



An Act

To amend section 4735.05 and to enact sections 2317.023 and 4113.42 of the Revised Code to generally allow for privileged testimonial communications between a peer support team member and an individual receiving peer support services or advice from the team member.

FAQ

Q: *When did the bill pass?*

A: The Ohio Senate on Dec. 15, 2022 passed House Bill 545 (31-0), following the House vote in May 2022 (89 – 0).

Q: *What does Privileged Communication mean?*

A: This new law prohibits a peer support team member from testifying concerning a communication received from an individual receiving peer support services or the team member's advice to an individual receiving the services.

Q: *Why is this important?*

A: This protection encourages first responders to talk with someone who understands what they are experiencing and to seek help before it is a crisis. Peer Supporters normalize stress responses. Having a conversation in a safe place encourages early intervention and may reduce crisis and suicide.

Q: *What is peer support?*

A: Peer support services include providing emotional, social or practical knowledge and experience to peers and helping navigate resources pertaining to mental health and other subject matters. The support may come in the form of a consultation, risk assessment, referral, or on-site intervention. Peer Supporters understand the resources available in a community and can facilitate making connections to get help.

Q: *Are there requirements to be a peer supporter?*

A: To receive testimonial privilege, a peer support team member must be employed or formerly employed as:

- A peace officer, firefighter, emergency medical worker, or corrections officer
- A dispatcher for peace officers, firefighters, or emergency medical workers
- A civilian employee of an entity that employs peace officers, firefighters, emergency medical workers, or corrections officers
- A retired peace officer, firefighter, emergency medical worker, corrections officer, or dispatcher
- acting with the approval of the retiree's former employer or the approval of the employer appointing the peer support team
- Additional Requirements of a trained peer support person:
 - Receive no less than 16 hours of basic peer support training
 - Be appointed by an employer, union or charitable organization consisting of law enforcement
 - professionals and first responders
 - Receive 8 hours of on-going education every two years
- The appointing agency requirements:
 - Keep an up-to-date roster of team members by first and last name
 - Maintain paperwork for training compliance
 - Make the roster available when requested during investigations

Q: *Are the rosters made public?*

A: The roster is not a public record under the Public Records Law.



TRI-STATE PEER SUPPORT TEAM

PEER SUPPORT PRIVILEGED COMMUNICATION

Q: Are there exceptions to privileged communication?

A: Exceptions to the privileged communications can be made:

- If member indicates clear and present danger to themselves or others
- If an individual receiving the services gives consent
- If the individual who received services is deceased and consent is provided by family or executor of the deceased estate
- The individual who receives services expressly consents to the testimony
- If the communication pertains to a criminal act
- If there are indications of past or present child abuse or neglect

Q: Is clinical oversight of a team required?

A: A Peer Support Team MAY designate a clinical advisor who is a mental health provider and is a licensed medical doctor, nurse practitioner, licensed professional clinical counselor, or licensed social worker.

Q: How do I start a peer support team?

A: The Tri-State First Responder Peer Support Team can assist in starting or building your peer support team. We assist in creating teams that may operate solely in their department and we also organize a regional peer support team that peers can join by submitting an application for consideration.

Q: Is the Tri-State Peer Support team covered under this law?

A: Yes, the TSPST is covered as a Charitable Organization consisting of current or former first responders.

Q: What oversight does the Tri-State Peer Support Team have?

A: The TSPST has a 22 member Board which includes representatives of each service line, Chiefs representatives and a medical director. The TSPST also has these sub-committees: Clinical, Pet Therapy, Clergy, and Peer Support Team Application Review.

Q: Where can I find more information?

A: The Tri-State Peer Support team created a workgroup to answer questions related to the legislation. Please contact Amy Foley at firstresponderps@gmail.com to be connected with the workgroup.