



STATE OF NEVADA  
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
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JOE LOMBARDO  
*Governor*

MICHAEL D. SHERLOCK  
*Executive Director*

## NOTICE OF INTENT TO ACT UPON A REGULATION

### Notice of Hearing for the Adoption, Amendment and Repeal Of Regulations of the Commission on Peace Officer Standards and Training

**PUBLIC COMMENT HEARING NOTICE:** The Commission on Peace Officer Standards and Training (“Commission”) will be holding a Public Comment Hearing at **2:00 p.m. on Thursday, February 22, 2024, at the Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005.** The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of NRS 233B.0603:

#### **1. The need for and purpose of the proposed regulations.**

Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510). Assembly Bill 336 of the 81<sup>st</sup> Legislative Session requires the Commission to adopt regulations establishing standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer. This proposed language (R190-22) creates the new regulation establishing this new standard.

Retention of healthy, strong peace officers is a financial benefit to all law enforcement agencies. Good mental and psychological health is just as important as physical health. Resources need to be available to all Nevada peace officers to assist them in coping with the stress of their vocation. Mental health issues are recognized as the 3<sup>rd</sup> leading cause of death for law enforcement personnel. Mental health resources have been made readily available to the public, but first responders are being left behind. This new regulation creates a standard to address our forgotten first responders and provide resources to ensure valuable mental health options are available to them.

#### **2. For a temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.**

This is a permanent regulation.

**3. For a proposed regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.**

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2020 and clicking the link: [www.leg.state.nv.us/Register/2022Register/R190-22P.pdf](http://www.leg.state.nv.us/Register/2022Register/R190-22P.pdf), by contacting Chief Kathy Floyd at [kfloyd@post.state.nv.us](mailto:kfloyd@post.state.nv.us) or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at <https://post.nv.gov>.

**4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:**

**(a) Both adverse and beneficial effects; and**

**(1) Adverse effects:** Multiple agencies submitted fiscal notes attached to this bill. See attached spreadsheet for complete list.

**(2) Beneficial effects:** Retention of healthy, strong peace officers is a financial benefit to all law enforcement agencies. Good mental and psychological health is just as important as physical health. Providing resources to their employees will help to decrease suicide, PTSD and other mental health issues resulting from this high stress vocation, therefore potentially offsetting some costs for some benefits, i.e. health insurance claims, sick leave usage and may help to avoid long term claims against an agencies workman's compensation insurance.

**(b) Both immediate and long-term effects:**

**(1) The immediate effects:** Implementation of these programs will be a financial adjustment to all law enforcement agencies, city, county, state and otherwise, that they may not have prepared for.

**(2) The long-term effects:** Retention of healthy, strong peace officers is a financial benefit to all law enforcement agencies. Good mental and psychological health is just as important as physical health. Peace officers are first to respond to most mental health emergencies, but there is not always assistance for these officers when they experience their own mental health emergency. These standards will assist agencies in the creation of programs to help, not only in these emergency situations, but to provide the officer with skills and avenues to assist them so they are able to cope with the stresses of the job. Providing resources to their employees will help to decrease suicide, PTSD and other mental health issues resulting from this high stress vocation.

**5. The methods used by the agency in determining the impact on a small business.**

The Commission on POST has reviewed the text of the proposed regulations. Because the regulation amends Nevada Administrative Code Chapter 289, the proposed amendments will have no impact on small business.

**6. The estimated cost to the agency for enforcement of the proposed regulation.**

At this time there are no costs to the agency (Nevada POST)

**7. A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

The proposed regulation does not overlap or duplicate any regulations of state, local or federal governmental agency regulating the same activity.

**8. If the regulation is required pursuant to federal law, a citation and description of the federal law.**

The proposed regulation is not required by federal law.

**9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provision.**

There are no federal regulations that regulate the same activity.

**10. Whether the proposed regulation establishes a new fee or increases an existing fee.**

This regulation does not involve or establish fees.

**11. For a temporary regulation, each address at which the text of the regulation may be inspected and copied.**

N/A

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Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wai Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on February 8, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.

This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wai Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://leg.state.nv.us>, the POST web site at <http://post.nv.gov> and the State of Nevada Department of Administration website at <https://notice.nv.gov>.

Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The Notice of Intent to Act Upon Regulations and the proposed regulation have been sent to all criminal justice agencies on the Commission on POST Listserv list and posted at the following locations:

**Commission on POST Administrative Office  
Carson City, NV 89701**

<http://post.nv.gov>

<http://notice.nv.gov>

<http://leg.state.nv.us>

NOTE: We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on POST, in writing, at 5587 Wai Pai Shone Avenue, Carson City, Nevada 89701, or call Chief Kathy Floyd at (775) 687-7678, Extension 3335, no later than five working days prior to the meeting.

**SEE ATTACHED COPIES OF THE PROPOSED  
REGULATIONS**

**PROPOSED REGULATION OF THE PEACE OFFICERS’  
STANDARDS AND TRAINING COMMISSION**

**LCB File No. R190-22**

December 15, 2023

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

AUTHORITY: § 1, NRS 289.500 and 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546.

A REGULATION relating to peace officers; establishing standards for a behavioral wellness visit for peace officers; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law creates the Peace Officers’ Standards and Training Commission and requires the Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.500, 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546) The regulations adopted by the Commission must establish, among other things, standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of peace officers and assessing conditions that may affect the performance of duties by peace officers. (NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546) This regulation establishes those standards.

This regulation provides that each agency must require every peace officer employed by the agency to attend an annual behavioral wellness visit, which may be conducted: (1) in an individual or group setting; (2) in person; or (3) virtually. This regulation also requires that the behavioral wellness visit be designed to: (1) provide a peace officer with the opportunity to discuss his or her mental health issues; (2) educate a peace officer on mental health issues to increase awareness of and access to appropriate mental health care, as well as to reduce the stigma associated with discussing such issues; (3) improve the overall well-being of the peace officer; (4) address certain mental health issues that a peace officer may experience; and (5) reduce certain concerns a peace officer may have regarding the confidentiality of the behavioral wellness visit.

This regulation also requires a mental health professional conducting a behavioral wellness visit, upon completion of the visit, to provide the peace officer and the employing agency of the peace officer a letter verifying that the peace officer attended the visit. The letter must include the time, place and date of the behavioral wellness visit and must be made available to certain persons. This regulation prohibits a mental health professional conducting a behavioral wellness visit from: (1) disclosing any communication made between the peace officer and the

mental health professional during the visit unless the disclosure is authorized by law or a court order; and (2) conducting any medical assessment, evaluation or test to diagnose whether the peace officer has any mental, emotional or behavioral disorder or associated distress which may interfere with the mental health of the peace officer.

**Section 1.** Chapter 289 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. Each agency shall require every peace officer employed by the agency to attend an annual behavioral wellness visit pursuant to NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546. The services that a mental health professional provides in a behavioral wellness visit may be provided:*

*(a) In an individual or group setting;*

*(b) In person; or*

*(c) Virtually.*

*2. A behavioral wellness visit conducted pursuant to subsection 1 must be designed to:*

*(a) Provide a peace officer with the opportunity to discuss his or her concerns regarding mental health issues;*

*(b) Educate a peace officer on mental health issues to:*

*(1) Increase awareness of and access to appropriate mental health care; and*

*(2) Reduce the stigma associated with discussing such issues;*

*(c) Improve the overall well-being of the peace officer;*

*(d) Address the specific mental health issues that the peace officer may experience as a result of the nature of his or her work; and*

*(e) Reduce any concerns the peace officer may have regarding the confidentiality of the information disclosed by the peace officer in such a visit.*

3. *Upon completion of a behavioral wellness visit pursuant to subsection 1, the mental health professional conducting the behavioral wellness visit shall provide to the peace officer and the employing agency of the peace officer a letter verifying that the peace officer attended the visit. The letter must:*

*(a) Include the time, place and date of the behavioral wellness visit;*

*(b) Not include any information the peace officer disclosed during the behavioral wellness visit; and*

*(c) Be kept and maintained by the employing agency of the peace officer and made available at all times to the:*

*(1) Peace officer; and*

*(2) Chief executive of the employing agency of the peace officer or the commanding officer of the peace officer.*

4. *Any communication made between a peace officer and a mental health professional conducting a behavioral wellness visit pursuant to subsection 1 is confidential and must not be disclosed by the mental health professional unless the disclosure is authorized by law or a court order.*

5. *A mental health professional conducting a behavioral wellness visit pursuant to subsection 1 must not conduct any medical assessment, evaluation or test to diagnose whether the peace officer has any mental, emotional or behavioral disorder or any associated distress which may interfere with the mental health of the peace officer.*

6. *Nothing in this section shall be construed to violate the rights of a peace officer provided by the laws of this State.*