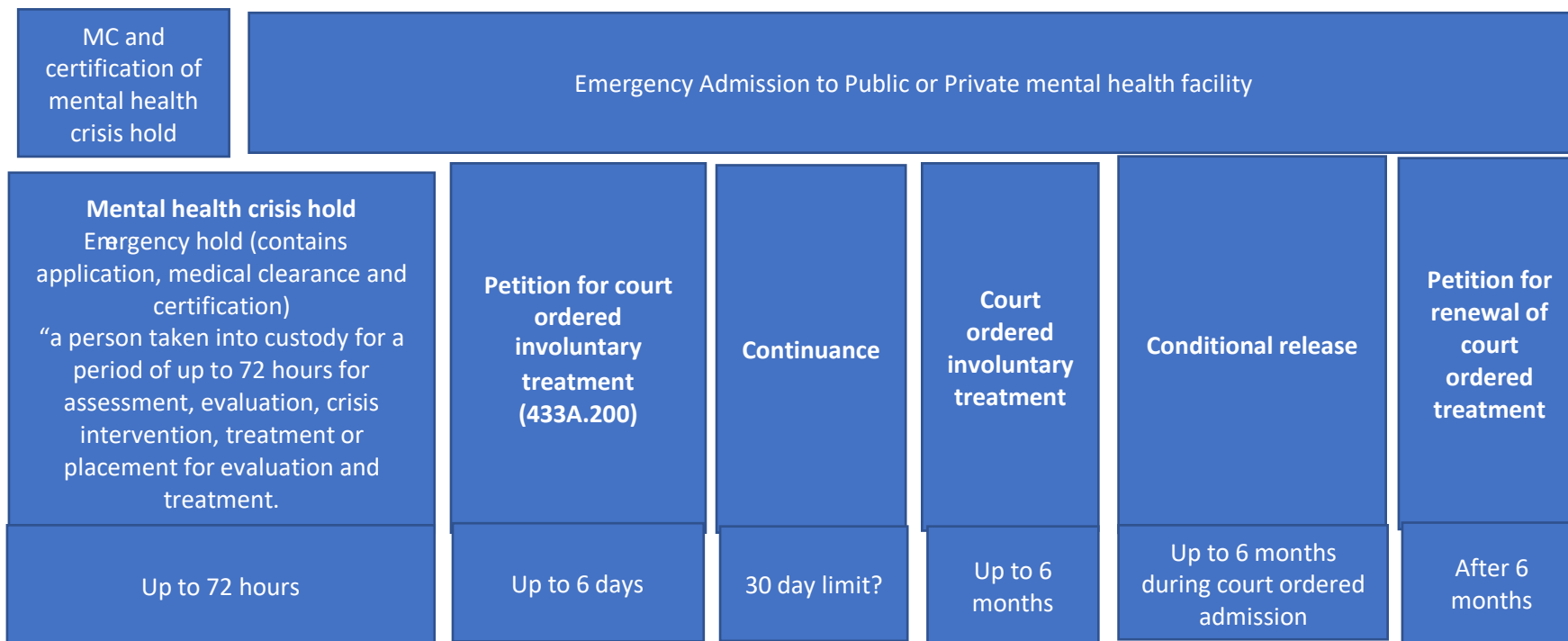


Change out court ordered treatment vs. court ordered admission

Current process and language

| | | | | |
|--|--|--|--------------------------------|--|
| <p>Application for emergency admission (medical clearance, certification are actually separate from the application)</p> <p>Application is for an evaluation period</p> | <p>Emergency admission (originally contemplated as actual admission to an inpatient psychiatric hospital- now patients are held “under emergency admission” in medical hospitals once they are certified.</p> <p>(This mechanism does not reflect the current process- looks like you can be “emergency admitted to a hospital)</p> | <p>Petition for court ordered admission</p> | <p>Continuance</p> | <p>Court ordered involuntary admission (currently ordering the patient to be housed)</p> |
| <p>Up to 72 hours</p> | | <p>Up to 6 judicial days</p> | <p>Currently no time limit</p> | <p>Up to 6 months</p> |

Proposed process and language change



NRS 433A was originally written in 1975 and current language reflects a vastly different mental health crisis hold or legal hold system than the system and practices we have in place today. In the current language in NRS 433A, admission is central to all processes. This is because in the 70’s a law enforcement officer would detain an individual under an application for emergency admission, and drive the individual to the state mental health

facility, literally applying for the emergency admission to an inpatient psychiatric facility. Once the individual was at the inpatient psychiatric facility, medical evaluation and certification would be completed, and the person would then be under emergency admission. Today's system is very different.

Now an individual is detained once an application for emergency admission is initiated and are most often taken to a hospital emergency room, and sometimes a mental health crisis center with medical

General Provisions

NRS 433A.115 "Person with mental illness" defined. [Replaced in revision by [NRS 433A.0175](#).]

NRS3.223

~~NRS 433A.120 Types of admission. There are three types of admission to mental health facilities in the State of Nevada:~~

- ~~— 1. Voluntary admission;~~
- ~~— 2. Emergency admission; and~~
- ~~— 3. Involuntary court-ordered admission.~~
- ~~— (Added to NRS by 1975, 1602)~~

"Mental health crisis hold" defined: "Mental health crisis hold" means a mechanism for involuntarily holding a person alleged to be in a mental health crisis for a period of up to 72 hours for assessment, evaluation, crisis intervention, and treatment. This detainment may be extended through a petition for involuntary court-ordered treatment or assisted outpatient treatment.

"Emergency admission" defined: "Emergency admission" means involuntary admission of a person, placed on a mental health crisis hold pursuant to NRS 433A.160, to a public or private mental health facility which provides inpatient psychiatric services

“Involuntary court ordered treatment” means involuntary inpatient or outpatient treatment for a person in a mental health crisis, based upon the person’s treatment needs and the least restrictive setting, that has been ordered by a district court for up to six months.

Language changes:

NRS 433A.0195 Person deemed to present substantial likelihood of serious harm to himself or herself or others in certain circumstances. For the purposes of this chapter, a person shall be deemed to present a substantial likelihood of serious harm to himself or herself or others if, without care or treatment, the person is at serious risk of:

1. Attempting suicide or homicide;
2. Causing bodily injury to himself or herself or others, including, without limitation, death, unconsciousness, extreme physical pain, protracted and obvious disfigurement or a protracted loss or impairment of a body part, organ or mental functioning; ~~or~~
3. Incurring a serious injury, illness or death resulting from complete neglect of basic needs for food, clothing, shelter or personal safety; ~~or~~

(Added to NRS by [2019, 347](#))

4. Suffering or continuing to suffer severe abnormal mental, emotional or physical harm that significantly impairs judgment, reason, behavior or capacity to recognize reality.

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

NRS 433A.140 Voluntary admission: Procedures for admission and release; effect of voluntary release.

1. Any person may apply to:
 - (a) A public or private mental health facility in the State of Nevada for admission to the facility; or
 - (b) A division facility to receive care, treatment or training provided by the Division,Ê as a voluntary consumer for the purposes of observation, diagnosis, care and treatment. In the case of a person who has not attained the age of majority, application for voluntary admission or care, treatment or training may be made on his or her behalf by the person’s spouse, parent or legal guardian.

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

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

4. Any person admitted to a public or private mental health facility as a voluntary consumer who has not requested release may nonetheless be released by the medical director of the facility when examining personnel at the facility determine that the consumer has recovered or has improved to such an extent that the consumer is not considered a danger to himself or herself or others and that the services of that facility are no longer beneficial to the consumer or advisable.

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

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

(b) Within 72 regular operating hours, excluding weekends and holidays, if the person has requested community-based or outpatient services.

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

(Added to NRS by [1975, 1602](#); A [1993, 2114](#); [1997, 3494](#); [2011, 426](#); [2019, 349](#))

Emergency Admission Mental health crisis hold

NRS 433A.145 Restrictions on change of status from voluntary to involuntary of the consumer ~~to emergency admission.~~

1. If a person in a mental health crisis is admitted to a public or private mental health facility or hospital as a voluntary consumer, the facility or hospital shall not change the status of the person to an emergency admission unless ~~the hospital or facility receives, before the change in status is made, an application for an emergency admission~~ **a mental health crisis hold is initiated** pursuant to [NRS 433A.160](#), and the certificate of a psychiatrist, psychologist, physician, physician

assistant, clinical social worker or advanced practice registered nurse pursuant to [NRS 433A.170](#) *is completed indicating that the person is in a mental health crisis.*

2. A person ~~whose status is changed~~ *who is held* pursuant to subsection 1 must not be detained in excess of 72 hours, *including weekends and holidays*, after the ~~change in status is made~~ *hold is initiated* unless, before the close of the business day on which the 72 hours expires, a written petition is filed with the clerk of the district court pursuant to [NRS 433A.200](#).

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.
(Added to NRS by [1997, 3492](#); A [2009, 333](#); [2011, 427](#); [2015, 2990](#); [2019, 350](#))

NRS 433A.150 Detention for evaluation, observation and treatment; limitation on time.

1. Except as otherwise provided in this subsection, a person alleged to be a person in a mental health crisis *who is placed on a mental health crisis hold pursuant to NRS 433A.160 and subject to the provisions of subsection 2*, may, ~~upon application pursuant to NRS 433A.160 and subject to the provisions of subsection 2~~, be detained in a public or private mental health facility or hospital ~~under an emergency admission~~ for evaluation, observation and treatment, regardless of whether *the person or* any parent or legal guardian of the person has consented to the ~~admission~~ *mental health crisis hold*.

2. Except as otherwise provided in subsection 3, a person detained pursuant to subsection 1 must be released within 72 hours, including weekends and holidays, after ~~the application for emergency admission or any part of such an application is made~~ *the mental health crisis hold is initiated* pursuant to [NRS 433A.160](#) unless, before the close of the business day on which the 72 hours expires,

- a. a written petition for an involuntary court-ordered admission to a mental health facility is filed with the clerk of the district court pursuant to [NRS 433A.200](#), including, without limitation, the documents required pursuant to [NRS 433A.210](#), or
- b. the status of the person is changed to a voluntary admission.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.
(Added to NRS by [1975, 1602](#); A [1985, 2269](#); [1989, 1758](#); [2001, 3041](#); [2003, 1944](#); [2009, 334](#); [2013, 3489](#); [2019, 350, 2619](#))

NRS 433A.160 ~~Procedure for admission; evaluation at time of admission; approval by psychiatrist; regulations concerning accredited agent of Division. [Effective January 1, 2020.]~~ **Procedure for initiating mental health crisis hold**

1. ~~Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person in a mental health crisis for evaluation, observation and treatment may only be made~~ **A person alleged to be a person in a mental health crisis may be placed on a mental health crisis hold** by an officer authorized to make arrests in the State of Nevada or a physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:—~~(a) W~~ **without a warrant:**

~~(1 a)~~ **(4 a)** Take a person alleged to be a person in a mental health crisis into custody ~~to apply for the emergency admission of the person~~ for evaluation, observation and treatment; and

~~(2 b)~~ **(2 b)** Transport the person alleged to be a person in a mental health crisis to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

~~(1)~~ **(1)** A local law enforcement agency;

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

~~(3)~~ **(3)** An entity that is exempt pursuant to [NRS 706.745](#) from the provisions of [NRS 706.386](#) or [706.421](#);

~~(4)~~ **(4)** An accredited agent of the Division;

~~(5)~~ **(5)** A provider of nonemergency secure behavioral health transport services licensed under the regulations adopted pursuant to [NRS 433.3317](#); or

~~(6)~~ **(6)** If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of [chapter 450B](#) of NRS,

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

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

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

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

; and

~~_____ (2) Any agency, system, provider, agent or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person in a mental health crisis to a public or private mental health facility or hospital for that purpose. (moved to Petition for court ordered pick up section)~~

~~3. 2 The application for the emergency admission a person alleged to be a person in a mental health crisis for evaluation, observation and treatment~~ **The mental health crisis hold** of must reveal the circumstances under which the person was taken into custody and the reasons therefor.

~~4. 3~~ To the extent practicable, a person who ~~applies for the emergency admission of~~ **places a mental health crisis hold on** a person who is less than 18 years of age to a public or private mental health facility or hospital, other than a parent or guardian, shall attempt to obtain the consent of the parent or guardian before making the application. The person who **places a mental health crisis hold** ~~applies for the emergency admission~~ or, if ~~the person makes the application~~ **places the mental health crisis hold** within the scope of his or her employment, the employer of the person, shall maintain documentation of each such attempt until the person who is the subject of the ~~application~~ **mental health crisis hold** reaches at least 23 years of age.

~~5. 4 Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician or an advanced practice registered nurse who has the training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist. (moved to Emergency admission section)~~

~~6. 5~~ The State Board of Health shall adopt regulations governing the manner in which:

- (a) A person may apply to become an accredited agent of the Division; and
- (b) Accredited agents of the Division will be monitored and disciplined for professional misconduct.

~~7. 6~~ As used in this section, “an accredited agent of the Division” means any person authorized by the Division to transport to a mental health facility pursuant to subparagraph 2 of paragraph (a) of subsection 1 those persons in need of emergency admission.

(Added to NRS by 1975, 1603; A 1983, 506; 1985, 2269; 1989, 1759; 1997, 3494; 2001, 1017, 3042; 2005, 967; 2007, 3087; 2015, 2990; 2017, 1748; 2019, 351, 1924, 2619, effective January 1, 2020)

NRS 433A... Petition to the district court for custody and transport for evaluation of criteria for mental health crisis

(1) An officer authorized to make arrests in the State of Nevada or a physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse, spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to be a person in a mental health crisis, who has probable cause to believe that the person is a person in a mental health crisis, may petition a district court where the person resides for an order requiring:

(a) Any peace officer to take a person alleged to be a person in a mental health crisis into custody and transport or arrange for the person to be transported to a public or private mental health facility or hospital for evaluation, observation and treatment by:

(I) A local law enforcement agency;

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

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

(IV) An accredited agent of the Division;

(V) A provider of nonemergency secure behavioral health transport services licensed under the regulations adopted pursuant to NRS 433.3317; or

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

(2) If the district court is satisfied that there is probable cause to believe that the person is a person in a mental health crisis, it may issue such an order.

(3) If the court orders the relief requested in subsection 1, the court shall order and petition shall be delivered to the **sheriff of the county** who shall provide the documents to the receiving facility or arrange for the documents to be provided to the receiving facility by the transporter.

(4) The public or private mental health facility or hospital will place a mental health crisis hold, pursuant to subsection 1 of NRS 443A.160, if the individual meets criteria.

NRS 433A.163 Emergency Admission

1. A person on a mental health crisis hold may be admitted to a public or private mental health facility prior to the expiration of the 72-hour detainment pursuant to NRS 433A.150 or pending resolution of a petition for involuntary court ordered treatment filed pursuant to NRS 433A.200 if the following conditions are met:

1) The person is examined pursuant to NRS 433A.165, a determined that the person does not have a medical condition, other than a psychiatric condition, which requires immediate treatment;

2) A certificate has been completed stating that he or she has examined the person alleged to be a person in a mental health crisis and that he or she has concluded that the person is a person in a mental health crisis pursuant to NRS 433A.170

3) The person has been evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician or an advanced practice registered nurse who has the training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

NRS 433A.165 Examination required before admission of person to facility; treatment of certain medical conditions required before admission to facility; payment of costs; exceptions; regulations.

1. Before a person alleged to be a person in a mental health crisis may be admitted to a public or private mental health facility under emergency admission pursuant **to NRS433A.163 to NRS 433A.160**, the person must:

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

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

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

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

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

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

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

(2) Be accompanied by a copy of the ~~application for the emergency admission~~ **mental health crisis hold** of the person required pursuant to NRS 433A.160 and the certificate required pursuant to NRS 433A.170 **if the medical condition requiring immediate treatment does not preclude the completion of the certificate.**

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

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

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

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

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

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

(a) The person whose expenses were paid;

(b) The estate of that person; or

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

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

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

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

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

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

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

- (b) Prescribe a procedure to ensure that an examination is performed pursuant to paragraph (a) of subsection 1; and
- (c) Prescribe the type of medical facility that a person may be admitted to pursuant to subparagraph (2) of paragraph (b) of subsection 1.

9. As used in this section, "medical facility" has the meaning ascribed to it in [NRS 449.0151](#).

(Added to NRS by [1987, 1445](#); A [1991, 2209](#); [1993, 908](#); [2001, 1018](#); [2003, 1453](#), [1944](#); [2007, 1855](#); [2009, 334](#); [2013, 2080](#); [2019, 352](#))

NRS 433A.162 When a person cannot be medically cleared

NRS 433A.170 Certificate of certain providers of health care required. Except as otherwise provided in this section, the administrative officer of a facility operated by the Division or of any other public or private mental health facility or hospital ***providing inpatient psychiatric services*** shall not ~~accept-admit an individual placed on a mental health crisis hold~~ under [NRS 433A.160](#) ***under emergency admission pursuant to NRS 433A.163*** ~~an application for an emergency admission~~ unless that ~~application~~ ***mental health crisis hold form*** is accompanied by a certificate of a licensed psychologist, a physician, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to [NRS 641B.160](#) or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to [NRS 632.120](#) stating that he or she has examined the person alleged to be a person in a mental health crisis and that he or she has concluded that the person is a person in a mental health crisis. The certificate required by this section may be obtained from a licensed psychologist, physician, physician assistant, clinical social worker or advanced practice registered nurse who is employed by the ***admitting*** public or private mental health facility or hospital ***providing inpatient psychiatric services*** ~~to which the application is made~~.

(Added to NRS by [1975, 1603](#); A [1985, 2270](#); [1989, 1550](#), [1759](#); [1997, 3495](#); [2001, 3043](#); [2015, 2991](#); [2019, 354](#))

NRS 433A.185 Notice of admission for person who is under 18 years of age. As soon as practicable but not more than 24 hours after ***the initiation of a mental health crisis hold*** ~~the emergency admission~~ of a person alleged to be a person in a mental health crisis who is under 18 years of age the administrative officer of the public or private mental health

facility shall give notice of such admission in person, by telephone or facsimile and by certified mail to the parent or legal guardian of that person.

NRS 433A.190 Notice of admission for person who is at least 18 years of age.

1. The administrative officer of a public or private mental health facility shall ensure that, within 24 hours of the emergency admission of a person alleged to be a person in a mental health crisis pursuant to [NRS 433A.150](#) who is at least 18 years of age, the person is asked to give permission to provide notice of the emergency admission to a family member, friend or other person identified by the person.

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

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

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

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

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

5. If a guardian has been appointed for a person alleged to be a person in a mental health crisis who is at least 18 years of age or the person has executed a durable power of attorney for health care pursuant to [NRS 162A.700](#) to [162A.865](#), inclusive, or appointed an attorney-in-fact using an advance directive for psychiatric care pursuant to [NRS 449A.600](#) to [449A.645](#), inclusive, the administrative officer of the mental health facility must ensure that the guardian, agent designated by the durable power of attorney or the attorney-in-fact, as applicable, is promptly notified of the admission as described in paragraph (b) of subsection 2, regardless of whether the person alleged to be a person in a mental health crisis has given permission to the notification.

(Added to NRS by [1975, 1604](#); A [1993, 2114](#); [2009, 1667](#); [2019, 354, 2621](#))

NRS 433A.195 Procedure for release. A licensed physician on the medical staff of a facility operated by the Division or of any other public or private mental health facility or hospital may release a person admitted pursuant to NRS 433A.160 upon completion of a certificate which meets the requirements of NRS 433A.197 signed by a licensed physician on the medical staff of the facility or hospital, a physician assistant under the supervision of a psychiatrist, psychologist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 stating that he or she has personally observed and examined the person and that he or she has concluded that the person is not a person in a mental health crisis.

(Added to NRS by 2009, 332; A 2015, 2992; 2019, 355)

Procedure for release to parent. *A licensed physician on the medical staff of the facility or hospital, a physician assistant under the supervision of a psychiatrist, psychologist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 may release a child on a mental health crisis hold if a parent consents to treatment or the child is released to the parent.*

Involuntary Court-Ordered **Admission Treatment**

NRS 433A.200 Filing of petition; certificate or statement of alleged mental health crisis; statement of parent consenting to treatment of minor; proceeding for admission of defendant in criminal action upon motion.

1. Except as otherwise provided in subsection 3 and NRS 432B.6075, a proceeding for an involuntary court-ordered **admission treatment** of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary **admission treatment** ~~to~~ in a mental health facility ~~or to a program of community-based or outpatient services~~ with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the ~~spouse, parent, adult children or~~ legal guardian of the person to be treated or by any physician, physician assistant, psychologist, social worker or registered nurse or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, a licensed psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and

experience prescribed by the State Board of Nursing pursuant to [NRS 632.120](#) stating that he or she has examined the person alleged to be a person in a mental health crisis and has concluded that the person is a person in a mental health crisis; or

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

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person in a mental health crisis, probable cause to believe that the person is a person in a mental health crisis; and

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

(3) The person is on a mental health crisis hold and has been determined to have a medical condition other than a psychiatric condition that requires immediate treatment, pursuant to NRS 433A that precludes the petitioner from completing a certificate pursuant to NRS 433A.170.

2. Except as otherwise provided in [NRS 432B.6075](#), if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, a petition submitted pursuant to subsection 1 must, in addition to the certificate or statement required by that subsection, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

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

(a) The defendant has been examined in accordance with [NRS 178.415](#);

(b) The defendant is not eligible for commitment to the custody of the Administrator pursuant to [NRS 178.461](#); and

(c) The Division makes a clinical determination that placement in a program of community-based or outpatient services is appropriate.

(Added to NRS by [1975, 1604](#); A [1985, 54, 2270](#); [1989, 1551, 1760](#); [1995, 2413](#); [2001, 3044](#); [2005, 1322](#); [2013, 3489](#); [2015, 2993](#); [2017, 1749, 3004](#); [2019, 356](#))

NRS 433A.210 Requirements of petition that is filed after ~~emergency admission~~ *mental health crisis hold*. In addition to the requirements of [NRS 433A.200](#), a petition filed pursuant to that section with the clerk of the district court to commence proceedings for involuntary court-ordered ~~admission~~ *treatment* of a person pursuant to [NRS 433A.145](#) or [433A.150](#) must include a certified copy of:

1. The application for the emergency admission of the person made pursuant to [NRS 433A.160](#); and

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

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

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

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

(d) In his or her opinion, ~~involuntary admission~~ [court-ordered treatment](#) of the person alleged to be a person in a mental health crisis to a mental health facility or hospital is medically necessary to prevent the person from harming himself or herself or others.

(Added to NRS by [1975, 1604](#); A [1985, 2270](#); [1989, 1551](#), [1760](#); [1995, 2414](#); [2001, 3044](#); [2017, 1750](#); [2019, 357](#))

NRS 433A.215 Application for writ of habeas corpus before initial hearing. If an application for a writ of habeas corpus is made by, or on behalf of, a person in a mental health crisis or who is alleged to be a person in a mental health crisis before the initial hearing on a petition for the involuntary court-ordered ~~admission~~ [court-ordered treatment](#) of the person to a mental health facility or a program of community-based or outpatient services, the court shall conduct a hearing on the application as soon as practicable.

(Added to NRS by [2017, 1644](#))

NRS 433A.240 Examination of person alleged to be person in mental health crisis; protective custody pending hearing.

1. After the filing of a petition to commence proceedings for the involuntary court-ordered admission of a person pursuant to [NRS 433A.200](#) or [433A.210](#), the court shall promptly cause two or more **independent** physicians, licensed psychologists or advanced practice registered nurses who have the psychiatric training and experience prescribed by the State Board of Nursing pursuant to [NRS 632.120](#), **who are not directly involved in the patient's care or the associated petition**, one of whom must always be a physician, to examine the person alleged to be a person in a mental health crisis, or request an evaluation by an evaluation team from the Division of the person alleged to be a person in a mental health crisis.

2. Subject to the provisions in subsection 1, the judge assigned to hear a proceeding brought pursuant to [NRS 433A.200](#) to [433A.330](#), inclusive, shall have complete discretion in selecting the medical professionals to conduct the examination required pursuant to subsection 1.

3. After the filing of a motion pursuant to subsection 3 of [NRS 433A.200](#), the court shall promptly request an evaluation by an evaluation team from the Division of the person alleged to be a person in a mental health crisis.

4. To conduct the examination of a person who is not being detained at a mental health facility or hospital under emergency admission pursuant to an application made pursuant to [NRS 433A.160](#), the court may order a peace officer to take the person into protective custody and transport the person to a mental health facility or hospital where the person may be detained until a hearing is had upon the petition or motion, as applicable.

5. If the person is not being detained under an emergency admission pursuant to an application made pursuant to [NRS 433A.160](#), the person may be allowed to remain in his or her home or other place of residence pending an ordered examination or examinations and to return to his or her home or other place of residence upon completion of the examination or examinations. The person may be accompanied by one or more of his or her relations or friends to the place of examination.

6. Each physician, licensed psychologist and advanced practice registered nurse who examines a person pursuant to subsection 1 or 3 shall, in conducting such an examination, consider the least restrictive treatment appropriate for the person.

7. Each physician, licensed psychologist and advanced practice registered nurse who examines a person pursuant to subsection 1 shall, not later than 24 hours before the hearing set pursuant to [NRS 433A.220](#), submit to the court in writing a summary of his or her findings and evaluation regarding the person alleged to be a person in a mental health crisis.

(Added to NRS by [1975, 1604](#); A [1983, 507](#); [1989, 1760](#); [1995, 2414](#); [2001, 3045](#); [2013, 3490](#); [2017, 1645, 1750, 3005](#))

NRS 433A.270 Right to counsel; compensation of counsel; recess; continuation of representation by counsel during involuntary admission; duties of district attorney.

1. The person alleged to be a person in a mental health crisis or any relative or friend on the person's behalf is entitled to retain counsel to represent the person in any proceeding before the district court relating to involuntary court-ordered admission, and if he or she fails or refuses to obtain counsel, the court shall advise the person and the person's guardian or next of kin, if known, of such right to counsel and shall appoint counsel, who may be the public defender or his or her deputy.

2. Any counsel appointed pursuant to subsection 1 must be awarded compensation by the court for his or her services in an amount determined by it to be fair and reasonable. The compensation must be charged against the estate of the person for whom the counsel was appointed or, if the person is indigent, against the county where the person alleged to be a person in a mental health crisis last resided.

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

4. If the person alleged to be a person in a mental health crisis is involuntarily admitted to **a public or private mental health facility, or** a program of community-based or outpatient services, counsel shall continue to represent the person until the person is **unconditionally** released. The court shall serve notice upon such counsel of any action that is taken involving the person while the person is admitted to **a public or private mental health facility or a** ~~the~~ program of community-based or outpatient services, **or is conditionally released pursuant to NRS 433A.380.**

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

(Added to NRS by [1975, 1605](#); A [2001, 3046](#); [2013, 3491](#))

NRS 433A.310 Findings and order; conditions for admission to program of community-based or outpatient services; expiration and renewal of admission to facility or program; alternative courses of treatment; transmittal of record to Central Repository for Nevada Records of Criminal History and law enforcement agencies.

Nothing in this order shall preclude the facility from releasing the person in a mental health crisis to an alternative course of treatment within the least restrictive appropriate environment.

1. Except as otherwise provided in subsection 2 and [NRS 432B.6076](#) and [432B.6077](#), if the district court finds, after proceedings for the involuntary court-ordered ~~admission~~ **treatment** of a person:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held is a person in a mental health crisis, the court shall enter its finding to that effect and the person must not be involuntarily admitted to a public or private mental health facility or to a program of community-based or outpatient services. If the person has been admitted to a public or private mental health facility or hospital pursuant to [NRS 433A.160](#), the court must issue a written order requiring the facility or hospital to release the person not later than 24 hours after the court issues the order, unless the person applies for admission as a voluntary consumer pursuant to [NRS 433A.140](#).

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

2. If the district court finds, after proceedings for the involuntary court-ordered admission of a defendant in a criminal proceeding pursuant to subsection 3 of [NRS 433A.200](#):

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

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

3. If, pursuant to [NRS 176A.400](#), the district court issues an order granting probation to a defendant in a criminal proceeding with a condition that the defendant submit to mental health treatment and comply with instructions, admission to a program of community-based or outpatient services may be used to satisfy such a condition if the Division makes a clinical determination that placement in a program of community-based or outpatient services is appropriate.

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

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

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

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

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

(e) The court determines that, based on the person's history of treatment for mental illness, the person needs to be admitted to a program of community-based or outpatient services to prevent further disability or deterioration of the person

which presents a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to [NRS 433A.0195](#);

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

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

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

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

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

7. If the court issues an order involuntarily admitting a person to a public or private mental health facility or to a program of community-based or outpatient services pursuant to this section, the court shall, notwithstanding the provisions of [NRS 433A.715](#), cause, within 5 business days after the order becomes final pursuant to this section, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to:

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

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

8. As used in this section, “National Instant Criminal Background Check System” has the meaning ascribed to it in NRS 179A.062.

(Added to NRS by 1975, 1606; A 1981, 1134; 1983, 508; 1989, 1761; 1993, 2115; 2001, 3046; 2005, 1323; 2009, 2491; 2013, 3492; 2015, 1815; 2017, 1646, 3006)