

**MINUTES OF THE
SENATE COMMITTEE ON COMMERCE AND LABOR**

**Eightieth Session
May 13, 2019**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 1:43 p.m. on Monday, May 13, 2019, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Pat Spearman, Chair
Senator Marilyn Dondero Loop, Vice Chair
Senator Nicole J. Cannizzaro
Senator Chris Brooks
Senator Joseph P. Hardy
Senator James A. Settelmeyer
Senator Heidi Seevers Gansert

GUEST LEGISLATORS PRESENT:

Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27
Assemblyman Tom Roberts, Assembly District No. 13

STAFF MEMBERS PRESENT:

Cesar Melgarejo, Committee Policy Analyst
Bryan Fernley, Committee Counsel
Jennifer Richardson, Committee Secretary

OTHERS PRESENT:

Tom Dunn, Professional Firefighters of Nevada
Todd Ingalsbee, Professional Firefighters of Nevada
Mike Ramirez, Las Vegas Police Protective Association; Nevada Law
Enforcement Coalition
Gary Garrett, Professional Firefighters of Nevada 2487

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Louie Lemaire

Derek Reid, Captain, Truckee Meadows Firefighters Association, Local 2487

Rick McCann, Executive Director, Nevada Association of Public Safety Officers;
Nevada Law Enforcement Coalition

Rusty McAllister, Nevada State AFL-CIO

Michael Edmiston, Las Vegas Police Protective Association Civilian Employees,
Inc.

Angela Leath, Crisis Intervention Administrator, Las Vegas Fire and Rescue
Beverly Paschal, Ph.D.

Mark Regan, Northern Nevada Fire Chiefs Association

LesLee Shell, Clark County

Jamie Rodriguez, Washoe County

Dagny Stapleton, Nevada Association of Counties

Dalton Hooks Jr., Nevada Self Insurers Association; City of Las Vegas

Mary Walker, City of Carson City; Douglas County; Lyon County; Storey County

CHAIR SPEARMAN:

We will begin the hearing on Assembly Bill (A.B.) 492.

ASSEMBLY BILL 492 (1st Reprint): Revises provisions governing industrial insurance benefits. (BDR 53-709)

ASSEMBLYWOMAN TERESA BENITEZ-THOMPSON (Assembly District No. 27):

I am presenting A.B. 492. I have a proposed amendment ([Exhibit C](#)). This bill addresses Post Traumatic Stress Disorders (PTSD) in various professions. Our first responders work in instances where they will later need help. We took local government considerations into account by balancing actuaries and providing for this need fiscally.

ASSEMBLYMAN TOM ROBERTS (Assembly District No. 13):

I am presenting A.B. 492. As a former law enforcement officer, I have spent a considerable amount of time in that profession. We are learning about the impacts PTSD has on our employees that we did not realize before.

This bill is a move in the right direction. The proposed amendment strikes a balance between bringing attention to the issue while keeping the costs to a minimum. We owe this to our public service employees.

TOM DUNN (Professional Firefighters of Nevada):

I am presenting A.B. 492. The proposed amendment was drafted by the Professional Firefighters of Nevada and LesLee Shell from Clark County.

Section 1 has been removed by the proposed amendment. In the *Nevada Revised Statutes* (NRS) 616C.180, we have added new language that addresses first responders who directly witness a death or the aftermath of a death and first responders who directly witness an injury or the aftermath of an injury to include grievous bodily harm of a nature that shocks the conscious.

We have addressed other local government employees who are not attached to public safety agencies that may be involved in a mass casualty event such as the mass shooting on October 1, 2017 or the 2011 Reno Air Races crash. These local government employees may be required to respond to a mass casualty incident as part of their duties.

The bill requires local government to provide training to their public safety agencies and professionals. The bill defines "directly witness" for specific purposes for NRS 616C.180 which provides a definition for first responders that will include a salaried or volunteer firefighter, a police officer, an emergency dispatcher, an emergency medical technician, paramedic or a call taker employed by a law enforcement or a public safety agency in this State.

TODD INGALSBEE (Professional Firefighters of Nevada):

I am presenting A.B. 492. This bill is important for our police officers, firefighters, first responders and dispatchers, because PTSD is a growing concern for those professions.

In a recent study of trauma exposures among American adults, 90 percent of adults had at least one exposure. The most common number of potential exposures in a lifetime was three.

Our members routinely encounter 40 unique potentially traumatic events in response to a single alarm. Our members frequently experience life-threatening accidents, natural disasters, suicides, multi-casualty accidents, significant life-threatening events involving children and witness injury and death.

Increasingly, duty requires our members to respond to large scale catastrophic events. These large scale catastrophic events can be natural events, shootings

or technological disasters. Firefighters and dispatchers can be exposed to the common lifetime number of traumatic events in a single shift.

The overwhelming majority of career firefighters are required to work a minimum of 28 years in Nevada. Their accumulated occupational exposure to potentially traumatic events far exceeds the exposure of civilians.

Studies have found that up to 37 percent of firefighters meet the criteria for a current diagnosis of PTSD. This number might be lower than reality because of a history of stigma for members who expressed symptoms of PTSD. In the past, members were told to suck it up. They would not dare ask for help because that was a sign of weakness.

For years, firefighters have masked symptoms of anxiety, lack of sleep, depression, divorce and substance abuse. These symptoms were considered part of the job.

We did not believe we had a problem until the number of suicide rates increased. In one year, we had more line of duty deaths attributed to suicide than any other category. This legislation is important for our members to get help and to provide them early treatment like we do with some of the other presumptive benefits. The bill provides a plan for our members and the municipalities to follow.

Approximately 60 percent of people receiving evidence-based treatments report symptom improvements. As many as 40 percent no longer meet the criteria for PTSD at the conclusion of treatment. Most treated individuals return to a functioning status. There is evidence that PTSD is a treatable disease as opposed to a chronic disorder. Additional burdens should not be placed on firefighters when they develop PTSD.

The cost of training a new firefighter exceeds the cost of treating and returning a firefighter to duty after a work-related mental health diagnosis. The following studies are submitted to the Committee. ([Exhibit D](#), [Exhibit E](#), [Exhibit F](#), [Exhibit G](#), [Exhibit H](#), [Exhibit I](#), [Exhibit J](#), [Exhibit K](#) and [Exhibit L](#) contains copyrighted material. Originals available on request of the Research Library.)

These studies document that firefighters and dispatchers are exposed to trauma at high levels in their line of work. The data shows that firefighters are at an

increased risk of developing PTSD. We know that current workers' compensation systems place a burden on individual firefighters who develop PTSD.

Presumption of PTSD has become accepted throughout the firefighting community as well as in the mental health profession. It is time for Nevada to act on the science to help our members who develop work-related mental health disorders including PTSD.

SENATOR BROOKS:

Section 2, subsection 3, paragraph (b) in the proposed amendment states "a first responder who directly witnesses for him or herself a death, or the aftermath of the death, of one or more people as a result of a violent event." What is the aftermath of a death?

MR. DUNN:

The aftermath of a death would be where our members respond to a call that comes in as a 911 call. There may be somebody who has had some sort of traumatic event, either homicide or suicide. We respond because it came in as a 911 call.

One case that my department dealt with was a murder/suicide. A father shot and killed his two children in their home then shot and killed himself. Our crew started performing cardiopulmonary resuscitation (CPR) to provide life-saving measures. The outcome is considered post-death; however, they were trying to treat what they believed was a viable victim.

SENATOR DONDERO LOOP:

In that same section, you list results of violent events including, but not limited to homicides, suicides or mass casualties. Will that cover enough area for you?

MR. INGALSBEE:

We try to give examples that are not all encompassing. Not every firefighter is traumatized by the same events. A call that I respond to might not affect me in the way that it affects Mr. Dunn or Assemblyman Roberts. It depends. We try to create a parameter where we can cover details. If we are not specific enough, our claims are denied.

SENATOR SETTELMAYER:

The end of section 1 in the bill discusses first responders. Are we creating a two tier level of benefits? Why do we not cover anybody working for the government who comes across one of these events?

MR. DUNN:

Per our conversation with local government, we came to a compromise. They were concerned that we were limiting a benefit to specific professions within local government.

They described to us the people who were impacted in the mass shooting of October 1, 2017. The City of Las Vegas and Clark County had personnel who responded to the scene who worked with public works and administrators who worked in the survivor center. We included mass casualty events to cover any public employee. It was not limited to public safety employees.

SENATOR SETTELMAYER:

What happens to the public employees who show up to an event to try to help? It appears that we are creating two tiers of individuals who may be impacted by these events.

CHAIR SPEARMAN:

Are you asking about county commissioners or anybody else associated with them? There are victim's compensation funds to cover those people who are in tragedies such as that. I will check with the Department of Health and Human Services. The other public employees you reference may be covered under something else.

The intent of this bill is to cover first responders. Most of the time, people do not know they have PTSD. They think enough time has passed where they would not be affected by these events.

SENATOR SETTELMAYER:

I think back to the 2011 tragedy that occurred at the Reno Air Races. There were people who worked in various departments of the City and County who were attending the races with their families and friends. When the tragedy happened, they did not hesitate to act. I want their needs to be considered.

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ASSEMBLYMAN ROBERTS:

The proposed amendment qualifies those folks in a mass casualty or mass tragedy event.

SENATOR SETTELMAYER:

I will do more research.

CHAIR SPEARMAN:

Section 2, subsection 3, paragraph (d) of the proposed amendment states "any employee employed by a local or State government that during the course of his/her duties is required to respond to a mass casualty event" I think that language covers it.

SENATOR SETTELMAYER:

The people I am thinking of did not directly witness the event. They were not required to respond. They chose to be there to serve in their public capacity. I do not want to leave these people out.

SENATOR DONDERO LOOP:

It is my understanding that a firefighter, police officer or first responder are considered on duty even when they are off duty, especially when they respond to an event voluntarily.

That section states any employee during the course of his or her duties. If you are required by oath or by the nature of your job to always respond, then you are always on duty.

ASSEMBLYMAN ROBERTS:

That is the case for police officers. Any time we act on our policing authority while off-duty, we are brought to an on-duty status. Policies and procedures, workers' compensation and everything else covers our actions.

Charleston Hartfield is a prime example. He responded during October 1 when he started acting as a police officer defending people. He lost his life. His death was treated as an on-duty death during that event.

MR. INGALSBEE:

Firefighters are addressed in the same manner on that issue.

MR. DUNN:

I would like to play a recording of the shooting that occurred at Renown Medical Center. In the recording, you can hear the stress in the voices of the victims who are calling 911. Some are speaking softly because the assailant is outside their door. You can hear the assailant knocking on the door and the first responder telling the caller to remain calm.

This is a mild call compared to many of the calls that our dispatchers hear on a daily basis. We played a recording of a child drowning during our hearing in the Assembly. Our dispatchers are a part of the public safety system. They deal with the initial calls to the 911 system on a daily basis. They deal with the horrific calls that come in from distraught family members.

During the mass shooting of October 1, 2017, numerous calls came in. There are issues with PTSD in dispatchers and other members of the public safety sector. We provided a lot of documentation on the studies for dispatchers, crime scene investigators, coroners and medical examiners. We want to ensure the Committee knew what our personnel encounter on a daily basis.

MIKE RAMIREZ (Las Vegas Police Protective Association; Nevada Law Enforcement Coalition):

We support A.B. 492.

GARY GARRETT (Professional Firefighters of Nevada 2487):

I support A.B. 492. I work in the fire service. We need to protect service members that are lost in this bill. I needed to seek counseling for PTSD three times. All three of my claims have been denied, because I did not directly witness the incident. My life was not directly in harm's way at the time of these events.

My experiences were minimized. My time in the service was forgotten. I have spent a majority of my career and most of my life helping the citizens of my community. I protect this community. I worked on my day off to help at the Reno Air Races. We do not get a break from this. We are lost.

This bill needs to pass, so our issues can be addressed. The people who protect the community need the help and support of those around us. Currently, this is not happening. I have had to seek treatment on my own, because my claims have been denied.

After more than \$10,000 in treatment, I am now getting back to the point where I can work. I want to continue to do my job so that I can have the honor and respect that this position affords me. I can hold my head high with my peers and be done with this process.

LOUIE LEMAIRE:

I support A.B. 492. I am a retired fire department captain. I dedicated the last half of my 32 years of service to helping other firefighters with mental health issues. As a peer counselor, I received specialized training from the International Critical Incident Stress Foundation in Maryland.

I personally worked with firefighters and families affected by critical incidents and cumulative effects of PTSD. The biggest frustration was getting firefighters into counseling and addressing the financial impact this would have on their families.

When I got involved with a firefighter who responded to multiple deaths and multiple tragic events while on duty, I could only help him to a certain point. The workers' compensation system would not cover the expenses needed for PTSD, especially cumulative events.

Most of these firefighters who need counseling do not attend due to out of pocket expenses. My biggest fear was losing a firefighter to suicide. Unfortunately, my biggest fear came true too many times. If this bill passes, it will be the greatest investment to our public safety personnel in years.

Please remove the current restrictions tying PTSD to a single event and allow for our men and women to be treated for cumulative events. Do not require a physical injury to happen at the time of PTSD injury. Place mental health coverage into statute for our personnel who respond to traumatic calls. Require employers to train their personnel on PTSD.

DEREK REID (Captain, Truckee Meadows Firefighters Association, Local 2487):
We support A.B. 492. I have been in public safety for 25 years. We recently set up a peer support program. When we first notified our members about this program, we had members requesting help before we had trained individuals. Those seeking help reached dead ends when they reached out to the human resources department or the Employee Assistance Program.

There is little to no education available for those experiencing loss or grief. There is nothing for those seeking healthy coping mechanisms. Emotional resilience training is nonexistent. Most firefighters will tell you the training they have and their life skills help them to maintain the calm and cool demeanor that they are expected to have for the public.

RICK MCCANN (Executive Director, Nevada Association of Public Safety Officers; Nevada Law Enforcement Coalition):

We support A.B. 492. In addition to first responders defined in the bill, emergency dispatchers were added to the list of professionals covered by this legislation. These people save lives. These people hear a lot of stuff; that is built into this bill. We cannot forget them. What you heard today is the tip of the iceberg.

CHAIR SPEARMAN:

Are the list of professionals you described in section 2, subsection 5, paragraph (b), subparagraph 3 of the proposed amendment?

MR. MCCANN:

Yes, that is correct.

RUSTY McALLISTER (Nevada State AFL-CIO):

We support A.B. 492. A number of our members would be covered by this bill. This bill will help. I spent 33 years of this job as an emergency responder. There are days where we see stuff. Senator Brooks asked what the aftermath of an injury was. The aftermath is what is leftover. That is what we walk in on. That is what we see after they are done; it is not very pretty.

MICHAEL EDMISTON (Las Vegas Police Protective Association Civilian Employees, Inc.):

We support A.B. 492. We represent 1,500 employees. Of those, 262 are call takers, dispatchers and dispatch supervisors. Annually, our 911 team answers approximately 1 million emergency calls and 2 million nonemergency calls. Of all the classifications we represent, the call takers and dispatchers are directly impacted almost daily by the horrific and traumatizing calls they field.

The recording played for the Committee is a small sample of what they hear. Imagine hearing those calls on a regular basis. Our employees are required to

work a full 33 years, 4 months before they retire in order to avoid taking a penalty on their pensions.

Researchers compared the stress levels of 747 occupations as categorized by the U.S. Department of Labor. They measured the stress tolerance for each job including the frequency of high stress situations workers face. During this research, they looked at the consequence of on-the-job errors and the pressure of time constraints. The researchers gave 911 dispatchers a stress tolerance of 98.5, a consequence of error score of 86 and a time pressure score of 68.3. These are high scores.

When the Assembly Committee on Commerce and Labor heard A.B. 492, I was honored to have a retired Las Vegas Metropolitan Police Department call taker testify beside me. Unfortunately, she is unable to be with us today due to medical reasons. She medically retired short of 20 years of service due to the effects of her job. She supports this bill, because she believes if treatment had been available to her she would be working in the career that she loved.

ANGELA LEATH (Crisis Intervention Administrator, Las Vegas Fire and Rescue):
We support A.B. 492. I provide mental health support to call takers, dispatchers and responders. I served in the military as a U.S. Army, Mental Health Technician.

After spending three hours in our call center, I do not know how these men and women do that job. They have people commit suicide over the phone. Children call after a parent collapses. They talked an eight-year-old through the process of performing CPR. They have calls from community members who walked in on a family member who has committed suicide. If you could imagine the screams they hear from the person on the phone, you would understand the aftermath that they experience.

The stress of untreated PTSD can lead to physical ailments. It impacts everybody fiscally. Not providing the care that we need will have a fiscal impact; including, frequently calling out of work sick, heart disease, diabetes and other physical ailments.

The cost to the family members of first responders is great. The suicide rate for police officers and firefighters was higher than line-of-duty deaths last year. There is no excuse for that when we have the ability to support our folks.

These are the men and women who are in the community to support us and our families. We expect them to respond and to be at the top of their game, yet we are not providing the support they need to maintain their mental fitness. I submitted a prepared statement ([Exhibit M](#)) to the Committee. I am too emotional to read it.

BEVERLY PASCHAL, PH.D.:

I support A.B. 492. I have a Ph.D. in Clinical Psychology, a Ph.D. in Industrial and Organizational Psychology and a license as a Marriage and Family Therapist. I have been in private practice for 25 years. My specialty is acute traumatic stress and post-traumatic stress. I testified for the State in a lawsuit regarding PTSD.

One important thing to remember is that post-traumatic stress is rarely a single event episode. It is an accumulation of all the episodes a person has seen that become overwhelming for that person's mind. Our minds were never made to see what they see or to hear what they hear.

As stress builds up, PTSD becomes stronger and stronger. When I see a patient, I contact their insurance. The insurance states I may see the patient for three visits. Three visits is not enough to hear a fraction of what he or she has seen. We owe this to our first responders. This bill is needed.

MARK REGAN (Northern Nevada Fire Chiefs Association):

We support A.B. 492. This bill will help us provide services that helps and supports our staff. I have over 28 years in the fire service. Over the years, I have seen the impact of this myself. This affects lives in the fire service. It is hard for chief officers when we know our staff returns from calls needing help, and we do not have the ability to provide it.

We try our best. We seek help from various organizations. We look at workers' compensation as a way to provide a little time off. We have to look at other avenues including administrative leave with pay, because the services are structured that way.

CHAIR SPEARMAN:

Will the people in Las Vegas who support this bill please stand? I see the entire room standing. Will the people in Carson City who support this bill please stand? I see the majority of the room standing.

LESLEE SHELL (Clark County):

We are neutral toward A.B. 492. The proposed amendment is a reasonable compromise. It addresses our concerns that if a benefit will be expanded that it be expanded under the existing benefit in NRS 616C.180.

JAMIE RODRIGUEZ (Washoe County):

We are neutral toward A.B. 492 for the reasons mentioned by Ms. Shell.

DAGNY STAPLETON (Nevada Association of Counties):

We are neutral toward A.B. 492 for the reasons mentioned by Ms. Shell.

SENATOR DONDERO LOOP:

Are county employees covered under this amendment?

Ms. SHELL:

Yes, they would be covered by this amendment specifically in Section 2, subsection 3, paragraph (d).

SENATOR DONDERO LOOP:

If we do not do something to assist our first responders with counseling and treatment, we will not have any first responders. It is unfortunate that some members of the Committee are not in support of this bill.

CHAIR SPEARMAN:

The proposed amendment was submitted this morning. I have not had a chance to look at it. There was a question about testing or screening employees who are not first responders? Are they covered automatically?

Ms. SHELL:

The consensus language that we brought is stated in Section 2, subsection 3, paragraph (d). We had concerns about employees who were not considered first responders. We came to a consensus to include this language, but it is specific to a mass casualty event. Paragraphs (b) and (c) are first responder specific. The existing PTSD coverage under paragraph (a) would apply to the full category of employees.

CHAIR SPEARMAN:

That addresses our concerns regarding who the bill covers. I agree; a lot of people do not think about first responders. We say in the service, we run toward the problem when everyone else is running away.

Posttraumatic stress is cumulative. Sometimes, PTSD does not manifest itself right away. It may not appear for two or three years. There was an army pilot who was one week away from retirement. Instead of retiring on that date, he was buried on that date, because he committed suicide. Will this language be sufficient to address cumulative PTSD?

MS. SHELL:

The cases are individually specific. If there is a triggering event, we should be able to tie it back to the initial event.

CHAIR SPEARMAN:

I want to make sure that we can treat people who do not manifest the symptoms of PTSD immediately following an event.

DALTON HOOKS JR. (Nevada Self Insurers Association; City of Las Vegas):
We are neutral toward A.B. 492 for the same reason mentioned by Ms. Shell.

MARY WALKER (City of Carson City; Douglas County; Lyon County; Storey County):
We are neutral toward A.B. 492.

ASSEMBLYMAN ROBERTS:

In my 34 years of law enforcement experience, I came to realize that not everybody understands what they are going through when they have PTSD. They do not seek help. I have responded to a number of colleagues who have committed suicide. If we can get the help these people need, I am all for it.

MR. INGALSBEE:

Everybody has worked hard to support this bill. The main objective of this bill is to cover many professionals in the public safety profession.

CHAIR SPEARMAN:

We will close the hearing on A.B. 492. We will open a work session and take a vote on A.B. 492.

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SENATOR DONDERO LOOP MOVED TO AMEND AND DO PASS A.B. 492
AS AMENDED.

SENATOR SEEVERS GANSERT SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SPEARMAN:

We will close the work session on A.B. 492. With no public comment, we will adjourn at 2:37 p.m.

RESPECTFULLY SUBMITTED:

Jennifer Richardson,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	8		Attendance Roster
A.B. 492	C	2	Assemblywoman Teresa Benitez-Thompson	Proposed Amendment, The Professional Firefighters of Nevada and Clark County
A.B. 492	D	18	Todd Ingalsbee / Professional Firefighters of Nevada	Five First Responders to the Pulse Massacre. One diagnosis: PTSD
A.B. 492	E	5	Todd Ingalsbee / Professional Firefighters of Nevada	PTSD and Alcohol: Common, Treatable Concerns for Firefighters
A.B. 492	F	4	Todd Ingalsbee / Professional Firefighters of Nevada	Posttraumatic Stress Disorder in Coroner First Responders
A.B. 492	G	4	Todd Ingalsbee / Professional Firefighters of Nevada	Suicide Rates Among First Responders 20 Percent Higher Than General Public
A.B. 492	H	2	Todd Ingalsbee / Professional Firefighters of Nevada	Work-Related Predictors of Psychological Distress Among Medical Examiner and Coroner Personnel
A.B. 492	I	5	Todd Ingalsbee / Professional Firefighters of Nevada	Brief Report Duty-Related Trauma Exposure in 911 Telecommunicators: Considering the Risk for Posttraumatic Stress
A.B. 492	J	30	Todd Ingalsbee / Professional Firefighters of Nevada	White Paper Suicide Surveillance, Prevention, and Intervention Measures for the US Fire Service

A.B. 492	K	11	Todd Ingalsbee / Professional Firefighters of Nevada	Fighting Police Trauma: Practical Approaches to Addressing Psychological Needs of Officers
A.B. 492	L	12	Todd Ingalsbee / Professional Firefighters of Nevada	Occupational Stress and the Crime Scene Investigator
A.B. 492	M	3	Angela Leath / Las Vegas Fire and Rescue	Letter of Support