

SENATE BILL NO. 280—SENATOR CEGAVSKE

MARCH 23, 2005

JOINT SPONSOR: ASSEMBLYWOMAN GIUNCHIGLIANI

Referred to Committee on Human Resources and Education

SUMMARY—Provides that person alleged to be mentally ill who is being detained under emergency admission must be detained in mental health facility. (BDR 39-1131)

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 mental health; providing that a person alleged to be mentally ill who is being detained under an emergency admission for evaluation, observation and treatment must be detained in a public or private mental health facility; 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 433A.145 is hereby amended to read as
- 2 follows:
- 3 433A.145 1. If a mentally ill person is admitted to a public or
- 4 private mental health facility ~~for hospital~~ as a voluntary client, the
- 5 facility ~~for hospital~~ shall not change the status of the person to an
- 6 emergency admission unless the ~~hospital or~~ facility receives,
- 7 before the change in status is made, an application for an emergency
- 8 admission pursuant to NRS 433A.160 and the certificate of a
- 9 psychiatrist, psychologist or physician pursuant to NRS 433A.170.
- 10 2. A person whose status is changed pursuant to subsection 1
- 11 must not be detained in excess of 48 hours after the change in status



1 is made, unless within that period a written petition is filed with the
2 clerk of the district court pursuant to NRS 433A.200.

3 3. If the period specified in subsection 2 expires on a day on
4 which the office of the clerk of the district court is not open, the
5 written petition must be filed on or before the close of the business
6 day next following the expiration of that period.

7 **Sec. 2.** NRS 433A.150 is hereby amended to read as follows:

8 433A.150 1. Any person alleged to be a mentally ill person
9 may, upon application pursuant to NRS 433A.160 and subject to the
10 provisions of subsection 2, be detained in a public or private mental
11 health facility ~~for hospital~~ under an emergency admission for
12 evaluation, observation and treatment.

13 2. Except as otherwise provided in subsection 3, a person
14 detained pursuant to subsection 1 must be released within 72 hours,
15 including weekends and holidays, after the examination required by
16 paragraph (a) of subsection 1 of NRS 433A.165 has been
17 completed, ~~if such an examination is required, or within 72 hours,~~
18 ~~including weekends and holidays, after the person arrives at the~~
19 ~~mental health facility or hospital, if an examination is not required~~
20 ~~by paragraph (a) of subsection 1 of NRS 433A.165,]~~ unless within
21 that period a written petition for an involuntary court-ordered
22 admission is filed with the clerk of the district court pursuant to
23 NRS 433A.200, including, without limitation, the documents
24 required pursuant to NRS 433A.210, or the status of the person is
25 changed to a voluntary admission.

26 3. If the period specified in subsection 2 expires on a day on
27 which the office of the clerk of the district court is not open, the
28 written petition must be filed on or before the close of the business
29 day next following the expiration of that period.

30 **Sec. 3.** NRS 433A.160 is hereby amended to read as follows:

31 433A.160 1. Except as otherwise provided in subsection 2,
32 an application for the emergency admission of an allegedly mentally
33 ill person for evaluation, observation and treatment may only be
34 made by an accredited agent of the Department, an officer
35 authorized to make arrests in the State of Nevada or a physician,
36 psychologist, marriage and family therapist, social worker or
37 registered nurse. The agent, officer, physician, psychologist,
38 marriage and family therapist, social worker or registered nurse
39 may:

40 (a) Without a warrant:

41 (1) Take an allegedly mentally ill person into custody to
42 apply for the emergency admission of the person for evaluation,
43 observation and treatment; and



(2) Transport the allegedly mentally ill person to a public or private mental health facility ~~for hospital~~ for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Transportation Services Authority; or

(III) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

↳ only if the agent, officer, physician, psychologist, marriage and family therapist, social worker or registered nurse has, based upon his personal observation of the allegedly mentally ill person, probable cause to believe that the person is a mentally ill person and, because of that illness, is likely to harm himself or others if allowed his liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take an allegedly mentally ill person into custody to allow the applicant for the order to apply for the emergency admission of the allegedly mentally ill person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the allegedly mentally ill person to a public or private mental health facility ~~for hospital~~ for that purpose.

↳ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the allegedly mentally ill person is a mentally ill person and, because of that illness is likely to harm himself or others if allowed his liberty.

2. An application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the allegedly mentally ill person may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. As used in subsection 1, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.



1 5. Except as otherwise provided in this subsection, each person
2 admitted to a public or private mental health facility ~~for hospital~~
3 under an emergency admission must be evaluated at the time of
4 admission by a psychiatrist or a psychologist. If a psychiatrist or a
5 psychologist is not available to conduct an evaluation at the time of
6 admission, a physician may conduct the evaluation. Each such
7 emergency admission must be approved by a psychiatrist.

8 **Sec. 4.** NRS 433A.170 is hereby amended to read as follows:

9 433A.170 Except as otherwise provided in this section, the
10 administrative officer of a facility operated by the Division or of any
11 other public or private mental health facility ~~for hospital~~ shall not
12 accept an application for an emergency admission under NRS
13 433A.160 unless that application is accompanied by a certificate of
14 a psychiatrist or a licensed psychologist stating that he has examined
15 the person alleged to be mentally ill and that he has concluded that
16 the person is a mentally ill person and, because of that illness is
17 likely to harm himself or others if allowed his liberty. If a
18 psychiatrist or licensed psychologist is not available to conduct an
19 examination, a physician may conduct the examination. The
20 certificate required by this section may be obtained from a
21 psychiatrist, licensed psychologist or physician who is employed by
22 the public or private mental health facility ~~for hospital~~ to which the
23 application is made.

24 **Sec. 5.** NRS 433A.240 is hereby amended to read as follows:

25 433A.240 1. After the filing of a petition to commence
26 proceedings for the involuntary court-ordered admission of a person
27 pursuant to NRS 433A.200 or 433A.210, the court shall promptly
28 cause two or more physicians or licensed psychologists, one of
29 whom must always be a physician, to examine the person alleged to
30 be mentally ill, or request an evaluation by an evaluation team from
31 the Division of the person alleged to be mentally ill.

32 2. To conduct the examination of a person who is not being
33 detained at a mental health facility ~~for hospital~~ under emergency
34 admission pursuant to an application made pursuant to NRS
35 433A.160, the court may order a peace officer to take the person
36 into protective custody and transport him to a mental health facility
37 or hospital where he may be detained until a hearing is had upon the
38 petition.

39 3. If the person is not being detained under an emergency
40 admission pursuant to an application made pursuant to NRS
41 433A.160, he may be allowed to remain in his home or other place
42 of residence pending an ordered examination or examinations and to
43 return to his home or other place of residence upon completion of
44 the examination or examinations. The person may be accompanied



1 by one or more of his relations or friends to the place of
2 examination.
3 4. Except as otherwise provided in this subsection, each
4 physician and licensed psychologist who examines a person
5 pursuant to subsection 1 shall, not later than 48 hours before the
6 hearing set pursuant to NRS 433A.220, submit to the court in
7 writing a summary of his findings and evaluation regarding the
8 person alleged to be mentally ill. If the person alleged to be mentally
9 ill is admitted under an emergency admission pursuant to an
10 application made pursuant to NRS 433A.160, the written findings
11 and evaluation must be submitted to the court not later than 24 hours
12 before the hearing set pursuant to subsection 1 of NRS 433A.220.



