

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 ENROLLED ACT No. 1122

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AN ACT to amend the Indiana Code concerning local government.

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

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

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

### **Chapter 2.5. Critical Incident Stress Management Services**

#### **Sec. 1. The following definitions apply throughout this chapter:**

- (1) "Critical incident" means an actual or perceived event or situation that involves crisis, disaster, trauma, or emergency.**
- (2) "Critical incident stress" means the acute or cumulative psychological stress or trauma that an emergency responder 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 by causing:**
  - (A) physical and emotional injury or illness;**
  - (B) failure of a usual coping mechanism;**
  - (C) loss of interest in work or normal life activities;**
  - (D) loss of ability to function; or**
  - (E) psychological disruption of personal life, including the**

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emergency responder's relationship with a spouse, child, relative, or friend.

(3) "Critical incident stress management services" or "CISM services" include programs and services related to education, prevention, and mitigation of the effects from exposure to highly stressful critical incidents. The term includes services provided by an individual certified to provide group crisis intervention, individual crisis intervention, peer support, or any related service.

(4) "Critical incident stress management services provider" or "CISM services provider" means an individual who is certified to provide CISM services and who is acting as part of a CISM team or in another official capacity.

(5) "Critical incident stress management team" or "CISM team" means an organized community or local crisis response team that is trained and certified under standards substantially similar to the training and certification standards established by the Indiana emergency medical services commission as set forth under IC 16-31-2.

(6) "Emergency responder" means an individual who provides emergency response services, including:

- (A) a law enforcement officer;
- (B) a corrections officer;
- (C) a firefighter;
- (D) an emergency medical services provider;
- (E) a dispatcher;
- (F) an emergency response communication employee;
- (G) emergency management personnel; or
- (H) a rescue service provider.

Sec. 2. (a) Except as otherwise provided in this section, a communication made by an emergency responder to a CISM services provider while the emergency responder receives CISM services is confidential and may not be disclosed in a civil, criminal, or administrative proceeding. A record kept by a CISM services provider relating to CISM services provided to an emergency responder is confidential and is not subject to subpoena, discovery, or introduction into evidence in a civil, criminal, or administrative proceeding.

(b) A communication or record described in subsection (a) is confidential for purposes of IC 5-14-3.

(c) A communication or record described in subsection (a) is not confidential for the following purposes:



**(1) The CISM services provider makes a referral for the emergency responder.**

**(2) The CISM services provider consults about the emergency responder with another CISM services provider or an appropriate professional associated with the CISM team.**

**(3) The communication conveys information that the emergency responder poses or appears to pose an imminent threat of harm to the emergency responder, a CISM services provider, or another individual.**

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

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

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

- (1) personal injury;**
- (2) wrongful death;**
- (3) property damage; or**
- (4) other loss;**

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

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



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

\_\_\_\_\_  
Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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