

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred House Bill No. 270
3 entitled “An act relating to confidentiality for peer support counseling among
4 emergency service providers” respectfully reports that it has considered the
5 same and recommends that the bill be amended by striking out all after the
6 enacting clause and inserting in lieu thereof the following:

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

8 § 7257c. CONFIDENTIALITY; PEER SUPPORT COUNSELING FOR
9 EMERGENCY SERVICE PROVIDERS

10 (a) As used in this section:

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

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

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

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

19 (D) currently employed by the Department of Corrections as a
20 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;

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 (G) currently working as a mental health professional in a crisis
7 setting who is licensed, certified, or rostered, respectively, to provide mental
8 health services as a physician pursuant to 26 V.S.A. chapter 23 or 33; an
9 advance practice registered nurse specializing in psychiatric mental health
10 pursuant to 26 V.S.A. chapter 28; a psychologist pursuant to 26 V.S.A. chapter
11 55; a peer support provider or peer recovery support specialist pursuant to 26
12 V.S.A. chapter 60; a social worker pursuant to 26 V.S.A. chapter 6; an alcohol
13 and drug abuse counselor pursuant to 26 V.S.A. chapter 62; a clinical mental
14 health counselor pursuant to 26 V.S.A. chapter 65; a marriage and family
15 therapist pursuant to 26 V.S.A. chapter 76; a psychoanalyst pursuant to 26
16 V.S.A. chapter 77; an applied behavior analyst pursuant to 26 V.S.A. chapter
17 95; or a nonlicensed or noncertified psychotherapist, noncertified
18 psychoanalyst, or any other professional that provides mental health services;

19 (H) currently appointed with the Department of Health as a
20 medicolegal death investigator;or

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

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

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

8 (4) “Peer support program” means a program established or accessed by
9 the employer of emergency service providers to provide support services to
10 emergency service providers working in a paid or volunteer capacity.

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

16 (6)(A) “Peer support specialist” means an individual who is:

17 (i) a member of an organized and recognized Vermont peer
18 support program:

19 (ii) an emergency service provider who has received training in
20 providing peer support services from a recognized training resource; or

21 (iii) a member of an employer-based peer support program.

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

4 (b)(1) Except as provided in subsection (d) of this section, any peer support
5 communication made by a participant in a peer support session of a peer
6 support program established or accessed by an employer of emergency service
7 providers shall not be disclosed by any individual participating in the peer
8 support session.

9 (2) Except as provided by subsection (d) of this section, any peer
10 support communication relating to a peer support session between a peer
11 support specialist and another staff member of the peer support program or
12 between staff members of a peer support program shall not be disclosed by any
13 individual participating in the peer support communication.

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

19 (c) Except as provided by subsection (d) of this section, any peer support
20 communication made by a participant or peer support specialist in a peer
21 support session shall not be admissible in a judicial, administrative, or

1 arbitration proceeding. Limitations on disclosure imposed by this subsection
2 include disclosure during any discovery conducted as part of an adjudicatory
3 proceeding. Limitations on disclosure imposed by this subsection shall not
4 include knowledge acquired by an emergency service provider from
5 observations made during the course of employment or volunteer service or
6 information acquired by the emergency service provider during the course of
7 employment or volunteer service that is otherwise subject to discovery or
8 introduction into evidence.

9 (d)(1) Confidentiality protections described in subsections (b) and (c) of
10 this section shall only apply to a peer support session conducted by a peer
11 support specialist who has:

12 (A) been designated by an employer or a peer support program to act
13 as a peer support resource; and

14 (B) received training in providing peer support to emergency service
15 providers who have been involved in potentially traumatizing events by reason
16 of their employment or volunteer service.

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

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

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

6 (C) any admission of criminal conduct; or

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

8 (e) Nothing in this section shall prohibit any communications between peer
9 support specialists regarding a peer support session or between a peer support
10 specialist and another staff member of a peer support program.

11 (f) An employer shall not be subject to civil liability for any disclosure
12 made in violation of this section by an emergency service provider who
13 participates in a peer support session.

14 (g) A peer support specialist or peer support program providing peer
15 support shall not be subject to civil liability for any injuries or damages arising
16 from the provision of peer support services unless the conduct of the peer
17 support specialist or peer support program constitutes gross negligence,
18 recklessness, or intentional misconduct.

19 Sec. 2. EFFECTIVE DATE

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

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2 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE