

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 2043, Page 1, Section 9.052, Line 5, by inserting immediately after said  
2 section and line the following:

3  
4 "285.590. 1. For purposes of this section, the following terms mean:

5 (1) "Employer", any person or entity employing any person for hire within the state of  
6 Missouri, including every department, agency, or instrumentality of the state or political subdivision  
7 of the state;

8 (2) "First responder", any person trained and authorized by law or rule to render emergency  
9 medical assistance or treatment including, but not limited to, emergency first responders, police  
10 officers, sheriffs, deputy sheriffs, firefighters, ambulance attendants and attendant drivers,  
11 emergency medical technicians, mobile emergency medical technicians, emergency medical  
12 technician-paramedics, registered nurses, and physicians;

13 (3) "Mental health professional", a psychiatrist, resident in psychiatry, psychologist,  
14 psychiatric nurse, licensed professional counselor, or psychiatric social worker.

15 2. Any employer who employs first responders shall establish and maintain an employee  
16 assistance program for the first responders that meets the requirements of this section.

17 3. The employee assistance program shall allow any first responder to access up to six  
18 counseling sessions with a mental health professional each year at no cost to the first responder.

19 4. The employee assistance program, including any mental health professional providing  
20 counseling sessions through the program, shall not disclose to any employer the fact that a first  
21 responder is participating or has participated in the employee assistance program.

22 5. Any communication made by a first responder in a counseling session provided through  
23 the employee assistance program, and any oral or written information conveyed in or as the result of  
24 the counseling session, are confidential and shall not be disclosed by the mental health professional  
25 to the first responder's employer or any other person.

26 6. The prohibition on disclosure described in subsection 5 of this section shall apply to all  
27 oral communications, notes, records, and reports arising out of the counseling session. Any notes,  
28 records, or reports arising out of a counseling session provided through the employee assistance  
29 program shall not be public records and shall not be subject to the provisions of chapter 610.

30 7. The prohibition on disclosure described in this section shall not apply to any:

31 (1) Threat of suicide or criminal act made by a first responder in a counseling session, or  
32 any information conveyed in a counseling session relating to a threat of suicide or criminal act;

33 (2) Information relating to abuse of spouses, children, or the elderly, or other information  
34 that is required to be reported by law;

35 (3) Admission of criminal conduct;

36 (4) Disclosure of testimony by a first responder who received counseling services and

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1 expressly consented to such disclosure; or

2 (5) Disclosure of testimony by the surviving spouse or executor or administrator of the  
3 estate of a deceased first responder who received counseling services and such surviving spouse or  
4 executor or administrator expressly consented to such disclosure.

5 8. The provisions of this section shall not prohibit any communications between the mental  
6 health professionals providing the counseling sessions and the supervisors or staff of an employee  
7 assistance program."; and

8  
9 Further amend said bill by amending the title, enacting clause, and intersectional references  
10 accordingly.