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AB-1843 Emergency ambulance employees. (2023-2024)

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Assembly Bill No. 1843

CHAPTER 943

An act to add Chapter 12.5 (commencing with Section 1799.300) to Division 2.5 of the Health and Safety Code, relating to private employment.

[Approved by Governor September 29, 2024. Filed with Secretary of State September 29, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1843, Rodriguez. Emergency ambulance employees.

Under the Emergency Ambulance Employee Safety and Preparedness Act, an initiative measure enacted by the voters as Proposition 11 at the November 6, 2018, statewide general election, every emergency ambulance employee is entitled to employer-paid mental health services through an employee assistance program (EAP), and requires the EAP coverage to provide up to 10 mental health treatments per issue per calendar year.

This bill would require an emergency ambulance provider, as defined, to offer to all emergency ambulance employees, upon the employee's request, peer support services to provide peer representatives who are available to come to the aid of their fellow employees on a broad range of emotional or professional issues. The bill would require a peer support program to be implemented through a labor-management agreement negotiated separately from a collective bargaining agreement covering affected emergency ambulance employees. This bill would specify conditions under which prescribed confidential communications between an emergency ambulance employee and a peer support team member may be disclosed. The bill would specify that an emergency ambulance employee who provides peer support services as a member of a peer support team, and the ambulance agency that employs them, shall not be liable for damages unless an act, error, or omission in performing peer support services constitutes gross negligence or intentional misconduct, except for an action for medical malpractice.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 12.5 (commencing with Section 1799.300) is added to Division 2.5 of the Health and Safety Code, to read:

CHAPTER 12.5. Peer Support Services for Emergency Ambulance Employees

1799.300. (a) An emergency ambulance provider shall offer to all emergency ambulance employees, upon the employee's request, peer support services. The services shall provide peer representatives, reflective of the provider's workforce both in job positions and personal experiences, who are available to come to the aid of their fellow employees on a broad range of emotional or professional issues. The emergency ambulance provider shall incorporate selection criteria for peer support team members into program policies.

(b) For purposes of this chapter, the following definitions apply:

(1) "Confidential communication" means any information, including, but not limited to, written or oral communication, transmitted between an emergency ambulance employee, a peer support team member, or a crisis hotline or crisis referral service staff member while the peer support team member provides peer support services or the crisis hotline or crisis referral service staff member provides crisis services and in confidence by a means that, as far as the emergency ambulance employee is aware, does not disclose the information to third parties other than those who are present to further the interests of the emergency ambulance employee in delivery of peer support services or those to whom disclosures are reasonably necessary for the transmission of the information or an accomplishment of the purposes for which the peer support team member is providing services. "Confidential communication" does not include a communication in which an emergency ambulance employee discloses the commission of a crime or a communication that reveals the emergency ambulance employee's intent to defraud or deceive an investigation into a critical incident.

(2) "Crisis referral services" include all public or private organizations that provide consultation and treatment resources for personal problems, including mental health issues, chemical dependency, domestic violence, gambling, financial problems, and other personal crises. Neither crisis referral services nor crisis hotlines include services provided by an employee association, labor relations representative, or labor relations organization, or any entity owned or operated by an employee association, labor relations representative, or labor relations organization.

(3) "Critical incident" means an event or situation that involves crisis, disaster, trauma, or emergency.

(4) "Critical incident stress" means the acute or cumulative psychological stress or trauma that emergency ambulance personnel may experience in providing emergency services in response to a critical incident. The stress or trauma is an unusually strong emotional, cognitive, behavioral, or physical reaction that may interfere with normal functioning and could lead to post-traumatic stress injuries, including, but not limited to, one or more of the following:

(A) Physical and emotional illness.

(B) Failure of usual coping mechanisms.

(C) Loss of interest in the job or normal life activities.

(D) Personality changes.

(E) Loss of ability to function.

(F) Psychological disruption of personal life, including their relationship with a spouse, child, or friend.

(5) "Emergency ambulance employee" means a person who meets both of the following requirements:

(A) Is an emergency medical technician, dispatcher, paramedic, or other licensed or certified ambulance transport person who contributes to the delivery of ambulance services.

(B) Is employed by an emergency ambulance provider.

(6) "Emergency ambulance provider" means an employer that provides ambulance services, but not including the state, or any political subdivision thereof, in its capacity as the direct employer of a person meeting the description contained in subparagraph (A) of paragraph (5).

(A) "Emergency ambulance provider" does not include a provider that satisfies both of the following criteria:

(i) The provider operates emergency medical services aircraft.

(ii) The provider does not operate any ground ambulance services.

(B) For purposes of this paragraph, "emergency medical services aircraft" includes any aircraft utilized for the purpose of prehospital emergency patient response and transport as air service. These aircraft are specially constructed, modified, or equipped and used for the primary purposes of responding to emergency calls and transporting critically ill or injured patients whose medical flight crew has, at a minimum, two attendants certified or licensed in advanced life support.

(C) For purposes of this paragraph, "ground ambulance services" means the emergency, including advanced life support services, and nonemergency transportation of a person by an individual licensed pursuant to Article 1 (commencing with Section 2500) and Article 2 (commencing with Section 2510) of Chapter 2.5 of Division 2 of the Vehicle Code and health care services are provided to a patient for the duration of the transportation.

(7) "Peer support program" means a program administered by the emergency ambulance provider to deliver peer support services to emergency ambulance employees consistent with this chapter.

(8) "Peer support services" means authorized peer support services provided by a peer support team member to emergency ambulance employees and their immediate families affected by a critical incident or the cumulative effect of witnessing multiple critical incidents. Peer support services assist those affected by a critical incident in coping with critical incident stress and mitigating reactions to critical incident stress, including reducing the risk of post-traumatic stress and other injuries. Peer support services may include any of the following:

- (A) Precrisis education.
- (B) Critical incident stress defusings.
- (C) Critical incident stress debriefings.
- (D) On-scene support services.
- (E) One-on-one support services.
- (F) Consultation.
- (G) Referral services.
- (H) Confidentiality obligations.
- (I) The impact of toxic stress on health and well-being.
- (J) Grief support.
- (K) Substance abuse awareness and approaches.
- (L) Active listening skills.
- (M) Psychological first aid.

(9) "Peer support team" means a team or teams composed of emergency ambulance employees, hospital staff, clergy, and educators who have completed a peer support training course.

(10) "Peer support team member" means an emergency ambulance employee who has completed an approved peer support training course.

1799.301. (a) A peer support program shall be implemented through a labor-management agreement negotiated separately and apart from any collective bargaining agreement covering affected emergency ambulance employees. The labor-management agreement may cover topics, including any of the following:

- (1) Program structure and administration.
- (2) Selection and training of peer support team members.
- (3) Peer support operations.
- (4) Program evaluation, monitoring, and continuous improvement.
- (5) Funding.
- (6) Dispute resolution and program amendments.

(b) Sessions provided by a peer support program shall not count toward the total number of mental health treatments per issue required by Section 884 of the Labor Code.

1799.302. (a) In any civil, administrative, or arbitration proceeding, an emergency ambulance employee, whether or not a party to an action, has a right to refuse to disclose, and to prevent another from disclosing, a confidential communication between the emergency ambulance employee and a peer support team member made while the peer support team member was providing peer support services, or a confidential communication made to a crisis hotline or crisis referral service.

(b) Notwithstanding subdivision (a), a confidential communication described in subdivision (a) may be disclosed only under any of the following circumstances:

(1) The peer support team member reasonably must make an appropriate referral of the emergency ambulance employee to, or consult about the emergency ambulance employee with, another member of the peer support team or a peer support team clinician associated with the peer support team.

(2) The peer support team member, crisis hotline, or crisis referral service reasonably believes that disclosure is necessary to prevent death, substantial bodily harm, or commission of a crime.

(3) The peer support team member reasonably believes that disclosure is necessary pursuant to an obligation to report instances of child abuse, as required by Section 11166 of the Penal Code, or other obligation to disclose or report as a mandated reporter.

(4) The disclosure is made pursuant to a court order in a civil proceeding.

(5) In a criminal proceeding.

(6) If otherwise required by law.

(7) The emergency ambulance employee expressly agrees in writing that the confidential communication may be disclosed.

(c) Before an emergency ambulance employee participates in a peer support program, a peer support team member shall inform the emergency ambulance employee, in writing, of the confidentiality requirement described in subdivision (a) and the exceptions to that requirement described in subdivision (b).

1799.303. (a) Except as otherwise provided in subdivision (b), an emergency ambulance employee who provides peer support services as a member of a peer support team and who has received training, and the ambulance agency that employs them, shall not be liable for damages, including personal injury, wrongful death, property damage, or other loss related to an act, error, or omission in performing peer support services, unless the act, error, or omission constitutes gross negligence or intentional misconduct.

(b) Subdivision (a) does not apply to an action for medical malpractice.

(c) A person described in subdivision (a) shall not provide peer support services if, when serving in a peer support role, the individual's relationship with a peer support recipient could reasonably be expected to impair objectivity, competence, or effectiveness in providing peer support, or otherwise risk exploitation or harm to a peer support recipient.

(d) A person described in subdivision (a) providing peer support services shall not provide those services to a peer support recipient if the provider and recipient were both involved in the same specific traumatic incident, unless the incident is a large-scale incident.

(e) A person described in subdivision (a) providing peer support services shall not provide those services to a peer support recipient if the provider and recipient are both involved in the same active or ongoing investigation.

1799.304. To be eligible for the confidentiality protections afforded by this chapter, a peer support team member shall complete a training course or courses on peer support approved by the emergency ambulance provider that may include, but is not limited to, the following:

(a) Precrisis education.

(b) Critical incident stress defusings.

(c) Critical incident stress debriefings.

(d) On-scene support services.

(e) One-on-one support services.

(f) Consultation.

(g) Referral services.

(h) Confidentiality obligations.

(i) The impact of toxic stress on health and well-being.

(j) Grief support.

(k) Substance abuse awareness and approaches.

(l) Active listening skills.

(m) Stress management.

(n) Psychological first aid.