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**Bill: S.B. 179 Changes in Mental Health Provisions**

**Contact: DAG Ed Irvin**

**Mental Health and Developmental Services**

Good morning Chairman Rawson and members of the Committee. My name is Ed Irvin. Seated with me this morning are Dr. Elizabeth Neighbors, Director of Lakes Crossing center, and Dr. David Rosen, State Medical Director. I am a Deputy Attorney General assigned to represent the Division of Mental Health and Developmental Services. We are here this morning to discuss and explain S.B. 179.

This Bill clarifies and reconciles the law related to mental health issues. NRS 433.164 and NRS 176A.045 have inconsistent definitions of "mental illness." These should be reconciled with a more current definition. The proposed definition (Section 4 on page 2) is currently the most commonly used definition of mental illness.

The jurisdiction of a program for treatment in Mental Health Court should include mental illness and mental retardation. The benefits of Mental Health Court will assist both communities equally.

Lakes Crossing center is a unique facility providing mental health services in a forensic setting. Treatment to competency is the major goal of this facility. "Treatment to competency" means treatment provided to a person who is a defendant in a criminal action or proceeding to attempt to cause him to attain competency to stand trial or receive pronouncement of judgment. NRS 178.400 through NRS 178.465 should be clarified to make it clear that "treatment for competency" and "involuntary administration of medication" are part of the process of determining competence or incompetence in criminal proceedings.

The multiple inclusions of treatment to competency and involuntary administration of medication in S.B. 179 accomplishes this goal.

Defendants committed to Lakes Crossing center have the right to refuse medications. In a civil commitment setting court access is more readily available to obtain an order for the involuntary administration of medication. Quite often for people suffering from mental illness their mental illness in part causes them to resist taking the medication that can assist them. In criminal proceedings the court that commits a defendant to Lakes Crossing center maintains jurisdiction of the case. This delays the process of providing medication to individuals who need it to obtain competency. This Bill clearly allows consideration of these issues quickly.

If an individual is determined to be a danger to himself or others the Legal 2000R process is commenced. In rural areas the client is usually taken to an emergency room for evaluation of the medical condition before transportation to a mental health facility or hospital. Following certification the client is transported to the treating facility. Quite often this takes considerable time. The treating facility needs sufficient time to examine the client.

NRS 433A.150 is clarified by S.B. 179 to emphasize that the release of an individual admitted to a mental health facility or hospital from detention for evaluation, observation and treatment should be within 72 hours from the time of his admission to that facility unless within that period a written petition for an involuntary court ordered admission is filed with the clerk of the district court.

NRS 433A.165 currently requires that before an allegedly mentally ill person may be transported to a public or private mental health facility he must be examined by "a licensed Physician or Physician Assistant or an Advanced Practitioner of Nursing." This language clearly defines the qualified medical person conducting the examination. Although federal law (Emergency Medical

Treatment and Active Labor Act) requires that a Physician supervises the examination (consults and signs or countersigns certification) there is no benefit in deleting the language. NRS 178.425 should state: "If the court finds the defendant incompetent, and that he is dangerous to himself or society [or] that commitment is required for a determination of his ability to receive treatment to competency and to attain competence... " The [or] should be replaced with [and].

We have submitted proposed amendment language.

We would be happy to answer any questions.