

**ASSEMBLY BILL**

**No. 1116**

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**Introduced by Assembly Member Grayson**

February 17, 2017

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An act to add Article 21 (commencing with Section 8669) to Chapter 7 of Division 1 of Title 2 of the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1116, as introduced, Grayson. Critical Incident Stress Management Services Act.

Under existing law, the California Emergency Services Act, the Governor is authorized to proclaim a state of emergency, as defined, under specified circumstances. The California Emergency Services Act also authorizes the governing body of a city, county, city or county, or an official designated by ordinance adopted by that governing body, to proclaim a local emergency, as defined.

This bill would create the Critical Incident Stress Management Services Act. The bill would, for purposes of the act, define a “critical incident stress management team” or “CISM team” as a local crisis response team that is comprised of individuals from law enforcement, fire protection, and emergency medical services, hospital staff, clergy, educators, and mental health providers who have completed a CISM training course established by the Office of Emergency Services. The bill would provide that a communication made by an emergency service provider to a CISM team member while the emergency service provider receives CISM services, as defined, is confidential and shall not be disclosed in a civil, criminal, or administrative proceeding, except as specified. The bill would also provide that, except for an action for

medical malpractice, a CISM team or a CISM team member providing CISM services is not liable for damages, as specified, relating to the team’s or team member’s act, error, or omission in performing CISM services, unless the act, error, or omission constitutes wanton, willful, or intentional misconduct.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 21 (commencing with Section 8669) is  
2 added to Chapter 7 of Division 1 of Title 2 of the Government  
3 Code, to read:

4  
5 Article 21. Critical Incident Stress Management Services Act

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7 8669. This article shall be known, and may be cited, as the  
8 Critical Incident Stress Management Services Act.

9 8669.1. For purposes of this article, the following terms have  
10 the following meanings:

11 (a) “Critical incident” means an actual or perceived event or  
12 situation that involves crisis, disaster, trauma, or emergency.

13 (b) “Critical incident stress” means the acute or cumulative  
14 psychological stress or trauma that an emergency service provider  
15 may experience in providing emergency services in response to a  
16 critical incident. The stress or trauma is an unusually strong  
17 emotional, cognitive, behavioral, or physical reaction that may  
18 interfere with normal functioning, including, but not limited to,  
19 one or more of the following:

- 20 (1) Physical and emotional illness.
- 21 (2) Failure of usual coping mechanisms.
- 22 (3) Loss of interest in the job or normal life activities.
- 23 (4) Personality changes.
- 24 (5) Loss of ability to function.
- 25 (6) Psychological disruption of personal life, including his or  
26 her relationship with a spouse, child, or friend.

27 (c) “Critical incident stress management services” or “CISM  
28 services” means services provided by a critical incident stress  
29 management team or a critical incident stress management team  
30 member to an emergency service provider affected by a critical

1 incident. Critical incident stress management services are designed  
2 to assist an emergency service provider affected by a critical  
3 incident to cope with critical incident stress or to mitigate reactions  
4 to critical incident stress. Critical incident stress management  
5 services include one or more of the following:

- 6 (1) Precrisis education.
- 7 (2) Critical incident stress defusings.
- 8 (3) Critical incident stress debriefings.
- 9 (4) On-scene support services.
- 10 (5) One-on-one support services.
- 11 (6) Consultation.
- 12 (7) Referral services.

13 (d) “Critical incident stress management team” or “CISM team”  
14 means a local crisis response team that is comprised of individuals  
15 from law enforcement, fire, and emergency medical services,  
16 hospital staff, clergy, educators, and mental health providers who  
17 have completed a CISM training course created by the Office of  
18 Emergency Services.

19 (e) “Critical incident stress management team member” or  
20 “CISM team member” means an individual who is specially trained  
21 to provide critical incident stress management services as a member  
22 of a critical incident stress management team.

23 (f) “Emergency service provider” means an individual who  
24 provides emergency response services, including a law enforcement  
25 officer, corrections officer, firefighter, emergency medical services  
26 provider, dispatcher, emergency response communication  
27 employee, or rescue service provider.

28 8669.2. (a) Except as otherwise provided in this section, a  
29 communication made by an emergency service provider to a CISM  
30 team member while the emergency service provider receives CISM  
31 services is confidential and shall not be disclosed in a civil,  
32 criminal, or administrative proceeding. A record kept by a CISM  
33 team member relating to the provision of CISM services to an  
34 emergency service provider by the CISM team or a CISM team  
35 member is confidential and is not subject to subpoena, discovery,  
36 or introduction into evidence in a civil, criminal, or administrative  
37 proceeding.

38 (b) A communication or record described in subdivision (a) is  
39 not confidential if any of the following circumstances exist:

1 (1) The CISM team member reasonably needs to make an  
2 appropriate referral of the emergency service provider to, or consult  
3 about the emergency service provider with, another member of  
4 the CISM team or an appropriate professional associated with the  
5 CISM team.

6 (2) The communication conveys information that the emergency  
7 service provider is or appears to be an imminent threat to himself  
8 or herself, a CISM team member, or any other individual.

9 (3) The communication conveys information relating to child  
10 or elder abuse.

11 (4) The emergency service provider or the legal representative  
12 of the emergency service provider expressly agrees that the  
13 emergency service provider’s communication is not confidential.

14 8669.3. (a) Except as otherwise provided in subdivision (b),  
15 a CISM team or a CISM team member providing CISM services  
16 is not liable for damages, including personal injury, wrongful  
17 death, property damage, or other loss related to the CISM team’s  
18 or CISM team member’s act, error, or omission in performing  
19 CISM services, unless the act, error, or omission constitutes  
20 wanton, willful, or intentional misconduct.

21 (b) Subdivision (a) does not apply to an action for medical  
22 malpractice.

23 8669.4. The Office of Emergency Services shall establish a  
24 CISM training course that each CISM team member must complete  
25 in order to be eligible for the protections of this article.