

Medical L2K workgroup proposed language 433A.115

10.8.18

I. 433A.115

- 1) Updating language for NRS 433A.115 “Person with mental illness” defined to improve accuracy and reduce stigma
- 2) Aligning mutilation with risk to self or others legal hold criteria (433A.115)

NRS 433A.115 “Person in a mental health crisis ~~with mental illness~~” defined.

1. As used in ~~NRS 433A.115 to 433A.330, inclusive~~ this chapter, unless the context otherwise requires, “person ~~with mental illness~~ in a mental health crisis” means any person ~~whose who has a mental illness, as defined by NRS 433.164, and because of that mental illness~~ ~~their~~ capacity to exercise self-control, judgement and discretion in the conduct of the person’s affairs and social relations or to care for his or her personal needs is diminished, ~~as a result of a mental illness,~~ to the extent that the person presents a ~~clear and present danger of harm~~ ~~substantial likelihood of serious harm~~ to himself or herself or others, ~~but does not include any person in whom that capacity is diminished by epilepsy, intellectual disability, dementia, delirium, brief periods of intoxication caused by alcohol or drugs, or dependence upon or addiction to alcohol or drugs, unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person.~~

2. ~~A person presents a clear and present danger of harm to himself or herself if, within the immediately preceding 30 days, the person has, as a result of a mental illness:~~

~~—(a) Acted in a manner from which it may reasonably be inferred that, without the care, supervision or continued assistance of others, the person will be unable to satisfy his or her need for nourishment, personal or medical care, shelter, self protection or safety, and if there exists a reasonable probability that the person’s death, serious bodily injury or physical debilitation will occur within the next following 30 days unless he or she is admitted to a mental health facility or required to participate in a program of community based or outpatient services pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to the person;~~

~~—(b) Attempted or threatened to commit suicide or committed acts in furtherance of a threat to commit suicide, and if there exists a reasonable probability that the person will commit suicide unless he or she is admitted to a mental health facility or required to participate in a program of community based or outpatient services pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to the person; or~~

~~—(c) Mutilated himself or herself, attempted or threatened to mutilate himself or herself or committed acts in furtherance of a threat to mutilate himself or herself, and if there exists a reasonable probability that he or she will mutilate himself or herself unless the person is admitted~~

~~to a mental health facility or required to participate in a program of community-based or outpatient services pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to the person.~~

"Substantial likelihood of serious harm" means that an individual is at serious risk of:

- (a) committing suicide; or
- (b) causing serious bodily injury.

~~3. A person presents a clear and present danger of harm to others if, within the immediately preceding 30 days, the person has, as a result of a mental illness, inflicted or attempted to inflict serious bodily harm on any other person, or made threats to inflict harm and committed acts in furtherance of those threats, and if there exists a reasonable probability that he or she will do so again unless the person is admitted to a mental health facility or required to participate in a program of community-based or outpatient services pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to him or her.~~

"Serious bodily injury" means bodily injury, to self or others, that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

NRS 433.164 "Mental illness" defined. "Mental illness" means a clinically significant disorder of thought, mood, perception, orientation, memory or behavior which seriously limits the capacity of a person to function in the primary aspects of daily living, including, without limitation, personal relations, living arrangements, employment and recreation. The term does not include other mental disorders that result in diminished capacity, including, without limitation, epilepsy, intellectual disability, dementia, delirium, brief periods of intoxication caused by alcohol or drugs or dependence upon or addiction to alcohol or drugs.