


MEMORANDUM

DATE	May 4, 2017
TO	Policy and Advocacy Committee
FROM	 Jason Glasspiegel Central Services Coordinator
SUBJECT	Agenda Item #6(c)(29) – AB 1116 (Grayson) Peer Support and Crisis Referral Services Act.

Background:

This bill would create the Peer Support and Crisis Referral Services Act. The bill would define a “peer support team” as a local critical incident response team comprised of individuals from emergency services professions, emergency medical services, hospital staff, clergy, educators, and mental health professionals who have completed a peer support training course developed by the Office of Emergency Services, the California Firefighter Joint Apprenticeship Committee, or the Commission on Correctional Peace Officer Standards and Training. The bill would provide that a communication made by-emergency service personnel to a peer support team member while the emergency service personnel receives peer support services is confidential and shall not be disclosed in a civil or administrative proceeding, except as specified. The bill would also provide that, except for an action for medical malpractice, a peer support team or a peer support team member providing peer support services is not liable for damages relating to the team’s or team member’s act, error, or omission in performing peer support services, unless the act, error, or omission constitutes wanton, willful, or intentional misconduct. The bill would provide that a communication made by emergency service personnel to a crisis hotline or crisis referral service, as defined, is confidential and shall not be disclosed in a civil or administrative proceeding, except as specified.

This bill would establish a privilege for a communication between an individual employed as emergency service personnel and a peer support team member or a person or volunteer staffing a crisis hotline or crisis referral service for emergency service personnel for the purposes of a noncriminal proceeding, as specified.

Location: Assembly Committee on Appropriations

Status: 4/24/2017 Re-referred to Assembly Committee on Appropriations

Votes: 4/18/2017 Assembly Committee on Judiciary (11-0-1)
 4/4/2017 Assembly Committee on Health (14-0-1)

Action Requested:

No Action is required at this time. Staff will continue to watch AB 1116 to ensure the author maintains the recent amendment, which no longer expands the definition of psychotherapist.

Attachment A: AB 1116 (Grayson) Text

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)**AB-1116 Peer Support and Crisis Referral Services Act.** (2017-2018)**SECTION 1.** *The Legislature finds and declares all of the following:*

(a) Emergency service personnel frequently respond to traumatic incidents and dangerous circumstances, including, but not limited to, fires, stabbings, gun battles and shootings, domestic violence, terrorist acts, riots, automobile accidents, airplane crashes, and earthquakes. They are exposed to harmful substances, such as blood, urine, and vomit. They witness grave injuries, death, and grief. They are frequently placed in harm's way, with significant risk of bodily harm or physical assault while performing the duties of their jobs.

(b) The traumatic and unpredictable nature of emergency services results in a high-stress working environment that can take an overwhelming mental, emotional, and physical toll on personnel. Chronic exposure to traumatic events and critical incidents increases the risk for post-traumatic stress and other stress-induced symptoms.

(c) While most emergency service personnel survive the traumas of their jobs, sadly, many experience the impacts of occupational stressors when off duty. The psychological and emotional stress of their professions can have a detrimental impact long after their shift is over.

(d) Such trauma-related injuries can become overwhelming, manifesting in post-traumatic stress, substance abuse, and even, tragically, suicide. The fire service, as an example, is four times more likely to experience a suicide than a "traditional" death in the line of duty in any year.

(e) Similar to military personnel, California's emergency service personnel and first responders face unique and uniquely dangerous risks in their mission to keep the public safe. These professionals rely on each other for survival while placing their lives on the line every day to protect the communities they serve.

(f) The culture of emergency services has often inhibited its personnel from asking for assistance in battling their psychological stress for fear it will cause ridicule, shame, or adverse job action.

(g) California has a responsibility to ensure that its emergency service and public safety agencies are equipped with the tools necessary for assisting emergency service personnel in mitigating the occupational stress that they incur as a result of performing their job duties and protecting the public.

(h) It is, therefore, the intent of the Legislature in enacting this act to enable critically needed, confidential peer support and crisis referral services for California's emergency service personnel.

SEC. 2. *Article 7.5 (commencing with Section 1029) is added to Chapter 4 of Division 8 of the Evidence Code, to read:*

Article 7.5. Emergency Service Personnel Privilege

1029. *(a) A communication between an individual employed as emergency service personnel, as defined in subdivision (d) of Section 8669 of the Government Code, and a peer support team member, as defined in subdivision (g) of Section 8669 of the Government Code, shall be privileged for purposes of a noncriminal proceeding to the same extent, and subject to the same limitations, as a communication between a patient and a psychotherapist described in subdivisions (b), (d), and (e) of Section 1010.*

(b) A communication between an individual employed as emergency service personnel, as defined in subdivision (d) of Section 8669 of the Government Code, and a person or volunteer staffing a crisis hotline or crisis referral service for emergency service personnel pursuant to Section 8669.5 of the Government Code shall be privileged for purposes of a noncriminal proceeding to the same extent, and subject to the same limitations, as a communication between a patient and a psychotherapist described in subdivisions (b), (d), and (e) of Section 1010.

SEC. 3. *Article 21 (commencing with Section 8669) is added to Chapter 7 of Division 1 of Title 2 of the*

Government Code, to read:

Article 21. Peer Support and Crisis Referral Services Act

8669. *This article shall be known, and may be cited, as the Peer Support and Crisis Referral Services Act.*

8669.1. *For purposes of this article, the following terms have the following meanings:*

(a) *"Crisis referral services" include all public or private organizations that advise employees and volunteers of agencies employing emergency service personnel about consultation and treatment sources for personal problems, including mental health issues, chemical dependency, domestic violence, gambling, financial problems, and other personal crises.*

(b) *"Critical incident" means an actual or perceived event or situation that involves crisis, disaster, trauma, or emergency.*

(c) *"Critical incident stress" means the acute or cumulative psychological stress or trauma that emergency service personnel may experience in providing emergency services in response to a critical incident. The stress or trauma is an unusually strong emotional, cognitive, behavioral, or physical reaction that may interfere with normal functioning, including, but not limited to, one or more of the following:*

(1) *Physical and emotional illness.*

(2) *Failure of usual coping mechanisms.*

(3) *Loss of interest in the job or normal life activities.*

(4) *Personality changes.*

(5) *Loss of ability to function.*

(6) *Psychological disruption of personal life, including his or her relationship with a spouse, child, or friend.*

(d) *"Emergency service personnel" means an individual who provides emergency response services, including a law enforcement officer, correctional officer, firefighter, paramedic, emergency medical technician, dispatcher, emergency response communication employee, or rescue service personnel.*

(e) *"Peer support services" include services provided by a peer support team or a peer support team member to emergency service personnel affected by a critical incident or the accumulation of witnessing multiple incidents. Peer support services assist emergency service personnel affected by a critical incident in coping with critical incident stress or mitigating reactions to critical incident stress. Peer support services include one or more of the following:*

(1) *Precrisis education.*

(2) *Critical incident stress defusings.*

(3) *Critical incident stress debriefings.*

(4) *On-scene support services.*

(5) *One-on-one support services.*

(6) *Consultation.*

(7) *Referral services.*

(8) *Confidentiality obligations.*

(9) *The impact of toxic stress on health and well-being.*

(10) *Grief support.*

(11) *Substance abuse identification and approaches.*

(12) *Active listening skills.*

(f) *"Peer support team" means a local critical incident response team composed of individuals from emergency services professions, emergency medical services, hospital staff, clergy, educators, and mental health professionals who have completed a peer support training course developed by the Office of Emergency Services,*

the California Firefighter Joint Apprenticeship Committee, or the Commission on Correctional Peace Officer Standards and Training, as described in Section 8669.4.

(g) "Peer support team member" means an individual who is specially trained to provide peer support services as a member of a peer support team.

8669.2. (a) Except as otherwise provided in this section, a communication made by emergency service personnel to a peer support team member while the emergency service personnel receives peer support services is confidential and shall not be disclosed in a civil or administrative proceeding. A record kept by a peer support team member relating to the provision of peer support services to emergency service personnel by the peer support team or a peer support team member is confidential and is not subject to subpoena, discovery, or introduction into evidence in a civil or administrative proceeding.

(b) A communication or record described in subdivision (a) is not confidential if any of the following circumstances exist:

(1) The peer support team member reasonably must make an appropriate referral of the emergency service personnel to, or consult about the emergency service personnel with, another member of the peer support team or an appropriate professional associated with the peer support team.

(2) Revealing the communication by the emergency service personnel may prevent reasonably certain death, substantial bodily harm, or commission of a crime.

(3) The emergency service personnel or the legal representative of the emergency service personnel expressly agrees in writing that the emergency service personnel communication is not confidential.

(c) If the confidentiality of a communication is removed under paragraph (1) or (2) of subdivision (b), the peer support team member shall notify the emergency service personnel of the removal in writing.

8669.3. (a) Except as otherwise provided in subdivision (b), emergency service personnel who provide peer support services and have completed a training course described in Section 8669.4 shall not be liable for damages, including personal injury, wrongful death, property damage, or other loss related to an act, error, or omission in performing peer support services, unless the act, error, or omission constitutes gross negligence or intentional misconduct.

(b) Subdivision (a) does not apply to an action for medical malpractice.

8669.4. (a) The Office of Emergency Services shall develop a peer support training course that each peer support team member must complete to be eligible for the protections of this article.

(b) (1) Notwithstanding subdivision (a), the Office of Emergency Services shall contract with the California Firefighter Joint Apprenticeship Committee to develop and deliver a fire service-specific peer support training course for a peer support team member who will provide peer support services for firefighters and other fire service emergency response personnel.

(2) This fire service-specific peer support training course shall be developed by the California Firefighter Joint Apprenticeship Committee in consultation with individuals knowledgeable about fire service first responder peer support services. The course shall include topics on peer support and stress management, including, but not limited to, all of the following:

(A) Precrisis education.

(B) Critical incident stress defusings.

(C) Critical incident stress debriefings.

(D) On-scene support services.

(E) One-on-one support services.

(F) Consultation.

(G) Referral services.

(H) Confidentiality obligations.

(I) The impact of toxic stress on health and well-being.

(J) Grief support.

(K) Substance abuse identification and approaches.

(L) Active listening skills.

(3) The contract shall provide for the delivery of training by the California Firefighter Joint Apprenticeship Committee through contracts with state, local, and regional public fire agencies.

(c) (1) Notwithstanding subdivision (a), the Commission on Correctional Peace Officer Standards and Trainings shall develop and deliver a peer support training course for a peer support team member who will be operating in correctional facilities such as the state prison or a county jail.

(2) This peer support training course shall include topics on peer support and stress management, including, but not limited to, all of the following:

(A) Precrisis education.

(B) Critical incident stress defusings.

(C) Critical incident stress debriefings.

(D) On-scene support services.

(E) One-on-one support services.

(F) Consultation.

(G) Referral services.

(H) Confidentiality obligations.

(I) The impact of toxic stress on health and well-being.

(J) Grief support.

(K) Substance abuse identification and approaches.

(L) Active listening skills.

8669.5. *(a) Except as otherwise provided in this section, a communication made by emergency service personnel to a crisis hotline or crisis referral service is confidential and shall not be disclosed in a civil or administrative proceeding.*

(b) A crisis hotline or crisis referral service may reveal information communicated by emergency service personnel to prevent reasonably certain death, substantial bodily harm, or commission of a crime.