

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.

~

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 involuntary 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 authorizes an officer authorized to make arrests in this State,
13 certain providers of health care, or the spouse, parent, adult child or legal guardian



14 of a person alleged to be a person in a mental health crisis to apply for the
15 emergency admission of a person alleged to be a person in a mental health crisis to
16 a mental health facility or hospital. (NRS 433A.160) Existing law requires the
17 release of a person admitted under an emergency admission within 72 hours after
18 the submission of the application for emergency admission unless: (1) a petition is
19 filed for the involuntary court-ordered admission of the person; or (2) the admission
20 is changed to a voluntary admission. (NRS 433A.145, 433A.150, 433A.200)

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

47 Existing law establishes a procedure for the involuntary court-ordered
48 admission of a person to a mental health facility or a program of community-based
49 or outpatient services. (NRS 433A.200-433A.330) **Section 24** of this bill replaces
50 the term “program of community-based or outpatient services” with the term
51 “assisted outpatient treatment,” which is defined to mean outpatient services
52 provided to a person with a mental illness for the purpose of treating the mental
53 illness, assisting the person to live and function in the community or prevent a
54 relapse or deterioration. **Sections 11-21** of this bill prescribe a separate process for
55 requiring a person to receive involuntary assisted outpatient treatment. Specifically,
56 **section 11** of this bill authorizes: (1) the Administrator of the Division of Public
57 and Behavioral Health of the Department of Health and Human Services, certain
58 providers of health care and certain persons who have an interest in a person to
59 petition the district court to commence a proceeding for involuntary assisted
60 outpatient treatment of the person; and (2) a criminal defendant or the district
61 attorney to make a motion to the district court to commence a proceeding for
62 involuntary assisted outpatient treatment of the defendant or the district court to
63 commence such a proceeding on its own motion. **Section 11** prescribes the criteria
64 for determining whether a person may be ordered to receive involuntary assisted
65 outpatient treatment. **Section 13** of this bill requires certain persons who have
66 evaluated a person who is the subject of a petition or motion for involuntary
67 assisted outpatient treatment to submit to the court a recommended treatment plan
68 for the person. **Section 14** of this bill requires a person who is the subject of a



69 petition or motion for involuntary assisted outpatient treatment to be represented by
70 counsel at all stages of the proceedings. **Section 18** of this bill authorizes a court to
71 order involuntary assisted outpatient treatment if, at the conclusion of the
72 proceedings, there is clear and convincing evidence that the person to be treated
73 meets the applicable criteria for the initiation or renewal of such treatment. **Section**
74 **43** of this bill additionally authorizes a court to order involuntary assisted outpatient
75 treatment if, at the conclusion of proceedings for involuntary court-ordered
76 admission to a mental health facility, the court determines that the subject of the
77 hearing meets those criteria. If a person who has been ordered to receive
78 involuntary assisted outpatient treatment fails to comply with the order, **section 20**
79 of this bill authorizes certain persons to submit a petition for a court to order that
80 the person be taken into custody to determine whether he or she is a person in a
81 mental health crisis. **Section 21** of this bill prescribes a procedure for renewing an
82 order for involuntary assisted outpatient treatment. **Sections 1, 27, 36, 38, 41-46,**
83 **48-54, 56-63, 69 and 72-75** of this bill make conforming changes.

84 **Section 25** of this bill provides that a person who is at risk of suffering severe
85 abnormal mental, emotional or physical harm that significantly impairs judgment,
86 reason, behavior or the capacity to recognize reality presents a substantial
87 likelihood of serious harm to himself or herself or others for the purpose of
88 determining whether to: (1) place the person on a mental health crisis hold; (2)
89 order the involuntary admission of the person to a mental health facility; or (3)
90 order the person to receive involuntary assisted outpatient treatment. **Section 26** of
91 this bill requires the Division and the Attorney General to approve all forms for the
92 detainment, evaluation, treatment and conditional release of any person under
93 chapter 433A of NRS and furnish the forms to the clerks of district courts in each
94 county. **Section 36** of this bill revises requirements governing a petition for
95 involuntary court-ordered admission.

96 **Section 47** of this bill: (1) requires a court hearing before a person who has
97 been involuntarily admitted to a mental health facility is conditionally released; and
98 (2) revises the criteria for determining whether such a person may be conditionally
99 released. **Sections 22, 39 and 47** of this bill revise the procedure for admitting a
100 person who has been conditionally released to a mental health facility or hospital
101 when conditional release is no longer appropriate. **Section 48** of this bill: (1)
102 abolishes a requirement that an evaluation team evaluate a person who is
103 involuntarily admitted by court order to a mental health facility or required to
104 receive involuntary assisted outpatient treatment before the person may be
105 unconditionally released before the expiration of the order; and (2) makes certain
106 other minor revisions concerning unconditional release.

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



1 provision of behavioral health services in the behavioral health
2 region;

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

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

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

12 (b) Promote improvements in the delivery of behavioral health
13 services in the behavioral health region.

14 (c) Coordinate and exchange information with the other policy
15 boards to provide unified and coordinated recommendations to the
16 Department, Division and Commission regarding behavioral health
17 services in the behavioral health region.

18 (d) Review the collection and reporting standards of behavioral
19 health data to determine standards for such data collection and
20 reporting processes.

21 (e) To the extent feasible, establish an organized, sustainable
22 and accurate electronic repository of data and information
23 concerning behavioral health and behavioral health services in the
24 behavioral health region that is accessible to members of the public
25 on an Internet website maintained by the policy board. A policy
26 board may collaborate with an existing community-based
27 organization to establish the repository.

28 (f) To the extent feasible, track and compile data concerning
29 *persons placed on a mental health crisis hold pursuant to NRS*
30 *433A.160*, persons admitted to mental health facilities and hospitals
31 *under an emergency admission* pursuant to NRS 433A.145 ~~to~~
32 ~~433A.197, inclusive, and~~ *or section 10 of this act, persons*
33 *admitted* to mental health facilities ~~and programs of community-~~
34 ~~based or outpatient services~~ *under an involuntary court-ordered*
35 *admission* pursuant to NRS 433A.200 to 433A.330, inclusive, *and*
36 *persons ordered to receive involuntary assisted outpatient*
37 *treatment pursuant to sections 11 to 21, inclusive, of this act* in the
38 behavioral health region, including, without limitation:

39 (1) The outcomes of treatment provided to such persons; and
40 (2) Measures taken upon and after the release of such
41 persons to address behavioral health issues and prevent future
42 *mental health crisis holds and admissions*.

43 (g) Identify and coordinate with other entities in the behavioral
44 health region and this State that address issues relating to behavioral



1 health to increase awareness of such issues and avoid duplication of
2 efforts.

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

6 (1) The specific behavioral health needs of the behavioral
7 health region;

8 (2) A description of the methods used by the policy board to
9 collect and analyze data concerning the behavioral health needs and
10 problems of the behavioral health region and gaps in behavioral
11 health services which are available in the behavioral health region,
12 including, without limitation, a list of all sources of such data used
13 by the policy board;

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

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

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

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

24 433.5456 “Chemical restraint” means the administration of
25 drugs *to a person* for the specific and exclusive purpose of
26 controlling an acute or episodic ~~[aggressive]~~ behavior *that places*
27 *the person or others at a risk of harm* when alternative intervention
28 techniques have failed to limit or control the behavior. The term
29 does not include the administration of drugs ~~[on a regular basis, as]~~
30 prescribed by a physician, ~~[to treat the symptoms of]~~ *physician*
31 *assistant or advanced practice registered nurse as standard*
32 *treatment for the* mental ~~[,]~~ *or* physical ~~[, emotional or behavioral~~
33 ~~disorders and for assisting a person in gaining self control over his~~
34 ~~or her impulses.]~~ *condition of the person.*

35 **Sec. 3.** Chapter 433A of NRS is hereby amended by adding
36 thereto the provisions set forth as sections 4 to 22, inclusive, of this
37 act.

38 **Sec. 4.** *“Emergency admission” means the involuntary*
39 *admission of a person who has been placed on a mental health*
40 *crisis hold to a public or private mental health facility or a hospital*
41 *pursuant to NRS 433A.145 or section 10 of this act.*

42 **Sec. 5.** *“Involuntary court-ordered admission” means the*
43 *admission of a person in a mental health crisis to a public or*
44 *private mental health facility ordered by a court pursuant to NRS*
45 *433A.200 to 433A.330, inclusive.*



1 **Sec. 6.** *“Mental health crisis hold” means the detention of a*
2 *person alleged to be a person in a mental health crisis at a public*
3 *or private mental health facility or hospital for assessment,*
4 *evaluation, intervention and treatment pursuant to NRS 433A.160.*

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

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

11 **Sec. 9. 1.** *A person listed in subsection 2 may petition a*
12 *district court for an order requiring any peace officer to take the*
13 *actions described in subsection 1 of NRS 433A.160 to place a*
14 *person alleged to be in a mental health crisis on a mental health*
15 *crisis hold.*

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

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

19 (b) *A physician, physician assistant, psychologist, marriage*
20 *and family therapist, clinical professional counselor, social worker*
21 *or registered nurse;*

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

24 (d) *Any other person who has a legitimate interest in a person*
25 *alleged to be a person in a mental health crisis.*

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

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

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

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

42 (a) *After conducting an examination pursuant to NRS*
43 *433A.165, a physician, physician assistant or advanced practice*
44 *registered nurse determines that the person does not have a*



1 *medical condition, other than a psychiatric condition, which*
2 *requires immediate treatment;*

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

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

18 *(d) A psychiatrist approves the admission.*

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

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

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

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

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

35 *(d) The Administrator or his or her designee; or*

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

39 *2. A petition filed pursuant to subsection 1 must be*
40 *accompanied by:*

41 *(a) A sworn statement or a declaration that complies with the*
42 *provisions of NRS 53.045 by a physician, a licensed psychologist,*
43 *a physician assistant under the supervision of a psychiatrist, a*
44 *clinical social worker who has the psychiatric training and*
45 *experience prescribed by the Board of Examiners for Social*



1 *Workers pursuant to NRS 641B.160 or an advanced practice*
2 *registered nurse who has the psychiatric training and experience*
3 *prescribed by the State Board of Nursing pursuant to NRS*
4 *632.120, stating that he or she:*

5 (1) *Assessed the person who is the subject of the petition*
6 *not earlier than 10 days before the filing of the petition;*

7 (2) *Recommends that the person be ordered to receive*
8 *involuntary assisted outpatient treatment; and*

9 (3) *Is willing and able to testify at a hearing on the petition;*
10 *and*

11 (b) *A sworn statement or a declaration that complies with the*
12 *provisions of NRS 53.045 from a professional responsible for*
13 *providing or coordinating involuntary assisted outpatient*
14 *treatment stating that he or she is willing to provide or coordinate*
15 *involuntary assisted outpatient treatment for the person.*

16 3. *A proceeding to require a person who is the defendant in a*
17 *criminal proceeding in the district court to receive involuntary*
18 *assisted outpatient treatment may be commenced by the district*
19 *court, on its own motion, or by motion of the defendant or the*
20 *district attorney if:*

21 (a) *The defendant has been examined in accordance with*
22 *NRS 178.415;*

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

25 (c) *The Division makes a clinical determination that*
26 *involuntary assisted outpatient treatment is appropriate.*

27 4. *A petition filed pursuant to subsection 1 or a motion made*
28 *pursuant to subsection 3 must allege the following concerning the*
29 *person to be treated:*

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

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

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

35 (1) *At least twice during the immediately preceding 48*
36 *months, poor compliance with treatment has been a significant*
37 *factor in the person being hospitalized or receiving services in the*
38 *behavioral health unit of a federal or state prison or a county or*
39 *city jail or detention center. The 48-month period described in this*
40 *paragraph must be extended by the amount of time that the person*
41 *has been hospitalized, incarcerated or detained if poor compliance*
42 *with treatment for his or her mental illness was a significant*
43 *factor in the person being hospitalized, incarcerated or detained.*

44 (2) *Poor compliance with treatment has resulted in at least*
45 *one act of serious violence toward himself or herself or others or*



1 *threat or attempt to cause serious physical harm to himself or*
2 *herself or others during the immediately preceding 48 months in*
3 *which the person has not been hospitalized, incarcerated or*
4 *detained. The 48-month period described in this paragraph must*
5 *be extended by the amount of time that the person has been*
6 *hospitalized, incarcerated or detained if poor compliance with*
7 *treatment for his or her mental illness was a significant factor in*
8 *the person being hospitalized, incarcerated or detained.*

9 (3) *Resulted in the person being hospitalized, incarcerated*
10 *or detained for at least 6 months and the person:*

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

14 (II) *Has been discharged or released from such*
15 *hospitalization, incarceration or detention during the 60 days*
16 *immediately preceding the date of the petition; or*

17 (4) *Caused the person to suffer or continue to suffer severe*
18 *abnormal mental, emotional or physical harm that significantly*
19 *impairs judgment, reason, behavior or capacity to recognize*
20 *reality.*

21 (d) *The person is capable of surviving in the community in*
22 *which he or she resides without presenting a substantial likelihood*
23 *of serious harm to himself or herself or others, as determined*
24 *pursuant to NRS 433A.0195, if he or she receives assisted*
25 *outpatient treatment.*

26 (e) *The person requires assisted outpatient treatment to*
27 *prevent further disability or deterioration that presents a*
28 *substantial likelihood of serious harm to himself or herself or*
29 *others, as determined pursuant to NRS 433A.0195.*

30 5. *Upon the request of the person who is the subject of a*
31 *petition filed pursuant to subsection 1, the court shall order an*
32 *independent evaluation by a physician, a licensed psychologist, a*
33 *physician assistant under the supervision of a psychiatrist, a*
34 *clinical social worker who has the psychiatric training and*
35 *experience prescribed by the Board of Examiners for Social*
36 *Workers pursuant to NRS 641B.160 or an advanced practice*
37 *registered nurse who has the psychiatric training and experience*
38 *prescribed by the State Board of Nursing pursuant to NRS*
39 *632.120, to determine whether the person meets the criteria*
40 *prescribed in subsection 4. The petitioner is responsible for the*
41 *cost of the examination. The person who conducts the*
42 *examination must submit his or her findings to the court and be*
43 *available to serve as a witness for any party at the hearing.*

44 6. *A copy of the petition filed pursuant to subsection 1 or a*
45 *motion made pursuant to subsection 3 must be served upon the*



1 *person who is the subject of the petition or motion or his or her*
2 *counsel and, if applicable, his or her legal guardian.*

3 **Sec. 12.** 1. *Immediately after the clerk of the district court*
4 *receives a petition filed pursuant to subsection 1 of section 11 of*
5 *this act or section 21 of this act, the clerk shall transmit the*
6 *petition to the appropriate district judge, who shall set a time, date*
7 *and place for its hearing. Immediately after a motion is made*
8 *pursuant to subsection 3 of section 11 of this act, the district judge*
9 *shall set a time, date and place for its hearing. The date must be:*

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

12 (b) *If the person who is the subject of the petition or motion is*
13 *hospitalized at the time of the petition or motion, before that*
14 *person is to be discharged and within a sufficient time to arrange*
15 *for a continuous transition from inpatient treatment to assisted*
16 *outpatient treatment.*

17 2. *If the Chief Judge, if any, of the district court has assigned*
18 *a district court judge or hearing master to preside over hearings*
19 *pursuant to this section, that judge or hearing master must preside*
20 *over the hearing.*

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

32 **Sec. 13.** 1. *Before the date of a hearing on a petition for*
33 *involuntary assisted outpatient treatment, the person who made*
34 *the sworn statement or declaration pursuant to paragraph (a) of*
35 *subsection 2 of section 11 of this act, the personnel of the Division*
36 *who made the clinical determination concerning the*
37 *appropriateness of involuntary assisted outpatient treatment*
38 *pursuant to paragraph (c) of subsection 3 of section 11 of this act*
39 *or the person or entity who submitted the petition pursuant to*
40 *section 21 of this act, as applicable, shall submit to the court a*
41 *proposed written treatment plan created by a person professionally*
42 *qualified in the field of psychiatric mental health who is familiar*
43 *with the person who is the subject of the petition or motion, as*
44 *applicable. The proposed written treatment plan must set forth:*



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

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

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

7 (a) *Case management services to coordinate the assisted*
8 *outpatient treatment recommended pursuant to paragraph (b);*
9 *and*

10 (b) *Assisted outpatient treatment which may include, without*
11 *limitation:*

12 (1) *Medication;*

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

15 (3) *Individual or group therapy;*

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

17 (5) *Educational activities;*

18 (6) *Vocational training;*

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

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

23 (9) *Supervised living arrangements; and*

24 (10) *Any other services determined necessary to treat the*
25 *mental illness of the person, assist the person in living or*
26 *functioning in the community or prevent a deterioration of the*
27 *mental or physical condition of the person.*

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

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

34 (b) *Consult with the person who is to be treated, any providers*
35 *of health care who are currently treating the person, any*
36 *surrogate, supporter or legal guardian of the person, and, upon*
37 *the request of the person, any other person concerned with his or*
38 *her welfare, including, without limitation, a relative or friend.*

39 4. *If a proposed written treatment plan includes medication,*
40 *the plan must specify the type and class of the medication and*
41 *state whether the medication is to be self-administered or*
42 *administered by a specific provider of health care. A proposed*
43 *written treatment plan must not recommend the use of physical*
44 *force or restraints to administer medication.*



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

6 6. *If the person who is to be treated has executed an advance*
7 *directive for psychiatric care pursuant to NRS 449A.600 to*
8 *449A.645, inclusive, a copy of the advance directive must be*
9 *attached to the proposed written treatment plan.*

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

12 **Sec. 14.** 1. *The person who is the subject of a petition filed*
13 *or motion made pursuant to section 11 or 21 of this act or any*
14 *relative or friend on the person's behalf is entitled to retain*
15 *counsel to represent the person in any proceeding before the*
16 *district court relating to involuntary assisted outpatient treatment.*
17 *If he or she fails or refuses to obtain counsel, the court must*
18 *advise the person and his or her guardian or next of kin, if known,*
19 *of such right to counsel and must appoint counsel, who may be the*
20 *public defender or his or her deputy. The person must be*
21 *represented by counsel at all stages of the proceedings.*

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

29 3. *The court shall, at the request of counsel representing the*
30 *subject of the petition or motion in proceedings before the court*
31 *relating to involuntary assisted outpatient treatment, grant a*
32 *recess in the proceedings for the shortest time possible, but for not*
33 *more than 7 days, to give the counsel an opportunity to prepare his*
34 *or her case.*

35 4. *If the person who is the subject of the petition or motion is*
36 *ordered to receive involuntary assisted outpatient treatment,*
37 *counsel must continue to represent the person until the person is*
38 *released from the program. The court shall serve notice upon such*
39 *counsel of any action that is taken involving the person while the*
40 *person is required by the order to receive involuntary assisted*
41 *outpatient treatment.*

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



1 (a) *Must appear and represent the State in the proceedings for*
2 *involuntary assisted outpatient treatment if:*

3 (1) *Pursuant to subsection 1 of section 11 of this act or*
4 *section 21 of this act the proceedings were initiated by:*

5 (I) *A petition filed by the Administrator or his or her*
6 *designee; or*

7 (II) *The medical director of a division facility or his or*
8 *her designee; and*

9 (2) *The district attorney determines that there is clear and*
10 *convincing evidence that the criteria prescribed in subsection 4 of*
11 *section 11 of this act or subsection 1 of section 21 of this act, as*
12 *applicable, are met.*

13 (b) *May appear and represent the State in the proceedings for*
14 *involuntary assisted outpatient treatment in any other case where*
15 *the district attorney determines that there is clear and convincing*
16 *evidence that the criteria prescribed in subsection 4 of section 11*
17 *of this act or subsection 1 of section 21 of this act, as applicable,*
18 *are met.*

19 2. *If the district attorney does not appear and represent the*
20 *State in a proceeding for involuntary assisted outpatient treatment,*
21 *the petitioner is responsible for presenting the case in support of*
22 *the petition.*

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

26 (a) *The testimony of the person who made a sworn statement*
27 *or declaration pursuant to paragraph (a) of subsection 2 of section*
28 *11 of this act, any personnel of the Division responsible for a*
29 *clinical determination made pursuant to paragraph (c) of*
30 *subsection 3 of section 11 of this act or the person or entity*
31 *responsible for the decision to submit a petition pursuant to*
32 *section 21 of this act, as applicable;*

33 (b) *The testimony of any surrogate, supporter or legal*
34 *guardian of the person who is the subject of the proceedings, if*
35 *that person wishes to testify; and*

36 (c) *If the proposed written treatment plan submitted to section*
37 *13 of this act recommends medication and the person who is the*
38 *subject of the petition objects to the recommendation, the*
39 *testimony of the person professionally qualified in the field of*
40 *psychiatric mental health who is familiar with the person who*
41 *prescribed the recommendation.*

42 2. *The court may consider testimony relating to any past*
43 *actions of the person who is the subject of the petition or motion if*
44 *such testimony is probative of the question of whether the person*
45 *currently meets the criteria prescribed by subsection 4 of*



1 *section 11 of this act or subsection 1 of section 21 of this act, as*
2 *applicable.*

3 **Sec. 17.** 1. *Except as otherwise provided in subsection 2,*
4 *the person who is the subject of a petition or motion for*
5 *involuntary assisted outpatient treatment must be present at the*
6 *proceedings on the petition or motion, as applicable, and may, at*
7 *the discretion of the court, testify.*

8 2. *The court may conduct the hearing on a petition or motion*
9 *for involuntary assisted outpatient treatment in the absence of the*
10 *person who is the subject of the petition or motion if:*

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

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

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

18 (a) *That there is not clear and convincing evidence that the*
19 *person meets the criteria prescribed in subsection 4 of section 11*
20 *of this act or subsection 1 of section 21 of this act, as applicable,*
21 *the court must enter its finding to that effect and the person must*
22 *not be ordered to receive involuntary assisted outpatient treatment.*

23 (b) *That there is clear and convincing evidence that the person*
24 *meets the criteria prescribed in subsection 4 of section 11 of this*
25 *act or subsection 1 of section 21 of this act, as applicable, the*
26 *court may order the person to receive involuntary assisted*
27 *outpatient treatment. The order of the court must be interlocutory*
28 *and must not become final if, within 30 days after the involuntary*
29 *admission, the person is unconditionally released pursuant to*
30 *NRS 433A.390.*

31 2. *If the district court finds, after proceedings for the*
32 *involuntary assisted outpatient treatment of a defendant in a*
33 *criminal proceeding pursuant to subsection 3 of section 11 of this*
34 *act:*

35 (a) *That there is not clear and convincing evidence that the*
36 *defendant meets the criteria prescribed in subsection 4 of section*
37 *11 of this act or subsection 1 of section 21 of this act, as*
38 *applicable, the court must enter its finding to that effect and the*
39 *person must not be ordered to receive involuntary assisted*
40 *outpatient treatment.*

41 (b) *That there is clear and convincing evidence that the*
42 *defendant meets the criteria prescribed in subsection 4 of section*
43 *11 of this act or subsection 1 of section 21 of this act, as*
44 *applicable, except as otherwise provided in this paragraph, the*
45 *court must order the defendant to receive involuntary assisted*



1 *outpatient treatment and suspend further proceedings in the*
2 *criminal proceeding against the defendant until the defendant*
3 *completes the treatment or the treatment is terminated. If the*
4 *offense allegedly committed by the defendant is a category A or B*
5 *felony or involved the use or threatened use of force or violence,*
6 *the court must not order the defendant to receive involuntary*
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 involuntary admission, the person is*
11 *unconditionally released pursuant to NRS 433A.390. If the*
12 *defendant successfully completes the involuntary assisted*
13 *outpatient treatment to the satisfaction of the court, the court must*
14 *dismiss the criminal charges against the defendant with prejudice.*

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

17 *(a) Provide for a period of involuntary assisted outpatient*
18 *treatment that does not exceed 6 months unless the order is*
19 *renewed or extended 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 one or more providers of health care to provide or*
23 *arrange for the services pursuant to paragraph (b) for the*
24 *duration of the order.*

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

34 *5. An order for a person to receive involuntary assisted*
35 *outpatient treatment may not prescribe treatment that differs from*
36 *the treatment recommended by the proposed written treatment*
37 *plan submitted pursuant to section 13 of this act.*

38 *6. If a surrogate, supporter or legal guardian of a person to*
39 *be treated testified at the hearing or the person to be treated has*
40 *executed an advance directive for psychiatric care pursuant to*
41 *NRS 449A.600 to 449A.645, inclusive, an order for the person to*
42 *receive involuntary assisted outpatient treatment must not require*
43 *treatment that conflicts with the preferences expressed in the*
44 *testimony or advance directive, as applicable, unless good cause is*
45 *shown.*



1 7. *If the court issues an order requiring a person to receive*
2 *involuntary assisted outpatient treatment, the court must,*
3 *notwithstanding the provisions of NRS 433A.715, cause, within 5*
4 *business days after the order becomes final pursuant to this*
5 *section, on a form prescribed by the Department of Public Safety,*
6 *a record of the order to be transmitted to:*

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

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

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

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

26 **Sec. 19.** *The order for any person to receive involuntary*
27 *assisted outpatient treatment must be accompanied by a clinical*
28 *abstract, including a history of illness, diagnosis, treatment and*
29 *the names of relatives or correspondents.*

30 **Sec. 20.** 1. *When a person who is involuntarily required to*
31 *receive assisted outpatient treatment fails to participate in the*
32 *treatment or otherwise fails to carry out the plan of treatment*
33 *ordered pursuant to section 18 of this act or subsection 3 of NRS*
34 *433A.310, as applicable, despite efforts by the professional*
35 *responsible for providing or coordinating the involuntary assisted*
36 *outpatient treatment for the person to solicit the person's*
37 *compliance, the professional may petition the court to issue an*
38 *order requiring a peace officer to take into custody and deliver the*
39 *person to the appropriate location to determine whether the person*
40 *is a person in a mental health crisis. The petition must be*
41 *accompanied by:*

42 (a) *A copy of the order for involuntary assisted outpatient*
43 *treatment;*



1 (b) A copy of the plan of treatment ordered by the court
2 pursuant to section 18 of this act or subsection 3 of NRS
3 433A.310, as applicable;

4 (c) A list that sets forth the specific provisions of the plan of
5 treatment which the person has failed to carry out; and

6 (d) A statement by the petitioner which explains how the
7 person's failure to receive involuntary assisted outpatient
8 treatment or failure to carry out the plan of treatment will likely
9 cause the person to harm himself or herself or others.

10 2. If the court determines that there is probable cause to
11 believe that the person is likely to harm himself or herself or
12 others if the person does not comply with the plan of treatment,
13 the court may issue an order requiring a peace officer to take into
14 custody and deliver the person to an appropriate location for a
15 determination of whether the person is a person in a mental health
16 crisis.

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

19 **Sec. 21.** 1. Not later than 7 judicial days before the end of a
20 period of involuntary assisted outpatient treatment ordered by a
21 court pursuant to section 18 of this act or NRS 433A.310, the
22 Administrator or his or her designee, the medical director of a
23 division facility through which the person who is the subject of the
24 order is receiving involuntary assisted outpatient treatment or his
25 or her designee or another professional responsible for providing
26 or coordinating the involuntary assisted outpatient treatment may
27 petition to renew the order for involuntary assisted outpatient
28 treatment for additional periods not to exceed 6 months each. For
29 each renewal, the petition must allege that the person to be
30 treated:

31 (a) Is capable of surviving in the community in which he or
32 she resides without presenting a substantial likelihood of serious
33 harm to himself or herself or others, as determined pursuant to
34 NRS 433A.0195, if he or she receives assisted outpatient
35 treatment;

36 (b) Requires assisted outpatient treatment to prevent further
37 disability or deterioration that presents a substantial likelihood of
38 serious harm to himself or herself or others, as determined
39 pursuant to NRS 433A.0195; and

40 (c) Has a limited ability to make an informed decision to
41 voluntarily seek or comply with treatment for his or her mental
42 illness as a result of his or her mental illness.

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



1 3. Upon receiving a petition filed pursuant to subsection 1,
2 the court shall schedule a hearing on the petition pursuant to
3 section 12 of this act. If the order for involuntary assisted
4 outpatient treatment that is effective at the time of the petition is
5 scheduled to expire before the hearing, the order is extended and
6 remains in effect until the date of the hearing.

7 **Sec. 22.** 1. If a person described in subsection 2 determines
8 that conditional release for a person pursuant to NRS 433A.380 is
9 no longer appropriate because the person is in a mental health
10 crisis, the person may petition the district court in the county
11 where the person determined to be in a mental health crisis resides
12 for an order requiring a peace officer to take the person into
13 custody and transport the person to a mental health facility or
14 hospital or arrange for the person to be transported to a
15 mental health facility or hospital by a person or entity listed in
16 subparagraph (2) of paragraph (b) of subsection 1 of
17 NRS 433A.160.

18 2. A petition described in subsection 1 may be filed by:

19 (a) A member of the staff of a community treatment program,
20 social services organization, mobile crisis unit or a member of a
21 multi-disciplinary team that is providing case management,
22 support and supervision to the person who is the subject of the
23 petition;

24 (b) The spouse, parent, adult child or guardian of the person
25 who is the subject of the petition; or

26 (c) A member of the staff of a mental health facility or hospital
27 at which the person who is the subject of the petition is receiving
28 treatment.

29 3. The district court may issue an order pursuant to
30 subsection 1 only if it concludes that there is probable cause to
31 believe that conditional release is no longer appropriate because
32 the person is a person in a mental health crisis. If the district court
33 issues such an order, the court shall ensure the delivery of the
34 order to the sheriff of the county. The sheriff shall:

35 (a) Provide the order to the public or private mental health
36 facility or hospital to which the person is transported; or

37 (b) Arrange for the person who transports the person alleged
38 to be a person in a mental health crisis to a public or private
39 mental health facility or hospital to provide the order to the facility
40 or hospital.

41 4. A mental health facility or hospital to which a person is
42 transported pursuant to this section shall provide for the
43 evaluation of the person by a physician, a licensed psychologist, a
44 physician assistant under the supervision of a psychiatrist, a
45 clinical social worker who has the psychiatric training and



1 *experience prescribed by the Board of Examiners for Social*
2 *Workers pursuant to NRS 641B.160 or an advanced practice*
3 *registered nurse who has the psychiatric training and experience*
4 *prescribed by the State Board of Nursing pursuant to NRS*
5 *632.120. If the physician, psychologist, physician assistant,*
6 *clinical social worker or advanced practice registered nurse*
7 *conducting the evaluation determines that the person is a person*
8 *in a mental health crisis, the physician, psychologist, physician*
9 *assistant, clinical social worker or advanced practice registered*
10 *nurse must:*

11 *(a) Place the person on a mental health crisis hold pursuant to*
12 *NRS 433A.160;*

13 *(b) Arrange for the emergency admission of the person*
14 *pursuant to section 10 of this act; and*

15 *(c) Submit a petition for the involuntary court-ordered*
16 *admission of the person pursuant to NRS 433A.200.*

17 *5. This section must not be construed to prohibit the*
18 *placement of a person who is on conditional release on a mental*
19 *health crisis hold pursuant to NRS 433A.160 in the absence of a*
20 *court order pursuant to this section.*

21 **Sec. 23.** NRS 433A.011 is hereby amended to read as follows:

22 433A.011 As used in this chapter, unless the context otherwise
23 requires, the words and terms defined in NRS 433A.012 to
24 433A.019, inclusive, *and sections 4 to 8, inclusive, of this act* have
25 the meanings ascribed to them in those sections.

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 to ~~[persons in a mental~~
30 ~~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.** NRS 433A.0195 is hereby amended to read as
5 follows:

6 433A.0195 For the purposes of this chapter, a person shall be
7 deemed to present a substantial likelihood of serious harm to
8 himself or herself or others if, without care or treatment, the person
9 is at serious risk of:

10 1. Attempting suicide or homicide;

11 2. Causing bodily injury to himself or herself or others,
12 including, without limitation, death, unconsciousness, extreme
13 physical pain, protracted and obvious disfigurement or a protracted
14 loss or impairment of a body part, organ or mental functioning; ~~or~~

15 3. Incurring a serious injury, illness or death resulting from
16 complete neglect of basic needs for food, clothing, shelter or
17 personal safety ~~or~~; or

18 4. *Suffering severe abnormal mental, emotional or physical*
19 *harm that significantly impairs judgment, reason, behavior or the*
20 *capacity to recognize reality.*

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

22 433A.130 All applications, ~~and~~ certificates *and other forms*
23 for the *detainment, evaluation,* admission, *treatment and*
24 *conditional release* of any person in the State of Nevada ~~to a~~
25 ~~mental health facility or to a program of community-based or~~
26 ~~outpatient services~~ under the provisions of this chapter shall be
27 made on forms approved by the Division and the Office of the
28 Attorney General and furnished by the clerks of the district courts in
29 each county.

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

31 433A.140 1. Any person may apply to:

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

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

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

41 2. If the application is for admission to a division facility, or
42 for care, treatment or training provided by the Division, the
43 applicant must be admitted or provided such services as a voluntary
44 consumer if an examination by personnel of the facility qualified to



1 make such a determination reveals that the person needs and may
2 benefit from services offered by the mental health facility.

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

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

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

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

27 (b) Within 72 regular operating hours, excluding weekends and
28 holidays, if the person has requested ~~[community-based or~~
29 ~~outpatient services.]~~ *assisted outpatient treatment.*

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

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

34 433A.145 1. If a person in a mental health crisis is admitted
35 to a public or private mental health facility or hospital as a voluntary
36 consumer, the facility or hospital shall not change the status of the
37 person to an emergency admission unless ~~[the hospital or facility~~
38 ~~receives, before the change in status is made, an application for an~~
39 ~~emergency admission pursuant to]~~ :

40 (a) *A person described in NRS 433A.160 places the person in a*
41 *mental health crisis hold;* and ~~[the certificate of a]~~

42 (b) A psychiatrist, psychologist, physician, physician assistant,
43 clinical social worker or advanced practice registered nurse
44 *completes a certificate* pursuant to NRS 433A.170.



1 2. ~~[A]~~ *Except as otherwise provided in subsection 3, a person*
2 whose status is changed pursuant to subsection 1 must not be
3 detained in excess of 72 hours , *including weekends and holidays,*
4 after the ~~[change in status is made]~~ *person is placed on a mental*
5 *health crisis hold pursuant to NRS 433A.160* unless, before the
6 close of the business day on which the 72 hours expires, a written
7 petition *for an involuntary court-ordered admission to a mental*
8 *health facility* is filed with the clerk of the district court pursuant to
9 NRS 433A.200 ~~[]~~ , *including, without limitation, the documents*
10 *required pursuant to NRS 433A.210.*

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

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

16 433A.150 1. ~~[Except as otherwise provided in this~~
17 ~~subsection, a]~~ *A person alleged to be a person in a mental health*
18 *crisis [may, upon application] who is placed on a mental health*
19 *crisis hold* pursuant to NRS 433A.160 ~~[and] may,~~ subject to the
20 provisions of subsection 2, be detained in a public or private mental
21 health facility or hospital ~~[under an emergency admission]~~ for
22 *assessment,* evaluation, ~~[observation]~~ *intervention* and treatment,
23 regardless of whether any parent or legal guardian of the person has
24 consented to the ~~[admission.]~~ *mental health crisis hold.*

25 2. Except as otherwise provided in subsection 3, a person
26 detained pursuant to subsection 1 must be released within 72 hours,
27 including weekends and holidays, after the ~~[application for~~
28 ~~emergency admission or any part of such an application is made]~~
29 *person is placed on a mental health crisis hold* pursuant to NRS
30 433A.160 unless, before the close of the business day on which the
31 72 hours expires, a written petition for an involuntary court-ordered
32 admission to a mental health facility is filed with the clerk of the
33 district court pursuant to NRS 433A.200, including, without
34 limitation, the documents required pursuant to NRS 433A.210, or
35 the status of the person is changed to a voluntary admission.

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

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

41 433A.160 1. ~~[Except as otherwise provided in subsection 2,~~
42 ~~an application for the emergency admission of a person alleged to be~~
43 ~~a person in a mental health crisis for evaluation, observation and~~
44 ~~treatment may only be made by an]~~ *An* officer authorized to make
45 arrests in the State of Nevada or a physician, physician assistant,



1 psychologist, marriage and family therapist, clinical professional
2 counselor, social worker or registered nurse ~~[- The officer,~~
3 ~~physician, physician assistant, psychologist, marriage and family~~
4 ~~therapist, clinical professional counselor, social worker or registered~~
5 ~~nurse may:~~

6 ~~— (a) Without a warrant:~~

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

12 ~~(a) Taking the person into custody [to apply for the emergency~~
13 ~~admission of the person for evaluation, observation and treatment;]~~
14 ~~without a warrant; and~~

15 ~~[(2) Transport]~~

16 ~~(b) Transporting the person [alleged to be a person in a mental~~
17 ~~health crisis] to a public or private mental health facility or hospital~~
18 ~~for [that purpose,] assessment, evaluation, intervention and~~
19 ~~treatment or [arrange] arranging for the person to be transported~~
20 ~~by:~~

21 ~~[(I)] (1) A local law enforcement agency;~~

22 ~~[(II)] (2) A system for the nonemergency medical~~
23 ~~transportation of persons whose operation is authorized by the~~
24 ~~Nevada Transportation Authority;~~

25 ~~[(III)] (3) An entity that is exempt pursuant to NRS~~
26 ~~706.745 from the provisions of NRS 706.386 or 706.421;~~

27 ~~[(IV)] (4) An accredited agent of the Division;~~

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

31 ~~[(VI)] (6) If medically necessary, an ambulance service~~
32 ~~that holds a permit issued pursuant to the provisions of chapter~~
33 ~~450B of NRS [;~~

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

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

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

44 ~~— (2) Any agency, system, provider, agent or service described~~
45 ~~in subparagraph (2) of paragraph (a) to transport the person alleged~~



1 ~~to be a person in a mental health crisis to a public or private mental~~
2 ~~health facility or hospital for that purpose.~~

3 ~~→ The district court may issue such an order only if it is satisfied~~
4 ~~that there is probable cause to believe that the person is a person in a~~
5 ~~mental health crisis.~~

6 ~~— 2. An application for the emergency admission of a person~~
7 ~~alleged to be a person in a mental health crisis for evaluation,~~
8 ~~observation and treatment may be made by a spouse, parent, adult~~
9 ~~child or legal guardian of the person. The spouse, parent, adult child~~
10 ~~or legal guardian and any other person who has a legitimate interest~~
11 ~~in the person alleged to be a person in a mental health crisis may~~
12 ~~apply to a district court for an order described in paragraph (b) of~~
13 ~~subsection 1.~~

14 ~~— 3. The application for the emergency admission of a person~~
15 ~~alleged to be a person in a mental health crisis for evaluation,~~
16 ~~observation and treatment must reveal]; and~~

17 *(c) Completing and providing to the public or private mental*
18 *health facility or hospital the form prescribed pursuant to NRS*
19 *433A.130 for the placement of a person on a mental health crisis*
20 *hold. The form must set forth* the circumstances under which the
21 person was taken into custody and the reasons therefor.

22 ~~[4.] 2. To the extent practicable, a person [who applies for the~~
23 ~~emergency admission of a person who is less than 18 years of age to~~
24 ~~a public or private mental health facility or hospital, other than a~~
25 ~~parent or guardian,] *described in subsection 1* shall attempt to~~
26 ~~obtain the consent of the parent or guardian *of an unemancipated*~~
27 ~~*person who is less than 18 years of age* before [making the~~
28 ~~application.] *placing the person on a mental health crisis hold.* The~~
29 ~~person who [applies for the emergency admission] *places an*~~
30 ~~*unemancipated person who is less than 18 years of age on a*~~
31 ~~*mental health crisis hold* or, if the person [makes the application] *is*~~
32 ~~*acting* within the scope of his or her employment, the employer of~~
33 ~~the person, shall maintain documentation of each such attempt until~~
34 ~~the person who is [the subject of the application] *placed on a*~~
35 ~~*mental health crisis hold* reaches at least 23 years of age.~~

36 ~~[5. Except as otherwise provided in this subsection, each~~
37 ~~person admitted to a public or private mental health facility or~~
38 ~~hospital under an emergency admission must be evaluated at the~~
39 ~~time of admission by a psychiatrist or a psychologist. If a~~
40 ~~psychiatrist or a psychologist is not available to conduct an~~
41 ~~evaluation at the time of admission, a physician or an advanced~~
42 ~~practice registered nurse who has the training and experience~~
43 ~~prescribed by the State Board of Nursing pursuant to NRS 632.120~~
44 ~~may conduct the evaluation. Each such emergency admission must~~
45 ~~be approved by a psychiatrist.~~



1 ~~6.]~~ 3. The State Board of Health shall adopt regulations
2 governing the manner in which:

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

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

7 ~~7.]~~ 4. As used in this section, "an accredited agent of the
8 Division" means any person authorized by the Division to transport
9 to a mental health facility pursuant to subparagraph ~~2]~~ (4) of
10 paragraph ~~1(a)]~~ (b) of subsection 1 those persons ~~in need of~~
11 ~~emergency admission.]~~ *being placed on a mental health crisis hold.*

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

13 433A.165 1. Before a person alleged to be a person in a
14 mental health crisis may be admitted to a public or private mental
15 health facility *or hospital under an emergency admission* pursuant
16 to NRS ~~433A.160.]~~ *433A.145 or section 10 of this act,* the person
17 must:

18 (a) First be examined by a licensed physician or physician
19 assistant licensed pursuant to chapter 630 or 633 of NRS or an
20 advanced practice registered nurse licensed pursuant to NRS
21 632.237 at any location where such a physician, physician assistant
22 or advanced practice registered nurse is authorized to conduct such
23 an examination to determine whether the person has a medical
24 condition, other than a psychiatric condition, which requires
25 immediate treatment; and

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

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

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

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

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

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



1 (2) Be accompanied by a copy of ~~the application for the~~
2 ~~emergency admission of the person required~~ :

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

5 (II) *The certificate* ~~required~~ *completed* pursuant to NRS
6 433A.170 ~~+~~ , *unless the medical condition prevents the*
7 *completion of such a certificate.*

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

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

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

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

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

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

29 (a) The person whose expenses were paid;

30 (b) The estate of that person; or

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

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

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

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

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



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

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

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

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

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

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

14 433A.170 Except as otherwise provided in this section, the
15 administrative officer of a facility operated by the Division or of any
16 other public or private mental health facility or hospital shall not
17 accept ~~[an application]~~ *a person* for an emergency admission under
18 NRS ~~[433A.160]~~ *433A.145 or section 10 of this act* unless ~~[that~~
19 ~~application is accompanied by a certificate of]~~ a licensed
20 psychologist, a physician, a physician assistant under the
21 supervision of a psychiatrist, a clinical social worker who has the
22 psychiatric training and experience prescribed by the Board of
23 Examiners for Social Workers pursuant to NRS 641B.160 or an
24 advanced practice registered nurse who has the psychiatric training
25 and experience prescribed by the State Board of Nursing pursuant to
26 NRS 632.120 , *completes a certificate* stating that he or she has
27 examined the person alleged to be a person in a mental health crisis
28 and that he or she has concluded that the person is a person in a
29 mental health crisis. The certificate required by this section may be
30 obtained from a licensed psychologist, physician, physician
31 assistant, clinical social worker or advanced practice registered
32 nurse who is employed by the public or private mental health
33 facility or hospital to which the ~~[application is made.]~~ *person*
34 *alleged to be a person in a mental health crisis is to be admitted.*

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

36 433A.185 As soon as practicable but not more than ~~[24]~~ *8*
37 hours after ~~[the emergency admission of a person alleged to be a]~~ *an*
38 *unemancipated* person ~~[in a mental health crisis]~~ who is under 18
39 years of age ~~[]~~ *is placed on a mental health crisis hold*, the
40 administrative officer of the public or private mental health facility
41 *or hospital in which the person is being held or his or her designee*
42 shall give notice of ~~[such admission]~~ *the mental health crisis hold*
43 in person, by telephone or facsimile and by certified mail to the
44 parent or legal guardian of that person.



1 **Sec. 34.** NRS 433A.190 is hereby amended to read as follows:
2 433A.190 1. The administrative officer of a public or private
3 mental health facility *or hospital* shall ensure that, within 24 hours
4 of the emergency admission of a person alleged to be a person in a
5 mental health crisis [~~pursuant to NRS 433A.150~~] who is at least 18
6 years of age, *pursuant to NRS 433A.145 or section 10 of this act*,
7 the person is asked to give permission to provide notice of the
8 emergency admission to a family member, friend or other person
9 identified by the person.

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

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

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

19 3. Except as otherwise provided in subsections 4 and 5, if a
20 person alleged to be a person in a mental health crisis who is at least
21 18 years of age does not give permission to notify a family member,
22 friend or other person of the emergency admission of the person,
23 notice of the emergency admission must not be provided until
24 permission is obtained.

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

33 5. If a guardian has been appointed for a person alleged to be a
34 person in a mental health crisis who is at least 18 years of age or the
35 person has executed a durable power of attorney for health care
36 pursuant to NRS 162A.700 to 162A.870, inclusive, or appointed an
37 attorney-in-fact using an advance directive for psychiatric care
38 pursuant to NRS 449A.600 to 449A.645, inclusive, the
39 administrative officer of the mental health facility *or hospital* must
40 ensure that the guardian, agent designated by the durable power of
41 attorney or the attorney-in-fact, as applicable, is promptly notified of
42 the admission as described in paragraph (b) of subsection 2,
43 regardless of whether the person alleged to be a person in a mental
44 health crisis has given permission to the notification.



1 **Sec. 35.** NRS 433A.195 is hereby amended to read as follows:
2 433A.195 *1.* A licensed physician on the medical staff of a
3 facility operated by the Division or of any other public or private
4 mental health facility or hospital may release a person ~~[admitted~~
5 ~~pursuant to NRS 433A.160]~~ *from a mental health crisis hold* upon
6 completion of a certificate which meets the requirements of NRS
7 433A.197 signed by a licensed physician on the medical staff of the
8 facility or hospital, a physician assistant under the supervision of a
9 psychiatrist, psychologist, a clinical social worker who has the
10 psychiatric training and experience prescribed by the Board of
11 Examiners for Social Workers pursuant to NRS 641B.160 or an
12 advanced practice registered nurse who has the psychiatric training
13 and experience prescribed by the State Board of Nursing pursuant to
14 NRS 632.120 stating that he or she has personally observed and
15 examined the person and that he or she has concluded that the
16 person is not a person in a mental health crisis.

17 *2. A licensed psychologist, a physician, a physician assistant*
18 *under the supervision of a psychiatrist, a clinical social worker*
19 *who has the psychiatric training and experience prescribed by the*
20 *Board of Examiners for Social Workers pursuant to NRS*
21 *641B.160 or an advanced practice registered nurse who has the*
22 *psychiatric training and experience prescribed by the State Board*
23 *of Nursing pursuant to NRS 632.120 on the medical staff of a*
24 *facility operated by the Division or of any other public or private*
25 *mental health facility or hospital may release an unemancipated*
26 *person who is less than 18 years of age from a mental health crisis*
27 *hold if the parent or guardian of the person agrees to treatment at*
28 *the facility or accepts physical custody of the person.*

29 **Sec. 36.** NRS 433A.200 is hereby amended to read as follows:
30 433A.200 *1.* Except as otherwise provided in ~~[subsection 3~~
31 ~~and]~~ NRS 432B.6075, a proceeding for an involuntary court-ordered
32 admission of any person in the State of Nevada may be commenced
33 by the filing of a petition for the involuntary admission to a mental
34 health facility ~~[or to a program of community based or outpatient~~
35 ~~services]~~ with the clerk of the district court of the county where the
36 person who is to be treated resides. The petition may be filed by ~~[the~~
37 ~~spouse, parent, adult children or legal guardian of the person to be~~
38 ~~treated or by]~~ any physician, physician assistant, psychologist, social
39 worker or registered nurse or by any officer authorized to make
40 arrests in the State of Nevada. The petition must be accompanied:

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



1 the psychiatric training and experience prescribed by the State
2 Board of Nursing pursuant to NRS 632.120 stating that he or she
3 has examined the person alleged to be a person in a mental health
4 crisis and has concluded that the person is a person in a mental
5 health crisis; or

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

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

11 ~~{}(2) The~~ *the* person alleged to be a person in a mental health
12 crisis has refused to submit to examination or treatment by a
13 physician, psychiatrist, licensed psychologist or advanced practice
14 registered nurse who has the psychiatric training and experience
15 prescribed by the State Board of Nursing pursuant to NRS 632.120
16 ~~{};~~ or

17 *(2) The person alleged to be a person in a mental health*
18 *crisis has been placed on a mental health crisis hold pursuant to*
19 *NRS 433A.160 and the physician, physician assistant or advanced*
20 *practice registered nurse who examined the person alleged to be a*
21 *person with a mental health crisis pursuant to NRS 433A.165*
22 *determined that the person has a medical condition, other than a*
23 *psychiatric condition, which requires immediate treatment.*

24 2. Except as otherwise provided in NRS 432B.6075, if the
25 person to be treated is ~~{}a~~ *an unemancipated* minor and the
26 petitioner is a person other than a parent or guardian of the minor, a
27 petition submitted pursuant to subsection 1 must, in addition to the
28 certificate or statement required by that subsection, include a
29 statement signed by a parent or guardian of the minor that the parent
30 or guardian does not object to the filing of the petition.

31 ~~{}3.— A proceeding for the involuntary court ordered admission~~
32 ~~of a person who is the defendant in a criminal proceeding in the~~
33 ~~district court to a program of community based or outpatient~~
34 ~~services may be commenced by the district court, on its own motion,~~
35 ~~or by motion of the defendant or the district attorney if:~~

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

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

40 ~~—(c) The Division makes a clinical determination that placement~~
41 ~~in a program of community based or outpatient services is~~
42 ~~appropriate.]~~

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

44 433A.210 In addition to the requirements of NRS 433A.200, a
45 petition filed pursuant to that section with the clerk of the district



1 court to commence proceedings for involuntary court-ordered
2 admission of a person pursuant to NRS 433A.145 or 433A.150 must
3 include *documentation of the results of the medical examination*
4 *conducted pursuant to NRS 933A.165 and* a certified copy of:

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

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

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

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

18 (c) Based on his or her personal observation of the person
19 alleged to be a person in a mental health crisis and other facts set
20 forth in the petition, the person presents a substantial risk of serious
21 harm to himself or herself or others, as determined pursuant to NRS
22 433A.0195; and

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

27 **Sec. 38.** NRS 433A.215 is hereby amended to read as follows:

28 433A.215 If an application for a writ of habeas corpus is made
29 by, or on behalf of, a person in a mental health crisis or who is
30 alleged to be a person in a mental health crisis before the initial
31 hearing on a petition for the involuntary court-ordered admission of
32 the person to a mental health facility, ~~[for a program of community-~~
33 ~~based or outpatient services,]~~ the court ~~[shall]~~ *must* conduct a
34 hearing on the application as soon as practicable.

35 **Sec. 39.** NRS 433A.220 is hereby amended to read as follows:

36 433A.220 1. Immediately after the clerk of the district court
37 receives any petition filed pursuant to NRS 433A.200 and
38 433A.210, the clerk shall transmit the petition to the appropriate
39 district judge, who shall set a time, date and place for its hearing.
40 ~~[Immediately after a motion is made pursuant to subsection 3 of~~
41 ~~NRS 433A.200, the district judge shall set a time, date and place for~~
42 ~~its hearing.]~~ The date must be within 6 judicial days after the date on
43 which the petition is received by the clerk ~~[or the motion is made, as~~
44 ~~applicable,]~~ unless otherwise stipulated by an attorney representing
45 the person alleged to be a person in a mental health crisis and the



1 district attorney. If the Chief Judge, if any, of the district court has
2 assigned a district court judge or hearing master to preside over such
3 hearings, that judge or hearing master must preside over the hearing.

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

14 3. The provisions of this section do not preclude a facility from
15 discharging a person before the time set pursuant to this section for
16 the hearing concerning the person, if appropriate. If the person has a
17 legal guardian, the facility shall notify the guardian prior to
18 discharging the person from the facility. The legal guardian has
19 discretion to determine where the person will be released, taking
20 into consideration any discharge plan proposed by the facility
21 assessment team. If the legal guardian does not inform the facility as
22 to where the person will be released within 3 days after the date of
23 notification, the facility shall discharge the person according to its
24 proposed discharge plan.

25 4. *If the person who is the subject of the petition is currently*
26 *on conditional release pursuant to NRS 433A.380:*

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

30 (b) *The court may, with the consent of the parties, set a*
31 *hearing before or concurrent with the hearing scheduled pursuant*
32 *to subsection 1 to determine whether conditional release remains*
33 *appropriate. If the court sets a hearing to resolve the conditional*
34 *release, the parties may stipulate to continue the matter of the*
35 *petition for involuntary court-ordered admission pending*
36 *resolution of the conditional release. If the court determines by*
37 *clear and convincing evidence that conditional release is no*
38 *longer appropriate, the court may order the admission of the*
39 *person to a mental health facility or hospital pending the*
40 *resolution of the petition for involuntary court-ordered admission.*

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

42 433A.240 1. After the filing of a petition to commence
43 proceedings for the involuntary court-ordered admission of a person
44 pursuant to NRS 433A.200 and 433A.210, the court shall promptly
45 cause two or more physicians, licensed psychologists or advanced



1 practice registered nurses who have the psychiatric training and
2 experience prescribed by the State Board of Nursing pursuant to
3 NRS 632.120, one of whom must always be a physician, to examine
4 the person alleged to be a person in a mental health crisis, or request
5 an evaluation by an evaluation team from the Division of the person
6 alleged to be a person in a mental health crisis.

7 2. Subject to the provisions in subsection 1, the judge assigned
8 to hear a proceeding brought pursuant to NRS 433A.200 to
9 433A.330, inclusive, shall have complete discretion in selecting the
10 medical professionals to conduct the examination required pursuant
11 to subsection 1.

12 3. ~~After the filing of a motion pursuant to subsection 3 of NRS~~
13 ~~433A.200, the court shall promptly request an evaluation by an~~
14 ~~evaluation team from the Division of the person alleged to be a~~
15 ~~person in a mental health crisis.~~

16 ~~4.]~~ To conduct the examination of a person who is not being
17 detained at a mental health facility or hospital under ~~an emergency~~
18 ~~admission] a mental health crisis hold~~ pursuant to ~~an application~~
19 ~~made pursuant to]~~ NRS 433A.160, the court may order a peace
20 officer to take the person into protective custody and transport the
21 person to a mental health facility or hospital where the person may
22 be detained until a hearing is had upon the petition or motion, as
23 applicable.

24 ~~5.] 4.~~ If the person is not being detained under ~~an emergency~~
25 ~~admission] a mental health crisis hold~~ pursuant to ~~an application~~
26 ~~made pursuant to]~~ NRS 433A.160, the person may be allowed to
27 remain in his or her home or other place of residence pending an
28 ordered examination or examinations and to return to his or her
29 home or other place of residence upon completion of the
30 examination or examinations. The person may be accompanied by
31 one or more of his or her relations or friends to the place of
32 examination.

33 ~~6.] 5.~~ Each physician, licensed psychologist and advanced
34 practice registered nurse who examines a person pursuant to
35 subsection 1 ~~or 3]~~ shall, in conducting such an examination,
36 consider the least restrictive treatment appropriate for the person.

37 ~~7.] 6.~~ Each physician, licensed psychologist and advanced
38 practice registered nurse who examines a person pursuant to
39 subsection 1 shall, not later than 24 hours before the hearing set
40 pursuant to *subsection 1 of* NRS 433A.220, submit to the court in
41 writing a summary of his or her findings and evaluation regarding
42 the person alleged to be a person in a mental health crisis.



1 **Sec. 41.** NRS 433A.250 is hereby amended to read as follows:
2 433A.250 1. The Administrator shall establish such
3 evaluation teams as are necessary to aid the courts under NRS
4 433A.240 ~~[.]~~ and 433A.310. ~~[, 433A.315 and 433A.323.]~~

5 2. Each team must be composed of a psychiatrist and other
6 persons professionally qualified in the field of psychiatric mental
7 health who are representative of the Division, selected from
8 personnel in the Division.

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

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

12 433A.270 1. The person alleged to be a person in a mental
13 health crisis or any relative or friend on the person's behalf is
14 entitled to retain counsel to represent the person in any proceeding
15 before the district court relating to involuntary court-ordered
16 admission, and if he or she fails or refuses to obtain counsel, the
17 court ~~[shall]~~ *must* advise the person and the person's guardian or
18 next of kin, if known, of such right to counsel and shall appoint
19 counsel, who may be the public defender or his or her deputy.

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

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

33 4. If the person alleged to be a person in a mental health crisis
34 is involuntarily admitted to a ~~[program of community-based or~~
35 ~~outpatient services,]~~ *public or private mental health facility,*
36 counsel ~~[shall]~~ *must* continue to represent the person until the
37 person is *unconditionally* released from the ~~[program.]~~ *facility*
38 *pursuant to NRS 433A.390.* The court shall serve notice upon such
39 counsel of any action that is taken involving the person while the
40 person is admitted to the ~~[program of community-based or~~
41 ~~outpatient services.]~~ *facility.*

42 5. Each district attorney or his or her deputy shall appear and
43 represent the State in all involuntary court-ordered admission
44 proceedings in the district attorney's county. The district attorney is
45 responsible for the presentation of evidence, if any, in support of the



1 involuntary court-ordered admission of a person to a mental health
2 facility ~~for to a program of community based or outpatient services~~
3 in proceedings held pursuant to NRS 433A.200 and 433A.210.

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

5 433A.310 1. Except as otherwise provided in ~~subsection 2~~
6 ~~and~~ NRS 432B.6076 and 432B.6077, if the district court finds, after
7 proceedings for the involuntary court-ordered admission of a
8 person:

9 (a) That there is not clear and convincing evidence that the
10 person with respect to whom the hearing was held is a person in a
11 mental health crisis, the court ~~shall~~ *must* enter its finding to that
12 effect and the person must not be involuntarily admitted to a public
13 or private mental health facility . ~~for to a program of community-~~
14 ~~based or outpatient services.~~ If the person has been ~~admitted to~~
15 *detained in* a public or private mental health facility or hospital
16 *under a mental health crisis hold pursuant to NRS 433A.160,*
17 *including, without limitation, where the person has been admitted*
18 *under an emergency admission* pursuant to NRS ~~433A.160,~~
19 *433A.145 or section 10 of this act,* the court must issue a written
20 order requiring the facility or hospital to release the person not later
21 than 24 hours after the court issues the order, unless the person
22 applies for admission as a voluntary consumer pursuant to
23 NRS 433A.140.

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

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

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

42 ~~—(b) That there is clear and convincing evidence that the~~
43 ~~defendant with respect to whom the hearing was held is a person in~~
44 ~~a mental health crisis, except as otherwise provided in this~~
45 ~~paragraph, the court shall order the involuntary admission of the~~



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

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

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

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

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

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

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

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

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



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

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

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

25 ~~—6.] 3. Before issuing an order for involuntary admission or a~~
26 ~~renewal thereof, the court shall explore other alternative courses of~~
27 ~~treatment within the least restrictive appropriate environment,~~
28 ~~including involuntary [admission to a program of community based~~
29 ~~or outpatient services,] *assisted outpatient treatment*, as suggested~~
30 ~~by the evaluation team who evaluated the person, or other persons~~
31 ~~professionally qualified in the field of psychiatric mental health,~~
32 ~~which the court believes may be in the best interests of the person.~~
33 ~~*If the court determines that there is clear and convincing evidence*~~
34 ~~*that the patient meets the criteria prescribed by subsection 4 of*~~
35 ~~*section 11 of this act, the court may order the patient to receive*~~
36 ~~*involuntary assisted outpatient treatment. The order of the court:*~~

37 ~~(a) *Must be interlocutory and must not become final if, within*~~
38 ~~*30 days after the involuntary admission, the person is*~~
39 ~~*unconditionally released pursuant to NRS 433A.390; and*~~

40 ~~(b) *Is subject to the provisions of subsections 3 to 8, inclusive,*~~
41 ~~*of section 18 of this act.*~~

42 ~~[7.] 4. If the court issues an order involuntarily admitting a~~
43 ~~person to a public or private mental health facility [or to a program~~
44 ~~of community based or outpatient services] pursuant to this section,~~
45 ~~the court [shall,] *must*, notwithstanding the provisions of~~



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

14 ~~§ 5.~~ 5. As used in this section, "National Instant Criminal
15 Background Check System" has the meaning ascribed to it in
16 NRS 179A.062.

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

18 433A.320 The order for involuntary ~~court~~ *court-ordered*
19 admission of any person to a public or private mental health facility
20 ~~for or to a program of community-based or outpatient services~~ must
21 be accompanied by a clinical abstract, including a history of illness,
22 diagnosis, treatment and the names of relatives or correspondents.

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

24 433A.350 1. Upon admission to any public or private mental
25 health facility or to ~~a program of community-based or outpatient~~
26 ~~services~~ *assisted outpatient treatment*, each consumer and the
27 consumer's spouse and legal guardian, if any, must receive a written
28 statement outlining in simple, nontechnical language all procedures
29 for release provided by this chapter, setting out all rights accorded to
30 such a consumer by this chapter and chapters 433 and 433B of NRS
31 and, if the consumer has no legal guardian, describing procedures
32 provided by law for adjudication of incapacity and appointment of a
33 guardian for the consumer.

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

43 **Sec. 46.** NRS 433A.360 is hereby amended to read as follows:

44 433A.360 1. A clinical record for each consumer must be
45 diligently maintained by any division facility, private institution,



1 facility offering mental health services or ~~[program of community-~~
2 ~~based or outpatient services.]~~ *professional responsible for*
3 *providing or coordinating assisted outpatient treatment.* The record
4 must include information pertaining to the consumer's admission,
5 legal status, treatment and individualized plan for habilitation. The
6 clinical record is not a public record and no part of it may be
7 released, except as otherwise provided in subsection 2 or except:

8 (a) If the release is authorized or required pursuant to
9 NRS 439.538.

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

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

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

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

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

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

36 (1) The consumer is a consumer of that office and the
37 consumer or the consumer's legal representative or guardian
38 authorizes the release of the record; or

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

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

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



1 (h) The record must be released as provided in NRS 433.332 or
2 433B.200 and in chapter 629 of NRS.

3 2. A division facility, private institution, facility offering
4 mental health services or ~~{program of community based or~~
5 ~~outpatient services}~~ *professional responsible for providing or*
6 *coordinating assisted outpatient treatment* and any other person or
7 entity having information concerning a consumer, including,
8 without limitation, a clinical record, any part thereof or any
9 information contained therein, may disclose such information to a
10 provider of health care to assist with treatment provided to the
11 consumer.

12 3. As used in this section:

13 (a) "Consumer" includes any person who seeks, on the person's
14 own or others' initiative, and can benefit from, care, treatment and
15 training in a private institution or facility offering mental health
16 services, from treatment to competency in a private institution or
17 facility offering mental health services, or from a program of
18 community-based or outpatient services.

19 (b) "Provider of health care" has the meaning ascribed to it in
20 NRS 629.031.

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

22 433A.380 1. ~~{Except as otherwise provided in subsection 4,}~~
23 *The medical director of a public or private mental health facility*
24 *may petition the district court for the conditional release of* any
25 person involuntarily admitted *to the facility* by ~~{a}~~ *that court* ~~{may~~
26 ~~be conditionally released from a public or private mental health~~
27 ~~facility when, in the judgment of the medical director of the facility,~~
28 ~~the}~~ *if the medical director determines that:*

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

32 (b) *There will be an increased risk for psychiatric deterioration*
33 *or recurring mental health crises if the person is not released*
34 *without conditions; and*

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

39 2. *A petition filed pursuant to subsection 1 must be served on*
40 *the counsel for the person who is the subject of the petition and*
41 *the district attorney.*

42 3. *The court shall hold a hearing not later than 6 days after*
43 *receiving a petition pursuant to subsection 1 to review the progress*
44 *of the person. The public or private mental health facility shall not*
45 *conditionally release the person before the hearing. The court may*



1 *order the conditional release only if it determines, by clear and*
2 *convincing evidence, that the criteria prescribed in subsection 1*
3 *have been satisfied.*

4 4. The medical director of the facility or the medical director's
5 designee shall prescribe the period for which the conditional release
6 is effective. The period must not extend beyond the last day of the
7 court-ordered period of ~~["treatment"]~~ *admission* pursuant to NRS
8 433A.310. If the person has a legal guardian, the facility ~~["shall"]~~
9 *must* notify the guardian before discharging the person from the
10 facility. The legal guardian has discretion to determine where the
11 person will be released, taking into consideration any discharge plan
12 proposed by the facility assessment team. If the legal guardian does
13 not inform the facility as to where the person will be released within
14 3 days after the date of notification, the facility ~~["shall"]~~ *must*
15 discharge the person according to its proposed discharge plan.

16 ~~["2-"]~~ 5. When a person is conditionally released pursuant to
17 ~~["subsection 1,"]~~ *this section*, the State or any of its agents or
18 employees are not liable for any debts or contractual obligations,
19 medical or otherwise, incurred or damages caused by the actions of
20 the person.

21 ~~["3-"]~~ 6. When a person who has been adjudicated by a court to
22 be incapacitated is conditionally released from a mental health
23 facility, the administrative officer of the mental health facility shall
24 petition the court for restoration of full civil and legal rights as
25 deemed necessary to facilitate the incapacitated person's
26 rehabilitation. If the person has a legal guardian, the petition must be
27 filed with the court having jurisdiction over the guardianship.

28 ~~["4-"]~~ 7. A person who was involuntarily admitted by a court
29 because he or she was likely to present a substantial likelihood of
30 serious harm to himself or herself or others, as determined pursuant
31 to NRS 433A.0195, may be conditionally released only if, at the
32 time of the release, written notice is given to ~~["the court which~~
33 ~~admitted him or her, to"]~~ the person's legal guardian and to the
34 district attorney of the county in which the proceedings for
35 admission were held.

36 ~~["5-"]~~ 8. Except as otherwise provided in subsection ~~["7,"]~~ *10*, the
37 administrative officer of a public or private mental health facility or
38 the administrative officer's designee ~~["shall"]~~ *must apply to the*
39 *district court to* order a person who is conditionally released from
40 that facility pursuant to this section to return to the facility if ~~["a~~
41 ~~psychiatrist and a member of that person's treatment team who is~~
42 ~~professionally qualified in the field of psychiatric mental health~~
43 ~~determine"]~~ *he or she determines* that the conditional release is no
44 longer appropriate because that person ~~["presents a substantial~~
45 ~~likelihood of serious harm to himself or herself or others, as~~



1 ~~determined pursuant to NRS 433A.0195.]~~ *is a person in a mental*
2 *health crisis.* Except as otherwise provided in this subsection, the
3 administrative officer or the designee shall, at least 3 days before the
4 ~~[issuance of the order to return,]~~ *making such an application,* give
5 written notice of the ~~[order]~~ *determination* to the ~~[court that~~
6 ~~admitted the person to the facility and to the]~~ person's legal
7 guardian. If an emergency exists in which the person presents a
8 substantial likelihood of harm to himself or herself or others, as
9 determined pursuant to NRS 433A.0195, the ~~[order]~~ *notice* must be
10 submitted to the ~~[court and the]~~ legal guardian not later than 1
11 business day after the ~~[order]~~ *application* is ~~[issued.]~~ *made.*

12 ~~[6.]~~ *9.* The court shall review *an application for* an order
13 ~~[submitted]~~ *made* pursuant to subsection ~~[5]~~ *8* and the current
14 condition of the person who was ordered to return to the facility at
15 its next regularly scheduled hearing for the review of petitions for
16 involuntary court-ordered admissions, but in no event later than ~~[5]~~
17 *6* judicial days after the person is returned to the facility. The
18 administrative officer or the administrative officer's designee shall
19 give written notice to the person who was ordered to return to the
20 facility, to the person's legal guardian and to the person's attorney,
21 if known, of the time, date and place of the hearing and of the facts
22 necessitating that person's return to the facility.

23 ~~[7.]~~ *10.* The provisions of subsection ~~[5]~~ *8* do not apply if the
24 period of conditional release has expired.

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

26 433A.390 1. When a consumer, involuntarily admitted to a
27 mental health facility or ~~[to a program of community based or~~
28 ~~outpatient services]~~ *required to receive involuntary assisted*
29 *outpatient treatment* by court order, is released at the end of the
30 period specified pursuant to NRS 433A.310 ~~[,]~~ *or section 18 of this*
31 *act, as applicable,* written notice must be given to the admitting
32 court ~~[and to the consumer's legal guardian at least 10]~~ *not later*
33 *than 3 judicial* days ~~[before]~~ *after* the release of the consumer. The
34 consumer may ~~[then]~~ be released without requiring further orders of
35 the court. If the consumer has a legal guardian, the facility or the
36 professional responsible for providing or coordinating the ~~[program~~
37 ~~of community based or outpatient services]~~ *assisted outpatient*
38 *treatment* shall notify the guardian before discharging the consumer
39 from the facility or ~~[program.]~~ *treatment.*

40 2. The legal guardian *of a consumer involuntarily admitted to*
41 *a mental health facility, if applicable,* has discretion to determine
42 where the consumer will be released ~~[,]~~ *pursuant to subsection 1,*
43 taking into consideration any discharge plan proposed by the facility
44 assessment team . ~~[or the professional responsible for providing or~~
45 ~~coordinating the program of community based or outpatient~~



1 ~~services.]~~ If the legal guardian does not inform the facility ~~for~~
2 ~~professional]~~ as to where the consumer will be released within 3
3 days after the date of notification, the facility ~~for professional shall]~~
4 **must** discharge the consumer according to its proposed discharge
5 plan.

6 ~~[2.]~~ 3. A consumer who is involuntarily admitted to a mental
7 health facility may be unconditionally released before the period
8 specified in NRS 433A.310 when ~~[-~~

9 ~~—(a) An evaluation team established under NRS 433A.250 or two~~
10 ~~persons professionally qualified in the field of psychiatric mental~~
11 ~~health, at least one of them being a]~~ **the** physician ~~[-]~~ **primarily**
12 **responsible for treating the patient, a psychiatrist or an advanced**
13 **practice registered nurse who has the psychiatric training and**
14 **experience prescribed by the State Board of Nursing pursuant to**
15 **NRS 632.120** determines that the consumer is no longer a person in
16 a mental health crisis. ~~[- and~~

17 ~~—(b) Under advisement from the evaluation team or two persons~~
18 ~~professionally qualified in the field of psychiatric mental health, at~~
19 ~~least one of them being a physician, the medical director of the~~
20 ~~mental health facility authorizes the release and gives written notice~~
21 ~~to the admitting court and to the consumer's legal guardian at least~~
22 ~~10 days before the release of the consumer.]~~ If the consumer has a
23 legal guardian, the facility shall notify the guardian before
24 discharging the consumer from the facility. The legal guardian has
25 discretion to determine where the consumer will be released, taking
26 into consideration any discharge plan proposed by the facility
27 assessment team. If the legal guardian does not inform the facility as
28 to where the consumer will be released within 3 days after the date
29 of notification, the facility shall discharge the consumer according
30 to its proposed discharge plan.

31 ~~[3.]~~ 4. A consumer who is ~~involuntarily admitted to a~~
32 ~~program of community based or outpatient services]~~ **required to**
33 **receive involuntary assisted outpatient treatment** may be
34 unconditionally released before the period specified in NRS
35 433A.310 **or section 18 of this act, as applicable,** when ~~[-~~

36 ~~—(a) The]~~ **the** professional responsible for providing or
37 coordinating the ~~[program of community based or outpatient~~
38 ~~services]~~ **involuntary assisted outpatient treatment** for the
39 consumer determines that the consumer ~~[is]~~ no longer ~~[a person in a~~
40 ~~mental health crisis; and~~

41 ~~—(b) Under advisement from an evaluation team established under~~
42 ~~NRS 433A.250 or two persons professionally qualified in the field~~
43 ~~of psychiatric mental health, at least one of them being a physician,~~
44 ~~the professional responsible for providing or coordinating the~~
45 ~~program of community based or outpatient services for the~~



1 ~~consumer authorizes the release and gives written notice to the~~
2 ~~admitting court at least 10 days before the release of the consumer~~
3 ~~from the program.] :~~

4 *(a) Requires assisted outpatient treatment to prevent further*
5 *disability or deterioration that presents a substantial likelihood of*
6 *serious harm to himself or herself or others, as determined*
7 *pursuant to NRS 433A.0195; and*

8 *(b) Has a limited ability to make an informed decision to*
9 *voluntarily seek or comply with treatment for his or her mental*
10 *illness as a result of his or her mental illness.*

11 *5. A mental health facility or a professional responsible for*
12 *coordinating treatment shall provide written notice to the*
13 *admitting court not later than 3 judicial days after unconditionally*
14 *releasing a consumer pursuant to subsection 3 or 4.*

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

16 433A.460 No person admitted to a public or private mental
17 health facility or ~~[to a program of community based or outpatient~~
18 ~~services]~~ *who receives involuntary assisted outpatient treatment*
19 *pursuant to this chapter shall, by reason of such admission [.] or*
20 *treatment, be denied the right to dispose of property, marry, execute*
21 *instruments, make purchases, enter into contractual relationships,*
22 *vote and hold a driver's license, unless such person has been*
23 *specifically adjudicated incapacitated by a court of competent*
24 *jurisdiction and has not been restored to legal capacity.*

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

26 433A.580 No person may be admitted to a private hospital [.]
27 *or a division mental health facility or [a program of community-*
28 ~~based or outpatient services]~~ *receive involuntary assisted outpatient*
29 *treatment pursuant to the provisions of this chapter unless mutually*
30 *agreeable financial arrangements relating to the costs of treatment*
31 *are made between the private hospital, division facility or*
32 *professional responsible for providing or coordinating [a program of*
33 ~~community based or outpatient services]~~ *involuntary assisted*
34 *outpatient treatment and the consumer or person requesting his or*
35 *her admission.*

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

37 433A.600 1. A person who is admitted to a division facility
38 ~~or [to a program of community based or outpatient services]~~ *who*
39 *receives involuntary assisted outpatient treatment* operated by the
40 Division and not determined to be indigent and every responsible
41 relative pursuant to NRS 433A.610 of the person shall be charged
42 for the cost of treatment and is liable for that cost. If after demand is
43 made for payment the person or his or her responsible relative fails
44 to pay that cost, the administrative officer or professional
45 responsible for providing or coordinating the ~~[program of~~



1 ~~community based or outpatient services.]~~ *involuntary assisted*
2 *outpatient treatment*, as applicable, may recover the amount due by
3 civil action.

4 2. All sums received pursuant to subsection 1 must be
5 deposited in the State Treasury and may be expended by the
6 Division for the support of that facility or program *of involuntary*
7 *assisted outpatient treatment* in accordance with the allotment,
8 transfer, work program and budget provisions of NRS 353.150 to
9 353.245, inclusive.

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

11 433A.640 1. Once a court has ordered the admission of a
12 person to a division facility, the administrative officer ~~[shall]~~ *must*
13 make an investigation, pursuant to the provisions of this chapter, to
14 determine whether the person or his or her responsible relatives
15 pursuant to NRS 433A.610 are capable of paying for all or a portion
16 of the costs that will be incurred during the period of admission.

17 2. If a person is admitted to a division facility or ~~[program of~~
18 ~~community based or outpatient services]~~ *required to receive*
19 *involuntary assisted outpatient treatment* pursuant to a court order,
20 that person and his or her responsible relatives are responsible for
21 the payment of the actual cost of the treatment and services rendered
22 during his or her admission to the division facility or ~~[program]~~
23 *while he or she is receiving involuntary assisted outpatient*
24 *treatment* unless the investigation reveals that the person and his or
25 her responsible relatives are not capable of paying the full amount of
26 the costs.

27 3. Once a court has ordered ~~[the admission of a person to a~~
28 ~~program of community based or outpatient services]~~ *a person to*
29 *receive involuntary assisted outpatient treatment* operated by the
30 Division, the professional responsible for providing or coordinating
31 the ~~[program shall]~~ *involuntary assisted outpatient treatment must*
32 make an investigation, pursuant to the provisions of this chapter, to
33 determine whether the person or his or her responsible relatives
34 pursuant to NRS 433A.610 are capable of paying for all or a portion
35 of the costs that will be incurred during the period of admission.

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

37 433A.650 Determination of ability to pay pursuant to NRS
38 433A.640 ~~[shall]~~ *must* include investigation of whether the
39 consumer has benefits due and owing to the consumer for the cost of
40 his or her treatment from third-party sources, such as Medicare,
41 Medicaid, social security, medical insurance benefits, retirement
42 programs, annuity plans, government benefits or any other
43 financially responsible third parties. The administrative officer of a
44 division mental health facility or professional responsible for
45 providing or coordinating ~~[a program of community based or~~



1 ~~outpatient services~~ *assisted outpatient treatment* may accept
2 payment for the cost of a consumer's treatment from the consumer's
3 insurance company, Medicare or Medicaid and other similar third
4 parties.

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

6 433A.660 1. If the consumer, his or her responsible relative
7 pursuant to NRS 433A.610, guardian or the estate neglects or
8 refuses to pay the cost of treatment to the division facility or to the
9 program of ~~community based or outpatient services~~ *involuntary*
10 *assisted outpatient treatment* operated by the Division rendering
11 service pursuant to the fee schedule established under NRS 433.404
12 or 433B.250, as appropriate, the State is entitled to recover by
13 appropriate legal action all sums due, plus interest.

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

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

19 433A.713 1. Each public or private mental health facility and
20 hospital in this State shall, in the manner and time prescribed by
21 regulation of the State Board of Health, report to the Division:

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

26 (b) Any other information prescribed by regulation of the State
27 Board of Health.

28 2. The State Board of Health may adopt regulations that
29 require a public or private mental health facility or hospital to adopt
30 a plan for the discharge of a person admitted to the facility or
31 hospital in accordance with the provisions of this chapter and that
32 prescribe the contents of such a plan.

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

34 433A.715 1. A court shall seal all court records relating to
35 the admission and treatment of any person who was admitted,
36 voluntarily or as the result of a noncriminal proceeding, to a public
37 or private hospital ~~;~~ *or* a mental health facility or ~~a program of~~
38 ~~community based or outpatient services~~ *who received assisted*
39 *outpatient treatment* in this State for the purpose of obtaining
40 mental health treatment.

41 2. Except as otherwise provided in subsections 4, 5 and 6, a
42 person or governmental entity that wishes to inspect records that are
43 sealed pursuant to this section must file a petition with the court that
44 sealed the records. Upon the filing of a petition, the court shall fix a
45 time for a hearing on the matter. The petitioner must provide notice



1 of the hearing and a copy of the petition to the person who is the
2 subject of the records. If the person who is the subject of the records
3 wishes to oppose the petition, the person must appear before the
4 court at the hearing. If the person appears before the court at the
5 hearing, the court must provide the person an opportunity to be
6 heard on the matter.

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

10 (a) A law enforcement agency must obtain or maintain
11 information concerning persons who have been admitted to a public
12 or private hospital ~~{,} or~~ a mental health facility or ~~{a program of~~
13 ~~community based or outpatient services}~~ *received assisted*
14 *outpatient treatment* in this State pursuant to state or federal law;

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

18 (c) The person who is the subject of the records petitions the
19 court to permit the inspection of the records by a person named in
20 the petition.

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

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

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

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

32 (d) An authorized representative of the governmental entity
33 presents to the court a written authorization signed by the person
34 who is the subject of the records and notarized by a notary public or
35 judicial officer in which the person who is the subject of the records
36 consents to the inspection of the records.

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

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

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



1 (2) The hospital or facility certifies that:

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

5 (II) The requested order is necessary to improve the care
6 which is being provided to the person who is the subject of the
7 order.

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

9 6. Upon its own order, any court of this State may inspect court
10 records that are sealed pursuant to this section without following the
11 procedure described in subsection 2 if the records are necessary and
12 relevant for the disposition of a matter pending before the court. The
13 court may allow a party in the matter to inspect the records without
14 following the procedure described in subsection 2 if the court deems
15 such inspection necessary and appropriate.

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

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

25 (b) A transfer of a firearm; or

26 (c) An application for a position of employment described in
27 subsection 4.

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

31 9. As used in this section:

32 (a) "Firefighter" means a person who is a salaried employee of a
33 fire-fighting agency and whose principal duties are to control,
34 extinguish, prevent and suppress fires. As used in this paragraph,
35 "fire-fighting agency" means a public fire department, fire
36 protection district or other agency of this State or a political
37 subdivision of this State, the primary functions of which are to
38 control, extinguish, prevent and suppress fires.

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

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

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



1 **Sec. 57.** NRS 433A.750 is hereby amended to read as follows:
2 433A.750 1. A person who:

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

7 (b) Causes or conspires with or assists another to cause the
8 denial to any person of any right accorded to the person under this
9 chapter,

10 ↪ is guilty of a category D felony and shall be punished as provided
11 in NRS 193.130.

12 2. Unless a greater penalty is provided in subsection 1, a
13 person who knowingly and willfully violates any provision of this
14 chapter regarding the admission of a person to, or discharge of a
15 person from, a public or private mental health facility or ~~["a program~~
16 ~~of community-based or outpatient services]~~ *the commencement or*
17 *termination of involuntary assisted outpatient treatment* is guilty
18 of a gross misdemeanor.

19 3. A person who, without probable cause for believing another
20 person is a person in a mental health crisis, executes a petition,
21 application or certificate pursuant to this chapter, by which the
22 person secures or attempts to secure the apprehension,
23 hospitalization, detention, admission or restraint of the person
24 alleged to be a person in a mental health crisis, or any physician,
25 psychiatrist, licensed psychologist, advanced practice registered
26 nurse or other person professionally qualified in the field of
27 psychiatric mental health who knowingly makes any false certificate
28 or application pursuant to this chapter as to the mental condition of
29 any person is guilty of a category D felony and shall be punished as
30 provided in NRS 193.130.

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

32 3.0105 1. There is hereby established, in each judicial district
33 that includes a county whose population is 100,000 or more, a
34 family court as a division of the district court.

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

38 3. If for any reason a judge of the family court is unable to act,
39 any other district judge of the judicial district may be assigned as
40 provided in subsection 2 to act temporarily as judge of the family
41 court.

42 4. A district judge assigned to the family court pursuant to
43 subsection 2 or 3 for a period of 90 or more days, except for a
44 district judge or hearing master assigned to hear proceedings
45 brought pursuant to NRS 433A.200 to 433A.330, inclusive, *or*



1 *sections 11 to 21, inclusive, of this act* must attend the instruction
2 required pursuant to subsection 1 of NRS 3.028. District judges
3 must not be assigned to the family court pursuant to subsections 2
4 and 3 on a rotating basis.

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

6 3.223 1. Except if the child involved is subject to the
7 jurisdiction of an Indian tribe pursuant to the Indian Child Welfare
8 Act of 1978, 25 U.S.C. §§ 1901 et seq., in each judicial district in
9 which it is established, the family court has original, exclusive
10 jurisdiction in any proceeding:

11 (a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125,
12 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of
13 NRS, except to the extent that a specific statute authorizes the use of
14 any other judicial or administrative procedure to facilitate the
15 collection of an obligation for support.

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

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

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

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

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

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

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

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

29 (j) *Brought pursuant to sections 11 to 21, inclusive, of this act*
30 *to require a person to receive involuntary assisted outpatient*
31 *treatment.*

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

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

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

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

44 178.460 1. If requested by the district attorney or counsel for
45 the defendant within 10 days after the report by the Administrator or



1 the Administrator's designee is sent to them, the judge shall hold a
2 hearing within 10 days after the request at which the district attorney
3 and the defense counsel may examine the members of the treatment
4 team on their report.

5 2. If the judge orders the appointment of a licensed psychiatrist
6 or psychologist who is not employed by the Division to perform an
7 additional evaluation and report concerning the defendant, the cost
8 of the additional evaluation and report is a charge against the
9 county.

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

14 (a) Whether there is substantial probability that the defendant
15 can receive treatment to competency and will attain competency to
16 stand trial or receive pronouncement of judgment in the foreseeable
17 future; and

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

20 4. If the judge finds the defendant:

21 (a) Competent, the judge shall, within 10 days, forward the
22 finding to the prosecuting attorney and counsel for the defendant.
23 Upon receipt thereof, the prosecuting attorney shall notify the
24 sheriff of the county or chief of police of the city that the defendant
25 has been found competent and prearrange with the facility for the
26 return of the defendant to that county or city for trial upon the
27 offense there charged or the pronouncement of judgment, as the case
28 may be.

29 (b) Incompetent, but there is a substantial probability that the
30 defendant can receive treatment to competency and will attain
31 competency to stand trial or receive pronouncement of judgment in
32 the foreseeable future and finds that the defendant is dangerous to
33 himself or herself or to society, the judge shall recommit the
34 defendant and may order the involuntary administration of
35 medication for the purpose of treatment to competency.

36 (c) Incompetent, but there is a substantial probability that the
37 defendant can receive treatment to competency and will attain
38 competency to stand trial or receive pronouncement of judgment in
39 the foreseeable future and finds that the defendant is not dangerous
40 to himself or herself or to society, the judge shall order that the
41 defendant remain an outpatient or be transferred to the status of an
42 outpatient under the provisions of NRS 178.425.

43 (d) Incompetent, with no substantial probability of attaining
44 competency in the foreseeable future, the judge shall order the
45 defendant released from custody or, if the defendant is an outpatient,



1 released from any obligations as an outpatient if, within 10 judicial
2 days, the prosecuting attorney has not filed a motion pursuant to
3 NRS 178.461 or if, within 10 judicial days, a petition is not filed ~~to~~
4 ~~commit~~ *for the involuntary court-ordered admission of* the person
5 *to a mental health facility* pursuant to NRS 433A.200. After the
6 initial 10 judicial days, the person may remain an outpatient or in
7 custody under the provisions of this chapter only as long as the
8 motion or petition is pending unless the person is committed to the
9 custody of the Administrator pursuant to NRS 178.461 or
10 involuntarily ~~committed~~ *admitted to a mental health facility*
11 pursuant to chapter 433A of NRS.

12 5. Except as otherwise provided in subsections 4 and 7 of NRS
13 178.461, no person who is committed under the provisions of this
14 chapter may be held in the custody of the Administrator or the
15 Administrator's designee longer than the longest period of
16 incarceration provided for the crime or crimes with which the
17 person is charged or 10 years, whichever period is shorter. Upon
18 expiration of the applicable period provided in this section,
19 subsection 4 or 7 of NRS 178.461 or subsection 4 of NRS 178.463,
20 the person must be returned to the committing court for a
21 determination as to whether or not involuntary commitment
22 pursuant to chapter 433A of NRS is required.

23 **Sec. 61.** NRS 179A.163 is hereby amended to read as follows:
24 179A.163 1. Upon receiving a record transmitted pursuant to
25 NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 ~~to~~
26 *or section 18 of this act*, the Central Repository:

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

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

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

37 (a) The basis for the adjudication reported in the record no
38 longer exists;

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

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



1 3. To the extent authorized by federal law, if the record
2 concerning the petitioner was transmitted to the Central Repository
3 pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or
4 433A.310 ~~§~~ *or section 18 of this act*, the petitioner may not file a
5 petition pursuant to subsection 2 until 3 years after the date of the
6 order transmitting the record to the Central Repository.

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

8 (a) Filed in the court which made the adjudication or finding
9 pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or
10 433A.310 ~~§~~ *or section 18 of this act*; and

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

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

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

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

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

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

26 7. Except as otherwise provided in this subsection, the
27 petitioner must establish the provisions of subsection 6 by a
28 preponderance of the evidence. If the adjudication or finding
29 concerning the petitioner was made pursuant to NRS 159.0593 or
30 433A.310, the petitioner must establish the provisions of subsection
31 6 by clear and convincing evidence.

32 8. The court, upon entering an order pursuant to this section,
33 shall cause, on a form prescribed by the Department of Public
34 Safety, a record of the order to be transmitted to the Central
35 Repository.

36 9. Within 5 business days after receiving a record of an order
37 transmitted pursuant to subsection 8, the Central Repository shall
38 take reasonable steps to ensure that information concerning the
39 adjudication or finding made pursuant to NRS 159.0593, 174.035,
40 175.533, 175.539, 178.425 or 433A.310 *or section 18 of this act* is
41 removed from the National Instant Criminal Background Check
42 System and the National Crime Information Center, if applicable.

43 10. If the Central Repository fails to remove a record as
44 provided in subsection 9, the petitioner may bring an action to
45 compel the removal of the record. If the petitioner prevails in the



1 action, the court may award the petitioner reasonable attorney's fees
2 and costs incurred in bringing the action.

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

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

7 179A.165 1. Any record described in NRS 179A.163 is
8 confidential and is not a public book or record within the meaning
9 of NRS 239.010. A person may not use the record for any purpose
10 other than for a purpose related to criminal justice, including,
11 without limitation, inclusion in the appropriate database of the
12 National Instant Criminal Background Check System and the
13 National Crime Information Center, if applicable. The Central
14 Repository may disclose the record to any agency of criminal
15 justice.

16 2. If a person or governmental entity is required to transmit,
17 report or take any other action concerning a record pursuant to NRS
18 159.0593, 174.035, 175.533, 175.539, 178.425, 179A.163 or
19 433A.310 ~~H~~ *or section 18 of this act*, no action for damages may be
20 brought against the person or governmental entity for:

21 (a) Transmitting or reporting the record or taking any other
22 required action concerning the record;

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

25 (c) Delaying the transmission or reporting of the record or
26 delaying in taking any other required action concerning the record;
27 or

28 (d) Transmitting or reporting an inaccurate or incomplete
29 version of the record or taking any other required action concerning
30 an inaccurate or incomplete version of the record.

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

32 179A.167 1. The Central Repository shall permit a person
33 who is or believes he or she may be the subject of information
34 relating to records of mental health held by the Central Repository
35 to inspect and correct any information contained in such records.

36 2. The Central Repository shall adopt regulations and make
37 available necessary forms to permit inspection, review and
38 correction of information relating to records of mental health by
39 those persons who are the subjects thereof. The regulations must
40 specify:

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

43 (b) The reasonable charges or fees, if any, for inspecting
44 records.



1 3. The Director of the Department shall adopt regulations
2 governing:

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

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

9 (c) The dissemination of corrected information to those persons
10 or agencies which have previously received inaccurate or
11 incomplete information; and

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

15 4. As used in this section, "information relating to records of
16 mental health" means information contained in a record:

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

20 (b) Transmitted to the National Instant Criminal Background
21 Check System or the National Crime Information Center pursuant to
22 NRS 179A.163.

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

24 388.253 1. The Department shall, with assistance from other
25 state agencies, including, without limitation, the Division of
26 Emergency Management, the Investigation Division, and the
27 Nevada Highway Patrol Division of the Department of Public
28 Safety, develop a model plan for the management of:

29 (a) A suicide; or

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

32 2. The model plan must include, without limitation, a
33 procedure for:

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

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

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

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

40 (4) Assisting persons within a school in a school district, a
41 charter school or a private school to communicate with persons
42 located outside the school, including, without limitation, relatives of
43 pupils and relatives of employees of such a school, the news media
44 and persons from local, state or federal agencies that are responding
45 to a crisis or an emergency;



1 (5) Assisting pupils of a school in the school district, a
2 charter school or a private school, employees of such a school and
3 relatives of such pupils and employees to move safely within and
4 away from the school, including, without limitation, a procedure for
5 evacuating the school and a procedure for securing the school;

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

8 (7) Providing any necessary medical assistance;

9 (8) Recovering from a crisis or emergency;

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

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

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

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

16 (1) An incident involving hazardous materials;

17 (2) An incident involving mass casualties;

18 (3) An incident involving an active shooter;

19 (4) An incident involving a fire, explosion or other similar
20 situation;

21 (5) An outbreak of disease;

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

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

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

29 (d) Evacuating pupils and employees of a charter school to a
30 designated space within an identified public middle school, junior
31 high school or high school in a school district that is separate from
32 the general population of the school and large enough to
33 accommodate the charter school, and such a space may include,
34 without limitation, a gymnasium or multipurpose room of the public
35 school;

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

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

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

42 (2) In cooperation with other state agencies, pursuant to this
43 section.

44 (g) Responding to a suicide or attempted suicide to mitigate the
45 effects of the suicide or attempted suicide on pupils and staff at the



1 school, including, without limitation, by making counseling and
2 other appropriate resources to assist in recovering from the suicide
3 or attempted suicide available to pupils and staff;

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

6 (i) Outreach to persons and organizations located in the
7 community in which a school that has had a suicide by a pupil,
8 including, without limitation, religious and other nonprofit
9 organizations, that may be able to assist with the response to the
10 suicide;

11 (j) Addressing the needs of pupils at a school that has
12 experienced a crisis, emergency or suicide who are at a high risk of
13 suicide, including, without limitation, pupils who are members of
14 the groups described in subsection 3 of NRS 388.256; and

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

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

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

24 3. In developing the model plan, the Department shall consider
25 the plans developed pursuant to NRS 388.243 and 394.1687 and
26 updated pursuant to NRS 388.245 and 394.1688.

27 4. The Department shall require a school district to ensure that
28 each public school in the school district identified pursuant to
29 paragraph (d) of subsection 2 is prepared to allow a charter school to
30 evacuate to the school when necessary in accordance with the
31 procedure included in the model plan developed pursuant to
32 subsection 1. A charter school shall hold harmless, indemnify and
33 defend the school district to which it evacuates during a crisis or an
34 emergency against any claim or liability arising from an act or
35 omission by the school district or an employee or officer of the
36 school district.

37 5. The Department may disseminate to any appropriate local,
38 state or federal agency, officer or employee, as the Department
39 determines is necessary:

40 (a) The model plan developed by the Department pursuant to
41 subsection 1;

42 (b) A plan developed pursuant to NRS 388.243 or updated
43 pursuant to NRS 388.245;

44 (c) A plan developed pursuant to NRS 394.1687 or updated
45 pursuant to NRS 394.1688; and



1 (d) A deviation approved pursuant to NRS 388.251 or 394.1692.
2 6. The Department shall, at least once each year, review and
3 update as appropriate the model plan developed pursuant to
4 subsection 1.

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

6 388.476 “Chemical restraint” means the administration of
7 drugs *to a person* for the specific and exclusive purpose of
8 controlling an acute or episodic ~~[aggressive]~~ behavior *that places*
9 *the person or others at a risk of harm* when alternative intervention
10 techniques have failed to limit or control the behavior. The term
11 does not include the administration of drugs ~~[on a regular basis, as]~~
12 prescribed by a physician, ~~[to treat the symptoms of]~~ *physician*
13 *assistant or advanced practice registered nurse as standard*
14 *treatment for the* mental ~~[.]~~ *or* physical ~~[, emotional or behavioral~~
15 ~~disorders and for assisting a person in gaining self control over his~~
16 ~~or her impulses.]~~ *condition of the person.*

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

18 394.355 “Chemical restraint” means the administration of
19 drugs *to a person* for the specific and exclusive purpose of
20 controlling an acute or episodic ~~[aggressive]~~ behavior *that places*
21 *the person or others at a risk of harm* when alternative intervention
22 techniques have failed to limit or control the behavior. The term
23 does not include the administration of drugs ~~[on a regular basis, as]~~
24 prescribed by a physician, ~~[to treat the symptoms of]~~ *physician*
25 *assistant or advanced practice registered nurse as standard*
26 *treatment for the* mental ~~[.]~~ *or* physical ~~[, emotional or behavioral~~
27 ~~disorders and for assisting a person in gaining self control over his~~
28 ~~or her impulses.]~~ *condition of the person.*

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

30 449.0915 1. The Division may issue an endorsement as a
31 crisis stabilization center to the holder of a license to operate a
32 psychiatric hospital that meets the requirements of this section.

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

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

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

42 (b) Operates in accordance with established administrative
43 protocols, evidenced-based protocols for providing treatment and
44 evidence-based standards for documenting information concerning



1 services rendered and recipients of such services in accordance with
2 best practices for providing crisis stabilization services;

3 (c) Delivers crisis stabilization services:

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

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

11 (3) In a manner that promotes concepts that are integral to
12 recovery for persons with mental illness, including, without
13 limitation, hope, personal empowerment, respect, social
14 connections, self-responsibility and self-determination;

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

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

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

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

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

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

25 (4) Whether the patient is admitted voluntarily to the
26 psychiatric hospital pursuant to NRS 433A.140 or admitted to the
27 psychiatric hospital under an emergency admission pursuant to NRS
28 ~~[433A.150.]~~ **433A.145 or section 10 of this act;**

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

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

34 (i) Considers whether each patient would be better served by
35 another facility and transfer a patient to another facility when
36 appropriate.

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

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

42 (b) Services to intervene effectively when a behavioral health
43 crisis occurs and address underlying issues that lead to repeated
44 behavioral health crises;

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



1 (d) Coordination of aftercare for patients, including, without
2 limitation, at least one follow-up contact with a patient not later than
3 72 hours after the patient is discharged.

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

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

9 (b) Proof that the psychiatric hospital is accredited by the
10 Commission on Accreditation of Rehabilitation Facilities, or its
11 successor organization, or the Joint Commission, or its successor
12 organization.

13 6. As used in this section, "crisis stabilization services" means
14 behavioral health services designed to:

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

18 (b) When appropriate, avoid admission of a patient to another
19 inpatient mental health facility or hospital and connect the patient
20 with providers of ongoing care as appropriate for the unique needs
21 of the patient.

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

23 449A.206 "Chemical restraint" means the administration of
24 drugs *to a person* for the specific and exclusive purpose of
25 controlling an acute or episodic ~~[aggressive]~~ behavior *that places*
26 *the person or others at a risk of harm* when alternative intervention
27 techniques have failed to limit or control the behavior. The term
28 does not include the administration of drugs ~~[on a regular basis, as]~~
29 prescribed by a physician, ~~[to treat the symptoms of]~~ *physician*
30 *assistant or advanced practice registered nurse as standard*
31 *treatment for the mental [.] or physical [., emotional or behavioral*
32 ~~disorders and for assisting a person in gaining self control over his~~
33 ~~or her impulses.] condition of the person.~~

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

35 449A.636 1. When acting under the authority of an advance
36 directive for psychiatric care, an attending physician or other
37 provider of health care shall comply with the advance directive
38 unless:

39 (a) Compliance, in the opinion of the attending physician or
40 other provider, is not consistent with generally accepted standards of
41 care for the provision of psychiatric care for the benefit of the
42 principal;

43 (b) Compliance is not consistent with the availability of
44 psychiatric care requested;

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



1 (d) The principal is admitted to a mental health facility or
2 hospital pursuant to NRS 433A.145 to 433A.330, inclusive, *or*
3 *required to receive involuntary assisted outpatient treatment*
4 *pursuant to sections 11 to 21, inclusive, of this act* and a course of
5 treatment is required pursuant to those provisions; or

6 (e) Compliance, in the opinion of the attending physician or
7 other provider, is not consistent with appropriate psychiatric care in
8 case of an emergency endangering the life or health of the principal
9 or another person.

10 2. In the event that one part of the advance directive is unable
11 to be followed because of any of the circumstances set forth in
12 subsection 1, all other parts of the advance directive must be
13 followed.

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

15 450.470 1. If the county hospital is located at the county seat,
16 the board of hospital trustees shall, at all times, provide a suitable
17 room that may be used for the examination of persons who are
18 alleged to ~~[have mental illness]~~ *be persons in a mental health crisis*
19 and who are to be brought before the judge of the district court for
20 proceedings to determine the issue of involuntary court-ordered
21 admission as provided in chapter 433A of NRS. This section does
22 not prohibit or limit the examination of persons alleged to have
23 mental illness at a private hospital as provided in chapter 433A of
24 NRS.

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

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

31 (b) Be dangerous to themselves or others.

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

33 629.550 1. If a patient communicates to a mental health
34 professional an explicit threat of imminent serious physical harm or
35 death to a clearly identified or identifiable person and, in the
36 judgment of the mental health professional, the patient has the intent
37 and ability to carry out the threat, the mental health professional
38 shall ~~[apply for the emergency admission of]~~ *place* the patient ~~[to a~~
39 ~~mental health facility]~~ *on a mental health crisis hold* pursuant to
40 NRS 433A.160, *petition for a court to order the placement of the*
41 *patient on a mental health crisis hold pursuant to section 9 of this*
42 *act* or make a reasonable effort to communicate the threat in a
43 timely manner to:

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



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

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

4 2. A mental health professional shall be deemed to have made
5 a reasonable effort to communicate a threat pursuant to subsection 1
6 if:

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

9 (b) The mental health professional makes a good faith attempt to
10 communicate the threat in a timely manner and the failure to
11 actually communicate the threat in a timely manner does not result
12 from the negligence or recklessness of the mental health
13 professional.

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

16 (a) Has a duty to take an action described in subsection 1 is not
17 subject to civil or criminal liability or disciplinary action by a
18 professional licensing board for disclosing confidential or privileged
19 information.

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

24 4. The provisions of this section do not:

25 (a) Limit or affect the duty of the mental health professional to
26 report child abuse or neglect pursuant to NRS 432B.220 or the
27 commercial sexual exploitation of a child pursuant to NRS
28 432C.110; or

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

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

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

34 5. As used in this section, "mental health professional"
35 includes:

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

38 (b) A psychologist who is licensed to practice psychology
39 pursuant to chapter 641 of NRS or authorized to practice
40 psychology in this State pursuant to the Psychology
41 Interjurisdictional Compact enacted in NRS 641.227;

42 (c) A social worker who:

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



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

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

5 (d) A registered nurse who:

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

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

10 (e) A marriage and family therapist licensed pursuant to chapter
11 641A of NRS;

12 (f) A clinical professional counselor licensed pursuant to chapter
13 641A of NRS; and

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

18 (1) Licensed or certified as a physician, psychologist,
19 marriage and family therapist, clinical professional counselor,
20 alcohol and drug counselor or clinical alcohol and drug counselor in
21 another state;

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

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

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

27 632.120 1. The Board shall:

28 (a) Adopt regulations establishing reasonable standards:

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

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

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

36 (4) For the psychiatric training and experience necessary for
37 an advanced practice registered nurse to be authorized to make the
38 diagnoses, evaluations and examinations described in NRS
39 ~~433A.160,~~ 433A.240, **433A.390**, 433A.430, 484C.300, 484C.320,
40 484C.330, 484C.340 and 484C.350 and **sections 10, 11 and 22 of**
41 **this act**, the certifications described in NRS 433A.170, 433A.195
42 and 433A.200 ~~and~~ **and the sworn statement or declaration described**
43 **in NRS 433A.210 and section 11 of this act.**

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



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

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

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

8 2. The Board may adopt regulations establishing reasonable:

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

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

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

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

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

22 (c) Conducting hearings pursuant to this chapter;

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

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

26 ↪ and collect the fees established pursuant to this subsection.

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

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

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

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

38 641B.160 1. The Board shall adopt:

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

41 (b) Regulations establishing reasonable standards for the
42 psychiatric training and experience necessary for a clinical social
43 worker to be authorized to make the certifications described in NRS
44 433A.170, 433A.195 and 433A.200 **[§]**, *and section 10 of this act,*
45 *make a sworn statement or declaration described in*



1 *NRS 433A.210 and section 11 of this act and perform an*
2 *evaluation described in section 11 or 22 of this act;*

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

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

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

11 2. On the date that the Board gives notice pursuant to NRS
12 233B.060 of its intent to adopt, amend or repeal a regulation, the
13 Board shall submit the regulation to the Commission on Behavioral
14 Health for review. The Commission shall review the regulation and
15 make recommendations to the Board concerning the advisability of
16 adopting, amending or repealing the regulation and any changes that
17 the Commission deems advisable.

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

20 (a) Who has been admitted to a public or private mental facility;
21 and

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

25 2. The amendatory provisions of NRS 433A.165, 433A.185,
26 433A.195, 433A.200 and 433A.310, as amended by sections 31, 33,
27 35, 36 and 43 of this act, respectively, apply to any person:

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

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

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

38 4. The amendatory provisions of NRS 433A.380 and
39 433A.390, as amended by sections 47 and 48 of this act,
40 respectively, apply to any person who has been admitted to a public
41 or private mental health facility pursuant to a court order that is
42 effective on October 1, 2021, regardless of the date on which he or
43 she was admitted.

44 5. The amendatory provisions of section 22 of this act and NRS
45 433A.220 and 433A.380, as amended by sections 39 and 47 of this



1 act, respectively, apply to any person who has been conditionally
2 released from a public or private mental health facility where the
3 conditional release is effective on October 1, 2021, regardless of the
4 date on which he or she was conditionally released.

5 6. As used in this section, “assisted outpatient treatment” has
6 the meaning ascribed to it in NRS 433A.019, as amended by section
7 24 of this act.

8 **Sec. 75.** NRS 433A.315, 433A.323 and 433A.327 are hereby
9 repealed.

10 **Sec. 76.** 1. This section becomes effective upon passage and
11 approval.

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

13 (a) Upon passage and approval for the purpose of adopting
14 regulations and performing any preparatory administrative tasks that
15 are necessary to carry out the provisions of this act; and

16 (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.

⑩

