



AN ACT ESTABLISHING THE CRITICAL INCIDENT STRESS MANAGEMENT ACT; REQUIRING THAT CRITICAL INCIDENT MEETINGS BE CLOSED TO THE PUBLIC AND OTHERS; REQUIRING THAT CERTAIN INFORMATION PROVIDED DURING CRITICAL INCIDENT STRESS MANAGEMENT AND RESPONSE BE KEPT CONFIDENTIAL; PROVIDING DEFINITIONS; PROVIDING EXCEPTIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, it is in the public interest to promote the mental health and well-being of emergency responders and to protect their ability to cope with abnormally tragic events.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. [Sections 1 through 5] may be cited as the "Critical Incident Stress Management Act".

Section 2. Policy. In order to promote the resiliency and well-being of Montana emergency service providers, it is the policy of the state of Montana to encourage the practice of critical incident stress management.

Section 3. Purpose. (1) It is the purpose of [sections 1 through 5] to recognize the importance of critical incident stress management and to protect the integrity of the critical incident stress management process.

(2) The legislature finds that, in some cases of dealing with extreme psychological stress or trauma that has resulted from a response to a critical incident, the privacy of the emergency service provider exceeds the merits of public disclosure.

Section 4. Definitions. As used in [sections 1 through 5], the following definitions apply:

(1) "Critical incident" means an event that results in acute or cumulative psychological stress or trauma to an emergency service provider as a result of response to the incident.

(2) "Critical incident stress" means an unusually strong emotional, cognitive, or physical reaction that has the potential to interfere with normal functioning and that results from the response to a critical incident. This may include but is not limited to physical and emotional illness, failure of usual coping mechanisms, loss of interest in the job, personality changes, or loss of ability to function.

(3) "Critical incident stress management" means a process of crisis intervention designed to assist emergency service personnel in coping with the psychological trauma resulting from response to a critical incident.

(4) "Critical incident stress management and response services" means consultation, counseling, debriefing, defusing, intervention services, management, prevention, and referral provided by a critical incident stress management team member to emergency service personnel.

(5) "Critical incident stress management team" means the group of one or more trained volunteers or paid professionals who offer critical incident stress management and response services following a critical incident.

(6) "Critical incident stress management team member" or "team member" means an individual specially trained to provide critical incident stress management and response services as a member of an organized team or emergency services provider agency.

(7) "Emergency service provider" or "emergency service personnel" means a law enforcement officer, firefighter, emergency medical service provider, dispatcher, rescue service provider, or other personnel who provide emergency response services.

Section 5. Critical incident meetings closed -- confidentiality -- exceptions. (1) To protect the privacy rights of an emergency service provider in receiving critical incident stress management and response services, critical incident stress management debriefing meetings and other critical incident stress management and response services meetings are closed to the general public and may be closed to anyone who was not directly involved in the critical incident that is the subject of the meeting.

(2) Any information divulged to the team during the provision of critical incident stress management and response services must be kept confidential and may not be disclosed to a third party or in a criminal, civil, or administrative proceeding, unless the merits of disclosure exceed the demands of an individual's privacy. Records kept by critical incident stress management team members are not subject to subpoena, discovery, or introduction

into evidence in a criminal, civil, or administrative action.

(3) The confidentiality privilege provided in subsections (1) and (2) does not apply:

(a) for the appropriate referral to or consultation with other critical incident stress management team members or related qualified professionals;

(b) if the emergency service provider conveys that the provider is an imminent threat to the provider or anyone else or if the provider appears to be an imminent threat to the provider or anyone else;

(c) if the emergency services provider divulges information regarding a past, present, or future criminal act that does not involve the critical incident;

(d) if the emergency service provider or the provider's legal guardian gives consent;

(e) if the emergency service provider is deceased; or

(f) to the facts divulged by the emergency service provider concerning a person injured in a critical incident and the services and care provided to or withheld from that person by an emergency service provider.

Section 6. Codification instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 39, and the provisions of Title 39 apply to [sections 1 through 5].

Section 7. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 0517, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2009.

President of the Senate

Signed this _____ day
of _____, 2009.

HOUSE BILL NO. 517

INTRODUCED BY G. HOLLENBAUGH

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