

1 H.270

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

11 Referred to Committee on

12 Date:

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

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

18 ~~An act relative to confidentiality for peer support counseling among~~
19 ~~emergency service providers~~

An act relating to confidentiality in peer support sessions for 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.~~

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;

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

(G) currently working as a mental health professional in a crisis setting who is licensed, certified, or rostered, respectively, to provide mental health services as a physician pursuant to 26 V.S.A. chapter 23 or 33; an advance practice registered nurse specializing in psychiatric mental health pursuant to 26 V.S.A. chapter 28; a psychologist pursuant to 26 V.S.A. chapter 55; a peer support provider or peer recovery support specialist pursuant to 26 V.S.A. chapter 60; a social worker pursuant to 26 V.S.A. chapter 61; an alcohol and drug abuse counselor pursuant to 26 V.S.A. chapter 62; a clinical mental health counselor pursuant to 26 V.S.A. chapter 65; a marriage and family therapist pursuant to 26 V.S.A. chapter 76; a psychoanalyst pursuant to 26 V.S.A. chapter 77; an applied behavior analyst pursuant to 26 V.S.A. chapter 95; or a nonlicensed or noncertified psychotherapist, noncertified

psychoanalyst, or any other professional that provides mental health services;

or

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

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

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

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

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

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

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

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

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

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

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

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

(B) any peer support communication relating to a peer support session led by an emergency service peer support specialist between the emergency service peer support specialist and another staff member of the peer support program or between staff members of a peer support program shall not

be disclosed by any individual participating in the peer support communication.

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

(c) Except as provided by subsection (d) of this section, any peer support communication made by a participant or emergency service peer support specialist in a peer support session led by an emergency service peer support specialist shall not be admissible in a judicial, administrative, or arbitration proceeding, including during any discovery conducted as part of an adjudicatory proceeding. Limitations on disclosure imposed by this subsection shall not include knowledge acquired by an emergency service provider from observations made during the course of employment or volunteer service or information acquired by the emergency service provider during the course of employment or volunteer service that is otherwise subject to discovery or introduction into evidence.

(d)(1) Confidentiality protections described in subsections (b) and (c) of this section shall not apply to the following information as it pertains to an

individual designated to receive such information in the normal course of the individual's professional responsibilities:

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

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

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

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

(2) Nothing in this section shall prohibit:

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

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

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

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2026.