



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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Senate Bill 444 (as reported without amendment)  
Sponsor: Senator Jim Stamas  
Committee: Health Policy

### **CONTENT**

The bill would add Part 209A (Critical Incident Stress Management Services) to the Public Health Code to do the following:

- Provide for the confidentiality of certain communications and records related to critical incident stress management (CISM) services (i.e., services provided to an emergency service provider to help him or her cope with the stress of a critical incident).
- Grant immunity from liability to a team or team member providing CISM services.

Specifically, except as otherwise provided, a communication made by an emergency service provider to a CISM team member while the provider received CISM services would be confidential and could not be disclosed in a civil, criminal, or administrative proceeding. A record kept by a CISM team member relating to the provision of CISM services to an emergency service provider by the team or a team member would be confidential and would not be subject to subpoena, discovery, or introduction into evidence in a civil, criminal, or administrative proceeding. Such a communication or record would not be confidential under certain circumstances, such as if the communication conveyed information that the emergency service provider was or appeared to be an imminent threat to himself or herself, a CISM team member, or any other individual.

Except as otherwise provided, a CISM team or a team member providing CISM services would not be liable for damages, including personal injury, wrongful death, property damage, or other loss related to the team's or team member's act, error, or omission in performing CISM services, unless the act, error, or omission constituted wanton, willful, or intentional misconduct. This liability protection would not apply with regard to an action for medical malpractice.

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.

Proposed MCL 333.20981-333.20983

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Date Completed: 10-21-15

Fiscal Analyst: Ryan Bergan