

HOUSE BILL No. 1122

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-30-2-154.7; IC 36-8-2.5.

Synopsis: Critical incident stress management services. Provides confidentiality protection to communications that emergency responders make to critical incident stress management personnel or records that are generated by critical incident stress management personnel after providing critical incident stress management services to emergency responders following a critical incident. Provides that critical incident stress management personnel are immune from liability for any acts, errors, or omissions committed in providing critical incident stress management services to emergency responders, unless the act, error, or omission constitutes wanton, willful, or intentional misconduct.

Effective: July 1, 2017.

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January 5, 2017, read first time and referred to Committee on Veterans Affairs and Public Safety.



First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1122

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-30-2-154.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2017]: **Sec. 154.7. IC 36-8-2.5-3 (Concerning**
4 **critical incident stress management services).**

5 SECTION 2. IC 36-8-2.5 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2017]:

8 **Chapter 2.5. Critical Incident Stress Management Services**
9 **Sec. 1. The following definitions apply throughout this chapter:**

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

12 (2) "Critical incident stress" means the acute or cumulative
13 psychological stress or trauma that an emergency responder
14 may experience in providing emergency services in response
15 to a critical incident. The stress or trauma is an unusually
16 strong emotional, cognitive, behavioral, or physical reaction
17 that may interfere with normal functioning by causing:



- 1 (A) physical and emotional injury or illness;
 2 (B) failure of a usual coping mechanism;
 3 (C) loss of interest in work or normal life activities;
 4 (D) loss of ability to function; or
 5 (E) psychological disruption of personal life, including the
 6 emergency responder's relationship with a spouse, child,
 7 relative, or friend.
- 8 (3) "Critical incident stress management services" or "CISM
 9 services" include programs and services related to education,
 10 prevention, and mitigation of the effects from exposure to
 11 highly stressful critical incidents.
- 12 (4) "Critical incident stress management team" or "CISM
 13 team" means an organized community or local crisis response
 14 team that is trained and certified under standards
 15 substantially similar to the training and certification
 16 standards established by the Indiana emergency medical
 17 services commission as set forth under IC 16-31-2.
- 18 (5) "Critical incident stress management team member" or
 19 "CISM team member" means an individual who is specially
 20 trained to provide critical incident stress management
 21 services as a member of a critical incident stress management
 22 team.
- 23 (6) "Emergency responder" means an individual who
 24 provides emergency response services, including:
 25 (A) a law enforcement officer;
 26 (B) a corrections officer;
 27 (C) a firefighter;
 28 (D) an emergency medical services provider;
 29 (E) a dispatcher;
 30 (F) an emergency response communication employee;
 31 (G) emergency management personnel; or
 32 (H) a rescue service provider.
- 33 Sec. 2. (a) Except as otherwise provided in this section, a
 34 communication made by an emergency responder to a CISM team
 35 member while the emergency responder receives CISM services is
 36 confidential and may not be disclosed in a civil, criminal, or
 37 administrative proceeding. A record kept by a CISM team member
 38 relating to CISM services provided to an emergency responder is
 39 confidential and is not subject to subpoena, discovery, or
 40 introduction into evidence in a civil, criminal, or administrative
 41 proceeding.
- 42 (b) A communication or record described in subsection (a) is not



1 a public record for purposes of IC 5-14-3.

2 (c) A communication or record described in subsection (a) is not
3 confidential if any of the following apply:

4 (1) The CISM team member has to make a referral for the
5 emergency responder.

6 (2) The CISM team member has to consult about the
7 emergency responder with another member of the CISM team
8 or an appropriate professional associated with the CISM
9 team.

10 (3) The communication conveys information that the
11 emergency responder poses or appears to pose an imminent
12 threat of harm to the emergency responder, a CISM team
13 member, or another individual.

14 (4) The communication conveys information relating to child
15 or elder abuse.

16 (5) The emergency responder or the legal representative of
17 the emergency responder expressly agrees that the emergency
18 responder's communication is not confidential.

19 Sec. 3. (a) Except as provided in subsection (b), a CISM team or
20 a CISM team member providing CISM services is not liable for
21 damages for any act, error, or omission committed by the CISM
22 team or a CISM team member in accordance with this chapter,
23 including:

24 (1) personal injury;

25 (2) wrongful death;

26 (3) property damage; or

27 (4) other loss;

28 unless the act, error, or omission constitutes wanton, willful, or
29 intentional misconduct.

30 (b) Subsection (a) does not apply to an action for medical
31 malpractice.

