

Amendment No. 636

| | |
|--|--------------|
| Assembly Amendment to Assembly Bill No. 91 First Reprint | (BDR 39-665) |
| Proposed by: Assemblymen Moore and Kirkpatrick | |
| Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes | |

| ASSEMBLY ACTION | | | Initial and Date | SENATE ACTION | | | Initial and Date | | |
|-----------------|--------------------------|------|--------------------------|---------------|--------------|--------------------------|------------------|--------------------------|-------|
| Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ | Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ |
| Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |
| Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

EWR/BJE



Date: 4/21/2015

A.B. No. 91—Revises provisions governing the admission of persons with certain mental conditions to and the release of such persons from certain facilities. (BDR 39-665)



ASSEMBLY BILL NO. 91—ASSEMBLYWOMAN BENITEZ-THOMPSON

PREFILED JANUARY 7, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the admission of persons with certain mental conditions to and the release of such persons from certain facilities. (BDR 39-665)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to mental health; expanding the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness and a petition for the involuntary court-ordered admission of such a person to certain facilities or programs; expanding the list of persons authorized to conduct the examination required before a person is admitted to a mental health facility on an emergency basis; expanding the list of persons authorized to complete certain certificates concerning the mental condition of another; **requiring notification of certain persons if a person is transported to a mental health facility, hospital or other place for the purposes of emergency admission or if a petition for an involuntary court-ordered admission is filed; requiring certain providers of treatment to report the number of emergency and involuntary admissions, categorized by profession, to the Legislature;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "person with mental illness" as a person whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others. (NRS 433A.115) Existing law authorizes certain persons to file an application for the emergency admission of a person alleged to be a person with mental illness to certain facilities. (NRS 433A.160) **Section 1.5** of this bill expands the list of persons who are authorized to file such an application to include a physician assistant.

Existing law requires a person to be examined by a physician, physician assistant or advanced practice registered nurse before being admitted to a mental health facility on an emergency basis. (NRS 433A.165) **Section 1.6** of this bill authorizes a paramedic to conduct such an examination.

With certain exceptions, existing law requires an application for the emergency admission of a person alleged to be a person with a mental illness to be accompanied by a certificate of a psychiatrist or licensed psychologist or, if neither is available, a physician, stating that the

person has a mental illness and, because of the mental illness, is likely to harm himself or herself or others if not admitted to certain facilities or programs. (NRS 433A.170, 433A.200) Under existing law, a licensed physician on the medical staff of certain facilities may release a person alleged to be a person with mental illness who has been admitted on an emergency basis if a licensed physician on the medical staff of the facility completes a certificate stating that the person admitted is not a person with a mental illness. (NRS 433A.195) **Sections 1, 1.7, 2, 3 and 4** of this bill authorize a physician assistant under the supervision of a psychiatrist, a psychologist, a clinical social worker with certain psychiatric training and experience, an advanced practice registered nurse with certain psychiatric training and experience or an accredited agent of the Department of Health and Human Services to complete such a certificate while still requiring a licensed physician on the medical staff of the facility to release the person. **Sections 4.2 and 4.7** of this bill require the State Board of Nursing and the Board of Examiners for Social Workers to adopt regulations prescribing the psychiatric training and experience necessary before an advanced practice registered nurse or clinical social worker, as applicable, may complete such a certificate.

Existing law requires the administrative officer of a public or private mental health facility to give notice to the spouse or legal guardian of a person who is admitted to the facility under emergency admission within 24 hours after such admission. Sections 1.9 and 4 of this bill require the notification of a family member or other person with a legitimate interest in a person, if any, alleged to be a person with mental illness if: (1) the person is transported to a mental health facility, hospital or other place for purposes of an emergency admission; or (2) a petition is filed for the involuntary-court ordered admission of the person to a mental health facility or a program of community-based or outpatient services. This requirement does not apply if the application for emergency admission or involuntary court-ordered admission was filed by the spouse, legal guardian or adult child of the person.

Existing law prohibits a person who is related by blood or marriage within the first degree of consanguinity or affinity from completing: (1) an application for the emergency admission of such a person to a mental health facility; (2) a certificate stating that a person has a mental illness, is likely to harm himself or herself or others if not admitted to a mental health facility on an emergency basis; or (3) a certificate stating that a person is not a person with a mental illness. (NRS 433A.197) **Section 3** also prohibits a person who is related by blood or marriage within the second degree of consanguinity or affinity to a person alleged to be a person with mental illness from completing such an application or certificate.

Existing law authorizes the spouse or a parent, adult child or legal guardian of a person and certain other persons to file a petition for the involuntary court-ordered admission of a person alleged to be a person with mental illness to a mental health facility or to a program of community-based or outpatient services. (NRS 433A.200) **Section 4** further authorizes a physician assistant to file such a petition.

Sections 1.5 and 4.1 of this bill require each mental health facility, hospital, program of community-based or outpatient services and other provider of treatment to which a person with mental illness is involuntarily admitted to report to the Legislative Commission the number of emergency and involuntary admissions the facility, hospital, program or other provider of treatment receives each year, categorized by the profession of the person who signed the application or petition. Existing law requires any provision that adds or revises a requirement to submit a report to the Legislature to: (1) expire by limitation after 5 years; or (2) contain a statement by the Legislature setting forth the justification for continuing the requirement for more than 5 years. (NRS 218D.380) To comply with this requirement, section 5 of this bill provides for the expiration by limitation after 5 years of the requirement that such facilities, programs and providers report the number of emergency and involuntary admissions received each year.

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

Section 1. 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 consumer, 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, ~~for~~ physician, *physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department* pursuant to NRS 433A.170.

2. A person whose status is changed pursuant to subsection 1 must not be detained in excess of 48 hours after the change in status is made unless, before the close of the business day on which the 48 hours expires, a written petition is filed with the clerk of the district court pursuant to NRS 433A.200.

3. If the period specified in 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. 1.5. NRS 433A.160 is hereby amended to read as follows:

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, *physician assistant*, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician, *physician assistant*, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:

(a) Without a warrant:

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

(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or 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 Nevada Transportation Authority;

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

(IV) 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, *physician assistant*, 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. 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 1.

3. 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. Except as otherwise provided in this subsection, 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. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

5. On or before February 1 of each year, each public or private mental health facility and hospital shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report which must include, without limitation, the number of persons admitted to the facility or hospital on an emergency basis pursuant to this section during the previous calendar year, categorized by the profession of the person who signed the application for the emergency admission pursuant to subsection 1.

6. As used in this section, "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.

Sec. 1.55. NRS 433A.160 is hereby amended to read as follows:

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:

(a) Without a warrant:

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

(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or 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 Nevada Transportation Authority;

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

(IV) 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, physician assistant, 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. 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 1.

3. 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. Except as otherwise provided in this subsection, 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. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

~~5. On or before February 1 of each year, each public or private mental health facility and hospital shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report which must include, without limitation, the number of persons admitted to the facility or hospital on an emergency basis pursuant to this section during the previous calendar year, categorized by the profession of the person who signed the application for the emergency admission pursuant to subsection 1.~~

~~6.~~ As used in this section, "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.

Sec. 1.6. NRS 433A.165 is hereby amended to read as follows:

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

(a) First be examined by a licensed physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, ~~for~~ an advanced practice registered nurse

1 licensed pursuant to NRS 632.237 *or a paramedic certified pursuant to chapter*
2 *450B of NRS* at any location where such a physician, physician assistant, ~~for~~
3 advanced practice registered nurse *or paramedic* is authorized to conduct such an
4 examination to determine whether the person has a medical problem, other than a
5 psychiatric problem, which requires immediate treatment; and

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

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

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

10 2. If a person with a mental illness has a medical problem in addition to a
11 psychiatric problem which requires medical treatment that requires more than 72
12 hours to complete, the licensed physician, physician assistant, ~~for~~ advanced
13 practice registered nurse *or paramedic* who examined the person must:

14 (a) On the first business day after determining that such medical treatment is
15 necessary file with the clerk of the district court a written petition to admit the
16 person to a public or private mental health facility pursuant to NRS 433A.160 after
17 the medical treatment has been completed. The petition must:

18 (1) Include, without limitation, the medical condition of the person and the
19 purpose for continuing the medical treatment of the person; and

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

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

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

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

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

33 4. The cost of the examination must be paid by the county in which the person
34 alleged to be a person with mental illness resides if services are provided at a
35 county hospital located in that county or a hospital or other medical facility
36 designated by that county, unless the cost is voluntarily paid by the person alleged
37 to be a person with mental illness or, on the person's behalf, by his or her insurer or
38 by a state or federal program of medical assistance.

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

41 (a) The person whose expenses were paid;

42 (b) The estate of that person; or

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

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

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

51 (a) Appropriate staffing levels of physicians, physician assistants, advanced
52 practice registered nurses, *paramedics* or other appropriate staff available at the
53 facility as the Division determines is necessary to provide such examinations; or

(b) Appropriate medical laboratories as the Division determines 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. 1.7. NRS 433A.170 is hereby amended to read as follows:

433A.170 ~~[Except as otherwise provided in this section, the]~~ *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, *a physician, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department* 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. ~~[[If a psychiatrist or licensed psychologist is not available to conduct an examination, a physician may conduct the examination.]]~~ The certificate required by this section may be obtained from a ~~[psychiatrist,]~~ licensed psychologist, ~~[or]~~ *physician, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department* who is employed by the public or private mental health facility or hospital to which the application is made.

Sec. 1.9. NRS 433A.190 is hereby amended to read as follows:

433A.190 ~~[Within 24 hours of a person's admission under]~~ *Except as otherwise provided in this section, if a person is transported to a public or private mental health facility, hospital or other place for the purpose of seeking an* emergency admission *[[to a public or private mental health facility,* the administrative officer of ~~[a public or private mental health]~~ *the facility, hospital or other place shall, as soon as possible but in no case later than 24 hours after the person arrives at the facility, hospital or other place,* give notice of such admission in person, by telephone or facsimile and by certified mail to the spouse ~~[or],~~ *adult child or legal guardian of that person [[or, if a spouse, adult child or legal guardian is unavailable, to another person who has a legitimate interest in the person, if any. The provisions of this subsection do not apply if the application for the emergency admission of the person was filed by the spouse, adult child or legal guardian of the person.*

Sec. 2. 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, *a physician assistant under the supervision of a psychiatrist, a psychologist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice*

1 *registered nurse who has the psychiatric training and experience prescribed by*
2 *the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of*
3 *the Department* stating that he or she has personally observed and examined the
4 person and that he or she has concluded that the person is not a person with a
5 mental illness.

6 **Sec. 3.** NRS 433A.197 is hereby amended to read as follows:

7 433A.197 1. An application or certificate authorized under subsection 1 of
8 NRS 433A.160 or NRS 433A.170 or 433A.195 must not be considered if made by
9 a psychiatrist, psychologist, ~~for~~ physician, *physician assistant, clinical social*
10 *worker, advanced practice registered nurse or accredited agent of the Department*
11 *who is related by blood or marriage within the ~~first~~ second degree of*
12 *consanguinity or affinity to the person alleged to be a person with mental illness, or*
13 *who is financially interested in the facility in which the person alleged to be a*
14 *person with mental illness is to be detained.*

15 2. An application or certificate of any examining person authorized under
16 NRS 433A.170 must not be considered unless it is based on personal observation
17 and examination of the person alleged to be a person with mental illness made by
18 such examining person not more than 72 hours prior to the making of the
19 application or certificate. The certificate required pursuant to NRS 433A.170 must
20 set forth in detail the facts and reasons on which the examining person based his or
21 her opinions and conclusions.

22 3. A certificate authorized pursuant to NRS 433A.195 must not be considered
23 unless it is based on personal observation and examination of the person alleged to
24 be a person with mental illness made by the examining physician ~~H~~, *physician*
25 *assistant, psychologist, clinical social worker, advanced practice registered nurse*
26 *or accredited agent of the Department.* The certificate authorized pursuant to NRS
27 433A.195 must ~~set forth~~ *describe* in detail the facts and reasons on which the
28 examining physician, *physician assistant, psychologist, clinical social worker,*
29 *advanced practice registered nurse or accredited agent of the Department* based
30 his or her opinions and conclusions.

31 **Sec. 4.** NRS 433A.200 is hereby amended to read as follows:

32 433A.200 1. Except as otherwise provided in NRS 432B.6075, a proceeding
33 for an involuntary court-ordered admission of any person in the State of Nevada
34 may be commenced by the filing of a petition for the involuntary admission to a
35 mental health facility or to a program of community-based or outpatient services
36 with the clerk of the district court of the county where the person who is to be
37 treated resides. The petition may be filed by the spouse, parent, adult children or
38 legal guardian of the person to be treated or by any physician, *physician assistant,*
39 *psychologist, social worker or registered nurse, by an accredited agent of the*
40 *Department or by any officer authorized to make arrests in the State of Nevada. The*
41 *petition must be accompanied:*

42 (a) By a certificate of a physician, psychiatrist or *a licensed psychologist, a*
43 *physician assistant under the supervision of a psychiatrist, a clinical social*
44 *worker who has the psychiatric training and experience prescribed by the Board*
45 *of Examiners for Social Workers pursuant to NRS 641B.160, an advanced*
46 *practice registered nurse who has the psychiatric training and experience*
47 *prescribed by the State Board of Nursing pursuant to NRS 632.120 or an*
48 *accredited agent of the Department* stating that he or she has examined the person
49 alleged to be a person with mental illness and has concluded that the person has a
50 mental illness and, because of that illness, is likely to harm himself or herself or
51 others if allowed his or her liberty or if not required to participate in a program of
52 community-based or outpatient services; or

53 (b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's 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 or if not required to participate in a program of community-based or outpatient services; and

(2) The person alleged to be a person with mental illness has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

2. Except as otherwise provided in NRS 432B.6075, if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

3. Except as otherwise provided in this subsection, as soon as possible after a petition is filed pursuant to subsection 1, but in no case later than 24 hours after the petition is filed, the clerk of the court with which the petition is filed shall give notice of the petition in person, by telephone or facsimile and by certified mail to the spouse, adult child or legal guardian of the person alleged to be a person with mental illness or, if a spouse, adult child or legal guardian is unavailable, to another person who has a legitimate interest in the person, if any. The provisions of this subsection do not apply if the application was filed by the spouse, adult child or legal guardian of the person alleged to be a person with mental illness.

Sec. 4.1. NRS 433A.310 is hereby amended to read as follows:

433A.310 1. Except as otherwise provided in NRS 432B.6076 and 432B.6077, if the district court finds, after proceedings for the involuntary court-ordered admission of a person:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness or exhibits observable behavior such that the person is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court shall enter its finding to that effect and the person must not be involuntarily admitted to a public or private mental health facility or to a program of community-based or outpatient services.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court may order the involuntary admission of the person for the most appropriate course of treatment, including, without limitation, admission to a public or private mental health facility or participation in a program of community-based or outpatient services. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. A court shall not admit a person to a program of community-based or outpatient services unless:

(a) A program of community-based or outpatient services is available in the community in which the person resides or is otherwise made available to the person;

(b) The person is 18 years of age or older;

(c) The person has a history of noncompliance with treatment for mental illness;

(d) The person is capable of surviving safely in the community in which he or she resides with available supervision;

(e) The court determines that, based on the person's history of treatment for mental illness, the person needs to be admitted to a program of community-based or outpatient services to prevent further disability or deterioration of the person which is likely to result in harm to himself or herself or others;

(f) The current mental status of the person or the nature of the person's illness limits or negates his or her ability to make an informed decision to seek treatment for mental illness voluntarily or to comply with recommended treatment for mental illness;

(g) The program of community-based or outpatient services is the least restrictive treatment which is in the best interest of the person; and

(h) The court has approved a plan of treatment developed for the person pursuant to NRS 433A.315.

3. Except as otherwise provided in NRS 432B.608, an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility as provided for in subsection 2 of NRS 433A.390 or by the professional responsible for providing or coordinating the program of community-based or outpatient services as provided for in subsection 3 of NRS 433A.390. Except as otherwise provided in NRS 432B.608, at the end of the court-ordered period of treatment, the Division, any mental health facility that is not operated by the Division or a program of community-based or outpatient services may petition to renew the involuntary admission of the person for additional periods not to exceed 6 months each. For each renewal, the petition must include evidence which meets the same standard set forth in subsection 1 that was required for the initial period of admission of the person to a public or private mental health facility or to a program of community-based or outpatient services.

4. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, including involuntary admission to a program of community-based or outpatient services, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

5. If the court issues an order involuntarily admitting a person to a public or private mental health facility or to a program of community-based or outpatient services pursuant to this section, the court shall, notwithstanding the provisions of NRS 433A.715, cause, on a form prescribed by the Department of Public Safety, a record of such order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

6. On or before February 1 of each year, each public or private mental health facility and program of community-based or outpatient services and any other provider of treatment to which a person is admitted pursuant to this section shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report which must include, without limitation, the number of persons admitted to the facility, program or other treatment by a court pursuant to this section during the previous calendar year, categorized by the relationship of the person who signed the petition for involuntary admission pursuant to subsection 1 of NRS 433A.200, to the person admitted, including family, guardian or specific profession.

7. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 4.2. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term "in the process of obtaining accreditation."

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 4.7. NRS 641B.160 is hereby amended to read as follows:

641B.160 The Board shall adopt ~~such~~ :

1. *Such* regulations as are necessary or desirable to enable it to carry out the provisions of this chapter ~~it~~ ; and

2. *Regulations establishing reasonable standards for the psychiatric training and experience necessary for a clinical social worker to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200.*

1 **Sec. 5. 1. This section and sections 1, 1.5, 1.6 to 4, inclusive, 4.2 and 4.7**
2 **of this act ~~becomes~~ become** effective upon passage and approval.
3 **2. Sections 1.55 of this act becomes effective on February 2, 2020.**
4 **3. Section 4.1 of this act expires by limitation on February 1, 2020.**