

SECOND REGULAR SESSION

SENATE BILL NO. 616

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4578S.01I

AN ACT

To amend chapter 590, RSMo, by adding thereto one new section relating to the disclosure of privileged information obtained during a peer support counseling session.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 590, RSMo, is amended by adding thereto one new
2 section, to be known as section 590.1040, to read as follows:

**590.1040. 1. For purposes of this section, the following terms
2 mean:**

3 **(1) "Emergency services personnel", any employee or volunteer
4 of an emergency services provider who is engaged in providing or
5 supporting fire fighting, dispatching services, and emergency medical
6 services;**

7 **(2) "Emergency services provider", any public employer that
8 employs persons to provide fire fighting, dispatching services, and
9 emergency medical services;**

10 **(3) "Employee assistance program", a program established by a
11 law enforcement agency or emergency services provider to provide
12 professional counseling or support services to employees of a law
13 enforcement agency, emergency services provider, or a professional
14 mental health provider associated with a peer support team;**

15 **(4) "Law enforcement agency", any public agency that employs
16 law enforcement personnel;**

17 **(5) "Law enforcement personnel", any person who by virtue of
18 office or public employment is vested by law with a duty to maintain
19 public order or to make arrests for violation of the laws of the state of
20 Missouri or ordinances of any municipality thereof, or with a duty to**

21 maintain or assert custody or supervision over persons accused or
22 convicted of a crime, while acting within the scope of his or her
23 authority as an employee or volunteer of a law enforcement agency;

24 (6) "Peer support counseling session", any session conducted by
25 a peer support specialist that is called or requested in response to a
26 critical incident or traumatic event involving the personnel of the law
27 enforcement agency or emergency services provider;

28 (7) "Peer support specialist", a person who:

29 (a) Is designated by a law enforcement agency, emergency
30 services provider, employee assistance program, or peer support team
31 leader to lead, moderate, or assist in a peer support counseling session;

32 (b) Is a member of a peer support team; and

33 (c) Has received training in counseling and providing emotional
34 and moral support to law enforcement officers or emergency services
35 personnel who have been involved in emotionally traumatic incidents
36 by reason of his or her employment;

37 (8) "Peer support team", a group of peer support specialists
38 serving one or more law enforcement providers or emergency services
39 providers.

40 2. Any communication made by a participant or peer support
41 specialist in a peer support counseling session, and any oral or written
42 information conveyed in or as the result of a peer support counseling
43 session, are confidential and may not be disclosed by any person
44 participating in the peer support counseling session.

45 3. Any communication relating to a peer support counseling
46 session that is made between peer support specialists, between peer
47 support specialists and the supervisors or staff of an employee
48 assistance program, or between the supervisors or staff of an employee
49 assistance program, is confidential and may not be disclosed.

50 4. The provisions of this section shall apply only to peer support
51 counseling sessions conducted by a peer support specialist.

52 5. The provisions of this section shall apply to all oral
53 communications, notes, records, and reports arising out of a peer
54 support counseling session. Any notes, records, or reports arising out
55 of a peer support counseling session shall not be public records and
56 shall not be subject to the provisions of chapter 610. Nothing in this
57 section limits the discovery or introduction into evidence of knowledge

58 acquired by any law enforcement personnel or emergency services
59 personnel from observation made during the course of employment, or
60 material or information acquired during the course of employment, that
61 is otherwise subject to discovery or introduction into evidence.

62 **6. The provisions of this section shall not apply to any:**

63 **(1) Threat of suicide or criminal act made by a participant in a**
64 **peer support counseling session, or any information conveyed in a peer**
65 **support counseling session relating to a threat of suicide or criminal**
66 **act;**

67 **(2) Information relating to abuse of spouses, children, or the**
68 **elderly, or other information that is required to be reported by law;**

69 **(3) Admission of criminal conduct;**

70 **(4) Disclosure of testimony by a participant who received peer**
71 **support counseling services and expressly consented to such disclosure;**
72 **or**

73 **(5) Disclosure of testimony by the surviving spouse or executor**
74 **or administrator of the estate of a deceased participant who received**
75 **peer support counseling services and such surviving spouse or executor**
76 **or administrator expressly consented to such disclosure.**

77 **7. The provisions of this section shall not prohibit any**
78 **communications between peer support specialists who conduct peer**
79 **support counseling sessions or any communications between peer**
80 **support specialists and the supervisors or staff of an employee**
81 **assistance program.**

82 **8. The provisions of this section shall not prohibit**
83 **communications regarding fitness of an employee for duty between an**
84 **employee assistance program and an employer.**

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