

Legislative Analysis



CRITICAL INCIDENT STRESS MANAGEMENT SERVICES

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House Bill 4857 as reported from committee

Sponsor: Rep. William Bruck

Committee: Health Policy

Complete to 11-12-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4857 would amend Part 209A (Critical Incident Stress Management Services) of the Public Health Code to expand the scope of its confidentiality and liability provisions related to ***critical incident stress management (CISM) services***. In general, those provisions now apply only to CISM services for *emergency service providers*.¹ Under the bill, the part would apply CISM services provided to any individual.

CISM services means services provided by a ***CISM team*** or ***CISM team member*** to an emergency service provider affected by a critical incident or a series of critical incidents that are designed to assist the emergency service provider in coping with critical incident stress or to mitigate reactions to critical incident stress. CISM services include one or more of the following:

- Precrisis education.
- Critical incident stress defusings.
- Critical incident stress debriefings.
- On-scene support services.
- One-on-one support services.
- Consultation.
- Referral services.

CISM team means an organized community or local crisis response team that is a member of the Michigan Crisis Response Association Network.²

CISM team member means an individual who is specially trained to provide CISM services as a member of a CISM team.

Confidentiality

Part 209A now generally provides for the confidentiality of communications made by an emergency service provider to a CISM team member while receiving CISM services, and of records kept by a CISM team member related to the provision of CISM services to an emergency service provider. Such communications cannot be disclosed in a civil, criminal, or administrative proceeding, and such records are not subject to subpoena, discovery, or introduction into evidence in a civil, criminal, or administrative proceeding.

¹ The bill defines *emergency service providers* as individuals who provide emergency response services (such as law enforcement officers, corrections officers, firefighters, emergency medical services providers, dispatchers, emergency response communication employees, and rescue service providers), individuals employed by or under contract with a health facility or agency, and health professionals licensed under the Public Health Code.

² <https://mcrainc.net/>

However, a communication or record described above is not confidential under any of the following circumstances:

- The CISM team member reasonably needs to make an appropriate referral of the emergency service provider to or consult about the emergency service provider with another member of the CISM team or an appropriate professional associated with the CISM team.
- The communication conveys information that the emergency service provider is or appears to be an imminent threat to themselves, a CISM team member, or any other individual.
- The communication conveys information relating to child or elder abuse.
- The emergency service provider or the legal representative of the emergency service provider expressly agrees that the communication is not confidential.

The bill would expand these confidentiality provisions to apply to communications and records related to the provision of CISM services to any individuals (not just emergency service providers).

Liability

Part 209A now provides that, except in an action for medical malpractice, a CISM team or CISM team member providing CISM services is not liable for damages, including personal injury, wrongful death, property damage, or other loss related to the CISM team's or CISM team member's act, error, or omission in performing CISM services, unless the act, error, or omission constitutes wanton, willful, or intentional misconduct.

Under the bill, these liability provisions would apply to liability related to the provision of CISM services to any individuals (not just emergency service providers).

MCL 333.20981 and 333.20982

BACKGROUND:

CISM is intended to provide support and education to individuals following a traumatic or critical incident, such as an act of violence or a death or severe injury, to help them manage their symptoms of stress and crisis reactions,³ and to provide them with support, resources, and referral options as they go through the normal response and recovery process following such an incident.⁴ The support is intended to provide the individuals with the tools to return to their daily routine more quickly following a traumatic incident, with less likelihood of experiencing post-traumatic stress disorder.

BRIEF DISCUSSION:

According to committee testimony, CISM services are often provided after events such as fires, accidents, or mass casualty incidents to help responders and community members manage stress and trauma. These services are typically delivered by trained peers or community members who provide immediate psychological support but are not licensed mental health

³ https://www.michigan.gov/mdcs/-/media/Project/Websites/mdcs/ESP/Crisis_Reactions.pdf

⁴ See this description of the CISM program for state employees affected by a traumatic incident in the workplace. <https://www.michigan.gov/mdcs/employee-service-prog/critical-incident-stress-management-program>

professionals. It was noted in testimony that confidentiality encourages individuals to speak openly about their experiences without fear of stigma or professional consequences, and that this trust is important for the effectiveness of crisis response efforts.

Current law limits confidentiality protections for CISM services to emergency service providers, which creates a difference in protections for others who may receive CISM support, including civilian employees, school personnel, or individuals directly affected by traumatic events. Supporters argue that House Bill 4857 would address this issue by extending confidentiality and liability protections to all individuals receiving these services. Because CISM sessions are separate from any investigative processes, extending confidentiality would not interfere with law enforcement investigations related to an incident.

FISCAL IMPACT:

House Bill 4857 would have no fiscal impact on any units of state or local government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.