

SECOND REGULAR SESSION

# HOUSE BILL NO. 1411

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE RHOADS.

5104H.011

D. ADAM CRUMBLISS, Chief Clerk

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### 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.

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*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 section, to be  
2 known as section 590.1040, to read as follows:

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

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

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

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

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

13       **(5) "Law enforcement personnel", any person who, by virtue of office or public**  
14 **employment, is vested by law with a duty to maintain public order or to make arrests for**  
15 **violation of the laws of the state of Missouri or ordinances of any municipality thereof, or**  
16 **with a duty to maintain or assert custody or supervision over persons accused or convicted**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 of a crime, while acting within the scope of his or her authority as an employee or volunteer  
18 of a law enforcement agency;

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

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

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

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

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

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

32 2. Any communication made by a participant or peer support specialist in a peer  
33 support counseling session, and any oral or written information conveyed in or as the  
34 result of a peer support counseling session, are confidential and may not be disclosed by  
35 any person participating in the peer support counseling session.

36 3. Any communication relating to a peer support counseling session that is made  
37 between peer support specialists, between peer support specialists and the supervisors or  
38 staff of an employee assistance program, or between the supervisors or staff of an employee  
39 assistance program is confidential and may not be disclosed.

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

42 5. The provisions of this section shall apply to all oral communications, notes,  
43 records, and reports arising out of a peer support counseling session. Any notes, records,  
44 or reports arising out of a peer support counseling session shall not be public records and  
45 shall not be subject to the provisions of chapter 610. Nothing in this section limits the  
46 discovery or introduction into evidence of knowledge acquired by any law enforcement  
47 personnel or emergency services personnel from observation made during the course of  
48 employment, or material or information acquired during the course of employment, that  
49 is otherwise subject to discovery or introduction into evidence.

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

51           **(1) Threat of suicide or criminal act made by a participant in a peer support**  
52 **counseling session, or any information conveyed in a peer support counseling session**  
53 **relating to a threat of suicide or criminal act;**

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

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

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

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

62           **7. The provisions of this section shall not prohibit any communications between**  
63 **peer support specialists who conduct peer support counseling sessions or any**  
64 **communications between peer support specialists and the supervisors or staff of an**  
65 **employee assistance program.**

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

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