

Amendment No. 24

Senate Amendment to Senate Bill No. 15	(BDR 54-3)
Proposed by: Senate Committee on Health and Human Services	
Amends: Summary: Yes 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/RBL



Date: 4/1/2015

S.B. No. 15—Requires a mental health professional to notify certain persons of explicit threats communicated by a patient in certain circumstances. (BDR 54-3)



SENATE BILL NO. 15—COMMITTEE ON
HEALTH AND HUMAN SERVICES

PREFILED DECEMBER 20, 2014

Referred to Committee on Health and Human Services

SUMMARY—Requires a mental health professional to ~~notify~~ take certain ~~persons of~~ actions if a patient communicates an explicit ~~threats communicated by a patient~~ threat in certain circumstances. (BDR 54-3)

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 health care professionals; requiring a mental health professional to apply for the emergency admission of his or her patient to a mental health facility or notify certain persons when his or her patient makes explicit threats of imminent serious physical harm or death in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes various requirements and duties on certain health care professionals. (Chapter 629 of NRS) ~~“(1) If a patient communicates a threat of imminent serious physical harm or death to a mental health professional and the mental health professional believes that the patient has the intent and ability to carry out the threat, this bill requires~~ “(1) apply for the emergency admission of the patient to a mental health facility; or (2) notify ~~“(1) the person threatened with imminent serious physical harm or death and the closest law enforcement agency. (If a patient of the mental health professional communicates such a threat to the mental health professional and the mental health professional believes the patient has the intent and ability to carry out the threat.)”~~ This bill also provides that a mental health professional who exercises reasonable care in determining whether to apply for the emergency admission of such a patient or communicate such a threat is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information or for any damages caused by the actions of a patient.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a patient communicates to a mental health professional an explicit threat of imminent serious physical harm or death to a clearly identified or identifiable person and, in the judgment of the mental health professional, the patient has the intent and ability to carry out the threat, the mental health professional shall apply for the emergency admission of the patient to a mental health facility pursuant to NRS 433A.160 or make a reasonable effort to communicate the threat in a timely manner to:*

(a) *The person who is the subject of the threat;*

(b) *The law enforcement agency with the closest physical location to the residence of the person; and*

(c) *If the person is a minor, the parent or guardian of the person.*

2. *A mental health professional who exercises reasonable care in determining that he or she:*

(a) *Has a duty to ~~communicate a threat pursuant to~~ take an action described in subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information.*

(b) *Does not have a duty to ~~communicate a threat pursuant to~~ take an action described in subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any damages caused by the actions of a patient.*

3. *The provisions of this section do not:*

(a) *Limit or affect the duty of the mental health professional to report child abuse or neglect pursuant to NRS 432B.220; or*

(b) *Modify any duty of a mental health professional to take precautions to prevent harm by a patient:*

(1) *Who is in the custody of a hospital or other facility where the mental health professional is employed; or*

(2) *Who is being discharged from such a facility.*

4. *As used in this section, "mental health professional" means:*

(a) *A ~~psychiatrist~~ physician licensed to practice medicine in this State pursuant to chapter 630 or 633 of NRS;*

(b) *A psychologist who is licensed to practice psychology pursuant to chapter 641 of NRS;*

(c) *A social worker who:*

(1) *Holds a master's degree in social work ~~for a related field~~; and*

(2) *Is licensed as a clinical social worker pursuant to chapter 641B of NRS; ~~and~~*

~~(3) *Is employed by the Division of Public and Behavioral Health of the Department of Health and Human Services;*~~

(d) *A registered nurse who:*

(1) *Is licensed to practice professional nursing pursuant to chapter 632 of NRS; and*

(2) *Holds a master's degree in psychiatric nursing or a related field;*

(e) *A marriage and family therapist licensed pursuant to chapter 641A of NRS; ~~and~~*

1 *(f) A clinical professional counselor licensed pursuant to chapter 641A of*
2 *NRS ~~41~~;*

3 *(g) An alcohol and drug abuse counselor who is licensed or certified, or a*
4 *clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter*
5 *641C of NRS; and*

6 *(h) A person who is working in this State within the scope of his or her*
7 *employment by the Federal Government and is;*

8 *(1) Licensed or certified as a physician, psychologist, marriage and*
9 *family therapist, clinical professional counselor, alcohol and drug abuse*
10 *counselor or clinical alcohol and drug abuse counselor in another state;*

11 *(2) Licensed as a social worker in another state and holds a master's*
12 *degree in social work; or*

13 *(3) Licensed to practice professional nursing in another state and holds a*
14 *master's degree in psychiatric nursing or a related field.*