

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act Ensuring confidentiality for emergency service providers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/16/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act Ensuring confidentiality for emergency service providers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 233 of the General Laws is hereby amended by striking section
2 200 and inserting the following section in its place:-

3 Section 200: (a) As used in this section, the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 "Certified emergency service provider", an emergency service provider certified by the
6 Massachusetts Peer Support Network or International Critical Incident Stress Foundation, Inc.

7 "Confidential Information", is information transmitted in confidence by and between an
8 emergency service provider and a certified emergency service provider or licensed mental health
9 professional during the course of a critical incident stress management session by a means which
10 does not disclose the information to a person other than a person or persons participating in the
11 critical incident stress management session with the emergency service provider. The term
12 includes all information received by the certified emergency service provider or licensed mental
13 health professional during the critical incident stress management session.

14 "Crisis intervention", immediate short-term psychological care provided by a certified
15 emergency service provider providing critical incident stress management to an emergency
16 service provider after said emergency service provider's response to a critical incident.

17 "Crisis intervention services", consultation, counseling, debriefing, defusing, intervention
18 services, prevention or referral.

19 "Critical incident", an event resulting in psychological stress or trauma to an emergency
20 service provider as a result of said emergency service provider's response to the incident.

21 "Critical incident stress management", a program designed to assist an emergency service
22 provider in coping with the psychological stress or trauma resulting from said emergency service
23 providers response to a critical incident.

24 "Emergency service provider", an active or retired law enforcement officer, police officer,
25 state police trooper, sheriff or deputy sheriffs, firefighter, or emergency medical personnel.

26 "Secretary", the secretary of the executive office of public safety and homeland security.

27 (b) Information provided by an emergency service provider to a certified emergency
28 service provider or licensed mental health professional as part of crisis intervention services
29 provided by the certified emergency service provider or licensed mental health professional to
30 the emergency service provider either individually or as part of a group shall be confidential and
31 shall not be disclosed to a third party, except as provided by subsection (e).

32 (c) An emergency service provider has a privilege to refuse to disclose, and to prevent
33 others from disclosing, confidential communications made during a critical incident stress
34 management session for the purpose of lessening the impact of an event, accelerating their own

35 normal coping abilities, and helping to prevent the development of post-traumatic stress disorder,
36 as follows:

37 (1) between the emergency service provider and the certified emergency service provider
38 or licensed mental health professional

39 (2) between other emergency service providers participating in a group critical incident
40 stress management session and the certified emergency service provider or licensed mental
41 health professional.

42 (d) The privilege may be claimed by the emergency service provider, the emergency
43 service provider's guardian or conservator, or the personal representative of a deceased
44 emergency service provider as the case may be at the time the privilege is claimed.

45 (e) Subsection (b) shall not apply to information provided by an emergency service
46 provider to a certified emergency service provider or licensed mental health professional as part
47 of crisis intervention services provided by the certified emergency service provider or licensed
48 mental health professional to the emergency service provider if:

49 (i) the certified emergency service provider or licensed mental health professional
50 providing crisis intervention services has reasonable cause to believe that the emergency service
51 provider receiving the crisis intervention services is in need of treatment in a hospital for mental
52 or emotional illness or that there is a threat of imminently dangerous activity by the emergency
53 service provider receiving the crisis intervention services against himself or herself or another
54 person;

55 (ii) the certified emergency service provider or licensed mental health professional
56 providing crisis intervention services has reasonable cause to believe that the emergency service
57 provider receiving the crisis intervention services has engaged in conduct required to be reported
58 pursuant to section 51A of chapter 119;

59 (iii) the certified emergency service provider or licensed mental health professional
60 providing crisis intervention services has reasonable cause to believe that the emergency service
61 provider receiving the crisis intervention services has engaged in conduct in violation of any
62 federal or state law;

63 (iv) the certified emergency service provider or licensed mental health professional
64 providing crisis intervention services has reasonable cause to believe that the emergency service
65 provider receiving the crisis intervention services has admitted to criminal conduct;

66 (v) the certified emergency service provider or licensed mental health professional
67 providing crisis intervention services has reasonable cause to believe that the emergency service
68 provider receiving the crisis intervention services has admitted to conduct that constitutes a
69 violation of the laws that are normally enforced by the entity for which the emergency service
70 provider receiving the crisis intervention services is employed;

71 (vi) the certified emergency service provider or licensed mental health professional
72 providing crisis intervention services was an initial emergency service responder, a witness, or a
73 party to the critical incident that prompted an emergency service provider to engage in crises
74 intervention services; or

75 (vii) the emergency service provider receiving the crisis intervention services waives
76 confidentiality and gives express consent for the certified emergency service provider or licensed

77 mental health professional to testify or the emergency service provider receiving the crisis
78 intervention services otherwise divulges information related to such services to any third party.

79 (f) An emergency service provider who provides crisis intervention services to
80 emergency service providers pursuant to this section shall: (i) be certified by the Massachusetts
81 Peer

82 Support Network or International Critical Incident Stress Foundation, Inc.; (ii) provide
83 documentation of such certification to their employer; and (iii) annually provide their employer
84 with proof of such certification.

85 An entity employing a certified emergency service provider shall maintain the
86 documentation provided by the employee under this subsection of the employee's certification by
87 the Massachusetts Peer Support Network or the International Critical Incident Stress Foundation,
88 Inc. Such documentation shall be made available at the request of the secretary.

89 (g) If an entity employing a certified emergency service provider determines that an
90 employee has violated this section, the entity shall promptly notify in writing the Massachusetts
91 Peer Support Network and or the International Critical Incident Stress Foundation, Inc. of the
92 violation. An employee that violates this section shall be considered decertified and shall not be
93 eligible to provide crisis intervention services as a certified emergency service provider for a
94 period of 5 years.