

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 or

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

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

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

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

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

14 (6)(A) “Peer support specialist” means an individual who:
15 (i) has been designated by an employer to serve as a member of an
16 employer-based peer support program or designated by a peer support program
17 to act as a peer support resource;
18 (ii) has received training in providing peer support to emergency
19 service providers who have been involved in potentially traumatizing events by
20 reason of their employment or volunteer service; or

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

3 (B) “Peer support specialist” shall not be construed to have the same
4 meaning as a “certified peer support provider” defined pursuant to 26 V.S.A.
5 § 3191.

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

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

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

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

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

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

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

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

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

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

1 (2) Nothing in this section shall prohibit:

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

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

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

17 Sec. 2. EFFECTIVE DATE

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

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21 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE