

SENATE
STATE OF MINNESOTA
SECOND SPECIAL SESSION

S.F. No. 65

(SENATE AUTHORS: BIGHAM)

DATE
07/20/2020

D-PG

43 Introduction and first reading
Referred to Rules and Administration

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; providing for formal public safety peer counseling;
1.3 establishing critical incident stress management services; classifying data; amending
1.4 Minnesota Statutes 2018, section 13.43, subdivision 9, by adding a subdivision;
1.5 proposing coding for new law in Minnesota Statutes, chapter 181; repealing
1.6 Minnesota Statutes 2018, section 181.973.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2018, section 13.43, subdivision 9, is amended to read:

1.9 Subd. 9. **Peer counseling debriefing data.** (a) Data acquired by a peer ~~group member~~
1.10 ~~in a support counselor when providing public safety peer counseling debriefing is private~~
1.11 ~~data on the person being debriefed~~ are governed by section 181.9731.

1.12 (b) For purposes of this subdivision, ~~"public safety peer counseling debriefing" means~~
1.13 ~~a group process oriented debriefing session held for peace officers, firefighters, medical~~
1.14 ~~emergency persons, dispatchers, or other persons involved with public safety emergency~~
1.15 ~~services, that is established by any government entity providing public safety emergency~~
1.16 ~~services and is designed to help a person who has suffered an occupation related traumatic~~
1.17 ~~event begin the process of healing and effectively dealing with posttraumatic stress.;~~

1.18 (1) "peer support counselor" has the meaning given in section 181.9731, subdivision 1,
1.19 paragraph (c); and

1.20 (2) "public safety peer counseling" has the meaning given in section 181.9731, subdivision
1.21 1, paragraph (d).

2.1 Sec. 2. Minnesota Statutes 2018, section 13.43, is amended by adding a subdivision to
2.2 read:

2.3 Subd. 9a. **Critical incident stress management data.** (a) Data acquired by a critical
2.4 incident stress management team member when providing critical incident stress management
2.5 services are governed by section 181.9732.

2.6 (b) For purposes of this subdivision:

2.7 (1) "critical incident stress management services" has the meaning given in section
2.8 181.9732, subdivision 1, paragraph (c); and

2.9 (2) "critical incident stress management team member" has the meaning given in section
2.10 181.9732, subdivision 1, paragraph (e).

2.11 Sec. 3. [181.9731] PUBLIC SAFETY PEER COUNSELING.

2.12 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
2.13 the meanings given.

2.14 (b) "Emergency service provider" includes a peace officer, correctional officer, probation
2.15 officer, supervision agent, firefighter, rescue squad member, dispatcher, hospital or
2.16 emergency medical clinic personnel, a person who provides emergency medical services
2.17 for a Minnesota licensed ambulance service, forensic science professional, or other person
2.18 involved with public safety emergency services, either paid or volunteer.

2.19 (c) "Peer support counselor" means an individual who is:

2.20 (1) specially trained to provide public safety peer counseling services in accordance
2.21 with standards that are both (i) established by an accredited mental health organization or
2.22 network, and (ii) recognized by the commissioner of public safety; and

2.23 (2) designated by the emergency service provider's agency to provide such services.

2.24 (d) "Public safety peer counseling" means one or more sessions, led by a peer support
2.25 counselor, designed to help an emergency service provider who experienced an
2.26 occupation-related trauma, illness, or stress develop skills and strategies to better understand,
2.27 cope with, and process emotions and memories tied to the trauma, illness, or stress. Public
2.28 safety peer counseling includes group sessions led by a peer support counselor, one-to-one
2.29 contact with a peer support counselor, and meetings with a peer support counselor to obtain
2.30 referrals to appropriate mental health or community support services.

2.31 Subd. 2. **Peer support counselor; prohibition on being witness or party.** A peer
2.32 support counselor may not provide public safety peer counseling to an emergency service

3.1 provider if the emergency service provider is seeking public safety peer counseling to address
3.2 a critical incident, as defined in section 181.9732, subdivision 1, paragraph (b), to which
3.3 the peer support counselor is a witness. A peer support counselor may refer the person to
3.4 another peer support counselor or other appropriate mental health or community support
3.5 service.

3.6 Subd. 3. **Disclosure prohibited.** (a) Except as provided in subdivision 4, a peer support
3.7 counselor or any person who receives public safety peer counseling shall not be required
3.8 to disclose information to a third party that was obtained solely through the provision or
3.9 receipt of public safety peer counseling.

3.10 (b) Government data on individuals receiving peer counseling are classified as private
3.11 data on individuals, as defined by section 13.02, subdivision 12, but may be disclosed as
3.12 provided in subdivision 4.

3.13 Subd. 4. **Exceptions.** The prohibition established under subdivision 3 does not apply if
3.14 any of the following are true:

3.15 (1) the peer support counselor reasonably believes the disclosure is necessary to prevent
3.16 harm to self by the person in receipt of public safety peer counseling or to prevent the person
3.17 from harming another person, provided the disclosure is only for the purpose of preventing
3.18 the person from harming self or others and limited to information necessary to prevent such
3.19 harm;

3.20 (2) the person receiving public safety peer counseling discloses information that is
3.21 required to be reported under the mandated reporting laws, including, but not limited to,
3.22 the reporting of maltreatment of minors under section 626.556 and the reporting of
3.23 maltreatment of vulnerable adults under section 626.557, provided the disclosure is only
3.24 for the purpose of reporting maltreatment and limited to information necessary to make
3.25 such a report;

3.26 (3) the person who received public safety peer counseling provides written consent
3.27 authorizing disclosure of the information;

3.28 (4) the emergency service provider who received public safety peer counseling is deceased
3.29 and the surviving spouse or administrator of the estate of the deceased emergency service
3.30 provider gives written consent authorizing disclosure of the information; or

3.31 (5) the emergency service provider who received public safety peer counseling voluntarily
3.32 testifies, in which case the peer support counselor may be compelled to testify on the same
3.33 subject.

4.1 Sec. 4. **[181.9732] CRITICAL INCIDENT STRESS MANAGEMENT.**

4.2 **Subdivision 1. Definitions.** (a) For purposes of this section, the following terms have
4.3 the meanings given.

4.4 (b) "Critical incident" means an event that results in acute or cumulative psychological
4.5 stress or trauma to an emergency service provider. Critical incident includes, but is not
4.6 limited to, any encounter which may result in the death of or serious injury to another person
4.7 such as fatal motor vehicle accidents, child abuse investigations, death investigations, and
4.8 large scale man-made or natural disasters.

4.9 (c) "Critical incident stress management services" means consultation, risk assessment,
4.10 education, intervention, and other crisis intervention services provided by a critical incident
4.11 stress management team or critical incident stress management team member to an emergency
4.12 service provider affected by a critical incident.

4.13 (d) "Critical incident stress management team" means a group organized to provide
4.14 critical incident stress management to emergency service providers and consists of critical
4.15 incident stress management team members. A critical incident stress management team may
4.16 include members from any emergency service discipline, mental health professionals, and
4.17 designated emergency service chaplains.

4.18 (e) "Critical incident stress management team member" means an individual who:

4.19 (1) is trained to provide critical incident stress management services in accordance with
4.20 standards that are both (i) established by a nationally recognized critical incident stress
4.21 management organization or network, and (ii) recognized by the commissioner of public
4.22 safety;

4.23 (2) was approved to function as a critical incident stress management team member prior
4.24 to the time critical incident stress management services are provided; and

4.25 (3) is approved to function as a critical incident stress management team member at the
4.26 time the critical incident stress management services are provided.

4.27 (f) "Emergency service provider" includes a peace officer, correctional officer, probation
4.28 officer, supervision agent, firefighter, rescue squad member, dispatcher, hospital or
4.29 emergency medical clinic personnel, a person who provides emergency medical services
4.30 for a Minnesota licensed ambulance service, forensic science professional, or other person
4.31 involved with public safety emergency services, either paid or volunteer.

4.32 **Subd. 2. Team members; prohibition on being witness or party.** A person who
4.33 otherwise qualifies as a critical incident stress management team member may not be part

5.1 of a critical incident stress management team providing services to an emergency service
5.2 provider if the critical incident stress management team member is a witness to the critical
5.3 incident for which the person is receiving services.

5.4 Subd. 3. **Disclosure prohibited.** (a) Except as provided in subdivision 4, a critical
5.5 incident stress management team member or any person who receives critical incident stress
5.6 management services shall not be required to disclose information to a third party that was
5.7 obtained solely through the provision or receipt of critical incident stress management
5.8 services.

5.9 (b) Government data on individuals receiving critical incident stress management services
5.10 are classified as private data on individuals, as defined by section 13.02, subdivision 12,
5.11 but may be disclosed as provided in subdivision 4.

5.12 Subd. 4. **Exceptions.** The prohibition established under subdivision 3 does not apply if
5.13 any of the following are true:

5.14 (1) the critical incident stress management team member reasonably believes the
5.15 disclosure is necessary to prevent harm to self by the person in receipt of critical incident
5.16 stress management services or to prevent the person from harming another person, provided
5.17 the disclosure is only for the purpose of preventing the person from harming self or others
5.18 and limited to information necessary to prevent such harm;

5.19 (2) the person receiving critical incident stress management services discloses information
5.20 that is required to be reported under the mandated reporting laws, including, but not limited
5.21 to, the reporting of maltreatment of minors under section 626.556 and the reporting of
5.22 maltreatment of vulnerable adults under section 626.557, provided the disclosure is only
5.23 for the purpose of reporting maltreatment and limited to information necessary to make
5.24 such a report;

5.25 (3) the person who received critical incident stress management services provides written
5.26 consent authorizing disclosure of the information;

5.27 (4) the emergency service provider who received critical incident stress management
5.28 services is deceased and the surviving spouse or administrator of the estate of the deceased
5.29 emergency service provider gives written consent authorizing disclosure of the information;
5.30 or

5.31 (5) the emergency service provider who received critical incident stress management
5.32 services voluntarily testifies, in which case the critical incident stress management team
5.33 member may be compelled to testify on the same subject.

6.1 Sec. 5. **REPEALER.**

6.2 Minnesota Statutes 2018, section 181.973, is repealed.

181.973 PUBLIC SAFETY PEER COUNSELING AND DEBRIEFING.

A person engaged in a public safety peer counseling or a public safety peer debriefing shall not, without the permission of the person being debriefed or counseled, be allowed to disclose any information or opinion which the peer group member or peer counselor has acquired during the process. However, this does not prohibit a peer counselor from disclosing information the peer counselor reasonably believes indicates that the person may be a danger to self or others, if the information is used only for the purpose of eliminating the danger to the person or others. Any information or opinion disclosed in violation of this paragraph is not admissible as evidence in any personnel or occupational licensing matter involving the person being debriefed or counseled.

For purposes of this section, "public safety peer counseling or debriefing" means a group process oriented debriefing session, or one-to-one contact with a peer counselor, held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services, that is established by any agency providing public safety emergency services and is designed to help a person who has suffered an occupation-related trauma, illness, or stress begin the process of healing and effectively dealing with the person's problems or the use of the peer counselor for direction with referrals to better service these occupation-related issues. A "peer counselor" means someone so designated by that agency.