

Peer Support Privileged Communications Summary

- I. Who is covered
 - a. Emergency Services Providers [§(a)(1) & (2)]
 - (1) Firefighting employees and volunteers [§(a)(1) & (2)]
 - (2) EMS employees and volunteers [§(a)(1) & (2)]
 - (3) Dispatch employees and volunteers [§(a)(1) & (2)]
 - b. Law enforcement officers, employees and volunteers [§(a)(4) & (5)]
 - c. Peer support teams [§(a)(8)]
 - (1) Group of peer support specialists serving one or more service providers [§(a)(8)]
 - d. Peer support specialists [§(a)(7)]
 - (1) Designated by agency, provider, or team leader [§(a)(7)(A)]
 - (2) Lead, moderate or assist in peer support counseling [§(a)(7)(A)]
 - (3) Member of peer support team [§(a)(7)(B)]
 - (4) Trained, covered in broad, general terms [§(a)(7)(C)]
- II. What is covered
 - a. Peer support counseling sessions by peer support specialist. [§(d)]
 - b. Any communication made during a peer support counseling session [§(b)]
 - c. Any oral or written information conveyed in or as the result of a peer counseling session [§(b)]
 - d. Any communication as in c. above between peer support specialists [§(c)]
 - e. Any communication between peer support specialists and EAP supervisors or staff [§(c)]
 - f. Any communication between EAP supervisors and EAP staff [§(c)]
 - g. Communications includes oral, notes, records, and reports arising from a peer counseling session [§(e)(1)]
- III. What limits are on those communications
 - a. Confidential [§(b)]
 - b. Not to be disclosed by participants of peer counseling session [§(b)]
 - c. None of the communications listed in II is subject to the Kansas Open Records Act [§(e)(2)]
 - d. Not admissible in any judicial proceeding [§(f)]
 - e. Not admissible in any administrative proceeding [§(f)]
 - f. Not admissible in any arbitration proceeding [§(f)]
 - g. Not admissible in any adjudicatory proceeding (any legal process to resolve a dispute) [§(f)]
 - h. Not subject to discovery [§(f)]
- IV. What limits apply
 - a. Information that is otherwise admissible because knowledge was gained through methods or sources not connected to the peer counseling session. [§(g)]
- V. What information is not subject to the restrictions on release
 - a. Suicide threat [§(h)(1)]
 - b. Threat to commit criminal act [§(h)(1)]
 - c. Admission of criminal offense [§(h)(3)]
 - d. Information related to the abuse of spouse, children, or elderly [§(h)(2)]
 - e. Information that is required to be reported by law [§(h)(2)]
 - f. Information provided by a participant receiving counseling who expressly consents to the disclosure; or if the participant is deceased and the spouse, executor or administrator of the estate expressly consents to the disclosure [§(h)(4) & (5)]
 - g. Communications is allowed between peer support specialists, or between peer support specialists and EAP supervisors or EAP staff [§(l)]
 - h. Communications between an EAP and employer regarding fitness for duty [§(j)]

Prepared by Ed Klumpp 6/23/15

The author is not an attorney and nothing in this document or related presentation should be considered as legal advice. Seek advice from legal counsel for interpretation and application of the law.