

SENATE BILL No. 444

September 9, 2015, Introduced by Senators STAMAS, SCHMIDT, JONES and ROBERTSON and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding part 209A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 209A

CRITICAL INCIDENT STRESS MANAGEMENT SERVICES

SEC. 20981. AS USED IN THIS PART:

(A) "CRITICAL INCIDENT" MEANS AN ACTUAL OR PERCEIVED EVENT OR
SITUATION THAT INVOLVES CRISIS, DISASTER, TRAUMA, OR EMERGENCY.

(B) "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 OR TRAUMA IS AN UNUSUALLY STRONG
EMOTIONAL, COGNITIVE, BEHAVIORAL, OR PHYSICAL REACTION THAT MAY

1 INTERFERE WITH NORMAL FUNCTIONING, INCLUDING, BUT NOT LIMITED TO, 1
2 OR MORE OF THE FOLLOWING:

3 (i) PHYSICAL AND EMOTIONAL ILLNESS.

4 (ii) FAILURE OF USUAL COPING MECHANISMS.

5 (iii) LOSS OF INTEREST IN THE JOB OR NORMAL LIFE ACTIVITIES.

6 (iv) PERSONALITY CHANGES.

7 (v) LOSS OF ABILITY TO FUNCTION.

8 (vi) PSYCHOLOGICAL DISRUPTION OF PERSONAL LIFE, INCLUDING HIS
9 OR HER RELATIONSHIP WITH A SPOUSE, CHILD, OR FRIEND.

10 (C) "CRITICAL INCIDENT STRESS MANAGEMENT SERVICES" OR "CISM
11 SERVICES" MEANS SERVICES PROVIDED BY A CRITICAL INCIDENT STRESS
12 MANAGEMENT TEAM OR A CRITICAL INCIDENT STRESS MANAGEMENT TEAM
13 MEMBER TO AN EMERGENCY SERVICE PROVIDER AFFECTED BY A CRITICAL
14 INCIDENT. CRITICAL INCIDENT STRESS MANAGEMENT SERVICES ARE DESIGNED
15 TO ASSIST AN EMERGENCY SERVICE PROVIDER AFFECTED BY A CRITICAL
16 INCIDENT TO COPE WITH CRITICAL INCIDENT STRESS OR TO MITIGATE
17 REACTIONS TO CRITICAL INCIDENT STRESS. CRITICAL INCIDENT STRESS
18 MANAGEMENT SERVICES INCLUDE 1 OR MORE OF THE FOLLOWING:

19 (i) PRECRISIS EDUCATION.

20 (ii) CRITICAL INCIDENT STRESS DEFUSINGS.

21 (iii) CRITICAL INCIDENT STRESS DEBRIEFINGS.

22 (iv) ON-SCENE SUPPORT SERVICES.

23 (v) ONE-ON-ONE SUPPORT SERVICES.

24 (vi) CONSULTATION.

25 (vii) REFERRAL SERVICES.

26 (D) "CRITICAL INCIDENT STRESS MANAGEMENT TEAM" OR "CISM TEAM"
27 MEANS AN ORGANIZED COMMUNITY OR LOCAL CRISIS RESPONSE TEAM THAT IS

1 A MEMBER OF THE MICHIGAN CRISIS RESPONSE ASSOCIATION NETWORK.

2 (E) "CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER" OR "CISM
3 TEAM MEMBER" MEANS AN INDIVIDUAL WHO IS SPECIALLY TRAINED TO
4 PROVIDE CRITICAL INCIDENT STRESS MANAGEMENT SERVICES AS A MEMBER OF
5 A CRITICAL INCIDENT STRESS MANAGEMENT TEAM.

6 (F) "EMERGENCY SERVICE PROVIDER" MEANS AN INDIVIDUAL WHO
7 PROVIDES EMERGENCY RESPONSE SERVICES, INCLUDING A LAW ENFORCEMENT
8 OFFICER, CORRECTIONS OFFICER, FIREFIGHTER, EMERGENCY MEDICAL
9 SERVICES PROVIDER, DISPATCHER, EMERGENCY RESPONSE COMMUNICATION
10 EMPLOYEE, OR RESCUE SERVICE PROVIDER.

11 SEC. 20982. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
12 A COMMUNICATION MADE BY AN EMERGENCY SERVICE PROVIDER TO A CISM
13 TEAM MEMBER WHILE THE EMERGENCY SERVICE PROVIDER RECEIVES CISM
14 SERVICES IS CONFIDENTIAL AND SHALL NOT BE DISCLOSED IN A CIVIL,
15 CRIMINAL, OR ADMINISTRATIVE PROCEEDING. A RECORD KEPT BY A CISM
16 TEAM MEMBER RELATING TO THE PROVISION OF CISM SERVICES TO AN
17 EMERGENCY SERVICE PROVIDER BY THE CISM TEAM OR A CISM TEAM MEMBER
18 IS CONFIDENTIAL AND IS NOT SUBJECT TO SUBPOENA, DISCOVERY, OR
19 INTRODUCTION INTO EVIDENCE IN A CIVIL, CRIMINAL, OR ADMINISTRATIVE
20 PROCEEDING.

21 (2) A COMMUNICATION OR RECORD DESCRIBED IN SUBSECTION (1) IS
22 NOT CONFIDENTIAL IF ANY OF THE FOLLOWING CIRCUMSTANCES EXIST:

23 (A) THE CISM TEAM MEMBER REASONABLY NEEDS TO MAKE AN
24 APPROPRIATE REFERRAL OF THE EMERGENCY SERVICE PROVIDER TO OR
25 CONSULT ABOUT THE EMERGENCY SERVICE PROVIDER WITH ANOTHER MEMBER OF
26 THE CISM TEAM OR AN APPROPRIATE PROFESSIONAL ASSOCIATED WITH THE
27 CISM TEAM.

1 (B) THE COMMUNICATION CONVEYS INFORMATION THAT THE EMERGENCY
2 SERVICE PROVIDER IS OR APPEARS TO BE AN IMMINENT THREAT TO HIMSELF
3 OR HERSELF, A CISM TEAM MEMBER, OR ANY OTHER INDIVIDUAL.

4 (C) THE COMMUNICATION CONVEYS INFORMATION RELATING TO CHILD OR
5 ELDER ABUSE.

6 (D) THE EMERGENCY SERVICE PROVIDER OR THE LEGAL REPRESENTATIVE
7 OF THE EMERGENCY SERVICE PROVIDER EXPRESSLY AGREES THAT THE
8 EMERGENCY SERVICE PROVIDER'S COMMUNICATION IS NOT CONFIDENTIAL.

9 SEC. 20983. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
10 (2), A CISM TEAM OR A CISM TEAM MEMBER PROVIDING CISM SERVICES IS
11 NOT LIABLE FOR DAMAGES, INCLUDING PERSONAL INJURY, WRONGFUL DEATH,
12 PROPERTY DAMAGE, OR OTHER LOSS RELATED TO THE CISM TEAM'S OR CISM
13 TEAM MEMBER'S ACT, ERROR, OR OMISSION IN PERFORMING CISM SERVICES,
14 UNLESS THE ACT, ERROR, OR OMISSION CONSTITUTES WANTON, WILLFUL, OR
15 INTENTIONAL MISCONDUCT.

16 (2) SUBSECTION (1) DOES NOT APPLY TO AN ACTION FOR MEDICAL
17 MALPRACTICE.

18 Enacting section 1. This amendatory act applies only to
19 critical incident stress management services provided in relation
20 to a critical incident that occurs on or after 90 days after the
21 date this amendatory act is enacted into law.

22 Enacting section 2. This amendatory act takes effect 90 days
23 after the date it is enacted into law.