

Chapter 329
of the Acts of 2018

T H E C O M M O N W E A L T H O F M A S S A C H U S E T T S

In the One Hundred and Ninetieth General Court

AN ACT RELATIVE TO CRITICAL INCIDENT INTERVENTION BY EMERGENCY SERVICE PROVIDERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith critical incident intervention services for emergency service providers, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 233 of the General Laws is hereby amended by inserting after section 20N the following sections:-

Section 200. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Certified emergency service provider", an emergency service provider certified by the Massachusetts Peer Support Network or International Critical Incident Stress Foundation, Inc.

"Crisis intervention", immediate short-term psychological care provided by a certified emergency service provider providing critical incident stress management to an emergency service provider after said emergency service provider's response to a critical incident.

"Crisis intervention services", consultation, counseling, debriefing, defusing, intervention services, prevention or referral.

"Critical incident", an event resulting in psychological stress or trauma to an emergency service provider as a result of said emergency service provider's response to the incident.

"Critical incident stress management", a program designed to assist an emergency service provider in coping with the psychological stress or trauma resulting from said emergency service providers response to a critical incident.

"Emergency service provider", an active or retired law enforcement officer, police officer, state police trooper, sheriff or deputy sheriffs, firefighter, or emergency medical personnel.

"Secretary", the secretary of the executive office of public safety and homeland security.

(b) (i) Information provided by an emergency service provider to a certified emergency service provider or licensed mental health professional as

part of crisis intervention services provided by the certified emergency service provider or licensed mental health professional to the emergency service provider shall be confidential and the certified emergency service provider or licensed mental health professional shall not be required or compelled to testify or otherwise divulge any information provided by an emergency service provider to the certified emergency service provider or licensed mental health professional as part of crisis intervention services performed by the certified emergency service provider or licensed mental health professional, except as provided by subsection (c).

(ii) Information provided by an emergency service provider to a certified emergency service provider or licensed mental health professional as part of crisis intervention services provided by the certified emergency service provider or licensed mental health professional to the emergency service provider shall be confidential and shall not be disclosed to a third party, except as provided by subsection (c).

(c) Subsection (b) shall not apply to information provided by an emergency service provider to a certified emergency service provider or licensed mental health professional as part of crisis intervention services provided by the certified emergency service provider or licensed mental health professional to the emergency service provider if:

(i) the certified emergency service provider or licensed mental health professional providing crisis intervention services has reasonable cause to believe that the emergency service provider receiving the crisis intervention services is in need of treatment in a hospital for mental or emotional illness or that there is a threat of imminently dangerous activity by the emergency service provider receiving the crisis intervention services against himself or herself or another person;

(ii) the certified emergency service provider or licensed mental health professional providing crisis intervention services has reasonable cause to believe that the emergency service provider receiving the crisis intervention services has engaged in conduct required to be reported pursuant to section 51A of chapter 119;

(iii) the certified emergency service provider or licensed mental health professional providing crisis intervention services has reasonable cause to believe that the emergency service provider receiving the crisis intervention services has engaged in conduct in violation of any federal or state law;

(iv) the certified emergency service provider or licensed mental health professional providing crisis intervention services has reasonable cause to believe that the emergency service provider receiving the crisis intervention services has admitted to criminal conduct;

(v) the certified emergency service provider or licensed mental health professional providing crisis intervention services has reasonable cause to believe that the emergency service provider receiving the crisis intervention

services has admitted to conduct that constitutes a violation of the laws that are normally enforced by the entity for which the emergency service provider receiving the crisis intervention services is employed;

(vi) the certified emergency service provider or licensed mental health professional providing crisis intervention services was an initial emergency service responder, a witness, or a party to the critical incident that prompted an emergency service provider to engage in crises intervention services; or

(vii) the emergency service provider receiving the crisis intervention services waives confidentiality and gives express consent for the certified emergency service provider or licensed mental health professional to testify or the emergency service provider receiving the crisis intervention services otherwise divulges information related to such services to any third party.

(d) An emergency service provider who provides crisis intervention services to emergency service providers pursuant to this section shall: (i) be certified by the Massachusetts Peer Support Network or International Critical Incident Stress Foundation, Inc.; (ii) provide documentation of such certification to their employer; and (iii) annually provide their employer with proof of such certification.

An entity employing a certified emergency service provider shall maintain the documentation provided by the employee under this subsection of the employee's certification by the Massachusetts Peer Support Network or the International Critical Incident Stress Foundation, Inc. Such documentation shall be made available at the request of the secretary.

(e) If an entity employing a certified emergency service provider determines that an employee has violated this section, the entity shall promptly notify in writing the Massachusetts Peer Support Network and or the International Critical Incident Stress Foundation, Inc. of the violation. An employee that violates this section shall be considered decertified and shall not be eligible to provide crisis intervention services as a certified emergency service provider for a period of 5 years.

SECTION 2. This act shall take effect on January 1, 2019.

House of Representatives, December 20, 2018.

Preamble adopted,

 , Speaker.

In Senate, December 20, 2018.

Preamble adopted,

 , President.

House of Representatives, December 20, 2018.

Bill passed to be enacted,

Paul J. Donato, Speaker.

In Senate, December 20, 2018.

Bill passed to be enacted,

Michael J. Hughes, President.

December 28, 2018.

Approved,

at *12* o'clock and *17* minutes, *P*. M.

Andrew D. Bunt

Governor.