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H.270

An act relating to confidentiality in peer support sessions for emergency service providers

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

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;

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

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

16           or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20          (c) Except as provided by subsection (d) of this section, any peer support  
21          communication made by a participant or emergency service peer support

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

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

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

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

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

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

1           (2) Nothing in this section shall prohibit:

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

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

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

19       Sec. 2. EFFECTIVE DATE

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