

SENATE FILE NO. SF0112

Peer support counseling-confidentiality.

Sponsored by: Senator(s) Nethercott, Barlow and Case and
Representative(s) Conrad, Neiman and Niemiec

A BILL

for

1 AN ACT relating to labor and employment; providing for the
2 confidentiality of communications with peer support
3 specialists as specified; providing definitions; and
4 providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 7-23-101 and 7-23-102 are created to
9 read:

10

11

CHAPTER 23

12

PEER SUPPORT COUNSELING

13

14

7-23-101. Definitions.

15

1 (a) As used in this chapter:

2

3 (i) "Emergency services personnel" means any
4 employee or volunteer regulated under title 33, chapter 36
5 of the Wyoming statutes;

6

7 (ii) "Emergency services provider" means any
8 public employer, or ground or air ambulance service, that
9 employs emergency services personnel or persons to provide
10 fire fighting, dispatching services or other emergency
11 medical services;

12

13 (iii) "Employee assistance program" means a
14 program established by a law enforcement agency or
15 emergency services provider to provide professional
16 counseling or support services to employees or volunteers
17 of a law enforcement agency, emergency services provider,
18 or a professional mental health provider associated with a
19 peer support team;

20

21 (iv) "Law enforcement agency" means any public
22 agency that employs a law enforcement officer;

23

1 (v) "Law enforcement officer" means any person
2 who, by virtue of office or public employment, is vested
3 with a duty to maintain public order or to make arrests for
4 violations of the laws of the state of Wyoming or
5 ordinances of a municipality or with a duty to maintain or
6 assert custody or supervision over persons accused or
7 convicted of a crime, while acting within the scope of
8 their authority as an employee or volunteer of a law
9 enforcement agency;

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11 (vi) "Peer support counseling session" means any
12 session conducted by a peer support specialist that is
13 called or requested in response to a critical incident or
14 traumatic event involving the personnel of the law
15 enforcement agency or emergency services provider;

16

17 (vii) "Peer support specialist" means a person
18 who:

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20 (A) Is designated by a law enforcement
21 agency, emergency services provider, employee assistance
22 program or peer support team leader to lead, moderate or
23 assist in a peer support counseling session;

1

2 (B) Is a member of a peer support team; and

3

4 (C) Has received training in counseling and
5 providing emotional and moral support to law enforcement
6 officers or emergency services personnel who have been
7 involved in emotionally traumatic incidents by reason of
8 their employment.

9

10 (viii) "Peer support team" means a group of peer
11 support specialists serving one (1) or more law enforcement
12 agencies or emergency services providers;

13

14 (ix) "Peer support counseling" shall not include
15 professional counseling sessions provided by licensed
16 counselors as defined by W.S. 33-38-102(a)(iii).

17

18 **7-23-102. Peer support counseling session**
19 **communications; confidentiality; applicability.**

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21 (a) Any communication made by a participant or peer
22 support specialist in a peer support counseling session,
23 and any oral or written information conveyed in or as the

1 result of a peer support counseling session, shall be
2 confidential and shall not be disclosed by any person
3 participating in or conducting the peer support counseling
4 session.

5

6 (b) Any communication between peer support
7 specialists relating to a peer support counseling session,
8 between peer support specialists and the supervisors or
9 staff of an employee assistance program or between the
10 supervisors or staff of an employee assistance program
11 shall be confidential and shall not be disclosed.

12

13 (c) This section shall apply only to peer support
14 counseling sessions conducted by a peer support specialist.

15

16 (d) This section shall apply to all oral
17 communications, notes, records and reports arising out of a
18 peer support counseling session. Any notes, records or
19 reports arising out of a peer support counseling session
20 shall not be public records and shall not be available for
21 inspection or disclosure under the Wyoming Public Records
22 Act, W.S. 16-4-201 through 16-4-205. Nothing in this
23 section limits the discovery or introduction into evidence

1 of knowledge acquired by any law enforcement officer or
2 emergency services personnel from observations made during
3 the course of employment, or material or information
4 acquired during the course of employment, that is otherwise
5 subject to discovery or introduction into evidence.

6

7 (e) This section shall not apply to any:

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9 (i) Threat of suicide or criminal act made by a
10 participant in a peer support counseling session, or any
11 information conveyed in a peer support counseling session
12 relating to a threat of suicide or criminal act;

13

14 (ii) Information relating to abuse of spouses,
15 children or the elderly, or other information that is
16 required to be reported by law;

17

18 (iii) Admission of criminal conduct;

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20 (iv) Disclosure of testimony by a participant
21 who received peer support counseling services and expressly
22 consented to the disclosure; or

23

1 (v) Disclosure of testimony by the surviving
2 spouse or executor or administrator of the estate of a
3 deceased participant who received peer support counseling
4 services and the surviving spouse or executor or
5 administrator expressly consented to the disclosure.

6

7 (f) This section shall not prohibit any
8 communications between peer support specialists who conduct
9 peer support counseling sessions, or any communications
10 between peer support specialists and the supervisors or
11 staff of an employee assistance program.

12

13 (g) This section shall not prohibit communications
14 regarding the fitness of an employee for duty between an
15 employee assistance program and an employer.

16

17 **Section 2.** This act is effective July 1, 2023.

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(END)