



March 22, 2017

ENGROSSED HOUSE BILL No. 1122

DIGEST OF HB 1122 (Updated March 21, 2017 11:01 am - DI 128)

Citations Affected: IC 34-30; IC 36-8.

Synopsis: Critical incident stress management services. Provides confidentiality protection to communications that emergency responders make to critical incident stress management personnel or records that are generated by critical incident stress management personnel after providing critical incident stress management services to emergency responders following a critical incident. Provides that critical incident stress management personnel are immune from liability for any acts, errors, or omissions committed in providing critical incident stress management services to emergency responders, unless the act, error, or omission constitutes wanton, willful, or intentional misconduct.

Effective: July 1, 2017.

Wesco, Macer, Zent, Frye R

(SENATE SPONSORS — ZAKAS, CRIDER, DELPH, NIEZGODSKI,
SANDLIN, MELTON, DORIOT, NIEMEYER, MRVAN)

January 5, 2017, read first time and referred to Committee on Veterans Affairs and Public Safety.

January 18, 2017, amended, reported — Do Pass.

January 23, 2017, read second time, ordered engrossed. Engrossed.

January 24, 2017, read third time, passed. Yeas 91, nays 0.

SENATE ACTION

February 20, 2017, read first time and referred to Committee on Homeland Security and Transportation.

March 21, 2017, amended, reported favorably — Do Pass.

EH 1122—LS 7011/DI 130



March 22, 2017

First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1122

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-30-2-154.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2017]: **Sec. 154.7. IC 36-8-2.5-3 (Concerning**
4 **critical incident stress management services).**

5 SECTION 2. IC 36-8-2.5 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2017]:

8 **Chapter 2.5. Critical Incident Stress Management Services**

9 **Sec. 1. The following definitions apply throughout this chapter:**
10 (1) "Critical incident" means an actual or perceived event or
11 situation that involves crisis, disaster, trauma, or emergency.
12 (2) "Critical incident stress" means the acute or cumulative
13 psychological stress or trauma that an emergency responder
14 may experience in providing emergency services in response
15 to a critical incident. The stress or trauma is an unusually
16 strong emotional, cognitive, behavioral, or physical reaction
17 that may interfere with normal functioning by causing:

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- 1 (A) physical and emotional injury or illness;
 2 (B) failure of a usual coping mechanism;
 3 (C) loss of interest in work or normal life activities;
 4 (D) loss of ability to function; or
 5 (E) psychological disruption of personal life, including the
 6 emergency responder's relationship with a spouse, child,
 7 relative, or friend.
- 8 (3) "Critical incident stress management services" or "CISM
 9 services" include programs and services related to education,
 10 prevention, and mitigation of the effects from exposure to
 11 highly stressful critical incidents. The term includes services
 12 provided by an individual certified to provide group crisis
 13 intervention, individual crisis intervention, peer support, or
 14 any related service.
- 15 (4) "Critical incident stress management services provider"
 16 or "CISM services provider" means an individual who is
 17 certified to provide CISM services and who is acting as part
 18 of a CISM team or in another official capacity.
- 19 (5) "Critical incident stress management team" or "CISM
 20 team" means an organized community or local crisis response
 21 team that is trained and certified under standards
 22 substantially similar to the training and certification
 23 standards established by the Indiana emergency medical
 24 services commission as set forth under IC 16-31-2.
- 25 (6) "Emergency responder" means an individual who
 26 provides emergency response services, including:
 27 (A) a law enforcement officer;
 28 (B) a corrections officer;
 29 (C) a firefighter;
 30 (D) an emergency medical services provider;
 31 (E) a dispatcher;
 32 (F) an emergency response communication employee;
 33 (G) emergency management personnel; or
 34 (H) a rescue service provider.
- 35 Sec. 2. (a) Except as otherwise provided in this section, a
 36 communication made by an emergency responder to a CISM
 37 services provider while the emergency responder receives CISM
 38 services is confidential and may not be disclosed in a civil, criminal,
 39 or administrative proceeding. A record kept by a CISM services
 40 provider relating to CISM services provided to an emergency
 41 responder is confidential and is not subject to subpoena, discovery,
 42 or introduction into evidence in a civil, criminal, or administrative



- 1 proceeding.
- 2 (b) A communication or record described in subsection (a) is
- 3 confidential for purposes of IC 5-14-3.
- 4 (c) A communication or record described in subsection (a) is not
- 5 confidential for the following purposes:
- 6 (1) The CISM services provider makes a referral for the
- 7 emergency responder.
- 8 (2) The CISM services provider consults about the emergency
- 9 responder with another CISM services provider or an
- 10 appropriate professional associated with the CISM team.
- 11 (3) The communication conveys information that the
- 12 emergency responder poses or appears to pose an imminent
- 13 threat of harm to the emergency responder, a CISM services
- 14 provider, or another individual.
- 15 (4) The communication conveys information relating to child
- 16 or elder abuse.
- 17 (5) The emergency responder or the legal representative of
- 18 the emergency responder expressly agrees that the emergency
- 19 responder's communication is not confidential.
- 20 Sec. 3. (a) Except as provided in subsection (b), a CISM team or
- 21 a CISM services provider providing CISM services is not liable for
- 22 damages for any act, error, or omission committed by the CISM
- 23 team or the CISM services provider in performing CISM services
- 24 in accordance with this chapter, including:
- 25 (1) personal injury;
- 26 (2) wrongful death;
- 27 (3) property damage; or
- 28 (4) other loss;
- 29 unless the act, error, or omission constitutes wanton, willful, or
- 30 intentional misconduct.
- 31 (b) Subsection (a) does not apply to an action for medical
- 32 malpractice.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1122, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 11, after "." insert "**The term includes services provided by an individual certified to provide group crisis intervention, individual crisis intervention, peer support, or any related service.**".

Page 2, between lines 11 and 12, begin a new line block indented and insert:

"(4) "Critical incident stress management services provider" or "CISM services provider" means an individual who is certified to provide CISM services and who is acting as part of a CISM team or in another official capacity."

Page 2, line 12, delete "(4)" and insert "(5)".

Page 2, delete lines 18 through 22.

Page 2, line 34, delete "team" and insert "**services provider**".

Page 2, line 35, delete "member".

Page 2, line 37, delete "team member" and insert "**services provider**".

Page 2, line 42, delete "not".

Page 3, line 1, delete "a public record" and insert "**confidential**".

Page 3, line 4, delete "team member" and insert "**services provider**".

Page 3, line 6, delete "team member" and insert "**services provider**".

Page 3, line 7, delete "member of the".

Page 3, line 7, delete "team" and insert "**services provider**".

Page 3, line 12, delete "team" and insert "**services provider,**".

Page 3, line 13, delete "member,".

Page 3, line 20, delete "team member" and insert "**services provider**".

Page 3, line 22, delete "a" and insert "**the**".



Page 3, line 22, after "CISM" delete "team member" and insert "**services provider**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1122 as introduced.)

FRYE R

Committee Vote: yeas 13, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred House Bill No. 1122, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 5, delete "if any of the following apply:" and insert "**for the following purposes:**".

Page 3, line 6, delete "has to make" and insert "**makes**".

Page 3, line 8, delete "has to consult" and insert "**consults**".

Page 3, line 23, after "provider" insert "**in performing CISM services**".

and when so amended that said bill do pass.

(Reference is to HB 1122 as printed January 19, 2017.)

CRIDER, Chairperson

Committee Vote: Yeas 9, Nays 0.

