

ASSEMBLY BILL NO. 91—ASSEMBLYWOMAN BENITEZ-THOMPSON

PREFILED JANUARY 7, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the admission of persons with certain mental conditions to and the release of such persons from certain facilities. (BDR 39-665)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 mental health; expanding the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness and a petition for the involuntary court-ordered admission of such a person to certain facilities or programs; expanding the list of persons authorized to conduct the examination required before a person is admitted to a mental health facility on an emergency basis; expanding the list of persons authorized to complete certain certificates concerning the mental condition of another; requiring notification of certain persons if a person is transported to a mental health facility, hospital or other place for the purposes of emergency admission or if a petition for an involuntary court-ordered admission is filed; requiring certain providers of treatment to report the number of emergency and involuntary admissions, categorized by profession, to the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law defines "person with mental illness" as a person whose capacity to
- 2 exercise self-control, judgment and discretion in the conduct of the person's affairs
- 3 and social relations or to care for his or her personal needs is diminished, as a result
- 4 of mental illness, to the extent that the person presents a clear and present danger of
- 5 harm to himself or herself or others. (NRS 433A.115) Existing law authorizes



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6 certain persons to file an application for the emergency admission of a person
7 alleged to be a person with mental illness to certain facilities. (NRS 433A.160)
8 **Section 1.5** of this bill expands the list of persons who are authorized to file such an
9 application to include a physician assistant.

10 Existing law requires a person to be examined by a physician, physician
11 assistant or advanced practice registered nurse before being admitted to a mental
12 health facility on an emergency basis. (NRS 433A.165) **Section 1.6** of this bill
13 authorizes a paramedic to conduct such an examination.

14 With certain exceptions, existing law requires an application for the emergency
15 admission of a person alleged to be a person with a mental illness to be
16 accompanied by a certificate of a psychiatrist or licensed psychologist or, if neither
17 is available, a physician, stating that the person has a mental illness and, because of
18 the mental illness, is likely to harm himself or herself or others if not admitted to
19 certain facilities or programs. (NRS 433A.170, 433A.200) Under existing law, a
20 licensed physician on the medical staff of certain facilities may release a person
21 alleged to be a person with mental illness who has been admitted on an emergency
22 basis if a licensed physician on the medical staff of the facility completes a
23 certificate stating that the person admitted is not a person with a mental illness.
24 (NRS 433A.195) **Sections 1, 1.7, 2, 3 and 4** of this bill authorize a physician
25 assistant under the supervision of a psychiatrist, a psychologist, a clinical social
26 worker with certain psychiatric training and experience, an advanced practice
27 registered nurse with certain psychiatric training and experience or an accredited
28 agent of the Department of Health and Human Services to complete such a
29 certificate while still requiring a licensed physician on the medical staff of the
30 facility to release the person. **Sections 4.2 and 4.7** of this bill require the State
31 Board of Nursing and the Board of Examiners for Social Workers to adopt
32 regulations prescribing the psychiatric training and experience necessary before an
33 advanced practice registered nurse or clinical social worker, as applicable, may
34 complete such a certificate.

35 Existing law requires the administrative officer of a public or private mental
36 health facility to give notice to the spouse or legal guardian of a person who is
37 admitted to the facility under emergency admission within 24 hours after such
38 admission. **Sections 1.9 and 4** of this bill require the notification of a family
39 member or other person with a legitimate interest in a person, if any, alleged to be a
40 person with mental illness if: (1) the person is transported to a mental health
41 facility, hospital or other place for purposes of an emergency admission; or (2) a
42 petition is filed for the involuntary court-ordered admission of the person to a
43 mental health facility or a program of community-based or outpatient services. This
44 requirement does not apply if the application for emergency admission or
45 involuntary court-ordered admission was filed by the spouse, legal guardian or
46 adult child of the person.

47 Existing law prohibits a person who is related by blood or marriage within the
48 first degree of consanguinity or affinity from completing: (1) an application for the
49 emergency admission of such a person to a mental health facility; (2) a certificate
50 stating that a person has a mental illness, is likely to harm himself or herself or
51 others if not admitted to a mental health facility on an emergency basis; or (3) a
52 certificate stating that a person is not a person with a mental illness. (NRS
53 433A.197) **Section 3** also prohibits a person who is related by blood or marriage
54 within the second degree of consanguinity or affinity to a person alleged to be a
55 person with mental illness from completing such an application or certificate.

56 Existing law authorizes the spouse or a parent, adult child or legal guardian of a
57 person and certain other persons to file a petition for the involuntary court-ordered
58 admission of a person alleged to be a person with mental illness to a mental health
59 facility or to a program of community-based or outpatient services. (NRS
60 433A.200) **Section 4** further authorizes a physician assistant to file such a petition.



61 **Sections 1.5 and 4.1** of this bill require each mental health facility, hospital,
62 program of community-based or outpatient services and other provider of treatment
63 to which a person with mental illness is involuntarily admitted to report to the
64 Legislative Commission the number of emergency and involuntary admissions the
65 facility, hospital, program or other provider of treatment receives each year,
66 categorized by the profession of the person who signed the application or petition.
67 Existing law requires any provision that adds or revises a requirement to submit a
68 report to the Legislature to: (1) expire by limitation after 5 years; or (2) contain a
69 statement by the Legislature setting forth the justification for continuing the
70 requirement for more than 5 years. (NRS 218D.380) To comply with this
71 requirement, **section 5** of this bill provides for the expiration by limitation after 5
72 years of the requirement that such facilities, programs and providers report the
73 number of emergency and involuntary admissions received each year.

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

1 **Section 1.** NRS 433A.145 is hereby amended to read as
2 follows:

3 433A.145 1. If a person with mental illness is admitted to a
4 public or private mental health facility or hospital as a voluntary
5 consumer, the facility or hospital shall not change the status of the
6 person to an emergency admission unless the hospital or facility
7 receives, before the change in status is made, an application for an
8 emergency admission pursuant to NRS 433A.160 and the certificate
9 of a psychiatrist, psychologist, ~~or~~ physician, *physician assistant,*
10 *clinical social worker, advanced practice registered nurse or*
11 *accredited agent of the Department* pursuant to NRS 433A.170.

12 2. A person whose status is changed pursuant to subsection 1
13 must not be detained in excess of 48 hours after the change in status
14 is made unless, before the close of the business day on which the 48
15 hours expires, a written petition is filed with the clerk of the district
16 court pursuant to NRS 433A.200.

17 3. If the period specified in subsection 2 expires on a day on
18 which the office of the clerk of the district court is not open, the
19 written petition must be filed on or before the close of the business
20 day next following the expiration of that period.

21 **Sec. 1.5.** NRS 433A.160 is hereby amended to read as
22 follows:

23 433A.160 1. Except as otherwise provided in subsection 2,
24 an application for the emergency admission of a person alleged to be
25 a person with mental illness for evaluation, observation and
26 treatment may only be made by an accredited agent of the
27 Department, an officer authorized to make arrests in the State of
28 Nevada or a physician, *physician assistant,* psychologist, marriage
29 and family therapist, clinical professional counselor, social worker
30 or registered nurse. The agent, officer, physician, *physician*



1 **assistant**, psychologist, marriage and family therapist, clinical
2 professional counselor, social worker or registered nurse may:

3 (a) Without a warrant:

4 (1) Take a person alleged to be a person with mental illness
5 into custody to apply for the emergency admission of the person for
6 evaluation, observation and treatment; and

7 (2) Transport the person alleged to be a person with mental
8 illness to a public or private mental health facility or hospital for
9 that purpose, or arrange for the person to be transported by:

10 (I) A local law enforcement agency;

11 (II) A system for the nonemergency medical
12 transportation of persons whose operation is authorized by the
13 Nevada Transportation Authority;

14 (III) An entity that is exempt pursuant to NRS 706.745
15 from the provisions of NRS 706.386 or 706.421; or

16 (IV) If medically necessary, an ambulance service that
17 holds a permit issued pursuant to the provisions of chapter 450B of
18 NRS,

19 ➤ only if the agent, officer, physician, **physician assistant**,
20 psychologist, marriage and family therapist, clinical professional
21 counselor, social worker or registered nurse has, based upon his or
22 her personal observation of the person alleged to be a person with
23 mental illness, probable cause to believe that the person has a
24 mental illness and, because of that illness, is likely to harm himself
25 or herself or others if allowed his or her liberty.

26 (b) Apply to a district court for an order requiring:

27 (1) Any peace officer to take a person alleged to be a person
28 with mental illness into custody to allow the applicant for the order
29 to apply for the emergency admission of the person for evaluation,
30 observation and treatment; and

31 (2) Any agency, system or service described in subparagraph
32 (2) of paragraph (a) to transport the person alleged to be a person
33 with mental illness to a public or private mental health facility or
34 hospital for that purpose.

35 ➤ The district court may issue such an order only if it is satisfied
36 that there is probable cause to believe that the person has a mental
37 illness and, because of that illness, is likely to harm himself or
38 herself or others if allowed his or her liberty.

39 2. An application for the emergency admission of a person
40 alleged to be a person with mental illness for evaluation, observation
41 and treatment may be made by a spouse, parent, adult child or legal
42 guardian of the person. The spouse, parent, adult child or legal
43 guardian and any other person who has a legitimate interest in the
44 person alleged to be a person with mental illness may apply to a
45 district court for an order described in paragraph (b) of subsection 1.



1 3. The application for the emergency admission of a person
2 alleged to be a person with mental illness for evaluation, observation
3 and treatment must reveal the circumstances under which the person
4 was taken into custody and the reasons therefor.

5 4. Except as otherwise provided in this subsection, each person
6 admitted to a public or private mental health facility or hospital
7 under an emergency admission must be evaluated at the time of
8 admission by a psychiatrist or a psychologist. If a psychiatrist or a
9 psychologist is not available to conduct an evaluation at the time of
10 admission, a physician may conduct the evaluation. Each such
11 emergency admission must be approved by a psychiatrist.

12 5. *On or before February 1 of each year, each public or*
13 *private mental health facility and hospital shall submit to the*
14 *Director of the Legislative Counsel Bureau for transmittal to the*
15 *Legislative Commission a report which must include, without*
16 *limitation, the number of persons admitted to the facility or*
17 *hospital on an emergency basis pursuant to this section during the*
18 *previous calendar year, categorized by the profession of the person*
19 *who signed the application for the emergency admission pursuant*
20 *to subsection 1.*

21 6. As used in this section, "an accredited agent of the
22 Department" means any person appointed or designated by the
23 Director of the Department to take into custody and transport to a
24 mental health facility pursuant to subsections 1 and 2 those persons
25 in need of emergency admission.

26 **Sec. 1.55.** NRS 433A.160 is hereby amended to read as
27 follows:

28 433A.160 1. Except as otherwise provided in subsection 2,
29 an application for the emergency admission of a person alleged to be
30 a person with mental illness for evaluation, observation and
31 treatment may only be made by an accredited agent of the
32 Department, an officer authorized to make arrests in the State of
33 Nevada or a physician, physician assistant, psychologist, marriage
34 and family therapist, clinical professional counselor, social worker
35 or registered nurse. The agent, officer, physician, physician
36 assistant, psychologist, marriage and family therapist, clinical
37 professional counselor, social worker or registered nurse may:

38 (a) Without a warrant:

39 (1) Take a person alleged to be a person with mental illness
40 into custody to apply for the emergency admission of the person for
41 evaluation, observation and treatment; and

42 (2) Transport the person alleged to be a person with mental
43 illness to a public or private mental health facility or hospital for
44 that purpose, or arrange for the person to be transported by:

45 (I) A local law enforcement agency;



1 (II) A system for the nonemergency medical
2 transportation of persons whose operation is authorized by the
3 Nevada Transportation Authority;

4 (III) An entity that is exempt pursuant to NRS 706.745
5 from the provisions of NRS 706.386 or 706.421; or

6 (IV) If medically necessary, an ambulance service that
7 holds a permit issued pursuant to the provisions of chapter 450B of
8 NRS,

9 ➔ only if the agent, officer, physician, physician assistant,
10 psychologist, marriage and family therapist, clinical professional
11 counselor, social worker or registered nurse has, based upon his or
12 her personal observation of the person alleged to be a person with
13 mental illness, probable cause to believe that the person has a
14 mental illness and, because of that illness, is likely to harm himself
15 or herself or others if allowed his or her liberty.

16 (b) Apply to a district court for an order requiring:

17 (1) Any peace officer to take a person alleged to be a person
18 with mental illness into custody to allow the applicant for the order
19 to apply for the emergency admission of the person for evaluation,
20 observation and treatment; and

21 (2) Any agency, system or service described in subparagraph
22 (2) of paragraph (a) to transport the person alleged to be a person
23 with mental illness to a public or private mental health facility or
24 hospital for that purpose.

25 ➔ The district court may issue such an order only if it is satisfied
26 that there is probable cause to believe that the person has a mental
27 illness and, because of that illness, is likely to harm himself or
28 herself or others if allowed his or her liberty.

29 2. An application for the emergency admission of a person
30 alleged to be a person with mental illness for evaluation, observation
31 and treatment may be made by a spouse, parent, adult child or legal
32 guardian of the person. The spouse, parent, adult child or legal
33 guardian and any other person who has a legitimate interest in the
34 person alleged to be a person with mental illness may apply to a
35 district court for an order described in paragraph (b) of subsection 1.

36 3. The application for the emergency admission of a person
37 alleged to be a person with mental illness for evaluation, observation
38 and treatment must reveal the circumstances under which the person
39 was taken into custody and the reasons therefor.

40 4. Except as otherwise provided in this subsection, each person
41 admitted to a public or private mental health facility or hospital
42 under an emergency admission must be evaluated at the time of
43 admission by a psychiatrist or a psychologist. If a psychiatrist or a
44 psychologist is not available to conduct an evaluation at the time of



1 admission, a physician may conduct the evaluation. Each such
2 emergency admission must be approved by a psychiatrist.

3 5. ~~On or before February 1 of each year, each public or private~~
4 ~~mental health facility and hospital shall submit to the Director of the~~
5 ~~Legislative Counsel Bureau for transmittal to the Legislative~~
6 ~~Commission a report which must include, without limitation, the~~
7 ~~number of persons admitted to the facility or hospital on an~~
8 ~~emergency basis pursuant to this section during the previous~~
9 ~~calendar year, categorized by the profession of the person who~~
10 ~~signed the application for the emergency admission pursuant to~~
11 ~~subsection 1.~~

12 ~~6.~~ As used in this section, “an accredited agent of the
13 Department” means any person appointed or designated by the
14 Director of the Department to take into custody and transport to a
15 mental health facility pursuant to subsections 1 and 2 those persons
16 in need of emergency admission.

17 **Sec. 1.6.** NRS 433A.165 is hereby amended to read as
18 follows:

19 433A.165 1. Before a person alleged to be a person with
20 mental illness may be admitted to a public or private mental health
21 facility pursuant to NRS 433A.160, the person must:

22 (a) First be examined by a licensed physician or physician
23 assistant licensed pursuant to chapter 630 or 633 of NRS , ~~or~~ an
24 advanced practice registered nurse licensed pursuant to NRS
25 632.237 *or a paramedic certified pursuant to chapter 450B of NRS*
26 at any location where such a physician, physician assistant , ~~or~~
27 advanced practice registered nurse *or paramedic* is authorized to
28 conduct such an examination to determine whether the person has a
29 medical problem, other than a psychiatric problem, which requires
30 immediate treatment; and

31 (b) If such treatment is required, be admitted for the appropriate
32 medical care:

33 (1) To a hospital if the person is in need of emergency
34 services or care; or

35 (2) To another appropriate medical facility if the person is
36 not in need of emergency services or care.

37 2. If a person with a mental illness has a medical problem in
38 addition to a psychiatric problem which requires medical treatment
39 that requires more than 72 hours to complete, the licensed physician,
40 physician assistant , ~~or~~ advanced practice registered nurse *or*
41 *paramedic* who examined the person must:

42 (a) On the first business day after determining that such medical
43 treatment is necessary file with the clerk of the district court a
44 written petition to admit the person to a public or private mental



1 health facility pursuant to NRS 433A.160 after the medical
2 treatment has been completed. The petition must:

3 (1) Include, without limitation, the medical condition of the
4 person and the purpose for continuing the medical treatment of the
5 person; and

6 (2) Be accompanied by a copy of the application for the
7 emergency admission of the person required pursuant to NRS
8 433A.160 and the certificate required pursuant to NRS 433A.170.

9 (b) Seven days after filing a petition pursuant to paragraph (a)
10 and every 7 days thereafter, file with the clerk of the district court an
11 update on the medical condition and treatment of the person.

12 3. The examination and any transfer of the person from a
13 facility when the person has an emergency medical condition and
14 has not been stabilized must be conducted in compliance with:

15 (a) The requirements of 42 U.S.C. § 1395dd and any regulations
16 adopted pursuant thereto, and must involve a person authorized
17 pursuant to federal law to conduct such an examination or certify
18 such a transfer; and

19 (b) The provisions of NRS 439B.410.

20 4. The cost of the examination must be paid by the county in
21 which the person alleged to be a person with mental illness resides if
22 services are provided at a county hospital located in that county or a
23 hospital or other medical facility designated by that county, unless
24 the cost is voluntarily paid by the person alleged to be a person with
25 mental illness or, on the person's behalf, by his or her insurer or by
26 a state or federal program of medical assistance.

27 5. The county may recover all or any part of the expenses paid
28 by it, in a civil action against:

29 (a) The person whose expenses were paid;

30 (b) The estate of that person; or

31 (c) A responsible relative as prescribed in NRS 433A.610, to the
32 extent that financial ability is found to exist.

33 6. The cost of treatment, including hospitalization, for a person
34 who is indigent must be paid pursuant to NRS 428.010 by the
35 county in which the person alleged to be a person with mental
36 illness resides.

37 7. The provisions of this section do not require the Division to
38 provide examinations required pursuant to subsection 1 at a Division
39 facility if the Division does not have the:

40 (a) Appropriate staffing levels of physicians, physician
41 assistants, advanced practice registered nurses, *paramedics* or other
42 appropriate staff available at the facility as the Division determines
43 is necessary to provide such examinations; or

44 (b) Appropriate medical laboratories as the Division determines
45 is necessary to provide such examinations.



1 8. The Division shall adopt regulations to carry out the
2 provisions of this section, including, without limitation, regulations
3 that:

4 (a) Define “emergency services or care” as that term is used in
5 this section; and

6 (b) Prescribe the type of medical facility that a person may be
7 admitted to pursuant to subparagraph (2) of paragraph (b) of
8 subsection 1.

9 9. As used in this section, “medical facility” has the meaning
10 ascribed to it in NRS 449.0151.

11 **Sec. 1.7.** NRS 433A.170 is hereby amended to read as
12 follows:

13 433A.170 ~~Except as otherwise provided in this section, the~~
14 *The* administrative officer of a facility operated by the Division or
15 of any other public or private mental health facility or hospital shall
16 not accept an application for an emergency admission under NRS
17 433A.160 unless that application is accompanied by a certificate of
18 a psychiatrist or a licensed psychologist , *a physician, a physician*
19 *assistant under the supervision of a psychiatrist, a clinical social*
20 *worker who has the psychiatric training and experience prescribed*
21 *by the Board of Examiners for Social Workers pursuant to NRS*
22 *641B.160, an advanced practice registered nurse who has the*
23 *psychiatric training and experience prescribed by the State Board*
24 *of Nursing pursuant to NRS 632.120 or an accredited agent of the*
25 *Department* stating that he or she has examined the person alleged
26 to be a person with mental illness and that he or she has concluded
27 that the person has a mental illness and, because of that illness, is
28 likely to harm himself or herself or others if allowed his or her
29 liberty. ~~If a psychiatrist or licensed psychologist is not available to~~
30 ~~conduct an examination, a physician may conduct the examination.~~
31 The certificate required by this section may be obtained from a
32 ~~psychiatrist,~~ licensed psychologist , ~~or~~ physician , *physician*
33 *assistant, clinical social worker, advanced practice registered*
34 *nurse or accredited agent of the Department* who is employed by
35 the public or private mental health facility or hospital to which the
36 application is made.

37 **Sec. 1.9.** NRS 433A.190 is hereby amended to read as
38 follows:

39 433A.190 ~~Within 24 hours of a person’s admission under~~
40 *Except as otherwise provided in this section, if a person is*
41 *transported to a public or private mental health facility, hospital or*
42 *other place for the purpose of seeking an emergency admission* ~~to~~
43 *to a public or private mental health facility,* the administrative
44 officer of ~~a public or private mental health~~ *the* facility , *hospital or*
45 *other place shall, as soon as possible but in no case later than 24*



1 *hours after the person arrives at the facility, hospital or other*
2 *place, give notice of such admission in person, by telephone or*
3 *facsimile and by certified mail to the spouse ~~+~~, adult child or*
4 *legal guardian of that person ~~+~~ or, if a spouse, adult child or legal*
5 *guardian is unavailable, to another person who has a legitimate*
6 *interest in the person, if any. The provisions of this subsection do*
7 *not apply if the application for the emergency admission of the*
8 *person was filed by the spouse, adult child or legal guardian of the*
9 *person.*

10 **Sec. 2.** NRS 433A.195 is hereby amended to read as follows:

11 433A.195 A licensed physician on the medical staff of a
12 facility operated by the Division or of any other public or private
13 mental health facility or hospital may release a person admitted
14 pursuant to NRS 433A.160 upon completion of a certificate which
15 meets the requirements of NRS 433A.197 signed by a licensed
16 physician on the medical staff of the facility or hospital , *a*
17 *physician assistant under the supervision of a psychiatrist, a*
18 *psychologist, a clinical social worker who has the psychiatric*
19 *training and experience prescribed by the Board of Examiners for*
20 *Social Workers pursuant to NRS 641B.160, an advanced practice*
21 *registered nurse who has the psychiatric training and experience*
22 *prescribed by the State Board of Nursing pursuant to NRS*
23 *632.120 or an accredited agent of the Department* stating that he or
24 she has personally observed and examined the person and that he or
25 she has concluded that the person is not a person with a mental
26 illness.

27 **Sec. 3.** NRS 433A.197 is hereby amended to read as follows:

28 433A.197 1. An application or certificate authorized under
29 subsection 1 of NRS 433A.160 or NRS 433A.170 or 433A.195 must
30 not be considered if made by a psychiatrist, psychologist , ~~+~~
31 *physician , physician assistant, clinical social worker, advanced*
32 *practice registered nurse or accredited agent of the Department*
33 *who is related by blood or marriage within the ~~first~~ second*
34 *degree of consanguinity or affinity to the person alleged to be a person with*
35 *mental illness, or who is financially interested in the facility in*
36 *which the person alleged to be a person with mental illness is to be*
37 *detained.*

38 2. An application or certificate of any examining person
39 authorized under NRS 433A.170 must not be considered unless it is
40 based on personal observation and examination of the person
41 alleged to be a person with mental illness made by such examining
42 person not more than 72 hours prior to the making of the application
43 or certificate. The certificate required pursuant to NRS 433A.170
44 must set forth in detail the facts and reasons on which the examining
45 person based his or her opinions and conclusions.



1 3. A certificate authorized pursuant to NRS 433A.195 must not
2 be considered unless it is based on personal observation and
3 examination of the person alleged to be a person with mental illness
4 made by the examining physician ~~††~~ , *physician assistant,*
5 *psychologist, clinical social worker, advanced practice registered*
6 *nurse or accredited agent of the Department.* The certificate
7 authorized pursuant to NRS 433A.195 must ~~†set forth†~~ *describe* in
8 detail the facts and reasons on which the examining physician ,
9 *physician assistant, psychologist, clinical social worker, advanced*
10 *practice registered nurse or accredited agent of the Department*
11 based his or her opinions and conclusions.

12 **Sec. 4.** NRS 433A.200 is hereby amended to read as follows:
13 433A.200 1. Except as otherwise provided in NRS
14 432B.6075, a proceeding for an involuntary court-ordered admission
15 of any person in the State of Nevada may be commenced by the
16 filing of a petition for the involuntary admission to a mental health
17 facility or to a program of community-based or outpatient services
18 with the clerk of the district court of the county where the person
19 who is to be treated resides. The petition may be filed by the spouse,
20 parent, adult children or legal guardian of the person to be treated or
21 by any physician, *physician assistant,* psychologist, social worker
22 or registered nurse, by an accredited agent of the Department or by
23 any officer authorized to make arrests in the State of Nevada. The
24 petition must be accompanied:

25 (a) By a certificate of a physician, psychiatrist or *a* licensed
26 psychologist , *a physician assistant under the supervision of a*
27 *psychiatrist, a clinical social worker who has the psychiatric*
28 *training and experience prescribed by the Board of Examiners for*
29 *Social Workers pursuant to NRS 641B.160, an advanced practice*
30 *registered nurse who has the psychiatric training and experience*
31 *prescribed by the State Board of Nursing pursuant to NRS*
32 *632.120 or an accredited agent of the Department* stating that he or
33 she has examined the person alleged to be a person with mental
34 illness and has concluded that the person has a mental illness and,
35 because of that illness, is likely to harm himself or herself or others
36 if allowed his or her liberty or if not required to participate in a
37 program of community-based or outpatient services; or

38 (b) By a sworn written statement by the petitioner that:

39 (1) The petitioner has, based upon the petitioner's personal
40 observation of the person alleged to be a person with mental illness,
41 probable cause to believe that the person has a mental illness and,
42 because of that illness, is likely to harm himself or herself or others
43 if allowed his or her liberty or if not required to participate in a
44 program of community-based or outpatient services; and



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1 (2) The person alleged to be a person with mental illness has
2 refused to submit to examination or treatment by a physician,
3 psychiatrist or licensed psychologist.

4 2. Except as otherwise provided in NRS 432B.6075, if the
5 person to be treated is a minor and the petitioner is a person other
6 than a parent or guardian of the minor, the petition must, in addition
7 to the certificate or statement required by subsection 1, include a
8 statement signed by a parent or guardian of the minor that the parent
9 or guardian does not object to the filing of the petition.

10 3. *Except as otherwise provided in this subsection, as soon as*
11 *possible after a petition is filed pursuant to subsection 1, but in no*
12 *case later than 24 hours after the petition is filed, the clerk of the*
13 *court with which the petition is filed shall give notice of the*
14 *petition in person, by telephone or facsimile and by certified mail*
15 *to the spouse, adult child or legal guardian of the person alleged*
16 *to be a person with mental illness or, if a spouse, adult child or*
17 *legal guardian is unavailable, to another person who has a*
18 *legitimate interest in the person, if any. The provisions of this*
19 *subsection do not apply if the application was filed by the spouse,*
20 *adult child or legal guardian of the person alleged to be a person*
21 *with mental illness.*

22 **Sec. 4.1.** NRS 433A.310 is hereby amended to read as
23 follows:

24 433A.310 1. Except as otherwise provided in NRS
25 432B.6076 and 432B.6077, if the district court finds, after
26 proceedings for the involuntary court-ordered admission of a
27 person:

28 (a) That there is not clear and convincing evidence that the
29 person with respect to whom the hearing was held has a mental
30 illness or exhibits observable behavior such that the person is likely
31 to harm himself or herself or others if allowed his or her liberty or if
32 not required to participate in a program of community-based or
33 outpatient services, the court shall enter its finding to that effect and
34 the person must not be involuntarily admitted to a public or private
35 mental health facility or to a program of community-based or
36 outpatient services.

37 (b) That there is clear and convincing evidence that the person
38 with respect to whom the hearing was held has a mental illness and,
39 because of that illness, is likely to harm himself or herself or others
40 if allowed his or her liberty or if not required to participate in a
41 program of community-based or outpatient services, the court may
42 order the involuntary admission of the person for the most
43 appropriate course of treatment, including, without limitation,
44 admission to a public or private mental health facility or
45 participation in a program of community-based or outpatient



1 services. The order of the court must be interlocutory and must not
2 become final if, within 30 days after the involuntary admission, the
3 person is unconditionally released pursuant to NRS 433A.390.

4 2. A court shall not admit a person to a program of community-
5 based or outpatient services unless:

6 (a) A program of community-based or outpatient services is
7 available in the community in which the person resides or is
8 otherwise made available to the person;

9 (b) The person is 18 years of age or older;

10 (c) The person has a history of noncompliance with treatment
11 for mental illness;

12 (d) The person is capable of surviving safely in the community
13 in which he or she resides with available supervision;

14 (e) The court determines that, based on the person's history of
15 treatment for mental illness, the person needs to be admitted to a
16 program of community-based or outpatient services to prevent
17 further disability or deterioration of the person which is likely to
18 result in harm to himself or herself or others;

19 (f) The current mental status of the person or the nature of the
20 person's illness limits or negates his or her ability to make an
21 informed decision to seek treatment for mental illness voluntarily or
22 to comply with recommended treatment for mental illness;

23 (g) The program of community-based or outpatient services is
24 the least restrictive treatment which is in the best interest of the
25 person; and

26 (h) The court has approved a plan of treatment developed for the
27 person pursuant to NRS 433A.315.

28 3. Except as otherwise provided in NRS 432B.608, an
29 involuntary admission pursuant to paragraph (b) of subsection 1
30 automatically expires at the end of 6 months if not terminated
31 previously by the medical director of the public or private mental
32 health facility as provided for in subsection 2 of NRS 433A.390 or
33 by the professional responsible for providing or coordinating the
34 program of community-based or outpatient services as provided for
35 in subsection 3 of NRS 433A.390. Except as otherwise provided in
36 NRS 432B.608, at the end of the court-ordered period of treatment,
37 the Division, any mental health facility that is not operated by the
38 Division or a program of community-based or outpatient services
39 may petition to renew the involuntary admission of the person for
40 additional periods not to exceed 6 months each. For each renewal,
41 the petition must include evidence which meets the same standard
42 set forth in subsection 1 that was required for the initial period of
43 admission of the person to a public or private mental health facility
44 or to a program of community-based or outpatient services.



1 4. Before issuing an order for involuntary admission or a
2 renewal thereof, the court shall explore other alternative courses of
3 treatment within the least restrictive appropriate environment,
4 including involuntary admission to a program of community-based
5 or outpatient services, as suggested by the evaluation team who
6 evaluated the person, or other persons professionally qualified in the
7 field of psychiatric mental health, which the court believes may be
8 in the best interests of the person.

9 5. If the court issues an order involuntarily admitting a person
10 to a public or private mental health facility or to a program of
11 community-based or outpatient services pursuant to this section, the
12 court shall, notwithstanding the provisions of NRS 433A.715, cause,
13 on a form prescribed by the Department of Public Safety, a record of
14 such order to be transmitted to the Central Repository for Nevada
15 Records of Criminal History, along with a statement indicating that
16 the record is being transmitted for inclusion in each appropriate
17 database of the National Instant Criminal Background Check
18 System.

19 6. *On or before February 1 of each year, each public or*
20 *private mental health facility and program of community-based or*
21 *outpatient services and any other provider of treatment to which a*
22 *person is admitted pursuant to this section shall submit to the*
23 *Director of the Legislative Counsel Bureau for transmittal to the*
24 *Legislative Commission a report which must include, without*
25 *limitation, the number of persons admitted to the facility, program*
26 *or other treatment by a court pursuant to this section during the*
27 *previous calendar year, categorized by the relationship of the*
28 *person who signed the petition for involuntary admission pursuant*
29 *to subsection 1 of NRS 433A.200, to the person admitted,*
30 *including family, guardian or specific profession.*

31 7. As used in this section, "National Instant Criminal
32 Background Check System" has the meaning ascribed to it in
33 NRS 179A.062.

34 **Sec. 4.2.** NRS 632.120 is hereby amended to read as follows:

35 632.120 1. The Board shall:

36 (a) Adopt regulations establishing reasonable standards:

37 (1) For the denial, renewal, suspension and revocation of,
38 and the placement of conditions, limitations and restrictions upon, a
39 license to practice professional or practical nursing or a certificate to
40 practice as a nursing assistant or medication aide - certified.

41 (2) Of professional conduct for the practice of nursing.

42 (3) For prescribing and dispensing controlled substances and
43 dangerous drugs in accordance with applicable statutes.

44 (4) *For the psychiatric training and experience necessary*
45 *for an advanced practice registered nurse to be authorized to make*



1 *the certifications described in NRS 433A.170, 433A.195 and*
2 *433A.200.*

3 (b) Prepare and administer examinations for the issuance of a
4 license or certificate under this chapter.

5 (c) Investigate and determine the eligibility of an applicant for a
6 license or certificate under this chapter.

7 (d) Carry out and enforce the provisions of this chapter and the
8 regulations adopted pursuant thereto.

9 2. The Board may adopt regulations establishing reasonable:

10 (a) Qualifications for the issuance of a license or certificate
11 under this chapter.

12 (b) Standards for the continuing professional competence of
13 licensees or holders of a certificate. The Board may evaluate
14 licensees or holders of a certificate periodically for compliance with
15 those standards.

16 3. The Board may adopt regulations establishing a schedule of
17 reasonable fees and charges, in addition to those set forth in NRS
18 632.345, for:

19 (a) Investigating licensees or holders of a certificate and
20 applicants for a license or certificate under this chapter;

21 (b) Evaluating the professional competence of licensees or
22 holders of a certificate;

23 (c) Conducting hearings pursuant to this chapter;

24 (d) Duplicating and verifying records of the Board; and

25 (e) Surveying, evaluating and approving schools of practical
26 nursing, and schools and courses of professional nursing,

27 and collect the fees established pursuant to this subsection.

28 4. For the purposes of this chapter, the Board shall, by
29 regulation, define the term "in the process of obtaining
30 accreditation."

31 5. The Board may adopt such other regulations, not
32 inconsistent with state or federal law, as may be necessary to carry
33 out the provisions of this chapter relating to nursing assistant
34 trainees, nursing assistants and medication aides - certified.

35 6. The Board may adopt such other regulations, not
36 inconsistent with state or federal law, as are necessary to enable it to
37 administer the provisions of this chapter.

38 **Sec. 4.7.** NRS 641B.160 is hereby amended to read as follows:

39 641B.160 The Board shall adopt ~~such~~ :

40 1. *Such* regulations as are necessary or desirable to enable it to
41 carry out the provisions of this chapter ~~+~~ ; and

42 2. *Regulations establishing reasonable standards for the*
43 *psychiatric training and experience necessary for a clinical social*
44 *worker to be authorized to make the certifications described in*
45 *NRS 433A.170, 433A.195 and 433A.200.*



- 1 **Sec. 5.** 1. This section and sections 1, 1.5, 1.6 to 4, inclusive,
2 4.2 and 4.7 of this act become effective upon passage and approval.
3 2. Section 1.55 of this act becomes effective on February 2,
4 2020.
5 3. Section 4.1 of this act expires by limitation on February 1,
6 2020.

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