

# **HOUSE . . . . . No. 4850**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 30, 2018.

The committee on Ways and Means, to whom was referred the Senate Bill relative to critical incident intervention by emergency service providers (Senate, No. 2633), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4850.

For the committee,

JEFFREY SÁNCHEZ

# HOUSE . . . . . No. 4850

Text of an amendment, recommended by the committee on Ways and Means, to the Senate Bill relative to critical incident intervention by emergency service providers (Senate, No. 2633). July 30, 2018

## The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court  
(2017-2018)

By striking out all after the enacting clause and inserting in place thereof the following:—

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

3 Section 20O. (a) As used in this section, the following words shall, unless the context  
4 clearly requires otherwise, have the following meanings:—

5 “Certified emergency service provider”, an emergency service provider certified by the  
6 secretary to provide crises intervention services.

7 “Crisis intervention”, immediate short-term psychological care provided by a certified  
8 emergency service provider providing critical incident stress management to an emergency  
9 service provider after said emergency service provider’s response to a critical incident.

10 “Crisis intervention services”, consultation, counseling, debriefing, defusing, intervention  
11 services, prevention or referral.

12 “Critical incident”, an event resulting in psychological stress or trauma to an emergency  
13 service provider as a result of said emergency service provider’s response to the incident.

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

17 “Emergency service provider”, an active or retired law enforcement officer, police  
18 officer, state police trooper, sheriff or deputy sheriffs, firefighter, or emergency medical  
19 personnel.

20 “Secretary”, the secretary of the executive office of public safety and homeland security.

21 (b) (i) Information provided by an emergency service provider to a certified emergency  
22 service provider or licensed mental health professional as part of crisis intervention services  
23 provided by the certified emergency service provider or licensed mental health professional to  
24 the emergency service provider shall be confidential and the certified emergency service  
25 provider or licensed mental health professional shall not be required or compelled to testify or  
26 otherwise divulge any information provided by an emergency service provider to the certified  
27 emergency service provider or licensed mental health professional as part of crisis intervention  
28 services performed by the certified emergency service provider or licensed mental health  
29 professional, except as provided by subsection (c).

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

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

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

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

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

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

56 (v) the certified emergency service provider or licensed mental health professional  
57 providing crisis intervention services has probable cause to believe that the emergency service  
58 provider receiving the crisis intervention services has admitted to conduct that constitutes a  
59 breach of the policy for the entity for which the emergency service provider receiving the crisis  
60 intervention services is employed;

61 (vi) the certified emergency service provider or licensed mental health professional  
62 providing crisis intervention services has reasonable cause to believe that the emergency service  
63 provider receiving the crisis intervention services has admitted to conduct that constitutes a  
64 violation of the laws that are normally enforced by the entity for which the emergency service  
65 provider receiving the crisis intervention services is employed;

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

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

74 (d) All emergency service providers providing crisis intervention services to emergency  
75 service providers pursuant to this section shall be registered with the secretary.

76 The secretary shall annually certify an emergency service provider as a certified  
77 emergency service provider upon receipt of an emergency service provider's registration with the

78 International Critical Incident Stress Foundation, Inc. or the Massachusetts Peer Support  
79 Network and upon the emergency service provider's employer registering the emergency service  
80 provider with the secretary.

81 Emergency service providers shall annually provide their employer and secretary with  
82 proof of the provider's registration with the International Critical Incident Stress Foundation, Inc.  
83 or the Massachusetts Peer Support Network.

84 Entities employing emergency service providers shall annually register with the secretary  
85 an employee authorized by the employer and registered with the International Critical Incident  
86 Stress Foundation, Inc. or the Massachusetts Peer Support Network employed by the employer  
87 who provides crisis intervention services.

88 The secretary shall promulgate rules and regulations for the administration and  
89 enforcement of this section; provided, however, that the secretary shall not charge a fee for an  
90 emergency service provider to register pursuant to this section.

91 (e) Any certified emergency service provider determined by their employer or the  
92 secretary to be in violation of this section shall be decertified by the secretary and shall remain  
93 ineligible for recertification for a period of 5 years.

94 SECTION 2. Section 1 of this act shall take effect on January 1, 2019.