

CHAPTER 17

(SB 64)

AN ACT relating to peer counseling for public safety employees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"Public safety employee" means an individual employed by a public agency who:*

1. *Serves as a police officer as defined by KRS 15.420(2)(a)1.;*
2. *Serves in a position that is primarily engaged in firefighting activities, whether paid or unpaid;*
3. *Serves as a certified telecommunicator as provided by KRS 15.560 to 15.565; or*
4. *Is licensed to provide emergency medical services as provided by KRS Chapter 311A;*

(b) *"Peer support communication" means any oral or written communication made in the course of, or application for, a peer support counseling session or any communication by a peer support participant regarding the contents of a peer support counseling session to another peer support specialist, staff member of a peer support counseling program, or the supervisor of a peer support specialist;*

(c) *"Peer support counseling program" means a program provided by a public agency to provide counseling services from a peer support specialist to a public safety employee;*

(d) *"Peer support counseling session" means any counseling formally provided through a peer support counseling program between a peer support specialist and one (1) or more public safety employees;*

(e) *"Peer support participant" means a public safety employee who receives counseling services from a peer support specialist;*

(f) *"Peer support specialist" means a public safety employee designated by the public agency to provide peer support counseling who has received training in both peer support counseling and in providing emotional and moral support to public safety employees who have been in or exposed to an emotionally traumatic experience in the course of employment; and*

(g) *"Public agency" has the same meaning as the entities listed in KRS 65.870 (1).*

(2) *Any public agency may create and design a peer support counseling program to provide support to public safety employees who have been in or exposed to an emotionally traumatic experience in the course of employment.*

(3) *The content of any peer support communication shall remain confidential and shall not be disclosed to any individual who was not party to the peer support counseling session or peer support communication, except when the peer support communication contains:*

(a) *An explicit threat of suicide by a participant in which the participant shares an intent to die by suicide, a plan to carry out a suicide attempt, or discloses the means by which the participant intends to carry out a suicide attempt. This paragraph shall not apply to any peer support communication where the participant solely shares that the participant is experiencing suicidal thoughts;*

(b) *An explicit threat by a participant of imminent and serious physical and bodily harm or death to a clearly identified or reasonably identifiable victim;*

(c) *Information related to the abuse or neglect of a child or an older adult or vulnerable individual that is required by law to be reported;*

(d) *An admission of criminal conduct; or*

(e) *Information which is required by law to be disclosed.*

- (4) *A peer support participant shall hold a privilege from disclosure of any peer support communication in any disciplinary proceeding or any civil or criminal proceeding unless it contains information exempted under subsection (3)(b), (c), (d), or (e) of this section. Under this privilege, the peer support communication shall be subject to the same protections as any counselor-client privilege provided under the Kentucky Rules of Evidence in any criminal or civil proceeding.*
- (5) *Nothing in subsections (3) or (4) of this section shall be interpreted or construed to prohibit:*
- (a) *The use of or sharing by the public agency of anonymous data for research, statistical analysis, or educational purposes;*
 - (b) *The disclosure of an observation by an employee of the public agency of a peer support participant outside of a peer support counseling session and not contained in peer support communication; or*
 - (c) *The disclosure of knowledge of a law enforcement officer of the public agency about a peer support participant not gained from peer support communication.*

➔Section 2. (1) The Task Force for Public Safety Peer Support Best Practices is hereby created and shall be attached to the Department for Behavioral Health, Developmental and Intellectual Disabilities within the Cabinet for Health and Family Services for administrative purposes. The task force shall:

(a) Be chaired by the Commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities or his or her designee;

(b) Be composed of twelve (12) additional representatives appointed by the Commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities, which shall include:

1. A representative of the Kentucky Fraternal Order of Police;
2. A representative of the Kentucky Professional Firefighters Association;
3. A representative of the Kentucky Department of Criminal Justice Training;
4. A representative of the Kentucky Fire Commission;
5. A representative of the Kentucky League of Cities;
6. A representative of the Kentucky Association of Counties;
7. A representative of the Kentucky Board of Emergency Medical Services;
8. A representative of the Kentucky Association of Public Safety Communications Officials and Kentucky Emergency Number Association;

9. An individual licensed to provide emergency medical services under KRS Chapter 311A; and

10. Three (3) individuals that have experience and expertise in peer counseling services;

(c) Develop a report on best practices and professional standards for peer support counseling programs within one (1) year of the effective date of this Act. The best practices report shall include:

1. Advice on establishing and operating peer support counseling programs successfully;
2. Recommendations on minimum standards for the training, certification, and continuing education of peer support specialists;
3. Recommendations of ethical standards and protocols for peer support specialists;
4. Advice on disclosures to the public safety employees of their confidentiality rights as a peer support participant under subsection (4) of Section 1 of this Act;
5. Information on different types of peer support counseling programs in use and available to public safety employees and their agencies; and
6. Information on the importance of peer support counseling programs and peer support specialists and access to additional mental health resources available to public safety employees.

(2) The Department for Behavioral Health, Developmental and Intellectual Disabilities shall disseminate and make publicly available the task force's report to employers of public safety employees.

Signed by Governor March 17, 2022.

