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Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1121, L.D. 1742, “An Act to Enhance the Use of Critical Incident Stress Management Teams and to Require Peer Team Support”

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

'Sec. 1. 25 MRSA §4201, as amended by PL 2019, c. 89, §§1 to 5, is repealed.

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

3. Critical incident stress management peer support. "Critical incident stress management peer support" means services provided to an affected person when that affected person has been involved in a critical incident that can reasonably have a devastating, long-lasting effect on that affected person. "Critical incident stress management peer support" includes assisting the affected person to appropriately process the trauma and stress associated with a critical incident and connecting that affected person to appropriate resources.

4. Critical incident stress management peer support person. "Critical incident stress management peer support person" means a person who provides critical incident stress management peer support and is trained in accordance with national best practices

COMMITTEE AMENDMENT

1 and standards established by rule by the Commissioner of Public Safety. Rules adopted
2 pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375,
3 subchapter 2-A.

4 **5. Critical incident stress management services.** "Critical incident stress
5 management services" means an intervention protocol developed specifically for dealing
6 with traumatic events using a formal, structured and professionally recognized process for
7 helping affected persons involved in a critical incident.

8 **6. Critical incident stress management team.** "Critical incident stress management
9 team" means:

10 A. A team of critical incident stress management peer support persons designated by
11 the chief or director of a public safety agency, private safety agency or public safety
12 answering point; an organization involved in emergency care or response; the sheriff
13 of a county jail; or the head of a detention or correctional facility, or that person's
14 designee; or

15 B. A volunteer team coordinator from a nonprofit entity that is trained, in accordance
16 with national best practices and standards established by rule by the Commissioner of
17 Public Safety, to assist and provide critical incident stress management peer support.

18 A critical incident stress management team shall have an established relationship with a
19 licensed mental health clinician who is available for consultation with members of the
20 critical incident stress management team as the members determine to be necessary and for
21 at least one meeting annually with the team. Rules adopted pursuant to this subsection are
22 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

23 **7. Peer team.** "Peer team" means a team of active or retired-in-good-standing
24 members or employees of a provider that provides peer team support services to affected
25 persons and that is trained in accordance with standards established by rule by the
26 Commissioner of Public Safety. Rules adopted pursuant to this subsection are routine
27 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

28 **8. Peer team support services.** "Peer team support services" means the provision of
29 behavioral health resources to an affected person by a peer team for the purpose of
30 addressing issues resulting from trauma and stress associated with being an affected person,
31 regardless of whether the trauma and stress is related to a critical incident.

32 **9. Private safety agency.** "Private safety agency" has the same meaning as in section
33 2921, subsection 6-A.

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

38 **11. Public safety agency.** "Public safety agency" has the same meaning as in section
39 2921, subsection 6-B.

40 **12. Public safety answering point.** "Public safety answering point" has the same
41 meaning as in section 2921, subsection 7.

42 **Sec. 3. 25 MRSA §4202**, as amended by PL 2019, c. 89, §6, is further amended to
43 read:

1 **§4202. Critical incident stress management teams; peer teams; confidentiality**

2 **1. Information confidential.** Except as provided in subsection 2, all proceedings,
3 communications and records, including, but not limited to, information concerning the
4 identity of a an affected person seeking or being furnished assistance, connected in any way
5 with the work of a critical incident stress management team or peer team, including critical
6 incident stress management peer support persons, are confidential and are not subject to
7 compulsory legal process or otherwise discoverable or admissible in evidence in any civil
8 action unless the confidentiality is waived by the affected person seeking or being furnished
9 assistance. Statistical data not identifying a the affected person seeking or being furnished
10 the assistance of a critical incident stress management team or peer team must be made
11 available for statistical evaluation and may not be made available for any other purpose.

12 **2. Mandatory disclosure of information.** Unless protected by a privilege of law
13 recognized by this State, a member of a critical incident stress management team ~~must~~ or
14 peer team shall disclose to appropriate federal, state or local government agencies or law
15 enforcement agencies the following types of information:

16 A. An admission by a an affected person seeking the assistance of the critical incident
17 stress management team or peer team that the that affected person has committed a
18 crime;

19 B. A disclosure of information by a an affected person seeking the assistance of a
20 critical incident stress management team or peer team that must be reported pursuant
21 to any applicable law; or

22 C. A disclosure of information by a an affected person seeking the assistance of a
23 critical incident stress management team or peer team that would lead one to reasonably
24 think that the affected person seeking assistance is a danger to that affected person or
25 to another person.

26 Information disclosed under this subsection is no longer confidential unless it is otherwise
27 designated confidential by statute.

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

29 **§4203. Critical incident stress management services and peer team support services**

30 **1. Critical incident stress management team services.** The Commissioner of Public
31 Safety shall ensure that critical incident stress management team services are available to
32 all affected persons, including by:

33 A. Supporting the establishment of a critical incident stress management team for
34 every provider, which may include a single critical incident stress management team
35 working with multiple providers;

36 B. Providing critical incident stress management team services for every provider that
37 does not have a critical incident stress management team;

38 C. Beginning July 1, 2025 and as part of preservice and in-service training under
39 chapter 341, providing educational, training and promotional programs and materials,
40 including, but not limited to, programs and materials related to trauma, to all affected
41 persons to increase awareness of or provide support for critical incident stress
42 management team services; and

1 D. Providing access to behavioral health care services for all affected persons
2 immediately after a critical incident in which the affected person or provider has
3 provided care, response or services.

4 **2. Peer team support services.** The Commissioner of Public Safety shall ensure that
5 peer team support services are available to all affected persons.

6 **3. Access to critical incident stress management services, behavioral health care**
7 **services and peer team support services.** A provider shall employ or have as an active
8 member at least one critical incident stress management peer support person or
9 alternatively partner with an organization that provides critical incident stress management
10 services and peer team support services to the provider. This employee, member or
11 organization shall provide education and access to ongoing behavioral health care services
12 related to any post-traumatic stress resulting from a critical incident experienced by an
13 affected person and shall, within existing provider resources, maintain a critical incident
14 stress management team and a peer team. The provision of services under this subsection
15 may include collaboration with another provider.

16 **4. Collaboration; implementation; training.** The Commissioner of Public Safety
17 shall collaborate with other governmental and nonprofit organizations that have an interest
18 in law enforcement, firefighting, emergency care or response or emergency management
19 or stress management in carrying out the purposes of this section. The commissioner shall
20 hire at least one full-time employee to oversee the implementation of this section and be
21 responsible for the coordination of critical incident stress management services and peer
22 team support services in the State. The duties of the employee must include, but are not
23 limited to: assisting with rulemaking and coordination among providers; developing reports
24 on and conducting assessments of critical incident stress management services and peer
25 team support services provided throughout the State; collaborating with the Department of
26 Defense, Veterans and Emergency Management, Maine Emergency Management Agency;
27 and assisting in forming partnerships between behavioral health organizations and different
28 public safety agencies, private safety agencies and public safety answering points. In
29 overseeing implementation of this section, the Commissioner of Public Safety shall, to the
30 extent appropriate, contract for training and ancillary services with employee organizations
31 of providers that have experience and expertise in providing such training and services.

32 **5. Consultation.** For the purpose of implementing and overseeing critical incident
33 stress management services and peer team support services pursuant to this chapter, the
34 Commissioner of Public Safety shall, to the extent practicable, consult with the Director of
35 the Maine Emergency Management Agency within the Department of Defense, Veterans
36 and Emergency Management, or the director's designee; a representative from a provider
37 who is currently trained as a critical incident stress management peer support person; an
38 expert in the field of mental and behavioral health; and an expert in the coordination of
39 events following public disasters.

40 **6. Rules.** The Commissioner of Public Safety shall adopt rules to carry out the
41 purposes of this section. Rules adopted pursuant to this subsection are routine technical
42 rules as defined in Title 5, chapter 375, subchapter 2-A.

43 **Sec. 5. Appropriations and allocations.** The following appropriations and
44 allocations are made.

45 **PUBLIC SAFETY, DEPARTMENT OF**

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Emergency Medical Services 0485

Initiative: Provides funding for one Program Director Management Analyst II position, 6 Human Services Caseworker Supervisor positions, one Office Associate II position, one Contract/Grant Manager position and related costs to establish and administer critical incident stress management teams and peer team support services.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	9.000
Personal Services	\$0	\$919,522
All Other	\$0	\$1,063,470
GENERAL FUND TOTAL	\$0	\$1,982,992

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

SUMMARY

This amendment replaces the bill and does the following.

1. It adds "private safety agencies" and "public safety answering points" to the definition of "providers," requiring the agencies and answering points to offer critical incident stress management services and peer team support services.

2. It allows providers to partner with an organization or other providers to provide the required critical incident stress management services and peer team support services.

3. It charges the Commissioner of Public Safety instead of the Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management with overseeing the implementation of the provisions in the amendment. It also specifies that the commissioner may hire at least one person to take on these duties.

4. It requires the Commissioner of Public Safety in implementing and overseeing the requirements in the amendment to consult with the Director of the Maine Emergency Management Agency, a critical incident stress management peer support person, an expert in the field of mental and behavioral health and an expert in the coordination of events following public disasters.

5. It adds peer team support services to the list of services covered under applicable confidentiality rules.

6. It changes the standards established by rule by the Commissioner of Public Safety for training critical incident stress management peer support persons from routine technical to major substantive rules.

7. It makes other technical changes.

FISCAL NOTE REQUIRED

(See attached)