

CHAPTER 501

CRITICAL INCIDENT STRESS MANAGEMENT TEAMS

§4201. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2009, c. 289, §1 (NEW).]

1. Critical incident. "Critical incident" means a work-related incident that causes or has the potential to cause an employee or member of a public safety agency or an organization involved in emergency care or response, a corrections officer as defined in section 2801-A, subsection 2 or an employee of a county jail or a detention or correctional facility operated by the Department of Corrections 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 officer, member or employee, fatal motor vehicle accidents, child abuse investigations, emergency care or response operations and death investigations.

[PL 2019, c. 89, §1 (AMD).]

1-A. Critical incident stress management peer support. "Critical incident stress management peer support" means services provided to an employee or member of a public safety agency or an organization involved in emergency care or response, a corrections officer as defined in section 2801-A, subsection 2 or an employee of a county jail or a detention or correctional facility operated by the Department of Corrections when that person has been involved in a critical incident that can reasonably have a devastating, long-lasting effect on that person. "Critical incident stress management peer support" includes assisting the employee, member or officer to appropriately process the trauma and stress and connecting that person to appropriate resources.

[PL 2019, c. 89, §2 (NEW).]

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

[PL 2019, c. 89, §2 (NEW).]

2. Critical incident stress management team. "Critical incident stress management team" means:

A. A team of critical incident stress management peer support persons designated by the chief or director of a public safety agency or of an organization involved in emergency care or response, the sheriff of a county jail or the head of a detention or correctional facility, or that person's designee; or [PL 2019, c. 89, §3 (NEW).]

B. A volunteer team coordinator by a nonprofit entity that is trained, in accordance with national best practices and standards established by rule by the Commissioner of Public Safety, to assist and provide critical incident stress management peer support. [PL 2019, c. 89, §3 (NEW).]

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

[PL 2019, c. 89, §3 (RPR).]

3. Criminal justice agency.

[PL 2019, c. 89, §4 (RP).]

4. Public safety agency.

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

[PL 2019, c. 89, §5 (NEW).]

SECTION HISTORY

PL 2009, c. 289, §1 (NEW). PL 2015, c. 112, §§1, 2 (AMD). PL 2019, c. 89, §§1-5 (AMD).

§4202. Critical incident stress management teams

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.

[PL 2019, c. 89, §6 (AMD).]

2. Mandatory disclosure of information. Unless 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; [PL 2009, c. 289, §1 (NEW).]

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 [PL 2009, c. 289, §1 (NEW).]

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. [PL 2009, c. 289, §1 (NEW).]

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

[PL 2009, c. 289, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 289, §1 (NEW). PL 2019, c. 89, §6 (AMD).

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