

LEGISLATIVE BILL 184

Approved by the Governor March 13, 1997

Introduced by Wesely, 26

AN ACT relating to the Critical Incident Stress Debriefing Act; to amend sections 71-7101 to 71-7112, Reissue Revised Statutes of Nebraska; to rename the act; to provide for stress management for hospital personnel and state correctional employees; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-7101, Reissue Revised Statutes of Nebraska, is amended to read:

71-7101. Sections 71-7101 to 71-7112 and section 13 of this act shall be known and may be cited as the Critical Incident Stress Debriefing Management Act.

Sec. 2. Section 71-7102, Reissue Revised Statutes of Nebraska, is amended to read:

71-7102. For purposes of the Critical Incident Stress Debriefing Management Act:

(1) Committee shall mean means the Interagency Management Committee; (2) Council shall mean means the Critical Incident Stress Debriefing Management Council;

(3) Critical incident shall mean means a traumatic or crisis situation;

(4) Critical incident stress shall mean means a strong emotional, cognitive, or physical reaction which has the potential to interfere with normal functioning, including physical and emotional illness, loss of interest in the job, personality changes, marital discord, and loss of ability to function;

(5) Emergency service agency shall mean means any law enforcement agency, fire department, ambulance service, dispatcher, rescue service, first responder service, hospital as defined in section 71-2017.01, or other entity which provides emergency response services;

(6) Emergency service personnel shall include includes law enforcement personnel, firefighters, and emergency medical services personnel, and hospital personnel; and

(7) Program shall mean means the Critical Incident Stress Debriefing Management Program.

Sec. 3. Section 71-7103, Reissue Revised Statutes of Nebraska, is amended to read:

71-7103. The Legislature hereby finds that emergency service personnel are potentially placed in a high-risk situation every time they are called upon to respond to an emergency since the extent of the emergency cannot be anticipated and the eventual outcome cannot be predicted. Since the services of emergency service personnel affect the public health, safety, and welfare, the Legislature declares that a critical incident stress debriefing management program designed to reduce critical incident stress experienced by such personnel would be in the public interest and would assist such personnel with the demands which occur in their work.

Sec. 4. Section 71-7104, Reissue Revised Statutes of Nebraska, is amended to read:

71-7104. There is hereby created the Critical Incident Stress Debriefing Management Program. The focus of the program shall be to minimize the harmful effects of critical incident stress for emergency service personnel, with a high priority on confidentiality and respect for the individuals involved. The program shall:

(1) Provide a debriefing stress management session to emergency service personnel who appropriately request such assistance in an effort to address critical incident stress;

(2) Assist in providing the emotional and educational support necessary to ensure optimal functioning of emergency service personnel;

(3) Conduct preincident educational programs to acquaint emergency service personnel with stress management techniques;

(4) Promote interagency cooperation; and

(5) Provide an organized statewide response to the emotional needs of emergency service personnel impacted by critical incidents.

Sec. 5. Section 71-7105, Reissue Revised Statutes of Nebraska, is amended to read:

71-7105. There is hereby created the Critical Incident Stress Debriefing Management Council. The council shall be composed of the Director of Regulation and Licensure, the Director of Health and Human Services, the State Fire Marshal, and the Superintendent of Law Enforcement and Public Safety, and the Adjutant General as director of the Nebraska Emergency Management Agency. The council shall specify the organizational and operational goals for the program and shall provide overall policy direction for the program.

Sec. 6. Section 71-7106, Reissue Revised Statutes of Nebraska, is amended to read:

71-7106. There is hereby created the Interagency Management Committee. Each member of the council shall designate a representative of his or her agency to be a member of the committee. The committee shall be responsible for:

- (1) Planning and budget development;
- (2) Program development and evaluation;
- (3) Coordination of program activities and emergency response;
- (4) Providing a mechanism for quality assurance which may include certification of critical incident stress debriefing management team members;
- (5) Identifying critical incident stress debriefing management regions;
- (6) Developing regulations and standards;
- (7) Arranging for and supporting training of critical incident stress debriefing management teams; and
- (8) Providing backup to regional critical incident stress debriefing management teams.

Sec. 7. Section 71-7107, Reissue Revised Statutes of Nebraska, is amended to read:

71-7107. The Department of Health and Human Services Regulation and Licensure shall be the lead agency for the program. The department shall:

- (1) Provide office support to program activities;
- (2) Provide necessary equipment for the program and participants;
- (3) Provide staff support to the council;
- (4) Adopt and promulgate rules and regulations to implement the program;
- (5) Recruit hospital personnel and emergency medical workers to be trained as critical incident stress debriefing management peers;
- (6) Participate in the training and continuing education of such peers and mental health professionals; and
- (7) Appoint a director for the program who shall be an employee of the department and shall be the chairperson of the committee.

Sec. 8. Section 71-7108, Reissue Revised Statutes of Nebraska, is amended to read:

71-7108. (1) The Department of Health and Human Services shall participate in the council and committee, recruit mental health workers for each critical incident stress debriefing management region, and participate in the training and continuing education activities of critical incident stress debriefing management peers and mental health professionals.

(2) The Nebraska State Patrol shall participate in the council and committee, receive all initial requests for debriefings stress management sessions, coordinate transportation requirements for critical incident stress debriefing management team members, recruit members of the law enforcement profession in each region to be trained as critical incident stress debriefing management peers, participate in the training and continuing education activities of critical incident stress debriefing management peers and mental health professionals, and appoint a member of the patrol to each regional management committee.

(3) The State Fire Marshal shall participate in the council and committee, cooperate in providing transportation for critical incident stress debriefing management teams, recruit firefighters to be trained as critical incident stress debriefing management peers in each critical incident stress debriefing management region, participate in the training and continuing education activities of critical incident stress debriefing management peers and mental health professionals, and appoint an individual who is employed by the State Fire Marshal to be on each regional management committee.

(4) The Nebraska Emergency Management Agency shall participate in the council and committee, promote stress management planning as part of emergency management preparedness, promote preincident education programs to acquaint emergency service personnel with stress management techniques, and participate in the training and continuing education activities of critical incident stress management peers and mental health professionals.

Sec. 9. Section 71-7109, Reissue Revised Statutes of Nebraska, is

amended to read:

71-7109. The council shall appoint a statewide clinical director. The statewide clinical director shall be a member of the committee and, working with the committee, shall supervise and evaluate the professional and peer support team members, including the regional clinical directors. The statewide clinical director may conduct critical incident stress debriefing management training and continuing education activities.

Sec. 10. Section 71-7110, Reissue Revised Statutes of Nebraska, is amended to read:

71-7110. Each critical incident stress debriefing management session shall have a regional management committee composed of representatives of the Department of Health and Human Services Regulation and Licensure, the State Fire Marshal, and the Nebraska State Patrol and a regional clinical director. The regional clinical director shall have a graduate degree in a mental health discipline. The regional management committee shall be responsible for the implementation and coordination of the program in the region according to the specifications developed by the council and Interagency Management Committee. The regional management committee shall develop critical incident stress debriefing management teams to facilitate the debriefing stress management process.

Sec. 11. Section 71-7111, Reissue Revised Statutes of Nebraska, is amended to read:

71-7111. No individual who provides gratuitous assistance to emergency service personnel as a member of the statewide critical incident stress debriefing management team in accordance with the Critical Incident Stress Debriefing Management Act and the rules and regulations shall be held liable for any civil damages as a result of any act of commission or omission arising out of and in the course of rendering such assistance in good faith or any act or failure to act to provide or arrange for mental health treatment or care for emergency service personnel.

Sec. 12. Section 71-7112, Reissue Revised Statutes of Nebraska, is amended to read:

71-7112. Any information acquired during a debriefing stress management session shall be confidential and shall not be disclosed except to the extent necessary to provide assistance pursuant to the debriefing stress management session. Information otherwise available from the original source shall not be immune from discovery or use in any civil or criminal action merely because the information was presented during a debriefing stress management session if the testimony sought is otherwise permissible and discoverable.

Sec. 13. All services available and provided to emergency service personnel under the Critical Incident Stress Management Act shall also be available and provided to state correctional employees for incidents which occur in the course of their duties or at their worksite.

Sec. 14. Original sections 71-7101 to 71-7112, Reissue Revised Statutes of Nebraska, are repealed.