

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.

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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 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:**

**Sections 2-7** of this bill provide for an Emergency Response Employees Mental Health Commission within the Division of Public and Behavioral Health of the Department of Health and Human Services. **Section 4** of this bill creates the Commission, prescribes its membership and establishes the terms of the appointed members. **Section 10** of this bill provides for the initial appointment of the members. **Section 5** of this bill requires the Commission to meet at least once each quarter and requires the Division to provide administrative support to the Commission.

**Section 6** of this bill requires the Commission to establish and operate a toll-free hotline for emergency response employees who are experiencing mental health issues as a result of the nature of their work. **Section 6** requires the hotline to connect a person who calls the hotline with a peer support counselor. **Section 6** also requires the Commission to: (1) establish and maintain a network of peer support counselors to provide peer support counseling to persons who call the hotline; and (2) adopt regulations establishing qualifications and training requirements for peer support counselors.

**Section 6** additionally requires the Commission to establish and maintain an Internet website and design and update, as necessary, a poster that provides certain



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information relating to mental health issues associated with emergency response work. **Section 6** requires the Division to distribute the poster to each entity that employs emergency response employees and requires each such entity to conspicuously display the poster at its premises.

**Section 7** of this bill provides, with certain exceptions, that any communications made between a peer support counselor and an emergency response employee using the hotline are confidential. **Section 7** also provides immunity from liability to: (1) a peer support counselor who discloses certain communications; and (2) a governmental entity that employs a peer support counselor. **Section 7** also provides that any notes, records or reports of any communication between a peer support counselor and an emergency response employee using the hotline are not public records. The confidentiality of communications and immunity provided by **section 7** is similar to that provided for communications during counseling provided through a peer support program for law enforcement or public safety personnel. (NRS 281.805) **Section 9** of this bill makes a conforming change relating to the confidentiality of the information in **section 7**.

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

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

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

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

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

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

**(a) One member who represents the Nevada Sheriffs’ and Chiefs’ Association or its successor organization;**

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

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

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

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

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



(g) *One member who is a medical professional with expertise in substance use disorders or who is a mental health professional.*

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

4. *After the initial term, the term of each member appointed by the Governor is 3 years. A member may be reappointed.*

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

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

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

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

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

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

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

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

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

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

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



(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;



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

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

**2. This section:**

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

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

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

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

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

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

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

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

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,



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,



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



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:





- 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.

