

SENATE BILL NO. 70—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE NORTHERN REGIONAL
BEHAVIORAL HEALTH POLICY BOARD)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing mental health.
(BDR 39-418)

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 mental health; revising provisions governing the use of chemical restraints on persons with disabilities; establishing procedures for placing a person on and releasing a person from a mental health crisis hold; revising provisions governing the emergency admission of a person to a mental health facility or hospital; revising provisions governing involuntary court-ordered admission to a mental health facility and assisted outpatient treatment; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law defines the term “chemical restraint” to mean the administration of
- 2 drugs for the specific and exclusive purpose of controlling an acute or episodic
- 3 aggressive behavior when alternative intervention techniques have failed to limit or
- 4 control the behavior. (NRS 388.476, 394.355, 433.5456, 449A.206) Existing law
- 5 prescribes the conditions under which a medical facility, facility for the dependent,
- 6 psychiatric hospital or psychiatric unit of a hospital or public or private school may
- 7 use a chemical restraint on a person with a disability and prohibits the use of a
- 8 chemical restraint on such a person under certain circumstances. (NRS 388.473,
- 9 388.497, 394.354, 394.366, 433.5486, 433.549, 433.5503, 449A.236, 449A.245,
- 10 449A.248) **Sections 2, 65, 66 and 68** of this bill redefine the term “chemical
- 11 restraint” for those purposes.
- 12 Existing law uses the term “consumer” to describe persons who receive various
- 13 mental health services. (Chapter 433A of NRS) **Section 3.5** of this bill specifically



14 defines that term to mean any person who voluntarily or involuntarily seeks and
15 may benefit from certain mental health services.

16 Existing law authorizes an officer authorized to make arrests in this State,
17 certain providers of health care, or the spouse, parent, adult child or legal guardian
18 of a person alleged to be a person in a mental health crisis to apply for the
19 emergency admission of a person alleged to be a person in a mental health crisis to
20 a mental health facility or hospital. (NRS 433A.160) Existing law requires the
21 release of a person admitted under an emergency admission within 72 hours after
22 the submission of the application for emergency admission unless: (1) a petition is
23 filed for the involuntary court-ordered admission of the person; or (2) the admission
24 is changed to a voluntary admission. (NRS 433A.145, 433A.150, 433A.200)

25 **Section 6** of this bill defines the term "mental health crisis hold" to mean the
26 detention of a person alleged to be a person in a mental health crisis for transport to,
27 and assessment, evaluation, intervention and treatment at, a public or private mental
28 health facility or hospital. **Section 4** of this bill defines the term "emergency
29 admission" to mean the involuntary admission of a person who has been placed on
30 a mental health crisis hold to a public or private mental health facility or a hospital.
31 **Sections 9, 10 and 28-35** of this bill prescribe separate processes for the detention
32 of a person on a mental health crisis hold and the emergency admission of such a
33 person. Specifically, **section 30** of this bill authorizes an officer authorized to make
34 arrests in this State or certain providers of health care to place a person alleged to
35 be a person who is in a mental health crisis on a mental health crisis hold. **Section 9**
36 of this bill authorizes such an officer or provider of health care, certain family
37 members, a person who is providing case management, support and supervision to
38 a person who has been conditionally released from a mental health facility or any
39 other person with a legitimate interest in a person alleged to be a person in a mental
40 health crisis to petition for a court order to place a person alleged to be a person
41 with a mental illness on a mental health crisis hold. **Section 29** of this bill
42 prescribes the conditions under which a person may be detained if the person is
43 placed on a mental health crisis hold. **Section 35** of this bill prescribes the
44 requirements for releasing a person from a mental health crisis hold. **Sections 10,**
45 **28, 31 and 32** of this bill prescribe the procedure for admitting a person to a mental
46 health facility or hospital under an emergency admission. **Sections 10, 28 and 29**
47 require the release of a person placed on a mental health crisis hold within 72 hours
48 after the initiation of the hold, regardless of whether the person is admitted under an
49 emergency admission, unless: (1) a petition is filed for the involuntary court-
50 ordered admission of the person; or (2) the admission is changed to a voluntary
51 admission. **Sections 1, 23, 37, 40, 55, 64, 67 and 70-72** of this bill make
52 conforming changes.

53 Existing law establishes a procedure for the involuntary court-ordered
54 admission of a person to a mental health facility or a program of community-based
55 or outpatient services. (NRS 433A.200-433A.330) **Section 24** of this bill replaces
56 the term "program of community-based or outpatient services" with the term
57 "assisted outpatient treatment," which is defined to mean outpatient services
58 provided pursuant to a court order to a person with a mental illness for the purpose
59 of treating the mental illness, assisting the person to live and function in the
60 community or prevent a relapse or deterioration. **Sections 11-21** of this bill
61 prescribe a separate process for the issuance of a court order requiring a person to
62 receive assisted outpatient treatment. Specifically, **section 11** of this bill authorizes:
63 (1) the Administrator of the Division of Public and Behavioral Health of the
64 Department of Health and Human Services, certain providers of health care and
65 certain persons who have an interest in a person to petition the district court to
66 commence a proceeding for the issuance of a court order requiring assisted
67 outpatient treatment of the person; and (2) a criminal defendant or the district
68 attorney to make a motion to the district court to commence a proceeding for the



69 issuance of a court order requiring assisted outpatient treatment of the defendant or
70 the district court to commence such a proceeding on its own motion. **Section 11**
71 prescribes the criteria for determining whether a person may be ordered to receive
72 assisted outpatient treatment. **Section 13** of this bill requires certain persons who
73 have evaluated a person who is the subject of a petition or motion for assisted
74 outpatient treatment to submit to the court a recommended treatment plan for the
75 person. **Section 14** of this bill requires a person who is the subject of a petition or
76 motion for assisted outpatient treatment to be represented by counsel at all stages of
77 the proceedings. **Section 18** of this bill authorizes a court to order a person to
78 receive assisted outpatient treatment if: (1) at the conclusion of the proceedings,
79 there is clear and convincing evidence that the person to be treated meets the
80 applicable criteria for the initiation or renewal of such treatment; and (2) a person
81 professionally qualified in the field of psychiatric mental health is able to treat the
82 person in the county where the person to receive the treatment resides. If a person
83 who has been ordered to receive assisted outpatient treatment fails to comply with
84 the order after reasonable efforts to solicit compliance and, as a result, may harm
85 himself or herself or others, **section 20.5** of this bill authorizes the person
86 responsible for providing the outpatient treatment to submit a petition for a court to
87 order that the person be taken into custody to determine whether he or she is a
88 person in a mental health crisis. **Section 21** of this bill prescribes a procedure for
89 renewing an order for assisted outpatient treatment. **Section 23.5** of this bill revises
90 the definition of "person professionally qualified in the field of psychiatric mental
91 health" for purposes relating to eligibility to provide assisted outpatient treatment
92 and certain other purposes. **Sections 1, 27, 38, 41, 44, 45, 49, 51-54, 57-63, 69 and**
93 **72-75** of this bill make conforming changes.

94 **Section 26** of this bill requires the Division and the Attorney General to
95 approve all forms for the detention, evaluation, treatment and conditional release
96 of any person under chapter 433A of NRS and furnish the forms to the clerks of
97 district courts in each county. **Section 36** of this bill revises requirements governing
98 a petition for involuntary court-ordered admission. **Section 39** of this bill requires a
99 person who submits such a petition to notify the court if the subject of the petition
100 is currently admitted to a mental health facility or hospital and is transferred to
101 another mental health facility or hospital.

102 Existing law: (1) requires the transfer of proceedings for the involuntary
103 admission of a person if professionals who are qualified to examine the person are
104 not available in the county where the petition is filed; and (2) provides that the
105 expense of proceedings for involuntary admission are to be paid by the county
106 where the petition is filed or, if the subject of the petition does not reside in that
107 county, the county of the State where he or she last resided. (NRS 433A.260)
108 **Section 41.5** of this bill imposes specific requirements for the transfer of
109 proceedings from a county where qualified professionals are not available to
110 conduct the examination to a county where qualified professionals are available.
111 **Section 41.5** also revises requirements governing the payment of the cost of
112 proceedings for involuntary admission to require such cost to be paid by the county
113 in which the subject of the petition resides. **Section 42** of this bill removes a
114 requirement that the same counsel must continue to represent a person who is
115 involuntarily admitted to a program of community-based or outpatient services
116 until the person is unconditionally released. **Section 43** of this bill provides that,
117 once a person is involuntarily admitted to a mental health facility: (1) the admitting
118 court is prohibited from transferring the case; and (2) the mental health facility is
119 required to notify the court if the person is transferred. **Section 50** of this bill
120 prohibits the transfer of a consumer who has been admitted to a mental health
121 facility or required to receive assisted outpatient treatment to another facility or
122 provider of treatment, as applicable, unless arrangements relating to the costs of



123 treatment are made between the facility or provider and the consumer or the person
124 who requested the admission or treatment.

125 **Section 47** of this bill: (1) requires the notification of the court when a person
126 who has been involuntarily admitted to a mental health facility is conditionally
127 released; (2) revises the criteria for determining whether such a person may be
128 conditionally released; and (3) authorizes the court to periodically review the terms
129 of the conditional release. **Sections 39 and 47** of this bill revise the procedure for
130 admitting a person who has been conditionally released to a mental health facility
131 or hospital when conditional release is no longer appropriate. **Section 48** of this
132 bill: (1) abolishes a requirement that an evaluation team evaluate a person who is
133 involuntarily admitted by court order to a mental health facility or required to
134 receive assisted outpatient treatment before the person may be unconditionally
135 released before the expiration of the order; and (2) makes certain other minor
136 revisions concerning unconditional release. **Sections 39, 47, 48 and 48.5** of this bill
137 impose specific requirements concerning notification of the guardian of a person
138 who is released from a mental health facility or assisted outpatient treatment under
139 certain circumstances.

140 Existing law requires a court to seal all records related to the admission and
141 treatment of any person admitted to a mental health facility or a program of
142 community-based or outpatient services. (NRS 433A.715) **Section 56** of this bill
143 additionally requires a court to seal records governing any other proceedings
144 conducted under chapter 433A of NRS.

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

1 **Section 1.** NRS 433.4295 is hereby amended to read as
2 follows:

3 433.4295 1. Each policy board shall:

4 (a) Advise the Department, Division and Commission regarding:

5 (1) The behavioral health needs of adults and children in the
6 behavioral health region;

7 (2) Any progress, problems or proposed plans relating to the
8 provision of behavioral health services and methods to improve the
9 provision of behavioral health services in the behavioral health
10 region;

11 (3) Identified gaps in the behavioral health services which
12 are available in the behavioral health region and any
13 recommendations or service enhancements to address those gaps;

14 (4) Any federal, state or local law or regulation that relates to
15 behavioral health which it determines is redundant, conflicts with
16 other laws or is obsolete and any recommendation to address any
17 such redundant, conflicting or obsolete law or regulation; and

18 (5) Priorities for allocating money to support and develop
19 behavioral health services in the behavioral health region.

20 (b) Promote improvements in the delivery of behavioral health
21 services in the behavioral health region.



1 (c) Coordinate and exchange information with the other policy
2 boards to provide unified and coordinated recommendations to the
3 Department, Division and Commission regarding behavioral health
4 services in the behavioral health region.

5 (d) Review the collection and reporting standards of behavioral
6 health data to determine standards for such data collection and
7 reporting processes.

8 (e) To the extent feasible, establish an organized, sustainable
9 and accurate electronic repository of data and information
10 concerning behavioral health and behavioral health services in the
11 behavioral health region that is accessible to members of the public
12 on an Internet website maintained by the policy board. A policy
13 board may collaborate with an existing community-based
14 organization to establish the repository.

15 (f) To the extent feasible, track and compile data concerning
16 *persons placed on a mental health crisis hold pursuant to NRS*
17 *433A.160*, persons admitted to mental health facilities and hospitals
18 *under an emergency admission* pursuant to ~~NRS 433A.145 to~~
19 ~~433A.197, inclusive, and~~ *section 10 of this act, persons admitted*
20 *to mental health facilities* ~~[and programs of community-based or~~
21 ~~outpatient services]~~ *under an involuntary court-ordered admission*
22 *pursuant to NRS 433A.200 to 433A.330, inclusive, and persons*
23 *ordered to receive assisted outpatient treatment pursuant to*
24 *sections 11 to 21, inclusive, of this act* in the behavioral health
25 region, including, without limitation:

26 (1) The outcomes of treatment provided to such persons; and

27 (2) Measures taken upon and after the release of such
28 persons to address behavioral health issues and prevent future
29 *mental health crisis holds and* admissions.

30 (g) Identify and coordinate with other entities in the behavioral
31 health region and this State that address issues relating to behavioral
32 health to increase awareness of such issues and avoid duplication of
33 efforts.

34 (h) In coordination with existing entities in this State that
35 address issues relating to behavioral health services, submit an
36 annual report to the Commission which includes, without limitation:

37 (1) The specific behavioral health needs of the behavioral
38 health region;

39 (2) A description of the methods used by the policy board to
40 collect and analyze data concerning the behavioral health needs and
41 problems of the behavioral health region and gaps in behavioral
42 health services which are available in the behavioral health region,
43 including, without limitation, a list of all sources of such data used
44 by the policy board;



1 (3) A description of the manner in which the policy board
2 has carried out the requirements of paragraphs (c) and (g) of
3 subsection 1 and the results of those activities; and

4 (4) The data compiled pursuant to paragraph (f) and any
5 conclusions that the policy board has derived from such data.

6 2. A report described in paragraph (h) of subsection 1 may be
7 submitted more often than annually if the policy board determines
8 that a specific behavioral health issue requires an additional report
9 to the Commission.

10 **Sec. 2.** NRS 433.5456 is hereby amended to read as follows:

11 433.5456 "Chemical restraint" means the administration of
12 drugs *to a person* for the specific and exclusive purpose of
13 controlling an acute or episodic ~~[aggressive]~~ behavior *that places*
14 *the person or others at a risk of harm* when *less restrictive*
15 alternative intervention techniques have failed to limit or control the
16 behavior. The term does not include the administration of drugs ~~[on~~
17 ~~a regular basis, as]~~ prescribed by a physician, ~~[to treat the symptoms~~
18 ~~of] physician assistant or advanced practice registered nurse as~~
19 *standard treatment for the* mental ~~[.]~~ or physical ~~[, emotional or~~
20 ~~behavioral disorders and for assisting a person in gaining self-~~
21 ~~control over his or her impulses.]~~ *condition of the person.*

22 **Sec. 3.** Chapter 433A of NRS is hereby amended by adding
23 thereto the provisions set forth as sections 3.5 to 22, inclusive, of
24 this act.

25 **Sec. 3.5.** *"Consumer" means any person who, whether*
26 *voluntarily or involuntarily, seeks and can benefit from care,*
27 *treatment and training:*

28 1. *In a public or private mental health facility or other public*
29 *or private facility offering mental health services; or*

30 2. *From a person professionally qualified in the field of*
31 *psychiatric mental health who provides assisted outpatient*
32 *treatment.*

33 **Sec. 4.** *"Emergency admission" means the involuntary*
34 *admission of a person who has been placed on a mental health*
35 *crisis hold to a public or private mental health facility or hospital*
36 *pursuant to section 10 of this act.*

37 **Sec. 5.** *"Involuntary court-ordered admission" means the*
38 *admission of a person in a mental health crisis to a public or*
39 *private mental health facility ordered by a court pursuant to NRS*
40 *433A.200 to 433A.330, inclusive.*

41 **Sec. 6.** *"Mental health crisis hold" means the detention of a*
42 *person alleged to be a person in a mental health crisis for*
43 *transport, assessment, evaluation, intervention and treatment*
44 *pursuant to NRS 433A.160.*



1 **Sec. 7.** *“Supporter” has the meaning ascribed to it in*
2 *NRS 162C.090.*

3 **Sec. 8.** *“Voluntary admission” means the admission of a*
4 *person to a public or private mental health facility or a division*
5 *facility pursuant to NRS 433A.140 as a voluntary consumer for*
6 *the purposes of observation, diagnosis, care and treatment.*

7 **Sec. 9.** 1. *A person listed in subsection 2 may petition a*
8 *district court for an order requiring any peace officer to place a*
9 *person alleged to be in a mental health crisis on a mental health*
10 *crisis hold pursuant to NRS 433A.160.*

11 2. *A petition pursuant to subsection 1 may be made by:*

12 (a) *An officer authorized to make arrests in the State of*
13 *Nevada;*

14 (b) *A physician, physician assistant, psychologist, marriage*
15 *and family therapist, clinical professional counselor, social worker*
16 *or registered nurse;*

17 (c) *The spouse, parent, adult child or legal guardian of a*
18 *person alleged to be a person in a mental health crisis;*

19 (d) *A person who is providing case management, support and*
20 *supervision to a person who has been conditionally released*
21 *pursuant to NRS 433A.380, including, without limitation, a*
22 *member of the staff of a community treatment program, social*
23 *services agency, mobile crisis team or multi-disciplinary team that*
24 *is providing case management, support and supervision to the*
25 *person who is the subject of the petition; or*

26 (e) *Any other person who has a legitimate interest in a person*
27 *alleged to be a person in a mental health crisis.*

28 3. *The district court may issue an order to place a person*
29 *alleged to be in a mental health crisis on a mental health crisis*
30 *hold only if it is satisfied that there is probable cause to believe*
31 *that the person who is the subject of the petition is a person in a*
32 *mental health crisis. If the district court issues such an order, the*
33 *court shall ensure the delivery of the order to the sheriff of the*
34 *county. The sheriff shall:*

35 (a) *Provide the order to the public or private mental health*
36 *facility or hospital to which the person placed on a mental health*
37 *crisis hold is transported; or*

38 (b) *Arrange for the person who transports the person placed*
39 *on a mental health crisis hold to a public or private mental health*
40 *facility or hospital to provide the order to the facility or hospital.*

41 **Sec. 10.** 1. *A public or private mental health facility or*
42 *hospital may admit a person who has been placed on a mental*
43 *health crisis hold under an emergency admission if:*

44 (a) *After conducting an examination pursuant to NRS*
45 *433A.165, a physician, physician assistant or advanced practice*



1 registered nurse determines that the person does not have a
2 medical condition, other than a psychiatric condition, which
3 requires immediate treatment;

4 (b) A psychologist, a physician, a physician assistant under the
5 supervision of a psychiatrist, a clinical social worker who has the
6 psychiatric training and experience prescribed by the Board of
7 Examiners for Social Workers pursuant to NRS 641B.160 or an
8 advanced practice registered nurse who has the psychiatric
9 training and experience prescribed by the State Board of Nursing
10 pursuant to NRS 632.120, who is employed by the public or private
11 mental health facility or hospital completes a certificate pursuant
12 to NRS 433A.170;

13 (c) A psychiatrist or a psychologist or, if a psychiatrist or a
14 psychologist is not available, a physician or an advanced practice
15 registered nurse who has the training and experience prescribed
16 by the State Board of Nursing pursuant to NRS 632.120, evaluates
17 the person at the time of admission and determines that the person
18 is a person in a mental health crisis; and

19 (d) A psychiatrist approves the admission.

20 2. The provisions of subsections 2 and 3 of NRS 433A.150
21 continue to apply to a person who is admitted to a public or private
22 mental health facility or hospital under an emergency admission
23 pursuant to this section.

24 **Sec. 11. 1.** A proceeding for an order requiring any person
25 in the State of Nevada to receive assisted outpatient treatment may
26 be commenced by the filing of a petition for such an order with the
27 clerk of the district court of the county where the person who is to
28 be treated is present. The petition may be filed by:

29 (a) Any person who is at least 18 years of age and resides with
30 the person to be treated;

31 (b) The spouse, parent, adult sibling, adult child or legal
32 guardian of the person to be treated;

33 (c) A physician, physician assistant, psychologist, social
34 worker or registered nurse who is providing care to the person to
35 be treated;

36 (d) The Administrator or his or her designee; or

37 (e) The medical director of a division facility in which the
38 person is receiving treatment or the designee of the medical
39 director of such a division facility.

40 2. A proceeding to require a person who is the defendant in a
41 criminal proceeding in the district court to receive assisted
42 outpatient treatment may be commenced by the district court, on
43 its own motion, or by motion of the defendant or the district
44 attorney if:



1 (a) *The defendant has been examined in accordance with*
2 *NRS 178.415;*

3 (b) *The defendant is not eligible for commitment to the custody*
4 *of the Administrator pursuant to NRS 178.461; and*

5 (c) *The Division makes a clinical determination that assisted*
6 *outpatient treatment is appropriate.*

7 3. *A petition filed pursuant to subsection 1 or a motion made*
8 *pursuant to subsection 2 must allege the following concerning the*
9 *person to be treated:*

10 (a) *The person is at least 18 years of age.*

11 (b) *The person has a mental illness.*

12 (c) *The person has a history of poor compliance with treatment*
13 *for his or her mental illness that has resulted in at least one of the*
14 *following circumstances:*

15 (1) *At least twice during the immediately preceding 48*
16 *months, poor compliance with mental health treatment has been a*
17 *significant factor in causing the person being hospitalized or*
18 *receiving services in the behavioral health unit of a detention*
19 *facility or correctional facility. The 48-month period described in*
20 *this subparagraph must be extended by any amount of time that*
21 *the person has been hospitalized, incarcerated or detained during*
22 *that period.*

23 (2) *Poor compliance with mental health treatment has been*
24 *a significant factor in causing the person to commit, attempt to*
25 *commit or threaten to commit serious physical harm to himself or*
26 *herself or others during the immediately preceding 48 months.*
27 *The 48-month period described in this subparagraph must be*
28 *extended by any amount of time that the person has been*
29 *hospitalized, incarcerated or detained during that period.*

30 (3) *Poor compliance with mental health treatment has*
31 *resulted in the person being hospitalized, incarcerated or detained*
32 *for a cumulative period of at least 6 months and the person:*

33 (I) *Is scheduled to be discharged or released from such*
34 *hospitalization, incarceration or detention during the 30 days*
35 *immediately following the date of the petition; or*

36 (II) *Has been discharged or released from such*
37 *hospitalization, incarceration or detention during the 60 days*
38 *immediately preceding the date of the petition.*

39 (d) *Because of his or her mental illness, the person is*
40 *unwilling or unlikely to voluntarily participate in outpatient*
41 *treatment that would enable the person to live safely in the*
42 *community without the supervision of the court.*

43 (e) *Assisted outpatient treatment is the least restrictive*
44 *appropriate means to prevent further disability or deterioration*



1 *that would result in the person becoming a person in a mental*
2 *health crisis.*

3 *4. A petition filed pursuant to subsection 1 or a motion made*
4 *pursuant to subsection 2 must be accompanied by:*

5 *(a) A sworn statement or a declaration that complies with the*
6 *provisions of NRS 53.045 by a physician, a psychologist, a*
7 *physician assistant under the supervision of a psychiatrist, a*
8 *clinical social worker who has the psychiatric training and*
9 *experience prescribed by the Board of Examiners for Social*
10 *Workers pursuant to NRS 641B.160 or an advanced practice*
11 *registered nurse who has the psychiatric training and experience*
12 *prescribed by the State Board of Nursing pursuant to NRS*
13 *632.120, stating that he or she:*

14 *(1) Evaluated the person who is the subject of the petition*
15 *or motion not earlier than 10 days before the filing of the petition*
16 *or making of the motion;*

17 *(2) Recommends that the person be ordered to receive*
18 *assisted outpatient treatment; and*

19 *(3) Is willing and able to testify at a hearing on the petition*
20 *or motion; and*

21 *(b) A sworn statement or a declaration that complies with the*
22 *provisions of NRS 53.045 from a person professionally qualified*
23 *in the field of psychiatric mental health stating that he or she is*
24 *willing to provide assisted outpatient treatment for the person in*
25 *the county where the person resides.*

26 *5. A copy of the petition filed pursuant to subsection 1 or a*
27 *motion made pursuant to subsection 2 must be served upon the*
28 *person who is the subject of the petition or motion or his or her*
29 *counsel and, if applicable, his or her legal guardian.*

30 **Sec. 12.** *1. Immediately after the clerk of the district court*
31 *receives a petition filed pursuant to subsection 1 of section 11 of*
32 *this act or section 21 of this act, the clerk shall transmit the*
33 *petition to the appropriate district judge, who shall set a time, date*
34 *and place for its hearing. Immediately after a motion is made*
35 *pursuant to subsection 2 of section 11 of this act, the district judge*
36 *shall set a time, date and place for its hearing. The date must be:*

37 *(a) Within 30 judicial days after the date on which the petition*
38 *is received by the clerk or the motion is made, as applicable; or*

39 *(b) If the person who is the subject of the petition or motion is*
40 *hospitalized at the time of the petition or motion, before that*
41 *person is to be discharged and within a sufficient time to arrange*
42 *for a continuous transition from inpatient treatment to assisted*
43 *outpatient treatment.*

44 *2. If the Chief Judge, if any, of the district court has assigned*
45 *a district court judge or hearing master to preside over hearings*



1 *pursuant to this section, that judge or hearing master must preside*
2 *over the hearing.*

3 3. *The court shall give notice of the petition or motion and of*
4 *the time, date and place of any proceedings thereon to the person*
5 *who is the subject of the petition or motion, his or her attorney, if*
6 *known, the person's legal guardian, the petitioner, if applicable,*
7 *the district attorney of the county in which the court has its*
8 *principal office, the local office of an agency or organization that*
9 *receives money from the Federal Government pursuant to 42*
10 *U.S.C. §§ 10801 et seq., to protect and advocate the rights of*
11 *persons with a mental illness and the administrative office of any*
12 *public or private mental health facility or hospital in which the*
13 *subject of the petition or motion is detained.*

14 **Sec. 13.** 1. *Before the date of a hearing on a petition or*
15 *motion for assisted outpatient treatment, the person who made the*
16 *sworn statement or declaration pursuant to paragraph (a) of*
17 *subsection 4 of section 11 of this act, the personnel of the Division*
18 *who made the clinical determination concerning the*
19 *appropriateness of assisted outpatient treatment pursuant to*
20 *paragraph (c) of subsection 2 of section 11 of this act or the*
21 *person or entity who submitted the petition pursuant to section 21*
22 *of this act, as applicable, shall submit to the court a proposed*
23 *written treatment plan created by a person professionally qualified*
24 *in the field of psychiatric mental health who is familiar with the*
25 *person who is the subject of the petition or motion, as applicable.*
26 *The proposed written treatment plan must set forth:*

27 (a) *The services and treatment recommended for the person*
28 *who is the subject of the petition or motion; and*

29 (b) *The person who will provide such services and treatment*
30 *and his or her qualifications.*

31 2. *Services and treatment set forth in a proposed written*
32 *treatment plan must include, without limitation:*

33 (a) *Case management services to coordinate the assisted*
34 *outpatient treatment recommended pursuant to paragraph (b);*
35 *and*

36 (b) *Assisted outpatient treatment which may include, without*
37 *limitation:*

38 (1) *Medication;*

39 (2) *Periodic blood or urine testing to determine whether the*
40 *person is receiving such medication;*

41 (3) *Individual or group therapy;*

42 (4) *Full-day or partial-day programming activities;*

43 (5) *Educational activities;*

44 (6) *Vocational training;*

45 (7) *Treatment and counseling for a substance use disorder;*



1 (8) *If the person has a history of substance use, periodic*
2 *blood or urine testing for the presence of alcohol or other*
3 *recreational drugs;*

4 (9) *Supervised living arrangements; and*

5 (10) *Any other services determined necessary to treat the*
6 *mental illness of the person, assist the person in living or*
7 *functioning in the community or prevent a deterioration of the*
8 *mental or physical condition of the person.*

9 3. *A person professionally qualified in the field of psychiatric*
10 *mental health who is creating a proposed written treatment plan*
11 *pursuant to subsection 1 shall:*

12 (a) *Consider any wishes expressed by the person who is to be*
13 *treated in an advance directive for psychiatric care executed*
14 *pursuant to NRS 449A.600 to 449A.645, inclusive; and*

15 (b) *Consult with the person who is to be treated, any providers*
16 *of health care who are currently treating the person, any*
17 *supporter or legal guardian of the person, and, upon the request*
18 *of the person, any other person concerned with his or her welfare,*
19 *including, without limitation, a relative or friend.*

20 4. *If a proposed written treatment plan includes medication,*
21 *the plan must specify the type and class of the medication and*
22 *state whether the medication is to be self-administered or*
23 *administered by a specific provider of health care. A proposed*
24 *written treatment plan must not recommend the use of physical*
25 *force or restraints to administer medication.*

26 5. *If a proposed written treatment plan includes periodic*
27 *blood or urine testing for the presence of alcohol or other*
28 *recreational drugs, the plan must set forth sufficient facts to*
29 *support a clinical determination that the person who is to be*
30 *treated has a history of substance use disorder.*

31 6. *If the person who is to be treated has executed an advance*
32 *directive for psychiatric care pursuant to NRS 449A.600 to*
33 *449A.645, inclusive, a copy of the advance directive must be*
34 *attached to the proposed written treatment plan.*

35 7. *As used in this section, "provider of health care" has the*
36 *meaning ascribed to it in NRS 629.031.*

37 **Sec. 14.** 1. *The person who is the subject of a petition filed*
38 *or motion made pursuant to section 11 or 21 of this act or any*
39 *relative or friend on the person's behalf is entitled to retain*
40 *counsel to represent the person in any proceeding before the*
41 *district court relating to assisted outpatient treatment. If he or she*
42 *fails or refuses to obtain counsel, the court must advise the person*
43 *and his or her guardian or next of kin, if known, of such right to*
44 *counsel and must appoint counsel, who may be the public*



1 *defender or his or her deputy. The person must be represented by*
2 *counsel at all stages of the proceedings.*

3 *2. The court shall award compensation to any counsel*
4 *appointed pursuant to subsection 1 for his or her services in an*
5 *amount determined by the court to be fair and reasonable. The*
6 *compensation must be charged against the estate of the person for*
7 *whom the counsel was appointed or, if the person is indigent,*
8 *against the county where the person who is the subject of the*
9 *petition or motion last resided.*

10 *3. The court shall, at the request of counsel representing the*
11 *subject of the petition or motion in proceedings before the court*
12 *relating to assisted outpatient treatment, grant a recess in the*
13 *proceedings for the shortest time possible, but for not more than 7*
14 *days, to give the counsel an opportunity to prepare his or her case.*

15 *4. If the person who is the subject of the petition or motion is*
16 *ordered to receive assisted outpatient treatment, counsel must*
17 *continue to represent the person until the person is released from*
18 *the program. The court shall serve notice upon such counsel of*
19 *any action that is taken involving the person while the person is*
20 *required by the order to receive assisted outpatient treatment.*

21 **Sec. 15. 1. The district attorney of a county in which a**
22 **petition is filed or motion is made pursuant to section 11 or 21 of**
23 **this act or his or her deputy:**

24 **(a) Must appear and represent the State in the proceedings for**
25 **assisted outpatient treatment if:**

26 **(1) The proceedings were initiated by:**

27 **(I) A petition filed pursuant to subsection 1 of section 11**
28 **of this act or section 21 of this act by the Administrator or his or**
29 **her designee or the medical director of a division facility or his or**
30 **her designee; or**

31 **(II) A motion made pursuant to subsection 2 of section**
32 **11 of this act; and**

33 **(2) The district attorney determines that there is clear and**
34 **convincing evidence that the criteria prescribed in subsection 3 of**
35 **section 11 of this act or subsection 1 of section 21 of this act, as**
36 **applicable, are met.**

37 **(b) May appear and represent the State in the proceedings for**
38 **assisted outpatient treatment in any other case where the district**
39 **attorney determines that there is clear and convincing evidence**
40 **that the criteria prescribed in subsection 3 of section 11 of this act**
41 **or subsection 1 of section 21 of this act, as applicable, are met.**

42 **2. If the district attorney does not appear and represent the**
43 **State in a proceeding for assisted outpatient treatment,**
44 **the petitioner is responsible for presenting the case in support of**
45 **the petition.**



1 **Sec. 16. 1.** *In proceedings for assisted outpatient treatment,*
2 *the court shall hear and consider all relevant testimony, including,*
3 *without limitation:*

4 (a) *The testimony of the person who made a sworn statement*
5 *or declaration pursuant to paragraph (a) of subsection 4 of section*
6 *11 of this act, any personnel of the Division responsible for a*
7 *clinical determination made pursuant to paragraph (c) of*
8 *subsection 2 of section 11 of this act or the person or entity*
9 *responsible for the decision to submit a petition pursuant to*
10 *section 21 of this act, as applicable;*

11 (b) *The testimony of any supporter or legal guardian of the*
12 *person who is the subject of the proceedings, if that person wishes*
13 *to testify; and*

14 (c) *If the proposed written treatment plan submitted pursuant*
15 *to section 13 of this act recommends medication and the person*
16 *who is the subject of the petition or motion objects to the*
17 *recommendation, the testimony of the person professionally*
18 *qualified in the field of psychiatric mental health who prescribed*
19 *the recommendation.*

20 2. *The court may consider testimony relating to any past*
21 *actions of the person who is the subject of the petition or motion if*
22 *such testimony is probative of the question of whether the person*
23 *currently meets the criteria prescribed by subsection 3 of*
24 *section 11 of this act or subsection 1 of section 21 of this act, as*
25 *applicable.*

26 **Sec. 17. 1.** *Except as otherwise provided in subsection 2,*
27 *the person who is the subject of a petition or motion for assisted*
28 *outpatient treatment must be present at the proceedings on the*
29 *petition or motion, as applicable, and may, at the discretion of the*
30 *court, testify.*

31 2. *The court may conduct the hearing on a petition or motion*
32 *for assisted outpatient treatment in the absence of the person who*
33 *is the subject of the petition or motion if:*

34 (a) *The person has waived his or her right to attend the*
35 *hearing after receiving notice pursuant to section 12 of this act*
36 *and being advised of his or her right to be present and the*
37 *potential consequences of failing to attend; and*

38 (b) *The counsel for the person is present.*

39 **Sec. 18. 1.** *If the district court finds, after proceedings for*
40 *the assisted outpatient treatment of a person:*

41 (a) *That the person professionally qualified in the field of*
42 *psychiatric mental health who made the sworn statement or*
43 *declaration pursuant to paragraph (b) of subsection 4 of section*
44 *11 of this act or submitted the petition pursuant to section 21 of*
45 *this act, as applicable, is not able to provide treatment to the*



1 *person who is the subject of the proceedings in the county where*
2 *he or she resides or that there is not clear and convincing evidence*
3 *that the person who is the subject of the proceedings meets the*
4 *criteria prescribed in subsection 3 of section 11 of this act or*
5 *subsection 1 of section 21 of this act, as applicable, the court must*
6 *enter its finding to that effect and the person must not be ordered*
7 *to receive assisted outpatient treatment.*

8 *(b) That the person professionally qualified in the field of*
9 *psychiatric mental health who made the sworn statement or*
10 *declaration pursuant to paragraph (b) of subsection 4 of section*
11 *11 of this act or submitted the petition pursuant to section 21 of*
12 *this act, as applicable, is able to provide treatment to the person*
13 *who is the subject of the proceedings in the county where he or*
14 *she resides and that there is clear and convincing evidence that*
15 *the person who is the subject of the proceedings meets the criteria*
16 *prescribed in subsection 3 of section 11 of this act or subsection 1*
17 *of section 21 of this act, as applicable, the court may order the*
18 *person to receive assisted outpatient treatment. The order of the*
19 *court must be interlocutory and must not become final if, within*
20 *30 days after the issuance of the order, the person is*
21 *unconditionally released pursuant to NRS 433A.390.*

22 *2. If the district court finds, after proceedings for the assisted*
23 *outpatient treatment of a defendant in a criminal proceeding*
24 *pursuant to subsection 2 of section 11 of this act:*

25 *(a) That the person professionally qualified in the field of*
26 *psychiatric mental health who made the sworn statement or*
27 *declaration pursuant to paragraph (b) of subsection 4 of section*
28 *11 of this act or submitted the petition pursuant to section 21 of*
29 *this act, as applicable, is not able to provide treatment to the*
30 *defendant in the county where he or she resides or that there is not*
31 *clear and convincing evidence that the defendant meets the*
32 *criteria prescribed in subsection 3 of section 11 of this act or*
33 *subsection 1 of section 21 of this act, as applicable, the court must*
34 *enter its finding to that effect and the defendant must not be*
35 *ordered to receive assisted outpatient treatment.*

36 *(b) That the person professionally qualified in the field of*
37 *psychiatric mental health who made the sworn statement or*
38 *declaration pursuant to paragraph (b) of subsection 4 of section*
39 *11 of this act or submitted the petition pursuant to section 21 of*
40 *this act, as applicable, is able to provide treatment to the defendant*
41 *in the county where he or she resides and that there is clear and*
42 *convincing evidence that the defendant meets the criteria*
43 *prescribed in subsection 3 of section 11 of this act or subsection 1*
44 *of section 21 of this act, as applicable, except as otherwise*
45 *provided in this paragraph, the court must order the defendant to*



1 receive assisted outpatient treatment and suspend further
2 proceedings in the criminal proceeding against the defendant until
3 the defendant completes the treatment or the treatment is
4 terminated. If the offense allegedly committed by the defendant is
5 a category A or B felony or involved the use or threatened use of
6 force or violence, the court must not order the defendant to receive
7 assisted outpatient treatment pursuant to this paragraph unless the
8 prosecuting attorney stipulates to the assignment. The order of the
9 court must be interlocutory and must not become final if, within
10 30 days after the issuance of the order, the person is
11 unconditionally released pursuant to NRS 433A.390. If the
12 defendant successfully completes the assisted outpatient treatment
13 to the satisfaction of the court, the court must dismiss the criminal
14 charges against the defendant with prejudice.

15 3. An order for a person to receive assisted outpatient
16 treatment must:

17 (a) Provide for a period of assisted outpatient treatment that
18 does not exceed 6 months unless the order is renewed or extended
19 pursuant to section 21 of this act;

20 (b) Specify the services that the person who is to be treated
21 must receive; and

22 (c) Direct the person professionally qualified in the field of
23 psychiatric mental health who made the sworn statement or
24 declaration pursuant to paragraph (b) of subsection 4 of section
25 11 of this act or submitted the petition pursuant to section 21 of
26 this act, as applicable, to provide the services pursuant to
27 paragraph (b) for the duration of the order.

28 4. If an order for a person to receive assisted outpatient
29 treatment requires the administration of medication, the order
30 must state the classes of medication and the reasons for ordering
31 the medication, which must be based on the proposed written
32 treatment plan submitted pursuant to section 13 of this act. The
33 order may require the person who is to be treated to self-
34 administer the medication or accept the administration of the
35 medication by a specified person. The court shall not order the use
36 of physical force or restraints to administer medication.

37 5. An order for a person to receive assisted outpatient
38 treatment must not prescribe treatment that is not recommended
39 by the person professionally qualified in the field of psychiatric
40 mental health who made the sworn statement or declaration
41 pursuant to paragraph (b) of subsection 4 of section 11 of this act
42 or submitted the petition pursuant to section 21 of this act, as
43 applicable.

44 6. If the court issues an order requiring a person to receive
45 assisted outpatient treatment, the court must, notwithstanding the



1 *provisions of NRS 433A.715, cause, within 5 business days after*
2 *the order becomes final pursuant to this section, on a form*
3 *prescribed by the Department of Public Safety, a record of the*
4 *order to be transmitted to:*

5 *(a) The Central Repository for Nevada Records of Criminal*
6 *History, along with a statement indicating that the record is being*
7 *transmitted for inclusion in each appropriate database of the*
8 *National Instant Criminal Background Check System; and*

9 *(b) Each law enforcement agency of this State with which the*
10 *court has entered into an agreement for such transmission, along*
11 *with a statement indicating that the record is being transmitted for*
12 *inclusion in each of this State's appropriate databases of*
13 *information relating to crimes.*

14 *7. A court may periodically review an order for a person to*
15 *receive assisted outpatient treatment to determine whether there is*
16 *an available alternative treatment that is the least restrictive*
17 *treatment that is appropriate for the person, is in the best interest*
18 *of the person and will not be detrimental to the public welfare. If*
19 *the court determines that such a treatment is available, the court*
20 *must amend the order to require such treatment.*

21 *8. As used in this section, "National Instant Criminal*
22 *Background Check System" has the meaning ascribed to it in*
23 *NRS 179A.062.*

24 **Sec. 19.** (Deleted by amendment.)

25 **Sec. 20.** (Deleted by amendment.)

26 **Sec. 20.5.** *1. A person professionally qualified in the field*
27 *of psychiatric mental health who is responsible for providing*
28 *assisted outpatient treatment to a person ordered by a court to*
29 *receive assisted outpatient treatment pursuant to section 18 of this*
30 *act may petition the court to issue an order requiring a peace*
31 *officer to take into custody and deliver the person to an*
32 *appropriate location for a prompt evaluation by the professional to*
33 *determine whether the person is a person in a mental health crisis*
34 *if:*

35 *(a) The person who is the subject of the petition has failed to*
36 *comply with the plan of assisted outpatient treatment ordered*
37 *pursuant to section 18 of this act;*

38 *(b) The petitioner has made reasonable efforts to solicit such*
39 *compliance; and*

40 *(c) The failure to comply with the plan of assisted outpatient*
41 *treatment may cause the person who is the subject of the petition*
42 *to harm himself or herself or others.*

43 *2. A petition pursuant to subsection 1 must set forth:*

44 *(a) The specific provisions of the plan of assisted outpatient*
45 *treatment which the subject of the petition has failed to carry out;*



1 (b) *The efforts made by the petitioner to solicit compliance;*
2 *and*

3 (c) *The basis for the petitioner's belief that the failure to*
4 *comply with the plan of assisted outpatient treatment may cause*
5 *the subject of the petition to harm himself or herself or others.*

6 3. *If the court determines that there is probable cause to*
7 *believe that the conditions described in paragraphs (a), (b) and (c)*
8 *of subsection 1 have been satisfied, the court may issue an order*
9 *requiring a peace officer to take into custody and deliver the*
10 *person who is the subject of the petition to an appropriate location*
11 *for a prompt evaluation by the petitioner to determine whether the*
12 *person is a person in a mental health crisis.*

13 4. *As used in this section, "appropriate location" means any*
14 *location identified by a petitioner but does not include a jail or*
15 *prison.*

16 **Sec. 21.** 1. *Not later than 7 judicial days before the end of a*
17 *period of assisted outpatient treatment ordered by a court pursuant*
18 *to section 18 of this act, the Administrator or his or her designee,*
19 *the medical director of a division facility through which the person*
20 *who is the subject of the order is receiving assisted outpatient*
21 *treatment or his or her designee or another person professionally*
22 *qualified in the field of psychiatric mental health responsible for*
23 *providing the assisted outpatient treatment may petition to renew*
24 *the order for assisted outpatient treatment for an additional period*
25 *that does not exceed 6 months. The petition for renewal must*
26 *allege that:*

27 (a) *Because of his or her mental illness, the person to be*
28 *treated is unwilling or unlikely to voluntarily participate in*
29 *outpatient treatment that would enable the person to live safely in*
30 *the community without the supervision of the court; and*

31 (b) *Assisted outpatient treatment is the least restrictive*
32 *appropriate means to prevent further disability or deterioration*
33 *that would result in the person to be treated becoming a person in*
34 *a mental health crisis.*

35 2. *A copy of a petition filed pursuant to subsection 1 must be*
36 *served upon the person who is the subject of the petition or his or*
37 *her counsel and, if applicable, his or her legal guardian.*

38 3. *Upon receiving a petition filed pursuant to subsection 1,*
39 *the court shall schedule a hearing on the petition pursuant to*
40 *section 12 of this act. If the order for assisted outpatient treatment*
41 *that is effective at the time of the petition is scheduled to expire*
42 *before the hearing, the order is extended and remains in effect*
43 *until the date of the hearing.*

44 **Sec. 22.** (Deleted by amendment.)



1 **Sec. 23.** NRS 433A.011 is hereby amended to read as follows:
2 433A.011 As used in this chapter, unless the context otherwise
3 requires, the words and terms defined in NRS 433A.012 to
4 433A.019, inclusive, *and sections 3.5 to 8, inclusive, of this act*
5 have the meanings ascribed to them in those sections.

6 **Sec. 23.5.** NRS 433A.018 is hereby amended to read as
7 follows:

8 433A.018 “Person professionally qualified in the field of
9 psychiatric mental health” means:

10 1. A psychiatrist licensed to practice medicine in this State ;
11 ~~{who is certified by the American Board of Psychiatry and~~
12 ~~Neurology;}~~

13 2. A psychologist licensed to practice in this State;

14 3. A social worker who holds a master’s degree in social work
15 ~~{}~~ *and* is licensed by the State as a clinical social worker ; ~~{and is~~
16 ~~employed by the Division;}~~

17 4. A registered nurse who:

18 (a) Is licensed to practice professional nursing in this State; *and*

19 (b) Holds a master’s degree in the field of psychiatric nursing;
20 ~~{and~~

21 ~~—(c) Is employed by the Division;}~~

22 5. A marriage and family therapist licensed pursuant to chapter
23 641A of NRS; or

24 6. A clinical professional counselor licensed pursuant to
25 chapter 641A of NRS.

26 **Sec. 24.** NRS 433A.019 is hereby amended to read as follows:

27 433A.019 ~~“Program of community based or outpatient~~
28 ~~services”~~ *“Assisted outpatient treatment”* means ~~{care, treatment~~
29 ~~and training}~~ *outpatient services* provided *pursuant to a court order*
30 ~~to [persons in a mental health crisis, including, without limitation:~~

31 ~~—1. A program or service for the treatment of alcohol or other~~
32 ~~substance use disorders;~~

33 ~~—2. A program of general education or vocational training;~~

34 ~~—3. A program or service that assists in the dispensing or~~
35 ~~monitoring of medication;~~

36 ~~—4. A program or service that provides counseling or therapy;~~

37 ~~—5. A service which provides screening tests to detect the~~
38 ~~presence of alcohol or drugs;~~

39 ~~—6. A program of supervised living; or~~

40 ~~—7. Any combination of programs and services for persons with~~
41 ~~mental illness.~~

42 ~~→}~~ *a person with a mental illness for the purpose of treating the*
43 *mental illness, assisting the person to live and function in the*
44 *community or to prevent a relapse or deterioration that may*
45 *reasonably be predicted to result in harm to the person or another*



1 *person if the person with a mental illness is not treated.* The term
2 does not include ~~care, treatment and training~~ *services* provided to
3 residents of a mental health facility.

4 **Sec. 25.** (Deleted by amendment.)

5 **Sec. 26.** NRS 433A.130 is hereby amended to read as follows:

6 433A.130 All applications, ~~and~~ *certificates and other forms*
7 for the *detainment, evaluation,* admission, *treatment and*
8 *conditional release* of any person in the State of Nevada ~~to a~~
9 ~~mental health facility or to a program of community-based or~~
10 ~~outpatient services~~ under the provisions of this chapter shall be
11 made on forms approved by the Division and the Office of the
12 Attorney General and furnished by the clerks of the district courts in
13 each county.

14 **Sec. 27.** NRS 433A.140 is hereby amended to read as follows:

15 433A.140 1. Any person may apply to:

16 (a) A public or private mental health facility in the State of
17 Nevada for admission to the facility; or

18 (b) A division facility to receive care, treatment or training
19 provided by the Division,

20 ↪ as a voluntary consumer for the purposes of observation,
21 diagnosis, care and treatment. In the case of a person who has not
22 attained the age of majority, application for voluntary admission or
23 care, treatment or training may be made on his or her behalf by the
24 person's spouse, parent or legal guardian.

25 2. If the application is for admission to a division facility, or
26 for care, treatment or training provided by the Division, the
27 applicant must be admitted or provided such services as a voluntary
28 consumer if an examination by personnel of the facility qualified to
29 make such a determination reveals that the person needs and may
30 benefit from services offered by the mental health facility.

31 3. Any person admitted to a public or private mental health
32 facility as a voluntary consumer must be released immediately after
33 the filing of a written request for release with the responsible
34 physician or that physician's designee within the normal working
35 day, unless the facility changes the status of the person to an
36 emergency admission pursuant to NRS 433A.145. When a person is
37 released pursuant to this subsection, the facility and its agents and
38 employees are not liable for any debts or contractual obligations,
39 medical or otherwise, incurred or damages caused by the actions of
40 the person.

41 4. Any person admitted to a public or private mental health
42 facility as a voluntary consumer who has not requested release may
43 nonetheless be released by the medical director of the facility when
44 examining personnel at the facility determine that the consumer has
45 recovered or has improved to such an extent that the consumer is not



1 considered a danger to himself or herself or others and that the
2 services of that facility are no longer beneficial to the consumer or
3 advisable.

4 5. A person who requests care, treatment or training from the
5 Division pursuant to this section must be evaluated by the personnel
6 of the Division to determine whether the person is eligible for the
7 services offered by the Division. The evaluation must be conducted:

8 (a) Within 72 hours if the person has requested inpatient
9 services; or

10 (b) Within 72 regular operating hours, excluding weekends and
11 holidays, if the person has requested ~~community-based or~~
12 ~~outpatient services.~~ *assisted outpatient treatment.*

13 6. This section does not preclude a public facility from making
14 decisions, policies, procedures and practices within the limits of the
15 money made available to the facility.

16 **Sec. 28.** NRS 433A.145 is hereby amended to read as follows:

17 433A.145 1. If a person in a mental health crisis is admitted
18 to a public or private mental health facility or hospital as a voluntary
19 consumer, the facility or hospital shall not change the status of the
20 person to an emergency admission unless ~~the hospital or facility~~
21 ~~receives, before the change in status is made, an application for an~~
22 ~~emergency admission pursuant to~~ :

23 (a) *A person described in NRS 433A.160 places the person in a*
24 *mental health crisis hold;* and ~~the certificate of a~~

25 (b) ~~psychiatrist, psychologist, physician, physician assistant,~~
26 ~~clinical social worker or advanced practice registered nurse pursuant~~
27 ~~to NRS 433A.170.~~ *The requirements prescribed by section 10 of*
28 *this act have been met.*

29 2. ~~A~~ *Except as otherwise provided in subsection 3, a person*
30 *whose status is changed pursuant to subsection 1 must not be*
31 *detained in excess of 72 hours, including weekends and holidays,*
32 *after the change in status is made person is placed on a mental*
33 *health crisis hold pursuant to NRS 433A.160 unless, before the*
34 *close of the business day on which the 72 hours expires, a written*
35 *petition for an involuntary court-ordered admission to a mental*
36 *health facility is filed with the clerk of the district court pursuant to*
37 *NRS 433A.200* ~~;~~ *, including, without limitation, the documents*
38 *required pursuant to NRS 433A.210.*

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

43 **Sec. 29.** NRS 433A.150 is hereby amended to read as follows:

44 433A.150 1. ~~Except as otherwise provided in this~~
45 ~~subsection, a~~ *A person alleged to be a person in a mental health*



1 crisis ~~[may, upon application]~~ *who is placed on a mental health*
2 *crisis hold* pursuant to NRS 433A.160 ~~[and]~~ *may*, subject to the
3 provisions of subsection 2, be detained in a public or private mental
4 health facility or hospital ~~[under an emergency admission]~~ for
5 *assessment*, evaluation, ~~[observation]~~ *intervention* and treatment,
6 regardless of whether any parent or legal guardian of the person has
7 consented to the ~~[admission.]~~ *mental health crisis hold.*

8 2. Except as otherwise provided in subsection 3, a person
9 detained pursuant to subsection 1 must be released within 72 hours,
10 including weekends and holidays, after the ~~[application for~~
11 ~~emergency admission or any part of such an application is made]~~
12 *person is placed on a mental health crisis hold* pursuant to NRS
13 433A.160 unless, before the close of the business day on which the
14 72 hours expires, a written petition for an involuntary court-ordered
15 admission to a mental health facility is filed with the clerk of the
16 district court pursuant to NRS 433A.200, including, without
17 limitation, the documents required pursuant to NRS 433A.210, or
18 the status of the person is changed to a voluntary admission.

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

23 **Sec. 30.** NRS 433A.160 is hereby amended to read as follows:

24 433A.160 1. ~~[Except as otherwise provided in subsection 2,~~
25 ~~an application for the emergency admission of a person alleged to be~~
26 ~~a person in a mental health crisis for evaluation, observation and~~
27 ~~treatment may only be made by an]~~ *An* officer authorized to make
28 arrests in the State of Nevada or a physician, physician assistant,
29 psychologist, marriage and family therapist, clinical professional
30 counselor, social worker or registered nurse ~~[. The officer,~~
31 ~~physician, physician assistant, psychologist, marriage and family~~
32 ~~therapist, clinical professional counselor, social worker or registered~~
33 ~~nurse may:~~

34 ~~— (a) Without a warrant:~~

35 ~~— (1) Take]~~ *who, based on his or her personal observation of*
36 *a person or the issuance of a court order pursuant to section 9 of*
37 *this act, has probable cause to believe that the person is a person*
38 ~~[alleged to be a person]~~ *in a mental health crisis , may place the*
39 *person on a mental health crisis hold by:*

40 *(a) Taking the person* into custody ~~[to apply for the emergency~~
41 ~~admission of the person for evaluation, observation and treatment;~~
42 ~~and~~

43 ~~— (2) Transport the]~~ *without a warrant for assessment,*
44 *evaluation, intervention and treatment at a public or private*
45 *mental health facility or hospital; and*



1 (b) *Completing and providing to the public or private mental*
2 *health facility or hospital the form prescribed pursuant to NRS*
3 *433A.130 for the placement of a person on a mental health crisis*
4 *hold. The form must set forth the circumstances under which the*
5 *person was taken into custody and the reasons therefor.*

6 2. *A person who places another person on a mental health*
7 *crisis hold pursuant to subsection 1 may transport that person*
8 ~~*[alleged to be a person in a mental health crisis]*~~ to a public or
9 private mental health facility or hospital ~~*[for that purpose,]*~~ or
10 arrange for the person to be transported by:

11 ~~[(I)]~~ (a) A local law enforcement agency;

12 ~~[(II)]~~ (b) A system for the nonemergency medical
13 transportation of persons whose operation is authorized by the
14 Nevada Transportation Authority;

15 ~~[(III)]~~ (c) An entity that is exempt pursuant to NRS
16 706.745 from the provisions of NRS 706.386 or 706.421;

17 ~~[(IV)]~~ (d) An accredited agent of the Division;

18 ~~[(V)]~~ (e) A provider of nonemergency secure behavioral
19 health transport services licensed under the regulations adopted
20 pursuant to NRS 433.3317; or

21 ~~[(VI)]~~ (f) If medically necessary, an ambulance service
22 that holds a permit issued pursuant to the provisions of chapter
23 450B of NRS . ~~‡~~

24 ~~➔ only if the officer, physician, physician assistant, psychologist,~~
25 ~~marriage and family therapist, clinical professional counselor, social~~
26 ~~worker or registered nurse, based upon his or her personal~~
27 ~~observation of the person, has probable cause to believe that the~~
28 ~~person is a person in a mental health crisis.~~

29 ~~—(b) Apply to a district court for an order requiring:~~

30 ~~—(1) Any peace officer to take a person alleged to be a person~~
31 ~~in a mental health crisis into custody to allow the applicant for the~~
32 ~~order to apply for the emergency admission of the person for~~
33 ~~evaluation, observation and treatment; and~~

34 ~~—(2) Any agency, system, provider, agent or service described~~
35 ~~in subparagraph (2) of paragraph (a) to transport the person alleged~~
36 ~~to be a person in a mental health crisis to a public or private mental~~
37 ~~health facility or hospital for that purpose.~~

38 ~~➔ The district court may issue such an order only if it is satisfied~~
39 ~~that there is probable cause to believe that the person is a person in a~~
40 ~~mental health crisis.~~

41 ~~—2. An application for the emergency admission of a person~~
42 ~~alleged to be a person in a mental health crisis for evaluation,~~
43 ~~observation and treatment may be made by a spouse, parent, adult~~
44 ~~child or legal guardian of the person. The spouse, parent, adult child~~
45 ~~or legal guardian and any other person who has a legitimate interest~~



1 ~~in the person alleged to be a person in a mental health crisis may~~
2 ~~apply to a district court for an order described in paragraph (b) of~~
3 ~~subsection 1.~~

4 ~~—3.— The application for the emergency admission of a person~~
5 ~~alleged to be a person in a mental health crisis for evaluation,~~
6 ~~observation and treatment must reveal the circumstances under~~
7 ~~which the person was taken into custody and the reasons therefor.~~

8 ~~—4.] 3. To the extent practicable, a person [who applies for the~~
9 ~~emergency admission of a person who is less than 18 years of age to~~
10 ~~a public or private mental health facility or hospital, other than a~~
11 ~~parent or guardian,] *described in subsection 1* shall attempt to~~
12 obtain the consent of the parent or guardian *of an unemancipated*
13 *person who is less than 18 years of age* before ~~[making the~~
14 ~~application.] *placing the person on a mental health crisis hold.*~~ The
15 person who ~~[applies for the emergency admission] *places an*~~
16 ~~*unemancipated person who is less than 18 years of age on a*~~
17 ~~*mental health crisis hold*~~ or, if the person ~~[makes the application] *is*~~
18 ~~*acting*~~ within the scope of his or her employment, the employer of
19 the person, shall maintain documentation of each such attempt until
20 the person who is ~~[the subject of the application] *placed on a*~~
21 ~~*mental health crisis hold*~~ reaches at least 23 years of age.

22 ~~[5.— Except as otherwise provided in this subsection, each~~
23 ~~person admitted to a public or private mental health facility or~~
24 ~~hospital under an emergency admission must be evaluated at the~~
25 ~~time of admission by a psychiatrist or a psychologist. If a~~
26 ~~psychiatrist or a psychologist is not available to conduct an~~
27 ~~evaluation at the time of admission, a physician or an advanced~~
28 ~~practice registered nurse who has the training and experience~~
29 ~~prescribed by the State Board of Nursing pursuant to NRS 632.120~~
30 ~~may conduct the evaluation. Each such emergency admission must~~
31 ~~be approved by a psychiatrist.~~

32 ~~—6.] 4. The State Board of Health shall adopt regulations~~
33 governing the manner in which:

34 (a) A person may apply to become an accredited agent of the
35 Division; and

36 (b) Accredited agents of the Division will be monitored and
37 disciplined for professional misconduct.

38 ~~[7.] 5. As used in this section, “an accredited agent of the~~
39 ~~Division” means any person authorized by the Division to transport~~
40 ~~to a mental health facility pursuant to [subparagraph 2 of] paragraph~~
41 ~~[(a)] (d) of subsection [H] 2 those persons [in need of emergency~~
42 ~~admission.] *being placed on a mental health crisis hold.*~~

43 **Sec. 31.** NRS 433A.165 is hereby amended to read as follows:

44 433A.165 1. Before a person alleged to be a person in a
45 mental health crisis may be admitted to a public or private mental



1 health facility *or hospital under an emergency admission* pursuant
2 to ~~[NRS 433A.160.]~~ *section 10 of this act*, the person must:

3 (a) First be examined by a licensed physician or physician
4 assistant licensed pursuant to chapter 630 or 633 of NRS or an
5 advanced practice registered nurse licensed pursuant to NRS
6 632.237 at any location where such a physician, physician assistant
7 or advanced practice registered nurse is authorized to conduct such
8 an examination to determine whether the person has a medical
9 condition, other than a psychiatric condition, which requires
10 immediate treatment; and

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

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

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

17 2. If a person *alleged to be a person* in a mental health crisis
18 has a medical condition in addition to a psychiatric condition which
19 requires medical treatment that requires more than 72 hours to
20 complete, the licensed physician, physician assistant or advanced
21 practice registered nurse who examined the person must:

22 (a) On the first business day after determining that such medical
23 treatment is necessary, file with the clerk of the district court a
24 written petition ~~[to admit]~~ *for the involuntary court-ordered*
25 *admission of* the person to a public or private mental health facility
26 pursuant to NRS ~~[433A.160]~~ *433A.200* after the medical treatment
27 has been completed. The petition must:

28 (1) Include, without limitation, the medical condition of the
29 person and the purpose for continuing the medical treatment of the
30 person; and

31 (2) Be accompanied by a copy of ~~[the application for the~~
32 ~~emergency admission of the person required]~~ :

33 (I) *The form for the placement of a person on a mental*
34 *health crisis hold completed* pursuant to NRS 433A.160 ; and ~~[the]~~

35 (II) *The certificate* ~~[required]~~ *completed* pursuant to NRS
36 433A.170 ~~[.]~~ , *unless the medical condition prevents the*
37 *completion of such a certificate.*

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

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

44 (a) The requirements of 42 U.S.C. § 1395dd and any regulations
45 adopted pursuant thereto, and must involve a person authorized



1 pursuant to federal law to conduct such an examination or certify
2 such a transfer; and

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

4 4. The cost of the examination must be paid by the county in
5 which the person alleged to be a person in a mental health crisis
6 resides if services are provided at a county hospital located in that
7 county or a hospital or other medical facility designated by that
8 county, unless the cost is voluntarily paid by the person alleged to
9 be a person in a mental health crisis or, on the person's behalf, by
10 his or her insurer or by a state or federal program of medical
11 assistance.

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

14 (a) The person whose expenses were paid;

15 (b) The estate of that person; or

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

18 6. The cost of treatment, including hospitalization, for a person
19 who is indigent must be paid pursuant to NRS 428.010 by the
20 county in which the person alleged to be a person in a mental health
21 crisis resides.

22 7. The provisions of this section do not require the Division to
23 provide examinations required pursuant to subsection 1 at a division
24 facility if the Division does not have the:

25 (a) Appropriate staffing levels of physicians, physician
26 assistants, advanced practice registered nurses or other appropriate
27 staff available at the facility as the Division determines is necessary
28 to provide such examinations; or

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

31 8. The State Board of Health shall adopt regulations to carry
32 out the provisions of this section, including, without limitation,
33 regulations that:

34 (a) Define "emergency services or care" as that term is used in
35 this section;

36 (b) Prescribe a procedure to ensure that an examination is
37 performed pursuant to paragraph (a) of subsection 1; and

38 (c) Prescribe the type of medical facility that a person may be
39 admitted to pursuant to subparagraph (2) of paragraph (b) of
40 subsection 1.

41 9. As used in this section, "medical facility" has the meaning
42 ascribed to it in NRS 449.0151.

43 **Sec. 32.** NRS 433A.170 is hereby amended to read as follows:

44 433A.170 Except as otherwise provided in this section, the
45 administrative officer of a facility operated by the Division or of any



1 other public or private mental health facility or hospital shall not
2 accept ~~[an application]~~ **a person** for an emergency admission under
3 ~~[NRS 433A.160]~~ **section 10 of this act** unless ~~[that application is~~
4 ~~accompanied by a certificate of]~~ a ~~[licensed]~~ psychologist, a
5 physician, a physician assistant under the supervision of a
6 psychiatrist, a clinical social worker who has the psychiatric training
7 and experience prescribed by the Board of Examiners for Social
8 Workers pursuant to NRS 641B.160 or an advanced practice
9 registered nurse who has the psychiatric training and experience
10 prescribed by the State Board of Nursing pursuant to NRS 632.120 ,
11 **completes a certificate** stating that he or she has examined the
12 person alleged to be a person in a mental health crisis and that he or
13 she has concluded that the person is a person in a mental health
14 crisis. The certificate required by this section may be obtained from
15 a ~~[licensed]~~ psychologist, physician, physician assistant, clinical
16 social worker or advanced practice registered nurse who is
17 employed by the public or private mental health facility or hospital
18 to which the ~~[application is made.]~~ **person alleged to be a person in**
19 **a mental health crisis is to be admitted.**

20 **Sec. 33.** NRS 433A.185 is hereby amended to read as follows:

21 433A.185 As soon as practicable but not more than ~~[24]~~ **8**
22 hours after ~~[the emergency admission of a person alleged to be a]~~ **an**
23 **unemancipated** person ~~[in a mental health crisis]~~ who is under 18
24 years of age ~~[.]~~ **is placed on a mental health crisis hold**, the
25 administrative officer of the public or private mental health facility
26 **or hospital in which the person is being held or his or her designee**
27 shall **attempt to** give notice of ~~[such admission]~~ **the mental health**
28 **crisis hold** in person, by telephone or facsimile and by certified mail
29 to the parent or legal guardian of that person ~~[.]~~ **and shall maintain**
30 **documentation of each such attempt until the person who is placed**
31 **on a mental health crisis hold reaches at least 23 years of age.**

32 **Sec. 34.** NRS 433A.190 is hereby amended to read as follows:

33 433A.190 1. The administrative officer of a public or private
34 mental health facility **or hospital** shall ensure that, within 24 hours
35 of the emergency admission of a person alleged to be a person in a
36 mental health crisis ~~[pursuant to NRS 433A.150]~~ who is at least 18
37 years of age, **pursuant to section 10 of this act**, the person is asked
38 to give permission to provide notice of the emergency admission to
39 a family member, friend or other person identified by the person.

40 2. If a person alleged to be a person in a mental health crisis
41 who is at least 18 years of age gives permission to notify a family
42 member, friend or other person of the emergency admission, the
43 administrative officer shall ensure that:

44 (a) The permission is recorded in the medical record of the
45 person; and



1 (b) Notice of the admission is promptly provided to the family
2 member, friend or other person in person or by telephone, facsimile,
3 other electronic communication or certified mail.

4 3. Except as otherwise provided in subsections 4 and 5, if a
5 person alleged to be a person in a mental health crisis who is at least
6 18 years of age does not give permission to notify a family member,
7 friend or other person of the emergency admission of the person,
8 notice of the emergency admission must not be provided until
9 permission is obtained.

10 4. If a person alleged to be a person in a mental health crisis
11 who is at least 18 years of age is not able to give or refuse
12 permission to notify a family member, friend or other person of the
13 emergency admission, the administrative officer of the mental health
14 facility *or hospital* may cause notice as described in paragraph (b)
15 of subsection 2 to be provided if the administrative officer
16 determines that it is in the best interest of the person in a mental
17 health crisis.

18 5. If a guardian has been appointed for a person alleged to be a
19 person in a mental health crisis who is at least 18 years of age or the
20 person has executed a durable power of attorney for health care
21 pursuant to NRS 162A.700 to 162A.870, inclusive, or appointed an
22 attorney-in-fact using an advance directive for psychiatric care
23 pursuant to NRS 449A.600 to 449A.645, inclusive, the
24 administrative officer of the mental health facility *or hospital* must
25 ensure that the guardian, agent designated by the durable power of
26 attorney or the attorney-in-fact, as applicable, is promptly notified of
27 the admission as described in paragraph (b) of subsection 2,
28 regardless of whether the person alleged to be a person in a mental
29 health crisis has given permission to the notification.

30 **Sec. 35.** NRS 433A.195 is hereby amended to read as follows:

31 433A.195 **1.** A licensed physician on the medical staff of a
32 facility operated by the Division or of any other public or private
33 mental health facility or hospital may release a person ~~admitted~~
34 ~~pursuant to NRS 433A.160~~ *from a mental health crisis hold* upon
35 completion of a certificate which meets the requirements of NRS
36 433A.197 signed by a licensed physician on the medical staff of the
37 facility or hospital, a physician assistant under the supervision of a
38 psychiatrist, psychologist, a clinical social worker who has the
39 psychiatric training and experience prescribed by the Board of
40 Examiners for Social Workers pursuant to NRS 641B.160 or an
41 advanced practice registered nurse who has the psychiatric training
42 and experience prescribed by the State Board of Nursing pursuant to
43 NRS 632.120 stating that he or she has personally observed and
44 examined the person and that he or she has concluded that the
45 person is not a person in a mental health crisis.



1 2. *A psychologist, a physician, a physician assistant under the*
2 *supervision of a psychiatrist, a clinical social worker who has the*
3 *psychiatric training and experience prescribed by the Board of*
4 *Examiners for Social Workers pursuant to NRS 641B.160 or an*
5 *advanced practice registered nurse who has the psychiatric*
6 *training and experience prescribed by the State Board of Nursing*
7 *pursuant to NRS 632.120 on the medical staff of a facility*
8 *operated by the Division or of any other public or private mental*
9 *health facility or hospital who has personally assessed an*
10 *unemancipated person who is less than 18 years of age after the*
11 *person was placed on a mental health crisis hold may release the*
12 *person from the hold if the parent or guardian of the person*
13 *agrees to treatment or accepts physical custody of the person.*

14 **Sec. 35.5.** NRS 433A.197 is hereby amended to read as
15 follows:

16 433A.197 1. ~~[An—application]~~ *A form* or certificate
17 authorized under subsection 1 of NRS 433A.160 or NRS 433A.170
18 or 433A.195 must not be *accepted or* considered if made by a
19 psychologist, physician, physician assistant, clinical social worker
20 or advanced practice registered nurse who is related by blood or
21 marriage within the second degree of consanguinity or affinity to the
22 person alleged to be a person in a mental health crisis, or who is
23 financially interested in the facility in which the person alleged to be
24 a person in a mental health crisis is to be detained.

25 2. An application or certificate of any examining person
26 authorized under NRS 433A.170 must not be considered unless it is
27 based on personal observation and examination of the person
28 alleged to be a person in a mental health crisis made by such
29 examining person not more than 72 hours prior to the making of the
30 application or certificate. The certificate required pursuant to NRS
31 433A.170 must set forth in detail the facts and reasons on which the
32 examining person based his or her opinions and conclusions.

33 3. A certificate authorized pursuant to NRS 433A.195 must not
34 be considered unless it is based on personal observation and
35 examination of the person alleged to be a person in a mental health
36 crisis made by the examining physician, physician assistant,
37 psychologist, clinical social worker or advanced practice registered
38 nurse. The certificate authorized pursuant to NRS 433A.195 must
39 describe in detail the facts and reasons on which the examining
40 physician, physician assistant, psychologist, clinical social worker
41 or advanced practice registered nurse based his or her opinions and
42 conclusions.

43 **Sec. 36.** NRS 433A.200 is hereby amended to read as follows:

44 433A.200 1. Except as otherwise provided in ~~[subsection 3~~
45 ~~and]~~ NRS 432B.6075, a proceeding for an involuntary court-ordered



1 admission of any person in the State of Nevada may be commenced
2 by the filing of a petition for the involuntary admission to a mental
3 health facility ~~[or to a program of community based or outpatient~~
4 ~~services]~~ with the clerk of the district court of the county where the
5 person who is to be treated resides ~~[.]~~ *or the county where a mental*
6 *health facility that is willing to admit the person is located.* The
7 petition may be filed by ~~[the spouse, parent, adult children or legal~~
8 ~~guardian of the person to be treated or by]~~ any physician, physician
9 assistant, psychologist, social worker or registered nurse or by any
10 officer authorized to make arrests in the State of Nevada. The
11 petition must be accompanied:

12 (a) By a certificate of a physician, a ~~[licensed]~~ psychologist, a
13 physician assistant under the supervision of a psychiatrist, a clinical
14 social worker who has the psychiatric training and experience
15 prescribed by the Board of Examiners for Social Workers pursuant
16 to NRS 641B.160 or an advanced practice registered nurse who has
17 the psychiatric training and experience prescribed by the State
18 Board of Nursing pursuant to NRS 632.120 stating that he or she
19 has examined the person alleged to be a person in a mental health
20 crisis and has concluded that the person is a person in a mental
21 health crisis; or

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

23 (1) The petitioner has, based upon the petitioner's personal
24 observation of the person alleged to be a person in a mental health
25 crisis, probable cause to believe that the person is a person in a
26 mental health crisis ~~[.]~~ and

27 ~~[(2) The]~~ *the* person alleged to be a person in a mental health
28 crisis has refused to submit to examination or treatment by a
29 physician, psychiatrist, ~~[licensed]~~ psychologist or advanced practice
30 registered nurse who has the psychiatric training and experience
31 prescribed by the State Board of Nursing pursuant to NRS 632.120
32 ~~[.]~~; or

33 (2) *The person alleged to be a person in a mental health*
34 *crisis has been placed on a mental health crisis hold pursuant to*
35 *NRS 433A.160 and the physician, physician assistant or advanced*
36 *practice registered nurse who examined the person alleged to be a*
37 *person with a mental health crisis pursuant to NRS 433A.165*
38 *determined that the person has a medical condition, other than a*
39 *psychiatric condition, which requires immediate treatment.*

40 2. Except as otherwise provided in NRS 432B.6075, if the
41 person to be treated is ~~[a]~~ *an unemancipated* minor and the
42 petitioner is a person other than a parent or guardian of the minor, a
43 petition submitted pursuant to subsection 1 must, in addition to the
44 certificate or statement required by that subsection, include a



1 statement signed by a parent or guardian of the minor that the parent
2 or guardian does not object to the filing of the petition.

3 ~~[3.— A proceeding for the involuntary court-ordered admission
4 of a person who is the defendant in a criminal proceeding in the
5 district court to a program of community-based or outpatient
6 services may be commenced by the district court, on its own motion,
7 or by motion of the defendant or the district attorney if:~~

8 ~~— (a) The defendant has been examined in accordance with
9 NRS 178.415;~~

10 ~~— (b) The defendant is not eligible for commitment to the custody
11 of the Administrator pursuant to NRS 178.461; and~~

12 ~~— (c) The Division makes a clinical determination that placement
13 in a program of community-based or outpatient services is
14 appropriate.]~~

15 **Sec. 37.** NRS 433A.210 is hereby amended to read as follows:

16 433A.210 In addition to the requirements of NRS 433A.200, a
17 petition filed pursuant to that section with the clerk of the district
18 court to commence proceedings for involuntary court-ordered
19 admission of a person pursuant to NRS 433A.145 or 433A.150 must
20 include *documentation of the results of the medical examination
21 conducted pursuant to NRS 433A.165 and a [certified] copy of:*

22 1. The ~~[application for the emergency admission of the person
23 made] form for the placement of the person on a mental health
24 crisis hold~~ pursuant to NRS 433A.160; and

25 2. A petition executed by a psychiatrist, ~~[licensed]~~
26 psychologist, physician or advanced practice registered nurse who
27 has the psychiatric training and experience prescribed by the State
28 Board of Nursing pursuant to NRS 632.120, including, without
29 limitation, a sworn statement that:

30 (a) He or she has examined the person alleged to be a person in
31 a mental health crisis;

32 (b) In his or her opinion, there is a reasonable degree of certainty
33 that the person alleged to be a person in a mental health crisis
34 suffers from a mental illness;

35 (c) Based on his or her personal observation of the person
36 alleged to be a person in a mental health crisis and other facts set
37 forth in the petition, the person presents a substantial risk of serious
38 harm to himself or herself or others, as determined pursuant to NRS
39 433A.0195; and

40 (d) In his or her opinion, involuntary admission of the person
41 alleged to be a person in a mental health crisis to a mental health
42 facility or hospital is medically necessary to prevent the person from
43 harming himself or herself or others.



1 **Sec. 38.** NRS 433A.215 is hereby amended to read as follows:
2 433A.215 If an application for a writ of habeas corpus is made
3 by, or on behalf of, a person in a mental health crisis or who is
4 alleged to be a person in a mental health crisis before the initial
5 hearing on a petition for the involuntary court-ordered admission of
6 the person to a mental health facility , ~~for a program of community-~~
7 ~~based or outpatient services,;~~ the court ~~shall~~ **must** conduct a
8 hearing on the application as soon as practicable.

9 **Sec. 39.** NRS 433A.220 is hereby amended to read as follows:
10 433A.220 1. Immediately after the clerk of the district court
11 receives any petition filed pursuant to NRS 433A.200 and
12 433A.210, the clerk shall transmit the petition to the appropriate
13 district judge, who shall set a time, date and place for its hearing.
14 ~~Immediately after a motion is made pursuant to subsection 3 of~~
15 ~~NRS 433A.200, the district judge shall set a time, date and place for~~
16 ~~its hearing.~~ The date must be within 6 judicial days after the date on
17 which the petition is received by the clerk ~~for the motion is made, as~~
18 ~~applicable,;~~ unless otherwise stipulated by an attorney representing
19 the person alleged to be a person in a mental health crisis and the
20 district attorney. If the Chief Judge, if any, of the district court has
21 assigned a district court judge or hearing master to preside over such
22 hearings, that judge or hearing master must preside over the hearing.

23 2. The court shall give notice of the petition ~~for motion~~ and of
24 the time, date and place of any proceedings thereon to the subject of
25 the petition , ~~for motion,~~ his or her attorney, if known, the person's
26 legal guardian, the petitioner, ~~if applicable,;~~ the district attorney of
27 the county in which the court has its principal office, the local office
28 of an agency or organization that receives money from the Federal
29 Government pursuant to 42 U.S.C. §§ 10801 et seq., to protect and
30 advocate the rights of persons in a mental health crisis and the
31 administrative office of any public or private mental health facility
32 **or hospital** in which the subject of the petition ~~for motion~~ is
33 detained.

34 3. The provisions of this section do not preclude a facility **or**
35 **hospital** from discharging a person before the time set pursuant to
36 this section for the hearing concerning the person, if appropriate. If
37 the person has a legal guardian, the facility **or hospital** shall notify
38 the guardian prior to discharging the person from the facility ~~or~~ **or**
39 **hospital**. The legal guardian has discretion to determine where the
40 person will be released, taking into consideration any discharge plan
41 proposed by the facility **or hospital** assessment team. If the legal
42 guardian does not inform the facility **or hospital** as to where the
43 person will be released within 3 days after the date of notification,
44 the facility **or hospital** shall discharge the person according to its



1 proposed discharge plan. *Notification of a guardian pursuant to*
2 *this subsection must be provided:*

3 (a) *In person or by telephone; or*

4 (b) *If the mental health facility is not able to contact the*
5 *guardian in person or by telephone, by facsimile, electronic mail*
6 *or certified mail.*

7 4. *If the person who is the subject of the petition is currently*
8 *admitted to a mental health facility or hospital and is transferred*
9 *to another mental health facility or hospital, the petitioner must*
10 *notify the court before the next scheduled hearing related to the*
11 *petition and not more than 24 hours after the transfer.*

12 5. *If the person who is the subject of the petition is currently*
13 *on conditional release pursuant to NRS 433A.380:*

14 (a) *The court may provide information on the conditional*
15 *release to any public or private mental health facility or hospital in*
16 *which the person is receiving treatment; and*

17 (b) *The court may, with the consent of the parties, set a*
18 *hearing before or concurrent with the hearing scheduled pursuant*
19 *to subsection 1 to determine whether conditional release remains*
20 *appropriate. If the court sets a hearing to resolve the conditional*
21 *release, the parties may stipulate to continue the matter of the*
22 *petition for involuntary court-ordered admission pending*
23 *resolution of the conditional release. If the court determines by*
24 *clear and convincing evidence that conditional release is no*
25 *longer appropriate, the court may order the admission of the*
26 *person to a mental health facility or hospital pending the*
27 *resolution of the petition for involuntary court-ordered admission.*

28 **Sec. 40.** NRS 433A.240 is hereby amended to read as follows:

29 433A.240 1. After the filing of a petition to commence
30 proceedings for the involuntary court-ordered admission of a person
31 pursuant to NRS 433A.200 and 433A.210, the court shall promptly
32 cause two or more physicians, ~~licensed~~ psychologists or advanced
33 practice registered nurses who have the psychiatric training and
34 experience prescribed by the State Board of Nursing pursuant to
35 NRS 632.120, one of whom must always be a physician, to examine
36 the person alleged to be a person in a mental health crisis, or request
37 an evaluation by an evaluation team from the Division of the person
38 alleged to be a person in a mental health crisis.

39 2. Subject to the provisions in subsection 1, the judge assigned
40 to hear a proceeding brought pursuant to NRS 433A.200 to
41 433A.330, inclusive, shall have complete discretion in selecting the
42 medical professionals to conduct the examination required pursuant
43 to subsection 1.

44 3. ~~After the filing of a motion pursuant to subsection 3 of NRS~~
45 ~~433A.200, the court shall promptly request an evaluation by an~~



1 ~~evaluation team from the Division of the person alleged to be a~~
2 ~~person in a mental health crisis.~~

3 ~~—4.]~~ To conduct the examination of a person who is not being
4 detained at a mental health facility or hospital under ~~{emergency~~
5 ~~admission}~~ **a mental health crisis hold** pursuant to ~~{an application~~
6 ~~made pursuant to}~~ NRS 433A.160, the court may order a peace
7 officer to take the person into protective custody and transport the
8 person to a mental health facility or hospital where the person may
9 be detained until a hearing is had upon the petition or motion, as
10 applicable.

11 ~~{5.]~~ 4. If the person is not being detained under ~~{an emergency~~
12 ~~admission}~~ **a mental health crisis hold** pursuant to ~~{an application~~
13 ~~made pursuant to}~~ NRS 433A.160, the person may be allowed to
14 remain in his or her home or other place of residence pending an
15 ordered examination or examinations and to return to his or her
16 home or other place of residence upon completion of the
17 examination or examinations. The person may be accompanied by
18 one or more of his or her relations or friends to the place of
19 examination.

20 ~~{6.]~~ 5. Each physician, ~~{licensed}~~ psychologist and advanced
21 practice registered nurse who examines a person pursuant to
22 subsection 1 ~~{or 3}~~ shall, in conducting such an examination,
23 consider the least restrictive treatment appropriate for the person.

24 ~~{7.]~~ 6. Each physician, ~~{licensed}~~ psychologist and advanced
25 practice registered nurse who examines a person pursuant to
26 subsection 1 shall, not later than 24 hours before the hearing set
27 pursuant to **subsection 1 of** NRS 433A.220, submit to the court in
28 writing a summary of his or her findings and evaluation regarding
29 the person alleged to be a person in a mental health crisis.

30 **Sec. 41.** NRS 433A.250 is hereby amended to read as follows:
31 433A.250 1. The Administrator shall establish such
32 evaluation teams as are necessary to aid the courts under NRS
33 433A.240 ~~{,}~~ **and** 433A.310. ~~{, 433A.315 and 433A.323.}~~

34 2. Each team must be composed of a psychiatrist and other
35 persons professionally qualified in the field of psychiatric mental
36 health who are representative of the Division, selected from
37 personnel in the Division.

38 3. Fees for the evaluations must be established and collected as
39 set forth in NRS 433.414 or 433B.260, as appropriate.

40 **Sec. 41.5.** NRS 433A.260 is hereby amended to read as
41 follows:

42 433A.260 1. ~~{In counties}~~ **If a petition is filed pursuant NRS**
43 **433A.200 with the clerk of the district court in a county** where the
44 examining personnel required pursuant to NRS 433A.240 are not
45 available, ~~{proceedings for involuntary court ordered admission~~



1 ~~shall be conducted in~~ *the district court must transfer the case to*
2 *the nearest county having such examining personnel available* ~~[in~~
3 ~~order that there be minimum delay.]~~ *before any hearing on the*
4 *petition and not later than 1 judicial day after the petition was*
5 *filed. Not later than 6 days after a case is transferred to a district*
6 *court pursuant to this subsection, that district court shall:*

7 (a) *Set a time, date and place for its hearing in accordance*
8 *with NRS 433A.220; and*

9 (b) *Appoint counsel for the person, if required by*
10 *NRS 433A.270.*

11 2. The entire expense of proceedings for involuntary court-
12 ordered admission shall be paid by the county ~~[in which the~~
13 ~~application is filed, except that]~~ where the person to be admitted
14 ~~[last resided in another county of the state the expense shall be~~
15 ~~charged to and payable by such county of residence.]~~ *resides.*

16 **Sec. 42.** NRS 433A.270 is hereby amended to read as follows:

17 433A.270 1. The person alleged to be a person in a mental
18 health crisis or any relative or friend on the person's behalf is
19 entitled to retain counsel to represent the person in any proceeding
20 before the district court relating to involuntary court-ordered
21 admission, and if he or she fails or refuses to obtain counsel, the
22 court ~~[shall]~~ *must* advise the person and the person's guardian or
23 next of kin, if known, of such right to counsel and shall appoint
24 counsel, who may be the public defender or his or her deputy.

25 2. ~~[Any]~~ *The court shall award any* counsel appointed
26 pursuant to subsection 1 ~~[must be awarded]~~ compensation ~~[by the~~
27 ~~court]~~ for his or her services in an amount determined by it to be fair
28 and reasonable. The compensation must be charged against the
29 estate of the person for whom the counsel was appointed or, if the
30 person is indigent, against the county where the person alleged to be
31 a person in a mental health crisis last resided.

32 3. The court shall, at the request of counsel representing the
33 person alleged to be a person in a mental health crisis in proceedings
34 before the court relating to involuntary court-ordered admission,
35 grant a recess in the proceedings for the shortest time possible, but
36 for not more than 5 days, to give the counsel an opportunity to
37 prepare his or her case.

38 4. ~~[If the person alleged to be a person in a mental health crisis~~
39 ~~is involuntarily admitted to a program of community based or~~
40 ~~outpatient services, counsel shall continue to represent the person~~
41 ~~until the person is released from the program. The court shall serve~~
42 ~~notice upon such counsel of any action that is taken involving the~~
43 ~~person while the person is admitted to the program of community-~~
44 ~~based or outpatient services.]~~



1 ~~—5.]~~ Each district attorney or his or her deputy shall appear and
2 represent the State in all involuntary court-ordered admission
3 proceedings in the district attorney's county. The district attorney is
4 responsible for the presentation of evidence, if any, in support of the
5 involuntary court-ordered admission of a person to a mental health
6 facility ~~[or to a program of community based or outpatient services]~~
7 in proceedings held pursuant to NRS 433A.200 and 433A.210.

8 **Sec. 43.** NRS 433A.310 is hereby amended to read as follows:

9 433A.310 1. Except as otherwise provided in ~~[subsection 2~~
10 ~~and]~~ NRS 432B.6076 and 432B.6077, if the district court finds, after
11 proceedings for the involuntary court-ordered admission of a
12 person:

13 (a) That there is not clear and convincing evidence that the
14 person with respect to whom the hearing was held is a person in a
15 mental health crisis, the court ~~[shall]~~ *must* enter its finding to that
16 effect and the person must not be involuntarily admitted to a public
17 or private mental health facility . ~~[or to a program of community-~~
18 ~~based or outpatient services.]~~ If the person has been ~~[admitted to]~~
19 *detained in a public or private mental health facility or hospital*
20 *under a mental health crisis hold pursuant to NRS 433A.160,*
21 *including, without limitation, where the person has been admitted*
22 *under an emergency admission* pursuant to ~~[NRS 433A.160,]~~
23 *section 10 of this act,* the court must issue a written order requiring
24 the facility or hospital to release the person not later than 24 hours
25 after the court issues the order, unless the person applies for
26 admission as a voluntary consumer pursuant to
27 NRS 433A.140.

28 (b) That there is clear and convincing evidence that the person
29 with respect to whom the hearing was held is a person in a mental
30 health crisis, the court may order the involuntary admission of the
31 person ~~[for the most appropriate course of treatment, including,~~
32 ~~without limitation, admission]~~ to a public or private mental health
33 facility . ~~[or participation in a program of community based or~~
34 ~~outpatient services.]~~ The order of the court must be interlocutory
35 and must not become final if, within 30 days after the involuntary
36 admission, the person is unconditionally released pursuant to
37 NRS 433A.390.

38 2. ~~[If the district court finds, after proceedings for the~~
39 ~~involuntary court ordered admission of a defendant in a criminal~~
40 ~~proceeding pursuant to subsection 3 of NRS 433A.200:~~

41 ~~—(a) That there is not clear and convincing evidence that the~~
42 ~~defendant with respect to whom the hearing was held is a person in~~
43 ~~a mental health crisis, the court shall enter its finding to that effect~~
44 ~~and the person must not be involuntarily admitted to a program of~~
45 ~~community based or outpatient services.~~



1 ~~—(b) That there is clear and convincing evidence that the~~
2 ~~defendant with respect to whom the hearing was held is a person in~~
3 ~~a mental health crisis, except as otherwise provided in this~~
4 ~~paragraph, the court shall order the involuntary admission of the~~
5 ~~defendant for participation in a program of community based or~~
6 ~~outpatient services and suspend further proceedings in the criminal~~
7 ~~proceeding against the defendant until the defendant completes or is~~
8 ~~removed from the program. If the offense allegedly committed by~~
9 ~~the defendant is a category A or B felony or involved the use or~~
10 ~~threatened use of force or violence, the court may not order the~~
11 ~~involuntary admission of the defendant for participation in a~~
12 ~~program pursuant to this paragraph unless the prosecuting attorney~~
13 ~~stipulates to the assignment. The order of the court must be~~
14 ~~interlocutory and must not become final if, within 30 days after the~~
15 ~~involuntary admission, the person is unconditionally released~~
16 ~~pursuant to NRS 433A.390. If the defendant successfully completes~~
17 ~~a program of community based or outpatient services to the~~
18 ~~satisfaction of the court, the court shall dismiss the criminal charges~~
19 ~~against the defendant with prejudice.~~

20 ~~—3. If, pursuant to NRS 176A.400, the district court issues an~~
21 ~~order granting probation to a defendant in a criminal proceeding~~
22 ~~with a condition that the defendant submit to mental health~~
23 ~~treatment and comply with instructions, admission to a program of~~
24 ~~community based or outpatient services may be used to satisfy such~~
25 ~~a condition if the Division makes a clinical determination that~~
26 ~~placement in a program of community based or outpatient services~~
27 ~~is appropriate.~~

28 ~~—4. A court shall not admit a person to a program of community-~~
29 ~~based or outpatient services unless:~~

30 ~~—(a) A program of community based or outpatient services is~~
31 ~~available in the community in which the person resides or is~~
32 ~~otherwise made available to the person;~~

33 ~~—(b) The person is 18 years of age or older;~~

34 ~~—(c) The person has a history of noncompliance with treatment~~
35 ~~for mental illness;~~

36 ~~—(d) The person is capable of surviving safely in the community~~
37 ~~in which he or she resides with available supervision;~~

38 ~~—(e) The court determines that, based on the person's history of~~
39 ~~treatment for mental illness, the person needs to be admitted to a~~
40 ~~program of community based or outpatient services to prevent~~
41 ~~further disability or deterioration of the person which presents a~~
42 ~~substantial likelihood of serious harm to himself or herself or others,~~
43 ~~as determined pursuant to NRS 433A.0195;~~

44 ~~—(f) The current mental status of the person or the nature of the~~
45 ~~person's illness limits or negates his or her ability to make an~~



1 informed decision to seek treatment for mental illness voluntarily or
2 to comply with recommended treatment for mental illness;

3 ~~—(g) The program of community based or outpatient services is~~
4 ~~the least restrictive treatment which is in the best interest of the~~
5 ~~person; and~~

6 ~~—(h) The court has approved a plan of treatment developed for the~~
7 ~~person pursuant to NRS 433A.315.~~

8 ~~—5.]~~ Except as otherwise provided in NRS 432B.608, an
9 involuntary admission pursuant to paragraph (b) of subsection 1 ~~for~~
10 ~~paragraph (b) of subsection 2]~~ automatically expires at the end of 6
11 months if not terminated previously by the medical director of the
12 public or private mental health facility *after a determination by the*
13 *physician primarily responsible for treating the patient, a*
14 *psychiatrist or an advanced practice registered nurse* as provided
15 for in subsection ~~[2]~~ 3 of NRS 433A.390 . ~~for by the professional~~
16 ~~responsible for providing or coordinating the program of~~
17 ~~community based or outpatient services as provided for in~~
18 ~~subsection 3 of NRS 433A.390.]~~ Except as otherwise provided in
19 NRS 432B.608, at the end of the *involuntary* court-ordered ~~[period~~
20 ~~of treatment,]~~ *admission*, the Division ~~[;]~~ *or* any mental health
21 facility that is not operated by the Division ~~for a program of~~
22 ~~community based or outpatient services]~~ may petition to renew the
23 involuntary admission of the person for additional periods not to
24 exceed 6 months each. For each renewal, the petition must include
25 evidence which meets the same standard set forth in subsection 1 ~~for~~
26 ~~2]~~ that was required for the initial period of admission of the person
27 to a public or private mental health facility . ~~for to a program of~~
28 ~~community based or outpatient services.~~

29 ~~—6.]~~ 3. Before issuing an order for involuntary admission or a
30 renewal thereof, the court shall explore other alternative courses of
31 treatment within the least restrictive appropriate environment,
32 including ~~[involuntary admission to a program of community based~~
33 ~~or outpatient services,]~~ *assisted outpatient treatment*, as suggested
34 by the evaluation team who evaluated the person, or other persons
35 professionally qualified in the field of psychiatric mental health,
36 which the court believes may be in the best interests of the person.

37 ~~[7.]~~ 4. If the court issues an order involuntarily admitting a
38 person to a public or private mental health facility ~~for to a program~~
39 ~~of community based or outpatient services]~~ pursuant to this section,
40 the court ~~[shall,]~~ *must*, notwithstanding the provisions of
41 NRS 433A.715, cause, within 5 business days after the order
42 becomes final pursuant to this section, on a form prescribed by the
43 Department of Public Safety, a record of the order to be transmitted
44 to:



1 (a) The Central Repository for Nevada Records of Criminal
2 History, along with a statement indicating that the record is being
3 transmitted for inclusion in each appropriate database of the
4 National Instant Criminal Background Check System; and

5 (b) Each law enforcement agency of this State with which the
6 court has entered into an agreement for such transmission, along
7 with a statement indicating that the record is being transmitted for
8 inclusion in each of this State's appropriate databases of information
9 relating to crimes.

10 ~~18.1~~ **5.** *After issuing an order pursuant to this section, a court*
11 *shall not transfer the case to another court.*

12 **6.** *A public or private mental health facility to which a person*
13 *is involuntarily admitted pursuant to this section shall notify the*
14 *court and the counsel for the person if the person is transferred to*
15 *another facility.*

16 **7.** As used in this section, "National Instant Criminal
17 Background Check System" has the meaning ascribed to it in
18 NRS 179A.062.

19 **Sec. 44.** NRS 433A.320 is hereby amended to read as follows:

20 433A.320 The order for involuntary ~~court~~ ***court-ordered***
21 admission of any person to a public or private mental health facility
22 ~~for to a program of community based or outpatient services~~ must
23 be accompanied by a clinical abstract, including a history of illness,
24 diagnosis, treatment and the names of relatives or correspondents.

25 **Sec. 45.** NRS 433A.350 is hereby amended to read as follows:

26 433A.350 1. Upon admission to any public or private mental
27 health facility or to ~~a program of community based or outpatient~~
28 ~~services.~~ ***assisted outpatient treatment,*** each consumer and the
29 consumer's spouse and legal guardian, if any, must receive a written
30 statement outlining in simple, nontechnical language all procedures
31 for release provided by this chapter, setting out all rights accorded to
32 such a consumer by this chapter and chapters 433 and 433B of NRS
33 and, if the consumer has no legal guardian, describing procedures
34 provided by law for adjudication of incapacity and appointment of a
35 guardian for the consumer.

36 2. Written information regarding the services provided by and
37 means of contacting the local office of an agency or organization
38 that receives money from the Federal Government pursuant to 42
39 U.S.C. §§ 10801 et seq., to protect and advocate the rights of
40 persons in a mental health crisis must be posted in each public and
41 private mental health facility and in each location in which ~~a~~
42 ~~program of community based or outpatient services~~ ***assisted***
43 ***outpatient treatment*** is provided and must be provided to each
44 consumer upon admission.



1 **Sec. 46.** NRS 433A.360 is hereby amended to read as follows:
2 433A.360 1. A clinical record for each consumer must be
3 diligently maintained by any division facility, private institution,
4 facility offering mental health services or ~~program of community-~~
5 ~~based or outpatient services.]~~ *person professionally qualified in the*
6 *field of psychiatric mental health responsible for providing*
7 *assisted outpatient treatment.* The record must include information
8 pertaining to the consumer's admission, legal status, treatment and
9 individualized plan for habilitation. The clinical record is not a
10 public record and no part of it may be released, except as otherwise
11 provided in subsection 2 or except:

12 (a) If the release is authorized or required pursuant to
13 NRS 439.538.

14 (b) The record must be released to physicians, advanced practice
15 registered nurses, attorneys and social agencies as specifically
16 authorized in writing by the consumer, the consumer's parent,
17 guardian or attorney.

18 (c) The record must be released to persons authorized by the
19 order of a court of competent jurisdiction.

20 (d) The record or any part thereof may be disclosed to a
21 qualified member of the staff of a division facility, an employee of
22 the Division or a member of the staff of an agency in Nevada which
23 has been established pursuant to the Developmental Disabilities
24 Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et
25 seq., or the Protection and Advocacy for Mentally Ill Individuals
26 Act of 1986, 42 U.S.C. §§ 10801 et seq., when the Administrator
27 deems it necessary for the proper care of the consumer.

28 (e) Information from the clinical records may be used for
29 statistical and evaluative purposes if the information is abstracted in
30 such a way as to protect the identity of individual consumers.

31 (f) To the extent necessary for a consumer to make a claim, or
32 for a claim to be made on behalf of a consumer for aid, insurance or
33 medical assistance to which the consumer may be entitled,
34 information from the records may be released with the written
35 authorization of the consumer or the consumer's guardian.

36 (g) The record must be released without charge to any member
37 of the staff of an agency in Nevada which has been established
38 pursuant to 42 U.S.C. §§ 15001 et seq. or 42 U.S.C. §§ 10801 et
39 seq. if:

40 (1) The consumer is a consumer of that office and the
41 consumer or the consumer's legal representative or guardian
42 authorizes the release of the record; or

43 (2) A complaint regarding a consumer was received by the
44 office or there is probable cause to believe that the consumer has
45 been abused or neglected and the consumer:



1 (I) Is unable to authorize the release of the record because
2 of the consumer's mental or physical condition; and

3 (II) Does not have a guardian or other legal representative
4 or is a ward of the State.

5 (h) The record must be released as provided in NRS 433.332 or
6 433B.200 and in chapter 629 of NRS.

7 2. A division facility, private institution, facility offering
8 mental health services or ~~program of community-based or~~
9 ~~outpatient services~~ *person professionally qualified in the field of*
10 *psychiatric mental health responsible for providing assisted*
11 *outpatient treatment* and any other person or entity having
12 information concerning a consumer, including, without limitation, a
13 clinical record, any part thereof or any information contained
14 therein, may disclose such information to a provider of health care
15 to assist with treatment provided to the consumer.

16 3. As used in this section ~~is~~:

17 ~~—(a) “Consumer” includes any person who seeks, on the person’s~~
18 ~~own or others’ initiative, and can benefit from, care, treatment and~~
19 ~~training in a private institution or facility offering mental health~~
20 ~~services, from treatment to competency in a private institution or~~
21 ~~facility offering mental health services, or from a program of~~
22 ~~community-based or outpatient services.~~

23 ~~—(b) “Provider”~~, *“provider* of health care” has the meaning
24 ascribed to it in NRS 629.031.

25 **Sec. 47.** NRS 433A.380 is hereby amended to read as follows:

26 433A.380 1. ~~Except as otherwise provided in subsection 4,~~
27 ~~any~~ *Any* person involuntarily admitted by a court may be
28 conditionally released from a public or private mental health facility
29 when, in the judgment of the medical director of the facility : ~~the~~

30 *(a) The* conditional release is in the best interest of the person ,
31 *will provide the least restrictive treatment that is appropriate for*
32 *the person* and will not be detrimental to the public welfare ~~is~~;

33 *(b) A community treatment program, social services agency,*
34 *mobile crisis team or multi-disciplinary team has agreed to provide*
35 *case management, support and supervision to the person to ensure*
36 *his or her compliance with the conditions of the release; and*

37 *(c) The person qualifies to receive case management, support*
38 *and supervision from the community treatment program, social*
39 *services agency, mobile crisis team or multi-disciplinary team.*

40 2. The medical director of the facility or the medical director's
41 designee shall prescribe the period for which the conditional release
42 is effective. The period must not extend beyond the last day of the
43 court-ordered period of ~~treatment~~ *admission* pursuant to NRS
44 433A.310. If the person has a legal guardian, the facility ~~shall~~
45 *must* notify the guardian *at least 3 days* before discharging the



1 person from the facility ~~{ }~~ *or, if the person will be released in less*
2 *than 3 days, as soon as practicable. Notification of the legal*
3 *guardian must be provided:*

4 (a) *In person or by telephone; or*

5 (b) *If the facility is not able to contact the guardian in person*
6 *or by telephone, by facsimile, electronic mail or certified mail.*

7 3. The legal guardian has discretion to determine where the
8 person will be released, taking into consideration any discharge plan
9 proposed by the facility assessment team. If the legal guardian does
10 not inform the facility as to where the person will be released within
11 3 days after the date of notification, the facility ~~{shall}~~ *must*
12 *discharge the person according to its proposed discharge plan.*

13 ~~{2.}~~ 4. *Before conditionally releasing a person from a public*
14 *or private mental health facility pursuant to this section, the*
15 *medical director of the facility must notify the court that ordered*
16 *the involuntary admission. The court may periodically review the*
17 *appropriateness of the conditional release and the terms thereof,*
18 *but the court may not terminate the conditional release except*
19 *through proceedings for involuntary admission pursuant to NRS*
20 *433A.200 to 433A.330, inclusive.*

21 5. When a person is conditionally released pursuant to
22 ~~{subsection 1,}~~ *this section,* the State or any of its agents or
23 employees are not liable for any debts or contractual obligations,
24 medical or otherwise, incurred or damages caused by the actions of
25 the person.

26 ~~{3.}~~ 6. When a person who has been adjudicated by a court to
27 be incapacitated is conditionally released from a mental health
28 facility, the administrative officer of the mental health facility shall
29 petition the court for restoration of full civil and legal rights as
30 deemed necessary to facilitate the incapacitated person's
31 rehabilitation. If the person has a legal guardian, the petition must be
32 filed with the court having jurisdiction over the guardianship.

33 ~~{4. A person who was involuntarily admitted by a court~~
34 ~~because he or she was likely to present a substantial likelihood of~~
35 ~~serious harm to himself or herself or others, as determined pursuant~~
36 ~~to NRS 433A.0195, may be conditionally released only if, at the~~
37 ~~time of the release, written notice is given to the court which~~
38 ~~admitted him or her, to the person's legal guardian and to the district~~
39 ~~attorney of the county in which the proceedings for admission were~~
40 ~~held.~~

41 ~~—5. Except as otherwise provided in subsection 7, the~~
42 ~~administrative officer of a public or private mental health facility or~~
43 ~~the administrative officer's designee shall order a person who is~~
44 ~~conditionally released from that facility pursuant to this section to~~
45 ~~return to the facility if a psychiatrist and a member of that person's~~



1 ~~treatment team who is professionally qualified in the field of~~
2 ~~psychiatric mental health determine that the conditional release is no~~
3 ~~longer appropriate because that person presents a substantial~~
4 ~~likelihood of serious harm to himself or herself or others, as~~
5 ~~determined pursuant to NRS 433A.0195. Except as otherwise~~
6 ~~provided in this subsection, the administrative officer or the~~
7 ~~designee shall, at least 3 days before the issuance of the order to~~
8 ~~return, give written notice of the order to the court that admitted the~~
9 ~~person to the facility and to the person's legal guardian. If an~~
10 ~~emergency exists in which the person presents a substantial~~
11 ~~likelihood of harm to himself or herself or others, as determined~~
12 ~~pursuant to NRS 433A.0195, the order must be submitted to the~~
13 ~~court and the legal guardian not later than 1 business day after the~~
14 ~~order is issued.~~

15 ~~—6. The court shall review an order submitted pursuant to~~
16 ~~subsection 5 and the current condition of the person who was~~
17 ~~ordered to return to the facility at its next regularly scheduled~~
18 ~~hearing for the review of petitions for involuntary court ordered~~
19 ~~admissions, but in no event later than 5 judicial days after the person~~
20 ~~is returned to the facility. The administrative officer or the~~
21 ~~administrative officer's designee shall give written notice to the~~
22 ~~person who was ordered to return to the facility, to the person's~~
23 ~~legal guardian and to the person's attorney, if known, of the time,~~
24 ~~date and place of the hearing and of the facts necessitating that~~
25 ~~person's return to the facility.~~

26 ~~—7. The provisions of subsection 5 do not apply if the period of~~
27 ~~conditional release has expired.]~~

28 **Sec. 48.** NRS 433A.390 is hereby amended to read as follows:

29 433A.390 1. When a consumer, involuntarily admitted to a
30 mental health facility or ~~[to a program of community based or~~
31 ~~outpatient services]~~ *required to receive assisted outpatient*
32 *treatment* by court order, is released at the end of the period
33 specified pursuant to NRS 433A.310 ~~[,]~~ *or section 18 of this act, as*
34 *applicable*, written notice must be given to the ~~[admitting]~~ court
35 ~~[and to the consumer's legal guardian at least 10]~~ *that issued the*
36 *order not later than 3 judicial* days ~~[before]~~ *after* the release of the
37 consumer. The consumer may ~~[then]~~ be released without requiring
38 further orders of the court. If the consumer has a legal guardian, the
39 facility or the ~~[professional]~~ *person professionally qualified in the*
40 *field of psychiatric mental health* responsible for providing ~~[or~~
41 ~~coordinating]~~ the ~~[program of community based or outpatient~~
42 ~~services]~~ *assisted outpatient treatment* shall notify the guardian *in*
43 *the manner prescribed by subsection 6 at least 3 days* before
44 discharging the consumer from the facility or ~~[program.]~~ *treatment*



1 *or, if the consumer will be released in less than 3 days, as soon as*
2 *practicable.*

3 2. The legal guardian *of a consumer involuntarily admitted to*
4 *a mental health facility, if applicable*, has discretion to determine
5 where the consumer will be released ~~[;]~~ *pursuant to subsection 1*,
6 taking into consideration any discharge plan proposed by the facility
7 assessment team . ~~[or the professional responsible for providing or~~
8 ~~coordinating the program of community based or outpatient~~
9 ~~services.]~~ If the legal guardian does not inform the facility ~~[or~~
10 ~~professional]~~ as to where the consumer will be released within 3
11 days after the date of notification, the facility ~~[or professional shall]~~
12 *must* discharge the consumer according to its proposed discharge
13 plan.

14 ~~[2.]~~ 3. A consumer who is involuntarily admitted to a mental
15 health facility may be unconditionally released before the period
16 specified in NRS 433A.310 when ~~[;~~

17 ~~—(a) An evaluation team established under NRS 433A.250 or two~~
18 ~~persons professionally qualified in the field of psychiatric mental~~
19 ~~health, at least one of them being a] the physician ~~[;]~~ *primarily*
20 *responsible for treating the patient, a psychiatrist or an advanced*
21 *practice registered nurse who has the psychiatric training and*
22 *experience prescribed by the State Board of Nursing pursuant to*
23 *NRS 632.120* determines that the consumer is no longer a person in
24 a mental health crisis . ~~[; and~~~~

25 ~~—(b) Under advisement from the evaluation team or two persons~~
26 ~~professionally qualified in the field of psychiatric mental health, at~~
27 ~~least one of them being a physician, the medical director of the~~
28 ~~mental health facility authorizes the release and gives written notice~~
29 ~~to the admitting court and to the consumer's legal guardian at least~~
30 ~~10 days before the release of the consumer.]~~ If the consumer has a
31 legal guardian, the facility shall notify the guardian *in the manner*
32 *prescribed by subsection 6 at least 3 days* before discharging the
33 consumer from the facility ~~[;]~~ *or, if the consumer will be released*
34 *in less than 3 days, as soon as practicable.* The legal guardian , *if*
35 *applicable*, has discretion to determine where the consumer will be
36 released, taking into consideration any discharge plan proposed by
37 the facility assessment team. If the legal guardian does not inform
38 the facility as to where the consumer will be released within 3 days
39 after the date of notification, the facility shall discharge the
40 consumer according to its proposed discharge plan.

41 ~~[3.]~~ 4. A consumer who is ~~[involuntarily admitted to a~~
42 ~~program of community based or outpatient services]~~ *required to*
43 *receive assisted outpatient treatment* may be unconditionally
44 released before the period specified in ~~[NRS 433A.310]~~ *section 18*
45 *of this act* when ~~[;~~



1 ~~—(a) The~~ *the* ~~[professional]~~ *person professionally qualified in*
2 *the field of psychiatric mental health* responsible for providing ~~for~~
3 ~~coordinating]~~ the ~~[program of community based or outpatient~~
4 ~~services]~~ *assisted outpatient treatment* for the consumer determines
5 that ~~[the consumer is no longer a person in a mental health crisis;~~
6 ~~and~~

7 ~~—(b) Under advisement from an evaluation team established under~~
8 ~~NRS 433A.250 or two persons professionally qualified in the field~~
9 ~~of psychiatric mental health, at least one of them being a physician,~~
10 ~~the professional responsible for providing or coordinating the~~
11 ~~program of community based or outpatient services for~~
12 ~~the consumer authorizes the release and gives written notice to the~~
13 ~~admitting court at least 10 days before the release of the consumer~~
14 ~~from the program.] :~~

15 *(a) The consumer no longer requires assisted outpatient*
16 *treatment to prevent further disability or deterioration that would*
17 *result in the person becoming a person in a mental health crisis;*

18 *(b) The consumer is willing and likely to voluntarily*
19 *participate in outpatient treatment that enables the person to live*
20 *safely in the community without the supervision of the court; or*

21 *(c) After the order for assisted outpatient treatment has been*
22 *effective for at least 30 days, the assisted outpatient treatment is*
23 *not meeting the needs of the consumer.*

24 *5. If a consumer who will be released from assisted outpatient*
25 *treatment pursuant to subsection 4 has a legal guardian, the*
26 *person professionally qualified in the field of psychiatric mental*
27 *health responsible for providing the assisted outpatient treatment*
28 *to the consumer shall notify the guardian in the manner*
29 *prescribed by subsection 6 at least 3 days before discharging the*
30 *consumer from the treatment or, if the consumer will be released*
31 *in less than 3 days, as soon as practicable.*

32 *6. Notification of a guardian pursuant to subsection 1, 3 or 5*
33 *must be provided:*

34 *(a) In person or by telephone; or*

35 *(b) If the mental health facility or the person professionally*
36 *qualified in the field of psychiatric mental health, as applicable, is*
37 *not able to contact the guardian in person or by telephone, by*
38 *facsimile, electronic mail or certified mail.*

39 *7. A mental health facility or a person professionally*
40 *qualified in the field of psychiatric mental health responsible for*
41 *providing treatment to a consumer shall provide written notice to*
42 *the court that issued the order not later than 3 judicial days after*
43 *unconditionally releasing a consumer pursuant to subsection 3 or*
44 *4.*



1 **Sec. 48.5.** NRS 433A.400 is hereby amended to read as
2 follows:

3 433A.400 1. An indigent resident of this state discharged as
4 having been determined to no longer be a person in a mental health
5 crisis, but having a residual medical or surgical disability which
6 prevents him or her from obtaining or holding remunerative
7 employment, must be returned to the county of his or her last
8 residence, except as otherwise provided pursuant to subsections 2
9 and 3. A nonresident indigent with such disabilities must be
10 returned to the county from which he or she was involuntarily court-
11 admitted, except as otherwise provided in subsections 2 and 3. The
12 administrative officer of the mental health facility shall first give
13 notice in writing, not less than 10 days before discharge, to the
14 board of county commissioners of the county to which the person
15 will be returned and to the person's legal guardian.

16 2. Delivery of the indigent person must be made to an
17 individual or agency authorized to provide further care. If the person
18 has a legal guardian, the facility shall notify the guardian before
19 discharging the person from the facility. The legal guardian has
20 discretion to determine where the person will be released, taking
21 into consideration any discharge plan proposed by the facility
22 assessment team. If the legal guardian does not inform the facility as
23 to where the person will be released within 3 days after the date of
24 notification, the facility shall discharge the person according to its
25 proposed discharge plan. *Notification of a guardian pursuant to*
26 *this subsection must be provided:*

27 (a) *In person or by telephone; or*

28 (b) *If the mental health facility is not able to contact the*
29 *guardian in person or by telephone, by facsimile, electronic mail*
30 *or certified mail.*

31 3. An indigent person may be delivered to a state that is a party
32 to the Interstate Compact on Mental Health ratified and enacted in
33 NRS 433.4543 regardless of residency in the manner provided in the
34 Compact.

35 4. This section does not authorize the release of any person
36 held upon an order of a court or judge having criminal jurisdiction
37 arising out of a criminal offense.

38 **Sec. 49.** NRS 433A.460 is hereby amended to read as follows:

39 433A.460 No person admitted to a public or private mental
40 health facility or ~~[to a program of community based or outpatient~~
41 ~~services]~~ *who receives assisted outpatient treatment* pursuant to this
42 chapter shall, by reason of such admission ~~[:]~~ *or treatment*, be
43 denied the right to dispose of property, marry, execute instruments,
44 make purchases, enter into contractual relationships, vote and hold a
45 driver's license, unless such person has been specifically



1 adjudicated incapacitated by a court of competent jurisdiction and
2 has not been restored to legal capacity.

3 **Sec. 50.** NRS 433A.580 is hereby amended to read as follows:

4 433A.580 No person may be admitted *or transferred* to a
5 private mental hospital ~~[,] or a division mental health facility~~ ~~[or a program~~
6 ~~of community-based or outpatient services]~~ , *ordered to receive*
7 *assisted outpatient treatment or transferred to a different person*
8 *professionally qualified in the field of psychiatric mental health to*
9 *provide assisted outpatient treatment* pursuant to the provisions of
10 this chapter unless mutually agreeable financial arrangements
11 relating to the costs of treatment are made between the private
12 hospital, division facility or ~~[professional]~~ *person professionally*
13 *qualified in the field of psychiatric mental health* responsible for
14 providing ~~[or coordinating a program of community-based or~~
15 ~~outpatient services]~~ *assisted outpatient treatment* and the consumer
16 or person requesting his or her admission.

17 **Sec. 51.** NRS 433A.600 is hereby amended to read as follows:

18 433A.600 1. A person who is admitted to a division facility
19 or ~~[to a program of community-based or outpatient services]~~ *who*
20 *receives assisted outpatient treatment* operated by the Division and
21 not determined to be indigent and every responsible relative
22 pursuant to NRS 433A.610 of the person shall be charged for the
23 cost of treatment and is liable for that cost. If after demand is made
24 for payment the person or his or her responsible relative fails to pay
25 that cost, the administrative officer or ~~[professional]~~ *person*
26 *professionally qualified in the field of psychiatric mental health*
27 responsible for providing ~~[or coordinating]~~ the ~~[program of~~
28 ~~community-based or outpatient services,]~~ *assisted outpatient*
29 *treatment*, as applicable, may recover the amount due by civil
30 action.

31 2. All sums received pursuant to subsection 1 must be
32 deposited in the State Treasury and may be expended by the
33 Division for the support of that facility or ~~[program]~~ *of assisted*
34 *outpatient treatment* in accordance with the allotment, transfer,
35 work program and budget provisions of NRS 353.150 to 353.245,
36 inclusive.

37 **Sec. 52.** NRS 433A.640 is hereby amended to read as follows:

38 433A.640 1. Once a court has ordered the admission of a
39 person to a division facility, the administrative officer ~~[shall]~~ *must*
40 make an investigation, pursuant to the provisions of this chapter, to
41 determine whether the person or his or her responsible relatives
42 pursuant to NRS 433A.610 are capable of paying for all or a portion
43 of the costs that will be incurred during the period of admission.

44 2. If a person is admitted to a division facility or ~~[program of~~
45 ~~community-based or outpatient services]~~ *required to receive*



1 *assisted outpatient treatment* pursuant to a court order, that person
2 and his or her responsible relatives are responsible for the payment
3 of the actual cost of the treatment and services rendered during his
4 or her admission to the division facility or ~~[program]~~ *while he or*
5 *she is receiving assisted outpatient treatment* unless the
6 investigation reveals that the person and his or her responsible
7 relatives are not capable of paying the full amount of the costs.

8 3. Once a court has ordered ~~[the admission of a person to a~~
9 ~~program of community based or outpatient services]~~ *a person to*
10 *receive assisted outpatient treatment* operated by the Division, the
11 ~~[professional]~~ *person professionally qualified in the field of*
12 *psychiatric mental health* responsible for providing ~~[or~~
13 ~~coordinating]~~ the ~~[program shall]~~ *assisted outpatient treatment*
14 *must* make an investigation, pursuant to the provisions of this
15 chapter, to determine whether the person *receiving the treatment* or
16 his or her responsible relatives pursuant to NRS 433A.610 are
17 capable of paying for all or a portion of the costs that will be
18 incurred during the period of ~~[admission.]~~ *treatment.*

19 **Sec. 53.** NRS 433A.650 is hereby amended to read as follows:

20 433A.650 Determination of ability to pay pursuant to NRS
21 433A.640 ~~[shall]~~ *must* include investigation of whether the
22 consumer has benefits due and owing to the consumer for the cost of
23 his or her treatment from third-party sources, such as Medicare,
24 Medicaid, social security, medical insurance benefits, retirement
25 programs, annuity plans, government benefits or any other
26 financially responsible third parties. The administrative officer of a
27 division mental health facility or ~~[professional]~~ *person*
28 *professionally qualified in the field of psychiatric mental health*
29 responsible for providing ~~[or coordinating a program of community-~~
30 ~~based or outpatient services]~~ *the assisted outpatient treatment* may
31 accept payment for the cost of a consumer's treatment from the
32 consumer's insurance company, Medicare or Medicaid and other
33 similar third parties.

34 **Sec. 54.** NRS 433A.660 is hereby amended to read as follows:

35 433A.660 1. If the consumer, his or her responsible relative
36 pursuant to NRS 433A.610, guardian or the estate neglects or
37 refuses to pay the cost of treatment to the division facility or to the
38 ~~[program of community based or outpatient services]~~ *person*
39 *professionally qualified in the field of psychiatric mental health*
40 *responsible for providing the assisted outpatient treatment*
41 operated by the Division rendering service pursuant to the fee
42 schedule established under NRS 433.404 or 433B.250, as
43 appropriate, the State is entitled to recover by appropriate legal
44 action all sums due, plus interest.



1 2. Before initiating such legal action, the division facility or
2 program, as applicable, shall demonstrate efforts at collection,
3 which may include contractual arrangements for collection through
4 a private collection agency.

5 **Sec. 55.** NRS 433A.713 is hereby amended to read as follows:

6 433A.713 1. Each public or private mental health facility and
7 hospital in this State shall, in the manner and time prescribed by
8 regulation of the State Board of Health, report to the Division:

9 (a) The number of ~~applications for emergency admission~~
10 ~~received by~~ *persons placed on a mental health crisis hold at* the
11 mental health facility or hospital pursuant to NRS 433A.160 during
12 the immediately preceding quarter; and

13 (b) Any other information prescribed by regulation of the State
14 Board of Health.

15 2. The State Board of Health may adopt regulations that
16 require a public or private mental health facility or hospital to adopt
17 a plan for the discharge of a person admitted to the facility or
18 hospital in accordance with the provisions of this chapter and that
19 prescribe the contents of such a plan.

20 **Sec. 56.** NRS 433A.715 is hereby amended to read as follows:

21 433A.715 1. A court shall seal all court records relating to
22 ~~the admission and treatment of any person who was admitted,~~
23 ~~voluntarily or as the result of a noncriminal proceeding, to a public~~
24 ~~or private hospital, a mental health facility or a program of~~
25 ~~community based or outpatient services in this State for the purpose~~
26 ~~of obtaining mental health treatment.]~~ *proceedings under this*
27 *chapter.*

28 2. Except as otherwise provided in subsections 4, 5 and 6, a
29 person or governmental entity that wishes to inspect records that are
30 sealed pursuant to this section must file a petition with the court that
31 sealed the records. Upon the filing of a petition, the court shall fix a
32 time for a hearing on the matter. The petitioner must provide notice
33 of the hearing and a copy of the petition to the person who is the
34 subject of the records. If the person who is the subject of the records
35 wishes to oppose the petition, the person must appear before the
36 court at the hearing. If the person appears before the court at the
37 hearing, the court must provide the person an opportunity to be
38 heard on the matter.

39 3. After the hearing described in subsection 2, the court may
40 order the inspection of records that are sealed pursuant to this
41 section if:

42 (a) A law enforcement agency must obtain or maintain
43 information concerning persons who have been admitted to a public
44 or private hospital ~~or~~ *or* a mental health facility or ~~a program of~~



1 ~~community based or outpatient services~~ *received assisted*
2 *outpatient treatment* in this State pursuant to state or federal law;

3 (b) A prosecuting attorney or an attorney who is representing the
4 person who is the subject of the records in a criminal action requests
5 to inspect the records; or

6 (c) The person who is the subject of the records petitions the
7 court to permit the inspection of the records by a person named in
8 the petition.

9 4. A governmental entity is entitled to inspect court records
10 that are sealed pursuant to this section without following the
11 procedure described in subsection 2 if:

12 (a) The governmental entity has made a conditional offer of
13 employment to the person who is the subject of the records;

14 (b) The position of employment conditionally offered to the
15 person concerns public safety, including, without limitation,
16 employment as a firefighter or peace officer;

17 (c) The governmental entity is required by law, rule, regulation
18 or policy to obtain the mental health records of each individual
19 conditionally offered the position of employment; and

20 (d) An authorized representative of the governmental entity
21 presents to the court a written authorization signed by the person
22 who is the subject of the records and notarized by a notary public or
23 judicial officer in which the person who is the subject of the records
24 consents to the inspection of the records.

25 5. Upon the request of a public or private hospital or a mental
26 health facility to which a person has been admitted in this State, the
27 court shall:

28 (a) Authorize the release of a copy of any order which was
29 entered by the court pursuant to paragraph (b) of subsection 1 of
30 NRS 433A.310 *or paragraph (b) of subsection 1 of section 18 of*
31 *this act* if:

32 (1) The request is in writing and includes the name and date
33 of birth of the person who is the subject of the requested order; and

34 (2) The hospital or facility certifies that:

35 (I) The person who is the subject of the requested order is,
36 at the time of the request, admitted to the hospital or facility and is
37 being treated for an alleged mental illness; and

38 (II) The requested order is necessary to improve the care
39 which is being provided to the person who is the subject of the
40 order.

41 (b) Place the request in the record under seal.

42 6. Upon its own order, any court of this State may inspect court
43 records that are sealed pursuant to this section without following the
44 procedure described in subsection 2 if the records are necessary and
45 relevant for the disposition of a matter pending before the court. The



1 court may allow a party in the matter to inspect the records without
2 following the procedure described in subsection 2 if the court deems
3 such inspection necessary and appropriate.

4 7. Following the sealing of records pursuant to this section, the
5 admission of the person who is the subject of the records to the
6 public or private hospital ~~[,] or~~ mental health facility or ~~[program of~~
7 ~~community-based or outpatient services,]~~ *the assisted outpatient*
8 *treatment of the person who is the subject of the records* is deemed
9 never to have occurred, and the person may answer accordingly any
10 question related to its occurrence, except in connection with:

11 (a) An application for a permit to carry a concealed firearm
12 pursuant to the provisions of NRS 202.3653 to 202.369, inclusive;

13 (b) A transfer of a firearm; or

14 (c) An application for a position of employment described in
15 subsection 4.

16 8. A court may disclose information contained in a record
17 sealed pursuant to this section to a provider of health care to assist
18 with treatment provided to the consumer.

19 9. As used in this section:

20 (a) "Firefighter" means a person who is a salaried employee of a
21 fire-fighting agency and whose principal duties are to control,
22 extinguish, prevent and suppress fires. As used in this paragraph,
23 "fire-fighting agency" means a public fire department, fire
24 protection district or other agency of this State or a political
25 subdivision of this State, the primary functions of which are to
26 control, extinguish, prevent and suppress fires.

27 (b) "Peace officer" has the meaning ascribed to it in
28 NRS 289.010.

29 (c) "Provider of health care" has the meaning ascribed to it in
30 NRS 629.031.

31 (d) "Seal" means placing records in a separate file or other
32 repository not accessible to the general public.

33 **Sec. 57.** NRS 433A.750 is hereby amended to read as follows:

34 433A.750 1. A person who:

35 (a) Without probable cause for believing a person is a person in
36 a mental health crisis causes or conspires with or assists another to
37 cause the involuntary court-ordered admission of the person under
38 this chapter; or

39 (b) Causes or conspires with or assists another to cause the
40 denial to any person of any right accorded to the person under this
41 chapter,

42 ➔ is guilty of a category D felony and shall be punished as provided
43 in NRS 193.130.

44 2. Unless a greater penalty is provided in subsection 1, a
45 person who knowingly and willfully violates any provision of this



1 chapter regarding the admission of a person to, or discharge of a
2 person from, a public or private mental health facility or ~~for a program~~
3 ~~of community based or outpatient services~~ *the commencement or*
4 *termination of assisted outpatient treatment* is guilty of a gross
5 misdemeanor.

6 3. A person who, without probable cause for believing another
7 person is a person in a mental health crisis, executes a petition,
8 application or certificate pursuant to this chapter, by which the
9 person secures or attempts to secure the apprehension,
10 hospitalization, detention, admission or restraint of the person
11 alleged to be a person in a mental health crisis, or any physician,
12 psychiatrist, ~~licensed~~ psychologist, advanced practice registered
13 nurse or other person professionally qualified in the field of
14 psychiatric mental health who knowingly makes any false certificate
15 or application pursuant to this chapter as to the mental condition of
16 any person is guilty of a category D felony and shall be punished as
17 provided in NRS 193.130.

18 **Sec. 58.** NRS 3.0105 is hereby amended to read as follows:

19 3.0105 1. There is hereby established, in each judicial district
20 that includes a county whose population is 100,000 or more, a
21 family court as a division of the district court.

22 2. If the caseload of the family court so requires, the Chief
23 Judge may assign one or more district judges of the judicial district
24 to act temporarily as judges of the family court.

25 3. If for any reason a judge of the family court is unable to act,
26 any other district judge of the judicial district may be assigned as
27 provided in subsection 2 to act temporarily as judge of the family
28 court.

29 4. A district judge assigned to the family court pursuant to
30 subsection 2 or 3 for a period of 90 or more days, except for a
31 district judge or hearing master assigned to hear proceedings
32 brought pursuant to NRS 433A.200 to 433A.330, inclusive, *or*
33 *sections 11 to 21, inclusive, of this act* must attend the instruction
34 required pursuant to subsection 1 of NRS 3.028. District judges
35 must not be assigned to the family court pursuant to subsections 2
36 and 3 on a rotating basis.

37 **Sec. 59.** NRS 3.223 is hereby amended to read as follows:

38 3.223 1. Except if the child involved is subject to the
39 jurisdiction of an Indian tribe pursuant to the Indian Child Welfare
40 Act of 1978, 25 U.S.C. §§ 1901 et seq., in each judicial district in
41 which it is established, the family court has original, exclusive
42 jurisdiction in any proceeding:

43 (a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125,
44 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of
45 NRS, except to the extent that a specific statute authorizes the use of



1 any other judicial or administrative procedure to facilitate the
2 collection of an obligation for support.

3 (b) Brought pursuant to NRS 442.255 and 442.2555 to request
4 the court to issue an order authorizing an abortion.

5 (c) For judicial approval of the marriage of a minor.

6 (d) Otherwise within the jurisdiction of the juvenile court.

7 (e) To establish the date of birth, place of birth or parentage of a
8 minor.

9 (f) To change the name of a minor.

10 (g) For a judicial declaration of the sanity of a minor.

11 (h) To approve the withholding or withdrawal of life-sustaining
12 procedures from a person as authorized by law.

13 (i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive,
14 for an involuntary court-ordered admission to a mental health
15 facility.

16 (j) *Brought pursuant to sections 11 to 21, inclusive, of this act*
17 *to require a person to receive assisted outpatient treatment.*

18 (k) Brought pursuant to NRS 441A.510 to 441A.720, inclusive,
19 for an involuntary court-ordered isolation or quarantine.

20 2. The family court, where established and, except as otherwise
21 provided in paragraph (m) of subsection 1 of NRS 4.370, the justice
22 court have concurrent jurisdiction over actions for the issuance of a
23 temporary or extended order for protection against domestic
24 violence.

25 3. The family court, where established, and the district court
26 have concurrent jurisdiction over any action for damages brought
27 pursuant to NRS 41.134 by a person who suffered injury as the
28 proximate result of an act that constitutes domestic violence.

29 **Sec. 60.** NRS 178.460 is hereby amended to read as follows:

30 178.460 1. If requested by the district attorney or counsel for
31 the defendant within 10 days after the report by the Administrator or
32 the Administrator's designee is sent to them, the judge shall hold a
33 hearing within 10 days after the request at which the district attorney
34 and the defense counsel may examine the members of the treatment
35 team on their report.

36 2. If the judge orders the appointment of a licensed psychiatrist
37 or psychologist who is not employed by the Division to perform an
38 additional evaluation and report concerning the defendant, the cost
39 of the additional evaluation and report is a charge against the
40 county.

41 3. Within 10 days after the hearing or 10 days after the report is
42 sent, if no hearing is requested, the judge shall make and enter a
43 finding of competence or incompetence, and if the judge finds the
44 defendant to be incompetent:



1 (a) Whether there is substantial probability that the defendant
2 can receive treatment to competency and will attain competency to
3 stand trial or receive pronouncement of judgment in the foreseeable
4 future; and

5 (b) Whether the defendant is at that time a danger to himself or
6 herself or to society.

7 4. If the judge finds the defendant:

8 (a) Competent, the judge shall, within 10 days, forward the
9 finding to the prosecuting attorney and counsel for the defendant.
10 Upon receipt thereof, the prosecuting attorney shall notify the
11 sheriff of the county or chief of police of the city that the defendant
12 has been found competent and prearrange with the facility for the
13 return of the defendant to that county or city for trial upon the
14 offense there charged or the pronouncement of judgment, as the case
15 may be.

16 (b) Incompetent, but there is a substantial probability that the
17 defendant can receive treatment to competency and will attain
18 competency to stand trial or receive pronouncement of judgment in
19 the foreseeable future and finds that the defendant is dangerous to
20 himself or herself or to society, the judge shall recommit the
21 defendant and may order the involuntary administration of
22 medication for the purpose of treatment to competency.

23 (c) Incompetent, but there is a substantial probability that the
24 defendant can receive treatment to competency and will attain
25 competency to stand trial or receive pronouncement of judgment in
26 the foreseeable future and finds that the defendant is not dangerous
27 to himself or herself or to society, the judge shall order that the
28 defendant remain an outpatient or be transferred to the status of an
29 outpatient under the provisions of NRS 178.425.


30 (d) Incompetent, with no substantial probability of attaining
31 competency in the foreseeable future, the judge shall order the
32 defendant released from custody or, if the defendant is an outpatient,
33 released from any obligations as an outpatient if, within 10 judicial
34 days, the prosecuting attorney has not filed a motion pursuant to
35 NRS 178.461 or if, within 10 judicial days, a petition is not filed ~~to~~
36 ~~commit~~ *for the involuntary court-ordered admission of* the person
37 *to a mental health facility* pursuant to NRS 433A.200. After the
38 initial 10 judicial days, the person may remain an outpatient or in
39 custody under the provisions of this chapter only as long as the
40 motion or petition is pending unless the person is committed to the
41 custody of the Administrator pursuant to NRS 178.461 or
42 involuntarily ~~committed~~ *admitted to a mental health facility*
43 pursuant to chapter 433A of NRS.

44 5. Except as otherwise provided in subsections 4 and 7 of NRS
45 178.461, no person who is committed under the provisions of this



1 chapter may be held in the custody of the Administrator or the
2 Administrator's designee longer than the longest period of
3 incarceration provided for the crime or crimes with which the
4 person is charged or 10 years, whichever period is shorter. Upon
5 expiration of the applicable period provided in this section,
6 subsection 4 or 7 of NRS 178.461 or subsection 4 of NRS 178.463,
7 the person must be returned to the committing court for a
8 determination as to whether or not involuntary commitment
9 pursuant to chapter 433A of NRS is required.

10 **Sec. 61.** NRS 179A.163 is hereby amended to read as follows:

11 179A.163 1. Upon receiving a record transmitted pursuant to
12 NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 
13 *or section 18 of this act*, the Central Repository:

14 (a) Shall take reasonable steps to ensure that the information
15 reported in the record is included in each appropriate database of the
16 National Instant Criminal Background Check System; and


17 (b) May take reasonable steps to ensure that the information
18 reported in the record is included in each appropriate database of the
19 National Crime Information Center.

20 2. Except as otherwise provided in subsection 3, if the Central
21 Repository receives a record described in subsection 1, the person
22 who is the subject of the record may petition the court for an order
23 declaring that:


24 (a) The basis for the adjudication reported in the record no
25 longer exists;

26 (b) The adjudication reported in the record is deemed not to
27 have occurred for purposes of 18 U.S.C. § 922(d)(4) and (g)(4) and
28 NRS 202.360; and

29 (c) The information reported in the record must be removed
30 from the National Instant Criminal Background Check System and
31 the National Crime Information Center.

32 3. To the extent authorized by federal law, if the record
33 concerning the petitioner was transmitted to the Central Repository
34 pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or
35 433A.310  *or section 18 of this act*, the petitioner may not file a
36 petition pursuant to subsection 2 until 3 years after the date of the
37 order transmitting the record to the Central Repository.

38 4. A petition filed pursuant to subsection 2 must be:

39 (a) Filed in the court which made the adjudication or finding
40 pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or
41 433A.310  *or section 18 of this act*; and

42 (b) Served upon the district attorney for the county in which the
43 court described in paragraph (a) is located.

44 5. The Nevada Rules of Civil Procedure govern all proceedings
45 concerning a petition filed pursuant to subsection 2.



1 6. The court shall grant the petition and issue the order
2 described in subsection 2 if the court finds that the petitioner has
3 established that:

4 (a) The basis for the adjudication or finding made pursuant to
5 NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 *or*
6 *section 18 of this act* concerning the petitioner no longer exists;

7 (b) The petitioner's record and reputation indicate that the
8 petitioner is not likely to act in a manner dangerous to public safety;
9 and

10 (c) Granting the relief requested by the petitioner pursuant to
11 subsection 2 is not contrary to the public interest.

12 7. Except as otherwise provided in this subsection, the
13 petitioner must establish the provisions of subsection 6 by a
14 preponderance of the evidence. If the adjudication or finding
15 concerning the petitioner was made pursuant to NRS 159.0593 or
16 433A.310, the petitioner must establish the provisions of subsection
17 6 by clear and convincing evidence.

18 8. The court, upon entering an order pursuant to this section,
19 shall cause, on a form prescribed by the Department of Public
20 Safety, a record of the order to be transmitted to the Central
21 Repository.

22 9. Within 5 business days after receiving a record of an order
23 transmitted pursuant to subsection 8, the Central Repository shall
24 take reasonable steps to ensure that information concerning the
25 adjudication or finding made pursuant to NRS 159.0593, 174.035,
26 175.533, 175.539, 178.425 or 433A.310 *or section 18 of this act* is
27 removed from the National Instant Criminal Background Check
28 System and the National Crime Information Center, if applicable.

29 10. If the Central Repository fails to remove a record as
30 provided in subsection 9, the petitioner may bring an action to
31 compel the removal of the record. If the petitioner prevails in the
32 action, the court may award the petitioner reasonable attorney's fees
33 and costs incurred in bringing the action.

34 11. If a petition brought pursuant to subsection 2 is denied, the
35 person who is the subject of the record may petition for a rehearing
36 not sooner than 2 years after the date of the denial of the petition.

37 **Sec. 62.** NRS 179A.165 is hereby amended to read as follows:

38 179A.165 1. Any record described in NRS 179A.163 is
39 confidential and is not a public book or record within the meaning
40 of NRS 239.010. A person may not use the record for any purpose
41 other than for a purpose related to criminal justice, including,
42 without limitation, inclusion in the appropriate database of the
43 National Instant Criminal Background Check System and the
44 National Crime Information Center, if applicable. The Central



1 Repository may disclose the record to any agency of criminal
2 justice.

3 2. If a person or governmental entity is required to transmit,
4 report or take any other action concerning a record pursuant to NRS
5 159.0593, 174.035, 175.533, 175.539, 178.425, 179A.163 or
6 433A.310 ~~H~~ *or section 18 of this act*, no action for damages may be
7 brought against the person or governmental entity for:

8 (a) Transmitting or reporting the record or taking any other
9 required action concerning the record;

10 (b) Failing to transmit or report the record or failing to take any
11 other required action concerning the record;

12 (c) Delaying the transmission or reporting of the record or
13 delaying in taking any other required action concerning the record;
14 or

15 (d) Transmitting or reporting an inaccurate or incomplete
16 version of the record or taking any other required action concerning
17 an inaccurate or incomplete version of the record.

18 **Sec. 63.** NRS 179A.167 is hereby amended to read as follows:

19 179A.167 1. The Central Repository shall permit a person
20 who is or believes he or she may be the subject of information
21 relating to records of mental health held by the Central Repository
22 to inspect and correct any information contained in such records.

23 2. The Central Repository shall adopt regulations and make
24 available necessary forms to permit inspection, review and
25 correction of information relating to records of mental health by
26 those persons who are the subjects thereof. The regulations must
27 specify:

28 (a) The requirements for proper identification of the persons
29 seeking access to the records; and

30 (b) The reasonable charges or fees, if any, for inspecting
31 records.

32 3. The Director of the Department shall adopt regulations
33 governing:

34 (a) All challenges to the accuracy or sufficiency of information
35 or records of mental health by the person who is the subject of the
36 allegedly inaccurate or insufficient record;

37 (b) The correction of any information relating to records of
38 mental health found by the Director to be inaccurate, insufficient or
39 incomplete in any material respect;

40 (c) The dissemination of corrected information to those persons
41 or agencies which have previously received inaccurate or
42 incomplete information; and

43 (d) A reasonable time limit within which inaccurate or
44 insufficient information relating to records of mental health must be
45 corrected and the corrected information disseminated.



1 4. As used in this section, “information relating to records of
2 mental health” means information contained in a record:

3 (a) Transmitted to the Central Repository pursuant to NRS
4 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 ~~§~~ *or*
5 *section 18 of this act*; or

6 (b) Transmitted to the National Instant Criminal Background
7 Check System or the National Crime Information Center pursuant to
8 NRS 179A.163.

9 **Sec. 64.** NRS 388.253 is hereby amended to read as follows:

10 388.253 1. The Department shall, with assistance from other
11 state agencies, including, without limitation, the Division of
12 Emergency Management, the Investigation Division, and the
13 Nevada Highway Patrol Division of the Department of Public
14 Safety, develop a model plan for the management of:

15 (a) A suicide; or

16 (b) A crisis or emergency that involves a public school or a
17 private school and that requires immediate action.

18 2. The model plan must include, without limitation, a
19 procedure for:

20 (a) In response to a crisis or emergency:

21 (1) Coordinating the resources of local, state and federal
22 agencies, officers and employees, as appropriate;

23 (2) Accounting for all persons within a school;

24 (3) Assisting persons within a school in a school district, a
25 charter school or a private school to communicate with each other;

26 (4) Assisting persons within a school in a school district, a
27 charter school or a private school to communicate with persons
28 located outside the school, including, without limitation, relatives of
29 pupils and relatives of employees of such a school, the news media
30 and persons from local, state or federal agencies that are responding
31 to a crisis or an emergency;

32 (5) Assisting pupils of a school in the school district, a
33 charter school or a private school, employees of such a school and
34 relatives of such pupils and employees to move safely within and
35 away from the school, including, without limitation, a procedure for
36 evacuating the school and a procedure for securing the school;

37 (6) Reunifying a pupil with his or her parent or legal
38 guardian;

39 (7) Providing any necessary medical assistance;

40 (8) Recovering from a crisis or emergency;

41 (9) Carrying out a lockdown at a school;

42 (10) Providing shelter in specific areas of a school; and

43 (11) Providing disaster behavioral health related to a crisis,
44 emergency or suicide;



1 (b) Providing specific information relating to managing a crisis
2 or emergency that is a result of:

3 (1) An incident involving hazardous materials;

4 (2) An incident involving mass casualties;

5 (3) An incident involving an active shooter;

6 (4) An incident involving a fire, explosion or other similar
7 situation;

8 (5) An outbreak of disease;

9 (6) Any threat or hazard identified in the hazard mitigation
10 plan of the county in which the school district is located, if such a
11 plan exists; or

12 (7) Any other situation, threat or hazard deemed appropriate;

13 (c) Providing pupils and staff at a school that has experienced a
14 crisis or emergency with access to counseling and other resources to
15 assist in recovering from the crisis or emergency;

16 (d) Evacuating pupils and employees of a charter school to a
17 designated space within an identified public middle school, junior
18 high school or high school in a school district that is separate from
19 the general population of the school and large enough to
20 accommodate the charter school, and such a space may include,
21 without limitation, a gymnasium or multipurpose room of the public
22 school;

23 (e) Selecting an assessment tool which assists in responding to a
24 threat against the school by a pupil or pupils;

25 (f) On an annual basis, providing drills to instruct pupils in the
26 appropriate procedures to be followed in response to a crisis or an
27 emergency. Such drills must occur:

28 (1) At different times during normal school hours; and

29 (2) In cooperation with other state agencies, pursuant to this
30 section.

31 (g) Responding to a suicide or attempted suicide to mitigate the
32 effects of the suicide or attempted suicide on pupils and staff at the
33 school, including, without limitation, by making counseling and
34 other appropriate resources to assist in recovering from the suicide
35 or attempted suicide available to pupils and staff;

36 (h) Providing counseling and other appropriate resources to
37 pupils and school staff who have contemplated or attempted suicide;

38 (i) Outreach to persons and organizations located in the
39 community in which a school that has had a suicide by a pupil,
40 including, without limitation, religious and other nonprofit
41 organizations, that may be able to assist with the response to the
42 suicide;

43 (j) Addressing the needs of pupils at a school that has
44 experienced a crisis, emergency or suicide who are at a high risk of



1 suicide, including, without limitation, pupils who are members of
2 the groups described in subsection 3 of NRS 388.256; and

3 (k) Responding to a pupil who is determined to be a person in
4 mental health crisis, as defined in NRS 433A.0175, including,
5 without limitation:

6 (1) Utilizing mobile mental health crisis response units,
7 where available, before transporting the pupil to a public or private
8 mental health facility pursuant to subparagraph (2); and

9 (2) Transporting the pupil to a public or private mental health
10 facility or hospital for ~~admission~~ *placement on a mental health*
11 *crisis hold* pursuant to NRS ~~[433A.150.]~~ *433A.160.*

12 3. In developing the model plan, the Department shall consider
13 the plans developed pursuant to NRS 388.243 and 394.1687 and
14 updated pursuant to NRS 388.245 and 394.1688.

15 4. The Department shall require a school district to ensure that
16 each public school in the school district identified pursuant to
17 paragraph (d) of subsection 2 is prepared to allow a charter school to
18 evacuate to the school when necessary in accordance with the
19 procedure included in the model plan developed pursuant to
20 subsection 1. A charter school shall hold harmless, indemnify and
21 defend the school district to which it evacuates during a crisis or an
22 emergency against any claim or liability arising from an act or
23 omission by the school district or an employee or officer of the
24 school district.

25 5. The Department may disseminate to any appropriate local,
26 state or federal agency, officer or employee, as the Department
27 determines is necessary:

28 (a) The model plan developed by the Department pursuant to
29 subsection 1;

30 (b) A plan developed pursuant to NRS 388.243 or updated
31 pursuant to NRS 388.245;

32 (c) A plan developed pursuant to NRS 394.1687 or updated
33 pursuant to NRS 394.1688; and

34 (d) A deviation approved pursuant to NRS 388.251 or 394.1692.

35 6. The Department shall, at least once each year, review and
36 update as appropriate the model plan developed pursuant to
37 subsection 1.

38 **Sec. 65.** NRS 388.476 is hereby amended to read as follows:

39 388.476 “Chemical restraint” means the administration of
40 drugs *to a person* for the specific and exclusive purpose of
41 controlling an acute or episodic ~~aggressive~~ *behavior that places*
42 *the person or others at a risk of harm* when *less restrictive*
43 *alternative intervention techniques* have failed to limit or control the
44 behavior. The term does not include the administration of drugs ~~[on~~
45 ~~a regular basis, as]~~ prescribed by a physician, ~~[to treat the symptoms~~



~~of] physician assistant or advanced practice registered nurse as standard treatment for the mental [.] or physical [., emotional or behavioral disorders and for assisting a person in gaining self-control over his or her impulses.] condition of the person.~~

Sec. 66. NRS 394.355 is hereby amended to read as follows:

394.355 “Chemical restraint” means the administration of drugs *to a person* for the specific and exclusive purpose of controlling an acute or episodic ~~[aggressive]~~ behavior *that places the person or others at a risk of harm* when *less restrictive* alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs ~~{on a regular basis, as}~~ prescribed by a physician, ~~{to treat the symptoms of] physician assistant or advanced practice registered nurse as standard treatment for the mental [.] or physical [., emotional or behavioral disorders and for assisting a person in gaining self-control over his or her impulses.] condition of the person.~~

Sec. 67. NRS 449.0915 is hereby amended to read as follows:

449.0915 1. The Division may issue an endorsement as a crisis stabilization center to the holder of a license to operate a psychiatric hospital that meets the requirements of this section.

2. A psychiatric hospital that wishes to obtain an endorsement as a crisis stabilization center must submit an application in the form prescribed by the Division which must include, without limitation, proof that the applicant meets the requirements of subsection 3.

3. An endorsement as a crisis stabilization center may only be issued if the psychiatric hospital to which the endorsement will apply:

(a) Does not exceed a capacity of 16 beds or constitute an institution for mental diseases, as defined in 42 U.S.C. § 1396d;

(b) Operates in accordance with established administrative protocols, evidenced-based protocols for providing treatment and evidence-based standards for documenting information concerning services rendered and recipients of such services in accordance with best practices for providing crisis stabilization services;

(c) Delivers crisis stabilization services:

(1) To patients for not less than 24 hours in an area devoted to crisis stabilization or detoxification before releasing the patient into the community, referring the patient to another facility or transferring the patient to a bed within the hospital for short-term treatment, if the psychiatric hospital has such beds;

(2) In accordance with best practices for the delivery of crisis stabilization services; and

(3) In a manner that promotes concepts that are integral to recovery for persons with mental illness, including, without



1 limitation, hope, personal empowerment, respect, social
2 connections, self-responsibility and self-determination;

3 (d) Employs qualified persons to provide peer support services,
4 as defined in NRS 449.01566, when appropriate;

5 (e) Uses a data management tool to collect and maintain data
6 relating to admissions, discharges, diagnoses and long-term
7 outcomes for recipients of crisis stabilization services;

8 (f) Accepts all patients, without regard to:

9 (1) The race, ethnicity, gender, socioeconomic status, sexual
10 orientation or place of residence of the patient;

11 (2) Any social conditions that affect the patient;

12 (3) The ability of the patient to pay; or

13 (4) Whether the patient is admitted voluntarily to the
14 psychiatric hospital pursuant to NRS 433A.140 or admitted to the
15 psychiatric hospital under an emergency admission pursuant to
16 ~~NRS 433A.150;~~ *section 10 of this act;*

17 (g) Performs an initial assessment on any patient who presents at
18 the psychiatric hospital, regardless of the severity of the behavioral
19 health issues that the patient is experiencing;

20 (h) Has the equipment and personnel necessary to conduct a
21 medical examination of a patient pursuant to NRS 433A.165; and

22 (i) Considers whether each patient would be better served by
23 another facility and transfer a patient to another facility when
24 appropriate.

25 4. Crisis stabilization services that may be provided pursuant to
26 paragraph (c) of subsection 3 may include, without limitation:

27 (a) Case management services, including, without limitation,
28 such services to assist patients to obtain housing, food, primary
29 health care and other basic needs;

30 (b) Services to intervene effectively when a behavioral health
31 crisis occurs and address underlying issues that lead to repeated
32 behavioral health crises;

33 (c) Treatment specific to the diagnosis of a patient; and

34 (d) Coordination of aftercare for patients, including, without
35 limitation, at least one follow-up contact with a patient not later than
36 72 hours after the patient is discharged.

37 5. An endorsement as a crisis stabilization center must be
38 renewed at the same time as the license to which the endorsement
39 applies. An application to renew an endorsement as a crisis
40 stabilization center must include, without limitation:

41 (a) The information described in subsection 3; and

42 (b) Proof that the psychiatric hospital is accredited by the
43 Commission on Accreditation of Rehabilitation Facilities, or its
44 successor organization, or the Joint Commission, or its successor
45 organization.



1 6. As used in this section, “crisis stabilization services” means
2 behavioral health services designed to:

3 (a) De-escalate or stabilize a behavioral crisis, including,
4 without limitation, a behavioral health crisis experienced by a
5 person with a co-occurring substance use disorder; and

6 (b) When appropriate, avoid admission of a patient to another
7 inpatient mental health facility or hospital and connect the patient
8 with providers of ongoing care as appropriate for the unique needs
9 of the patient.

10 **Sec. 68.** NRS 449A.206 is hereby amended to read as follows:

11 449A.206 “Chemical restraint” means the administration of
12 drugs *to a person* for the specific and exclusive purpose of
13 controlling an acute or episodic ~~[aggressive]~~ behavior *that places*
14 *the person or others at a risk of harm* when *less restrictive*
15 alternative intervention techniques have failed to limit or control the
16 behavior. The term does not include the administration of drugs ~~[on~~
17 ~~a regular basis, as]~~ prescribed by a physician, ~~[to treat the symptoms~~
18 ~~of]~~ *physician assistant or advanced practice registered nurse as*
19 *standard treatment for the* mental ~~[,]~~ or physical ~~[, emotional or~~
20 ~~behavioral disorders and for assisting a person in gaining self-~~
21 ~~control over his or her impulses.]~~ *condition of the person.*

22 **Sec. 69.** NRS 449A.636 is hereby amended to read as follows:

23 449A.636 1. When acting under the authority of an advance
24 directive for psychiatric care, an attending physician or other
25 provider of health care shall comply with the advance directive
26 unless:

27 (a) Compliance, in the opinion of the attending physician or
28 other provider, is not consistent with generally accepted standards of
29 care for the provision of psychiatric care for the benefit of the
30 principal;

31 (b) Compliance is not consistent with the availability of
32 psychiatric care requested;

33 (c) Compliance is not consistent with applicable law;

34 (d) The principal is admitted to a mental health facility or
35 hospital pursuant to NRS 433A.145 to 433A.330, inclusive, *or*
36 *required to receive assisted outpatient treatment pursuant to*
37 *sections 11 to 21, inclusive, of this act* and a course of treatment is
38 required pursuant to those provisions; or

39 (e) Compliance, in the opinion of the attending physician or
40 other provider, is not consistent with appropriate psychiatric care in
41 case of an emergency endangering the life or health of the principal
42 or another person.

43 2. In the event that one part of the advance directive is unable
44 to be followed because of any of the circumstances set forth in



1 subsection 1, all other parts of the advance directive must be
2 followed.

3 **Sec. 70.** NRS 450.470 is hereby amended to read as follows:

4 450.470 1. If the county hospital is located at the county seat,
5 the board of hospital trustees shall, at all times, provide a suitable
6 room that may be used for the examination of persons who are
7 alleged to ~~[have mental illness]~~ *be persons in a mental health crisis*
8 and who are to be brought before the judge of the district court for
9 proceedings to determine the issue of involuntary court-ordered
10 admission as provided in chapter 433A of NRS. This section does
11 not prohibit or limit the examination of persons alleged to ~~[have~~
12 ~~mental illness]~~ *be persons in a mental health crisis* at a private
13 hospital as provided in chapter 433A of NRS.

14 2. The board of trustees of such a county hospital, in
15 cooperation with the local law enforcement agencies, may provide a
16 suitable room that may be used for the custodial supervision of
17 persons who are alleged to:

18 (a) ~~[Have mental illness;]~~ *Be persons in a mental health crisis;*
19 or

20 (b) Be dangerous to themselves or others.

21 **Sec. 71.** NRS 629.550 is hereby amended to read as follows:

22 629.550 1. If a patient communicates to a mental health
23 professional an explicit threat of imminent serious physical harm or
24 death to a clearly identified or identifiable person and, in the
25 judgment of the mental health professional, the patient has the intent
26 and ability to carry out the threat, the mental health professional
27 shall ~~[apply for the emergency admission of]~~ *place* the patient ~~[to a~~
28 ~~mental health facility]~~ *on a mental health crisis hold* pursuant to
29 NRS 433A.160 , *petition for a court to order the placement of the*
30 *patient on a mental health crisis hold pursuant to section 9 of this*
31 *act* or make a reasonable effort to communicate the threat in a
32 timely manner to:

33 (a) The person who is the subject of the threat;

34 (b) The law enforcement agency with the closest physical
35 location to the residence of the person; and

36 (c) If the person is a minor, the parent or guardian of the person.

37 2. A mental health professional shall be deemed to have made
38 a reasonable effort to communicate a threat pursuant to subsection 1
39 if:

40 (a) The mental health professional actually communicates the
41 threat in a timely manner; or

42 (b) The mental health professional makes a good faith attempt to
43 communicate the threat in a timely manner and the failure to
44 actually communicate the threat in a timely manner does not result



1 from the negligence or recklessness of the mental health
2 professional.

3 3. A mental health professional who exercises reasonable care
4 in determining that he or she:

5 (a) Has a duty to take an action described in subsection 1 is not
6 subject to civil or criminal liability or disciplinary action by a
7 professional licensing board for disclosing confidential or privileged
8 information.

9 (b) Does not have a duty to take an action described in
10 subsection 1 is not subject to civil or criminal liability or
11 disciplinary action by a professional licensing board for any
12 damages caused by the actions of a patient.

13 4. The provisions of this section do not:

14 (a) Limit or affect the duty of the mental health professional to
15 report child abuse or neglect pursuant to NRS 432B.220 or the
16 commercial sexual exploitation of a child pursuant to NRS
17 432C.110; or

18 (b) Modify any duty of a mental health professional to take
19 precautions to prevent harm by a patient:

20 (1) Who is in the custody of a hospital or other facility where
21 the mental health professional is employed; or

22 (2) Who is being discharged from such a facility.

23 5. As used in this section, "mental health professional"
24 includes:

25 (a) A physician or psychiatrist licensed to practice medicine in
26 this State pursuant to chapter 630 or 633 of NRS;

27 (b) A psychologist who is licensed to practice psychology
28 pursuant to chapter 641 of NRS or authorized to practice
29 psychology in this State pursuant to the Psychology
30 Interjurisdictional Compact enacted in NRS 641.227;

31 (c) A social worker who:

32 (1) Holds a master's degree in social work;

33 (2) Is licensed as a clinical social worker pursuant to chapter
34 641B of NRS; and

35 (3) Is employed by the Division of Public and Behavioral
36 Health of the Department of Health and Human Services;

37 (d) A registered nurse who:

38 (1) Is licensed to practice professional nursing pursuant to
39 chapter 632 of NRS; and

40 (2) Holds a master's degree in psychiatric nursing or a
41 related field;

42 (e) A marriage and family therapist licensed pursuant to chapter
43 641A of NRS;

44 (f) A clinical professional counselor licensed pursuant to chapter
45 641A of NRS; and



1 (g) A person who is working in this State within the scope of his
2 or her employment by the Federal Government, including, without
3 limitation, employment with the Department of Veterans Affairs,
4 the military or the Indian Health Service, and is:

5 (1) Licensed or certified as a physician, psychologist,
6 marriage and family therapist, clinical professional counselor,
7 alcohol and drug counselor or clinical alcohol and drug counselor in
8 another state;

9 (2) Licensed as a social worker in another state and holds a
10 master's degree in social work; or

11 (3) Licensed to practice professional nursing in another state
12 and holds a master's degree in psychiatric nursing or a related field.

13 **Sec. 72.** NRS 632.120 is hereby amended to read as follows:

14 632.120 1. The Board shall:

15 (a) Adopt regulations establishing reasonable standards:

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

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

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

23 (4) For the psychiatric training and experience necessary for
24 an advanced practice registered nurse to be authorized to make the
25 diagnoses, evaluations and examinations described in NRS
26 ~~433A.160,~~ 433A.240, **433A.390**, 433A.430, 484C.300, 484C.320,
27 484C.330, 484C.340 and 484C.350 and **sections 10 and 11 of this**
28 **act**, the certifications described in NRS 433A.170, 433A.195 and
29 433A.200 ~~and~~ **and the sworn statements or declarations described in**
30 **NRS 433A.210 and section 11 of this act.**

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

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

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

37 (e) Develop and disseminate annually to each registered nurse
38 who cares for children information concerning the signs and
39 symptoms of pediatric cancer.

40 2. The Board may adopt regulations establishing reasonable:

41 (a) Qualifications for the issuance of a license or certificate
42 under this chapter.

43 (b) Standards for the continuing professional competence of
44 licensees or holders of a certificate. The Board may evaluate



1 licensees or holders of a certificate periodically for compliance with
2 those standards.

3 3. The Board may adopt regulations establishing a schedule of
4 reasonable fees and charges, in addition to those set forth in NRS
5 632.345, for:

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

8 (b) Evaluating the professional competence of licensees or
9 holders of a certificate;

10 (c) Conducting hearings pursuant to this chapter;

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

12 (e) Surveying, evaluating and approving schools of practical
13 nursing, and schools and courses of professional nursing,

14 and collect the fees established pursuant to this subsection.

15 4. For the purposes of this chapter, the Board shall, by
16 regulation, define the term "in the process of obtaining
17 accreditation."

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

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

25 **Sec. 73.** NRS 641B.160 is hereby amended to read as follows:

26 641B.160 1. The Board shall adopt:

27 (a) Such regulations as are necessary or desirable to enable it to
28 carry out the provisions of this chapter;

29 (b) Regulations establishing reasonable standards for the
30 psychiatric training and experience necessary for a clinical social
31 worker to be authorized to make the certifications described in NRS
32 433A.170, 433A.195 and 433A.200 ~~and~~ *and section 10 of this act,*
33 *make a sworn statement or declaration described in*
34 *NRS 433A.210 and section 11 of this act and perform an*
35 *evaluation described in section 11 of this act;*

36 (c) Regulations prescribing uniform standards concerning the
37 locations at which interns provide services;

38 (d) Regulations prescribing standards concerning the electronic
39 supervision of interns working at remote sites; and

40 (e) Regulations prescribing the manner by which the
41 qualifications for the issuance or renewal of a license under the
42 provisions of this chapter will be made available to the public such
43 that those qualifications are clearly defined and easily understood.

44 2. On the date that the Board gives notice pursuant to NRS
45 233B.060 of its intent to adopt, amend or repeal a regulation, the



1 Board shall submit the regulation to the Commission on Behavioral
2 Health for review. The Commission shall review the regulation and
3 make recommendations to the Board concerning the advisability of
4 adopting, amending or repealing the regulation and any changes that
5 the Commission deems advisable.

6 **Sec. 74.** 1. The amendatory provisions of NRS 433A.145, as
7 amended by section 28 of this act, apply to any person:

8 (a) Who has been admitted to a public or private mental facility;
9 and

10 (b) Whose status is that of a voluntary consumer on or after
11 October 1, 2021, regardless of the date on which he or she was
12 admitted.

13 2. The amendatory provisions of NRS 433A.165, 433A.185,
14 433A.195, 433A.200 and 433A.310, as amended by sections 31, 33,
15 35, 36 and 43 of this act, respectively, apply to any person:

16 (a) Who has been admitted to a public or private mental facility
17 or hospital; and

18 (b) Whose status is that of an emergency consumer on or after
19 October 1, 2021, regardless of the date on which he or she was
20 admitted.

21 3. Any person who was involuntarily admitted to a program of
22 community-based or outpatient services before October 1, 2021, by
23 a court order that remains effective on that date shall be deemed to
24 have been ordered to receive assisted outpatient treatment pursuant
25 to section 18 of this act.

26 4. The amendatory provisions of NRS 433A.380 and
27 433A.390, as amended by sections 47 and 48 of this act,
28 respectively, apply to any person who has been admitted to a public
29 or private mental health facility pursuant to a court order that is
30 effective on October 1, 2021, regardless of the date on which he or
31 she was admitted.

32 5. The amendatory provisions of NRS 433A.220 and
33 433A.380, as amended by sections 39 and 47 of this act,
34 respectively, apply to any person who has been conditionally
35 released from a public or private mental health facility where the
36 conditional release is effective on October 1, 2021, regardless of the
37 date on which he or she was conditionally released.

38 6. As used in this section, "assisted outpatient treatment" has
39 the meaning ascribed to it in NRS 433A.019, as amended by section
40 24 of this act.

41 **Sec. 75.** NRS 433A.315, 433A.323 and 433A.327 are hereby
42 repealed.

43 **Sec. 76.** 1. This section becomes effective upon passage and
44 approval.

45 2. Sections 1 to 75, inclusive, of this act become effective:



- 1 (a) Upon passage and approval for the purpose of adopting
- 2 regulations and performing any preparatory administrative tasks that
- 3 are necessary to carry out the provisions of this act; and
- 4 (b) On October 1, 2021, for all other purposes.

TEXT OF REPEALED SECTIONS

433A.315 Development of written plan for course of treatment and program of community-based or outpatient services. If a court determines pursuant to NRS 433A.310 that a person should be involuntarily admitted to a program of community-based or outpatient services, the court shall promptly cause two or more persons professionally qualified in the field of psychiatric mental health, which may include the person who filed the petition for involuntary court-ordered admission pursuant to NRS 433A.200 if he or she is so qualified, in consultation with the person to be involuntarily admitted, to develop and submit to the court a written plan prescribing a course of treatment and enumerating the program of community-based or outpatient services for the person. The plan must include, without limitation:

1. A description of the types of services in which the person will participate;
2. The medications, if any, which the person must take and the manner in which those medications will be administered;
3. The name of the person professionally qualified in the field of psychiatric mental health who is responsible for providing or coordinating the program of community-based or outpatient services; and
4. Any other requirements which the court deems necessary.

433A.323 Failure to participate in program or carry out plan of treatment: Petition and order to take person into custody; evaluation.

1. When a person who is involuntarily admitted to a program of community-based or outpatient services fails to participate in the program or otherwise fails to carry out the plan of treatment developed pursuant to NRS 433A.315, despite efforts by the professional responsible for providing or coordinating the program of community-based or outpatient services for the person to solicit the person's compliance, the professional may petition the court to issue an order requiring a peace officer to take into custody and deliver the person to the appropriate location for an evaluation by an



evaluation team from the Division pursuant to NRS 433A.240. The petition must be accompanied by:

- (a) A copy of the order for involuntary admission;
- (b) A copy of the plan of treatment submitted to the court pursuant to NRS 433A.315;
- (c) A list that sets forth the specific provisions of the plan of treatment which the person has failed to carry out; and
- (d) A statement by the petitioner which explains how the person's failure to participate in the program of community-based or outpatient services or failure to carry out the plan of treatment will likely cause the person to harm himself or herself or others.

2. If the court determines that there is probable cause to believe that the person is likely to harm himself or herself or others if the person does not comply with the plan of treatment, the court may issue an order requiring a peace officer to take into custody and deliver the person to an appropriate location for an evaluation by an evaluation team from the Division pursuant to NRS 433A.240.

3. As used in this section, "appropriate location" does not include a jail or prison.

433A.327 Conditional release of person in program: When allowed; no liability of State; notice to court, district attorney and legal guardian; order to resume participation in program; judicial review of order to resume participation in program.

1. Except as otherwise provided in subsection 3, any person involuntarily admitted to a program of community-based or outpatient services may be conditionally released from the program when, in the judgment of the professional responsible for providing or coordinating the program of community-based or outpatient services, the person does not present a substantial likelihood of serious harm to himself or herself or others. The professional responsible for providing or coordinating the program of community-based or outpatient services shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of admission to a program of community-based or outpatient services pursuant to NRS 433A.310.

2. When a person is conditionally released pursuant to subsection 1, the State of Nevada, the agents and employees of the State or a mental health facility, the professionals responsible for providing or coordinating programs of community-based or outpatient services and any other professionals providing mental health services are not liable for any debts or contractual obligations incurred, medical or otherwise, or damages caused by the actions of the person who is released.



3. A person who is involuntarily admitted to a program of community-based or outpatient services may be conditionally released only if, at the time of the release, written notice is given to the court which ordered the person to participate in the program, to the attorney of the person and to the district attorney of the county in which the proceedings for admission were held.

4. Except as otherwise provided in subsection 6, the professional responsible for providing or coordinating the program of community-based or outpatient services shall order a person who is conditionally released pursuant to subsection 1 to resume participation in the program if the professional determines that the conditional release is no longer appropriate because that person presents a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195. Except as otherwise provided in this subsection, the professional responsible for providing or coordinating the program of community-based or outpatient services shall, at least 3 days before the issuance of the order to resume participation, give written notice of the order to the court that admitted the person to the program. If an emergency exists in which the person presents a substantial likelihood of serious harm to himself or herself or others, the order must be submitted to the court not later than 1 business day after the order is issued.

5. The court shall review an order submitted pursuant to subsection 4 and the current condition of the person who was ordered to resume participation in a program of community-based or outpatient services at the next regularly scheduled hearing for the review of petitions for involuntary admissions, but in no event later than 5 judicial days after participation in the program is resumed. The court shall serve notice on the person who was ordered to resume participation in the program and to his or her attorney of the time, date and place of the hearing and of the facts necessitating that the person resume participation in the program.

6. The provisions of subsection 4 do not apply if the period of conditional release has expired.



