



Ohio Prosecuting Attorneys Association

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House Bill 545
Interested Party Testimony
May 10, 2022

Chairman Hillyer, Vice-Chair Grendell, Ranking Member Galonski and members of the House Civil Justice Committee, thank you for the opportunity to provide interested party testimony on House Bill 545 to create a testimonial privilege for peer support. We share the sponsors' and proponents' goal of ensuring that our peace officers and other first responders stay mentally fit in the face of chronic and acute stress. To the extent that talking with a peer who has had similar life experiences and who has received appropriate training to help others address and navigate mental health concerns, we support that. We do feel a couple of clarifications to the bill are needed to ensure that the training meets some sort of industry standard, that certification and ongoing training can be confirmed, and that the testimonial privilege doesn't place unnecessary burdens on the search for truth.

With regard to the training, the bill requires not less than sixteen hours of basic peer support training to start and then not less than eight hours of continuing basic peer support training every two years after in order to become a peer support team member. The bill is not clear, however, as to who will provide the training, what standards the training will follow, and who will keep track of the certification requirements. Without setting out at least some industry standards, individuals could potentially become peer support team members, and have privileged communications, after having had fly-by-night training in peer support. Lack of appropriate training could be counterproductive for individuals who are seeking the peer support services and could lead to unwarranted claims of privileged communications between peers. It could also lead to unverifiable claims of privileged communications. Most people who are granted a testimonial privilege have some sort of professional license. Other similar testimonial privileges to the one in HB 545, like those for critical incident stress management and employee assistance programs, require training meet industry wide requirements and therefore also have an entity that tracks certification. House Bill 545 should be amended to include the same.

Our second concern is preventing privileged communications from taking place between two or more peer support team members who are out together for the purpose of responding to a service call in the course of duty. Failure to address this could unnecessarily burden our ability to get to the truth of the matter in the event that something winds up in court. This can be addressed through an amendment to the definition of "peer support services" in the bill specifying that there must be a request for peer support services and that the peer support team member must be dispatched by the appointing entity for the sole purpose of providing those services to an individual who is experiencing psychological or physical symptoms caused by job related stress or who has otherwise expressed a desire for peer support services.. I have attached some suggested language for your consideration.

Thank you again for the opportunity to testify as an interested party. I would be happy to answer any questions.

2317.023

(A)(5) "Peer support services" means consultation, risk assessment, referral, or on-site intervention services provided by a peer support team member who, upon request for services, is dispatched by the entity that appointed the peer support team ~~to~~ for the sole purpose of providing services to an individual experiencing psychological or physical symptoms caused by exposure to acute or chronic high stress incidents in the course of the individual's employment. "Peer support services" includes both of the following services provided by a peer support team member who has been assigned by a peer support team to an individual seeking services:

- (a) Providing knowledge and experience or emotional, social, or practical support to peers;
- (b) Helping a peer navigate available resources, including the mental health system.