

SENATE No. 2684

Senate, December 13, 2018 – Text of the further Senate amendment (Senators Moore and Montigny) to the Senate Bill relative to critical incident intervention by emergency services (Senate, No. 2633).

The Commonwealth of Massachusetts

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

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 Massachusetts Peer Support Network or International Critical Incident Stress Foundation, Inc.

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

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

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

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

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

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

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