

ASSEMBLY BILL NO. 141—COMMITTEE ON HEALTH AND HUMAN SERVICES

(ON BEHALF OF LEGISLATIVE COMMISSION’S STUDY OF THE CARE
AND COMMITMENT OF MENTALLY ILL)

FEBRUARY 4, 1999

Referred to Committee on Health and Human Services

SUMMARY—Revises circumstances under which mentally ill person who is involuntarily admitted to mental health facility may be released before expiration of statutory period for detention. (BDR 39-169)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to mentally ill persons; revising the circumstances under which a mentally ill person who is involuntarily admitted to a mental health facility and is conditionally released on convalescent leave may be returned to the facility; revising the process by which such a person may be unconditionally released before the expiration of the statutory period for detention; and providing other matters properly relating thereto.

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

1 **Section 1.** NRS 433A.380 is hereby amended to read as follows:
2 433A.380 1. Except as otherwise provided in subsection 4, any
3 person involuntarily admitted by a court may be conditionally released
4 from a public or private mental health facility on convalescent leave when,
5 in the judgment of the medical director of the facility, the convalescent
6 status is in the best interest of the person and will not be detrimental to the
7 public welfare.
8 2. When a person is conditionally released pursuant to subsection 1,
9 the state or any of its agents or employees are not liable for any debts or
10 contractual obligations, medical or otherwise, incurred or damages caused
11 by the actions of the person.

1 3. When a person who has been adjudicated by a court to be
2 incompetent is conditionally released from a mental health facility, the
3 administrative officer of the mental health facility shall petition the court
4 for restoration of full civil and legal rights as deemed necessary to facilitate
5 the incompetent person's rehabilitation.

6 4. A person who was involuntarily admitted by a court because he was
7 likely to harm others if allowed to remain at liberty may be conditionally
8 released only if, at the time of the release, written notice is given to the
9 court which admitted him and to the district attorney of the county in
10 which the proceedings for admission were held.

11 *5. The administrative officer of a public or private mental health*
12 *facility shall order a person who is conditionally released on*
13 *convalescent leave from that facility pursuant to this section to return to*
14 *the facility if a member of that person's treatment team who is*
15 *professionally qualified in the field of psychiatric mental health*
16 *determines that the convalescent leave is no longer in the best interest of*
17 *the person or will be detrimental to the public welfare. The administrative*
18 *officer shall give written notice of the order to the court that admitted the*
19 *person to the facility at least 3 days before the issuance of the order. The*
20 *court shall review the order at its next regularly scheduled hearing for*
21 *the review of petitions for involuntary court-ordered admissions, but in*
22 *no event later than 5 judicial days after the person is returned to the*
23 *facility. The administrative officer shall give written notice to the person*
24 *who was ordered to return to the facility and to his attorney, if known, of*
25 *the time, date and place of the hearing and of the facts necessitating that*
26 *person's return to the facility.*

27 **Sec. 2.** NRS 433A.390 is hereby amended to read as follows:

28 433A.390 1. When a client, involuntarily admitted to a mental health
29 facility by court order, is released at the end of the time specified pursuant
30 to NRS 433A.310, written notice must be given to the admitting court at
31 least 10 days before the release of the client. The client may then be
32 released without requiring further orders of the court.

33 2. An involuntarily court-admitted client may be ~~conditionally~~
34 released before the period specified in NRS 433A.310 when:

35 (a) An evaluation team established under NRS 433A.250 or two
36 persons professionally qualified in the field of psychiatric mental health, at
37 least one of them being a physician, determines that the client has
38 recovered from his mental illness or has improved to such an extent that he
39 is no longer considered to present a clear and present danger of harm to
40 himself or others; and

1 (b) Under advisement from the evaluation team or two persons
2 professionally qualified in the field of psychiatric mental health, at least
3 one of them being a physician, the medical director of the mental health
4 facility authorizes the release and gives written notice to the admitting
5 court ~~1.~~
6 ~~—3.— The release of an involuntarily court-admitted client pursuant to~~
7 ~~subsection 2 becomes unconditional 10 days after the release unless the~~
8 ~~admitting court, within that period, issues an order providing otherwise.]~~ **at**
9 ***least 10 days before the release of the client.***
10 **Sec. 3.** This act becomes effective upon passage and approval.

~