

1.1 moves to amend H.F. No. 92, the first engrossment, as follows:

1.2 Page 1, after line 14, insert:

1.3 "Section 1. Minnesota Statutes 2018, section 13.43, subdivision 9, is amended to read:

1.4 Subd. 9. **Peer counseling debriefing data.** (a) Data acquired by a critical incident stress
1.5 management team member when providing critical incident stress management services
1.6 are governed by section 181.9731 and data acquired by a peer group member in a support
1.7 counselor when providing public safety peer counseling debriefing is private data on the
1.8 person being debriefed are governed by section 181.9732.

1.9 (b) For purposes of this subdivision, "~~public safety peer counseling debriefing~~" means
1.10 ~~a group process oriented debriefing session held for peace officers, firefighters, medical~~
1.11 ~~emergency persons, dispatchers, or other persons involved with public safety emergency~~
1.12 ~~services, that is established by any government entity providing public safety emergency~~
1.13 ~~services and is designed to help a person who has suffered an occupation related traumatic~~
1.14 ~~event begin the process of healing and effectively dealing with posttraumatic stress;~~

1.15 (1) "critical incident stress management services" has the meaning given in section
1.16 181.9731, subdivision 1, paragraph (c);

1.17 (2) "critical incident stress management team member" has the meaning given in section
1.18 181.9731, subdivision 1, paragraph (e);

1.19 (3) "peer support counselor has the meaning given in section 181.9732, subdivision 1,
1.20 paragraph (c); and

1.21 (4) "public safety peer counseling" has the meaning given in section 181.9732, subdivision
1.22 1, paragraph (c).

2.1 **Sec. 2. [181.9731] CRITICAL INCIDENT STRESS MANAGEMENT.**

2.2 **Subdivision 1. Definitions.** (a) For purposes of this section, the following terms have
2.3 the meanings given.

2.4 (b) "Critical incident" means an event that results in acute or cumulative psychological
2.5 stress or trauma to an emergency service provider. "Critical incident" includes, but is not
2.6 limited to, any encounter which may result in the death of or serious injury to another person
2.7 such as fatal motor vehicle accidents, child abuse investigations, death investigations, and
2.8 large scale man-made or natural disasters.

2.9 (c) "Critical incident stress management services" means consultation, risk assessment,
2.10 education, intervention, and other crisis intervention services provided by a critical incident
2.11 stress management team or critical incident stress management team member to an emergency
2.12 service provider affected by a critical incident.

2.13 (d) "Critical incident stress management team" means a group organized to provide
2.14 critical incident stress management to emergency service providers and consists of members
2.15 trained in accordance with standards established by a nationally accredited critical incident
2.16 stress management organization or network and recognized by the commissioner of public
2.17 safety. A critical incident stress management team may include members from any emergency
2.18 service discipline, mental health professionals, and designated emergency service chaplains.

2.19 (e) "Critical incident stress management team member" means an individual who is
2.20 specially trained to provide critical incident stress management services, has met the critical
2.21 incident stress management team training requirements, was approved to function as a
2.22 critical incident stress management team member prior to the time critical incident stress
2.23 management services are provided, and is approved to function as a critical incident stress
2.24 management team member at the time the critical incident stress management services are
2.25 provided.

2.26 (f) "Emergency service provider" includes a peace officer, correctional officer, probation
2.27 officer, supervision agent, firefighter, rescue squad member, dispatcher, hospital or
2.28 emergency medical clinic personnel, or other person involved with public safety emergency
2.29 services, either paid or volunteer.

2.30 **Subd. 2. Disclosure prohibited.** (a) Except as provided in subdivision 3, a critical
2.31 incident stress management team member or any person who receives critical incident stress
2.32 management services shall not be required to disclose any information obtained solely
2.33 through the provision of or receipt of such services to a third party.

3.1 (b) Government data on individuals receiving critical incident stress management services
3.2 are classified as private data on individuals, as defined by section 13.02, subdivision 12,
3.3 but may be disclosed as provided in subdivision 3.

3.4 Subd. 3. **Exceptions.** The prohibition established under subdivision 2 does not apply if
3.5 any of the following are true:

3.6 (1) the critical incident stress management team member reasonably believes the
3.7 disclosure is necessary to prevent harm to the person in receipt of critical incident stress
3.8 management services or to prevent harm to another person;

3.9 (2) the person who received critical incident stress management services provides written
3.10 consent to the disclosure of the information;

3.11 (3) the critical incident stress management team member is a witness or a party to a
3.12 critical incident that prompted the emergency service provider to receive critical stress
3.13 management services;

3.14 (4) the person receiving critical incident stress management services discloses information
3.15 that is required to be reported under the mandated reporting laws, including, but not limited
3.16 to, the reporting of maltreatment of minors under section 626.556 and the reporting of
3.17 maltreatment of vulnerable adults under section 626.557;

3.18 (5) the emergency service provider who received critical incident stress management
3.19 services is deceased and the surviving spouse or administrator of the estate of the deceased
3.20 emergency service provider gives written consent to the disclosure; or

3.21 (6) the emergency service provider who received critical incident stress management
3.22 services voluntarily testifies, in which case the critical incident stress management team
3.23 member may be compelled to testify on the same subject.

3.24 **Sec. 3. [181.9732] PUBLIC SAFETY PEER COUNSELING.**

3.25 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
3.26 the meanings given.

3.27 (b) "Emergency service providers" includes a peace officer, correctional officer, probation
3.28 officer, supervision agent, firefighter, rescue squad member, dispatcher, hospital or
3.29 emergency medical clinic personnel, or other person involved with public safety emergency
3.30 services, either paid or volunteer.

3.31 (c) "Peer support counselor" means an individual who is specially trained to provide
3.32 public safety peer counseling services in accordance with standards established by an

4.1 accredited mental health organization or network and recognized by the commissioner, and
4.2 who is designated by the emergency service provider's agency to provide such services.

4.3 (d) "Public safety peer counseling" means a counseling session, led by a peer support
4.4 counselor for emergency service providers that is designed to help a person who has suffered
4.5 an occupation-related trauma, illness, or stress begin the process of healing and effectively
4.6 dealing with the person's problems, and includes the use of referrals to better service these
4.7 occupation-related issues.

4.8 Subd. 2. **Disclosure prohibited.** (a) Except as provided in subdivision 3, a peer support
4.9 counselor or any person who receives public safety peer counseling shall not be required
4.10 to disclose any information obtained solely through the provision of or receipt of such
4.11 services to a third party.

4.12 (b) Government data on individuals receiving peer counseling are classified as private
4.13 data on individuals, as defined by section 13.02, subdivision 12, but may be disclosed as
4.14 provided in subdivision 3.

4.15 Subd. 3. **Exceptions.** The prohibition established under subdivision 2 does not apply if
4.16 any of the following are true:

4.17 (1) the peer support counselor reasonably believes the disclosure is necessary to prevent
4.18 harm to the person in receipt of public safety peer counseling or to prevent harm to another
4.19 person;

4.20 (2) the person who received public safety peer counseling provides written consent to
4.21 the disclosure of the information;

4.22 (3) the peer support counselor is a witness or a party to a critical incident that prompted
4.23 the emergency service provider to receive public safety peer counseling;

4.24 (4) the person receiving public safety peer counseling discloses information that is
4.25 required to be reported under the mandated reporting laws, including, but not limited to,
4.26 the reporting of maltreatment of minors under section 626.556 and the reporting of
4.27 maltreatment of vulnerable adults under section 626.557;

4.28 (5) the emergency service provider who received public safety peer counseling is deceased
4.29 and the surviving spouse or administrator of the estate of the deceased emergency service
4.30 provider gives written consent to the disclosure; or

4.31 (6) the emergency service provider who received public safety peer counseling voluntarily
4.32 testifies, in which case the peer support counselor may be compelled to testify on the same
4.33 subject."

5.1 Page 6, delete line 9 and insert:

5.2 "(b) Members appointed by the commissioner of public safety under paragraph (a),
5.3 clause (6), serve a two-year term, and may be re-appointed for one additional term."

5.4 Page 8, line 11, after "(a)" insert "Meetings of the board are not subject to Minnesota
5.5 Statutes, chapter 13D."

5.6 Page 8, after line 27, insert:

5.7 "(e) In addition to the requirements of section 13.05, subdivision 5, the board must
5.8 establish written procedures to ensure individuals have access to not public data only if
5.9 authorized in writing by the board. The ability of authorized individuals to enter, update,
5.10 or access not public data must be limited through the use of role-based access that
5.11 corresponds to the official duties or training level of the individual and the statutory
5.12 authorization that grants access for that purpose. All queries and responses, and all actions
5.13 in which data are entered, updated, accessed, shared, or disseminated, must be recorded in
5.14 a data audit trail. Data contained in the audit trail are public, to the extent that the data are
5.15 not otherwise classified by law."

5.16 Page 9, line 24, strike ", with full right to" and strike "hold office,"

5.17 Page 10, line 24, delete "four" and insert "six"

5.18 Page 11, line 9, after the semicolon, insert "and"

5.19 Page 11, line 10, delete "; and" and insert a period

5.20 Page 11, delete line 11

5.21 Page 13, line 10, delete "....." and insert "145,000"

5.22 Page 13, line 13, after the period, insert "\$133,000 is added to the board's base."

5.23 Page 13, line 16, delete "....." and insert "4,000"

5.24 Page 13, line 30, delete "....." and insert "8,000" and delete "Peace Officer Standards
5.25 and Training"

5.26 Page 13, line 31, delete "(POST) Board" and insert "Bureau of Criminal Apprehension"
5.27 and delete "under"

5.28 Page 13, line 32, delete everything before the period

5.29 Page 15, after line 16, insert:

6.1 "Sec. 19. **REPEALER.**

6.2 Minnesota Statutes 2018, section 181.973, is repealed."