

Amendment No. 837

Assembly Amendment to Senate Bill No. 7 First Reprint (BDR 39-64)
Proposed by: Assembly 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: 5/18/2015

S.B. No. 7—Revises provisions governing the admission of persons with certain mental conditions to and the release of such persons from certain facilities and programs. (BDR 39-64)



SENATE BILL NO. 7—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON HEALTH CARE)

PREFILED DECEMBER 19, 2014

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 ~~and programs~~ (BDR 39-64)

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; ~~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 complete certain certificates concerning the mental condition of another ~~+~~ under certain circumstances; 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 432A.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.~~

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 that mental illness, is likely to harm himself or herself or others if ~~not admitted to certain facilities or programs.~~ allowed his or her liberty. (NRS 433A.170. ~~+~~ 432A.200)) Section 1.7 of this bill also authorizes a physician to complete the certificate regardless of whether a psychiatrist or psychologist is available. If a person is in an emergency room of a hospital, section 1.7 also authorizes a physician assistant under the supervision of a psychiatrist, a clinical social worker with certain psychiatric training and experience and an advanced practice registered nurse with certain psychiatric training and experience to examine such a person and complete such a certificate after conducting the examination. Existing law further requires a

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psychiatrist, psychologist or physician to examine the person before the person is admitted to a mental health facility or hospital on an emergency basis and a psychiatrist to approve each such admission. (NRS 433A.160) These requirements remain.

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~~ and 3 ~~and 4~~ of this bill also authorize any physician, a psychiatrist, a physician assistant under the supervision of a psychiatrist, a psychologist, a clinical social worker with certain psychiatric training and experience ~~or an advanced practice registered nurse with certain psychiatric training and experience for an accredited agent of the Department of Health and Human Services~~ or an advanced practice registered nurse with certain psychiatric training and experience to examine a person alleged to be a person with mental illness in a hospital emergency room and 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, stating whether a person examined in a hospital emergency room has a mental illness that makes it likely that he or she would harm himself or herself or others if allowed his or her liberty.

Existing law prohibits a person who is related by blood or marriage within the first degree of consanguinity or affinity to a person alleged to be a person with mental illness 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 and, because of that 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 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.~~

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, [or] 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~~

1 before the close of the business day next following the expiration of that period.]
2 **(Deleted by amendment.)**

3 **Sec. 1.5.** ~~[NRS 433A.160 is hereby amended to read as follows:~~

4 ~~433A.160 1. Except as otherwise provided in subsection 2, an application~~
5 ~~for the emergency admission of a person alleged to be a person with mental illness~~
6 ~~for evaluation, observation and treatment may only be made by an accredited agent~~
7 ~~of the Department, an officer authorized to make arrests in the State of Nevada or a~~
8 ~~physician, *physician assistant*, psychologist, marriage and family therapist, clinical~~
9 ~~professional counselor, social worker or registered nurse. The agent, officer,~~
10 ~~physician, *physician assistant*, psychologist, marriage and family therapist, clinical~~
11 ~~professional counselor, social worker or registered nurse may:~~

12 ~~(a) Without a warrant:~~

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

16 ~~(2) Transport the person alleged to be a person with mental illness to a~~
17 ~~public or private mental health facility or hospital for that purpose, or arrange for~~
18 ~~the person to be transported by:~~

19 ~~(I) A local law enforcement agency;~~

20 ~~(II) A system for the nonemergency medical transportation of persons~~
21 ~~whose operation is authorized by the Nevada Transportation Authority;~~

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

24 ~~(IV) If medically necessary, an ambulance service that holds a permit~~
25 ~~issued pursuant to the provisions of chapter 450B of NRS;~~

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

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

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

36 ~~(2) Any agency, system or service described in subparagraph (2) of~~
37 ~~paragraph (a) to transport the person alleged to be a person with mental illness to a~~
38 ~~public or private mental health facility or hospital for that purpose.~~

39 ~~The district court may issue such an order only if it is satisfied that there is~~
40 ~~probable cause to believe that the person has a mental illness and, because of that~~
41 ~~illness, is likely to harm himself or herself or others if allowed his or her liberty.~~

42 ~~2. An application for the emergency admission of a person alleged to be a~~
43 ~~person with mental illness for evaluation, observation and treatment may be made~~
44 ~~by a spouse, parent, adult child or legal guardian of the person. The spouse, parent,~~
45 ~~adult child or legal guardian and any other person who has a legitimate interest in~~
46 ~~the person alleged to be a person with mental illness may apply to a district court~~
47 ~~for an order described in paragraph (b) of subsection 1.~~

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

52 ~~4. Except as otherwise provided in this subsection, each person admitted to a~~
53 ~~public or private mental health facility or hospital under an emergency admission~~

1 must be evaluated at the time of admission by a psychiatrist or a psychologist. If a
2 psychiatrist or a psychologist is not available to conduct an evaluation at the time of
3 admission, a physician may conduct the evaluation. Each such emergency
4 admission must be approved by a psychiatrist.

5 ~~5. As used in this section, "an accredited agent of the Department" means any
6 person appointed or designated by the Director of the Department to take into
7 custody and transport to a mental health facility pursuant to subsections 1 and 2
8 those persons in need of emergency admission. (Deleted by amendment.)~~

9 Sec. 1.7. NRS 433A.170 is hereby amended to read as follows:

10 433A.170 1. Except as otherwise provided in ~~this section,~~ *subsection 2,*
11 the administrative officer of a facility operated by the Division or of any other
12 public or private mental health facility or hospital shall not accept an application for
13 an emergency admission under NRS 433A.160 unless that application is
14 accompanied by a certificate of a psychiatrist, ~~for a~~ licensed psychologist ~~for a~~ or
15 physician, ~~for a physician assistant under the supervision of a psychiatrist, a~~
16 ~~clinical social worker who has the psychiatric training and experience prescribed~~
17 ~~by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an~~
18 ~~advanced practice registered nurse who has the psychiatric training and~~
19 ~~experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or~~
20 ~~an accredited agent of the Department]~~ stating that he or she has examined the
21 person alleged to be a person with mental illness and that he or she has concluded
22 that the person has a mental illness and, because of that illness, is likely to harm
23 himself or herself or others if allowed his or her liberty. ~~If a psychiatrist or licensed~~
24 ~~psychologist is not available to conduct an examination, a physician may conduct~~
25 ~~the examination.]~~

26 2. A physician assistant under the supervision of a psychiatrist, a clinical
27 social worker who has the psychiatric training and experience prescribed by the
28 Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced
29 practice registered nurse who has the psychiatric training and experience
30 prescribed by the State Board of Nursing pursuant to NRS 632.120 or any person
31 authorized to conduct an examination and complete a certificate pursuant to
32 subsection 1 may conduct the examination and complete the certificate required
33 pursuant to subsection 1 for a person who is in the emergency room of a hospital.

34 3. The certificate required by this section may be obtained from a psychiatrist,
35 licensed psychologist, ~~for~~ physician, physician assistant, clinical social worker,
36 advanced practice registered nurse or accredited agent of the Department who is
37 employed by the public or private mental health facility or hospital to which the
38 application is made.

39 Sec. 2. NRS 433A.195 is hereby amended to read as follows:

40 433A.195 ~~1A]~~

41 1. Except as otherwise provided in this section, a licensed physician on the
42 medical staff of a facility operated by the Division or of any other public or private
43 mental health facility or hospital may release a person admitted pursuant to NRS
44 433A.160 upon completion of a certificate which meets the requirements of NRS
45 433A.197 signed by a licensed physician on the medical staff of the facility or
46 hospital ~~for a physician assistant under the supervision of a psychiatrist,~~
47 ~~psychologist, a clinical social worker who has the psychiatric training and~~
48 ~~experience prescribed by the Board of Examiners for Social Workers pursuant to~~
49 ~~NRS 641B.160, an advanced practice registered nurse who has the psychiatric~~
50 ~~training and experience prescribed by the State Board of Nursing pursuant to~~
51 ~~NRS 632.120 or an accredited agent of the Department]~~ stating that he or she has
52 personally observed and examined the person and that he or she has concluded that
53 the person is not a person with a mental illness.

1 2. A psychiatrist, a physician, a licensed psychologist, a physician assistant
 2 under the supervision of a psychiatrist, a clinical social worker who has the
 3 psychiatric training and experience prescribed by the Board of Examiners for
 4 Social Workers pursuant to NRS 641B.160 or an advanced practice registered
 5 nurse who has the psychiatric training and experience prescribed by the State
 6 Board of Nursing pursuant to NRS 632.120 may conduct the examination and
 7 complete the certificate required pursuant to subsection 1 for a person who is in
 8 the emergency room of a hospital.

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

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

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

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

34 Sec. 4. ~~NRS 433A.200 is hereby amended to read as follows:~~

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

45 ~~(a) By a certificate of a physician, [psychiatrist or], a licensed psychologist, a~~
 46 ~~physician assistant under the supervision of a psychiatrist, a clinical social~~
 47 ~~worker who has the psychiatric training and experience prescribed by the Board~~
 48 ~~of Examiners for Social Workers pursuant to NRS 641B.160, an advanced~~
 49 ~~practice registered nurse who has the psychiatric training and experience~~
 50 ~~prescribed by the State Board of Nursing pursuant to NRS 632.120 or an~~
 51 ~~accredited agent of the Department stating that he or she has examined the person~~
 52 ~~alleged to be a person with mental illness and has concluded that the person has a~~
 53 ~~mental illness and, because of that illness, is likely to harm himself or herself or~~

1 ~~others if allowed his or her liberty or if not required to participate in a program of~~
 2 ~~community based or outpatient services; or~~

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

4 ~~(1) The petitioner has, based upon the petitioner's personal observation of~~
 5 ~~the person alleged to be a person with mental illness, probable cause to believe that~~
 6 ~~the person has a mental illness and, because of that illness, is likely to harm himself~~
 7 ~~or herself or others if allowed his or her liberty or if not required to participate in a~~
 8 ~~program of community based or outpatient services; and~~

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

12 ~~2. Except as otherwise provided in NRS 432B.6075, if the person to be~~
 13 ~~treated is a minor and the petitioner is a person other than a parent or guardian of~~
 14 ~~the minor, the petition must, in addition to the certificate or statement required by~~
 15 ~~subsection 1, include a statement signed by a parent or guardian of the minor that~~
 16 ~~the parent or guardian does not object to the filing of the petition. **(Deleted by**~~
 17 ~~**amendment.)**~~

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

19 632.120 1. The Board shall:

20 (a) Adopt regulations establishing reasonable standards:

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

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

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

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

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

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

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

37 2. The Board may adopt regulations establishing reasonable:

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

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

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

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

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

48 (c) Conducting hearings pursuant to this chapter;

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

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

52 **➤** and collect the fees established pursuant to this subsection.

1 4. For the purposes of this chapter, the Board shall, by regulation, define the
2 term “in the process of obtaining accreditation.”

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

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

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

10 641B.160 The Board shall adopt ~~such~~ :

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

13 **2. *Regulations establishing reasonable standards for the psychiatric***
14 ***training and experience necessary for a clinical social worker to be authorized to***
15 ***make the certifications described in NRS 433A.170 ~~;~~ and 433A.195 ~~and~~***
16 ***~~433A.200.~~***

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