

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 FOR EMERGENCY

9 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 to provide support
7 services to emergency service providers working in a paid or volunteer
8 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) “Emergency service peer support specialist” means an individual
15 who:

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

19 (ii) has received training in providing peer support to emergency
20 service providers who have been involved in potentially traumatizing events by
21 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) “Emergency service peer support specialist” shall not be
4 construed to have the same meaning as a “certified peer support provider”
5 defined pursuant to 26 V.S.A. § 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 an emergency service peer
9 support specialist shall not be disclosed by any individual participating in the
10 peer support session; and

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

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

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

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

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

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

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

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

2 (2) Nothing in this section shall prohibit:

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

7 (B) an emergency service peer support specialist or an emergency
8 service provider participating in a peer support session from disclosing
9 personal experiences or emotions discussed during the peer support session to
10 the extent that such a disclosure is consistent with the participant's obligations
11 under the Health Insurance Portability and Accountability Act of 1996, Pub. L.
12 104-191, and its associated regulations.

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

20 Sec. 2. EFFECTIVE DATE

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

1 and that after passage the title of the bill be amended to read: “An act relating
2 to confidentiality in peer support sessions for emergency service providers”

3

4 (Committee vote: _____)

5

6

Representative _____

7

FOR THE COMMITTEE