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LAW/KR

P.L.2013, CHAPTER 233, *approved January 17, 2014*
Assembly, No. 1110 (*First Reprint*)

1 AN ACT concerning emergency services peer counseling and
2 supplementing chapter 84A of Title 2A of the New Jersey
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. As used in this act:

9 "Emergency services personnel" means a person who is
10 employed as a law enforcement officer, emergency medical service
11 technician, firefighter, emergency communications operator or in
12 some related occupation or profession, or who serves as a volunteer
13 member of a fire department, duly incorporated fire or first aid
14 company, volunteer emergency, ambulance or rescue squad
15 association or organization and provides emergency services for a
16 local governmental unit.

17 "Emergency services provider" means a local law enforcement
18 agency, emergency medical services unit, fire department or force,
19 emergency communications provider, volunteer fire department,
20 duly incorporated fire or first aid company, volunteer emergency,
21 ambulance or rescue squad association or organization or company
22 which provides emergency services.

23 "Emergency assistance program" means a program established
24 by an emergency services provider to provide peer counseling ¹**【**,
25 debriefing**】**¹ and support services to employees and volunteers who,
26 while providing emergency services, have been involved in
27 incidents which may produce personal or job-related depression,
28 anxiety, stress or other psychological or emotional tensions,
29 traumas, pressures or disorders. Such incidents may include, but
30 not be limited to: an event involving the firing of a weapon;
31 significant or serious bodily injury; death; a terroristic act; a
32 hostage situation; or personal injury.

33 "Peer counselor" means a member of a law enforcement agency,
34 emergency medical service unit, fire department or force,
35 emergency communications provider, volunteer fire department,
36 duly incorporated fire or first aid company, volunteer emergency,
37 ambulance or rescue squad association or
38 organization,¹an authorized representative of a collective bargaining
39 unit or organization representing law enforcement officers or

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHS committee amendments adopted May 13, 2013.

1 firefighters,¹ or any private citizen designated by an emergency
2 services provider to provide post traumatic counseling ¹[,
3 debriefing]¹ and support services for emergency service personnel.

4 b. Except as otherwise provided in subsection c. of this act:

5 (1) All information exchanged between a peer counselor and
6 any emergency services personnel participating in an emergency
7 assistance program shall be deemed confidential and shall not be
8 disclosed to any other person; and

9 (2) A peer counselor shall be privileged against examination as
10 a witness in any civil or criminal proceeding, or in any
11 administrative or arbitration proceeding, with regard to the
12 exchange of information that occurred in an emergency assistance
13 program.

14 c. Nothing in this act shall be deemed to prohibit:

15 (1) A professional exchange of information between peer
16 counselors, counseling supervisors and appropriately licensed or
17 certified psychologists, social workers or mental health
18 professionals designated by, or contracted by, the emergency
19 services provider for the exclusive purpose of providing for the care
20 and treatment of any emergency services personnel who have been
21 involved in incidents which produced personal or job-related
22 depression, anxiety, stress or other psychological or emotional
23 tensions, traumas, pressures or disorders;

24 (2) An exchange of information concerning any threat or
25 suggestion of suicide or physical harm;

26 (3) An exchange of information relating to child abuse or elder
27 abuse; or

28 (4) An exchange of information relating to the commission of a
29 crime.

30

31 2. This act shall take effect immediately.

32

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35

36 Affords emergency services peer counselors confidentiality
37 privileges.

ASSEMBLY, No. 1110

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblyman ANGEL FUENTES

District 5 (Camden and Gloucester)

SYNOPSIS

Affords emergency services peer counselors confidentiality privileges.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



A1110 FUENTES

2

1 AN ACT concerning emergency services peer counseling and
2 supplementing chapter 84A of Title 2A of the New Jersey
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. As used in this act:

9 "Emergency services personnel" means a person who is
10 employed as a law enforcement officer, emergency medical service
11 technician, firefighter, emergency communications operator or in
12 some related occupation or profession, or who serves as a volunteer
13 member of a fire department, duly incorporated fire or first aid
14 company, volunteer emergency, ambulance or rescue squad
15 association or organization and provides emergency services for a
16 local governmental unit.

17 "Emergency services provider" means a local law enforcement
18 agency, emergency medical services unit, fire department or force,
19 emergency communications provider, volunteer fire department,
20 duly incorporated fire or first aid company, volunteer emergency,
21 ambulance or rescue squad association or organization or company
22 which provides emergency services.

23 "Emergency assistance program" means a program established
24 by an emergency services provider to provide peer counseling,
25 debriefing and support services to employees and volunteers who,
26 while providing emergency services, have been involved in
27 incidents which may produce personal or job-related depression,
28 anxiety, stress or other psychological or emotional tensions,
29 traumas, pressures or disorders. Such incidents may include, but
30 not be limited to: an event involving the firing of a weapon;
31 significant or serious bodily injury; death; a terroristic act; a
32 hostage situation; or personal injury.

33 "Peer counselor" means a member of a law enforcement agency,
34 emergency medical service unit, fire department or force,
35 emergency communications provider, volunteer fire department,
36 duly incorporated fire or first aid company, volunteer emergency,
37 ambulance or rescue squad association or organization, or any
38 private citizen designated by an emergency services provider to
39 provide post traumatic counseling, debriefing and support services
40 for emergency service personnel.

41 b. Except as otherwise provided in subsection c. of this act:

42 (1) All information exchanged between a peer counselor and
43 any emergency services personnel participating in an emergency
44 assistance program shall be deemed confidential and shall not be
45 disclosed to any other person; and

46 (2) A peer counselor shall be privileged against examination as
47 a witness in any civil or criminal proceeding, or in any
48 administrative or arbitration proceeding, with regard to the

A1110 FUENTES

- 1 exchange of information that occurred in an emergency assistance
2 program.
- 3 c. Nothing in this act shall be deemed to prohibit:
- 4 (1) A professional exchange of information between peer
5 counselors, counseling supervisors and appropriately licensed or
6 certified psychologists, social workers or mental health
7 professionals designated by, or contracted by, the emergency
8 services provider for the exclusive purpose of providing for the care
9 and treatment of any emergency services personnel who have been
10 involved in incidents which produced personal or job-related
11 depression, anxiety, stress or other psychological or emotional
12 tensions, traumas, pressures or disorders;
- 13 (2) An exchange of information concerning any threat or
14 suggestion of suicide or physical harm;
- 15 (3) An exchange of information relating to child abuse or elder
16 abuse; or
- 17 (4) An exchange of information relating to the commission of a
18 crime.
- 19
- 20 2. This act shall take effect immediately.
- 21
- 22

23 STATEMENT

24

25 This bill provides for the confidentiality of information
26 exchanged between a peer counselor and any emergency service
27 personnel participating in an emergency assistance program.

28 There are emergency service providers that provide peer
29 counseling, debriefing and support services for their members who
30 have been involved in incidents which may produce personal or job-
31 related depression, anxiety, stress or other psychological or
32 emotional tensions, traumas, pressures or disorders. Such
33 triggering incidents may include events involving the firing of a
34 weapon; significant or serious bodily injury; death; a terroristic act;
35 a hostage situation; or personal injury.

36 The primary role of these peer counselors is to talk with the
37 affected emergency services personnel about the incident.
38 Although trained, these peer counselors are not mental health
39 professionals and do not treat those they are counseling. Seriously
40 affected emergency service personnel are referred to licensed and
41 certified mental health professionals.

42 The emergency services personnel covered under the bill include
43 police, fire, emergency medical technicians, ambulance, first aid
44 and rescue squad members, both professional and volunteer.

45 Under the bill, information exchanged between a peer counselor
46 and any emergency services personnel participating in an
47 emergency assistance program is deemed confidential and is not to
48 be disclosed.

A1110 FUENTES

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1 Similarly, peer counselors are afforded a privilege against
2 examination as witnesses in any civil or criminal proceeding.

3 The bill does, however, provide some exceptions. For example,
4 information can be exchanged between counselors, counseling
5 supervisors and licensed psychologists, social workers and mental
6 health professionals. Information can also be exchanged if it
7 concerns any threat or suggestion of suicide or physical harm; child
8 or elder abuse; or the commission of a crime.

ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1110

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 2013

The Assembly Homeland Security and State Preparedness Committee reports favorably and with committee amendments Assembly Bill No. 1110.

As amended and reported by the committee, Assembly Bill No. 1110 provides for the confidentiality of information exchanged between a peer counselor and any emergency service personnel participating in an emergency assistance program.

There are emergency service providers that provide peer counseling and support services for their members who have been involved in incidents which may produce personal or job-related depression, anxiety, stress or other psychological or emotional tensions, traumas, pressures or disorders. The amended bill defines "peer counselor" as a member of a law enforcement agency, emergency medical service unit, fire department or force, emergency communications provider, volunteer fire department, duly incorporated fire or first aid company, volunteer emergency, ambulance or rescue squad association or organization, an authorized representative of a collective bargaining unit or organization representing law enforcement officers or firefighters, or any private citizen designated by an emergency services provider to provide post traumatic counseling, and support services

The emergency services personnel covered under the amended bill include police, fire, emergency medical technicians, ambulance, first aid and rescue squad members, both professional and volunteer. Under the bill, information exchanged between a peer counselor and any emergency services personnel participating in an emergency assistance program is deemed confidential and is not to be disclosed.

COMMITTEE AMENDMENTS

The committee amended the bill:

1) to include representatives of a collective bargaining unit or organization representing law enforcement officers or firefighters within the list of persons designated as "peer counselors"; and

(2) remove the term “debriefing” from the list of services provided by a peer counselor.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1110

STATE OF NEW JERSEY

DATED: NOVEMBER 14, 2013

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 1110 (1R).

This bill provides for the confidentiality of information exchanged between a peer counselor and any emergency service personnel participating in an emergency assistance program.

There are emergency service providers that provide peer counseling and support services for their members who have been involved in incidents which may produce personal or job-related depression, anxiety, stress or other psychological or emotional tensions, traumas, pressures or disorders. The bill defines "peer counselor" as a member of a law enforcement agency, emergency medical service unit, fire department or force, emergency communications provider, volunteer fire department, duly incorporated fire or first aid company, volunteer emergency, ambulance or rescue squad association or organization, an authorized representative of a collective bargaining unit or organization representing law enforcement officers or firefighters, or any private citizen designated by an emergency services provider to provide post traumatic counseling, and support services

The emergency services personnel covered under the bill include police, fire, emergency medical technicians, ambulance, first aid and rescue squad members, both professional and volunteer. Under the bill, information exchanged between a peer counselor and any emergency services personnel participating in an emergency assistance program is deemed confidential and is not to be disclosed.

As reported by the committee, this bill is identical to the Senate Committee Substitute for Senate Bill No. 2840, which also was reported by the committee on this date.

SENATE, No. 2840

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED JUNE 3, 2013

Sponsored by:

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Senator DIANE B. ALLEN

District 7 (Burlington)

SYNOPSIS

Provides confidentiality for emergency services peer counselors.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning confidentiality for peer counseling of
2 emergency services personnel and supplementing Title 2A of the
3 New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. As used in this act:

9 "Emergency services personnel" means a person employed as a
10 law enforcement officer, emergency medical service technician,
11 firefighter, or emergency communications operator or in some
12 related occupation or profession, or serving as a volunteer member
13 of a fire department, duly incorporated fire or first aid company,
14 volunteer emergency, ambulance or rescue squad association or
15 organization which provides emergency services for a local
16 governmental unit.

17 "Emergency services provider" means a local law enforcement
18 agency, emergency medical services unit, fire department or force,
19 emergency communications provider, volunteer fire department,
20 duly incorporated fire or first aid company, volunteer emergency,
21 ambulance or rescue squad association or organization or company
22 which provides emergency services.

23 "Emergency assistance program" means a program established
24 by an emergency services provider to provide peer counseling,
25 debriefing and support services to employees and volunteers who,
26 while providing emergency services, have been involved in
27 incidents which may produce personal or job-related depression,
28 anxiety, stress or other psychological or emotional tensions,
29 traumas, pressures or disorders. Such incidents may include, but
30 are not limited to: an event involving the firing of a weapon,
31 significant or serious bodily injury, or death; a terroristic act; or a
32 hostage situation.

33 "Peer counselor" means any member of an emergency services
34 provider, or any private citizen designated by the emergency
35 services provider, who is directed by the emergency services
36 provider to provide post-traumatic counseling, debriefing and
37 support services for emergency services personnel of the emergency
38 services provider.

39
40 2. Except as otherwise provided in section 3 of this act:

41 a. All information exchanged between a peer counselor and
42 any emergency services personnel participating in an emergency
43 assistance program shall be deemed confidential and shall not be
44 disclosed to any other person; and

45 b. A peer counselor shall be privileged against examination as
46 a witness in any civil or criminal proceeding, or in any
47 administrative or arbitration proceeding, with regard to the
48 exchange of information that occurred in an emergency assistance

1 program.

2

3 3. Nothing in this act shall be deemed to prohibit: an exchange
4 of information concerning any threat or suggestion of suicide or
5 physical harm; an exchange of information relating to child abuse
6 or elder abuse; an exchange of information relating to the
7 commission of a crime; or a professional exchange of information
8 between peer counselors, counseling supervisors and appropriately
9 licensed or certified psychologists, social workers or mental health
10 professionals designated by, or contracted by, the emergency
11 services provider for the exclusive purpose of providing for the care
12 and treatment of any emergency services personnel who have been
13 involved in incidents which produced personal or job-related
14 depression, anxiety, stress or other psychological or emotional
15 tensions, traumas, pressures or disorders.

16

17 4. This act shall take effect immediately.

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19

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STATEMENT

21

22 This bill provides confidentiality for information exchanged
23 between a peer counselor and any emergency services personnel
24 participating in an emergency assistance program. Under the bill,
25 the exchanged information is deemed confidential and is not to be
26 disclosed.

27 Currently, some emergency services providers provide peer
28 counseling, debriefing and support services for their members who
29 experience incidents which may produce depression, anxiety, stress
30 or other psychological or emotional tensions, traumas, pressures or
31 disorders. Those triggering incidents include events involving the
32 firing of a weapon; significant or serious bodily injury; death; a
33 terroristic act; a hostage situation; or personal injury. The principal
34 role of the peer counselors is to talk with the affected emergency
35 services personnel about the incident. The peer counselors are not
36 mental health professionals and do not treat those they are
37 counseling. The most serious cases are referred to licensed and
38 certified mental health professionals.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 2840**

STATE OF NEW JERSEY

DATED: NOVEMBER 14, 2013

The Senate Law and Public Safety Committee reports favorably a Senate Committee Substitute for Senate Bill No. 2840.

This committee substitute provides for the confidentiality of information exchanged between a peer counselor and any emergency service personnel participating in an emergency assistance program.

There are emergency service providers that provide peer counseling and support services for their members who have been involved in incidents which may produce personal or job-related depression, anxiety, stress or other psychological or emotional tensions, traumas, pressures or disorders. The substitute defines "peer counselor" as a member of a law enforcement agency, emergency medical service unit, fire department or force, emergency communications provider, volunteer fire department, duly incorporated fire or first aid company, volunteer emergency, ambulance or rescue squad association or organization, an authorized representative of a collective bargaining unit or organization representing law enforcement officers or firefighters, or any private citizen designated by an emergency services provider to provide post traumatic counseling, and support services

The emergency services personnel covered under the substitute include police, fire, emergency medical technicians, ambulance, first aid and rescue squad members, both professional and volunteer. Under the substitute, information exchanged between a peer counselor and any emergency services personnel participating in an emergency assistance program is deemed confidential and is not to be disclosed.

As reported by the committee, this committee substitute is identical to Assembly Bill No. 1110 (1R), which also was reported by the committee on this date.