

CHAPTER 74
SB 166 – FINAL VERSION

03/28/13 1149s

2013 SESSION

13-0416
03/09

SENATE BILL **166**

AN ACT relative to critical incident stress management and crisis intervention services.

SPONSORS: Sen. D'Allesandro, Dist 20

COMMITTEE: Judiciary

ANALYSIS

This bill establishes that information divulged during critical incident stress management and crisis intervention services is confidential, with limited exceptions specified in the bill.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to critical incident stress management and crisis intervention services.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 74:1 New Section; Emergency Medical and Trauma Services; Critical Incident Intervention and
2 Management. Amend RSA 153-A by inserting after section 17 the following new section:

3 153-A:17-a Critical Incident Intervention and Management.

4 I. In this section:

5 (a) “Critical incident” means an event or events that result in acute or cumulative
6 psychological stress or trauma to an emergency service provider as a result of response to the
7 incident.

8 (b) “Critical incident stress” means an unusually strong emotional, cognitive, or physical
9 reaction that has the potential to interfere with normal functioning and that results from the
10 response to a critical incident or long-term occupational exposure to a series of critical incident
11 responses over a period of time that are believed to be causing debilitating stress that is affecting an
12 emergency service provider and his or her work performance or family situation. This may include,
13 but is not limited to, physical and emotional illness, failure of usual coping mechanisms, loss of
14 interest in the job, personality changes, or loss of ability to function.

15 (c) “Critical incident stress management” means a process of crisis intervention designed
16 to assist emergency service providers in coping with the psychological trauma resulting from
17 response to a critical incident.

18 (d) “Critical incident stress management and crisis intervention services” means
19 consultation, counseling, debriefing, defusing, intervention services, management, prevention, and
20 referral provided by a critical incident stress management team member.

21 (e) “Critical incident stress management team” or “team” means the group of one or
22 more trained volunteers, including members of peer support groups organized by a unit of state,
23 local, or county government who offer critical incident stress management and crisis intervention
24 services following a critical incident or long term or continued, debilitating stress being experienced
25 by emergency services providers and affecting them or their family situation.

26 (f) “Critical incident stress management team member” or “team member” means an
27 emergency services provider, including any law enforcement officer, sheriff or deputy sheriff, state
28 police officer, civilian law enforcement employee, firefighter, civilian fire department employee, and
29 emergency medical personnel, specially trained to provide critical incident stress management and

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1 crisis intervention services as a member of an organized and registered team.

2 II.(a) Team members shall undergo and sustain certification standards set forth in
3 guidelines established by the International Critical Incident Stress Foundation (ICISF) approved by
4 the commissioner of the department of safety, or a similar organization for which the commissioner
5 shall not unreasonably withhold approval. The team shall be registered with ICISF, or a similar
6 organization, and maintain training standards to date as required.

7 (b) All critical incident stress management team members, sworn or civilian, shall be
8 designated by the police chief, sheriff, commander of the state police, fire chief, or director of
9 emergency services.

10 III.(a) Any information divulged to the team or a team member during the provision of
11 critical incident stress management and crisis intervention services shall be kept confidential and
12 shall not be disclosed to a third party or in a criminal, civil, or administrative proceeding. Records
13 kept by critical incident stress management team members are not subject to subpoena, discovery, or
14 introduction into evidence in a criminal, civil, or administrative action. Except as provided in
15 subparagraph (c), no person, whether critical incident stress management team member or team
16 leader providing or receiving critical incident stress management and crisis intervention services,
17 shall be required to testify or divulge any information obtained solely through such crisis
18 intervention.

19 (b) The purpose of this section is to provide a consistent framework for the operation of
20 critical incident stress management teams and their members. In any civil action against any
21 individual, agency, or government entity, including the state of New Hampshire, arising out of the
22 conduct of a member of such team, this section is not intended and shall not be admissible to
23 establish negligence in any instance where requirements herein are higher than the standard of care
24 that would otherwise have been applicable in such action under state law.

25 (c) A communication shall not be deemed confidential pursuant to this section if:

26 (1) The communication indicates the existence of a danger to the individual who
27 receives critical incident stress management and crisis intervention services or to any other person
28 or persons.

29 (2) The communication indicates the existence of past child abuse or neglect of the
30 individual, abuse of an adult as defined by law, or family violence as defined by law.

31 (3) The communication indicates the existence of past or present acts constituting an
32 intentional tort or crime, provided the applicable statute of limitation has not expired on the act
33 indicated.

34 74:2 Effective Date. This act shall take effect upon its passage.

35 Approved: June 6, 2013

36 Effective Date: June 6, 2013