

### **65.1591 Peer support counseling.**

- (1) As used in this section:
  - (a) "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;
  - (b) "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;
  - (c) "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;
  - (d) "Peer support participant" means a public safety employee who receives counseling services from a peer support specialist;
  - (e) "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;
  - (f) "Public agency" has the same meaning as the entities listed in KRS 65.870 (1); and
  - (g) "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.
- (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 subsection (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.

**Effective:** July 14, 2022

**History:** Created 2022 Ky. Acts ch. 17, sec. 1, effective July 14, 2022.

**Legislative Research Commission Note (7/14/2022).** Under the authority of KRS 7.136(1), the Reviser of Statutes has changed the letters that designate paragraphs in subsection (1) of this statute, in order to arrange the terms alphabetically. The words in the text were not changed.