

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5086**

By Delegate Pinson

[Introduced February 03, 2026; referred to the  
Committee on Health and Human Resources then the  
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article  
2 designated §21-18-1; and to amend said code by adding a new section designated §57-3-  
3 11, all relating to peer support teams, peer support services, and generally allow for  
4 privileged testimonial communications between a peer support team member and an  
5 individual receiving peer support services or advice from the team member.

*Be it enacted by the Legislature of West Virginia:*

## CHAPTER 21. LABOR.

### ARTICLE 18. PEER SUPPORT TEAM MEMBER ROSTER.

#### §21-18-1.

#### Definitions.

1 (a) As used in this section, "peer support team" and "peer support team member" have the  
2 same meanings as in section §57-3-11 of this code.

3 (b) An employer or organization that appoints a peer support team, or an advisor  
4 designated by an employer or organization under §57-3-11(f) of this code, shall keep a roster of  
5 the peer support team members that make up each peer support team maintained by the  
6 employer or organization. The employer, organization, or advisor shall do both of the following in  
7 the roster:

8 (1) Identify each peer support team member providing services at the time the roster is  
9 created by first and last name;

10 (2) Identify whether the member is in compliance with the peer support training  
11 requirements necessary for the testimonial privilege described in §57-3-11 of this code.

12 (c) The roster may not include the address, telephone number, or other contact information  
13 for a team member. The employer, organization, or advisor shall update the roster on a regular  
14 basis.

15 (d) The roster required by this section is not a public record under section §29B-1-2 of this  
16 code. However, the employer, organization, or advisor shall make the roster available at the

17 request of a prosecutor, investigator, or any other individual who has a legal right or duty to  
18 determine whether a peer support team member is prohibited from testifying in any proceeding to  
19 which §57-3-11 of this code applies.

## CHAPTER 57. EVIDENCE AND WITNESSES.

### ARTICLE 3. COMPETENCY OF WITNESSES.

#### §57-3-11. Privileged peer support communications.

1 (a) As used in this section:  
2 "Corrections officer" has the same meaning as in §30-29-1 of this code.  
3 "Emergency service personnel" includes firefighters and emergency medical workers and  
4 has the same meaning as in §30-29-1 of this code.  
5 "Emergency telecommunicator" has the same meaning as in section §24-6-2 of this code.  
6 "Law enforcement officer" has the same meaning as in section §30-29-1 of this code and  
7 shall include those defined as "chief executive" in §30-29-1 of this code.  
8 "Peer support services" means consultation, risk assessment, referral, or on-site  
9 intervention services provided by a peer support team member to an individual experiencing  
10 psychological or physical symptoms caused by exposure to acute or chronic high stress incidents  
11 in the course of the individual's employment. "Peer support services" includes both of the  
12 following:  
13 (1) Providing knowledge and experience or emotional, social, or practical support to peers;  
14 (2) Helping a peer navigate available resources, including the mental health system.  
15 "Peer support team member" means an individual is one of the following:  
16 (A) A law enforcement officer, firefighter, emergency medical worker, or corrections officer;  
17 (B) An emergency telecommunicator for law enforcement officers, or emergency service  
18 personnel;  
19 (C) A civilian employee of an entity that employs law enforcement officers, firefighters,

emergency medical workers, or corrections officers;

(D) 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;

(E) A retired emergency telecommunicator for law enforcement officers, firefighters, or emergency medical workers acting with the approval of the retired emergency telecommunicator's former employer or the approval of the employer appointing the peer support team.

(b) The individual has received not less than 16 hours of basic peer support training that meets the requirements of subsection (e) of this section.

(c) The individual, as part of a peer support team, provides peer support services to individuals with similar life experiences.

"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:

(1) An employer;

(2) A labor organization as defined in section §21-5G-1 of this code;

(3) A charitable organization consisting of current or former law enforcement officers, firefighters, emergency medical workers, or emergency telecommunicators of law enforcement officers, firefighters, or emergency medical workers.

(d) Except as provided in subsection (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.

(e) The testimonial privilege established under subsection (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

46 receives peer support services or to other persons.

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

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

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

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

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

56 (f) For purposes of subsection (c)(1) of this section, indications of past or present abuse or  
57 neglect of a child constitute a clear and present danger.

58 (g) To receive the testimonial privilege established under subsection (b) of this section, a  
59 peer support team member must complete not less than eight hours of basic peer support training  
60 every two years.

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

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

70 (1) An individual licensed to practice medicine and surgery or osteopathic medicine and  
71 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 §27-1-10 of this code to practice psychology;

(3) An advanced practice registered nurse as defined in section §30-7-1 of this 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 §9-4B-1 of this 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 30 of this code;

(6) A licensed independent social worker or licensed social worker authorized to practice under Chapter 30 of this code.

(j) The training required for a peer support team member under subsection (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.

NOTE: The purpose of this bill is to allow for privileged testimonial communications between a peer support team member and an individual receiving peer support services or advice from the team member.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.