TEXT OF THE RULE

**SECTION 1.** Jus 22 is created to read:

PEER SUPPORT AND CRITICAL INCIDENT STRESS MANAGEMENT TEAMS.

**SECTION 2.** Jus 22.01, 21.02, 21.03, 21.04, 21.05, and 21.06 are created to read:

22.01. Authority. The Wisconsin Department of Justice has promulgated these rules pursuant to the authority granted by s. 165.875(2)(c), Stats.

22.02. Definitions. In this chapter:

(1) “Agency” has the meaning given in s. 165.875 (1) (a), Stats.

(2). “Ambulance service provider” has the meaning given in s. 256.01 (3), Stats.

(3) “Communication” has the meaning given in s. 165.875 (1) (c), Stats.

(4). “Correctional officer” has the meaning given in s. 301.28 (1), Stats.

(5) “Credentialed health care provider” means a licensed health care provider who, through education, training, or experience, is qualified to provide peer support training or critical incident stress management training.

(6) “Critical incident” has the meaning given in s. 165.875 (1) (e), Stats.

(7) “Critical incident stress management services” has the meaning given in s. 165.875 (1) (f), Stats.

(8) “Critical incident stress management services team leader” means the person selected to lead an agency’s critical incident stress management services team.

(9) “Critical incident stress management services team member” has the meaning given in s. 165.875 (1) (g), Stats.

(10) “Department” means the Wisconsin Department of Justice.

(11) “Emergency medical responder” has the meaning given in s. 256.01 (4p), Stats.

(12) “Emergency medical services practitioner” has the meaning given in s. 256.01 (5), Stats.

(13) “Fire fighter” has the meaning given in s. 165.875 (1) (j), Stats.

(14) “Jail officer” has the meaning given in s. 165.85 (2) (bm), Stats.

(15) “Juvenile detention facility” has the meaning given in s. 48.02 (10r), Stats.

(16) “Juvenile detention officer” has the meaning given in s. 165.85 (2) (bt), Stats.

(17) “Law enforcement agency” has the meaning given in s. 165.875 (1) (n), Stats.

(18) “Law enforcement officer” has the meaning given in s. 165.875 (1) (o), Stats.

(19) “Peer support services” has the meaning given in s. 165.875 (1) (p), Stats.

(20) “Peer support team advisor” means the individual identified as the lead for an individual agency which belongs to a multi-jurisdictional peer support team.

(21) “Peer support team coordinator” means the individual identified as the leader for a multi-jurisdictional peer support team.

(22) “Peer support team leader” means the person selected to lead an agency’s peer support team

(23) “Peer support team member” has the meaning given in s. 165.875 (1) (q), Stats.

(24) “Political subdivision” has the meaning given in s. 165.85 (2) (d), Stats.

(25) “Public safety personnel” has the meaning given in s. 165.875 (1) (s), Stats.

(26) “Trained” has the meaning given in s. 165.875 (1) (t), Stats.

(27) “Tribal law enforcement agency” has the meaning given in s. 165.83 (1) (e), Stats.

(28) “Tribal law enforcement officer” has the meaning given in s. 165.85 (2) (g), Stats.

(29) “Wilenet” means the password-protected Wisconsin law enforcement network maintained by the department, available at <https://wilenet.widoj.gov>.

22.03. Peer Support Advisory Committee.

(1) The department hereby establishes the peer support advisory committee as an advisory committee attached to the department under s. 15.04(1)(c), Stats.

(2) The mission of the advisory committee is to establish and enforce standards for peer support and critical incident stress management education and training for peer support and critical incident stress management teams in Wisconsin. It shall provide the department with recommendations from the first responder community, law enforcement community, and mental health professional community regarding the wellness and training needs for peer support in Wisconsin.

(3) The advisory committee shall consist of nine members appointed by the Attorney General or their designee, selected for their knowledge of Wisconsin first responder mental health, wellness, and training needs. In order to obtain a cross-section of Wisconsin’s first responder, law enforcement, and mental health professional communities, the membership shall include:

(a) A representative designated by the Wisconsin Chiefs of Police Association who is currently serving as a chief of police in the State of Wisconsin;

(b) A representative designated by the Badger State Sheriffs Association who is currently serving as a sheriff in the State of Wisconsin;

(c) A representative designated by the Professional Fire Fighters of Wisconsin;

(d) A Wisconsin-licensed mental health provider currently contracted with an agency or a member of an agency’s team;

(e) A current trainer in the area of peer support who is a member of an agency that provides firefighting services or emergency medical services;

(f) A current trainer in the area of peer support who is a member of a law enforcement agency;

(g) An active member of a peer support team or equivalent support group who represents an agency with less than thirty (30) employees;

(h) An active member of a peer support team or equivalent support group who represents an agency with greater than thirty (30) employees;

(i) A member-at-large designated by the Attorney General or their designee; and

(j) The administrator of the department’s division of law enforcement services shall serve as the non-voting secretary of the advisory committee.

(4) Advisory committee members serve at the pleasure of the Attorney General and are appointed for a three (3) year term running from July 1 to June 30. The terms of the members appointed under subsections (3)(a) though (3)(c) shall expire on June 30 of the year after these rules become effective. The terms of the members appointed under subsections (3)(d) though (3)(f) shall expire on June 30 of the year of the second year after these rules become effective. The terms of the members appointed under subsections (3)(g) though (3)(i) shall expire on June 30 of the year of the third year after these rules become effective.

(5) Advisory Committee members:

(a) will serve without compensation, although actual and necessary expenses for attending meetings may be reimbursed at the discretion of the Attorney General;

(b) are not employees or agents of the department, unless they are employed by the department in a capacity other than as a member of the advisory committee; and

(c) shall execute a conflict-of-interest disclosure and waiver statement.

(6) Advisory committee procedures.

(a) The advisory committee shall meet quarterly and may meet virtually via telephone or other electronic means.

(b) The advisory committee is a governmental body subject to the open meetings law, ss. 19.81 to 19.88, Stats., and shall comply with its provisions regarding open meetings.

(c) The advisory committee shall treat requests for access to documents or records in accordance with the public records law, ss. 19.31 to 19.39, Stats., and any other applicable law.

(d) The department shall take minutes of each advisory committee meeting and publish the minutes following each meeting.

22.04. Qualifications for membership on a peer support team or critical incident stress management team.

(1) An individual may not provide peer support services or critical incident stress management services unless that individual successfully completes a peer support or critical incident stress management services training program.

(2) The department has approved a basic peer support training course, requiring a minimum of sixteen (16) hours of training, to qualify for membership on either a peer support team or a critical incident stress management services team to provide peer support services.

(3) To qualify as a peer support team member or a critical incident stress management services team member, an individual shall:

(a) complete the 16-hour department-approved peer support training program taught by an instructor approved by the department or a training program provided by a credentialed health care provider; and

(b) provide a copy of the certification of completing the department-approved training to the leadership of their agency and their peer support team leader or critical incident stress management services team leader.

(4) Alternatively, for those who have already completed the department-approved training program, the individual’s agency must verify that those members have met the training requirement.

(5) After the individual has met the requirements of sub. (3) or (4), they are qualified for membership on a peer support team or critical incident stress management team beginning at the time they have met the requirements of sub. (3) or (4), and continuing for the remainder of the state fiscal year and the following three (3) state fiscal years.

(6) Membership on a peer support team is not limited to current employees of an agency. For example, individuals who have retired from active service may still serve as members of a peer support team or critical incident stress management team.

22.05. Recertification for continued membership on a peer support team or critical incident stress management team.

(1) To maintain qualification to serve on a peer support team or critical incident stress management team, each person must complete 24 hours of training on topics relevant to peer support or critical incident stress management, wellness, or suicide prevention during the period of their current certification, with a minimum of four (4) hours of training during each of the last three (3) years of that period. An individual who fails to complete this requirement is no longer eligible to serve on a peer support team or critical incident stress management team.

(2) The content of the training shall be at the discretion of the agency, determined by the agency’s head or a leader of the peer support team or critical incident stress management team.

(3) An agency may credit an individual’s time spent teaching toward this requirement, although an individual may only receive eight (8) hours of credit for teaching the same course or program.

(4) Each agency shall maintain records adequate to determine that the members of its peer support teams and critical incident stress management teams have satisfied the requirements of this section, including, at a minimum, the dates and hours of all trainings, the subjects of the trainings, and the person or organization that led the training for each member.

22.06. Approval of peer support training and critical incident stress management instructors.

(1) Instructor certification requirements.

(a) Applicants who are not seeking to be certified as a credentialed health care provider must:

(i) Provide evidence to the department of three (3) years of full-time experience or 6,000 hours of occupational experience in peer support or critical incident stress management;

(ii) Currently be an active member of a peer support team or critical incident stress management team; and

(iii) Have completed the department’s 16-hour basic peer support training program.

(b) Applicants seeking to be certified as a credentialed health care provider must have training, education, or experience qualifying them to provide peer support or critical incident stress management training.

(2) Instructor certification process.

(a) To apply for certification as an instructor for peer support or critical incident stress management training, an applicant who is not seeking certification as a credentialed health care provider shall submit to the department:

(i) an Instructor Certification Request form, Form DOJ-PS-817;

(ii) a letter from an agency head supporting the instructor’s application;

(iii) a letter from a team leader of the peer support team or critical incident stress management team of which they are a member supporting the instructor’s application;

(b) To apply for certification as a credentialed health care provider, the applicant shall submit to the department:

(i) Documentation showing the training, education, and/or experience qualifying the applicant to provide peer support or critical incident stress management training;

(ii) Proof of a valid Wisconsin license showing they are a credentialed health care provider or, for those who have retired from their health care profession, proof of the Wisconsin license at the time of the applicant’s retirement;

(iii) a letter from an agency with which the applicant has a working relationship.

(c) The peer support advisory committee shall review all requests for instructor certification and make a recommendation to the department. The department shall then decide whether to certify the instructor.

(d) Certification begins when the department certifies the applicant and continues for the remainder of the state fiscal year and the following three (3) state fiscal years.

(4) Instructor recertification.

(a) The department shall send a notice, via electronic mail, to each instructor six (6) months before the instructor’s certification expires. The notice will be sent to the current email address the instructor has provided to the department. Failure to receive the notice does not relieve the instructor of the responsibility to maintain certification.

(b) Requirements for recertification. The applicant for recertification must have:

(i) instructed using the department-approved curriculum at least twice during their current certification period;

(ii) have attended trainings on any department-mandated curriculum updates; and

(iii) only for those certified as a credentialed health care provider who is not retired, proof that the applicant has maintained the applicant’s license.

(c) Process for recertification. To apply for recertification as an instructor, the instructor shall, no earlier than six (6) months prior to the expiration of the certification period and no later than three (3) months before the expiration of the current certification period, submit to the department:

(i) an Instructor Recertification Request and Credentialed Instructor Recertification form, Form DOJ-PS-818;

(ii) a letter of recommendation from an agency for whom the instructor has taught during the current certification period.

(d) Limitations on recertification. Instructors are ineligible for recertification if they:

(i) Fail to meet any department-mandated training updates; or

(ii) Fail to submit a renewal application no earlier than six (6) months prior to the expiration of the certification period and no later than three (3) months before the expiration of the current certification period.

(6) Documentation requirements for instructors.

(a) For each course taught, instructors must provide a sign-in roster that will collect the full name of each trainee, the employing or sponsoring agency for that trainee, and the primary email address used by the trainee.

(b) For each class taught, instructors must provide a certificate of completion to each trainee who completes the class that includes the title, location and date of the class, the student’s name, and the name(s) and signature(s) of the instructor(s).

22.07. Requirements for agencies regarding peer support teams and critical incident stress management teams.

(1) No agency may establish a peer support team or a critical incident stress management team unless the agency complies with the requirements of this section.

(2) Agency Guidelines.

(a) An agency that establishes a peer support team shall develop written guidelines for the peer support team and its peer support team members. These guidelines should be available to all members of the agency.

(b) An agency that establishes a critical incident stress management team shall develop written guidelines for the critical incident stress management team and critical incident stress management team members. These guidelines should be available to all members of the agency.

(c) The agency’s guidelines shall address the selection and removal of members, the maintenance of confidentiality and privilege, training requirements for team membership, and identify a team leader to oversee the peer support team or critical incident stress management team.

(3) Certification process.

(a) To apply for certification of a peer support team or critical incident stress management team, an agency shall submit to the department:

(i) an Agency Certification Request form, Form DOJ-PS-900;

(ii) a letter from the agency administrator verifying that all members of the peer support or critical incident stress management team have met the training requirements in these rules; and

(iii) a copy of the agency’s guidelines for the peer support team or critical incident stress management team for which the agency is seeking certification.

(b) The peer support advisory committee shall review all requests for agency certification and make a recommendation to the department. The department shall then decide whether to certify the team.

(c) Certification begins when the department certifies the team and continues for the remainder of the state fiscal year and the following three (3) state fiscal years.

(4) Process for recertification. To apply for recertification of a peer support team or critical incident stress management team, an agency shall submit to the department:

(a) an Agency Recertification Request form, Form DOJ-PS-925;

(b) a letter from the agency administrator verifying that all members of the peer support or critical incident stress management team have met the training requirements in these rules; and

(c) if the agency’s guidelines for the peer support team or critical incident stress management team for which the agency is seeking certification have changed, a copy of the current guidelines.

(5) Training.

(a) New team members. It is the agency’s responsibility to ensure team members have received the required training prior to becoming an active team member. A certificate of training completion must be stored in the peer support or critical incident stress management team member’s agency file.

(b) Continuing team members. It is the agency’s responsibility to ensure team members have received the required training to remain an active team member. A certificate of training completion must be stored in the peer support or critical incident stress management team member’s agency file.

(7) Regional teams. Regional peer support teams and critical incident stress management teams that encompass multiple agencies are permitted. A regional team shall:

(a) Follow the policies established by the individual agency.

(b) Identify a regional team coordinator who shall coordinate with all the agencies that are part of the regional team.

(c) Each agency that is part of a regional team is responsible for ensuring that its members that are part of the regional team have met the training requirements for membership on a team and retain the records of those members’ training.

**SECTION 3.** **EFFECTIVE DATE.** These rules take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2) (intro.), Stats.