

APPROVED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R190-22

Filed April 19, 2024

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.