

ASSEMBLY BILL NO. 6—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON HEALTH CARE)

PREFILED DECEMBER 2, 2008

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing certain emergency admissions to mental health facilities and hospitals. (BDR 39-211)

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; requiring the immediate release of certain persons admitted to mental health facilities or hospitals under the procedures for emergency admission; revising provisions relating to the process for emergency admissions of persons alleged to be persons with mental illness to certain mental health facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prescribes the procedures for emergency admission to a mental
2 health facility or hospital. (NRS 433A.145, 433A.150, 433A.160) Under existing
3 law, a person with mental illness who voluntarily admits himself and whose status
4 is changed to an emergency admission must not be detained more than 48 hours
5 after the change in status is made. (NRS 433A.145) Under existing law, a person
6 who is alleged to be a person with mental illness must be released within 72 hours
7 after an emergency admission. (NRS 433A.150) **Sections 1, 3 and 4** of this bill
8 require the immediate release of a person who is admitted under an emergency
9 admission if the administrative officer of the mental health facility or hospital
10 receives a certificate signed by a psychiatrist, licensed psychologist, licensed
11 physician, licensed clinical social worker or a registered nurse with certain
12 qualifications stating that the professional has examined the person and that the
13 person should be released.

14 **Section 5** of this bill changes the time before which a person alleged to be a
15 person with a mental illness must be examined by one of certain enumerated
16 medical professionals from before the person may be transported to before the



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17 person may be admitted to a public or private mental health facility under an
18 emergency admission.

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

1 **Section 1.** Chapter 433A of NRS is hereby amended by
2 adding thereto a new section to read as follows:

3 *The administrative officer of a facility operated by the Division*
4 *or of any other public or private mental health facility or hospital*
5 *shall release a person admitted pursuant to NRS 433A.160 upon*
6 *receipt of a certificate which meets the requirements of NRS*
7 *433A.180 signed by a psychiatrist, licensed psychologist, licensed*
8 *physician, clinical social worker licensed pursuant to chapter*
9 *641B of NRS or registered nurse who holds a master's degree or*
10 *doctoral degree in the field of psychiatric nursing stating that he*
11 *has personally observed and examined the person and that he has*
12 *concluded that the person should be released from that facility or*
13 *hospital.*

14 **Sec. 2.** NRS 433A.115 is hereby amended to read as follows:

15 433A.115 1. As used in NRS 433A.115 to 433A.330,
16 inclusive, *and section 1 of this act*, unless the context otherwise
17 requires, "person with mental illness" means any person whose
18 capacity to exercise self-control, judgment and discretion in the
19 conduct of his affairs and social relations or to care for his personal
20 needs is diminished, as a result of a mental illness, to the extent that
21 he presents a clear and present danger of harm to himself or others,
22 but does not include any person in whom that capacity is diminished
23 by epilepsy, mental retardation, Alzheimer's disease, brief periods
24 of intoxication caused by alcohol or drugs, or dependence upon or
25 addiction to alcohol or drugs, unless a mental illness that can be
26 diagnosed is also present which contributes to the diminished
27 capacity of the person.

28 2. A person presents a clear and present danger of harm to
29 himself if, within the next preceding 30 days, he has, as a result of a
30 mental illness:

31 (a) Acted in a manner from which it may reasonably be inferred
32 that, without the care, supervision or continued assistance of others,
33 he will be unable to satisfy his need for nourishment, personal or
34 medical care, shelter, self-protection or safety, and if there exists a
35 reasonable probability that his death, serious bodily injury or
36 physical debilitation will occur within the next following 30 days
37 unless he is admitted to a mental health facility pursuant to the
38 provisions of NRS 433A.115 to 433A.330, inclusive, *and section 1*
39 *of this act* and adequate treatment is provided to him;



(b) Attempted or threatened to commit suicide or committed acts in furtherance of a threat to commit suicide, and if there exists a reasonable probability that he will commit suicide unless he is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, *and section 1 of this act* and adequate treatment is provided to him; or

(c) Mutilated himself, attempted or threatened to mutilate himself or committed acts in furtherance of a threat to mutilate himself, and if there exists a reasonable probability that he will mutilate himself unless he is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, *and section 1 of this act* and adequate treatment is provided to him.

3. A person presents a clear and present danger of harm to others if, within the next preceding 30 days, he has, as a result of a mental illness, inflicted or attempted to inflict serious bodily harm on any other person, or made threats to inflict harm and committed acts in furtherance of those threats, and if there exists a reasonable probability that he will do so again unless he is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, *and section 1 of this act* and adequate treatment is provided to him.

Sec. 3. NRS 433A.145 is hereby amended to read as follows:

433A.145 1. If a person with mental illness is admitted to a public or private mental health facility or hospital as a voluntary client, the facility or hospital shall not change the status of the person to an emergency admission unless the hospital or facility receives, before the change in status is made, an application for an emergency admission pursuant to NRS 433A.160 and the certificate of a psychiatrist, psychologist or physician pursuant to NRS 433A.170.

2. A person whose status is changed pursuant to subsection 1 must ~~not~~:

(a) *Not* be detained in excess of 48 hours after the change in status is made, unless within that period a written petition is filed with the clerk of the district court pursuant to NRS 433A.200.

(b) *Be released immediately upon receipt by the administrative officer of the mental health facility or hospital of a certificate pursuant to section 1 of this act.*

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

Sec. 4. NRS 433A.150 is hereby amended to read as follows:

433A.150 1. Any person alleged to be a person with mental illness may, upon application pursuant to NRS 433A.160 and



1 subject to the provisions of subsection 2, be detained in a public or
2 private mental health facility or hospital under an emergency
3 admission for evaluation, observation and treatment.

4 2. Except as otherwise provided in subsection 3, a person
5 detained pursuant to subsection 1 must be released ~~[within]~~ :

6 (a) *Within* 72 hours, including weekends and holidays, after the
7 examination required by paragraph (a) of subsection 1 of NRS
8 433A.165 has been completed, if such an examination is required, or
9 within 72 hours, including weekends and holidays, after the person
10 arrives at the mental health facility or hospital, if an examination is
11 not required by paragraph (a) of subsection 1 of NRS 433A.165,
12 unless within that period a written petition for an involuntary court-
13 ordered admission is filed with the clerk of the district court
14 pursuant to NRS 433A.200, including, without limitation, the
15 documents required pursuant to NRS 433A.210, or the status of the
16 person is changed to a voluntary admission ~~[]~~ ; or

17 (b) *Immediately upon receipt by the administrative officer of*
18 *the mental health facility or hospital of a certificate pursuant to*
19 *section 1 of this act unless the status of the person is changed to a*
20 *voluntary admission.*

21 3. If the period specified in *paragraph (a) of* subsection 2
22 expires on a day on which the office of the clerk of the district court
23 is not open, the written petition must be filed on or before the close
24 of the business day next following the expiration of that period.

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

26 433A.165 1. Before a person alleged to be a person with
27 mental illness may be ~~[transported]~~ *admitted* to a public or private
28 mental health facility pursuant to NRS 433A.160, the person must:

29 (a) First be examined by a licensed physician or physician
30 assistant licensed pursuant to chapter 630 or 633 of NRS or an
31 advanced practitioner of nursing to determine whether the person
32 has a medical problem, other than a psychiatric problem, which
33 requires immediate treatment; and

34 (b) If such treatment is required, be admitted for the appropriate
35 medical care:

36 (1) To a hospital if the person is in need of emergency
37 services or care; or

38 (2) To another appropriate medical facility if the person is
39 not in need of emergency services or care.

40 2. The examination and any transfer of the person from a
41 facility when the person has an emergency medical condition and
42 has not been stabilized must be conducted in compliance with:

43 (a) The requirements of 42 U.S.C. § 1395dd and any regulations
44 adopted pursuant thereto, and must involve a person authorized



1 pursuant to federal law to conduct such an examination or certify
2 such a transfer; and

3 (b) The provisions of NRS 439B.410.

4 3. The cost of the examination must be paid by the county in
5 which the person alleged to be a person with mental illness resides if
6 services are provided at a county hospital located in that county or a
7 hospital or other medical facility designated by that county, unless
8 the cost is voluntarily paid by the person alleged to be a person with
9 mental illness or, on his behalf, by his insurer or by a state or federal
10 program of medical assistance.

11 4. The county may recover all or any part of the expenses paid
12 by it, in a civil action against:

13 (a) The person whose expenses were paid;

14 (b) The estate of that person; or

15 (c) A responsible relative as prescribed in NRS 433A.610, to the
16 extent that financial ability is found to exist.

17 5. The cost of treatment, including hospitalization, for ~~an~~ *a*
18 *person who is* indigent must be paid pursuant to NRS 428.010 by
19 the county in which the person alleged to be a person with mental
20 illness resides.

21 6. The Division shall adopt regulations to carry out the
22 provisions of this section, including, without limitation, regulations
23 that:

24 (a) Define "emergency services or care" as that term is used in
25 this section; and

26 (b) Prescribe the type of medical facility that a person may be
27 admitted to pursuant to subparagraph (2) of paragraph (b) of
28 subsection 1.

29 7. As used in this section, "medical facility" has the meaning
30 ascribed to it in NRS 449.0151.

31 **Sec. 6.** NRS 433A.180 is hereby amended to read as follows:

32 433A.180 ~~[No]~~

33 *1. An* application or certificate authorized under *subsection 1*
34 *of* NRS 433A.160 or *NRS* 433A.170 ~~[may]~~ *or section 1 of this act*
35 *must not* be considered if made by a psychiatrist, psychologist ,
36 *marriage and family therapist, social worker, registered nurse* or
37 physician who is related by blood or marriage to the person alleged to
38 be a person with mental illness, or who is financially interested in
39 the facility in which the person alleged to be a person with mental
40 illness is to be detained. ~~[No]~~

41 *2. An* application or certificate of any examining person
42 authorized under NRS 433A.170 ~~[may]~~ *must not* be considered
43 unless it is based on personal observation and examination of the
44 person alleged to be a person with mental illness made by such
45 examining person not more than 72 hours prior to the making of the



1 application or certificate. The certificate ~~[shall]~~ *required pursuant*
2 *to NRS 433A.170 must* set forth in detail the facts and reasons on
3 which the examining person based his opinions and conclusions.

4 *3. A certificate authorized pursuant to section 1 of this act*
5 *must not be considered unless it is based on personal observation*
6 *and examination of the person alleged to be a person with mental*
7 *illness made by such examining person. The certificate authorized*
8 *pursuant to section 1 of this act must set forth in detail the facts*
9 *and reasons on which the examining person based his opinions*
10 *and conclusions.*

