

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

**LCB File No. R053-11**

August 3, 2012

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

AUTHORITY: §§1-7, NRS 433.3315.

A REGULATION relating to mental health; providing for the regulation of the receipt of services from the Division of Mental Health and Developmental Services of the Department of Health and Human Services by eligible consumers; and providing other matters properly relating thereto.

**Section 1.** Chapter 433 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

**Sec. 2.** *For the purposes of title 39 of NRS, “consumer” means any person who seeks, on his or her own or another’s initiative, and can benefit from, care, treatment and training provided by the Division, or from treatment to competency provided by the Division.*

**Sec. 3. 1.** *A consumer is eligible to receive services from the Division pursuant to title 39 of NRS only if the consumer:*

*(a) Has a documented diagnosis of a mental disorder, other than dementia or a related condition, based on the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders adopted by reference by NAC 433.050; and*

*(b) Except as otherwise provided in subsection 2, is not eligible to receive services through another public or private entity.*

*2. The requirement provided in paragraph (b) of subsection 1 does not apply if the copay or other payment required to obtain services through another public or private entity is prohibitively high.*

**Sec. 4. 1.** *The Division will provide assessments to determine whether a consumer requesting services from the Division is eligible to receive such services. Any fee charged for such an assessment will be established on a sliding fee scale.*

*2. A determination that a consumer is eligible to receive services from the Division must not be construed to mean that a consumer is eligible to receive all services provided by the Division. Eligibility for a specific service is based on the availability of the service and the need of the consumer to receive the service.*

**Sec. 5.** *Each facility of the Division will develop policies and procedures for the referral of each consumer who needs services that the Division is unable to provide to the most appropriate organization or resource who is able to provide the needed services to that consumer.*

**Sec. 6.** *The provisions of sections 2 to 5, inclusive, of this regulation must not be construed to delay or deny any urgent or emergency services.*

**Sec. 7.** NAC 433.050 is hereby amended to read as follows:

433.050 The *Diagnostic and Statistical Manual of Mental Disorders*, 4th Edition Revised 1994, *Text Revision 2000*, published by the American Psychiatric Association, ~~Washington, D.C.;~~ and commonly referred to as “DSM,” is hereby adopted by reference. This Manual may be obtained from ~~the~~ American Psychiatric ~~Press, Inc., 1400 K Street, N.W., Washington, D.C. 20005;~~ *Publishing, 1000 Wilson Boulevard, Suite 1825, Arlington, Virginia 22209*, by

*telephone at (800) 368-5777, or at the Internet address <http://www.appi.org>, for the price of*  
~~[\$45, plus \$7.50 for shipping and handling.]~~ *\$96.80 for members or \$121.00 for nonmembers.*