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H.270

Introduced by Representatives Krasnow of South Burlington, Burt of Cabot,
Carris-Duncan of Whitingham, Coffin of Cavendish, Dodge of
Essex, Dolgin of St. Johnsbury, Graning of Jericho, Howard of
Rutland City, Kleppner of Burlington, Labor of Morgan,
LaMont of Morristown, Luneau of St. Albans City, McCann of
Montpelier, McGill of Bridport, Minier of South Burlington,
Nugent of South Burlington, Olson of Starksboro, Pouech of
Hinesburg, Priestley of Bradford, Rachelson of Burlington, and
Wells of Brownington

Referred to Committee on

Date:

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

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

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

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

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

3 § 7257c. CONFIDENTIALITY; PEER SUPPORT COUNSELING FOR
4 EMERGENCY SERVICE PROVIDERS

5 (a) As used in this section:

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

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

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

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

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

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

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

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

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

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

15 (b)(1) Except as provided in subsection (d) of this section, any
16 communication made by a participant or counselor in a peer support
17 counseling session of a critical incident stress management program
18 established by an employer of emergency service providers, including any oral
19 or written information conveyed during a peer support counseling session,
20 shall not be disclosed by any individual participating in the peer counseling
21 session.

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

7 (3) Written communications described in this subsection, such as notes,
8 records, and reports related to a peer counseling session, are exempt from
9 public inspection and copying under the Public Records Act and shall be kept
10 confidential. The Public Records Act exemptions created in this section shall
11 not be subject to the provisions of 1 V.S.A. § 317(e) (repeal of Public Records
12 Act exemptions).

13 (c) Except as provided by subsection (d) of this section, any
14 communication made by a participant or counselor in a peer support
15 counseling session, including any oral or written communication, such as
16 notes, records, and reports related to the peer counseling session, shall not be
17 admissible in a judicial, administrative, or arbitration proceeding. Limitations
18 on disclosure imposed by this subsection include disclosure during any
19 discovery conducted as part of an adjudicatory proceeding. Limitations on
20 disclosure imposed by this subsection shall not include knowledge acquired by
21 an emergency service provider from observations made during the course of

1 employment or volunteer service or information acquired by the emergency
2 service provider during the course of employment or volunteer service that is
3 otherwise subject to discovery or introduction into evidence.

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

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

9 (B) received training in counseling and providing emotional and
10 moral support to emergency service providers who have been involved in
11 emotionally traumatic incidents by reason of their employment or volunteer
12 service.

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

17 (A) any threat of suicide or homicide made by a participant of a peer
18 support counseling session or any information conveyed in a peer support
19 counseling session relating to a threat of suicide or homicide;

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

1 (C) any admission of criminal conduct; or

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

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

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

9 Sec. 2. EFFECTIVE DATE

10 This act shall take effect on July 1, 2025.