
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.

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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; clarifying certain provisions governing the rights of a client concerning admission to a mental health facility; revising the circumstances under which a mentally ill person who is involuntarily admitted to a mental health facility and is conditionally released may be required to return 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 433.471 is hereby amended to read as follows:
2 433.471 Each client admitted for evaluation, treatment or training to a
3 facility has the following rights concerning admission to the facility, a list
4 of which must be prominently posted in all facilities providing those
5 services and must be otherwise brought to the attention of the client by such
6 additional means as prescribed by regulation:
7 1. The right not to be admitted to the facility under false pretenses or as
8 a result of any improper, unethical or unlawful conduct by a staff member
9 of the facility to collect money from the insurance company of the client or
10 for any other financial purpose.
11 2. The right to receive a copy, on request, of the criteria upon which
12 the facility makes its decision to admit or discharge a client from the

1 facility. Such criteria must not, for emergency admissions or involuntary
2 court-ordered admissions, be based on the availability of insurance
3 coverage or any other financial considerations.

4 **3. As used in this section, "improper conduct" means a violation of**
5 **the rules, policies or procedures of the facility.**

6 **Sec. 2.** NRS 433A.370 is hereby amended to read as follows:

7 433A.370 1. When a client committed by a court to a division facility
8 on or before June 30, 1975, or a client who is judicially admitted on or after
9 July 1, 1975, or a person who is involuntarily detained pursuant to NRS
10 433A.150 to 433A.300, inclusive, escapes from any division facility, or
11 when a judicially admitted client has not returned to a division facility from
12 ~~{on-convalescent leave}~~ **conditional release** after the administrative officer of
13 the facility has ordered him to do so, any peace officer shall, upon written
14 request of the administrative officer or his designee and without the
15 necessity of a warrant or court order, apprehend, take into custody and
16 deliver the person to such division facility or another state facility.

17 2. Any person appointed or designated by the director of the
18 department to take into custody and transport to a division facility persons
19 who have escaped or failed to return as described in subsection 1 may
20 participate in the apprehension and delivery of any such person, but may
21 not take the person into custody without a warrant.

22 **Sec. 3.** NRS 433A.380 is hereby amended to read as follows:

23 433A.380 1. Except as otherwise provided in subsection 4, any
24 person involuntarily admitted by a court may be conditionally released
25 from a public or private mental health facility ~~{on-convalescent leave}~~
26 when, in the judgment of the medical director of the facility, the
27 ~~{on-convalescent status}~~ **conditional release** is in the best interest of the person
28 and will not be detrimental to the public welfare. **The medical director or**
29 **his designee of the facility shall prescribe the period for which the**
30 **conditional release is effective. The period must not extend beyond the**
31 **last day of the court-ordered period of treatment pursuant to NRS**
32 **433A.310.**

33 2. When a person is conditionally released pursuant to subsection 1,
34 the state or any of its agents or employees are not liable for any debts or
35 contractual obligations, medical or otherwise, incurred or damages caused
36 by the actions of the person.

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

42 4. A person who was involuntarily admitted by a court because he was
43 likely to harm others if allowed to remain at liberty may be conditionally

1 released only if, at the time of the release, written notice is given to the
2 court which admitted him and to the district attorney of the county in which
3 the proceedings for admission were held.

4 *5. Except as otherwise provided in subsection 7, the administrative*
5 *officer of a public or private mental health facility or his designee shall*
6 *order a person who is conditionally released from that facility pursuant*
7 *to this section to return to the facility if a psychiatrist and a member of*
8 *that person's treatment team who is professionally qualified in the field*
9 *of psychiatric mental health determine, pursuant to NRS 433A.115, that*
10 *the conditional release is no longer appropriate because that person*
11 *presents a clear and present danger of harm to himself or others. Except*
12 *as otherwise provided in this subsection, the administrative officer or his*
13 *designee shall, at least 3 days before the issuance of the order to return,*
14 *give written notice of the order to the court that admitted the person to*
15 *the facility. If an emergency exists in which the person presents an*
16 *imminent threat of danger of harm to himself or others, the order must*
17 *be submitted to the court not later than 1 business day after the order is*
18 *issued.*

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

28 *7. The provisions of subsection 5 do not apply if the period of*
29 *conditional release has expired.*

30 **Sec. 4.** NRS 433A.390 is hereby amended to read as follows:

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

36 2. An involuntarily court-admitted client may be ~~conditionally~~
37 *unconditionally* released before the period specified in NRS 433A.310
38 when:

39 (a) An evaluation team established under NRS 433A.250 or two persons
40 professionally qualified in the field of psychiatric mental health, at least one
41 of them being a physician, determines that the client has recovered from his
42 mental illness or has improved to such an extent that he is no longer

1 considered to present a clear and present danger of harm to himself or
2 others; and

3 (b) Under advisement from the evaluation team or two persons
4 professionally qualified in the field of psychiatric mental health, at least one
5 of them being a physician, the medical director of the mental health facility
6 authorizes the release and gives written notice to the admitting court ~~[-~~

7 ~~—3.—The release of an involuntarily court-admitted client pursuant to~~
8 ~~subsection 2 becomes unconditional 10 days after the release unless the~~
9 ~~admitting court, within that period, issues an order providing otherwise.]~~ **at**
10 ***least 10 days before the release of the client.***

11 **Sec. 5.** This act becomes effective upon passage and approval.

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