

**PROPOSED REGULATION OF THE DIVISION OF MENTAL
HEALTH AND DEVELOPMENTAL SERVICES OF THE
DEPARTMENT OF HUMAN RESOURCES**

LCB File No. R060-04

May 11, 2004

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§1-10, NRS 433A.165.

A REGULATION relating to mental health; defining “emergency services or care” for the purposes of the examination required before an allegedly mentally ill person is transported to a mental health facility for the purposes of an emergency admission; prescribing the type of medical facility to which a person may be admitted for treatment of a medical problem, other than a psychiatric problem, before the person may be transported to a mental health facility for the purposes of an emergency admission; and providing other matters properly relating thereto.

Section 1. Chapter 433A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Alcohol or drug abuser” means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects his ability to function socially or economically.*

Sec. 4. *“Facility for modified medical detoxification” has the meaning ascribed to it in NRS 449.00385.*

Sec. 5. *“Hospital” has the meaning ascribed to it in NRS 449.012.*

Sec. 6. *“Mentally ill person” has the meaning ascribed to it in NRS 433A.115.*

Sec. 7. *“Person professionally qualified in the field of psychiatric mental health” has the meaning ascribed to it in NRS 433A.018.*

Sec. 8. *For the purposes of NRS 433A.165, “emergency services or care” means care which involves:*

1. Assessing life-threatening and nonlife-threatening medical conditions, establishing and maintaining a patient’s airway and ventilation, rendering cardiopulmonary resuscitation, controlling bleeding, treating shock and poisoning, dressing and bandaging wounds, and splinting fractures;

2. Invasive procedures and the administration of certain medications for acute life-threatening conditions under the supervision of a physician or a registered nurse supervised by a physician; or

3. Advanced invasive procedures for cardiopulmonary emergencies, the administration of additional medications for acute and chronic medical conditions, the recognition of arrhythmia and therapeutic intervention under the supervision of a physician or a registered nurse supervised by a physician.

Sec. 9. *An allegedly mentally ill person who is required to be admitted to an appropriate medical facility for appropriate medical care pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 433A.165 may be admitted to:*

1. A facility for modified medical detoxification, if the facility:

(a) Is licensed by the Health Division of the Department of Human Resources.

(b) Has a unit in the facility capable of being locked to prevent a mentally ill person or an alcohol or drug abuser from leaving the facility.

(c) Has the resources and qualified staff to:

(1) Diagnose all medical conditions;

(2) Treat all medical conditions which do not require emergency services or care;

(3) Arrange transportation for each person who requires emergency services or care to the emergency room of a general hospital;

(4) Administer or provide to a client intravenous fluids for the sole purpose of maintaining the hydration of the client and any other medications deemed necessary by the appropriate staff of the facility; and

(5) Provide medical treatment and medical stabilization to a mentally ill person or an alcohol or drug abuser.

(d) Has immediate access at all times to:

(1) A licensed medical laboratory to which the facility may submit a specimen and from which the facility may obtain an immediate examination of the specimen by the laboratory and a report of the results of the examination of the specimen;

(2) Radiological services to administer radiological procedures for the facility and from which the facility may obtain an immediate interpretation of the radiological tests by a radiologist; and

(3) Pharmaceutical services for the distribution and administration of drugs in accordance with the procedures set forth in NAC 449.15347.

(e) Has a licensed physician in the facility during all hours of operation of the facility.

(f) Has a person professionally qualified in the field of psychiatric mental health or a person qualified to treat an alcohol or drug abuser:

(1) In the facility during at least 10 hours of each day of operation of the facility; and

(2) Available on call for consultation during all hours of operation of the facility.

(g) Has a clinical social worker in the hospital during all hours of operation of the hospital who is licensed to engage in the practice of social work as a clinical social worker by the Board of Examiners for Social Workers pursuant to NRS 641B.240.

(h) Appoints pursuant to NAC 449.15343 a chief administrative nurse to direct the nursing service who is responsible for supervising all nurses and other personnel who provide nursing care to clients, and who has:

(1) A master's degree in nursing and at least:

(I) Two years of clinical practice in the field of psychiatric nursing or nursing related to the treatment of alcohol or drug abuse; and

(II) Two years of clinical practice in the field of medical nursing; or

(2) A bachelor's degree in nursing and at least:

(I) Four years of clinical practice in the field of psychiatric nursing or nursing related to the treatment of alcohol or drug abuse; and

(II) Four years of clinical practice in the field of medical nursing.

(i) Appoints for each shift a nurse as a staff supervisor who works under the supervision of the chief administrative nurse, and who has at least 2 years of clinical practice in the field of psychiatric nursing or nursing related to the treatment of alcohol or drug abuse and at least 2 years of clinical practice in the field of medical nursing to supervise all nurses and other personnel who provide nursing care to clients. There must be at least one nurse appointed as a

staff supervisor for every three nurses or other personnel who provide nursing care to clients for each shift.

(j) Has nurses and other personnel who provide nursing care to clients who are trained and qualified to provide care in general medical nursing and psychiatric nursing or nursing related to the treatment of alcohol or drug abuse.

(k) Is constructed in accordance with the Guidelines for Design and Construction of Hospital and Health Care Facilities, in the form most recently published by the American Institute of Architects, and provides:

(1) Nursing units for the placement of clients requiring treatment; and

(2) At least two rooms available to seclude or restrain a mentally ill person or an alcohol or drug abuser.

↳ The Guidelines for Design and Construction of Hospital and Health Care Facilities, in the form most recently published by the American Institute of Architects, is hereby adopted by reference. A copy of the guidelines may be obtained from the American Institute of Architects at the Internet address <<http://www.aia.org>>, the AIA Store at 1735 New York Avenue, NW, Washington, DC 20006-5292 or by telephone at 800.242.3837, for the retail price of \$75 or the member price of \$52.50, plus \$9 for shipping and handling.

(l) Provides rooms for mentally ill persons or alcohol or drug abusers for the overnight admittance of such persons, including, without limitation, rooms for the seclusion and restraint of mentally ill persons or alcohol or drug abusers.

2. A hospital, if the hospital:

(a) Is licensed by the Health Division of the Department of Human Resources.

(b) Has a unit in the hospital capable of being locked to prevent a mentally ill person or an alcohol or drug abuser from leaving the hospital.

(c) Has immediate access at all times to:

(1) A licensed medical laboratory to which the hospital may submit a specimen and from which the hospital may obtain an immediate examination of the specimen by the laboratory and a report of the results of the examination of the specimen;

(2) Radiological services to administer radiological procedures for the hospital and from which the hospital may obtain an immediate interpretation of the radiological tests by a radiologist; and

(3) Pharmaceutical services for the distribution and administration of drugs in accordance with the procedures set forth in NAC 449.340.

(d) Has a licensed physician in the hospital during all hours of operation of the hospital available to treat a person admitted pursuant to NRS 433A.165.

(e) Has a person professionally qualified in the field of psychiatric mental health or a person qualified to treat an alcohol or drug abuser:

(1) In the hospital during at least 10 hours of each day of operation of the hospital; and

(2) Available on call for consultation during all hours of operation of the hospital.

(f) Has a clinical social worker in the hospital during all hours of operation of the hospital who is licensed to engage in the practice of social work as a clinical social worker by the Board of Examiners for Social Workers pursuant to NRS 641B.240.

(g) Appoints pursuant to NAC 449.361 a chief administrative nurse to direct the nursing service who is responsible for supervising all nurses and other personnel who provide nursing care to clients, and who has:

(1) A master's degree in nursing and at least:

(I) Two years of clinical practice in the field of psychiatric nursing or nursing related to the treatment of alcohol or drug abuse; and

(II) Two years of clinical practice in the field of medical nursing; or

(2) A bachelor's degree in nursing and at least:

(I) Four years of clinical practice in the field of psychiatric nursing or nursing related to the treatment of alcohol or drug abuse; and

(II) Four years of clinical practice in the field of medical nursing.

(h) Appoints for each shift a nurse as a staff supervisor who works under the supervision of the chief administrative nurse, and who has at least 2 years of clinical practice in the field of psychiatric nursing or nursing related to the treatment of alcohol or drug abuse and at least 2 years of clinical practice in the field of medical nursing to supervise all nurses and other personnel who provide nursing care to clients. There must be at least one nurse appointed as a staff supervisor for every three nurses or other personnel who provide nursing care to clients for each shift.

(i) Is constructed in accordance with the Guidelines for Design and Construction of Hospital and Health Care Facilities, in the form most recently published by the American Institute of Architects, and provides:

(1) Nursing units for the placement of clients requiring treatment; and

(2) At least two rooms available to seclude or restrain a mentally ill person or an alcohol or drug abuser.

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Sec. 10. *If a person is admitted to a medical facility pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 433A.165, a licensed physician at the facility, a physician assistant at the facility under the supervision of a licensed physician or an advanced practitioner of nursing at the facility under the supervision of a licensed physician must complete an examination of the person within 2 hours after the person is admitted to the facility.*