

CRITICAL INCIDENT STRESS MANAGEMENT SERVICES

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Senate Bill 444 as passed by the Senate
Sponsor: Sen. Jim Stamas
House Committee: Health Policy
Senate Committee: Health Policy
Complete to 2-1-16

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.

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

BACKGROUND

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

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/>

FISCAL IMPACT:

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

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