

SENATE BILL NO. 21—COMMITTEE ON
HUMAN RESOURCES AND EDUCATION

(ON BEHALF OF THE NEVADA MENTAL HEALTH
PLAN IMPLEMENTATION COMMISSION)

PREFILED FEBRUARY 3, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions governing individualized plans of services for clients of certain facilities that provide services to persons who are mentally ill or mentally retarded or have related conditions. (BDR 39-280)

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

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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 mental health; requiring a facility that provides services to persons who are mentally ill or mentally retarded or have related conditions to obtain input and participation of the client, the parent or guardian of the client or the legal guardian of the client under certain circumstances, in developing and modifying an individualized plan of services for the client; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of facilities that provide services to persons who are mentally ill or mentally retarded or have other related conditions (Chapter 433 of NRS) and guarantees certain rights for clients of such facilities. (NRS 433.456-433.536) One of the rights guaranteed to a client of such a facility is the development and maintenance of an individualized written plan of certain services for the client which must provide for the least restrictive treatment procedures reasonably expected to benefit the client. (NRS 433.494)

This bill requires the individualized written plan to be developed and modified with the input and participation of the client, the parent or guardian of a client who is unable to provide input and participate and who is a minor, or the legal guardian of a client who has been adjudicated mentally incompetent.



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

- 1 **Section 1.** NRS 433.494 is hereby amended to read as follows:
2 433.494 1. An individualized written plan of mental health or
3 mental retardation services or plan of services for a related condition
4 must be developed for each client of each facility. The plan must
5 ~~provide~~ :
6 (a) *Provide* for the least restrictive treatment procedure that may
7 reasonably be expected to benefit the client ~~to~~ ; and
8 (b) *Be developed with the input and participation of:*
9 (1) *The client, to the extent that he is able to provide input*
10 *and participate; and*
11 (2) *To the extent that the client is unable to provide input*
12 *and participate, the parent or guardian of the client if the client is*
13 *under 18 years of age and is not legally emancipated, or the legal*
14 *guardian of a client who has been adjudicated mentally*
15 *incompetent.*
16 2. The plan must be kept current and must be modified , *with*
17 *the input and participation of the client, the parent or guardian of*
18 *the client or the legal guardian of the client, as appropriate,* when
19 indicated. The plan must be thoroughly reviewed at least once every
20 3 months.
21 3. The person in charge of implementing the plan of services
22 must be designated in the plan.

