

1 H.342

2 Introduced by Representative Emmons of Springfield

3 Referred to Committee on

4 Date:

5 Subject: Health; mental health; emergency service providers; peer support
6 counseling; confidentiality

7 Statement of purpose of bill as introduced: This bill proposes to require that
8 communications made during the course of emergency service provider peer
9 support counseling remain confidential.

10 An act relating to confidentiality for peer support counseling among
11 emergency service providers

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 18 V.S.A. § 7257c is added to read:

14 § 7257c. CONFIDENTIALITY; PEER SUPPORT COUNSELING FOR
15 EMERGENCY SERVICE PROVIDERS

16 (a) As used in this section:

17 (1) “Critical incident stress management program” means a program
18 established by the employer of emergency service providers to provide
19 counseling or support services to emergency service providers working in a
20 paid or volunteer capacity.

1 (2) “Emergency service provider” means an individual:

2 (A) currently recognized by a Vermont fire department as a
3 firefighter;

4 (B) currently licensed by the Department of Health as an emergency
5 medical technician, an emergency medical responder, an advanced emergency
6 medical technician, or a paramedic;

7 (C) currently certified as a law enforcement officer by the Vermont
8 Criminal Justice Council, including constables and sheriffs;

9 (D) currently employed by the Department of Corrections as a
10 probation, parole, or correctional facility officer;

11 (E) currently certified by the Vermont Enhanced 911 Board as a 911
12 call taker or employed as an emergency communications dispatcher providing
13 service for an emergency service provider organization; or

14 (F) currently registered as a ski patroller at a Vermont ski resort with
15 the National Ski Patrol or Professional Ski Patrol Association.

16 (3) “Employer” means an entity that employs or oversees emergency
17 service providers working in a paid or volunteer capacity, including a State or
18 local agency, such as a county sheriff, municipal police department, Vermont
19 State Police, or any State or local public body that employs or oversees
20 volunteer emergency service providers.

1 (4) “Peer support counseling session” means a critical incident stress
2 management program session for emergency service providers who have been
3 involved in a traumatic incident by reason of their employment or volunteer
4 service.

5 (b)(1) Except as provided in subsection (d) of this section, any
6 communication made by a participant or counselor in a peer support
7 counseling session of a critical incident stress management program
8 established by an employer of emergency service providers, including any oral
9 or written information conveyed during a peer support counseling session,
10 shall not be disclosed by any individual participating in the peer counseling
11 session.

12 (2) Except as provided by subsection (d) of this section, any
13 communication relating to a peer support counseling session between
14 counselors, between counselors and other staff members of a critical incident
15 stress management program, or between staff members of a critical incident
16 stress management program, including any oral or written information, shall
17 not be disclosed by any individual participating in the communication.

18 (3) Written communications described in this subsection, such as notes,
19 records, and reports related to a peer counseling session, are exempt from
20 public inspection and copying under the Public Records Act and shall be kept
21 confidential. The Public Records Act exemptions created in this section shall

1 not be subject to the provisions of 1 V.S.A. § 317(e) (repeal of Public Records
2 Act exemptions).

3 (c) Except as provided by subsection (d) of this section, any
4 communication made by a participant or counselor in a peer support
5 counseling session, including any oral or written communication, such as
6 notes, records, and reports related to the peer counseling session, shall not be
7 admissible in a judicial, administrative, or arbitration proceeding. Limitations
8 on disclosure imposed by this subsection include disclosure during any
9 discovery conducted as part of an adjudicatory proceeding. Limitations on
10 disclosure imposed by this subsection shall not include knowledge acquired by
11 an emergency service provider from observations made during the course of
12 employment or volunteer service or information acquired by the emergency
13 service provider during the course of employment or volunteer service that is
14 otherwise subject to discovery or introduction into evidence.

15 (d)(1) Confidentiality protections described in subsections (b) and (c) of
16 this section shall only apply to a peer support counseling session conducted by
17 an individual who has:

18 (A) been designated by an employer or a critical incident stress
19 management program to act as a counselor; and

20 (B) received training in counseling and providing emotional and
21 moral support to emergency service providers who have been involved in

1 emotionally traumatic incidents by reason of their employment or volunteer
2 service.

3 (2) Confidentiality protections described in subsections (b) and (c) of
4 this section shall not apply to the following information as it pertains to an
5 individual designated to receive such information in the normal course the
6 individual's professional responsibilities:

7 (A) any threat of suicide or homicide made by a participant of a peer
8 support counseling session or any information conveyed in a peer support
9 counseling session relating to a threat of suicide or homicide;

10 (B) any information relating to the abuse of a child or vulnerable
11 adult, or other information that is required to be reported by law;

12 (C) any admission of criminal conduct; or

13 (D) any admission of a plan to commit a crime.

14 (e) Nothing in this section shall prohibit any communications between
15 counselors regarding a peer support counseling session or between counselors
16 and other staff members of a critical incident stress management program.

17 (f) An employer shall not be liable for any disclosure made in violation of
18 this section by an emergency service provider who participates in a peer
19 support counseling session.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on July 1, 2023.