

Amendment to LD 1187

Title 25 §4203 Proposed changes (strike throughs = deletions; highlights = additions)

§4202. Critical incident stress management teams

Repealed

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

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

- ~~A. An admission by a person seeking the assistance of the critical incident stress management team that the person has committed a crime;~~
- ~~B. A disclosure of information by a person seeking the assistance of a critical incident stress management team that must be reported pursuant to any applicable law; or~~
- ~~C. A disclosure of information by a person seeking the assistance of a critical incident stress management team that would lead one to reasonably think that the person seeking assistance is a danger to that person or to another person~~

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

Title 25 §4203 (NEW SECTION, NEW LANGUAGE)

§4203. Communication with providers of critical incident stress management peer support

Except at the request of, or with the consent of, the person served, ~~a provider of critical incident stress management peer support~~ a critical incident stress management peer support person, or an individual who participates in a structured critical incident stress management peer support activity, ~~may~~ shall not be required compelled to testify in any civil or criminal action, suit or proceeding at law or in equity respecting any information that the provider or participant may have acquired in providing critical incident stress management peer support, or participating in critical incident stress management peer support sessions. ~~to the person served if that information was necessary to enable the provider to furnish critical incident stress management peer support to the person served, except that, if the physical or mental condition of the person served is an issue in that action, suit or proceeding or if a court in the exercise of sound discretion determines the disclosure necessary to the proper administration of justice, information communicated to, or otherwise learned by, the provider in connection with the provision of critical incident stress management peer support may not be privileged and disclosure may be required.~~

All proceedings, communications, and records connected with the provision of critical incident stress peer support are confidential and are not subject to public records requests or compulsory legal process in any criminal or civil action unless waived

This section does not prohibit disclosure by a provider of critical incident stress management peer support of information concerning a person served when that disclosure is required by law, and this section does not modify or affect the provisions of Title 22, sections 4011-A to 4015, or, if the provider of critical incident stress management, in their judgement, feels the individual receiving critical incident stress peer support is a danger to themselves or to others.