

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. (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 complete certain certificates concerning the mental condition of another under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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 allowed his or her liberty. (NRS 433A.170) **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 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 2 and 3** 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 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 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.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. (Deleted by amendment.)

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

433A.170 **1.** Except as otherwise provided in ~~this section,~~ **subsection 2**, 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, ~~for a~~ licensed psychologist **or physician** 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.~~

2. A physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric



1 *training and experience prescribed by the Board of Examiners for*
2 *Social Workers pursuant to NRS 641B.160, an advanced practice*
3 *registered nurse who has the psychiatric training and experience*
4 *prescribed by the State Board of Nursing pursuant to NRS*
5 *632.120 or any person authorized to conduct an examination and*
6 *complete a certificate pursuant to subsection 1 may conduct the*
7 *examination and complete the certificate required pursuant to*
8 *subsection 1 for a person who is in the emergency room of a*
9 *hospital.*

10 3. The certificate required by this section may be obtained from
11 a psychiatrist, licensed psychologist , ~~for~~ physician , *physician*
12 *assistant, clinical social worker, advanced practice registered*
13 *nurse or accredited agent of the Department* who is employed by
14 the public or private mental health facility or hospital to which the
15 application is made.

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

17 433A.195 ~~[A]~~

18 1. *Except as otherwise provided in this section, a* licensed
19 physician on the medical staff of a facility operated by the Division
20 or of any other public or private mental health facility or hospital
21 may release a person admitted pursuant to NRS 433A.160 upon
22 completion of a certificate which meets the requirements of NRS
23 433A.197 signed by a licensed physician on the medical staff of the
24 facility or hospital stating that he or she has personally observed and
25 examined the person and that he or she has concluded that the
26 person is not a person with a mental illness.

27 2. *A psychiatrist, a physician, a licensed psychologist, a*
28 *physician assistant under the supervision of a psychiatrist, a*
29 *clinical social worker who has the psychiatric training and*
30 *experience prescribed by the Board of Examiners for Social*
31 *Workers pursuant to NRS 641B.160 or an advanced practice*
32 *registered nurse who has the psychiatric training and experience*
33 *prescribed by the State Board of Nursing pursuant to NRS*
34 *632.120 may conduct the examination and complete the certificate*
35 *required pursuant to subsection 1 for a person who is in the*
36 *emergency room of a hospital.*

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

38 433A.197 1. An application or certificate authorized under
39 subsection 1 of NRS 433A.160 or NRS 433A.170 or 433A.195 must
40 not be considered if made by a psychiatrist, psychologist , ~~for~~
41 physician , *physician assistant, clinical social worker or advanced*
42 *practice registered nurse* who is related by blood or marriage within
43 the ~~first~~ *second* degree of consanguinity or affinity to the person
44 alleged to be a person with mental illness, or who is financially



1 interested in the facility in which the person alleged to be a person
2 with mental illness is to be detained.

3 2. An application or certificate of any examining person
4 authorized under NRS 433A.170 must not be considered unless it is
5 based on personal observation and examination of the person
6 alleged to be a person with mental illness made by such examining
7 person not more than 72 hours prior to the making of the application
8 or certificate. The certificate required pursuant to NRS 433A.170
9 must set forth in detail the facts and reasons on which the examining
10 person based his or her opinions and conclusions.

11 3. A certificate authorized pursuant to NRS 433A.195 must not
12 be considered unless it is based on personal observation and
13 examination of the person alleged to be a person with mental illness
14 made by the examining physician ~~§~~, *physician assistant,*
15 *psychologist, clinical social worker or advanced practice registered*
16 *nurse.* The certificate authorized pursuant to NRS 433A.195 must
17 ~~set forth~~ *describe* in detail the facts and reasons on which the
18 examining physician, *physician assistant, psychologist, clinical*
19 *social worker or advanced practice registered nurse* based his or
20 her opinions and conclusions.

21 **Sec. 4.** (Deleted by amendment.)

22 **Sec. 4.2.** NRS 632.120 is hereby amended to read as follows:
23 632.120 1. The Board shall:

24 (a) Adopt regulations establishing reasonable standards:

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

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

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

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

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

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

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

41 2. The Board may adopt regulations establishing reasonable:

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

44 (b) Standards for the continuing professional competence of
45 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 ~~1~~ ; 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 and 433A.195.

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

