ~~TEAMS~~ AND PEER SUPPORT

Sec. 2. 25 MRSA §4201, as amended by PL 2019, c. 89, §§1 to 5, is repealed.

Sec. 3. 25 MRSA §4201-A is enacted to read:

§4201-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Affected person. "Affected person" means a member or employee of a provider or a person providing emergency care or response services on behalf of a provider.

2. Critical incident. "Critical incident" means a work-related incident that causes or has the potential to cause an affected person to experience emotional or physical stress. "Critical incident" includes, but is not limited to, use-of-force encounters that may result in the death of or serious injury to another person or an affected person, fatal motor vehicle

COMMITTEE AMENDMENT

1 accidents, child abuse investigations, emergency care or response operations and death
2 investigations.

3 **3. Critical incident stress management.** "Critical incident stress management" means
4 services provided in an individual or group setting and facilitated by a peer support person
5 or licensed mental health clinician to an affected person, or a group of affected persons,
6 when the affected person has been involved in a critical incident that can reasonably have
7 a devastating, long-lasting effect on the affected person. "Critical incident stress
8 management" includes assisting the affected person to appropriately process the trauma
9 and stress associated with a critical incident and connecting the affected person to
10 appropriate resources.

11 **4. Critical incident stress management team.** "Critical incident stress management
12 team" means either of the following persons or groups of persons that has an established
13 relationship with a licensed mental health clinician who is available for consultation, as the
14 team members determine to be necessary, and for at least one meeting annually:

15 A. A team of peer support persons designated by the chief or director of a public safety
16 agency, private safety agency or public safety answering point or of an organization
17 involved in emergency care or response; the sheriff of a county jail; or the chief
18 administrative officer of a correctional facility as defined in Title 34-A, section 1001,
19 subsection 6, or any such person's designee; or

20 B. A volunteer team coordinator from a nonprofit entity that is trained to assist and
21 provide critical incident stress management or peer support.

22 **5. Peer support.** "Peer support" means the provision of emotional support to an
23 affected person by a member of a peer team or a peer support person for the purpose of
24 addressing issues resulting from or related to a critical incident experienced by the affected
25 person.

26 **6. Peer support person.** "Peer support person" means a person who provides critical
27 incident stress management or peer support and is trained in accordance with accepted best
28 practices.

29 **7. Peer team.** "Peer team" means a team of active or retired-in-good-standing members
30 or employees of one or more providers that provides peer support to affected persons that
31 have been involved in a critical incident and that is trained through an organized peer
32 support training program that meets or exceeds peer support training standards adopted by
33 the International Association of Fire Fighters or the International Association of Chiefs of
34 Police, or their successor organizations.

35 **8. Private safety agency.** "Private safety agency" has the same meaning as in section
36 2921, subsection 6-A.

37 **9. Provider.** "Provider" means a public safety agency, private safety agency or public
38 safety answering point; an organization involved in emergency care or response; a
39 correctional facility as defined in Title 34-A, section 1001, subsection 6; a sheriff's office;
40 or a county jail.

41 **10. Public safety agency.** "Public safety agency" has the same meaning as in section
42 2921, subsection 6-B.

1 11. Public safety answering point. "Public safety answering point" has the same
2 meaning as in section 2921, subsection 7.

3 **Sec. 4. 25 MRSA §4202**, as amended by PL 2019, c. 89, §6, is repealed.

4 **Sec. 5. 25 MRSA §4203** is enacted to read:

5 **§4203. Critical incident stress management and peer support; testimony;**
6 **confidentiality; disclosure**

7 **1. Consent to testify.** A peer support person, peer team or member of a peer team or
8 an individual who participates in a structured critical incident stress management or peer
9 support activity may not be compelled to testify in any civil or criminal action, suit or
10 proceeding at law or in equity regarding any information that may have been acquired in
11 providing, receiving or participating in critical incident stress management or peer support,
12 except at the request of, or with the consent of, the relevant affected person.

13 **2. Confidentiality.** Proceedings, communications and records connected with the
14 provision of critical incident stress management or peer support are confidential and are
15 not subject to subpoena, discovery or introduction into evidence in a civil or criminal action
16 unless the confidentiality is waived by the relevant affected person. Statistical data that
17 does not identify a person seeking the assistance of a critical incident stress management
18 team or peer team must be made available for statistical evaluation and may not be made
19 available for any other purpose.

20 **3. Disclosure required by law.** This section does not prohibit disclosure by a person
21 that provides critical incident stress management or peer support of information concerning
22 an affected person if the disclosure is required pursuant to any applicable law or the person
23 that provides critical incident stress management or peer support reasonably believes, in
24 that person's judgment, that the affected person presents a danger to the affected person or
25 to others. This subsection does not modify or affect the provisions of Title 22, sections
26 4011-A to 4015.'

27 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
28 number to read consecutively.

29 SUMMARY

30 This amendment replaces the bill. The amendment does the following.

31 It defines "peer support" as a type of service distinct from critical incident stress
32 management services and broadens the scope of the communications protected as
33 confidential to include communications related to the provision of either type of service to
34 an affected person, which the amendment defines as a member or employee of an
35 organization or agency providing certain safety or emergency care or response services.
36 Under current law, only communications related to critical incident stress management are
37 protected.

38 It designates communications of providers of critical incident stress management and
39 peer support services as confidential communications.

40 It authorizes providers of critical incident stress management and peer support services
41 to disclose information that is otherwise confidential if the disclosure is required by law or
42 the provider of critical incident stress management or peer support services reasonably

1 believes, in the provider's judgment, that an affected person presents a danger to the
2 affected person or to others.

3 It repeals current law regarding critical incident stress management teams.

4 It requires that a peer support person be trained in accordance with accepted best
5 practices and that a peer team be trained through an organized peer support training
6 program that meets or exceeds peer support training standards adopted by the International
7 Association of Firefighters or the International Association of Chiefs of Police, or their
8 successor organizations. It removes certain requirements that a volunteer team coordinator
9 be trained in accordance with best practices and standards established by the Commissioner
10 of Public Safety.