

HOUSE BILL 101

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO BEHAVIORAL HEALTH; ENACTING THE FIREFIGHTER AND EMERGENCY SERVICE PROVIDER PEER SUPPORT ACT; ALLOWING STATE, LOCAL AND REGIONAL PUBLIC FIRE AGENCIES TO CREATE PEER SUPPORT PROGRAMS FOR THEIR EMPLOYEES AND VOLUNTEERS; MAKING PEER SUPPORT SERVICES CONFIDENTIAL; LIMITING LIABILITY FOR THE PROVISION OF PEER SUPPORT SERVICES HJC → ~~MAKING AN~~ ~~APPROPRIATION~~ ← HJC.

.226800.1AIC January 27, 2024 (5:31pm)

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Firefighter and Emergency Service Provider Peer Support Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Firefighter and Emergency Service Provider Peer Support Act:

A. "confidential communication" means a written or oral communication between an emergency service provider and a peer support team member;

B. "critical incident stress" means the acute or cumulative psychological stress or trauma that emergency service providers may experience after responding to an event that involves crisis, disaster, trauma or emergency and that results in unusually strong emotional, cognitive, behavioral or physical reactions that may interfere with normal functioning and could lead to posttraumatic stress and other injuries, including:

- (1) physical and emotional illness;
- (2) failure of usual coping mechanisms;
- (3) loss of interest in the job or normal life activities;
- (4) personality changes; and
- (5) loss of ability to function;

C. "emergency service provider" means an employee or volunteer at a state, local or regional public fire agency who provides emergency response services HJC→, ~~including~~

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~~firefighters, paramedics and dispatchers~~←HJC ;

D. "peer support program" means a program administered by a state, local or regional public fire agency that delivers peer support services to emergency service providers;

E. "peer support services" means services provided by a peer support team member that assist emergency service providers who are struggling with behavioral health issues; and

F. "peer support team member" means an emergency service provider HJC→, ~~hospital staff, clergy or educator~~ who←HJC HJC→who has completed peer support training approved by the state fire marshal's office,←HJC works for a public fire agency and provides peer support services to emergency service providers.

SECTION 3. [NEW MATERIAL] PEER SUPPORT PROGRAM--PEER SUPPORT TEAM MEMBER TRAINING REQUIREMENTS.--

A. Any state, local or regional public fire agency may establish a peer support program. Each program shall have at least one peer support team composed of peer support team members who offer peer support services to emergency service providers.

B. Each peer support team member shall complete a training course approved by the state fire marshal's office. The training course shall train peer support team members to provide peer support services for matters that include:

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- (1) substance use and substance abuse;
- (2) critical incident stress;
- (3) grief support;
- (4) line of duty deaths;
- (5) serious injury or illness;
- (6) suicidal thoughts; and
- (7) workplace issues.

SECTION 4. [NEW MATERIAL] CONFIDENTIALITY OF PEER SUPPORT SERVICES.--

A. All communications between emergency service providers and peer support team members are confidential if they are made while the peer support team member is providing peer support services. An emergency service provider has the right to refuse to disclose HJC→, ~~and to prevent another from disclosing,~~←HJC a confidential communication in all civil, administrative or arbitration proceedings, whether or not the emergency service provider is a party to the litigation.

B. Notwithstanding the provisions of Subsection A of this section, a confidential communication may be disclosed if:

- (1) a peer support team member is referring an emergency service provider to, or consulting with, another peer support team member;
- (2) a peer support team member reasonably believes that disclosure is necessary to prevent death,

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substantial bodily harm or commission of a crime;

(3) the disclosure is made pursuant to a court order in a civil proceeding; or

(4) the emergency service provider expressly agrees in writing that the confidential communication may be disclosed.

C. If a confidential communication is disclosed pursuant to Paragraph (1), (2) or (3) of Subsection B of this section, the peer support team member making the disclosure shall notify the emergency service provider of the disclosure in writing.

SECTION 5. [NEW MATERIAL] LIMITED LIABILITY FOR HJC→PEER SUPPORT SERVICES PROVIDED BY←HJC PEER SUPPORT TEAM MEMBERS.--

Except in actions for medical malpractice, a peer support team member who provides peer support services, and the public fire agency that employs the peer support team member, shall not be liable for damages, including personal injury, wrongful death, property damage or other loss related to an act, error or omission in performing peer support services, unless the act, error or omission constitutes HJC→~~gross negligence or intentional misconduct~~←HJC HJC→a failure to exercise ordinary care; provided that the liability shall be subject to the Tort Claims Act←HJC.

HJC→~~SECTION 6. APPROPRIATION.--Five hundred thousand dollars (\$500,000) is appropriated from the general fund to the~~

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~~state fire marshal's office for expenditure in fiscal year 2025  
to implement the training course and to train peer support team  
members. Any unexpended or unencumbered balance remaining at  
the end of fiscal year 2025 shall revert to the general  
fund.~~ ←HJC