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Senate Bill 444 (as introduced 9-9-15)

Sponsor: Senator Jim Stamas Committee: Health Policy

Date Completed: 10-5-15

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 any of the following circumstances:

- -- The CISM team member reasonably needed to make an appropriate referral of the emergency service provider to, or consult about the provider with, another member of the CISM team or an appropriate professional associated with the team.
- -- 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
- -- The communication conveyed information relating to child or elder abuse.
- -- The emergency service provider or his or her legal representative expressly agreed that the provider's communication was not confidential.

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.

"Critical incident" would mean an actual or perceived event or situation that involves crisis, disaster, trauma, or emergency. "Critical incident stress management services" would mean services provided by a CISM management team or team member to an emergency service provider affected by a critical incident in order to assist the provider to cope with the stress

Page 1 of 2 sb444/1516 of the incident or to mitigate reactions to the stress. Critical incident stress management services would include any of the following:

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

"Emergency service provider" would mean an individual who provides emergency response services, including a law enforcement or corrections officer, firefighter, emergency medical services provider, dispatcher, emergency response communication employee, or rescue service provider. "Critical incident stress management team" would mean an organized community or local crisis response team that is a member of the Michigan Crisis Response Association Network. "Critical incident stress management team member" would mean an individual who is specially trained to provide CISM services as a member of a CISM team.

"Critical incident stress" would mean 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 bill states, "The stress or trauma is an unusually strong emotional, cognitive, behavior, or physical reaction that may interfere with normal functioning, including..." any 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.
- -- Psychological disruption of personal life, including his or her relationship with a spouse, child, or friend.

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.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.