



Ohio Revised Code

Section 2317.023 Privileged peer support communications.

Effective: April 6, 2023

Legislation: House Bill 545 - 134th General Assembly

(A) As used in this section:

(1) "Corrections officer" means a person employed by a public or private place used for the confinement of a person charged with or convicted of any crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States.

(2) "Emergency medical worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, certified under Chapter 4765. of the Revised Code, whether paid or volunteer.

(3) "Firefighter" means a firefighter, whether paid or volunteer, of a lawfully constituted fire department.

(4) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(5) "Peer support services" means consultation, risk assessment, referral, or on-site intervention services provided by a peer support team member 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:

(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.

(6) "Peer support team member" means an individual who satisfies all of the following:

(a) The individual is one of the following:



- (i) A peace officer, firefighter, emergency medical worker, or corrections officer;
 - (ii) A dispatcher for peace officers, firefighters, or emergency medical workers;
 - (iii) A civilian employee of an entity that employs peace officers, firefighters, emergency medical workers, or corrections officers;
 - (iv) A retired peace officer, firefighter, emergency medical worker, or corrections officer acting with the approval of the retired employee's former employer or the approval of the employer appointing the peer support team;
 - (v) A retired dispatcher for peace officers, firefighters, or emergency medical workers acting with the approval of the retired dispatcher's former employer or the approval of the employer appointing the peer support team.
- (b) The individual has received not less than sixteen hours of basic peer support training that meets the requirements of division (H) of this section.
- (c) The individual, as part of a peer support team, provides peer support services to individuals with similar life experiences.
- (7) "Peer support team" means an organized group that has been appointed by any of the following entities to provide peer support services to an employee or member:
- (a) An employer;
 - (b) A labor organization as defined in section 3517.01 of the Revised Code;
 - (c) A charitable organization consisting of current or former peace officers, firefighters, emergency medical workers, or dispatchers of peace officers, firefighters, or emergency medical workers.
- (B) Except as provided in division (C) of this section, a peer support team member shall not testify



concerning either of the following:

(1) A communication received from an individual who receives peer support services from the peer support team member;

(2) The peer support team member's advice to the individual.

(C) The testimonial privilege established under division (B) of this section does not apply if any of the following are true:

(1) The communication or advice indicates clear and present danger to the individual who receives peer support services or to other persons.

(2) The individual who received peer support services expressly consents to the testimony.

(3) If the individual who received peer support services is deceased, the surviving spouse or the executor or administrator of the estate of the deceased individual expressly consents.

(4) The individual who received peer support services voluntarily testifies, in which case the peer support team member may be compelled to testify on the same subject.

(5) The court in camera determines that the information communicated by the individual who received peer support services is not germane to the relationship between the individual and the peer support team member.

(6) The communication or advice pertains or is related to any criminal act.

(D) For purposes of division (C)(1) of this section, indications of past or present abuse or neglect of a child constitute a clear and present danger.

(E) To receive the testimonial privilege established under division (B) of this section, a peer support team member must complete not less than eight hours of basic peer support training every two years.



(F) For the testimonial privilege established under division (B) of this section to apply to a communication made at the scene of and immediately after an incident that involves a substantial risk of serious physical harm to persons, serious physical harm to persons, or the loss of human life, the peer support team member must have provided the peer support services at the request of the recipient and at the direction of the appointing entity listed in division (A)(7) of this section.

(G) An employer or organization that appoints a peer support team may designate any of the following individuals as an advisor to ensure team members are appropriately trained and are providing proper peer support services:

(1) An individual licensed to practice medicine and surgery or osteopathic medicine and surgery by the state medical board, including such an individual who has satisfactorily completed a residency training program in psychiatry;

(2) An individual licensed under Chapter 4732. of the Revised Code to practice psychology;

(3) A clinical nurse specialist as defined in section 4723.01 of the Revised Code who holds a psychiatric-mental health credential issued by the American nurses credentialing center or a successor organization;

(4) A certified nurse practitioner as defined in section 4723.01 of the Revised Code who holds a psychiatric-mental health credential issued by the American nurses credentialing center or a successor organization;

(5) A licensed professional clinical counselor or licensed professional counselor authorized to practice under Chapter 4757. of the Revised Code;

(6) A licensed independent social worker or licensed social worker authorized to practice under Chapter 4757. of the Revised Code.

(H) The training required for a peer support team member under division (A)(6)(b) of this section shall include the following topics:



- (1) An introduction to peer support services and basic peer support skills;
- (2) Understanding and identifying the risk factors of mental health problems for the peer support team member's peers;
- (3) Understanding confidentiality and privacy for privileged communications;
- (4) Identifying local mental health support resources;
- (5) Understanding the importance of engaged communication, listening, and conflict resolution in the context of providing peer support services.