

ASSEMBLY BILL NO. 302—ASSEMBLYMEN COHEN;
MONROE-MORENO AND ROBERTS

MARCH 18, 2019

Referred to Committee on Health and Human Services

SUMMARY—Creates the Emergency Response Employees Mental Health Commission. (BDR 40-274)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to emergency medical services; creating the Emergency Response Employees Mental Health Commission; prescribing the duties of the Commission relating to emergency response employees who are experiencing mental health issues as a result of the nature of their work; providing, with limited exceptions, that communications between an emergency response employee and a peer support counselor are confidential and not admissible in certain proceedings; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 4** of this bill creates the Emergency Response Employees Mental
2 Health Commission within the Division of Public and Behavioral Health of the
3 Department of Health and Human Services. The Commission consists of seven
4 voting members appointed by the Governor and the Administrator of the Division,
5 who is an ex officio nonvoting member of the Commission. **Section 4** establishes
6 3-year terms for each member appointed to the Commission. **Section 5** of this bill
7 requires the Commission to meet at least once each quarter and requires the
8 Division to provide administrative support to the Commission.
9 **Section 6** of this bill requires the Commission to establish and operate a toll-
10 free hotline for emergency response employees who are experiencing mental health
11 issues as a result of the nature of their work. **Section 6** requires the hotline to
12 connect a person who calls the hotline with a peer support counselor. **Section 6** also
13 requires the Commission to: (1) establish and maintain a network of peer support
14 counselors to provide peer support counseling to persons who call the hotline; and
15 (2) adopt regulations establishing qualifications and training requirements for peer
16 support counselors.



17 **Section 6** additionally requires the Commission to establish and maintain an
18 Internet website and design and update, as necessary, a poster that provides certain
19 information relating to mental health issues associated with emergency response
20 work. **Section 6** requires the Division to distribute the poster to each entity that
21 employs emergency response employees and requires each such entity to
22 conspicuously display the poster at its premises.

23 **Section 7** of this bill provides, with limited exceptions, that any
24 communications made between a peer support counselor and an emergency
25 response employee using the hotline are confidential. **Section 7** also provides
26 immunity from liability to: (1) a peer support counselor who discloses certain
27 communications; and (2) a governmental entity that employs a peer support
28 counselor. **Section 7** also provides that any notes, records or reports of any
29 communication between a peer support counselor and an emergency response
30 employee using the hotline are not public records. The confidentiality of
31 communications and immunity provided by **section 7** is similar to that provided for
32 communications during counseling provided through a peer support program for
33 law enforcement or public safety personnel. (NRS 281.805)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 450B of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 7, inclusive, of this
3 act.

4 **Sec. 2.** *“Commission” means the Emergency Response*
5 *Employees Mental Health Commission.*

6 **Sec. 3.** *“Peer support counselor” means a person who*
7 *provides peer support counseling through the toll-free hotline*
8 *established by the Commission pursuant to paragraph (a) of*
9 *subsection 1 of section 6 of this act.*

10 **Sec. 4. 1.** *The Emergency Response Employees Mental*
11 *Health Commission, consisting of seven voting members and one*
12 *ex officio nonvoting member, is hereby created within the*
13 *Division.*

14 **2.** *The Governor shall appoint as voting members to the*
15 *Commission:*

16 *(a) One member who represents the Nevada Sheriffs’ and*
17 *Chiefs’ Association;*

18 *(b) One member who represents a professional firefighters’ or*
19 *chiefs’ organization;*

20 *(c) One member who represents persons that provide*
21 *emergency medical services;*

22 *(d) One member who represents volunteer firefighters;*

23 *(e) One member who is an elected city officer or his or her*
24 *designee;*

25 *(f) One member who is an elected county officer or his or her*
26 *designee; and*



1 (g) *One member who is a medical professional with expertise*
2 *in substance abuse or who is a mental health professional.*

3 3. *The Administrator of the Division or his or her designee is*
4 *an ex officio nonvoting member of the Commission.*

5 4. *The term of each member appointed by the Governor is 3*
6 *years.*

7 5. *If a vacancy occurs in the voting membership of the*
8 *Commission, the Governor shall appoint a person to fill the*
9 *vacancy for the remainder of the unexpired term.*

10 **Sec. 5. 1.** *The Commission shall meet at least once each*
11 *quarter and may meet more often upon the call of the Chair.*

12 2. *A majority of the members of the Commission constitutes a*
13 *quorum.*

14 3. *The members of the Commission shall elect a Chair and*
15 *Vice Chair.*

16 4. *The members of the Commission serve without*
17 *compensation but are entitled to receive the per diem allowance*
18 *and travel expenses provided for state officers and employees*
19 *generally while engaged in the official business of the*
20 *Commission.*

21 5. *Each member of the Commission who is an officer or*
22 *employee of this State or a political subdivision of this State must*
23 *be relieved from his or her duties without loss of regular*
24 *compensation so that the officer or employee may prepare for and*
25 *attend meetings of the Commission and perform any work*
26 *necessary to carry out the duties of the Commission in the most*
27 *timely manner practicable. A state agency or political subdivision*
28 *of this State shall not require an officer or employee who is a*
29 *member of the Commission to make up the time the officer or*
30 *employee is absent from work to carry out duties as a member of*
31 *the Commission or use annual leave or compensatory time for the*
32 *absence.*

33 6. *The Division shall provide administrative support to the*
34 *Commission.*

35 **Sec. 6. 1.** *The Commission shall:*

36 (a) *Establish and operate a toll-free hotline for emergency*
37 *response employees to call if such employees are experiencing*
38 *mental health issues as a result of the nature of their work. Such a*
39 *hotline must connect a person who calls the hotline with a peer*
40 *support counselor in the geographic region from which the person*
41 *is calling.*

42 (b) *Establish and maintain a network of peer support*
43 *counselors to provide peer support counseling to persons who call*
44 *the toll-free hotline established pursuant to paragraph (a).*

45 (c) *Establish and maintain an Internet website that provides:*



1 (1) Information on mental health issues associated with
2 emergency response work, including, without limitation,
3 stress, post-traumatic stress disorder, depression, addiction and
4 self-medication;

5 (2) Contact information for providers of mental health
6 services in this State, organized by region;

7 (3) The telephone number of the toll-free hotline
8 established pursuant to paragraph (a); and

9 (4) Information concerning local and national support
10 groups for mental health issues.

11 (d) Design and update, as necessary, a poster which includes,
12 without limitation:

13 (1) The telephone number of the toll-free hotline
14 established pursuant to paragraph (a);

15 (2) The Internet address of the website established pursuant
16 to paragraph (c);

17 (3) Information regarding common signs and symptoms of
18 mental health issues associated with emergency response work,
19 including, without limitation, stress, post-traumatic stress disorder,
20 depression, addiction and self-medication; and

21 (4) Contact information for local and national support
22 groups for mental health issues.

23 2. The Division shall distribute the poster designed pursuant
24 to paragraph (d) of subsection 1 to each entity that employs
25 emergency response employees in a printed format or an
26 electronic format that may be printed. Each such entity that
27 receives a poster shall conspicuously display the poster at its
28 premises.

29 3. The Commission shall adopt such regulations as it deems
30 necessary to carry out the provisions of this section, including,
31 without limitation, regulations establishing qualifications and
32 training requirements for peer support counselors.

33 **Sec. 7. 1.** Any communication between a peer support
34 counselor and an emergency response employee using the toll-free
35 hotline established pursuant to paragraph (a) of subsection 1 of
36 section 6 of this act is confidential and must not be disclosed
37 unless:

38 (a) The communication is any of the following:

39 (1) Any explicit threat of suicide;

40 (2) Any explicit threat of imminent and serious physical
41 harm or death to a clearly identified or identifiable person;

42 (3) Any information relating to the abuse or neglect of a
43 child, older person or vulnerable person, or any information that
44 is required by law to be reported; or

45 (4) Any admission of criminal conduct;



1 (b) *The emergency response employee who places the*
2 *telephone call to the toll-free hotline waives the confidentiality of*
3 *the communication; or*

4 (c) *A court of competent jurisdiction issues an order or*
5 *subpoena requiring the disclosure of the communication.*

6 2. *This section:*

7 (a) *Applies to all oral communications, notes, records and*
8 *reports arising out of a telephone call placed to the toll-free*
9 *hotline. Any notes, records or reports arising out of a telephone*
10 *call placed to the toll-free hotline are not public records.*

11 (b) *Does not prohibit any communications between peer*
12 *support counselors. Any such communications are confidential for*
13 *purposes of this section.*

14 (c) *Does not limit the discovery or introduction into evidence*
15 *of any knowledge acquired or observations made by any peer*
16 *support counselors in the scope of their employment as emergency*
17 *response employees which is otherwise subject to discovery or*
18 *introduction into evidence.*

19 3. *A peer support counselor who discloses a communication*
20 *pursuant to paragraph (a), (b) or (c) of subsection 1 is not liable*
21 *for any error or omission in such a disclosure.*

22 4. *A governmental entity that employs a peer support*
23 *counselor is not liable for any disclosure made in violation of this*
24 *section by any peer support counselor.*

25 **Sec. 8.** NRS 450B.020 is hereby amended to read as follows:

26 450B.020 As used in this chapter, unless the context otherwise
27 requires, the words and terms defined in NRS 450B.025 to
28 450B.110, inclusive, *and sections 2 and 3 of this act* have the
29 meanings ascribed to them in those sections.

30 **Sec. 9.** NRS 239.010 is hereby amended to read as follows:

31 239.010 1. Except as otherwise provided in this section and
32 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
33 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
34 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
35 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
36 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
37 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
38 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
39 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140,
40 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130,
41 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044,
42 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625,
43 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
44 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772,
45 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925,



1 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131,
2 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625,
3 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450,
4 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105,
5 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
6 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030,
7 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
8 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,
9 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685,
10 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438,
11 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
12 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510,
13 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
14 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
15 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,
16 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
17 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495,
18 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
19 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035,
20 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,
21 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698,
22 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
23 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
24 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
25 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
26 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
27 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,
28 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
29 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
30 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
31 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
32 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
33 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
34 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,
35 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
36 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
37 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
38 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
39 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
40 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
41 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
42 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
43 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
44 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
45 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,



1 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
2 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
3 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
4 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
5 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
6 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
7 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
8 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
9 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
10 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
11 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
12 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
13 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
14 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 7 of*
15 *this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada
16 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and
17 unless otherwise declared by law to be confidential, all public books
18 and public records of a governmental entity must be open at all
19 times during office hours to inspection by any person, and may be
20 fully copied or an abstract or memorandum may be prepared from
21 those public books and public records. Any such copies, abstracts or
22 memoranda may be used to supply the general public with copies,
23 abstracts or memoranda of the records or may be used in any other
24 way to the advantage of the governmental entity or of the general
25 public. This section does not supersede or in any manner affect the
26 federal laws governing copyrights or enlarge, diminish or affect in
27 any other manner the rights of a person in any written book or
28 record which is copyrighted pursuant to federal law.

29 2. A governmental entity may not reject a book or record
30 which is copyrighted solely because it is copyrighted.

31 3. A governmental entity that has legal custody or control of a
32 public book or record shall not deny a request made pursuant to
33 subsection 1 to inspect or copy or receive a copy of a public book or
34 record on the basis that the requested public book or record contains
35 information that is confidential if the governmental entity can
36 redact, delete, conceal or separate the confidential information from
37 the information included in the public book or record that is not
38 otherwise confidential.

39 4. A person may request a copy of a public record in any
40 medium in which the public record is readily available. An officer,
41 employee or agent of a governmental entity who has legal custody
42 or control of a public record:

43 (a) Shall not refuse to provide a copy of that public record in a
44 readily available medium because the officer, employee or agent has



1 already prepared or would prefer to provide the copy in a different
2 medium.

3 (b) Except as otherwise provided in NRS 239.030, shall, upon
4 request, prepare the copy of the public record and shall not require
5 the person who has requested the copy to prepare the copy himself
6 or herself.

7 **Sec. 10.** As soon as practicable after July 1, 2019, the
8 Emergency Response Employees Mental Health Commission
9 created by section 4 of this act shall carry out its duties pursuant to
10 section 6 of this act of establishing the toll-free hotline, the network
11 of peer support counselors and the Internet website and designing
12 the poster.

13 **Sec. 11.** This act becomes effective upon passage and approval
14 for purposes of appointment of members and performing any other
15 preparatory administrative tasks that are necessary to carry out the
16 provisions of this act, and on July 1, 2019, for all other purposes.

