

ASSEMBLY BILL NO. 184—ASSEMBLYMAN ELLIOT ANDERSON

FEBRUARY 19, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the involuntary commitment of certain persons to a hospital of the Department of Veterans Affairs. (BDR 39-539)

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; authorizing certain providers of health care who are employed by a hospital of the Department of Veterans Affairs and licensed or certified in another state to perform certain tasks relating to the emergency admission of persons to such a hospital and the release of a person who is so admitted to such a hospital; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an application for the emergency admission of a person alleged to be a person with mental illness to a mental health facility or hospital may be made by an accredited agent of the Department of Health and Human Services, an officer authorized to make arrests in this State, a physician, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. Existing law also requires a psychiatrist, psychologist or physician to evaluate each person admitted under an emergency admission. (NRS 433A.160) Before a person is admitted to a mental health facility as an emergency admission, the person must first be examined by a licensed physician, physician assistant or advance practice registered nurse to determine whether the person has a medical problem, other than a psychiatric problem, that requires immediate treatment. (NRS 433A.165) Existing law authorizes the release of such a person who is admitted to a mental health facility upon completion of a certificate by a licensed physician on the medical staff of the facility stating that the person does not suffer from a mental illness that makes the person a danger to himself or herself or others. (NRS 433A.195) This bill authorizes a provider of health care who is employed by a hospital of the Department of Veterans Affairs to perform these tasks with regard to



18 a patient at a hospital of the Department of Veterans Affairs whether licensed in
19 this State or another state.

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

1 **Section 1.** NRS 433A.160 is hereby amended to read as
2 follows:

3 433A.160 1. Except as otherwise provided in subsection 2,
4 an application for the emergency admission of a person alleged to be
5 a person with mental illness for evaluation, observation and
6 treatment may only be made by ~~fan~~:

7 (a) *An* accredited agent of the Department, an officer authorized
8 to make arrests in the State of Nevada or a physician, psychologist,
9 marriage and family therapist, clinical professional counselor, social
10 worker or registered nurse ~~[-The]~~; or

11 (b) *If the application is made to admit the person to a hospital*
12 *of the Department of Veterans Affairs, a physician, psychologist,*
13 *marriage and family therapist, clinical professional counselor,*
14 *social worker or registered nurse who is employed by the hospital*
15 *and licensed or certified in this State or another state.*

16 2. *An* agent, officer, physician, psychologist, marriage and
17 family therapist, clinical professional counselor, social worker or
18 registered nurse *who is authorized to make an application for the*
19 *emergency admission of a person alleged to be a person with*
20 *mental illness for evaluation, observation and treatment pursuant*
21 *to subsection 1* may:

22 (a) Without a warrant:

23 (1) Take a person alleged to be a person with mental illness
24 into custody to apply for the emergency admission of the person for
25 evaluation, observation and treatment; and

26 (2) Transport the person alleged to be a person with mental
27 illness to a public or private mental health facility or hospital for
28 that purpose, or arrange for the person to be transported by:

29 (I) A local law enforcement agency;

30 (II) A system for the nonemergency medical
31 transportation of persons whose operation is authorized by the
32 Nevada Transportation Authority;

33 (III) An entity that is exempt pursuant to NRS 706.745
34 from the provisions of NRS 706.386 or 706.421; or

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



➤ only if the agent, officer, physician, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

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

(1) Any peace officer to take a person alleged to be a person with mental illness into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental illness to a public or private mental health facility or 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 person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

~~[2.]~~ 3. An application for the emergency admission of a person alleged to be a person with mental illness 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 person alleged to be a person with mental illness may apply to a district court for an order described in paragraph (b) of subsection

~~[4.]~~ 2.

~~[3.]~~ 4. The application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

~~[4.]~~ 5. Except as otherwise provided in this ~~[subsection.]~~ *section*, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist ~~[.]~~ *who is licensed in this State or, if the person is being admitted to a hospital of the Department of Veterans Affairs, a psychiatrist or a psychologist who is employed by the hospital and licensed in this State or another state.*

6. If a psychiatrist or a psychologist *described in subsection 5* is not available to conduct an evaluation at the time of admission, a physician *who is licensed in this State or, if the person is being admitted to a hospital of the Department of Veterans Affairs, a*



1 *physician who is employed by the hospital and licensed in this*
2 *State or another state,* may conduct the evaluation.

3 7. Each ~~[such]~~ emergency admission must be approved by a
4 psychiatrist ~~[~~

5 ~~—5.]~~ *who is licensed in this State or, if the person is being*
6 *admitted to a hospital of the Department of Veterans Affairs, a*
7 *psychiatrist who is employed by the hospital and licensed in this*
8 *State or another state.*

9 8. As used in this section, “an accredited agent of the
10 Department” means any person appointed or designated by the
11 Director of the Department to take into custody and transport to a
12 mental health facility pursuant to subsections 1 , ~~[and]~~ 2 and 3 those
13 persons in need of emergency admission.

14 **Sec. 2.** NRS 433A.165 is hereby amended to read as follows:

15 433A.165 1. Before a person alleged to be a person with
16 mental illness may be admitted to a public or private mental health
17 facility pursuant to NRS 433A.160, the person must:

18 (a) ~~[First]~~ *Except as otherwise provided in this paragraph, first*
19 *be examined by a licensed physician or physician assistant licensed*
20 *pursuant to chapter 630 or 633 of NRS or an advanced practice*
21 *registered nurse licensed pursuant to NRS 632.237 , at any location*
22 *where such a physician, physician assistant or advanced practice*
23 *registered nurse is authorized to conduct such an examination to*
24 *determine whether the person has a medical problem, other than a*
25 *psychiatric problem, which requires immediate treatment . ~~[; and]~~ If*
26 *the person is being admitted to a hospital of the Department of*
27 *Veterans Affairs, a physician, physician assistant or advanced*
28 *practice registered nurse who is employed by the hospital and*
29 *licensed or certified in another state may conduct such an*
30 *examination.*

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

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

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

37 2. If a person with a mental illness has a medical problem in
38 addition to a psychiatric problem which requires medical treatment
39 that requires more than 72 hours to complete, the licensed physician,
40 physician assistant or advanced practice registered nurse who
41 examined the person must:

42 (a) On the first business day after determining that such medical
43 treatment is necessary file with the clerk of the district court a
44 written petition to admit the person to a public or private mental



1 health facility pursuant to NRS 433A.160 after the medical
2 treatment has been completed. The petition must:

3 (1) Include, without limitation, the medical condition of the
4 person and the purpose for continuing the medical treatment of the
5 person; and

6 (2) Be accompanied by a copy of the application for the
7 emergency admission of the person required pursuant to NRS
8 433A.160 and the certificate required pursuant to NRS 433A.170.

9 (b) Seven days after filing a petition pursuant to paragraph (a)
10 and every 7 days thereafter, file with the clerk of the district court an
11 update on the medical condition and treatment of the person.

12 3. The examination and any transfer of the person from a
13 facility when the person has an emergency medical condition and
14 has not been stabilized must be conducted in compliance with:

15 (a) The requirements of 42 U.S.C. § 1395dd and any regulations
16 adopted pursuant thereto, and must involve a person authorized
17 pursuant to federal law to conduct such an examination or certify
18 such a transfer; and

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

20 4. The cost of the examination must be paid by the county in
21 which the person alleged to be a person with mental illness resides if
22 services are provided at a county hospital located in that county or a
23 hospital or other medical facility designated by that county, unless
24 the cost is voluntarily paid by the person alleged to be a person with
25 mental illness or, on the person's behalf, by his or her insurer or by
26 a state or federal program of medical assistance.

27 5. The county may recover all or any part of the expenses paid
28 by it, in a civil action against:

29 (a) The person whose expenses were paid;

30 (b) The estate of that person; or

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

33 6. The cost of treatment, including hospitalization, for a person
34 who is indigent must be paid pursuant to NRS 428.010 by the
35 county in which the person alleged to be a person with mental
36 illness resides.

37 7. The provisions of this section do not require the Division to
38 provide examinations required pursuant to subsection 1 at a Division
39 facility if the Division does not have the:

40 (a) Appropriate staffing levels of physicians, physician
41 assistants, advanced practice registered nurses or other appropriate
42 staff available at the facility as the Division determines is necessary
43 to provide such examinations; or

44 (b) Appropriate medical laboratories as the Division determines
45 is necessary to provide such examinations.



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

(a) Define “emergency services or care” as that term is used in this section; and

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

9. As used in this section, “medical facility” has the meaning ascribed to it in NRS 449.0151.

Sec. 3. NRS 433A.170 is hereby amended to read as follows:

433A.170 **1.** Except as otherwise provided in this section, the administrative officer of a facility operated by the Division or of any other public or private mental health facility or hospital shall not accept an application for an emergency admission under NRS 433A.160 unless that application is accompanied by a certificate of a psychiatrist or a licensed psychologist stating that he or she has examined the person alleged to be a person with mental illness and that he or she has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

2. If a psychiatrist or licensed psychologist is not available to conduct an examination ~~§~~ *described in subsection 1*, a physician may conduct the examination.

3. The certificate required by this section may be obtained from ~~§~~:

(a) A psychiatrist, licensed psychologist or physician who is employed by the public or private mental health facility or hospital to which the application is made ~~§~~; or

(b) *A physician, psychiatrist or psychologist who is employed by a hospital of the Department of Veterans Affairs to which an application is made and who is licensed in this State or another state.*

Sec. 4. NRS 433A.195 is hereby amended to read as follows:

433A.195 A licensed physician on the medical staff of a facility operated by the Division or of any other public or private mental health facility or hospital may release a person admitted pursuant to NRS 433A.160 upon completion of a certificate which meets the requirements of NRS 433A.197 signed by a licensed physician on the medical staff of the facility or hospital stating that he or she has personally observed and examined the person and that he or she has concluded that the person is not a person with a mental illness. *A physician who is on the medical staff of a hospital of the Department of Veterans Affairs, whether licensed in this State or*



1 *another state, may release a person admitted to the hospital upon*
2 *the completion or receipt of such a certificate.*

3 **Sec. 5.** This act becomes effective upon passage and approval.

