

ASSEMBLY BILL NO. 394—COMMITTEE ON JUDICIARY

MARCH 24, 2021

Referred to Committee on Judiciary

SUMMARY—Provides that behavioral health specialists performing mobile crisis intervention services are immune from civil liability under certain circumstances. (BDR 3-1046)

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 civil actions; providing that behavioral health specialists performing mobile crisis intervention services are immune from civil liability under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides certain persons with immunity from civil liability for certain acts or omissions under certain circumstances. (Chapter 41 of NRS) This bill provides that a behavioral health specialist performing mobile crisis intervention services by telephone or audio-video communication, whether for compensation or gratuitously, is immune from any civil liability in the performance of mobile crisis intervention services if: (1) the acts or omissions of the person are in good faith; and (2) the acts or omissions of the person do not constitute gross negligence or willful, wanton or intentional misconduct.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A behavioral health specialist performing mobile crisis intervention services by telephone or audio-video communication, whether for compensation or gratuitously, is immune from any



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civil liability in the performance of mobile crisis intervention services if:

- (a) The acts or omissions of the person are in good faith; and*
- (b) The acts or omissions of the person do not constitute gross negligence or willful, wanton or intentional misconduct.*

2. As used in this section:

(a) "Audio-video communication" means communication by which a person is able to see, hear and communicate with another person in real time using electronic means.

(b) "Behavioral health specialist" means a psychiatrist who is licensed pursuant to chapter 630 or 633 of NRS, a psychologist, a physician assistant or an advanced practice registered nurse who is certified to practice as a behavioral health specialist, or a person who is licensed as a clinical social worker, clinical professional counselor or marriage and family therapist.

(c) "Mobile crisis intervention services" means services provided under the direction of a peace officer while engaging in an emergency response to assist a person who is experiencing a behavioral health crisis by:

- (1) Stabilizing, de-escalating or resolving the crisis;*
- (2) Screening or assessing the person for safety; or*
- (3) Creating a safety plan.*

(d) "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 2. The provisions of this act apply to a cause of action that accrues on or after July 1, 2021.

Sec. 3. This act becomes effective on July 1, 2021.

