

Act No. 40
Public Acts of 2016
Approved by the Governor
March 15, 2016
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March 15, 2016
EFFECTIVE DATE: June 13, 2016

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Senators Stamas, Schmidt, Jones and Robertson

ENROLLED SENATE BILL No. 444

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (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 interfere with normal functioning, including, but not limited to, 1 or more of the following:
 - (i) Physical and emotional illness.

- (ii) Failure of usual coping mechanisms.
- (iii) Loss of interest in the job or normal life activities.
- (iv) Personality changes.
- (v) Loss of ability to function.
- (vi) Psychological disruption of personal life, including his or her relationship with a spouse, child, or friend.

(c) “Critical incident stress management services” or “CISM services” means services provided by a critical incident stress management team or a critical incident stress management team member to an emergency service provider affected by a critical incident. Critical incident stress management services are designed to assist an emergency service provider affected by a critical incident to cope with critical incident stress or to mitigate reactions to critical incident stress. Critical incident stress management services include 1 or more of the following:

- (i) Precrisis education.
- (ii) Critical incident stress defusings.
- (iii) Critical incident stress debriefings.
- (iv) On-scene support services.
- (v) One-on-one support services.
- (vi) Consultation.
- (vii) Referral services.

(d) “Critical incident stress management team” or “CISM team” means an organized community or local crisis response team that is a member of the Michigan Crisis Response Association Network.

(e) “Critical incident stress management team member” or “CISM team member” means an individual who is specially trained to provide critical incident stress management services as a member of a critical incident stress management team.

(f) “Emergency service provider” 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.

Sec. 20982. (1) Except as otherwise provided in this section, a communication made by an emergency service provider to a CISM team member while the emergency service provider receives CISM services is confidential and shall 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 CISM team or a CISM team member is confidential and is not subject to subpoena, discovery, or introduction into evidence in a civil, criminal, or administrative proceeding.

(2) A communication or record described in subsection (1) is not confidential if any of the following circumstances exist:

(a) The CISM team member reasonably needs to make an appropriate referral of the emergency service provider to or consult about the emergency service provider with another member of the CISM team or an appropriate professional associated with the CISM team.

(b) 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.

(c) The communication conveys information relating to child or elder abuse.

(d) The emergency service provider or the legal representative of the emergency service provider expressly agrees that the emergency service provider’s communication is not confidential.

Sec. 20983. (1) Except as otherwise provided in subsection (2), a CISM team or a CISM team member providing CISM services is not liable for damages, including personal injury, wrongful death, property damage, or other loss related to the CISM team’s or CISM team member’s act, error, or omission in performing CISM services, unless the act, error, or omission constitutes wanton, willful, or intentional misconduct.

(2) Subsection (1) does not apply to an action for medical malpractice.

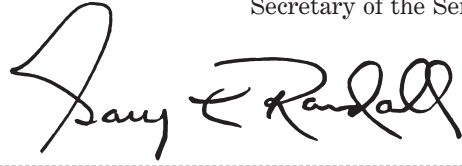
Enacting section 1. This amendatory act applies only to critical incident stress management services provided in relation to a critical incident that occurs on or after 90 days after the date this amendatory act is enacted into law.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor