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H.270

An act relating to confidentiality in peer support sessions for emergency service providers

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

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

§ 7257c. CONFIDENTIALITY; PEER SUPPORT FOR EMERGENCY

SERVICE PROVIDERS

(a) As used in this section:

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

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

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

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

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

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

1 (F) currently registered as a ski patroller at a Vermont ski resort with
2 the National Ski Patrol or Professional Ski Patrol Association;

3 (G) currently working as a mental health professional in a crisis
4 setting who is licensed, certified, or rostered, respectively, to provide mental
5 health services as a physician pursuant to 26 V.S.A. chapter 23 or 33; an
6 advance practice registered nurse specializing in psychiatric mental health
7 pursuant to 26 V.S.A. chapter 28; a psychologist pursuant to 26 V.S.A. chapter
8 55; a peer support provider or peer recovery support specialist pursuant to 26
9 V.S.A. chapter 60; a social worker pursuant to 26 V.S.A. chapter 6; an alcohol
10 and drug abuse counselor pursuant to 26 V.S.A. chapter 62; a clinical mental
11 health counselor pursuant to 26 V.S.A. chapter 65; a marriage and family
12 therapist pursuant to 26 V.S.A. chapter 76; a psychoanalyst pursuant to 26
13 V.S.A. chapter 77; an applied behavior analyst pursuant to 26 V.S.A. chapter
14 95; or a nonlicensed or noncertified psychotherapist, noncertified
15 psychoanalyst, or any other professional that provides mental health services;

16 or

17 (H) currently serving as a medical examiner or assistant medical
18 examiner as appointed by the Chief Medical Examiner.

19 (2) “Employer” means an entity that employs or oversees emergency
20 service providers working in a paid or volunteer capacity.

1 (3) “Peer support communication” means an oral or written
2 communication made in the course of a peer support session; a note or report
3 arising out of a peer support session; or a record of a peer support session.

4 (4) “Peer support program” means a program to provide support
5 services to emergency service providers working in a paid or volunteer
6 capacity.

7 (5) “Peer support session” means an individual or group peer support
8 session provided by a peer support specialist for emergency service providers
9 who have been involved in a potentially traumatizing event or are suffering
10 from cumulative or chronic emotional stress by reason of their employment or
11 volunteer service or related to other personal matters.

12 (6)(A) “Emergency service peer support specialist” means an individual
13 who:

14 (i) has been designated by an employer to serve as a member of an
15 employer-based peer support program or designated by a peer support program
16 to act as a peer support resource;

17 (ii) has received training in providing peer support to emergency
18 service providers who have been involved in potentially traumatizing events by
19 reason of their employment or volunteer service; or

20 (iii) is otherwise a member of an organized and recognized
21 Vermont peer support program.

1 (B) “Emergency service peer support specialist” shall not be
2 construed to have the same meaning as a “certified peer support provider”
3 defined pursuant to 26 V.S.A. § 3191.

4 (b)(1) Except as provided in subsection (d) of this section:

5 (A) any peer support communication made by a participant in a peer
6 support session of a peer support program led by an emergency service peer
7 support specialist shall not be disclosed by any individual participating in the
8 peer support session; and

9 (B) any peer support communication relating to a peer support
10 session led by an emergency service peer support specialist between the
11 emergency service peer support specialist and another staff member of the peer
12 support program or between staff members of a peer support program shall not
13 be disclosed by any individual participating in the peer support
14 communication.

15 (2) Written peer support communications are exempt from public
16 inspection and copying under the Public Records Act and shall be kept
17 confidential. The Public Records Act exemptions created in this section shall
18 not be subject to the provisions of 1 V.S.A. § 317(e) (repeal of Public Records
19 Act exemptions).

20 (c) Except as provided by subsection (d) of this section, any peer support
21 communication made by a participant or emergency service peer support

1 specialist in a peer support session led by an emergency service peer support
2 specialist shall not be admissible in a judicial, administrative, or arbitration
3 proceeding, including during any discovery conducted as part of an
4 adjudicatory proceeding. Limitations on disclosure imposed by this subsection
5 shall not include knowledge acquired by an emergency service provider from
6 observations made during the course of employment or volunteer service or
7 information acquired by the emergency service provider during the course of
8 employment or volunteer service that is otherwise subject to discovery or
9 introduction into evidence.

10 (d)(1) Confidentiality protections described in subsections (b) and (c) of
11 this section shall not apply to the following information as it pertains to an
12 individual designated to receive such information in the normal course of the
13 individual's professional responsibilities:

14 (A) any threat of suicide or homicide made by a participant of a peer
15 support session or any information conveyed in a peer support session relating
16 to a threat of suicide or homicide;

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

19 (C) any admission of conduct likely to pose a risk to public safety; or

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

1 (2) Nothing in this section shall prohibit:

2 (A) any communications between emergency service peer support
3 specialists regarding a peer support session or between an emergency service
4 peer support specialist and another staff member of a peer support program;
5 and

6 (B) an emergency service peer support specialist or an emergency
7 service provider participating in a peer support session from disclosing
8 personal experiences or emotions discussed during the peer support session to
9 the extent that such a disclosure is consistent with the participant's obligations
10 under the Health Insurance Portability and Accountability Act of 1996, Pub. L.
11 104-191, and its associated regulations.

12 (e) An employer, emergency service peer support specialist, or peer support
13 program shall not be subject to civil liability for any injuries or damages
14 arising from the provision of peer support services or for any disclosure made
15 in violation of this section by an emergency service provider who participates
16 in a peer support session unless the conduct of the employer, emergency
17 service peer support specialist, or peer support program constitutes gross
18 negligence, recklessness, or intentional misconduct.

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on July 1, 2026.