

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

10 2. Any employer who employs law enforcement officers shall establish and maintain an
11 employee assistance program for the law enforcement officers that meets the requirements of this
12 section.

13 3. The employee assistance program, including any mental health professional providing
14 counseling sessions through the program, shall not disclose to any employer the fact that a law
15 enforcement officer is participating or has participated in the employee assistance program.

16 4. Any communication made by a law enforcement officer in a counseling session provided
17 through the employee assistance program, and any oral or written information conveyed in or as the
18 result of the counseling session, are confidential and shall not be disclosed by the mental health
19 professional to the law enforcement officer's employer or any other person.

20 5. The prohibition on disclosure described in subsection 4 of this section shall apply to all
21 oral communications, notes, records, and reports arising out of the counseling session. Any notes,
22 records, or reports arising out of a counseling session provided through the employee assistance
23 program shall not be public records and shall not be subject to the provisions of chapter 610.

24 6. The prohibition on disclosure described in this section shall not apply to any:

25 (1) Threat of suicide or criminal act made by a law enforcement officer in a counseling
26 session, or any information conveyed in a counseling session relating to a threat of suicide or
27 criminal act;

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

30 (3) Admission of criminal conduct;

31 (4) Disclosure of testimony by a law enforcement officer who received counseling services
32 and expressly consented to such disclosure; or

33 (5) Disclosure of testimony by the surviving spouse or executor or administrator of the
34 estate of a deceased law enforcement officer who received counseling services and such surviving
35 spouse or executor or administrator expressly consented to such disclosure.

36 7. The provisions of this section shall not prohibit any communications between the mental

Action Taken _____ Date _____

- 1 health professionals providing the counseling sessions and the supervisors or staff of an employee
- 2 assistance program."; and
- 3
- 4 Further amend said bill by amending the title, enacting clause, and intersectional references
- 5 accordingly.