

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.

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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 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.

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



- 1 (2) *Who is being discharged from such a facility.*
2 5. *As used in this section, "mental health professional"*
3 *means:*
4 (a) *A physician licensed to practice medicine in this State*
5 *pursuant to chapter 630 or 633 of NRS;*
6 (b) *A psychologist who is licensed to practice psychology*
7 *pursuant to chapter 641 of NRS;*
8 (c) *A social worker who:*
9 (1) *Holds a master's degree in social work; and*
10 (2) *Is licensed as a clinical social worker pursuant to*
11 *chapter 641B of NRS;*
12 (d) *A registered nurse who:*
13 (1) *Is licensed to practice professional nursing pursuant to*
14 *chapter 632 of NRS; and*
15 (2) *Holds a master's degree in psychiatric nursing or a*
16 *related field;*
17 (e) *A marriage and family therapist licensed pursuant to*
18 *chapter 641A of NRS;*
19 (f) *A clinical professional counselor licensed pursuant to*
20 *chapter 641A of NRS;*
21 (g) *A person who is working in this State within the scope of*
22 *his or her employment by the Federal Government, including,*
23 *without limitation, employment with the Department of Veterans*
24 *Affairs, the military or the Indian Health Service, and is:*
25 (1) *Licensed or certified as a physician, psychologist,*
26 *marriage and family therapist or clinical professional counselor in*
27 *another state;*
28 (2) *Licensed as a social worker in another state and holds a*
29 *master's degree in social work; or*
30 (3) *Licensed to practice professional nursing in another*
31 *state and holds a master's degree in psychiatric nursing or a*
32 *related field.*

