

HOUSE BILL NO. 2740

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CURTIS.

6588H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 285, RSMo, by adding thereto one new section relating to employee assistance programs for first responders.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 285, RSMo, is amended by adding thereto one new section, to be
2 known as section 285.590, to read as follows:

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

2 **(1) "Employer", any person or entity employing any person for hire within the**
3 **state of Missouri, including every department, agency, or instrumentality of the state or**
4 **political subdivision of the state;**

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

10 **(3) "Mental health professional", a psychiatrist, resident in psychiatry,**
11 **psychologist, psychiatric nurse, licensed professional counselor, or psychiatric social**
12 **worker.**

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

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

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

38 **(3) Admission of criminal conduct;**

39 **(4) Disclosure of testimony by a first responder who received counseling services**
40 **and expressly consented to such disclosure; or**

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

44 **8. The provisions of this section shall not prohibit any communications between the**
45 **mental health professionals providing the counseling sessions and the supervisors or staff**
46 **of an employee assistance program.**

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