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## BILL ANALYSIS



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Senate Bill 444 (as enacted)  
Sponsor: Senator Jim Stamas  
Senate Committee: Health Policy  
House Committee: Health Policy

**PUBLIC ACT 40 of 2016**

Date Completed: 12-29-16

**CONTENT**

**The bill added 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 receives CISM services is confidential and may 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 also is confidential and not subject to subpoena, discovery, or introduction into evidence in a civil, criminal, or administrative proceeding. Such a communication or record is not confidential under any of the following circumstances:

- The CISM team member reasonably needs 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 conveys information that the emergency service provider 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 emergency service provider or his or her legal representative expressly agrees that the provider's communication is not confidential.

Except as otherwise provided, a CISM team or a team member providing CISM services is not 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 constitutes wanton, willful, or intentional misconduct. This liability protection does not apply with regard to an action for medical malpractice.

The bill defines "critical incident" as an actual or perceived event or situation that involves crisis, disaster, trauma, or emergency. "Critical incident stress management services" means 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

of the incident or to mitigate reactions to the stress. Critical incident stress management services 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.

"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 bill states, "The stress or trauma is an unusually strong emotional, cognitive, behavior, or physical reaction that may interfere with normal functioning, including, but not limited to, 1 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.
- Psychological disruption of personal life, including his or her relationship with a spouse, child, or friend.

"Emergency service provider" means 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" means 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" means an individual who is specially trained to provide CISM services as a member of a CISM team.

The bill took effect on June 13, 2016, and applies only to CISM services provided in relation to a critical incident occurring on or after that date.

MCL 333.20981-333.20983

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bill will 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.