

Legislative Analysis



CRITICAL INCIDENT STRESS MANAGEMENT SERVICES

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4857 as introduced
Sponsor: Rep. William Bruck
Committee: Health Policy
Complete to 9-16-25

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 communications and records related to the provision of CISM services to any individuals (not just emergency service providers).

MCL 333.20981 and 333.20982

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.