

2020 -- S 2566

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT – PUBLIC SAFETY AND PEER  
SUPPORT MEMBERS

Introduced By: Senators Archambault, McCaffrey, and Coyne

Date Introduced: February 25, 2020

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND  
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 28.10

4 PUBLIC SAFETY AND PEER SUPPORT MEMBERS

5 **42-28.10-1. Definitions.**

6 As used in this chapter the following terms have the following meanings:

7 (1) "Crisis intervention" means immediate short-term psychological care provided by a  
8 certified emergency service provider providing critical incident stress management to an  
9 emergency service provider after responding to a critical incident.

10 (2) "Crisis intervention services" means consultation, counseling, debriefing, defusing,  
11 intervention services, prevention or referral.

12 (3) "Critical incident" means an event resulting in psychological stress or trauma to an  
13 emergency service provider as a result of their response to the incident.

14 (4) "Critical incident stress management" means a program designed to assist an  
15 emergency service provider in coping with the psychological stress or trauma resulting from a  
16 critical incident, consistent with training standards established by the International Critical Incident  
17 Stress Foundation.

18 (5) "Emergency service provider" means any active or retired peace officer, as defined in

1 § 12-7-21 and any firefighter, or emergency medical personnel employed or licensed in Rhode  
2 Island.

3 **42-28.10-2. Emergency service provider certification.**

4 An emergency service provider who provides crisis intervention services to other  
5 emergency service providers pursuant to this section shall:

6 (i) Be certified by the International Critical Incident Stress Foundation, Inc.;

7 (ii) Provide documentation of such certification to their employer; and

8 (iii) Annually provide their employer with proof of the certification.

9 An entity employing a certified emergency service provider shall maintain the  
10 documentation provided by the employee required by this section during the course of their  
11 employment. The certification and any other documentation shall be made available and provided  
12 to the department of health upon request.

13 **42-28.10-3. Crisis intervention services privileged.**

14 (a) Information provided by an emergency service provider to a certified emergency  
15 service provider or any other licensed mental health professional as part of crisis intervention  
16 services, shall be confidential and the certified emergency service provider or licensed mental  
17 health professional shall not be required or compelled to testify or otherwise disclose to any third  
18 party, any information received as part of the crisis intervention services, except as provided by  
19 subsection (b) of this section.

20 (b) Exceptions. – The testimonial privilege established herein shall not apply if any of the  
21 following apply:

22 (1) The certified emergency service provider or licensed mental health professional has  
23 reasonable cause to believe that the emergency service provider being counseled is in need of  
24 treatment in a hospital for mental or emotional illness or that there is an imminent threat of harm  
25 to the emergency service provider being counseled or any other third party.

26 (2) The certified emergency service provider or licensed mental health professional has  
27 reasonable cause to believe that the emergency service provider being counseled has engaged in  
28 conduct required to be reported pursuant to chapter 11 of title 40.

29 (3) The certified emergency service provider or licensed mental health professional  
30 providing crisis intervention services has reasonable cause to believe that the emergency service  
31 provider being counseled has engaged in conduct in violation of any federal or state law.

32 (4) The certified emergency service provider or licensed mental health professional  
33 providing crisis intervention services has reasonable cause to believe that the emergency service  
34 provider being counseled has admitted to criminal conduct.

1           (5) The certified emergency service provider or licensed mental health professional  
2 providing crisis intervention services has reasonable cause to believe that the emergency service  
3 provider being counseled has admitted to conduct that constitutes a violation of the laws that are  
4 normally enforced by the entity for which the emergency service provider receiving the crisis  
5 intervention services is employed.

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

10           (7) The emergency service provider receiving the crisis intervention services waives  
11 confidentiality and gives express consent for the certified emergency service provider or licensed  
12 mental health professional to testify or the emergency service provider being counseled otherwise  
13 discloses the information related to such services to any third-party.

14           **42-28.10-4. Penalties.**

15           If an entity employing a certified emergency service provider determines that an employee  
16 has violated the confidentiality of the person being counseled, the entity shall promptly notify, in  
17 writing, the International Critical Incident Stress Foundation, Inc. of the violation. An employee  
18 that violates this section shall be considered decertified and shall not be eligible to provide crisis  
19 intervention services as a certified emergency service provider for a period of five (5) years.

20           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT – PUBLIC SAFETY AND PEER  
SUPPORT MEMBERS

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1           This act would require emergency service providers who provide counseling to other  
2 emergency service providers to be certified by the International Critical Incident Stress Foundation,  
3 Inc. and would require the counselors to hold in confidence and keep privileged the information  
4 they receive from the person being counseled, with several exceptions.

5           This act would take effect upon passage.

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