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SENATE BILL NO. 15—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

PREFILED DECEMBER 20, 2014

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Referred to Committee on Health and Human Services

SUMMARY—Requires a mental health professional to notify certain persons of explicit threats communicated by a patient in certain circumstances. (BDR 54-3)

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.

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AN ACT relating to health care professionals; requiring a mental health professional to notify certain persons when his or her patient makes explicit threats of imminent serious physical harm or death in certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law imposes various requirements and duties on certain health care  
2 professionals. (Chapter 629 of NRS) This bill requires a mental health professional  
3 to notify a person threatened with imminent serious physical harm or death and the  
4 closest law enforcement agency if a patient of the mental health professional  
5 communicates such a threat to the mental health professional and the mental health  
6 professional believes the patient has the intent and ability to carry out the threat.  
7 This bill also provides that a mental health professional who exercises reasonable  
8 care in determining whether to communicate such a threat is not subject to civil or  
9 criminal liability or disciplinary action by a professional licensing board for  
10 disclosing confidential or privileged information or for any damages caused by the  
11 actions of a patient.

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

1 **Section 1.** Chapter 629 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 ***1. If a patient communicates to a mental health professional***  
4 ***an explicit threat of imminent serious physical harm or death to a***



1 *clearly identified or identifiable person and, in the judgment of the*  
2 *mental health professional, the patient has the intent and ability to*  
3 *carry out the threat, the mental health professional shall make a*  
4 *reasonable effort to communicate the threat in a timely manner to:*

5 (a) *The person who is the subject of the threat;*

6 (b) *The law enforcement agency with the closest physical*  
7 *location to the residence of the person; and*

8 (c) *If the person is a minor, the parent or guardian of the*  
9 *person.*

10 2. *A mental health professional who exercises reasonable*  
11 *care in determining that he or she:*

12 (a) *Has a duty to communicate a threat pursuant to subsection*  
13 *1 is not subject to civil or criminal liability or disciplinary action*  
14 *by a professional licensing board for disclosing confidential or*  
15 *privileged information.*

16 (b) *Does not have a duty to communicate a threat pursuant to*  
17 *subsection 1 is not subject to civil or criminal liability or*  
18 *disciplinary action by a professional licensing board for any*  
19 *damages caused by the actions of a patient.*

20 3. *The provisions of this section do not:*

21 (a) *Limit or affect the duty of the mental health professional to*  
22 *report child abuse or neglect pursuant to NRS 432B.220; or*

23 (b) *Modify any duty of a mental health professional to take*  
24 *precautions to prevent harm by a patient:*

25 (1) *Who is in the custody of a hospital or other facility*  
26 *where the mental health professional is employed; or*

27 (2) *Who is being discharged from such a facility.*

28 4. *As used in this section, "mental health professional"*  
29 *means:*

30 (a) *A psychiatrist licensed to practice medicine in this State*  
31 *pursuant to chapter 630 or 633 of NRS;*

32 (b) *A psychologist who is licensed to practice psychology*  
33 *pursuant to chapter 641 of NRS;*

34 (c) *A social worker who:*

35 (1) *Holds a master's degree in social work or a related*  
36 *field;*

37 (2) *Is licensed as a clinical social worker pursuant to*  
38 *chapter 641B of NRS; and*

39 (3) *Is employed by the Division of Public and Behavioral*  
40 *Health of the Department of Health and Human Services;*

41 (d) *A registered nurse who:*

42 (1) *Is licensed to practice professional nursing pursuant to*  
43 *chapter 632 of NRS; and*

44 (2) *Holds a master's degree in psychiatric nursing or a*  
45 *related field;*



- 1     *(e) A marriage and family therapist licensed pursuant to*
- 2     *chapter 641A of NRS; and*
- 3     *(f) A clinical professional counselor licensed pursuant to*
- 4     *chapter 641A of NRS.*

