

# STATE OF NEW YORK

8440

2019-2020 Regular Sessions

## IN ASSEMBLY

July 8, 2019

Introduced by M. of A. BURKE -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to providing a testimonial privilege to critical incident stress management/crisis response/peer support team members concerning communications made during critical incident stress management/crisis response services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The civil practice law and rules is amended by adding a new  
2 section 4508-a to read as follows:

3 § 4508-a. Critical incident stress management/crisis response/peer  
4 support team member. (a) Definitions. As used in this section the  
5 following terms shall have the following meanings:

6 1. "Emergency services provider" means any individual working or  
7 volunteering in the following service capacities; law enforcement, fire-  
8 fighting, emergency medical services, communications/dispatch services,  
9 public safety, disaster/emergency managers and disaster responders.

10 2. "Critical incident stress management/crisis response services/peer  
11 support" means contact with a trained member of an organized emergency  
12 response team who provides intervention, support, consultation, risk  
13 assessment, referral and follow-up services.

14 3. "A trained member" means an individual who received specialized  
15 training in critical incident stress management/crisis response/peer  
16 support and offers services as part of an organized emergency response  
17 team.

18 4. "Critical incident stress management/crisis response/peer support"  
19 means a comprehensive, integrated, strategic and multi-component  
20 approach to manage critical incident stress during and following inci-  
21  dents and/or for any issue that may impact work and family life. Crit-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 ical incident stress management/crisis response/peer support services  
2 may include:

3 (A) Pre-incident education and preparation;

4 (B) Assessment;

5 (C) Crisis intervention;

6 (D) Strategic planning;

7 (E) Large group interventions;

8 (F) Small group interventions;

9 (G) One-on-one assistance;

10 (H) Family critical incident stress management;

11 (I) Organizational, community intervention, and consultation;

12 (J) Pastoral crisis intervention; and

13 (K) Follow-up and referral.

14 (b) Confidential information privileged. A trained member who received  
15 specialized training in critical incident stress management/crisis  
16 response/peer support as a member of an organized emergency response  
17 team shall not be required to disclose oral or written communication,  
18 notes, records or reports made by an individual while receiving such  
19 services or be required to disclose his/her communications with the  
20 individual in need of critical incident stress management/crisis  
21 response/peer support services except:

22 1. Where the individual who received critical incident stress  
23 management/crisis response services/peer support gives express consent  
24 to the testimony;

25 2. The communication reveals the contemplation of a crime or admission  
26 of criminal conduct;

27 3. The individual represents harm to self or others; or

28 4. The individual is suspected of child abuse or is at risk for child  
29 abuse.

30 § 2. This act shall take effect immediately.