

SENATE BILL No. 417

June 6, 2013, Introduced by Senator MOOLENAAR and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding part 209A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 209A

CRITICAL INCIDENT STRESS MANAGEMENT SERVICES

SEC. 20981. AS USED IN THIS PART:

(A) "CRITICAL INCIDENT" MEANS AN ACTUAL OR PERCEIVED EVENT OR
SITUATION THAT INVOLVES CRISIS, DISASTER, TRAUMA, OR EMERGENCY.

(B) "CRITICAL INCIDENT STRESS" MEANS THE ACUTE OR CUMULATIVE
PSYCHOLOGICAL STRESS OR TRAUMA THAT AN EMERGENCY SERVICE PROVIDER

1 MAY EXPERIENCE IN PROVIDING EMERGENCY SERVICES IN RESPONSE TO A
2 CRITICAL INCIDENT. THE STRESS OR TRAUMA IS AN UNUSUALLY STRONG
3 EMOTIONAL, COGNITIVE, OR PHYSICAL REACTION THAT MAY INTERFERE WITH
4 NORMAL FUNCTIONING, INCLUDING ALL OF THE FOLLOWING:

5 (i) PHYSICAL AND EMOTIONAL ILLNESS.

6 (ii) FAILURE OF USUAL COPING MECHANISMS.

7 (iii) LOSS OF INTEREST IN THE JOB.

8 (iv) PERSONALITY CHANGES.

9 (v) LOSS OF ABILITY TO FUNCTION.

10 (vi) PSYCHOLOGICAL DISRUPTION OF PERSONAL LIFE, INCLUDING HIS
11 OR HER RELATIONSHIP WITH A SPOUSE, CHILDREN, OR FRIENDS.

12 (C) "CRITICAL INCIDENT STRESS MANAGEMENT SERVICES" OR "CISM
13 SERVICES" MEANS SERVICES PROVIDED BY A CRITICAL INCIDENT STRESS
14 MANAGEMENT TEAM OR A CRITICAL INCIDENT STRESS MANAGEMENT TEAM
15 MEMBER TO AN EMERGENCY SERVICE PROVIDER AFFECTED BY A CRITICAL
16 INCIDENT. CRITICAL INCIDENT STRESS MANAGEMENT SERVICES ARE DESIGNED
17 TO ASSIST AN EMERGENCY SERVICE PROVIDER AFFECTED BY A CRITICAL
18 INCIDENT TO COPE WITH CRITICAL INCIDENT STRESS OR TO MITIGATE
19 REACTIONS TO CRITICAL INCIDENT STRESS. CRITICAL INCIDENT STRESS
20 MANAGEMENT SERVICES INCLUDE ALL OF THE FOLLOWING:

21 (i) PRECRISIS EDUCATION.

22 (ii) CRITICAL INCIDENT STRESS DEFUSINGS.

23 (iii) CRITICAL INCIDENT STRESS DEBRIEFINGS.

24 (iv) ON-SCENE SUPPORT SERVICES.

25 (v) CONSULTATION.

26 (vi) REFERRAL SERVICES.

27 (D) "CRITICAL INCIDENT STRESS MANAGEMENT TEAM" OR "CISM TEAM"

1 MEANS AN ORGANIZED COMMUNITY OR LOCAL CRISIS RESPONSE TEAM THAT IS
2 A MEMBER OF THE MICHIGAN CRISIS RESPONSE ASSOCIATION NETWORK.

3 (E) "CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER" OR "CISM
4 TEAM MEMBER" MEANS AN INDIVIDUAL WHO IS SPECIALLY TRAINED TO
5 PROVIDE CRITICAL INCIDENT STRESS MANAGEMENT SERVICES AS A MEMBER OF
6 A CRITICAL INCIDENT STRESS MANAGEMENT TEAM.

7 (F) "EMERGENCY SERVICE PROVIDER" MEANS AN INDIVIDUAL WHO
8 PROVIDES EMERGENCY RESPONSE SERVICES, INCLUDING A LAW ENFORCEMENT
9 OFFICER, FIREFIGHTER, EMERGENCY MEDICAL SERVICES PROVIDER,
10 DISPATCHER, OR RESCUE SERVICE PROVIDER.

11 SEC. 20982. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)
12 AND NOTWITHSTANDING THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261
13 TO 15.275, OR ANY OTHER LAW TO THE CONTRARY, ALL OF THE FOLLOWING
14 APPLY TO A MEETING IN WHICH CISM SERVICES ARE PROVIDED TO AN
15 EMERGENCY SERVICE PROVIDER:

16 (A) THE MEETING IS CLOSED TO THE GENERAL PUBLIC.

17 (B) THE MEETING MAY BE CLOSED TO ANY INDIVIDUAL WHO WAS NOT
18 DIRECTLY INVOLVED IN THE CRITICAL INCIDENT.

19 (2) SUBSECTION (1) DOES NOT APPLY IF EITHER OF THE FOLLOWING
20 REQUIREMENTS ARE MET:

21 (A) THE EMERGENCY SERVICE PROVIDER OR THE LEGAL REPRESENTATIVE
22 OF THE EMERGENCY SERVICE PROVIDER EXPRESSLY AGREES THAT THE MEETING
23 MAY BE OPEN TO THE GENERAL PUBLIC OR TO CERTAIN INDIVIDUALS.

24 (B) THE EMERGENCY SERVICE PROVIDER IS DECEASED.

25 SEC. 20983. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
26 A COMMUNICATION MADE BY AN EMERGENCY SERVICE PROVIDER TO A CISM
27 TEAM MEMBER WHILE THE PROVIDER RECEIVES CISM SERVICES IS

1 CONFIDENTIAL AND SHALL NOT BE DISCLOSED IN A CIVIL, CRIMINAL, OR
2 ADMINISTRATIVE PROCEEDING. A RECORD KEPT BY A CISM TEAM MEMBER
3 RELATING TO THE PROVISION OF CISM SERVICES TO AN EMERGENCY SERVICE
4 PROVIDER BY THE CISM TEAM OR A CISM TEAM MEMBER IS CONFIDENTIAL AND
5 IS NOT SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO
6 EVIDENCE IN A CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING.

7 (2) A COMMUNICATION OR RECORD DESCRIBED IN SUBSECTION (1) IS
8 NOT CONFIDENTIAL IF ANY OF THE FOLLOWING CIRCUMSTANCES EXIST:

9 (A) THE CISM TEAM MEMBER REASONABLY NEEDS TO MAKE AN
10 APPROPRIATE REFERRAL OF THE EMERGENCY SERVICE PROVIDER TO OR
11 CONSULT ABOUT THE EMERGENCY SERVICE PROVIDER WITH ANOTHER MEMBER OF
12 THE CISM TEAM OR AN APPROPRIATE PROFESSIONAL ASSOCIATED WITH THE
13 CISM TEAM.

14 (B) THE COMMUNICATION CONVEYS INFORMATION THAT THE EMERGENCY
15 SERVICE PROVIDER IS OR APPEARS TO BE AN IMMINENT THREAT TO HIMSELF
16 OR HERSELF, A CISM TEAM MEMBER, OR ANY OTHER INDIVIDUAL.

17 (C) THE COMMUNICATION CONVEYS INFORMATION RELATING TO A PAST,
18 PRESENT, OR FUTURE CRIMINAL ACT THAT DOES NOT DIRECTLY RELATE TO
19 THE CRITICAL INCIDENT.

20 (D) THE EMERGENCY SERVICE PROVIDER OR THE LEGAL REPRESENTATIVE
21 OF THE EMERGENCY SERVICE PROVIDER EXPRESSLY AGREES THAT THE
22 COMMUNICATION OR RECORD IS NOT CONFIDENTIAL.

23 (E) THE EMERGENCY SERVICE PROVIDER IS DECEASED.

24 (3) A COMMUNICATION OR RECORD DESCRIBED IN SUBSECTION (1) IS
25 NOT CONFIDENTIAL TO THE EXTENT THAT IT CONVEYS INFORMATION
26 CONCERNING THE SERVICES AND CARE PROVIDED OR WITHHELD BY THE
27 EMERGENCY SERVICE PROVIDER TO AN INDIVIDUAL INJURED IN THE CRITICAL

1 INCIDENT OR DURING THE CRITICAL INCIDENT.

2 SEC. 20984. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
3 (2), A CISM TEAM OR A CISM TEAM MEMBER PROVIDING CISM SERVICES IS
4 NOT LIABLE FOR DAMAGES, INCLUDING PERSONAL INJURY, WRONGFUL DEATH,
5 PROPERTY DAMAGE, OR OTHER LOSS RELATED TO THE CISM TEAM'S OR CISM
6 TEAM MEMBER'S ACT, ERROR, OR OMISSION IN THE PERFORMANCE OF THE
7 CISM SERVICES, UNLESS THE ACT, ERROR, OR OMISSION CONSTITUTES
8 WANTON, WILLFUL, OR INTENTIONAL MISCONDUCT.

9 (2) SUBSECTION (1) DOES NOT APPLY TO AN ACTION FOR MEDICAL
10 MALPRACTICE.

11 Enacting section 1. This amendatory act applies only to
12 critical incident stress management services provided in relation
13 to a critical incident that occurs on or after January 1, 2014.

14 Enacting section 2. This amendatory act takes effect January
15 1, 2014.