

Amendment No. 196

Assembly Amendment to Assembly Bill No. 394	(BDR 3-1046)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DAN/BAW



Date: 4/11/2021

A.B. No. 394—Provides that members of a mobile crisis response team are immune from civil liability under certain circumstances. (BDR 3-1046)



ASSEMBLY BILL NO. 394—COMMITTEE ON JUDICIARY

MARCH 24, 2021

Referred to Committee on Judiciary

SUMMARY—Provides that ~~members of a mobile crisis response team~~ **behavioral health specialists performing mobile crisis intervention services** are immune from civil liability under certain circumstances. (BDR 3-1046)

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 civil actions; providing that ~~members of a mobile crisis response team~~ **behavioral health specialists performing mobile crisis intervention services** are immune from civil liability under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides certain persons with immunity from civil liability for certain acts or
2 omissions under certain circumstances. (Chapter 41 of NRS) This bill provides that ~~any~~
3 ~~person acting as a member of a mobile crisis response team,~~ **a behavioral health specialist**
4 **performing mobile crisis intervention services by telephone or audio-video**
5 **communication**, whether for compensation or gratuitously, is immune from any civil liability
6 in the performance of mobile crisis intervention services if: (1) the acts or omissions of the
7 person are in good faith; and (2) the acts or omissions of the person do not constitute gross
8 negligence or willful, wanton or intentional misconduct.

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

1 **Section 1.** Chapter 41 of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 1. ~~Any person acting as a member of a mobile crisis response team,~~ **A**
4 **behavioral health specialist performing mobile crisis intervention services by**
5 **telephone or audio-video communication, whether for compensation or**
6 **gratuitously, is immune from any civil liability in the performance of mobile**
7 **crisis intervention services if:**

8 (a) *The acts or omissions of the person are in good faith; and*

9 (b) *The acts or omissions of the person do not constitute gross negligence or*
10 *willful, wanton or intentional misconduct.*

2. As used in this section:

(a) “Audio-video communication” means communication by which a person is able to see, hear and communicate with another person in real time using electronic means.

(b) “Behavioral health specialist” means a physician who is certified by the Board of Medical Examiners, a psychologist, a physician assistant or an advanced practice registered nurse who is certified to practice as a behavioral health specialist, or a person who is licensed as a clinical social worker, clinical professional counselor or marriage and family therapist.

(c) “Mobile crisis intervention services” means services provided under the direction of a peace officer while engaging in an emergency response to assist a person who is experiencing a behavioral health crisis ~~including, without limitation, services involving stabilization, de-escalation or resolution of~~ by:

(1) Stabilizing, de-escalating or resolving the crisis ; ~~for the assessment, examination, supervision, treatment, referral, transfer or placement of the person.~~

(2) Screening or assessing the person for safety; or

(3) Creating a safety plan.

~~(b) “Mobile crisis response team” means a group of persons who perform mobile crisis intervention services.~~

(d) “Peace officer” means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 2. The provisions of this act apply to a cause of action that accrues on or after July 1, 2021.

Sec. 3. This act becomes effective on July 1, 2021.