

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978
PART 209A
CRITICAL INCIDENT STRESS MANAGEMENT SERVICES

333.20981 Definitions.

Sec. 20981.

(1) As used in this part:

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

(b) "Critical incident stress" means stress or trauma that an emergency service provider may experience in providing an emergency service in response to a critical incident or a series of critical incidents.

(c) "Critical incident stress management services" or "CISM services" means services provided by a critical incident stress management team or critical incident stress management 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. Critical incident stress management services include 1 or more of the following:

- (i) Precrisis education.
- (ii) Critical incident stress defusings.
- (iii) Critical incident stress debriefings.
- (iv) On-scene support services.
- (v) One-on-one support services.
- (vi) Consultation.
- (vii) Referral services.

(d) "Critical incident stress management team" or "CISM team" means an organized community or local crisis response team that is a member of the Michigan Crisis Response Association Network.

(e) "Critical incident stress management team member" or "CISM team member" means an individual who is specially trained to provide critical incident stress management services as a member of a critical incident stress management team.

(f) "Emergency service provider" means any of the following:

(i) An individual who provides emergency response services, including a law enforcement officer, corrections officer, firefighter, emergency medical services provider, dispatcher, emergency response communication employee, or rescue service provider.

(ii) An individual who is employed by or under contract with a health facility or agency.

(iii) A health professional licensed under article 15.

(g) "Stress or trauma" means an emotional, cognitive, behavioral, or physical reaction that may interfere with normal functioning, including, but not limited to, 1 or more of the following:

- (i) Physical and emotional illness.
- (ii) Failure of usual coping mechanisms.
- (iii) Loss of interest in the job or normal life activities.
- (iv) Personality changes.
- (v) Loss of ability to function.
- (vi) Psychological disruption of personal life, including a relationship with a spouse, child, or friend.

(2) In addition, article 1 contains general definitions and principles of construction applicable to all articles in this code and part 201 contains definitions applicable to this part.

History: Add. 2016, Act 40, Eff. June 13, 2016 ;-- Am. 2020, Act 48 , Eff. June 1, 2020

Compiler's Notes: Enacting section 1 of Act 40 of 2016 provides: "Enacting section 1. This amendatory act applies only to critical incident stress management services provided in relation to a critical incident that occurs on or after 90 days after the date this amendatory act is enacted into law."

Popular Name: Act 368

333.20982 Confidentiality of communication or record; exceptions.

Sec. 20982.

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

(2) A communication or record described in subsection (1) is not confidential if any of the following circumstances exist:

(a) 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.

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

(c) The communication conveys information relating to child or elder abuse.

(d) The emergency service provider or the legal representative of the emergency service provider expressly agrees that the emergency service provider's communication is not confidential.

History: Add. 2016, Act 40, Eff. June 13, 2016

Compiler's Notes: Enacting section 1 of Act 40 of 2016 provides: "Enacting section 1. This amendatory act applies only to critical incident stress management services provided in relation to a critical incident that occurs on or after 90 days after the date this amendatory act is enacted into law."

Popular Name: Act 368

333.20983 Liability.

Sec. 20983.

(1) Except as otherwise provided in subsection (2), a CISM team or a 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.

(2) Subsection (1) does not apply to an action for medical malpractice.

History: Add. 2016, Act 40, Eff. June 13, 2016

Compiler's Notes: Enacting section 1 of Act 40 of 2016 provides: "Enacting section 1. This amendatory act applies only to critical incident stress management services provided in relation to a critical incident that occurs on or after 90 days after the date this amendatory act is enacted into law."

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