

Amendment No. 891

Assembly Amendment to Senate Bill No. 15 First Reprint	(BDR 54-3)
<b>Proposed by:</b> Assembly Committee on Health and Human Services	
<b>Amendment Box:</b> Replaces Amendment No. 836.	
<b>Amends:</b> 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/RBL



Date: 5/20/2015

S.B. No. 15—Requires a mental health professional to take certain actions if a patient communicates an explicit threat 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 take certain actions if a patient communicates an explicit 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 make a reasonable attempt to 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) 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 the mental health professional to: (1) apply for the emergency admission of the patient to a mental health facility; or (2) make a reasonable attempt to notify the person threatened with imminent serious physical harm or death and the closest law enforcement agency. 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 shall be deemed to have made a reasonable effort to communicate a threat pursuant to subsection 1 if:

(a) The mental health professional actually communicates the threat in a timely manner; or

(b) The mental health professional makes a good faith attempt to communicate the threat in a timely manner and the failure to actually communicate the threat in a timely manner does not result from the negligence or recklessness of the mental health professional.

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

(a) Has a duty 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 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.~~ 4. 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.~~ 5. As used in this section, "mental health professional" means:

(a) A 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; and

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

(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;

(f) A clinical professional counselor licensed pursuant to chapter 641A of NRS;

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

~~(h) A person who is working in this State within the scope of his or her employment by the Federal Government~~ , including, without limitation,

employment with the Department of Veterans Affairs, the military or the Indian Health Service, and is:

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

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

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