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Proposed Amendment to S.B. 179

5-26 **Sec. 11.** NRS 433A.165 is hereby amended to read as follows:

5-27 433A.165 1. Before an allegedly mentally ill person may be
5-28 transported to a public or private mental health facility pursuant
to

5-29 NRS 433A.160, ~~he~~ *the person* must:

5-30 (a) First be examined ~~[by a licensed Physician or Physician~~
5-31 ~~Assistant or an Advanced Practitioner of Nursing]~~ *by a licensed*
Physician or Physician Assistant or an Advanced Practitioner of
Nursing to determine

5-32 whether the person has a medical problem, other than a
psychiatric

5-33 problem, which requires immediate treatment; and

5-34 (b) If such treatment is required, be admitted to a hospital for
the

5-35 appropriate medical care.

5-36 2. *The examination and any transfer of the person from a*
5-37 *facility when the person has an emergency medical condition*
and

5-38 *has not been stabilized must be conducted in compliance with:*

5-39 (a) *The requirements of 42 U.S.C. § 1395dd and any*
5-40 *regulations adopted pursuant thereto, and must involve a*
person

5-41 *authorized pursuant to federal law to conduct such an*
5-42 *examination or certify such a transfer; and*

5-43 (b) *The provisions of NRS 439B.410.*

5-44 3. The cost of the examination must be paid by the county in
5-45 which the allegedly mentally ill person resides if services are

6-1 provided at a county hospital located in that county or a hospital
6-2 designated by that county, unless the cost is voluntarily paid by
the

6-3 allegedly mentally ill person or on his behalf, by his insurer or by
a

6-4 state or federal program of medical assistance.

6-5 ~~{3.}~~ 4. The county may recover all or any part of the expenses
6-6 paid by it, in a civil action against:

6-7 (a) The person whose expenses were paid;

6-8 (b) The estate of that person; or

6-9 (c) A responsible relative as prescribed in NRS 433A.610, to the
6-10 extent that financial ability is found to exist.

6-11 ~~{4.}~~ 5. The cost of treatment, including hospitalization, for an
6-12 indigent must be paid pursuant to NRS 428.010 by the county in
6-13 which the allegedly mentally ill person resides.

9-38 **Sec. 21.** NRS 178.425 is hereby amended to read as follows:

9-39 178.425 1. If the court finds the defendant incompetent, and
9-40 that he is dangerous to himself or to society ~~{or}~~ *and* that
commitment is

9-41 required for a determination of his ability to *receive treatment to*
9-42 *competency and to* attain competence, the judge shall order the
9-43 sheriff to convey ~~{him}~~ *the defendant* forthwith, together with a
9-44 copy of the complaint, the commitment and the physicians'
9-45 certificate, if any, into the custody of the Administrator of the

10-1 Division of Mental Health and Developmental Services of the
10-2 Department of Human Resources or his designee for detention
and
10-3 treatment at a secure facility operated by that Division. *The*
10-4 *order*
10-5 *may include the involuntary administration of medication if*
10-6 *appropriate for treatment to competency.*

10-6 2. The defendant must be held in such custody until a court
10-7 orders his release or until he is returned for trial or judgment as
10-8 provided in NRS 178.450 ~~[to 178.460, inclusive.]~~, *178.455 and*
10-9 *178.460.*

10-10 3. If the court finds the defendant incompetent but not
10-11 dangerous to himself or to society, and finds that commitment is
not
10-12 required for a determination of the defendant's ability to *receive*
10-13 *treatment to competency and to* attain competence, the judge
shall

10-14 order the defendant to report to the Administrator or his
designee as
10-15 an outpatient for treatment, if it might be beneficial, and for a
10-16 determination of his ability to *receive treatment to competency*
and
10-17 *to* attain competence. The court may require the defendant to
give
10-18 bail for his periodic appearances before the Administrator or his
10-19 designee.

10-20 4. Except as otherwise provided in subsection 5, proceedings
10-21 against the defendant must be suspended until the Administrator
or
10-22 his designee or, if the defendant is charged with a misdemeanor,
the
10-23 judge finds him capable of standing trial or opposing
10-24 pronouncement of judgment as provided in NRS 178.400.

10-25 5. Whenever the defendant has been found incompetent, with

10-26 no substantial probability of attaining competency in the
foreseeable

10-27 future, and released from custody or from obligations as an
10-28 outpatient pursuant to paragraph (d) of subsection 4 of NRS
10-29 178.460, the proceedings against the defendant which were
10-30 suspended must be dismissed. No new charge arising out of the
10-31 same circumstances may be brought after a period, equal to the
10-32 maximum time allowed by law for commencing a criminal
action

10-33 for the crime with which the defendant was charged, has lapsed
10-34 since the date of the alleged offense.