

**Department of Legislative Services**  
 Maryland General Assembly  
 2022 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 446

(Senator Waldstreicher, *et al.*)

Judicial Proceedings

Health and Government Operations

**Public Safety - Fire, Rescue, or Emergency Medical Services Entities - Peer Support Programs**

This bill, with specified exceptions, prohibits the disclosure of the contents of any written or oral communication regarding a peer support counseling session by a “peer support specialist” or a peer support participant. By October 1, 2024, the Behavioral Health Administration (BHA), in consultation with the Maryland Institute for Emergency Medical Services Systems (MIEMSS), must develop a report on best practices and professional standards for a “peer support counseling program,” as specified. BHA must make the published report and a list of peer support specialist training programs publicly available on its website.

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$27,500 in FY 2023. Future years reflect annualization and termination of the contractual employee in FY 2025. Revenues are not affected.

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	27,500	25,900	6,700	0	0
Net Effect	(\$27,500)	(\$25,900)	(\$6,700)	\$0	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Potential minimal increase in local government expenditures to the extent that local fire, rescue, or emergency medical services (EMS) entities must modify or create counseling programs to meet standards reported by BHA. Local revenues are not affected.

**Small Business Effect:** None.

## Analysis

**Bill Summary:** “Peer support counseling program” means a program provided by a fire, rescue, or EMS entity or the International Association of Fire Fighters (IAFF) that provides counseling services from a peer support specialist to a member of a fire, rescue, or EMS entity.

“Peer support specialist” means a member of a fire, rescue, or EMS entity or the IAFF who (1) has received training in peer support counseling and providing emotional and moral support to members of fire, rescue, or EMS entities who have been involved in or exposed to an emotionally traumatic experience in the course of duty as a member of a fire, rescue, or EMS entity and (2) is designated by the fire, rescue, or EMS entity to provide these services.

The prohibition on disclosure of the contents of any written or oral communication under the bill does not apply if (1) the communication contains an explicit threat of suicide, as specified, an explicit threat of imminent and serious bodily harm or death to a clearly identified or identifiable individual, information relating to the abuse or neglect of a child or vulnerable adult, or abuse or neglect that is otherwise required to be reported by law, or the admission of criminal conduct; (2) the disclosure is authorized by each peer support participant who was a party to the communication; or (3) a court of competent jurisdiction issues an order or subpoena requiring the disclosure of the communication. A peer support specialist must inform the peer support participant in writing of the bill’s confidentiality provisions before the initial peer support counseling session with a peer support participant.

**Current Law:** The MIEMSS State Critical Incident Stress Management (CISM) team assists EMS, fire, law enforcement, dispatch centers, and other responders in mitigating and responding to the normal emotional and psychological effects experienced following stressful responses and critical incidents. This is accomplished through education and training in advance of events and in individual and group discussions following critical incidents. The team is made up of volunteer peer support and licensed mental health personnel who have been trained to assist responders in dealing with normal reactions to abnormal events. Communications with the team are voluntary and confidential. MIEMSS has also chaired symposiums with all CISM teams and peer support groups across the State.

**State Expenditures:** BHA advises that the experiences and service needs of individuals who have experienced trauma through their work in the fire, rescue, or EMS systems are substantially different than what is currently addressed through BHA’s peer services; thus, additional resources are needed to produce the required report. Therefore, general fund expenditures increase by \$27,457 in fiscal 2023, which accounts for the bill’s October 1, 2022 effective date. This estimate reflects the cost of hiring one part-time contractual health policy analyst to research and develop the required report on best

practices and professional standards for peer support counseling programs. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Position	0.5
Salary and Fringe Benefits	\$20,511
Operating Expenses	<u>6,946</u>
<b>Total FY 2023 State Expenditures</b>	<b>\$27,457</b>

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses. The need for contractual staff ends in fiscal 2025 when the report is required to be completed and made available on BHA's website.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act.

MIEMSS can consult with BHA to develop the required report on best practices and professional standards for a peer support counseling program with existing budgeted resources.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** HB 581 (Delegate P. Young, *et al.*) - Health and Government Operations.

**Information Source(s):** Maryland Institute for Emergency Medical Services Systems; Anne Arundel, Baltimore, Charles, Frederick, and Somerset counties; cities of Frederick and Havre de Grace; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Human Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2022  
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