

SB 207 - AS AMENDED BY THE SENATE

02/22/2023 0302s

02/22/2023 0638s

2023 SESSION

23-0972

06/05

SENATE BILL **207**

AN ACT establishing a committee to study licensure of mental health professionals and relative to mental health critical incident intervention and management.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Gannon, Dist 23; Sen. Rosenwald, Dist 13; Sen. Bradley, Dist 3; Sen. Whitley, Dist 15; Sen. Soucy, Dist 18; Sen. Carson, Dist 14; Sen. Prentiss, Dist 5; Rep. Schapiro, Ches. 16; Rep. Grote, Rock. 24

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill:

I. Establishes a committee to study licensure of mental health professionals.

II. Adds a new definition for "peer support group" to emergency medical and trauma services and critical incident intervention and management.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing a committee to study licensure of mental health professionals and relative to mental health critical incident intervention and management.

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

1 1 Legislative Findings. The general court finds that:

2 I. New Hampshire has a shortage of qualified mental health professionals.

3 II. New Hampshire competes with neighboring states to attract qualified mental health
4 professionals.

5 III. Licensure requirements and licensure processes may impact the mental health
6 workforce in New Hampshire.

7 2 Committee Established. There is established a committee to study and make
8 recommendations relative to licensure of mental health professions under the board of licensing for
9 alcohol and other drug use professionals, board of medicine, board of mental health practice, board of
10 nursing, and board of psychology.

11 3 Membership and Compensation.

12 I. The members of the committee shall be as follows:

13 (a) One member of the senate, appointed by the president of the senate.

14 (b) Three members of the house of representatives, at least one of whom shall be from
15 the executive departments and administration committee and at least one of whom shall be from the
16 health, human services, and elderly affairs committee, appointed by the speaker of the house of
17 representatives.

18 II. Members of the committee shall receive mileage at the legislative rate when attending to
19 the duties of the committee.

20 4 Duties. The committee shall:

21 I. Review licensure criteria for mental health professionals regulated by the board of
22 licensing for alcohol and other drug use professionals, board of medicine, board of mental health
23 practice, board of nursing, and board of psychologists, including how such criteria relates to
24 requirements in neighboring states.

25 II. Review the licensure processes of the office of professional licensure and certification as it
26 relates to mental health professionals, including how the statutory and regulatory framework may
27 impact the timely and efficient licensure of qualified applicants.

28 III. Identify and make recommendations for joining available licensure compacts or adopting
29 an endorsement model regarding mental health professionals.

1 IV. Explore licensure barriers to attracting qualified mental health professionals to New
2 Hampshire.

3 V. Make recommendations, if necessary, for changes to licensure regarding the board of
4 licensing for alcohol and other drug use professionals, board of medicine, board of mental health
5 practice, board of nursing, and board of psychologists, including how such criteria relates to
6 requirements in neighboring states.

7 VI. Seek input from state agencies and boards, councils, and commissions within the office,
8 stakeholders, and any other person or entity the committee deems relevant to its study.

9 VII. Consider whether elements of 2020 Emergency Orders 8, 15, and 18 have potential to
10 alleviate the challenges with mental health licensure if incorporated into statute, where not already
11 accomplished.

12 5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
13 among the members. The first meeting of the committee shall be called by the senate member. The
14 first meeting of the committee shall be held within 45 days of the effective date of this section. Three
15 members of the committee shall constitute a quorum.

16 6 Report. The committee shall report its findings and any recommendations for proposed
17 legislation to the president of the senate, the speaker of the house of representatives, the senate
18 clerk, the house clerk, the governor, and the state library on or before November 1, 2023.

19 7 Emergency Medical and Trauma Services; Critical Incident Intervention and Management.
20 Amend RSA 153-A:17-a, I(e) - III(b) to read as follows:

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, **or members of a union of emergency response/public safety**
24 **workers as defined by RSA 281-A:2, V-c** who offer critical incident stress management, ~~and~~
25 crisis intervention **or peer support** services following a critical incident or long term or continued,
26 debilitating stress being experienced by emergency services providers and affecting them or their
27 family situation.

28 (f) (1) **"Peer Support Group" means the group of one or more trained volunteers,**
29 **organized by a unit of state, local, county government or employee organization that can**
30 **recognize common behavioral health issues, provide support services, and serve as a bridge**
31 **to community resources or behavioral health treatment when indicated.**

32 ~~[(f)(1)]~~ (2) "Critical incident stress management team member" or "team member"
33 means an emergency services provider, including any law enforcement officer, sheriff or deputy
34 sheriff, state police officer, civilian law enforcement employee, firefighter, civilian fire department
35 employee, emergency medical personnel, telecommunicators, and local dispatchers specially trained
36 to provide critical incident stress management, ~~and~~ crisis intervention **or peer support** services as
37 a member of an organized and registered team.

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1 ~~[(2)]~~ **(3)** In this subparagraph:

2 (A) "Telecommunicator" means an employee of the department of safety, division
3 of emergency services and communications who is responsible for receiving at the public safety
4 answering point telephone calls made to E911 and transferring or relaying such calls to public or
5 private safety agencies.

6 (B) "Local dispatcher" means a person who determines the location, status, and
7 assistance required by callers and walk-in customers for public safety services and dispatches the
8 appropriate police, fire, ambulance, or other units to provide needed emergency services at the state,
9 city, town, or private emergency services level.

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

15 (b) All critical incident stress management team members ***or peer support group***
16 ***members***, sworn or civilian, shall be designated by the police chief, sheriff, director of the division of
17 state police, fire chief, or director of the division of emergency services and communications, ***or head***
18 ***of an employee organization***.

19 III.(a) Any information divulged to the team, ~~[or a]~~ team member ***or peer support group***
20 ***member***, during the provision of critical incident stress management, ~~[and]~~ crisis intervention ***or***
21 ***peer support*** services shall be kept confidential and shall not be disclosed to a third party or in a
22 criminal, civil, or administrative proceeding. Records kept by critical incident stress management
23 team members ***or peer support group*** are not subject to subpoena, discovery, or introduction into
24 evidence in a criminal, civil, or administrative action. Except as provided in subparagraph (c), no
25 person, whether critical incident stress management team member, ~~[or]~~ team leader ***or peer***
26 ***support group member*** providing or receiving critical incident stress management, ~~[and]~~ crisis
27 intervention ***or peer support*** services, shall be required to testify or divulge any information
28 obtained solely through such crisis intervention.

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

35 8 Effective Date.

36 I. Section 7 of this act shall take effect 60 days after its passage.

37 II. The remainder of this act shall take effect upon its passage.