

SENATE BILL NO. 116—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

(ON BEHALF OF DEPARTMENT OF HUMAN RESOURCES—MENTAL
HEALTH AND DEVELOPMENTAL SERVICES)

FEBRUARY 13, 2001

Referred to Committee on Human Resources and Facilities

SUMMARY—Clarifies and revises certain provisions governing use of restraints and interventions by facilities for mental health. (BDR 39-346)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to facilities for mental health; clarifying the applicability of certain provisions governing the use of restraints and interventions; revising the circumstances under which a forensic facility may use restraints; 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.** Chapter 433 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2, 3 and 4 of this act.
3 **Sec. 2.** *“Client” means any person who seeks, on his own or*
4 *another’s initiative, and can benefit from care, treatment and training in*
5 *any facility.*
6 **Sec. 3.** *“Facility” means any:*
7 1. *Unit or subunit operated by the division of mental health and*
8 *developmental services of the department for the care, treatment and*
9 *training of clients.*
10 2. *Unit or subunit operated by the division of child and family*
11 *services of the department pursuant to NRS 433B.010 to 433B.350,*
12 *inclusive.*
13 3. *Hospital, clinic or other institution operated by any public or*
14 *private entity, for the care, treatment and training of clients.*
15 **Sec. 4.** *“Forensic facility” means a facility operated by the division*
16 *of mental health and developmental services of the department for the*
17 *provision of forensic services.*



1 **Sec. 5.** NRS 433.545 is hereby amended to read as follows:
2 433.545 As used in NRS 433.545 to 433.551, inclusive, unless the
3 context otherwise requires, the words and terms defined in NRS 433.5453
4 to 433.548, inclusive, *and sections 2, 3 and 4 of this act* have the
5 meanings ascribed to them in those sections.

6 **Sec. 6.** NRS 433.5486 is hereby amended to read as follows:
7 433.5486 Notwithstanding the provisions of NRS 433.549 to
8 433.5503, inclusive, to the contrary ~~1, a facility may use or authorize the~~
9 ~~use of physical restraint, mechanical restraint or chemical restraint on a~~
10 ~~person with a disability who is a client if the~~ :

11 1. A facility *that* is:
12 ~~1-1~~ (a) Accredited by a nationally recognized accreditation association
13 or agency; or
14 ~~1-2~~ (b) Certified for participation in the Medicaid or Medicare
15 program,
16 *may use or authorize the use of physical restraint, mechanical restraint*
17 *or chemical restraint on a person with a disability who is a client* only to
18 the extent that the accreditation or certification allows the use of such
19 restraint.

20 2. *Except as otherwise provided in subsection 1, a forensic facility*
21 *may use or authorize the use of any reasonable physical restraint,*
22 *mechanical restraint or chemical restraint on a person with a disability*
23 *who is a client.*

24 **Sec. 7.** This act becomes effective upon passage and approval.

