

CRITICAL INCIDENT STRESS MANAGEMENT SERVICES

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**Senate Bill 444 (as reported from House committee
without amendment)**

Analysis available at
<http://www.legislature.mi.gov>

Sponsor: Sen. Jim Stamas

House Committee: Health Policy

Senate Committee: Health Policy

Complete to 2-21-16

(Enacted as Public Act 40 of 2016)

BRIEF SUMMARY: Senate Bill 444 would add a section entitled "Critical Incident Stress Management Services" to the Public Health Code, which would (1) provide guidelines for services to emergency service providers suffering from stress caused by cumulative or incident-specific trauma, and make certain counseling communications confidential; (2) limit liability for critical incident stress management (CISM) services teams and team members; and (3) define relevant terms. The bill would take effect 90 days after enactment.

FISCAL IMPACT: The bill would not have a significant state or local fiscal impact.

THE APPARENT PROBLEM:

First responders are often exposed to traumatic events, and the aftermath of those events, as part of their daily work. Prompt, effective, readily available intervention can reduce symptoms, shorten recovery times, and enable affected responders to return to work, and to normal life, more quickly.

THE CONTENT OF THE BILL:

The bill would codify the existing practice whereby emergency service providers can obtain support from a group of volunteer peers, who compose a CISM team. The bill provides guidelines and defines relevant terms for CISM, and guarantees that those communications are confidential, with exceptions for safety and medical consultation.

Key terms defined in the bill

Critical incident stress means the acute or cumulative psychological stress or trauma that an emergency service provider may experience in providing emergency services in response to a critical incident. The stress of the trauma is an unusually strong emotional, cognitive, behavioral, or physical reaction that may interfere with normal functioning, including, but not limited to, one or more of the following:

- Physical and emotional illness;
- Failure of usual coping mechanisms;
- Loss of interest in the job or normal life activities;
- Personality changes;
- Loss of ability to function; or
- Psychological disruption of personal life, including relationships with a spouse, child, or friend.

Critical incident stress management services (CISM services) means services provided by a critical incident stress management team or team member to an emergency services provider affected by a critical incident, intended to mitigate reactions to critical incident stress. These services may include one or more of the following:

- Precrisis education;
- Critical incident stress defusings
- Critical incident stress debriefings;
- On-scene support services;
- One-on-one support services;
- Consultation; or
- Referral services.

Emergency service provider (ESP) means an individual who provides emergency response services, including a law enforcement officer, corrections officer, firefighter, emergency medical services provider, dispatcher, emergency response communication employee, or rescue service provider.

Confidentiality of counseling services for affected ESPs

Communications between an ESP and a CISM team member are confidential when the ESP is receiving counseling or any of the services listed above, under ***CISM services***. These communications are not to be disclosed in a civil, criminal, or administrative proceeding, and any record of these communications kept by the CISM team member are not subject to subpoena, discovery, or introduction into evidence in a civil, criminal, or administrative proceeding. This confidentiality does not apply to the following circumstances:

- The CISM team member reasonably needs to make an appropriate referral of, or consult about, the ESP with another CISM team member or appropriate professional associated with the CISM team.
- The ESP is or appears to be an imminent threat to himself or herself, a CISM team member, or any other individual.
- The communication conveys information relating to child or elder abuse.
- The ESP or the ESP's legal representative waives confidentiality.

Limits on liability for CISM teams and team members

Except in the case of medical malpractice, a CISM team or team member is not liable for damages related to the team or team member's act, error, or omission in performing CISM services, unless the act, error, or omission constitutes wanton, willful, or intentional misconduct. The bar on liability applies to personal injury, wrongful death, property damage, or other loss.

The bill would take effect 90 days after it was enacted, and would apply only to CISM services provided in relation to a critical incident that occurred on or after the effective date of the bill.

Proposed MCL 333.20981 to 333.20983

HOUSE COMMITTEE ACTION:

The members of the House Health Policy Committee reported out the Senate-passed version of Senate Bill 444 without amendment.

BACKGROUND INFORMATION:

The Michigan Crisis Response Association, which trains CISM teams was founded in 1988, in response to the 1987 Flight 255 plane crash at Detroit Metropolitan Wayne County Airport. There are approximately 56 registered teams in Michigan, whose membership is comprised of individuals from law enforcement, fire and emergency medical services, hospital staff, clergy, educators, and mental health professionals. Teams provide local assistance, but also travel throughout the state and nation, as needed, including to New York City to provide critical incident stress management services after the September 11, 2001, terrorist attacks.

For more information about critical incident stress management, please refer to the sources listed below.

- Website of the Michigan Crisis Response Association:
<http://www.mcrainc.net/joomla/>
- United States Occupational Health and Human Services Administration guide to critical incident stress:
<https://www.osha.gov/SLTC/emergencypreparedness/guides/critical.html>
- A Primer on Critical Incident Stress Management (CISM):
<https://www.dshs.state.tx.us/mhsa-disaster/cism/primer/>

ARGUMENTS:

No one testified or voted against these bills in committee, but committee members expressed concern that seeking help would open an emergency service provider up to the possibility of retaliation or discrimination. In response, CISM team members testified that one county will often request a CISM team from another county, in order to ensure that the affected emergency service provider feels comfortable speaking freely.

POSITIONS:

A representative of New Center Community Services testified in support of the bill. (2-2-16)

The Michigan Professional Firefighters Union supports the bill. (2-2-16)

The Michigan Association of Ambulance Services supports the bill. (2-2-16)

The Police Officer Association of Michigan supports the bill. (2-2-16)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent