

A.B. 96

ASSEMBLY BILL NO. 96—ASSEMBLYWOMAN COHEN

FEBRUARY 4, 2021

Referred to Committee on Health and Human Services

SUMMARY—Creates the Emergency Response Employees Mental Health Commission. (BDR 40-96)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.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 certain 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 Sections 2-7 of this bill provide for an Emergency Response Employees Mental
2 Health Commission within the Division of Public and Behavioral Health of the
3 Department of Health and Human Services. Section 4 of this bill creates the
4 Commission, prescribes its membership and establishes the terms of the appointed
5 members. Section 10 of this bill provides for the initial appointment of the
6 members. Section 5 of this bill requires the Commission to meet at least once each
7 quarter and requires the Division to provide administrative support to the
8 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



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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 certain 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) **Section 9** of this bill
 34 makes a conforming change relating to the confidentiality of the information in
 35 **section 7**.

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 or its successor organization;*

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*



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1 (g) One member who is a medical professional with expertise
2 in substance use disorders 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. After the initial term, the term of each member appointed
6 by the Governor is 3 years. A member may be reappointed.

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 at once each
11 quarter and may meet more often upon the call of the Chair.

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

14 3. The voting members of the Commission shall elect a Chair
15 and 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:



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

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

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

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

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

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

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

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

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

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

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

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

(a) The communication is any of the following:

(1) Any explicit threat of suicide;

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

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

(4) Any admission of criminal conduct;



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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 employments as
17 emergency response employees which is otherwise subject to
18 discovery or 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, 119A.677, 119B.370, 119B.382, 120A.690, 125.130,
40 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
41 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,
42 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015,
43 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
44 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
45 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,



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1 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
 2 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
 3 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
 4 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069,
 5 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014,
 6 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,
 7 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
 8 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
 9 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,
 10 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
 11 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,
 12 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
 13 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
 14 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061,
 15 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,
 16 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,
 17 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
 18 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,
 19 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,
 20 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,
 21 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249,
 22 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,
 23 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
 24 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,
 25 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,
 26 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
 27 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
 28 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
 29 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
 30 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,
 31 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,
 32 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
 33 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,
 34 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,
 35 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
 36 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
 37 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,
 38 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,
 39 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,
 40 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
 41 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,
 42 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,
 43 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,
 44 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,
 45 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,



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1 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,
2 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,
3 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
4 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
5 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
6 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,
7 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,
8 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,
9 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
10 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
11 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
12 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
13 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,
14 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,
15 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,
16 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,
17 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
18 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
19 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
20 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,
21 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and*
22 *section 7 of this act*, sections 35, 38 and 41 of chapter 478, Statutes
23 of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada
24 2013 and unless otherwise declared by law to be confidential, all
25 public books and public records of a governmental entity must be
26 open at all times during office hours to inspection by any person,
27 and may be fully copied or an abstract or memorandum may be
28 prepared from those public books and public records. Any such
29 copies, abstracts or memoranda may be used to supply the general
30 public with copies, abstracts or memoranda of the records or may be
31 used in any other way to the advantage of the governmental entity or
32 of the general public. This section does not supersede or in any
33 manner affect the federal laws governing copyrights or enlarge,
34 diminish or affect in any other manner the rights of a person in any
35 written book or record which is copyrighted pursuant to federal law.
36 2. A governmental entity may not reject a book or record
37 which is copyrighted solely because it is copyrighted.
38 3. A governmental entity that has legal custody or control of a
39 public book or record shall not deny a request made pursuant to
40 subsection 1 to inspect or copy or receive a copy of a public book or
41 record on the basis that the requested public book or record contains
42 information that is confidential if the governmental entity can
43 redact, delete, conceal or separate, including, without limitation,
44 electronically, the confidential information from the information



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1 included in the public book or record that is not otherwise
2 confidential.

3 4. If requested, a governmental entity shall provide a copy of a
4 public record in an electronic format by means of an electronic
5 medium. Nothing in this subsection requires a governmental entity
6 to provide a copy of a public record in an electronic format or by
7 means of an electronic medium if:

8 (a) The public record:

- 9 (1) Was not created or prepared in an electronic format; and
10 (2) Is not available in an electronic format; or

11 (b) Providing the public record in an electronic format or by
12 means of an electronic medium would:

- 13 (1) Give access to proprietary software; or
14 (2) Require the production of information that is confidential
15 and that cannot be redacted, deleted, concealed or separated from
16 information that is not otherwise confidential.

17 5. An officer, employee or agent of a governmental entity who
18 has legal custody or control of a public record:

19 (a) Shall not refuse to provide a copy of that public record in the
20 medium that is requested because the officer, employee or agent has
21 already prepared or would prefer to provide the copy in a different
22 medium.

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

27 **Sec. 10.** As soon as practicable after the effective date of this
28 act, the Governor shall appoint to the Emergency Response
29 Employees Mental Health Commission:

30 1. The members described in paragraphs (a), (b) and (c) of
31 subsection 2 of section 4 of this act to initial terms of 3 years.

32 2. The members described in paragraphs (d) and (e) of
33 subsection 2 of section 4 of this act to initial terms of 2 years.

34 3. The members described in paragraphs (f) and (g) of
35 subsection 2 of section 4 of this act to initial terms of 1 year.

36 **Sec. 11.** As soon as practicable after July 1, 2021, the
37 Emergency Response Employees Mental Health Commission
38 created by section 4 of this act shall carry out its duties pursuant to
39 section 6 of this act of establishing the toll-free hotline, the network
40 of peer support counselors and the Internet website and designing
41 the poster.

42 **Sec. 12.** 1. This section becomes effective upon passage and
43 approval.

44 2. Sections 1 to 11, inclusive, of this act become effective:



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- 1 (a) Upon passage and approval for the purpose of appointing
2 members to the Emergency Response Employees Mental Health
3 Commission created by section 4 of this act and adopting any
4 regulations and performing any other preparatory administrative
5 tasks that are necessary to carry out the provisions of this act; and
6 (b) On July 1, 2021, for all other purposes.

(30)



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