
ASSEMBLY BILL NO. 368—ASSEMBLYMEN STEWART, HARDY;
CHRISTENSEN, CLABORN, GUSTAVSON, HAMBRICK,
MUNFORD, SETTELMAYER AND WOODBURY

MARCH 16, 2009

Referred to Committee on Judiciary

SUMMARY—Authorizes courts to admit involuntarily certain persons to programs for community-based or outpatient services under certain circumstances. (BDR 39-155)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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; authorizing courts to admit involuntarily certain persons suffering from mental illness to programs for community-based or outpatient services under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prescribes the process for initiating a petition for an involuntary
2 court-ordered admission to a mental health facility of a person alleged to be a
3 person with mental illness. Under existing law, the courts must place the person in
4 the most appropriate course of treatment. (NRS 433A.115-433A.330) This bill
5 amends the existing authority of the courts which hear petitions for involuntary
6 admission to provide that a court may involuntarily admit a person to a program of
7 community-based or outpatient services if such program is appropriate for that
8 person. **Section 12** of this bill sets forth the requirements for participation in
9 community-based or outpatient services, including that the person be 18 years of
10 age or older, the person have a history of noncompliance with treatment for mental
11 health and the court approves a plan of treatment for the person. (NRS 433A.310)
12 **Section 3** of this bill prescribes the contents of a plan of treatment and requires the
13 plan to be developed by persons who are qualified in the mental health field in
14 consultation with the person who is the subject of the plan.



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

1 **Section 1.** Chapter 433A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2, 3 and 4 of this
3 act.

4 **Sec. 2.** *“Program of community-based or outpatient*
5 *services” means care, treatment and training provided to persons*
6 *with mental illness, including, without limitation:*

- 7 1. *A program or service for the treatment of abuse of alcohol;*
- 8 2. *A program or service for the treatment of abuse of drugs;*
- 9 3. *A program of general education or vocational training;*
- 10 4. *A program or service that assists in the dispensing or*
11 *monitoring of medication;*
- 12 5. *A program or service that provides counseling or therapy;*
- 13 6. *A service which provides screening tests to detect the*
14 *presence of alcohol or drugs;*
- 15 7. *A program of supervised living; or*
- 16 8. *Any combination of programs and services for persons*
17 *with mental illness.*

18 *↪ The term does not include care, treatment and training*
19 *provided to residents of a mental health facility.*

20 **Sec. 3.** *If a court determines pursuant to NRS 433A.310 that*
21 *the subject of a petition should be involuntarily admitted to a*
22 *program of community-based or outpatient services, the court*
23 *shall promptly cause two or more persons professionally qualified*
24 *in the field of psychiatric mental health, which may include the*
25 *petitioner if the petitioner is so qualified, in consultation with the*
26 *subject of the petition, to develop and submit to the court a written*
27 *plan prescribing a course of treatment and enumerating the*
28 *community-based or outpatient services for the subject of the*
29 *petition. The plan must include, without limitation:*

- 30 1. *A description of the types of services in which the subject*
31 *of the petition will participate;*
- 32 2. *The medications, if any, which the subject of the petition*
33 *must take and the manner in which those medications will be*
34 *administered;*
- 35 3. *The name of the person professionally qualified in the field*
36 *of psychiatric mental health who is responsible for providing or*
37 *coordinating the community-based or outpatient services; and*
- 38 4. *Any other requirements deemed necessary by the court.*

39 **Sec. 4.** 1. *Except as otherwise provided in subsection 3, any*
40 *person involuntarily admitted to a program of community-based or*
41 *outpatient services may be conditionally released from the*
42 *program when, in the judgment of the professional responsible for*



1 *providing or coordinating the community-based or outpatient*
2 *services, the conditional release is in the best interest of the person*
3 *and will not be detrimental to the public welfare. The professional*
4 *shall prescribe the period for which the conditional release is*
5 *effective. The period must not extend beyond the last day of the*
6 *court-ordered period of admission to a program of community-*
7 *based or outpatient services pursuant to NRS 433A.310.*

8 2. *When a person is conditionally released pursuant to*
9 *subsection 1, the State or any of its agents or employees are not*
10 *liable for any debts or contractual obligations, medical or*
11 *otherwise, incurred or damages caused by the actions of the*
12 *person who is released.*

13 3. *A person who is involuntarily admitted to a program of*
14 *community-based or outpatient services may be conditionally*
15 *released only if, at the time of the release, written notice is given to*
16 *the court which ordered him to participate in the program and to*
17 *the district attorney of the county in which the proceedings for*
18 *admission were held.*

19 4. *Except as otherwise provided in subsection 6, the*
20 *professional responsible for providing or coordinating the*
21 *community-based or outpatient services shall order a person who*
22 *is conditionally released pursuant to subsection 1 to resume*
23 *participation in the community-based or outpatient services if the*
24 *professional determines that the conditional release is no longer*
25 *appropriate because that person presents a clear and present*
26 *danger of harm to himself or others. Except as otherwise provided*
27 *in this subsection, the professional shall, at least 3 days before the*
28 *issuance of the order to resume participation, give written notice*
29 *of the order to the court that admitted the person to the program of*
30 *community-based or outpatient services. If an emergency exists in*
31 *which the person presents an imminent threat of danger of harm*
32 *to himself or others, the order must be submitted to the court not*
33 *later than 1 business day after the order is issued.*

34 5. *The court shall review an order submitted pursuant to*
35 *subsection 4 and the current condition of the person who was*
36 *ordered to resume participation in a program of community-based*
37 *or outpatient services at its next regularly scheduled hearing for*
38 *the review of petitions for involuntary admissions, but in no event*
39 *later than 5 judicial days after participation is resumed. The*
40 *professional responsible for providing or coordinating the*
41 *community-based or outpatient services to the person who was*
42 *ordered to resume participation shall give written notice to that*
43 *person and to his attorney, if the person is represented, of the time,*
44 *date and place of the hearing and of the facts necessitating that*
45 *the person resume participation in the program.*



1 **6. The provisions of subsection 4 do not apply if the period of**
2 **conditional release has expired.**

3 **Sec. 5.** NRS 433A.011 is hereby amended to read as follows:

4 433A.011 As used in this chapter, unless the context otherwise
5 requires, the words and terms defined in NRS 433A.012 to
6 433A.018, inclusive, **and section 2 of this act** have the meanings
7 ascribed to them in those sections.

8 **Sec. 6.** NRS 433A.115 is hereby amended to read as follows:

9 433A.115 1. As used in NRS 433A.115 to 433A.330,
10 inclusive, **and sections 3 and 4 of this act**, unless the context
11 otherwise requires, "person with mental illness" means any person
12 whose capacity to exercise self-control, judgment and discretion in
13 the conduct of his affairs and social relations or to care for his
14 personal needs is diminished, as a result of a mental illness, to the
15 extent that he presents a clear and present danger of harm to himself
16 or others, but does not include any person in whom that capacity is
17 diminished by epilepsy, mental retardation, Alzheimer's disease,
18 brief periods of intoxication caused by alcohol or drugs, or
19 dependence upon or addiction to alcohol or drugs, unless a mental
20 illness that can be diagnosed is also present which contributes to the
21 diminished capacity of the person.

22 2. A person presents a clear and present danger of harm to
23 himself if, within the next preceding 30 days, he has, as a result of a
24 mental illness:

25 (a) Acted in a manner from which it may reasonably be inferred
26 that, without the care, supervision or continued assistance of others,
27 he will be unable to satisfy his need for nourishment, personal or
28 medical care, shelter, self-protection or safety, and if there exists a
29 reasonable probability that his death, serious bodily injury or
30 physical debilitation will occur within the next following 30 days
31 unless he is admitted to a mental health facility pursuant to the
32 provisions of NRS 433A.115 to 433A.330, inclusive, **and sections 3**
33 **and 4 of this act** and adequate treatment is provided to him;

34 (b) Attempted or threatened to commit suicide or committed
35 acts in furtherance of a threat to commit suicide, and if there exists a
36 reasonable probability that he will commit suicide unless he is
37 admitted to a mental health facility pursuant to the provisions of
38 NRS 433A.115 to 433A.330, inclusive, **and sections 3 and 4 of this**
39 **act** and adequate treatment is provided to him; or

40 (c) Mutilated himself, attempted or threatened to mutilate
41 himself or committed acts in furtherance of a threat to mutilate
42 himself, and if there exists a reasonable probability that he will
43 mutilate himself unless he is admitted to a mental health facility
44 pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive,



1 *and sections 3 and 4 of this act* and adequate treatment is provided
2 to him.


3 3. A person presents a clear and present danger of harm to
4 others if, within the next preceding 30 days, he has, as a result of a
5 mental illness, inflicted or attempted to inflict serious bodily harm
6 on any other person, or made threats to inflict harm and committed
7 acts in furtherance of those threats, and if there exists a reasonable
8 probability that he will do so again unless he is admitted to a mental
9 health facility pursuant to the provisions of NRS 433A.115 to
10 433A.330, inclusive, *and sections 3 and 4 of this act* and adequate
11 treatment is provided to him.

12 **Sec. 7.** NRS 433A.130 is hereby amended to read as follows:


13 433A.130 All applications and certificates for the admission of
14 any person in the State of Nevada to a mental health facility *or to a*
15 *program of community-based or outpatient services* under the
16 provisions of this chapter shall be made on forms approved by the
17 Division and the Office of the Attorney General and furnished by
18 the clerks of the district courts in each county.

19 **Sec. 8.** NRS 433A.200 is hereby amended to read as follows:

20 433A.200 1. Except as otherwise provided in NRS
21 432B.6075, a proceeding for an involuntary court-ordered admission
22 of any person in the State of Nevada may be commenced by the
23 filing of a petition with the clerk of the district court of the county
24 where the person who is to be treated resides. The petition may be
25 filed by the spouse, parent, adult children or legal guardian of the
26 person to be treated or by any physician, psychologist, social worker
27 or registered nurse, by an accredited agent of the Department or by
28 any officer authorized to make arrests in the State of Nevada. The
29 petition must be accompanied:

30 (a) By a certificate of a physician, psychiatrist or licensed
31 psychologist stating that he has examined the person alleged to be a
32 person with mental illness and has concluded that the person has a
33 mental illness and, because of that illness, is likely to harm himself
34 or others if allowed his liberty  *or if he is not required to*
35 *participate in a program of community-based or outpatient*
36 *services;* or

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

38 (1) The petitioner has, based upon his personal observation
39 of the person alleged to be a person with mental illness, probable
40 cause to believe that the person has a mental illness and, because of
41 that illness, is likely to harm himself or others if allowed his liberty
42  *or if he is not required to participate in a program of*
43 *community-based or outpatient services;* and



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

4 2. Except as otherwise provided in NRS 432B.6075, if the
5 person to be treated is a minor and the petitioner is a person other
6 than a parent or guardian of the minor, the petition must, in addition
7 to the certificate or statement required by subsection 1, include a
8 statement signed by a parent or guardian of the minor that the parent
9 or guardian does not object to the filing of the petition.

10 **Sec. 9.** NRS 433A.240 is hereby amended to read as follows:

11 433A.240 1. After the filing of a petition to commence
12 proceedings for the involuntary court-ordered admission of a person
13 pursuant to NRS 433A.200 or 433A.210, the court shall promptly
14 cause two or more physicians or licensed psychologists, one of
15 whom must always be a physician, to examine the person alleged to be
16 a person with mental illness, or request an evaluation by an
17 evaluation team from the Division of the person alleged to be a
18 person with mental illness.

19 2. To conduct the examination of a person who is not being
20 detained at a mental health facility or hospital under emergency
21 admission pursuant to an application made pursuant to NRS
22 433A.160, the court may order a peace officer to take the person
23 into protective custody and transport him to a mental health facility
24 or hospital where he may be detained until a hearing is had upon the
25 petition.

26 3. If the person is not being detained under an emergency
27 admission pursuant to an application made pursuant to NRS
28 433A.160, he may be allowed to remain in his home or other place
29 of residence pending an ordered examination or examinations and to
30 return to his home or other place of residence upon completion of
31 the examination or examinations. The person may be accompanied
32 by one or more of his relations or friends to the place of
33 examination.

34 4. *Each physician and licensed psychologist who examines a*
35 *person pursuant to subsection 1 shall, in conducting such*
36 *examination, consider the least restrictive treatment appropriate*
37 *for the person.*

38 5. Except as otherwise provided in this subsection, each
39 physician and licensed psychologist who examines a person
40 pursuant to subsection 1 shall, not later than 48 hours before the
41 hearing set pursuant to NRS 433A.220, submit to the court in
42 writing a summary of his findings and evaluation regarding the
43 person alleged to be a person with mental illness. If the person
44 alleged to be a person with mental illness is admitted under an
45 emergency admission pursuant to an application made pursuant to



1 NRS 433A.160, the written findings and evaluation must be
2 submitted to the court not later than 24 hours before the hearing set
3 pursuant to subsection 1 of NRS 433A.220.

4 **Sec. 10.** NRS 433A.250 is hereby amended to read as follows:

5 433A.250 1. The Administrator shall establish such
6 evaluation teams as are necessary to aid the courts under NRS
7 433A.240 and 433A.310 **H** *and section 3 of this act.*

8 2. Each team must be composed of a psychiatrist and other
9 persons professionally qualified in the field of psychiatric mental
10 health who are representative of the Division, selected from
11 personnel in the Division.

12 3. Fees for the evaluations must be established and collected as
13 set forth in NRS 433.414 or 433B.260, as appropriate.

14 **Sec. 11.** NRS 433A.270 is hereby amended to read as follows:

15 433A.270 1. The person alleged to be a person with mental
16 illness or any relative or friend on his behalf is entitled to retain
17 counsel to represent him in any proceeding before the district court
18 relating to involuntary court-ordered admission, and if he fails or
19 refuses to obtain counsel, the court shall advise him and his
20 guardian or next of kin, if known, of such right to counsel and shall
21 appoint counsel, who may be the public defender or his deputy.

22 2. Any counsel appointed pursuant to subsection 1 must be
23 awarded compensation by the court for his services in an amount
24 determined by it to be fair and reasonable. The compensation must
25 be charged against the estate of the person for whom the counsel
26 was appointed or, if the person is indigent, against the county where
27 the person alleged to be a person with mental illness last resided.

28 3. The court shall, at the request of counsel representing the
29 person alleged to be a person with mental illness in proceedings
30 before the court relating to involuntary court-ordered admission,
31 grant a recess in the proceedings for the shortest time possible, but
32 for not more than 5 days, to give the counsel an opportunity to
33 prepare his case.

34 4. Each district attorney or his deputy shall appear and
35 represent the State in all involuntary court-ordered admission
36 proceedings in his county. The district attorney is responsible for the
37 presentation of evidence, if any, in support of the involuntary court-
38 ordered admission of a person to a mental health facility *or to*
39 *participate in a program of community-based or outpatient*
40 *services* in proceedings held pursuant to NRS 433A.200 or
41 433A.210.

42 **Sec. 12.** NRS 433A.310 is hereby amended to read as follows:

43 433A.310 1. Except as otherwise provided in NRS
44 432B.6076 and 432B.6077, if the district court finds, after



1 proceedings for the involuntary court-ordered admission of a person
2 : ~~to a public or private mental health facility;~~

3 (a) That there is not clear and convincing evidence that the
4 person with respect to whom the hearing was held has a mental
5 illness or exhibits observable behavior such that he is likely to harm
6 himself or others if allowed his liberty ~~and~~ *or if he is not required to*
7 *participate in a program of community-based or outpatient*
8 *services*, the court shall enter its finding to that effect and the person
9 must not be involuntarily ~~detained in such a facility;~~ *admitted to a*
10 *public or private mental health facility or to a program of*
11 *community-based or outpatient services.*

12 (b) That there is clear and convincing evidence that the person
13 with respect to whom the hearing was held has a mental illness and,
14 because of that illness, is likely to harm himself or others if allowed
15 his liberty ~~and~~ *or if he is not required to participate in a program of*
16 *community-based or outpatient services*, the court may order the
17 involuntary admission of the person for the most appropriate course
18 of treatment ~~and~~ *, including, without limitation, admission to a*
19 *public or private mental health facility or participation in a*
20 *program of community-based or outpatient services.* The order of
21 the court must be interlocutory and must not become final if, within
22 30 days after the involuntary admission, the person is
23 unconditionally released pursuant to NRS 433A.390.

24 2. *A court shall not admit a person to a program of*
25 *community-based or outpatient services unless:*

26 (a) *A program of community-based or outpatient services is*
27 *available in the community in which the person resides or is*
28 *otherwise made available to the person;*

29 (b) *The person is 18 years of age or older;*

30 (c) *The person has a history of noncompliance with treatment*
31 *for mental illness which has:*

32 (1) *Been a significant factor in the need for his*
33 *hospitalization within the preceding 36 months, which period does*
34 *not include the 6 months immediately preceding the date on which*
35 *the petition is filed; or*

36 (2) *Resulted in one or more acts of violent behavior toward*
37 *himself or others or threats to harm himself or others within the*
38 *immediately preceding 48 months, which period does not include*
39 *the 6 months immediately preceding the date on which the petition*
40 *is filed;*

41 (d) *The court determines that, as a result of a history of*
42 *noncompliance with treatment for mental illness, the subject of the*
43 *petition needs to be admitted to a program of community-based or*
44 *outpatient services to prevent the relapse or deterioration of the*



1 *subject of the petition which is likely to result in harm to himself*
2 *or others;*

3 (e) *The court determines that the subject of the petition would*
4 *benefit from a program of community-based or outpatient*
5 *services;*

6 (f) *The person is unlikely to voluntarily participate in a*
7 *program of treatment for mental illness;*

8 (g) *The program of community-based or outpatient services is*
9 *the least restrictive treatment which is in the best interest of the*
10 *person; and*

11 (h) *The court has approved a plan of treatment for the person*
12 *submitted pursuant to section 3 of this act.*

13 3. Except as otherwise provided in NRS 432B.608, an
14 involuntary admission pursuant to paragraph (b) of subsection 1
15 automatically expires at the end of 6 months if not terminated
16 previously by the medical director of the public or private mental
17 health facility as provided for in subsection ~~[2]~~ 3 of NRS 433A.390
18 ~~[.]~~ *or by the professional responsible for providing or coordinating*
19 *the community-based or outpatient services.* Except as otherwise
20 provided in NRS 432B.608, at the end of the court-ordered period of
21 treatment, the Division, ~~[or]~~ any mental health facility that is not
22 operated by the Division *or a program of community-based or*
23 *outpatient services* may petition to renew the ~~[detention]~~
24 *involuntary admission* of the person for additional periods not to
25 exceed 6 months each. For each renewal, the petition must set forth
26 to the court specific reasons why further treatment would be in the
27 person's own best interests.

28 ~~[3.]~~ 4. Before issuing an order for involuntary admission or a
29 renewal thereof, the court shall explore other alternative courses of
30 treatment within the least restrictive appropriate environment ,
31 *including involuntary admission to a program of community-*
32 *based or outpatient services,* as suggested by the evaluation team
33 who evaluated the person, or other persons professionally qualified
34 in the field of psychiatric mental health, which the court believes
35 may be in the best interests of the person.

36 **Sec. 13.** NRS 433A.320 is hereby amended to read as follows:
37 433A.320 The order for involuntary court admission of any
38 person to a *public or private* mental health facility ~~[, public or~~
39 ~~private, shall]~~ *or to participate in a program of community-based*
40 *or outpatient services must* be accompanied by a clinical abstract,
41 including a history of illness, diagnosis, treatment and the names of
42 relatives or correspondents.

43 **Sec. 14.** NRS 433A.350 is hereby amended to read as follows:
44 433A.350 1. Upon admission to any public or private mental
45 health facility ~~[.]~~ *or program of community-based or outpatient*



1 *services*, each client ~~[of the facility]~~ and the client's spouse and
2 legal guardian, if any, must receive a written statement outlining in
3 simple, nontechnical language all procedures for release provided by
4 this chapter, setting out all rights accorded to such a client by this
5 chapter and chapters 433 and 433B of NRS and, if the client has no
6 legal guardian, describing procedures provided by law for
7 adjudication of incompetency and appointment of a guardian for the
8 client.

9 2. Written information regarding the services provided by and
10 means of contacting the local office of an agency or organization
11 that receives money from the Federal Government pursuant to 42
12 U.S.C. §§ 10801 et seq., to protect and advocate the rights of
13 persons with mental illnesses must be posted in each public and
14 private mental health facility *and in each location in which*
15 *community-based or outpatient services are provided* and *must be*
16 provided to each client ~~[of such a facility]~~ upon admission.

17 **Sec. 15.** NRS 433A.360 is hereby amended to read as follows:

18 433A.360 1. A clinical record for each client must be
19 diligently maintained by any division facility , ~~[or]~~ private
20 institution , ~~[or]~~ facility offering mental health services ~~[r]~~ *or*
21 *program offering community-based or outpatient services*. The
22 record must include information pertaining to the client's admission,
23 legal status, treatment and individualized plan for habilitation. The
24 clinical record is not a public record and no part of it may be
25 released, except:

26 (a) If the release is authorized or required pursuant to
27 NRS 439.538.

28 (b) The record must be released to physicians, attorneys and
29 social agencies as specifically authorized in writing by the client, his
30 parent, guardian or attorney.

31 (c) The record must be released to persons authorized by the
32 order of a court of competent jurisdiction.

33 (d) The record or any part thereof may be disclosed to a
34 qualified member of the staff of a division facility, an employee of
35 the Division or a member of the staff of an agency in Nevada which
36 has been established pursuant to the Developmental Disabilities
37 Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et
38 seq., or the Protection and Advocacy for Mentally Ill Individuals
39 Act of 1986, 42 U.S.C. §§ 10801 et seq., when the Administrator
40 deems it necessary for the proper care of the client.

41 (e) Information from the clinical records may be used for
42 statistical and evaluative purposes if the information is abstracted in
43 such a way as to protect the identity of individual clients.

44 (f) To the extent necessary for a client to make a claim, or for a
45 claim to be made on behalf of a client for aid, insurance or medical



1 assistance to which he may be entitled, information from the records
2 may be released with the written authorization of the client or his
3 guardian.

4 (g) The record must be released without charge to any member
5 of the staff of an agency in Nevada which has been established
6 pursuant to 42 U.S.C. §§ 15001 et seq. or 42 U.S.C. §§ 10801 et
7 seq. if:

8 (1) The client is a client of that office and he or his legal
9 representative or guardian authorizes the release of the record; or

10 (2) A complaint regarding a client was received by the office
11 or there is probable cause to believe that the client has been abused
12 or neglected and the client:

13 (I) Is unable to authorize the release of the record because
14 of his mental or physical condition; and

15 (II) Does not have a guardian or other legal representative
16 or is a ward of the State.

17 (h) The record must be released as provided in NRS 433.332 or
18 433B.200 and in chapter 629 of NRS.

19 2. As used in this section, "client" includes any person who
20 seeks, on his own or others' initiative, and can benefit from, care,
21 treatment and training in a private institution or facility offering
22 mental health services, ~~for~~ from treatment to competency in a
23 private institution or facility offering mental health services ~~for~~, *or*
24 *from a program of community-based or outpatient services.*

25 **Sec. 16.** NRS 433A.370 is hereby amended to read as follows:

26 433A.370 1. When a client committed by a court to a
27 division facility on or before June 30, 1975, or a client who is
28 judicially admitted on or after July 1, 1975, or a person who is
29 involuntarily detained pursuant to NRS 433A.145 to 433A.300,
30 inclusive, escapes from any division facility, or when a judicially
31 admitted client has not returned to a division facility from
32 conditional release after the administrative officer of the facility has
33 ordered him to do so, any peace officer shall, upon written request
34 of the administrative officer or his designee and without the
35 necessity of a warrant or court order, apprehend, take into custody
36 and deliver the person to such division facility or another state
37 facility.

38 2. *When a client who is judicially admitted to a program of*
39 *community-based or outpatient services fails to participate in the*
40 *program or otherwise fails to carry out the plan developed*
41 *pursuant to section 3 of this act, any peace officer shall, upon*
42 *written request of the professional responsible for providing or*
43 *coordinating the community-based or outpatient services of the*
44 *client and without the necessity of a warrant or court order,*



1 *apprehend, take into custody and deliver the person to the location*
2 *for the program of community-based or outpatient services.*

3 3. Any person appointed or designated by the Director of the
4 Department to take into custody and transport ~~[to a division facility]~~
5 persons who have escaped , ~~[or]~~ failed to return *or failed to*
6 *participate in a program of treatment* as described in ~~[subsection 1]~~
7 *subsections 1 and 2* may participate in the apprehension and
8 delivery of any such person, but may not take the person into
9 custody without a warrant.

10 **Sec. 17.** NRS 433A.390 is hereby amended to read as follows:

11 433A.390 1. When a client, involuntarily admitted to a
12 mental health facility *or a program of community-based or*
13 *outpatient services* by court order, is released at the end of the
14 ~~[time]~~ *period* specified pursuant to NRS 433A.310, written notice
15 must be given to the admitting court at least 10 days before the
16 release of the client. The client may then be released without
17 requiring further orders of the court.

18 2. ~~[An involuntarily court admitted]~~ A client *who is*
19 *involuntarily admitted to a mental health facility* may be
20 unconditionally released before the period specified in NRS
21 433A.310 when:

22 (a) An evaluation team established under NRS 433A.250 or two
23 persons professionally qualified in the field of psychiatric mental
24 health, at least one of them being a physician, determines that the
25 client has recovered from his mental illness or has improved to such
26 an extent that he is no longer considered to present a clear and
27 present danger of harm to himself or others; and

28 (b) Under advisement from the evaluation team or two persons
29 professionally qualified in the field of psychiatric mental health, at
30 least one of them being a physician, the medical director of the
31 mental health facility authorizes the release and gives written notice
32 to the admitting court at least 10 days before the release of the
33 client.

34 3. *A client who is involuntarily admitted to a program of*
35 *community-based or outpatient services may be unconditionally*
36 *released before the period specified pursuant to NRS 433A.310*
37 *when:*

38 (a) *The professional responsible for providing or coordinating*
39 *the community-based or outpatient services for the client*
40 *determines that the client has recovered from his mental illness or*
41 *has improved to such an extent that he is no longer considered to*
42 *present a clear and present danger of harm to himself or others;*
43 *and*

44 (b) *Under advisement from an evaluation team established*
45 *under NRS 433A.250 or two persons professionally qualified in*



1 *the field of psychiatric mental health, at least one of them being a*
2 *physician, the professional responsible for providing or*
3 *coordinating the community-based or outpatient services for the*
4 *client authorizes the release and gives written notice to the*
5 *admitting court at least 10 days before the release of the client.*

6 **Sec. 18.** NRS 433A.460 is hereby amended to read as follows:

7 433A.460 1. No person admitted to a public or private mental
8 health facility *or a program of community-based or outpatient*
9 *services* pursuant to this chapter shall, by reason of such admission,
10 be denied the right to dispose of property, marry, execute
11 instruments, make purchases, enter into contractual relationships,
12 vote and hold a driver's license, unless such person has been
13 specifically adjudicated incompetent by a court of competent
14 jurisdiction and has not been restored to legal capacity.

15 2. If the responsible physician of the mental health facility in
16 which any person is detained *or the professional responsible for*
17 *providing or coordinating the community-based or outpatient*
18 *services for a person* is of the opinion that such person is unable to
19 exercise any of the aforementioned rights, the responsible physician
20 *or other responsible professional, as applicable,* shall immediately
21 notify the person and the person's attorney, legal guardian, spouse,
22 parents or other nearest-known adult relative, and the district court
23 of that fact.

24 **Sec. 19.** NRS 433A.580 is hereby amended to read as follows:

25 433A.580 No person may be admitted to a private hospital ~~for~~
26 *, a division mental health facility or a program of community-*
27 *based or outpatient services* pursuant to the provisions of this
28 chapter unless mutually agreeable financial arrangements relating to
29 the costs of treatment are made between the private hospital, ~~for~~
30 *division facility or provider of community-based or outpatient*
31 *services* and the client or person requesting his admission.

32 **Sec. 20.** NRS 433A.600 is hereby amended to read as follows:

33 433A.600 1. A person who is admitted to a facility *or a*
34 *program of community-based or outpatient services* operated by
35 the Division and not determined to be indigent and every
36 responsible relative pursuant to NRS 433A.610 of the person shall
37 be charged for the cost of treatment and is liable for that cost. If
38 after demand is made for payment the person or his responsible
39 relative fails to pay that cost, the administrative officer *or other*
40 *professional responsible for providing or coordinating the*
41 *community-based or outpatient services, as applicable,* may
42 recover the amount due by civil action.

43 2. All sums received ~~by the administrative officer of a facility~~
44 ~~operated by the Division~~ pursuant to subsection 1 must be
45 deposited in the State Treasury and may be expended by the



1 Division for the support of that facility *or program* in accordance
2 with the allotment, transfer, work program and budget provisions of
3 NRS 353.150 to 353.245, inclusive.

4 **Sec. 21.** NRS 433A.640 is hereby amended to read as follows:

5 433A.640 1. Once a court has ordered the admission of a
6 person to a division facility, the administrative officer shall make an
7 investigation, pursuant to the provisions of this chapter, to determine
8 whether the person or his responsible relatives pursuant to NRS
9 433A.610 are capable of paying for all or a portion of the costs that
10 will be incurred during the period of admission.

11 2. *Once a court has ordered the admission of a person to a*
12 *program of community-based or outpatient services operated by*
13 *the Division, the professional responsible for providing or*
14 *coordinating the community-based or outpatient services shall*
15 *make an investigation, pursuant to the provisions of this chapter,*
16 *to determine whether the person or his responsible relatives*
17 *pursuant to NRS 433A.610 are capable of paying for all or a*
18 *portion of the costs that will be incurred during the period of*
19 *admission.*

20 3. If a person is admitted to a division facility *or to a program*
21 *of community-based or outpatient services operated by the*
22 *Division* pursuant to a court order, that person and his responsible
23 relatives are responsible for the payment of the actual cost of the
24 treatment and services rendered during his admission ~~to the~~
25 ~~division facility~~ unless the investigation reveals that the person and
26 his relatives are not capable of paying the full amount of the costs.

27 **Sec. 22.** NRS 433A.660 is hereby amended to read as follows:

28 433A.660 1. If the client, his responsible relative pursuant to
29 NRS 433A.610, guardian or the estate neglects or refuses to pay the
30 cost of treatment to the division facility *or to the program of*
31 *community-based or outpatient services operated by the Division*
32 rendering service pursuant to the fee schedule established under
33 NRS 433.404 or 433B.250, as appropriate, the State is entitled to
34 recover by appropriate legal action all sums due, plus interest.

35 2. Before initiating such legal action, the division facility *or*
36 *program, as applicable,* shall demonstrate efforts at collection,
37 which may include contractual arrangements for collection through
38 a private collection agency.

39 **Sec. 23.** NRS 433A.715 is hereby amended to read as follows:

40 433A.715 1. A court shall seal all court records relating to
41 the admission and treatment of any person who was admitted,
42 voluntarily or as the result of a noncriminal proceeding, to a public
43 or private hospital ~~for~~, a mental health facility *or a program of*
44 *community-based or outpatient services* in this State for the
45 purpose of obtaining mental health treatment.



1 2. Except as otherwise provided in subsections 4 and 5, a
2 person or governmental entity that wishes to inspect records that are
3 sealed pursuant to this section must file a petition with the court that
4 sealed the records. Upon the filing of a petition, the court shall fix a
5 time for a hearing on the matter. The petitioner must provide notice
6 of the hearing and a copy of the petition to the person who is the
7 subject of the records. If the person who is the subject of the records
8 wishes to oppose the petition, the person must appear before the
9 court at the hearing. If the person appears before the court at the
10 hearing, the court must provide the person an opportunity to be
11 heard on the matter.

12 3. After the hearing described in subsection 2, the court may
13 order the inspection of records that are sealed pursuant to this
14 section if:

15 (a) A law enforcement agency must obtain or maintain
16 information concerning persons who have been admitted to a public
17 or private hospital ~~for~~, a mental health facility *or a program of*
18 *community-based or outpatient services* in this State pursuant to
19 state or federal law;

20 (b) A prosecuting attorney or an attorney who is representing the
21 person who is the subject of the records in a criminal action requests
22 to inspect the records; or

23 (c) The person who is the subject of the records petitions the
24 court to permit the inspection of the records by a person named in
25 the petition.

26 4. A governmental entity is entitled to inspect court records
27 that are sealed pursuant to this section without following the
28 procedure described in subsection 2 if:

29 (a) The governmental entity has made a conditional offer of
30 employment to the person who is the subject of the records;

31 (b) The position of employment conditionally offered to the
32 person concerns public safety, including, without limitation,
33 employment as a firefighter or peace officer;

34 (c) The governmental entity is required by law, rule, regulation
35 or policy to obtain the mental health records of each individual
36 conditionally offered the position of employment; and

37 (d) An authorized representative of the governmental entity
38 presents to the court a written authorization signed by the person
39 who is the subject of the records and notarized by a notary public or
40 judicial officer in which the person who is the subject of the records
41 consents to the inspection of the records.

42 5. Upon its own order, any court of this State may inspect court
43 records that are sealed pursuant to this section without following the
44 procedure described in subsection 2 if the records are necessary and
45 relevant for the disposition of a matter pending before the court. The



1 court may allow a party in the matter to inspect the records without
2 following the procedure described in subsection 2 if the court deems
3 such inspection necessary and appropriate.

4 6. Following the sealing of records pursuant to this section, the
5 admission of the person who is the subject of the records to the
6 public or private hospital, ~~for~~ mental health facility *or program of*
7 *community-based or outpatient services*, is deemed never to have
8 occurred, and the person may answer accordingly any question
9 related to its occurrence, except in connection with:

10 (a) An application for a permit to carry a concealed firearm
11 pursuant to the provisions of NRS 202.3653 to 202.369, inclusive;

12 (b) A transfer of a firearm; or

13 (c) An application for a position of employment described in
14 subsection 4.

15 7. As used in this section:

16 (a) "Firefighter" means a person who is a salaried employee of a
17 fire-fighting agency and whose principal duties are to control,
18 extinguish, prevent and suppress fires. As used in this paragraph,
19 "fire-fighting agency" means a public fire department, fire
20 protection district or other agency of this State or a political
21 subdivision of this State, the primary functions of which are to
22 control, extinguish, prevent and suppress fires.

23 (b) "Peace officer" has the meaning ascribed to it in
24 NRS 289.010.

25 (c) "Seal" means placing records in a separate file or other
26 repository not accessible to the general public.

27 **Sec. 24.** NRS 433A.750 is hereby amended to read as follows:

28 433A.750 1. A person who:

29 (a) Without probable cause for believing a person to be mentally
30 ill causes or conspires with or assists another to cause the
31 involuntary court-ordered admission of the person under this
32 chapter; or

33 (b) Causes or conspires with or assists another to cause the
34 denial to any person of any right accorded to him under this chapter,
35 ➔ is guilty of a category D felony and shall be punished as provided
36 in NRS 193.130.

37 2. Unless a greater penalty is provided in subsection 1, a
38 person who knowingly and willfully violates any provision of this
39 chapter regarding the admission of a person to, or discharge of a
40 person from, a public or private mental health facility *or a program*
41 *of community-based or outpatient services* is guilty of a gross
42 misdemeanor.

43 3. A person who, without probable cause for believing another
44 person to be mentally ill, executes a petition, application or
45 certificate pursuant to this chapter, by which the person secures or



1 attempts to secure the apprehension, hospitalization, detention ,
2 *admission* or restraint of the person alleged to be mentally ill, or any
3 physician, psychiatrist , ~~or~~ licensed psychologist *or other person*
4 *professionally qualified in the field of psychiatric and mental*
5 *health* who knowingly makes any false certificate or application
6 pursuant to this chapter as to the mental condition of any person is
7 guilty of a category D felony and shall be punished as provided in
8 NRS 193.130.



