

Amendment No. 490

Senate Amendment to Senate Bill No. 70 First Reprint	(BDR 39-418)
Proposed by: Senator Ratti	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 70—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE NORTHERN REGIONAL
BEHAVIORAL HEALTH POLICY BOARD)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing mental health. (BDR 39-418)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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; revising provisions governing the use of chemical restraints on persons with disabilities; establishing procedures for placing a person on and releasing a person from a mental health crisis hold; revising provisions governing the emergency admission of a person to a mental health facility or hospital; revising provisions governing involuntary court-ordered admission to a mental health facility and assisted outpatient treatment; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law defines the term “chemical restraint” to mean the administration of drugs for
2 the specific and exclusive purpose of controlling an acute or episodic aggressive behavior
3 when alternative intervention techniques have failed to limit or control the behavior. (NRS
4 388.476, 394.355, 433.5456, 449A.206) Existing law prescribes the conditions under which a
5 medical facility, facility for the dependent, psychiatric hospital or psychiatric unit of a hospital
6 or public or private school may use a chemical restraint on a person with a disability and
7 prohibits the use of a chemical restraint on such a person under certain circumstances. (NRS
8 388.473, 388.497, 394.354, 394.366, 433.5486, 433.549, 433.5503, 449A.236, 449A.245,
9 449A.248) **Sections 2, 65, 66 and 68** of this bill redefine the term “chemical restraint” for
10 those purposes.

11 Existing law uses the term “consumer” to describe persons who receive various mental
12 health services. (Chapter 433A of NRS) **Section 3.5** of this bill specifically defines that term
13 to mean any person who voluntarily or involuntarily seeks and may benefit from certain
14 mental health services.

15 Existing law authorizes an officer authorized to make arrests in this State, certain
16 providers of health care, or the spouse, parent, adult child or legal guardian of a person alleged
17 to be a person in a mental health crisis to apply for the emergency admission of a person
18 alleged to be a person in a mental health crisis to a mental health facility or hospital. (NRS
19 433A.160) Existing law requires the release of a person admitted under an emergency
20 admission within 72 hours after the submission of the application for emergency admission

21 unless: (1) a petition is filed for the involuntary court-ordered admission of the person; or (2)
22 the admission is changed to a voluntary admission. (NRS 433A.145, 433A.150, 433A.200)

23 **Section 6** of this bill defines the term “mental health crisis hold” to mean the detention of
24 a person alleged to be a person in a mental health crisis for transport to, and assessment,
25 evaluation, intervention and treatment at, a public or private mental health facility or hospital.

26 **Section 4** of this bill defines the term “emergency admission” to mean the involuntary
27 admission of a person who has been placed on a mental health crisis hold to a public or private
28 mental health facility or a hospital. **Sections 9, 10 and 28-35** of this bill prescribe separate
29 processes for the detention of a person on a mental health crisis hold and the emergency
30 admission of such a person. Specifically, **section 30** of this bill authorizes an officer
31 authorized to make arrests in this State or certain providers of health care to place a person
32 alleged to be a person who is in a mental health crisis on a mental health crisis hold. **Section 9**
33 of this bill authorizes such an officer or provider of health care, certain family members, a
34 person who is providing case management, support and supervision to a person who has been
35 conditionally released from a mental health facility or any other person with a legitimate
36 interest in a person alleged to be a person in a mental health crisis to petition for a court order
37 to place a person alleged to be a person with a mental illness on a mental health crisis hold.
38 **Section 29** of this bill prescribes the conditions under which a person may be detained if the
39 person is placed on a mental health crisis hold. **Section 35** of this bill prescribes the
40 requirements for releasing a person from a mental health crisis hold. **Sections 10, 28, 31 and**
41 **32** of this bill prescribe the procedure for admitting a person to a mental health facility or
42 hospital under an emergency admission. **Sections 10, 28 and 29** require the release of a
43 person placed on a mental health crisis hold within 72 hours after the initiation of the hold,
44 regardless of whether the person is admitted under an emergency admission, unless: (1) a
45 petition is filed for the involuntary court-ordered admission of the person; or (2) the admission
46 is changed to a voluntary admission. **Sections 1, 23, 37, 40, 55, 64, 67 and 70-72** of this bill
47 make conforming changes.

48 Existing law establishes a procedure for the involuntary court-ordered admission of a
49 person to a mental health facility or a program of community-based or outpatient services.
50 (NRS 433A.200-433A.330) **Section 24** of this bill replaces the term “program of community-
51 based or outpatient services” with the term “assisted outpatient treatment,” which is defined to
52 mean outpatient services provided pursuant to a court order to a person with a mental illness
53 for the purpose of treating the mental illness, assisting the person to live and function in the
54 community or prevent a relapse or deterioration. **Sections 11-21** of this bill prescribe a
55 separate process for the issuance of a court order requiring a person to receive assisted
56 outpatient treatment. Specifically, **section 11** of this bill authorizes: (1) the Administrator of
57 the Division of Public and Behavioral Health of the Department of Health and Human
58 Services, certain providers of health care and certain persons who have an interest in a person
59 to petition the district court to commence a proceeding for the issuance of a court order
60 requiring assisted outpatient treatment of the person; and (2) a criminal defendant or the
61 district attorney to make a motion to the district court to commence a proceeding for the
62 issuance of a court order requiring assisted outpatient treatment of the defendant or the district
63 court to commence such a proceeding on its own motion. **Section 11** prescribes the criteria for
64 determining whether a person may be ordered to receive assisted outpatient treatment. **Section**
65 **13** of this bill requires certain persons who have evaluated a person who is the subject of a
66 petition or motion for assisted outpatient treatment to submit to the court a recommended
67 treatment plan for the person. **Section 14** of this bill requires a person who is the subject of a
68 petition or motion for assisted outpatient treatment to be represented by counsel at all stages
69 of the proceedings. **Section 18** of this bill authorizes a court to order a person to receive
70 assisted outpatient treatment if: (1) at the conclusion of the proceedings, there is clear and
71 convincing evidence that the person to be treated meets the applicable criteria for the initiation
72 or renewal of such treatment; and (2) a person professionally qualified in the field of
73 psychiatric mental health is able to treat the person in the county where the person to receive
74 the treatment resides. **If a person who has been ordered to receive assisted outpatient**
75 **treatment fails to comply with the order after reasonable efforts to solicit compliance**
76 **and, as a result, may harm himself or herself or others, section 20.5 of this bill authorizes**
77 **the person responsible for providing the outpatient treatment to submit a petition for a**
78 **court to order that the person be taken into custody to determine whether he or she is a**
79 **person in a mental health crisis.** **Section 21** of this bill prescribes a procedure for renewing

80 an order for assisted outpatient treatment. **Section 23.5** of this bill revises the definition of
 81 “person professionally qualified in the field of psychiatric mental health” for purposes relating
 82 to eligibility to provide assisted outpatient treatment and certain other purposes. **Sections 1,**
 83 **27, 38, 41, 44, 45, 49, 51-54, 57-63, 69 and 72-75** of this bill make conforming changes.

84 **Section 26** of this bill requires the Division and the Attorney General to approve all forms
 85 for the detention, evaluation, treatment and conditional release of any person under chapter
 86 433A of NRS and furnish in that county to the clerks of district courts in each county. **Section 36**
 87 of this bill revises requirements governing a petition for involuntary court-ordered admission.
 88 **Section 39** of this bill requires a person who submits such a petition to notify the court if the
 89 subject of the petition is currently admitted to a mental health facility or hospital and is
 90 transferred to another mental health facility or hospital.

91 Existing law: (1) requires the transfer of proceedings for the involuntary admission of a
 92 person if professionals who are qualified to examine the person are not available in the county
 93 where the petition is filed; and (2) provides that the expense of proceedings for involuntary
 94 admission are to be paid by the county where the petition is filed or, if the subject of the
 95 petition does not reside in that county, the county of the State where he or she last resided.
 96 (NRS 433A.260) **Section 41.5** of this bill imposes specific requirements for the transfer of
 97 proceedings from a county where qualified professionals are not available to conduct the
 98 examination to a county where qualified professionals are available. **Section 41.5** also revises
 99 requirements governing the payment of the cost of proceedings for involuntary admission to
 100 require such cost to be paid by the county in which the subject of the petition resides. **Section**
 101 **42** of this bill removes a requirement that the same counsel must continue to represent a
 102 person who is involuntarily admitted to a program of community-based or outpatient services
 103 until the person is unconditionally released. **Section 43** of this bill provides that, once a person
 104 is involuntarily admitted to a mental health facility: (1) the admitting court is prohibited from
 105 transferring the case; and (2) the mental health facility is required to notify the court if the
 106 person is transferred. **Section 50** of this bill prohibits the transfer of a consumer who has been
 107 admitted to a mental health facility or required to receive assisted outpatient treatment to
 108 another facility or provider of treatment, as applicable, unless arrangements relating to the
 109 costs of treatment are made between the facility or provider and the consumer or the person
 110 who requested the admission or treatment.

111 **Section 47** of this bill: (1) requires the notification of the court when a person who has
 112 been involuntarily admitted to a mental health facility is conditionally released; (2) revises the
 113 criteria for determining whether such a person may be conditionally released; and (3)
 114 authorizes the court to periodically review the terms of the conditional release. **Sections 39**
 115 **and 47** of this bill revise the procedure for admitting a person who has been conditionally
 116 released to a mental health facility or hospital when conditional release is no longer
 117 appropriate. **Section 48** of this bill: (1) abolishes a requirement that an evaluation team
 118 evaluate a person who is involuntarily admitted by court order to a mental health facility or
 119 required to receive assisted outpatient treatment before the person may be unconditionally
 120 released before the expiration of the order; and (2) makes certain other minor revisions
 121 concerning unconditional release. **Sections 39, 47, ~~and~~ 48 and 48.5** of this bill impose
 122 specific requirements concerning notification of the guardian of a person who is
 123 ~~conditionally~~ released from a mental health facility or ~~unconditionally released from a~~
 124 ~~mental health facility or~~ assisted outpatient treatment ~~under certain circumstances.~~

125 Existing law requires a court to seal all records related to the admission and treatment of
 126 any person admitted to a mental health facility or a program of community-based or outpatient
 127 services. (NRS 433A.715) **Section 56** of this bill additionally requires a court to seal records
 128 governing any other proceedings conducted under chapter 433A of NRS.

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

- 1 **Section 1.** NRS 433.4295 is hereby amended to read as follows:
 2 433.4295 1. Each policy board shall:
 3 (a) Advise the Department, Division and Commission regarding:

1 (1) The behavioral health needs of adults and children in the behavioral
2 health region;

3 (2) Any progress, problems or proposed plans relating to the provision of
4 behavioral health services and methods to improve the provision of behavioral
5 health services in the behavioral health region;

6 (3) Identified gaps in the behavioral health services which are available in
7 the behavioral health region and any recommendations or service enhancements to
8 address those gaps;

9 (4) Any federal, state or local law or regulation that relates to behavioral
10 health which it determines is redundant, conflicts with other laws or is obsolete and
11 any recommendation to address any such redundant, conflicting or obsolete law or
12 regulation; and

13 (5) Priorities for allocating money to support and develop behavioral health
14 services in the behavioral health region.

15 (b) Promote improvements in the delivery of behavioral health services in the
16 behavioral health region.

17 (c) Coordinate and exchange information with the other policy boards to
18 provide unified and coordinated recommendations to the Department, Division and
19 Commission regarding behavioral health services in the behavioral health region.

20 (d) Review the collection and reporting standards of behavioral health data to
21 determine standards for such data collection and reporting processes.

22 (e) To the extent feasible, establish an organized, sustainable and accurate
23 electronic repository of data and information concerning behavioral health and
24 behavioral health services in the behavioral health region that is accessible to
25 members of the public on an Internet website maintained by the policy board. A
26 policy board may collaborate with an existing community-based organization to
27 establish the repository.

28 (f) To the extent feasible, track and compile data concerning *persons placed on*
29 *a mental health crisis hold pursuant to NRS 433A.160*, persons admitted to mental
30 health facilities and hospitals *under an emergency admission* pursuant to ~~NRS~~
31 ~~433A.145 to 433A.197, inclusive, and~~ *section 10 of this act, persons admitted*
32 *to mental health facilities* ~~[and programs of community-based or outpatient services]~~
33 *under an involuntary court-ordered admission* pursuant to NRS 433A.200 to
34 433A.330, inclusive, *and persons ordered to receive assisted outpatient treatment*
35 *pursuant to sections 11 to 21, inclusive, of this act* in the behavioral health region,
36 including, without limitation:

37 (1) The outcomes of treatment provided to such persons; and

38 (2) Measures taken upon and after the release of such persons to address
39 behavioral health issues and prevent future *mental health crisis holds and*
40 *admissions*.

41 (g) Identify and coordinate with other entities in the behavioral health region
42 and this State that address issues relating to behavioral health to increase awareness
43 of such issues and avoid duplication of efforts.

44 (h) In coordination with existing entities in this State that address issues
45 relating to behavioral health services, submit an annual report to the Commission
46 which includes, without limitation:

47 (1) The specific behavioral health needs of the behavioral health region;

48 (2) A description of the methods used by the policy board to collect and
49 analyze data concerning the behavioral health needs and problems of the behavioral
50 health region and gaps in behavioral health services which are available in the
51 behavioral health region, including, without limitation, a list of all sources of such
52 data used by the policy board;

1 (3) A description of the manner in which the policy board has carried out
2 the requirements of paragraphs (c) and (g) of subsection 1 and the results of those
3 activities; and

4 (4) The data compiled pursuant to paragraph (f) and any conclusions that
5 the policy board has derived from such data.

6 2. A report described in paragraph (h) of subsection 1 may be submitted more
7 often than annually if the policy board determines that a specific behavioral health
8 issue requires an additional report to the Commission.

9 **Sec. 2.** NRS 433.5456 is hereby amended to read as follows:

10 433.5456 “Chemical restraint” means the administration of drugs *to a person*
11 for the specific and exclusive purpose of controlling an acute or episodic
12 ~~aggressive~~ behavior *that places the person or others at a risk of harm* when *less*
13 *restrictive* alternative intervention techniques have failed to limit or control the
14 behavior. The term does not include the administration of drugs ~~on a regular basis,~~
15 ~~as~~ prescribed by a physician, ~~to treat the symptoms of~~ *physician assistant or*
16 *advanced practice registered nurse as standard treatment for the* mental ~~or~~
17 physical ~~emotional or behavioral disorders and for assisting a person in gaining~~
18 ~~self-control over his or her impulses.~~ *condition of the person.*

19 **Sec. 3.** Chapter 433A of NRS is hereby amended by adding thereto the
20 provisions set forth as sections 3.5 to 22, inclusive, of this act.

21 **Sec. 3.5.** *“Consumer” means any person who, whether voluntarily or*
22 *involuntarily, seeks and can benefit from care, treatment and training:*

23 1. *In a public or private mental health facility or other public or private*
24 *facility offering mental health services; or*

25 2. *From a person professionally qualified in the field of psychiatric mental*
26 *health who provides assisted outpatient treatment.*

27 **Sec. 4.** *“Emergency admission” means the involuntary admission of a*
28 *person who has been placed on a mental health crisis hold to a public or private*
29 *mental health facility or hospital pursuant to section 10 of this act.*

30 **Sec. 5.** *“Involuntary court-ordered admission” means the admission of a*
31 *person in a mental health crisis to a public or private mental health facility*
32 *ordered by a court pursuant to NRS 433A.200 to 433A.330, inclusive.*

33 **Sec. 6.** *“Mental health crisis hold” means the detention of a person alleged*
34 *to be a person in a mental health crisis for transport, assessment, evaluation,*
35 *intervention and treatment pursuant to NRS 433A.160.*

36 **Sec. 7.** *“Supporter” has the meaning ascribed to it in NRS 162C.090.*

37 **Sec. 8.** *“Voluntary admission” means the admission of a person to a public*
38 *or private mental health facility or a division facility pursuant to NRS 433A.140*
39 *as a voluntary consumer for the purposes of observation, diagnosis, care and*
40 *treatment.*

41 **Sec. 9.** 1. *A person listed in subsection 2 may petition a district court for*
42 *an order requiring any peace officer to place a person alleged to be in a mental*
43 *health crisis on a mental health crisis hold pursuant to NRS 433A.160.*

44 2. *A petition pursuant to subsection 1 may be made by:*

45 (a) *An officer authorized to make arrests in the State of Nevada;*

46 (b) *A physician, physician assistant, psychologist, marriage and family*
47 *therapist, clinical professional counselor, social worker or registered nurse;*

48 (c) *The spouse, parent, adult child or legal guardian of a person alleged to be*
49 *a person in a mental health crisis;*

50 (d) *A person who is providing case management, support and supervision to*
51 *a person who has been conditionally released pursuant to NRS 433A.380,*
52 *including, without limitation, a member of the staff of a community treatment*
53 *program, social services agency, mobile crisis team or multi-disciplinary team*

1 *that is providing case management, support and supervision to the person who is*
2 *the subject of the petition; or*

3 *(e) Any other person who has a legitimate interest in a person alleged to be a*
4 *person in a mental health crisis.*

5 ~~3. *A petition pursuant to subsection 1 that concerns a person who is*~~
6 ~~*receiving assisted outpatient treatment ordered pursuant to section 18 of this act*~~
7 ~~*must be accompanied by:*~~

8 ~~*(a) A copy of the order for assisted outpatient treatment, including, without*~~
9 ~~*limitation, the list of services that the person has been ordered to receive; and*~~

10 ~~*(b) A list of the provisions of the order with which the person has failed to*~~
11 ~~*comply, if any.*~~

12 ~~*4. The district court may issue an order to place a person alleged to be in a*~~
13 ~~*mental health crisis on a mental health crisis hold only if it is satisfied that there*~~
14 ~~*is probable cause to believe that the person who is the subject of the petition is a*~~
15 ~~*person in a mental health crisis. If the district court issues such an order, the*~~
16 ~~*court shall ensure the delivery of the order to the sheriff of the county. The*~~
17 ~~*sheriff shall:*~~

18 ~~*(a) Provide the order to the public or private mental health facility or*~~
19 ~~*hospital to which the person placed on a mental health crisis hold is transported;*~~
20 ~~*or*~~

21 ~~*(b) Arrange for the person who transports the person placed on a mental*~~
22 ~~*health crisis hold to a public or private mental health facility or hospital to*~~
23 ~~*provide the order to the facility or hospital.*~~

24 **Sec. 10.** *1. A public or private mental health facility or hospital may*
25 *admit a person who has been placed on a mental health crisis hold under an*
26 *emergency admission if:*

27 *(a) After conducting an examination pursuant to NRS 433A.165, a*
28 *physician, physician assistant or advanced practice registered nurse determines*
29 *that the person does not have a medical condition, other than a psychiatric*
30 *condition, which requires immediate treatment;*

31 *(b) A psychologist, a physician, a physician assistant under the supervision*
32 *of a psychiatrist, a clinical social worker who has the psychiatric training and*
33 *experience prescribed by the Board of Examiners for Social Workers pursuant to*
34 *NRS 641B.160 or an advanced practice registered nurse who has the psychiatric*
35 *training and experience prescribed by the State Board of Nursing pursuant to*
36 *NRS 632.120, who is employed by the public or private mental health facility or*
37 *hospital completes a certificate pursuant to NRS 433A.170;*

38 *(c) A psychiatrist or a psychologist or, if a psychiatrist or a psychologist is*
39 *not available, a physician or an advanced practice registered nurse who has the*
40 *training and experience prescribed by the State Board of Nursing pursuant to*
41 *NRS 632.120, evaluates the person at the time of admission and determines that*
42 *the person is a person in a mental health crisis; and*

43 *(d) A psychiatrist approves the admission.*

44 *2. The provisions of subsections 2 and 3 of NRS 433A.150 continue to apply*
45 *to a person who is admitted to a public or private mental health facility or*
46 *hospital under an emergency admission pursuant to this section.*

47 **Sec. 11.** *1. A proceeding for an order requiring any person in the State of*
48 *Nevada to receive assisted outpatient treatment may be commenced by the filing*
49 *of a petition for such an order with the clerk of the district court of the county*
50 *where the person who is to be treated is present. The petition may be filed by:*

51 *(a) Any person who is at least 18 years of age and resides with the person to*
52 *be treated;*

1 (b) The spouse, parent, adult sibling, adult child or legal guardian of the
2 person to be treated;

3 (c) A physician, physician assistant, psychologist, social worker or registered
4 nurse who is providing care to the person to be treated;

5 (d) The Administrator or his or her designee; or

6 (e) The medical director of a division facility in which the person is receiving
7 treatment or the designee of the medical director of such a division facility.

8 2. A proceeding to require a person who is the defendant in a criminal
9 proceeding in the district court to receive assisted outpatient treatment may be
10 commenced by the district court, on its own motion, or by motion of the defendant
11 or the district attorney if:

12 (a) The defendant has been examined in accordance with NRS 178.415;

13 (b) The defendant is not eligible for commitment to the custody of the
14 Administrator pursuant to NRS 178.461; and

15 (c) The Division makes a clinical determination that assisted outpatient
16 treatment is appropriate.

17 3. A petition filed pursuant to subsection 1 or a motion made pursuant to
18 subsection 2 must allege the following concerning the person to be treated:

19 (a) The person is at least 18 years of age.

20 (b) The person has a mental illness.

21 (c) The person has a history of poor compliance with treatment for his or her
22 mental illness that has resulted in at least one of the following circumstances:

23 (1) At least twice during the immediately preceding 48 months, poor
24 compliance with mental health treatment has been a significant factor in causing
25 the person being hospitalized or receiving services in the behavioral health unit
26 of a ~~[federal or state prison or a county or city jail or]~~ detention ~~[center.]~~ facility
27 or correctional facility. The 48-month period described in this subparagraph
28 must be extended by ~~[the]~~ any amount of time that the person has been
29 hospitalized, incarcerated or detained ~~[if poor compliance with treatment for his~~
30 ~~or her mental illness was a significant factor in the person being hospitalized,~~
31 ~~incarcerated or detained.]~~ during that period.

32 (2) Poor compliance with mental health treatment has ~~[resulted in at~~
33 ~~least one act of serious violence toward himself or herself or others or threat or~~
34 ~~attempt to cause]~~ been a significant factor in causing the person to commit,
35 attempt to commit or threaten to commit serious physical harm to himself or
36 himself or others during the immediately preceding 48 months. ~~[in which the~~
37 ~~person has not been hospitalized, incarcerated or detained.]~~ The 48-month period
38 described in this subparagraph must be extended by ~~[the]~~ any amount of time that
39 the person has been hospitalized, incarcerated or detained ~~[if poor compliance~~
40 ~~with treatment for his or her mental illness was a significant factor in the person~~
41 ~~being hospitalized, incarcerated or detained.]~~ during that period.

42 (3) Poor compliance with mental health treatment has resulted in the
43 person being hospitalized, incarcerated or detained for a cumulative period of at
44 least 6 months and the person:

45 (I) Is scheduled to be discharged or released from such
46 hospitalization, incarceration or detention during the 30 days immediately
47 following the date of the petition; or

48 (II) Has been discharged or released from such hospitalization,
49 incarceration or detention during the 60 days immediately preceding the date of
50 the petition.

51 (d) ~~[The]~~ Because of his or her mental illness, the person is [capable of
52 surviving in the community in which he or she resides without presenting a
53 substantial likelihood of serious harm to himself or herself or others, as

1 ~~determined pursuant to NRS 432A.0195, if he or she receives assisted)~~ unwilling
2 or unlikely to voluntarily participate in outpatient treatment ~~that would enable~~
3 the person to live safely in the community without the supervision of the court.

4 ~~(e) [The person requires assisted]~~ Assisted outpatient treatment is the least
5 restrictive appropriate means to prevent further disability or deterioration that
6 ~~[presents a substantial likelihood of serious harm to himself or herself or others,~~
7 ~~as determined pursuant to NRS 432A.0195.]~~ would result in the person becoming
8 a person in a mental health crisis.

9 4. A petition filed pursuant to subsection 1 or a motion made pursuant to
10 subsection 2 must be accompanied by:

11 (a) A sworn statement or a declaration that complies with the provisions of
12 NRS 53.045 by a physician, a psychologist, a physician assistant under the
13 supervision of a psychiatrist, a clinical social worker who has the psychiatric
14 training and experience prescribed by the Board of Examiners for Social
15 Workers pursuant to NRS 641B.160 or an advanced practice registered nurse
16 who has the psychiatric training and experience prescribed by the State Board of
17 Nursing pursuant to NRS 632.120, stating that he or she:

18 (1) ~~Assessed~~ Evaluated the person who is the subject of the petition or
19 motion not earlier than 10 days before the filing of the petition or making of the
20 motion;

21 (2) Recommends that the person be ordered to receive assisted outpatient
22 treatment; and

23 (3) Is willing and able to testify at a hearing on the petition or motion;
24 and

25 (b) A sworn statement or a declaration that complies with the provisions of
26 NRS 53.045 from a person professionally qualified in the field of psychiatric
27 mental health stating that he or she is willing to provide assisted outpatient
28 treatment for the person in the county where the person resides.

29 5. A copy of the petition filed pursuant to subsection 1 or a motion made
30 pursuant to subsection 2 must be served upon the person who is the subject of the
31 petition or motion or his or her counsel and, if applicable, his or her legal
32 guardian.

33 **Sec. 12.** 1. Immediately after the clerk of the district court receives a
34 petition filed pursuant to subsection 1 of section 11 of this act or section 21 of this
35 act, the clerk shall transmit the petition to the appropriate district judge, who
36 shall set a time, date and place for its hearing. Immediately after a motion is
37 made pursuant to subsection 2 of section 11 of this act, the district judge shall set
38 a time, date and place for its hearing. The date must be:

39 (a) Within 30 judicial days after the date on which the petition is received by
40 the clerk or the motion is made, as applicable; or

41 (b) If the person who is the subject of the petition or motion is hospitalized at
42 the time of the petition or motion, before that person is to be discharged and
43 within a sufficient time to arrange for a continuous transition from inpatient
44 treatment to assisted outpatient treatment.

45 2. If the Chief Judge, if any, of the district court has assigned a district
46 court judge or hearing master to preside over hearings pursuant to this section,
47 that judge or hearing master must preside over the hearing.

48 3. The court shall give notice of the petition or motion and of the time, date
49 and place of any proceedings thereon to the person who is the subject of the
50 petition or motion, his or her attorney, if known, the person's legal guardian, the
51 petitioner, if applicable, the district attorney of the county in which the court has
52 its principal office, the local office of an agency or organization that receives
53 money from the Federal Government pursuant to 42 U.S.C. §§ 10801 et seq., to

1 *protect and advocate the rights of persons with a mental illness and the*
2 *administrative office of any public or private mental health facility or hospital in*
3 *which the subject of the petition or motion is detained.*

4 **Sec. 13.** 1. *Before the date of a hearing on a petition or motion for*
5 *assisted outpatient treatment, the person who made the sworn statement or*
6 *declaration pursuant to paragraph (a) of subsection 4 of section 11 of this act, the*
7 *personnel of the Division who made the clinical determination concerning the*
8 *appropriateness of assisted outpatient treatment pursuant to paragraph (c) of*
9 *subsection 2 of section 11 of this act or the person or entity who submitted the*
10 *petition pursuant to section 21 of this act, as applicable, shall submit to the court*
11 *a proposed written treatment plan created by a person professionally qualified in*
12 *the field of psychiatric mental health who is familiar with the person who is the*
13 *subject of the petition or motion, as applicable. The proposed written treatment*
14 *plan must set forth:*

15 (a) *The services and treatment recommended for the person who is the*
16 *subject of the petition or motion; and*

17 (b) *The person who will provide such services and treatment and his or her*
18 *qualifications.*

19 2. *Services and treatment set forth in a proposed written treatment plan*
20 *must include, without limitation:*

21 (a) *Case management services to coordinate the assisted outpatient treatment*
22 *recommended pursuant to paragraph (b); and*

23 (b) *Assisted outpatient treatment which may include, without limitation:*

24 (1) *Medication;*

25 (2) *Periodic blood or urine testing to determine whether the person is*
26 *receiving such medication;*

27 (3) *Individual or group therapy;*

28 (4) *Full-day or partial-day programming activities;*

29 (5) *Educational activities;*

30 (6) *Vocational training;*

31 (7) *Treatment and counseling for a substance use disorder;*

32 (8) *If the person has a history of substance use, periodic blood or urine*
33 *testing for the presence of alcohol or other recreational drugs;*

34 (9) *Supervised living arrangements; and*

35 (10) *Any other services determined necessary to treat the mental illness*
36 *of the person, assist the person in living or functioning in the community or*
37 *prevent a deterioration of the mental or physical condition of the person.*

38 3. *A person professionally qualified in the field of psychiatric mental health*
39 *who is creating a proposed written treatment plan pursuant to subsection 1 shall:*

40 (a) *Consider any wishes expressed by the person who is to be treated in an*
41 *advance directive for psychiatric care executed pursuant to NRS 449A.600 to*
42 *449A.645, inclusive; and*

43 (b) *Consult with the person who is to be treated, any providers of health care*
44 *who are currently treating the person, any supporter or legal guardian of the*
45 *person, and, upon the request of the person, any other person concerned with his*
46 *or her welfare, including, without limitation, a relative or friend.*

47 4. *If a proposed written treatment plan includes medication, the plan must*
48 *specify the type and class of the medication and state whether the medication is to*
49 *be self-administered or administered by a specific provider of health care. A*
50 *proposed written treatment plan must not recommend the use of physical force or*
51 *restraints to administer medication.*

52 5. *If a proposed written treatment plan includes periodic blood or urine*
53 *testing for the presence of alcohol or other recreational drugs, the plan must set*

1 *forth sufficient facts to support a clinical determination that the person who is to*
2 *be treated has a history of substance use disorder.*

3 *6. If the person who is to be treated has executed an advance directive for*
4 *psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, a copy of the*
5 *advance directive must be attached to the proposed written treatment plan.*

6 *7. As used in this section, "provider of health care" has the meaning*
7 *ascribed to it in NRS 629.031.*

8 **Sec. 14.** *1. The person who is the subject of a petition filed or motion*
9 *made pursuant to section 11 or 21 of this act or any relative or friend on the*
10 *person's behalf is entitled to retain counsel to represent the person in any*
11 *proceeding before the district court relating to assisted outpatient treatment. If he*
12 *or she fails or refuses to obtain counsel, the court must advise the person and his*
13 *or her guardian or next of kin, if known, of such right to counsel and must*
14 *appoint counsel, who may be the public defender or his or her deputy. The person*
15 *must be represented by counsel at all stages of the proceedings.*

16 *2. The court shall award compensation to any counsel appointed pursuant*
17 *to subsection 1 for his or her services in an amount determined by the court to be*
18 *fair and reasonable. The compensation must be charged against the estate of the*
19 *person for whom the counsel was appointed or, if the person is indigent, against*
20 *the county where the person who is the subject of the petition or motion last*
21 *resided.*

22 *3. The court shall, at the request of counsel representing the subject of the*
23 *petition or motion in proceedings before the court relating to assisted outpatient*
24 *treatment, grant a recess in the proceedings for the shortest time possible, but for*
25 *not more than 7 days, to give the counsel an opportunity to prepare his or her*
26 *case.*

27 *4. If the person who is the subject of the petition or motion is ordered to*
28 *receive assisted outpatient treatment, counsel must continue to represent the*
29 *person until the person is released from the program. The court shall serve notice*
30 *upon such counsel of any action that is taken involving the person while the*
31 *person is required by the order to receive assisted outpatient treatment.*

32 **Sec. 15.** *1. The district attorney of a county in which a petition is filed or*
33 *motion is made pursuant to section 11 or 21 of this act or his or her deputy:*

34 *(a) Must appear and represent the State in the proceedings for assisted*
35 *outpatient treatment if:*

36 *(1) The proceedings were initiated by:*

37 *(I) A petition filed pursuant to subsection 1 of section 11 of this act*
38 *or section 21 of this act by the Administrator or his or her designee or the medical*
39 *director of a division facility or his or her designee; or*

40 *(II) A motion made pursuant to subsection 2 of section 11 of this act;*
41 *and*

42 *(2) The district attorney determines that there is clear and convincing*
43 *evidence that the criteria prescribed in subsection 3 of section 11 of this act or*
44 *subsection 1 of section 21 of this act, as applicable, are met.*

45 *(b) May appear and represent the State in the proceedings for assisted*
46 *outpatient treatment in any other case where the district attorney determines that*
47 *there is clear and convincing evidence that the criteria prescribed in subsection 3*
48 *of section 11 of this act or subsection 1 of section 21 of this act, as applicable, are*
49 *met.*

50 *2. If the district attorney does not appear and represent the State in a*
51 *proceeding for assisted outpatient treatment, the petitioner is responsible for*
52 *presenting the case in support of the petition.*

1 **Sec. 16. 1.** *In proceedings for assisted outpatient treatment, the court*
2 *shall hear and consider all relevant testimony, including, without limitation:*

3 *(a) The testimony of the person who made a sworn statement or declaration*
4 *pursuant to paragraph (a) of subsection 4 of section 11 of this act, any personnel*
5 *of the Division responsible for a clinical determination made pursuant to*
6 *paragraph (c) of subsection 2 of section 11 of this act or the person or entity*
7 *responsible for the decision to submit a petition pursuant to section 21 of this act,*
8 *as applicable;*

9 *(b) The testimony of any supporter or legal guardian of the person who is the*
10 *subject of the proceedings, if that person wishes to testify; and*

11 *(c) If the proposed written treatment plan submitted pursuant to section 13 of*
12 *this act recommends medication and the person who is the subject of the petition*
13 *or motion objects to the recommendation, the testimony of the person*
14 *professionally qualified in the field of psychiatric mental health who prescribed*
15 *the recommendation.*

16 2. *The court may consider testimony relating to any past actions of the*
17 *person who is the subject of the petition or motion if such testimony is probative*
18 *of the question of whether the person currently meets the criteria prescribed by*
19 *subsection 3 of section 11 of this act or subsection 1 of section 21 of this act, as*
20 *applicable.*

21 **Sec. 17. 1.** *Except as otherwise provided in subsection 2, the person who*
22 *is the subject of a petition or motion for assisted outpatient treatment must be*
23 *present at the proceedings on the petition or motion, as applicable, and may, at*
24 *the discretion of the court, testify.*

25 2. *The court may conduct the hearing on a petition or motion for assisted*
26 *outpatient treatment in the absence of the person who is the subject of the petition*
27 *or motion if:*

28 *(a) The person has waived his or her right to attend the hearing after*
29 *receiving notice pursuant to section 12 of this act and being advised of his or her*
30 *right to be present and the potential consequences of failing to attend; and*

31 *(b) The counsel for the person is present.*

32 **Sec. 18. 1.** *If the district court finds, after proceedings for the assisted*
33 *outpatient treatment of a person:*

34 *(a) That the person professionally qualified in the field of psychiatric mental*
35 *health who made the sworn statement or declaration pursuant to paragraph (b) of*
36 *subsection 4 of section 11 of this act or submitted the petition pursuant to section*
37 *21 of this act, as applicable, is not able to provide treatment to the person who is*
38 *the subject of the proceedings in the county where he or she resides or that there*
39 *is not clear and convincing evidence that the person who is the subject of the*
40 *proceedings meets the criteria prescribed in subsection 3 of section 11 of this act*
41 *or subsection 1 of section 21 of this act, as applicable, the court must enter its*
42 *finding to that effect and the person must not be ordered to receive assisted*
43 *outpatient treatment.*

44 *(b) That the person professionally qualified in the field of psychiatric mental*
45 *health who made the sworn statement or declaration pursuant to paragraph (b) of*
46 *subsection 4 of section 11 of this act or submitted the petition pursuant to section*
47 *21 of this act, as applicable, is able to provide treatment to the person who is the*
48 *subject of the proceedings in the county where he or she resides and that there is*
49 *clear and convincing evidence that the person who is the subject of the*
50 *proceedings meets the criteria prescribed in subsection 3 of section 11 of this act*
51 *or subsection 1 of section 21 of this act, as applicable, the court may order the*
52 *person to receive assisted outpatient treatment. The order of the court must be*

1 *interlocutory and must not become final if, within 30 days after the issuance of*
2 *the order, the person is unconditionally released pursuant to NRS 433A.390.*

3 2. *If the district court finds, after proceedings for the assisted outpatient*
4 *treatment of a defendant in a criminal proceeding pursuant to subsection 2 of*
5 *section 11 of this act:*

6 (a) *That the person professionally qualified in the field of psychiatric mental*
7 *health who made the sworn statement or declaration pursuant to paragraph (b) of*
8 *subsection 4 of section 11 of this act or submitted the petition pursuant to section*
9 *21 of this act, as applicable, is not able to provide treatment to the defendant in*
10 *the county where he or she resides or that there is not clear and convincing*
11 *evidence that the defendant meets the criteria prescribed in subsection 3 of*
12 *section 11 of this act or subsection 1 of section 21 of this act, as applicable, the*
13 *court must enter its finding to that effect and the defendant must not be ordered*
14 *to receive assisted outpatient treatment.*

15 (b) *That the person professionally qualified in the field of psychiatric mental*
16 *health who made the sworn statement or declaration pursuant to paragraph (b) of*
17 *subsection 4 of section 11 of this act or submitted the petition pursuant to section*
18 *21 of this act, as applicable, is able to provide treatment to the defendant in the*
19 *county where he or she resides and that there is clear and convincing evidence*
20 *that the defendant meets the criteria prescribed in subsection 3 of section 11 of*
21 *this act or subsection 1 of section 21 of this act, as applicable, except as otherwise*
22 *provided in this paragraph, the court must order the defendant to receive assisted*
23 *outpatient treatment and suspend further proceedings in the criminal proceeding*
24 *against the defendant until the defendant completes the treatment or the*
25 *treatment is terminated. If the offense allegedly committed by the defendant is a*
26 *category A or B felony or involved the use or threatened use of force or violence,*
27 *the court must not order the defendant to receive assisted outpatient treatment*
28 *pursuant to this paragraph unless the prosecuting attorney stipulates to the*
29 *assignment. The order of the court must be interlocutory and must not become*
30 *final if, within 30 days after the issuance of the order, the person is*
31 *unconditionally released pursuant to NRS 433A.390. If the defendant*
32 *successfully completes the assisted outpatient treatment to the satisfaction of the*
33 *court, the court must dismiss the criminal charges against the defendant with*
34 *prejudice.*

35 3. *An order for a person to receive assisted outpatient treatment must:*

36 (a) *Provide for a period of assisted outpatient treatment that does not exceed*
37 *6 months unless the order is renewed or extended pursuant to section 21 of this*
38 *act;*

39 (b) *Specify the services that the person who is to be treated must receive; and*

40 (c) *Direct the person professionally qualified in the field of psychiatric*
41 *mental health who made the sworn statement or declaration pursuant to*
42 *paragraph (b) of subsection 4 of section 11 of this act or submitted the petition*
43 *pursuant to section 21 of this act, as applicable, to provide the services pursuant*
44 *to paragraph (b) for the duration of the order.*

45 4. *If an order for a person to receive assisted outpatient treatment requires*
46 *the administration of medication, the order must state the classes of medication*
47 *and the reasons for ordering the medication, which must be based on the*
48 *proposed written treatment plan submitted pursuant to section 13 of this act. The*
49 *order may require the person who is to be treated to self-administer the*
50 *medication or accept the administration of the medication by a specified person.*
51 *The court shall not order the use of physical force or restraints to administer*
52 *medication.*

1 5. *An order for a person to receive assisted outpatient treatment must not*
2 *prescribe treatment that is not recommended by the person professionally*
3 *qualified in the field of psychiatric mental health who made the sworn statement*
4 *or declaration pursuant to paragraph (b) of subsection 4 of section 11 of this act*
5 *or submitted the petition pursuant to section 21 of this act, as applicable.*

6 6. *If the court issues an order requiring a person to receive assisted*
7 *outpatient treatment, the court must, notwithstanding the provisions of NRS*
8 *433A.715, cause, within 5 business days after the order becomes final pursuant to*
9 *this section, on a form prescribed by the Department of Public Safety, a record of*
10 *the order to be transmitted to:*

11 (a) *The Central Repository for Nevada Records of Criminal History, along*
12 *with a statement indicating that the record is being transmitted for inclusion in*
13 *each appropriate database of the National Instant Criminal Background Check*
14 *System; and*

15 (b) *Each law enforcement agency of this State with which the court has*
16 *entered into an agreement for such transmission, along with a statement*
17 *indicating that the record is being transmitted for inclusion in each of this State's*
18 *appropriate databases of information relating to crimes.*

19 7. *A court may periodically review an order for a person to receive assisted*
20 *outpatient treatment to determine whether there is an available alternative*
21 *treatment that is the least restrictive treatment that is appropriate for the person,*
22 *is in the best interest of the person and will not be detrimental to the public*
23 *welfare. If the court determines that such a treatment is available, the court must*
24 *amend the order to require such treatment.*

25 8. *As used in this section, "National Instant Criminal Background Check*
26 *System" has the meaning ascribed to it in NRS 179A.062.*

27 Sec. 19. (Deleted by amendment.)

28 Sec. 20. (Deleted by amendment.)

29 20.5. 1. *A person professionally qualified in the field of psychiatric*
30 *mental health who is responsible for providing assisted outpatient treatment to a*
31 *person ordered by a court to receive assisted outpatient treatment pursuant to*
32 *section 18 of this act may petition the court to issue an order requiring a peace*
33 *officer to take into custody and deliver the person to an appropriate location for a*
34 *prompt evaluation by the professional to determine whether the person is a*
35 *person in a mental health crisis if:*

36 (a) *The person who is the subject of the petition has failed to comply with the*
37 *plan of assisted outpatient treatment ordered pursuant to section 18 of this act;*

38 (b) *The petitioner has made reasonable efforts to solicit such compliance;*
39 *and*

40 (c) *The failure to comply with the plan of assisted outpatient treatment may*
41 *cause the person who is the subject of the petition to harm himself or herself or*
42 *others.*

43 2. *A petition pursuant to subsection 1 must set forth:*

44 (a) *The specific provisions of the plan of assisted outpatient treatment which*
45 *the subject of the petition has failed to carry out;*

46 (b) *The efforts made by the petitioner to solicit compliance; and*

47 (c) *The basis for the petitioner's belief that the failure to comply with the*
48 *plan of assisted outpatient treatment may cause the subject of the petition to harm*
49 *himself or herself or others.*

50 3. *If the court determines that there is probable cause to believe that the*
51 *conditions described in paragraphs (a), (b) and (c) of subsection 1 have been*
52 *satisfied, the court may issue an order requiring a peace officer to take into*
53 *custody and deliver the person who is the subject of the petition to an appropriate*

location for a prompt evaluation by the petitioner to determine whether the person is a person in a mental health crisis.

4. As used in this section, "appropriate location" means any location identified by a petitioner but does not include a jail or prison.

Sec. 21. 1. Not later than 7 judicial days before the end of a period of assisted outpatient treatment ordered by a court pursuant to section 18 of this act, the Administrator or his or her designee, the medical director of a division facility through which the person who is the subject of the order is receiving assisted outpatient treatment or his or her designee or another person professionally qualified in the field of psychiatric mental health responsible for providing the assisted outpatient treatment may petition to renew the order for assisted outpatient treatment for an additional [periods] period that does not [to] exceed 6 months ~~each. For each renewal, the~~ The petition for renewal must allege that : ~~[the person to be treated.]~~

(a) ~~[Is capable of surviving in the community in which he or she resides without presenting a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195, if he or she receives assisted]~~ Because of his or her mental illness, the person to be treated is unwilling or unlikely to voluntarily participate in outpatient treatment [] that would enable the person to live safely in the community without the supervision of the court; and

(b) ~~[Requires assisted]~~ Assisted outpatient treatment is the least restrictive appropriate means to prevent further disability or deterioration that [presents a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195; and

~~(c) Has a limited ability to make an informed decision to voluntarily seek or comply with treatment for his or her mental illness as a result of his or her mental illness.] would result in the person to be treated becoming a person in a mental health crisis.~~

2. A copy of a petition filed pursuant to subsection 1 must be served upon the person who is the subject of the petition or his or her counsel and, if applicable, his or her legal guardian.

3. Upon receiving a petition filed pursuant to subsection 1, the court shall schedule a hearing on the petition pursuant to section 12 of this act. If the order for assisted outpatient treatment that is effective at the time of the petition is scheduled to expire before the hearing, the order is extended and remains in effect until the date of the hearing.

Sec. 22. (Deleted by amendment.)

Sec. 23. NRS 433A.011 is hereby amended to read as follows:

433A.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 433A.012 to 433A.019, inclusive, and sections 3.5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 23.5. NRS 433A.018 is hereby amended to read as follows:

433A.018 "Person professionally qualified in the field of psychiatric mental health" means:

1. A psychiatrist licensed to practice medicine in this State ; ~~[who is certified by the American Board of Psychiatry and Neurology;]~~
2. A psychologist licensed to practice in this State;
3. A social worker who holds a master's degree in social work [] and is licensed by the State as a clinical social worker ; ~~[and is employed by the Division;]~~
4. A registered nurse who:
 - (a) Is licensed to practice professional nursing in this State; and
 - (b) Holds a master's degree in the field of psychiatric nursing; ~~[and~~

1 ~~— (c) Is employed by the Division;~~

2 5. A marriage and family therapist licensed pursuant to chapter 641A of NRS;
3 or

4 6. A clinical professional counselor licensed pursuant to chapter 641A of
5 NRS.

6 **Sec. 24.** NRS 433A.019 is hereby amended to read as follows:

7 433A.019 ~~["Program of community based or outpatient services"]~~ *"Assisted*
8 *outpatient treatment"* means ~~[care, treatment and training]~~ *outpatient services*
9 provided *pursuant to a court order* to ~~[persons in a mental health crisis, including,~~
10 ~~without limitation:~~

11 ~~— 1. A program or service for the treatment of alcohol or other substance use~~
12 ~~disorders;~~

13 ~~— 2. A program of general education or vocational training;~~

14 ~~— 3. A program or service that assists in the dispensing or monitoring of~~
15 ~~medication;~~

16 ~~— 4. A program or service that provides counseling or therapy;~~

17 ~~— 5. A service which provides screening tests to detect the presence of alcohol~~
18 ~~or drugs;~~

19 ~~— 6. A program of supervised living; or~~

20 ~~— 7. Any combination of programs and services for persons with mental illness.~~

21 *→ 1. A person with a mental illness for the purpose of treating the mental illness,*
22 *assisting the person to live and function in the community or to prevent a relapse*
23 *or deterioration that may reasonably be predicted to result in harm to the person*
24 *or another person if the person with a mental illness is not treated.* The term does
25 not include ~~[care, treatment and training]~~ *services* provided to residents of a mental
26 health facility.

27 **Sec. 25.** (Deleted by amendment.)

28 **Sec. 26.** NRS 433A.130 is hereby amended to read as follows:

29 433A.130 All applications , ~~[and]~~ *certificates and other forms* for the
30 *detainment, evaluation, admission , treatment and conditional release* of any
31 person in the State of Nevada ~~[to a mental health facility or to a program of~~
32 ~~community based or outpatient services]~~ under the provisions of this chapter shall
33 be made on forms approved by the Division and the Office of the Attorney General
34 and furnished by the clerks of the district courts in each county.

35 **Sec. 27.** NRS 433A.140 is hereby amended to read as follows:

36 433A.140 1. Any person may apply to:

37 (a) A public or private mental health facility in the State of Nevada for
38 admission to the facility; or

39 (b) A division facility to receive care, treatment or training provided by the
40 Division,

41 *→ as a voluntary consumer for the purposes of observation, diagnosis, care and*
42 *treatment. In the case of a person who has not attained the age of majority,*
43 *application for voluntary admission or care, treatment or training may be made on*
44 *his or her behalf by the person's spouse, parent or legal guardian.*

45 2. If the application is for admission to a division facility, or for care,
46 treatment or training provided by the Division, the applicant must be admitted or
47 provided such services as a voluntary consumer if an examination by personnel of
48 the facility qualified to make such a determination reveals that the person needs and
49 may benefit from services offered by the mental health facility.

50 3. Any person admitted to a public or private mental health facility as a
51 voluntary consumer must be released immediately after the filing of a written
52 request for release with the responsible physician or that physician's designee
53 within the normal working day, unless the facility changes the status of the person

1 to an emergency admission pursuant to NRS 433A.145. When a person is released
2 pursuant to this subsection, the facility and its agents and employees are not liable
3 for any debts or contractual obligations, medical or otherwise, incurred or damages
4 caused by the actions of the person.

5 4. Any person admitted to a public or private mental health facility as a
6 voluntary consumer who has not requested release may nonetheless be released by
7 the medical director of the facility when examining personnel at the facility
8 determine that the consumer has recovered or has improved to such an extent that
9 the consumer is not considered a danger to himself or herself or others and that the
10 services of that facility are no longer beneficial to the consumer or advisable.

11 5. A person who requests care, treatment or training from the Division
12 pursuant to this section must be evaluated by the personnel of the Division to
13 determine whether the person is eligible for the services offered by the Division.
14 The evaluation must be conducted:

15 (a) Within 72 hours if the person has requested inpatient services; or

16 (b) Within 72 regular operating hours, excluding weekends and holidays, if the
17 person has requested ~~[community-based or outpatient services.]~~ *assisted outpatient*
18 *treatment.*

19 6. This section does not preclude a public facility from making decisions,
20 policies, procedures and practices within the limits of the money made available to
21 the facility.

22 **Sec. 28.** NRS 433A.145 is hereby amended to read as follows:

23 433A.145 1. If a person in a mental health crisis is admitted to a public or
24 private mental health facility or hospital as a voluntary consumer, the facility or
25 hospital shall not change the status of the person to an emergency admission unless
26 ~~[the hospital or facility receives, before the change in status is made, an application~~
27 ~~for an emergency admission pursuant to]:~~

28 *(a) A person described in NRS 433A.160 places the person in a mental*
29 *health crisis hold; and [the certificate of a]*

30 *(b) [psychiatrist, psychologist, physician, physician assistant, clinical social*
31 *worker or advanced practice registered nurse pursuant to NRS 433A.170.] The*
32 *requirements prescribed by section 10 of this act have been met.*

33 2. ~~[A]~~ *Except as otherwise provided in subsection 3,* a person whose status is
34 changed pursuant to subsection 1 must not be detained in excess of 72 hours ,
35 *including weekends and holidays,* after the ~~[change in status is made]~~ *person is*
36 *placed on a mental health crisis hold pursuant to NRS 433A.160* unless, before
37 the close of the business day on which the 72 hours expires, a written petition *for*
38 *an involuntary court-ordered admission to a mental health facility* is filed with
39 the clerk of the district court pursuant to NRS 433A.200 ~~[]~~ , *including, without*
40 *limitation, the documents required pursuant to NRS 433A.210.*

41 3. If the period specified in subsection 2 expires on a day on which the office
42 of the clerk of the district court is not open, the written petition must be filed on or
43 before the close of the business day next following the expiration of that period.

44 **Sec. 29.** NRS 433A.150 is hereby amended to read as follows:

45 433A.150 1. ~~[Except as otherwise provided in this subsection, a]~~ *A* person
46 alleged to be a person in a mental health crisis ~~[may, upon application]~~ *who is*
47 *placed on a mental health crisis hold* pursuant to NRS 433A.160 ~~[and]~~ *may,*
48 subject to the provisions of subsection 2, be detained in a public or private mental
49 health facility or hospital ~~[under an emergency admission]~~ for *assessment,*
50 evaluation, ~~[observation]~~ *intervention* and treatment, regardless of whether any
51 parent or legal guardian of the person has consented to the ~~[admission.]~~ *mental*
52 *health crisis hold.*

2. Except as otherwise provided in subsection 3, a person detained pursuant to subsection 1 must be released within 72 hours, including weekends and holidays, after the ~~application for emergency admission or any part of such an application is made~~ **person is placed on a mental health crisis hold** pursuant to NRS 433A.160 unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission to a mental health facility is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210, or the status of the person is changed to a voluntary admission.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 30. NRS 433A.160 is hereby amended to read as follows:

433A.160 1. ~~Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person in a mental health crisis for evaluation, observation and treatment may only be made by an~~ **An** officer authorized to make arrests in the State of Nevada or a physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse ~~[-The officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may-~~

~~(a) Without a warrant:~~

~~(1) Take} who, based on his or her personal observation of a person or the issuance of a court order pursuant to section 9 of this act, has probable cause to believe that the person is~~ a person ~~alleged to be a person~~ in a mental health crisis, **may place the person on a mental health crisis hold by:**

(a) Taking the person into custody ~~[to apply for the emergency admission of the person for evaluation, observation and treatment; and~~

~~(2) Transport the} without a warrant for assessment, evaluation, intervention and treatment at a public or private mental health facility or hospital; and~~

(b) Completing and providing to the public or private mental health facility or hospital the form prescribed pursuant to NRS 433A.130 for the placement of a person on a mental health crisis hold. The form must set forth the circumstances under which the person was taken into custody and the reasons therefor.

2. **A person who places another person on a mental health crisis hold pursuant to subsection 1 may transport that** person ~~alleged to be a person in a mental health crisis~~ to a public or private mental health facility or hospital ~~[for that purpose,]~~ or arrange for the person to be transported by:

~~(I)}~~ **(a)** A local law enforcement agency;

~~(II)}~~ **(b)** A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;

~~(III)}~~ **(c)** An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421;

~~(IV)}~~ **(d)** An accredited agent of the Division;

~~(V)}~~ **(e)** A provider of nonemergency secure behavioral health transport services licensed under the regulations adopted pursuant to NRS 433.3317; or

~~(VI)}~~ **(f)** If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS . ~~[-~~

~~only if the officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse,~~

1 based upon his or her personal observation of the person, has probable cause to
2 believe that the person is a person in a mental health crisis.

3 ~~— (b) Apply to a district court for an order requiring:~~

4 ~~— (1) Any peace officer to take a person alleged to be a person in a mental~~
5 ~~health crisis into custody to allow the applicant for the order to apply for the~~
6 ~~emergency admission of the person for evaluation, observation and treatment; and~~

7 ~~— (2) Any agency, system, provider, agent or service described in~~
8 ~~subparagraph (2) of paragraph (a) to transport the person alleged to be a person in a~~
9 ~~mental health crisis to a public or private mental health facility or hospital for that~~
10 ~~purpose.~~

11 ~~→ The district court may issue such an order only if it is satisfied that there is~~
12 ~~probable cause to believe that the person is a person in a mental health crisis.~~

13 ~~— 2. An application for the emergency admission of a person alleged to be a~~
14 ~~person in a mental health crisis for evaluation, observation and treatment may be~~
15 ~~made by a spouse, parent, adult child or legal guardian of the person. The spouse,~~
16 ~~parent, adult child or legal guardian and any other person who has a legitimate~~
17 ~~interest in the person alleged to be a person in a mental health crisis may apply to a~~
18 ~~district court for an order described in paragraph (b) of subsection 1.~~

19 ~~— 3. The application for the emergency admission of a person alleged to be a~~
20 ~~person in a mental health crisis for evaluation, observation and treatment must~~
21 ~~reveal the circumstances under which the person was taken into custody and the~~
22 ~~reasons therefor.~~

23 ~~— 4.] 3. To the extent practicable, a person [who applies for the emergency~~
24 ~~admission of a person who is less than 18 years of age to a public or private mental~~
25 ~~health facility or hospital, other than a parent or guardian,] **described in subsection**~~
26 ~~**I shall attempt to obtain the consent of the parent or guardian of an unemancipated**~~
27 ~~**person who is less than 18 years of age** before [making the application.] **placing**~~
28 ~~**the person on a mental health crisis hold.** The person who [applies for the~~
29 ~~emergency admission] **places an unemancipated person who is less than 18 years**~~
30 ~~**of age on a mental health crisis hold** or, if the person [makes the application] **is**~~
31 ~~**acting** within the scope of his or her employment, the employer of the person, shall~~
32 ~~maintain documentation of each such attempt until the person who is [the subject of~~
33 ~~the application] **placed on a mental health crisis hold** reaches at least 23 years of~~
34 ~~age.~~

35 ~~[5. Except as otherwise provided in this subsection, each person admitted to a~~
36 ~~public or private mental health facility or hospital under an emergency admission~~
37 ~~must be evaluated at the time of admission by a psychiatrist or a psychologist. If a~~
38 ~~psychiatrist or a psychologist is not available to conduct an evaluation at the time of~~
39 ~~admission, a physician or an advanced practice registered nurse who has the~~
40 ~~training and experience prescribed by the State Board of Nursing pursuant to NRS~~
41 ~~632.120 may conduct the evaluation. Each such emergency admission must be~~
42 ~~approved by a psychiatrist.~~

43 ~~— 6.] 4. The State Board of Health shall adopt regulations governing the~~
44 ~~manner in which:~~

45 (a) A person may apply to become an accredited agent of the Division; and

46 (b) Accredited agents of the Division will be monitored and disciplined for
47 professional misconduct.

48 ~~[7.] 5. As used in this section, “an accredited agent of the Division” means~~
49 ~~any person authorized by the Division to transport to a mental health facility~~
50 ~~pursuant to [subparagraph 2 of] paragraph [(a)] (d) of subsection [H] 2 those~~
51 ~~persons [in need of emergency admission.] **being placed on a mental health crisis**~~
52 ~~**hold.**~~

1 **Sec. 31.** NRS 433A.165 is hereby amended to read as follows:

2 433A.165 1. Before a person alleged to be a person in a mental health crisis
3 may be admitted to a public or private mental health facility *or hospital under an*
4 *emergency admission* pursuant to ~~NRS 433A.160.~~ *section 10 of this act*, the
5 person must:

6 (a) First be examined by a licensed physician or physician assistant licensed
7 pursuant to chapter 630 or 633 of NRS or an advanced practice registered nurse
8 licensed pursuant to NRS 632.237 at any location where such a physician,
9 physician assistant or advanced practice registered nurse is authorized to conduct
10 such an examination to determine whether the person has a medical condition, other
11 than a psychiatric condition, which requires immediate treatment; and

12 (b) If such treatment is required, be admitted for the appropriate medical care:

13 (1) To a hospital if the person is in need of emergency services or care; or

14 (2) To another appropriate medical facility if the person is not in need of
15 emergency services or care.

16 2. If a person *alleged to be a person* in a mental health crisis has a medical
17 condition in addition to a psychiatric condition which requires medical treatment
18 that requires more than 72 hours to complete, the licensed physician, physician
19 assistant or advanced practice registered nurse who examined the person must:

20 (a) On the first business day after determining that such medical treatment is
21 necessary, file with the clerk of the district court a written petition ~~to admit~~ *for the*
22 *involuntary court-ordered admission of* the person to a public or private mental
23 health facility pursuant to NRS ~~433A.160~~ *433A.200* after the medical treatment
24 has been completed. The petition must:

25 (1) Include, without limitation, the medical condition of the person and the
26 purpose for continuing the medical treatment of the person; and

27 (2) Be accompanied by a copy of ~~the application for the emergency~~
28 ~~admission of the person required~~ :

29 (I) *The form for the placement of a person on a mental health crisis*
30 *hold completed* pursuant to NRS 433A.160 ; and ~~the~~

31 (II) *The certificate* ~~required~~ *completed* pursuant to NRS 433A.170 ~~;~~
32 *, unless the medical condition prevents the completion of such a certificate.*

33 (b) Seven days after filing a petition pursuant to paragraph (a) and every 7 days
34 thereafter, file with the clerk of the district court an update on the medical condition
35 and treatment of the person.

36 3. The examination and any transfer of the person from a facility when the
37 person has an emergency medical condition and has not been stabilized must be
38 conducted in compliance with:

39 (a) The requirements of 42 U.S.C. § 1395dd and any regulations adopted
40 pursuant thereto, and must involve a person authorized pursuant to federal law to
41 conduct such an examination or certify such a transfer; and

42 (b) The provisions of NRS 439B.410.

43 4. The cost of the examination must be paid by the county in which the person
44 alleged to be a person in a mental health crisis resides if services are provided at a
45 county hospital located in that county or a hospital or other medical facility
46 designated by that county, unless the cost is voluntarily paid by the person alleged
47 to be a person in a mental health crisis or, on the person's behalf, by his or her
48 insurer or by a state or federal program of medical assistance.

49 5. The county may recover all or any part of the expenses paid by it, in a civil
50 action against:

51 (a) The person whose expenses were paid;

52 (b) The estate of that person; or

1 (c) A responsible relative as prescribed in NRS 433A.610, to the extent that
2 financial ability is found to exist.

3 6. The cost of treatment, including hospitalization, for a person who is
4 indigent must be paid pursuant to NRS 428.010 by the county in which the person
5 alleged to be a person in a mental health crisis resides.

6 7. The provisions of this section do not require the Division to provide
7 examinations required pursuant to subsection 1 at a division facility if the Division
8 does not have the:

9 (a) Appropriate staffing levels of physicians, physician assistants, advanced
10 practice registered nurses or other appropriate staff available at the facility as the
11 Division determines is necessary to provide such examinations; or

12 (b) Appropriate medical laboratories as the Division determines is necessary to
13 provide such examinations.

14 8. The State Board of Health shall adopt regulations to carry out the
15 provisions of this section, including, without limitation, regulations that:

16 (a) Define “emergency services or care” as that term is used in this section;

17 (b) Prescribe a procedure to ensure that an examination is performed pursuant
18 to paragraph (a) of subsection 1; and

19 (c) Prescribe the type of medical facility that a person may be admitted to
20 pursuant to subparagraph (2) of paragraph (b) of subsection 1.

21 9. As used in this section, “medical facility” has the meaning ascribed to it in
22 NRS 449.0151.

23 **Sec. 32.** NRS 433A.170 is hereby amended to read as follows:

24 433A.170 Except as otherwise provided in this section, the administrative
25 officer of a facility operated by the Division or of any other public or private mental
26 health facility or hospital shall not accept ~~[an application]~~ *a person* for an
27 emergency admission under ~~[NRS 433A.160]~~ *section 10 of this act* unless ~~[that~~
28 ~~application is accompanied by a certificate of]~~ a ~~[licensed]~~ psychologist, a
29 physician, a physician assistant under the supervision of a psychiatrist, a clinical
30 social worker who has the psychiatric training and experience prescribed by the
31 Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced
32 practice registered nurse who has the psychiatric training and experience prescribed
33 by the State Board of Nursing pursuant to NRS 632.120 , *completes a certificate*
34 stating that he or she has examined the person alleged to be a person in a mental
35 health crisis and that he or she has concluded that the person is a person in a mental
36 health crisis. The certificate required by this section may be obtained from a
37 ~~[licensed]~~ psychologist, physician, physician assistant, clinical social worker or
38 advanced practice registered nurse who is employed by the public or private mental
39 health facility or hospital to which the ~~[application is made.]~~ *person alleged to be a*
40 *person in a mental health crisis is to be admitted.*

41 **Sec. 33.** NRS 433A.185 is hereby amended to read as follows:

42 433A.185 As soon as practicable but not more than ~~[24]~~ *8* hours after ~~[the~~
43 ~~emergency admission of a person alleged to be a]~~ *an unemancipated* person ~~[in a~~
44 ~~mental health crisis]~~ who is under 18 years of age ~~[]~~ *is placed on a mental health*
45 *crisis hold*, the administrative officer of the public or private mental health facility
46 *or hospital in which the person is being held or his or her designee* shall *attempt*
47 *to* give notice of ~~[such admission]~~ *the mental health crisis hold* in person, by
48 telephone or facsimile and by certified mail to the parent or legal guardian of that
49 person ~~[]~~ *and shall maintain documentation of each such attempt until the*
50 *person who is placed on a mental health crisis hold reaches at least 23 years of*
51 *age.*

1 **Sec. 34.** NRS 433A.190 is hereby amended to read as follows:

2 433A.190 1. The administrative officer of a public or private mental health
3 facility *or hospital* shall ensure that, within 24 hours of the emergency admission of
4 a person alleged to be a person in a mental health crisis ~~[pursuant to NRS~~
5 ~~433A.150]~~ who is at least 18 years of age, *pursuant to section 10 of this act*, the
6 person is asked to give permission to provide notice of the emergency admission to
7 a family member, friend or other person identified by the person.

8 2. If a person alleged to be a person in a mental health crisis who is at least 18
9 years of age gives permission to notify a family member, friend or other person of
10 the emergency admission, the administrative officer shall ensure that:

11 (a) The permission is recorded in the medical record of the person; and

12 (b) Notice of the admission is promptly provided to the family member, friend
13 or other person in person or by telephone, facsimile, other electronic
14 communication or certified mail.

15 3. Except as otherwise provided in subsections 4 and 5, if a person alleged to
16 be a person in a mental health crisis who is at least 18 years of age does not give
17 permission to notify a family member, friend or other person of the emergency
18 admission of the person, notice of the emergency admission must not be provided
19 until permission is obtained.

20 4. If a person alleged to be a person in a mental health crisis who is at least 18
21 years of age is not able to give or refuse permission to notify a family member,
22 friend or other person of the emergency admission, the administrative officer of the
23 mental health facility *or hospital* may cause notice as described in paragraph (b) of
24 subsection 2 to be provided if the administrative officer determines that it is in the
25 best interest of the person in a mental health crisis.

26 5. If a guardian has been appointed for a person alleged to be a person in a
27 mental health crisis who is at least 18 years of age or the person has executed a
28 durable power of attorney for health care pursuant to NRS 162A.700 to 162A.870,
29 inclusive, or appointed an attorney-in-fact using an advance directive for
30 psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, the
31 administrative officer of the mental health facility *or hospital* must ensure that the
32 guardian, agent designated by the durable power of attorney or the attorney-in-fact,
33 as applicable, is promptly notified of the admission as described in paragraph (b) of
34 subsection 2, regardless of whether the person alleged to be a person in a mental
35 health crisis has given permission to the notification.

36 **Sec. 35.** NRS 433A.195 is hereby amended to read as follows:

37 433A.195 1. A licensed physician on the medical staff of a facility operated
38 by the Division or of any other public or private mental health facility or hospital
39 may release a person ~~[admitted pursuant to NRS 433A.160]~~ *from a mental health*
40 *crisis hold* upon completion of a certificate which meets the requirements of NRS
41 433A.197 signed by a licensed physician on the medical staff of the facility or
42 hospital, a physician assistant under the supervision of a psychiatrist, psychologist,
43 a clinical social worker who has the psychiatric training and experience prescribed
44 by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an
45 advanced practice registered nurse who has the psychiatric training and experience
46 prescribed by the State Board of Nursing pursuant to NRS 632.120 stating that he
47 or she has personally observed and examined the person and that he or she has
48 concluded that the person is not a person in a mental health crisis.

49 2. *A psychologist, a physician, a physician assistant under the supervision*
50 *of a psychiatrist, a clinical social worker who has the psychiatric training and*
51 *experience prescribed by the Board of Examiners for Social Workers pursuant to*
52 *NRS 641B.160 or an advanced practice registered nurse who has the psychiatric*
53 *training and experience prescribed by the State Board of Nursing pursuant to*

1 *NRS 632.120 on the medical staff of a facility operated by the Division or of any*
2 *other public or private mental health facility or hospital who has personally*
3 *assessed an unemancipated person who is less than 18 years of age after the*
4 *person was placed on a mental health crisis hold may release the person from the*
5 *hold if the parent or guardian of the person agrees to treatment or accepts*
6 *physical custody of the person.*

7 **Sec. 35.5. NRS 433A.197 is hereby amended to read as follows:**

8 433A.197 1. ~~An application~~ A form or certificate authorized under
9 subsection 1 of NRS 433A.160 or NRS 433A.170 or 433A.195 must not be
10 accepted or considered if made by a psychologist, physician, physician assistant,
11 clinical social worker or advanced practice registered nurse who is related by blood
12 or marriage within the second degree of consanguinity or affinity to the person
13 alleged to be a person in a mental health crisis, or who is financially interested in
14 the facility in which the person alleged to be a person in a mental health crisis is to
15 be detained.

16 2. An application or certificate of any examining person authorized under
17 NRS 433A.170 must not be considered unless it is based on personal observation
18 and examination of the person alleged to be a person in a mental health crisis made
19 by such examining person not more than 72 hours prior to the making of the
20 application or certificate. The certificate required pursuant to NRS 433A.170 must
21 set forth in detail the facts and reasons on which the examining person based his or
22 her opinions and conclusions.

23 3. A certificate authorized pursuant to NRS 433A.195 must not be considered
24 unless it is based on personal observation and examination of the person alleged to
25 be a person in a mental health crisis made by the examining physician, physician
26 assistant, psychologist, clinical social worker or advanced practice registered nurse.
27 The certificate authorized pursuant to NRS 433A.195 must describe in detail the
28 facts and reasons on which the examining physician, physician assistant,
29 psychologist, clinical social worker or advanced practice registered nurse based his
30 or her opinions and conclusions.

31 **Sec. 36. NRS 433A.200 is hereby amended to read as follows:**

32 433A.200 1. Except as otherwise provided in ~~subsection 3 and~~ NRS
33 432B.6075, a proceeding for an involuntary court-ordered admission of any person
34 in the State of Nevada may be commenced by the filing of a petition for the
35 involuntary admission to a mental health facility ~~for to a program of community-~~
36 ~~based or outpatient services~~ with the clerk of the district court of the county where
37 the person who is to be treated resides ~~;~~ *or the county where a mental health*
38 *facility that is willing to admit the person is located.* The petition may be filed by
39 ~~the spouse, parent, adult children or legal guardian of the person to be treated or~~
40 ~~by~~ any physician, physician assistant, psychologist, social worker or registered
41 nurse or by any officer authorized to make arrests in the State of Nevada. The
42 petition must be accompanied:

43 (a) By a certificate of a physician, a ~~licensed~~ psychologist, a physician
44 assistant under the supervision of a psychiatrist, a clinical social worker who has
45 the psychiatric training and experience prescribed by the Board of Examiners for
46 Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse
47 who has the psychiatric training and experience prescribed by the State Board of
48 Nursing pursuant to NRS 632.120 stating that he or she has examined the person
49 alleged to be a person in a mental health crisis and has concluded that the person is
50 a person in a mental health crisis; or

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

1 (1) The petitioner has, based upon the petitioner's personal observation of
2 the person alleged to be a person in a mental health crisis, probable cause to believe
3 that the person is a person in a mental health crisis ~~[H]~~ and

4 ~~[(2) The]~~ *the* person alleged to be a person in a mental health crisis has
5 refused to submit to examination or treatment by a physician, psychiatrist,
6 ~~[licensed]~~ psychologist or advanced practice registered nurse who has the
7 psychiatric training and experience prescribed by the State Board of Nursing
8 pursuant to NRS 632.120 ~~[H]~~; or

9 (2) *The person alleged to be a person in a mental health crisis has been
10 placed on a mental health crisis hold pursuant to NRS 433A.160 and the
11 physician, physician assistant or advanced practice registered nurse who
12 examined the person alleged to be a person with a mental health crisis pursuant
13 to NRS 433A.165 determined that the person has a medical condition, other than
14 a psychiatric condition, which requires immediate treatment.*

15 2. Except as otherwise provided in NRS 432B.6075, if the person to be
16 treated is ~~[a]~~ *an unemancipated* minor and the petitioner is a person other than a
17 parent or guardian of the minor, a petition submitted pursuant to subsection 1 must,
18 in addition to the certificate or statement required by that subsection, include a
19 statement signed by a parent or guardian of the minor that the parent or guardian
20 does not object to the filing of the petition.

21 ~~[(3) A proceeding for the involuntary court-ordered admission of a person who
22 is the defendant in a criminal proceeding in the district court to a program of
23 community-based or outpatient services may be commenced by the district court,
24 on its own motion, or by motion of the defendant or the district attorney if:~~

25 ~~— (a) The defendant has been examined in accordance with NRS 178.415;~~

26 ~~— (b) The defendant is not eligible for commitment to the custody of the
27 Administrator pursuant to NRS 178.461; and~~

28 ~~— (c) The Division makes a clinical determination that placement in a program of
29 community-based or outpatient services is appropriate.]~~

30 **Sec. 37.** NRS 433A.210 is hereby amended to read as follows:

31 433A.210 In addition to the requirements of NRS 433A.200, a petition filed
32 pursuant to that section with the clerk of the district court to commence proceedings
33 for involuntary court-ordered admission of a person pursuant to NRS 433A.145 or
34 433A.150 must include *documentation of the results of the medical examination
35 conducted pursuant to NRS 433A.165 and a ~~[certified]~~ copy of:*

36 1. The ~~[application for the emergency admission of the person made]~~ *form
37 for the placement of the person on a mental health crisis hold* pursuant to NRS
38 433A.160; and

39 2. A petition executed by a psychiatrist, ~~[licensed]~~ psychologist, physician or
40 advanced practice registered nurse who has the psychiatric training and experience
41 prescribed by the State Board of Nursing pursuant to NRS 632.120, including,
42 without limitation, a sworn statement that:

43 (a) He or she has examined the person alleged to be a person in a mental health
44 crisis;

45 (b) In his or her opinion, there is a reasonable degree of certainty that the
46 person alleged to be a person in a mental health crisis suffers from a mental illness;

47 (c) Based on his or her personal observation of the person alleged to be a
48 person in a mental health crisis and other facts set forth in the petition, the person
49 presents a substantial risk of serious harm to himself or herself or others, as
50 determined pursuant to NRS 433A.0195; and

51 (d) In his or her opinion, involuntary admission of the person alleged to be a
52 person in a mental health crisis to a mental health facility or hospital is medically
53 necessary to prevent the person from harming himself or herself or others.

1 **Sec. 38.** NRS 433A.215 is hereby amended to read as follows:

2 433A.215 If an application for a writ of habeas corpus is made by, or on
3 behalf of, a person in a mental health crisis or who is alleged to be a person in a
4 mental health crisis before the initial hearing on a petition for the involuntary court-
5 ordered admission of the person to a mental health facility, ~~for a program of~~
6 ~~community-based or outpatient services,~~ the court ~~shall~~ **must** conduct a hearing
7 on the application as soon as practicable.

8 **Sec. 39.** NRS 433A.220 is hereby amended to read as follows:

9 433A.220 1. Immediately after the clerk of the district court receives any
10 petition filed pursuant to NRS 433A.200 and 433A.210, the clerk shall transmit the
11 petition to the appropriate district judge, who shall set a time, date and place for its
12 hearing. ~~Immediately after a motion is made pursuant to subsection 3 of NRS~~
13 ~~433A.200, the district judge shall set a time, date and place for its hearing.~~ The
14 date must be within 6 judicial days after the date on which the petition is received
15 by the clerk ~~for the motion is made, as applicable,~~ unless otherwise stipulated by
16 an attorney representing the person alleged to be a person in a mental health crisis
17 and the district attorney. If the Chief Judge, if any, of the district court has assigned
18 a district court judge or hearing master to preside over such hearings, that judge or
19 hearing master must preside over the hearing.

20 2. The court shall give notice of the petition ~~for motion~~ and of the time, date
21 and place of any proceedings thereon to the subject of the petition, ~~for motion,~~ his
22 or her attorney, if known, the person's legal guardian, the petitioner, ~~if applicable,~~
23 the district attorney of the county in which the court has its principal office, the
24 local office of an agency or organization that receives money from the Federal
25 Government pursuant to 42 U.S.C. §§ 10801 et seq., to protect and advocate the
26 rights of persons in a mental health crisis and the administrative office of any public
27 or private mental health facility **or hospital** in which the subject of the petition ~~for~~
28 ~~motion~~ is detained.

29 3. The provisions of this section do not preclude a facility **or hospital** from
30 discharging a person before the time set pursuant to this section for the hearing
31 concerning the person, if appropriate. If the person has a legal guardian, the facility
32 **or hospital** shall notify the guardian prior to discharging the person from the
33 facility ~~or~~ **or hospital**. The legal guardian has discretion to determine where the
34 person will be released, taking into consideration any discharge plan proposed by
35 the facility **or hospital** assessment team. If the legal guardian does not inform the
36 facility **or hospital** as to where the person will be released within 3 days after the
37 date of notification, the facility **or hospital** shall discharge the person according to
38 its proposed discharge plan. **Notification of a guardian pursuant to this subsection**
39 **must be provided:**

40 **(a) In person or by telephone; or**

41 **(b) If the mental health facility is not able to contact the guardian in person**
42 **or by telephone, by facsimile, electronic mail or certified mail.**

43 4. *If the person who is the subject of the petition is currently admitted to a*
44 *mental health facility or hospital and is transferred to another mental health*
45 *facility or hospital, the petitioner must notify the court before the next scheduled*
46 *hearing related to the petition and not more than 24 hours after the transfer.*

47 5. *If the person who is the subject of the petition is currently on conditional*
48 *release pursuant to NRS 433A.380:*

49 *(a) The court may provide information on the conditional release to any*
50 *public or private mental health facility or hospital in which the person is*
51 *receiving treatment; and*

52 *(b) The court may, with the consent of the parties, set a hearing before or*
53 *concurrent with the hearing scheduled pursuant to subsection 1 to determine*

1 *whether conditional release remains appropriate. If the court sets a hearing to*
2 *resolve the conditional release, the parties may stipulate to continue the matter of*
3 *the petition for involuntary court-ordered admission pending resolution of the*
4 *conditional release. If the court determines by clear and convincing evidence that*
5 *conditional release is no longer appropriate, the court may order the admission of*
6 *the person to a mental health facility or hospital pending the resolution of the*
7 *petition for involuntary court-ordered admission.*

8 **Sec. 40.** NRS 433A.240 is hereby amended to read as follows:

9 433A.240 1. After the filing of a petition to commence proceedings for the
10 involuntary court-ordered admission of a person pursuant to NRS 433A.200 and
11 433A.210, the court shall promptly cause two or more physicians, ~~licensed~~
12 psychologists or advanced practice registered nurses who have the psychiatric
13 training and experience prescribed by the State Board of Nursing pursuant to NRS
14 632.120, one of whom must always be a physician, to examine the person alleged
15 to be a person in a mental health crisis, or request an evaluation by an evaluation
16 team from the Division of the person alleged to be a person in a mental health
17 crisis.

18 2. Subject to the provisions in subsection 1, the judge assigned to hear a
19 proceeding brought pursuant to NRS 433A.200 to 433A.330, inclusive, shall have
20 complete discretion in selecting the medical professionals to conduct the
21 examination required pursuant to subsection 1.

22 3. ~~After the filing of a motion pursuant to subsection 3 of NRS 433A.200,~~
23 ~~the court shall promptly request an evaluation by an evaluation team from the~~
24 ~~Division of the person alleged to be a person in a mental health crisis.~~

25 ~~4.~~ To conduct the examination of a person who is not being detained at a
26 mental health facility or hospital under ~~emergency admission~~ a mental health
27 crisis hold pursuant to ~~an application made pursuant to~~ NRS 433A.160, the court
28 may order a peace officer to take the person into protective custody and transport
29 the person to a mental health facility or hospital where the person may be detained
30 until a hearing is had upon the petition or motion, as applicable.

31 ~~5.~~ 4. If the person is not being detained under ~~an emergency admission~~ a
32 mental health crisis hold pursuant to ~~an application made pursuant to~~ NRS
33 433A.160, the person may be allowed to remain in his or her home or other place of
34 residence pending an ordered examination or examinations and to return to his or
35 her home or other place of residence upon completion of the examination or
36 examinations. The person may be accompanied by one or more of his or her
37 relations or friends to the place of examination.

38 ~~6.~~ 5. Each physician, ~~licensed~~ psychologist and advanced practice
39 registered nurse who examines a person pursuant to subsection 1 ~~or 3~~ shall, in
40 conducting such an examination, consider the least restrictive treatment appropriate
41 for the person.

42 ~~7.~~ 6. Each physician, ~~licensed~~ psychologist and advanced practice
43 registered nurse who examines a person pursuant to subsection 1 shall, not later
44 than 24 hours before the hearing set pursuant to *subsection 1 of* NRS 433A.220,
45 submit to the court in writing a summary of his or her findings and evaluation
46 regarding the person alleged to be a person in a mental health crisis.

47 **Sec. 41.** NRS 433A.250 is hereby amended to read as follows:

48 433A.250 1. The Administrator shall establish such evaluation teams as are
49 necessary to aid the courts under NRS 433A.240 ~~and~~ 433A.310 . ~~433A.315~~
50 ~~and 433A.323.~~

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

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

3 **Sec. 41.5.** NRS 433A.260 is hereby amended to read as follows:

4 433A.260 1. ~~[In counties]~~ *If a petition is filed pursuant NRS 433A.200*
5 *with the clerk of the district court in a county* where the examining personnel
6 required pursuant to NRS 433A.240 are not available, ~~[proceedings for involuntary~~
7 ~~court ordered admission shall be conducted in]~~ *the district court must transfer the*
8 *case to the nearest county having such examining personnel available* ~~[in order that~~
9 ~~there be minimum delay.]~~ *before any hearing on the petition and not later than 1*
10 *judicial day after the petition was filed. Not later than 6 days after a case is*
11 *transferred to a district court pursuant to this subsection, that district court shall:*

12 (a) *Set a time, date and place for its hearing in accordance with NRS*
13 *433A.220; and*

14 (b) *Appoint counsel for the person, if required by NRS 433A.270.*

15 2. The entire expense of proceedings for involuntary court-ordered admission
16 shall be paid by the county ~~[in which the application is filed, except that]~~ where the
17 person to be admitted ~~[last resided in another county of the state the expense shall~~
18 ~~be charged to and payable by such county of residence.]~~ *resides.*

19 **Sec. 42.** NRS 433A.270 is hereby amended to read as follows:

20 433A.270 1. The person alleged to be a person in a mental health crisis or
21 any relative or friend on the person's behalf is entitled to retain counsel to represent
22 the person in any proceeding before the district court relating to involuntary court-
23 ordered admission, and if he or she fails or refuses to obtain counsel, the court
24 ~~[shall]~~ *must* advise the person and the person's guardian or next of kin, if known, of
25 such right to counsel and shall appoint counsel, who may be the public defender or
26 his or her deputy.

27 2. ~~[Any]~~ *The court shall award any* counsel appointed pursuant to subsection
28 1 ~~[must be awarded]~~ compensation ~~[by the court]~~ for his or her services in an
29 amount determined by it to be fair and reasonable. The compensation must be
30 charged against the estate of the person for whom the counsel was appointed or, if
31 the person is indigent, against the county where the person alleged to be a person in
32 a mental health crisis last resided.

33 3. The court shall, at the request of counsel representing the person alleged to
34 be a person in a mental health crisis in proceedings before the court relating to
35 involuntary court-ordered admission, grant a recess in the proceedings for the
36 shortest time possible, but for not more than 5 days, to give the counsel an
37 opportunity to prepare his or her case.

38 4. ~~[If the person alleged to be a person in a mental health crisis is~~
39 ~~involuntarily admitted to a program of community-based or outpatient services,~~
40 ~~counsel shall continue to represent the person until the person is released from the~~
41 ~~program. The court shall serve notice upon such counsel of any action that is taken~~
42 ~~involving the person while the person is admitted to the program of community-~~
43 ~~based or outpatient services.]~~

44 —5.— Each district attorney or his or her deputy shall appear and represent the
45 State in all involuntary court-ordered admission proceedings in the district
46 attorney's county. The district attorney is responsible for the presentation of
47 evidence, if any, in support of the involuntary court-ordered admission of a person to
48 a mental health facility ~~[or to a program of community-based or outpatient~~
49 ~~services]~~ in proceedings held pursuant to NRS 433A.200 and 433A.210.

50 **Sec. 43.** NRS 433A.310 is hereby amended to read as follows:

51 433A.310 1. Except as otherwise provided in ~~[subsection 2 and]~~ NRS
52 432B.6076 and 432B.6077, if the district court finds, after proceedings for the
53 involuntary court-ordered admission of a person:

1 (a) That there is not clear and convincing evidence that the person with respect
2 to whom the hearing was held is a person in a mental health crisis, the court ~~[shall]~~
3 **must** enter its finding to that effect and the person must not be involuntarily
4 admitted to a public or private mental health facility . ~~[or to a program of~~
5 ~~community based or outpatient services.]~~ If the person has been ~~[admitted to]~~
6 **detained in** a public or private mental health facility or hospital **under a mental**
7 **health crisis hold pursuant to NRS 433A.160, including, without limitation,**
8 **where the person has been admitted under an emergency admission** pursuant to
9 ~~[NRS 433A.160.]~~ **section 10 of this act,** the court must issue a written order
10 requiring the facility or hospital to release the person not later than 24 hours after
11 the court issues the order, unless the person applies for admission as a voluntary
12 consumer pursuant to NRS 433A.140.

13 (b) That there is clear and convincing evidence that the person with respect to
14 whom the hearing was held is a person in a mental health crisis, the court may order
15 the involuntary admission of the person ~~[for the most appropriate course of~~
16 ~~treatment, including, without limitation, admission]~~ to a public or private mental
17 health facility . ~~[or participation in a program of community based or outpatient~~
18 ~~services.]~~ The order of the court must be interlocutory and must not become final if,
19 within 30 days after the involuntary admission, the person is unconditionally
20 released pursuant to NRS 433A.390.

21 2. ~~[If the district court finds, after proceedings for the involuntary court-~~
22 ~~ordered admission of a defendant in a criminal proceeding pursuant to subsection 3~~
23 ~~of NRS 433A.200:~~

24 ~~—(a) That there is not clear and convincing evidence that the defendant with~~
25 ~~respect to whom the hearing was held is a person in a mental health crisis, the court~~
26 ~~shall enter its finding to that effect and the person must not be involuntarily~~
27 ~~admitted to a program of community based or outpatient services.~~

28 ~~—(b) That there is clear and convincing evidence that the defendant with respect~~
29 ~~to whom the hearing was held is a person in a mental health crisis, except as~~
30 ~~otherwise provided in this paragraph, the court shall order the involuntary~~
31 ~~admission of the defendant for participation in a program of community based or~~
32 ~~outpatient services and suspend further proceedings in the criminal proceeding~~
33 ~~against the defendant until the defendant completes or is removed from the~~
34 ~~program. If the offense allegedly committed by the defendant is a category A or B~~
35 ~~felony or involved the use or threatened use of force or violence, the court may not~~
36 ~~order the involuntary admission of the defendant for participation in a program~~
37 ~~pursuant to this paragraph unless the prosecuting attorney stipulates to the~~
38 ~~assignment. The order of the court must be interlocutory and must not become final~~
39 ~~if, within 30 days after the involuntary admission, the person is unconditionally~~
40 ~~released pursuant to NRS 433A.390. If the defendant successfully completes a~~
41 ~~program of community based or outpatient services to the satisfaction of the court,~~
42 ~~the court shall dismiss the criminal charges against the defendant with prejudice.~~

43 ~~—3. If, pursuant to NRS 176A.400, the district court issues an order granting~~
44 ~~probation to a defendant in a criminal proceeding with a condition that the~~
45 ~~defendant submit to mental health treatment and comply with instructions,~~
46 ~~admission to a program of community based or outpatient services may be used to~~
47 ~~satisfy such a condition if the Division makes a clinical determination that~~
48 ~~placement in a program of community based or outpatient services is appropriate.~~

49 ~~—4. A court shall not admit a person to a program of community based or~~
50 ~~outpatient services unless:~~

51 ~~—(a) A program of community based or outpatient services is available in the~~
52 ~~community in which the person resides or is otherwise made available to the~~
53 ~~person;~~

1 ~~—(b) The person is 18 years of age or older;~~

2 ~~—(c) The person has a history of noncompliance with treatment for mental~~
3 ~~illness;~~

4 ~~—(d) The person is capable of surviving safely in the community in which he or~~
5 ~~she resides with available supervision;~~

6 ~~—(e) The court determines that, based on the person's history of treatment for~~
7 ~~mental illness, the person needs to be admitted to a program of community based or~~
8 ~~outpatient services to prevent further disability or deterioration of the person which~~
9 ~~presents a substantial likelihood of serious harm to himself or herself or others, as~~
10 ~~determined pursuant to NRS 433A.0195;~~

11 ~~—(f) The current mental status of the person or the nature of the person's illness~~
12 ~~limits or negates his or her ability to make an informed decision to seek treatment~~
13 ~~for mental illness voluntarily or to comply with recommended treatment for mental~~
14 ~~illness;~~

15 ~~—(g) The program of community based or outpatient services is the least~~
16 ~~restrictive treatment which is in the best interest of the person; and~~

17 ~~—(h) The court has approved a plan of treatment developed for the person~~
18 ~~pursuant to NRS 433A.315.~~

19 ~~—5.] Except as otherwise provided in NRS 432B.608, an involuntary admission~~
20 ~~pursuant to paragraph (b) of subsection 1 [for paragraph (b) of subsection 2]~~
21 ~~automatically expires at the end of 6 months if not terminated previously by the~~
22 ~~medical director of the public or private mental health facility after a determination~~
23 ~~by the physician primarily responsible for treating the patient, a psychiatrist or an~~
24 ~~advanced practice registered nurse as provided for in subsection [2] 3 of NRS~~
25 ~~433A.390 . [for by the professional responsible for providing or coordinating the~~
26 ~~program of community based or outpatient services as provided for in subsection 3~~
27 ~~of NRS 433A.390.] Except as otherwise provided in NRS 432B.608, at the end of~~
28 ~~the *involuntary* court-ordered [period of treatment,] *admission*, the Division [;] *or*~~
29 ~~any mental health facility that is not operated by the Division [for a program of~~
30 ~~community based or outpatient services] may petition to renew the involuntary~~
31 ~~admission of the person for additional periods not to exceed 6 months each. For~~
32 ~~each renewal, the petition must include evidence which meets the same standard set~~
33 ~~forth in subsection 1 [or 2] that was required for the initial period of admission of~~
34 ~~the person to a public or private mental health facility . [for to a program of~~
35 ~~community based or outpatient services.~~

36 ~~—6.] 3. Before issuing an order for involuntary admission or a renewal thereof,~~
37 ~~the court shall explore other alternative courses of treatment within the least~~
38 ~~restrictive appropriate environment, including [involuntary admission to a program~~
39 ~~of community based or outpatient services,] *assisted outpatient treatment*, as~~
40 ~~suggested by the evaluation team who evaluated the person, or other persons~~
41 ~~professionally qualified in the field of psychiatric mental health, which the court~~
42 ~~believes may be in the best interests of the person.~~

43 ~~[7.] 4. If the court issues an order involuntarily admitting a person to a public~~
44 ~~or private mental health facility [for to a program of community based or outpatient~~
45 ~~services] pursuant to this section, the court [shall,] *must*, notwithstanding the~~
46 ~~provisions of NRS 433A.715, cause, within 5 business days after the order becomes~~
47 ~~final pursuant to this section, on a form prescribed by the Department of Public~~
48 ~~Safety, a record of the order to be transmitted to:~~

49 ~~(a) The Central Repository for Nevada Records of Criminal History, along~~
50 ~~with a statement indicating that the record is being transmitted for inclusion in each~~
51 ~~appropriate database of the National Instant Criminal Background Check System;~~
52 ~~and~~

1 (b) Each law enforcement agency of this State with which the court has entered
2 into an agreement for such transmission, along with a statement indicating that the
3 record is being transmitted for inclusion in each of this State's appropriate
4 databases of information relating to crimes.

5 ~~[8.]~~ *5. After issuing an order pursuant to this section, a court shall not*
6 *transfer the case to another court.*

7 *6. A public or private mental health facility to which a person is*
8 *involuntarily admitted pursuant to this section shall notify the court and the*
9 *counsel for the person if the person is transferred to another facility.*

10 7. As used in this section, "National Instant Criminal Background Check
11 System" has the meaning ascribed to it in NRS 179A.062.

12 **Sec. 44.** NRS 433A.320 is hereby amended to read as follows:

13 433A.320 The order for involuntary ~~court~~ *court-ordered* admission of any
14 person to a public or private mental health facility ~~for to a program of community-~~
15 ~~based or outpatient services~~ must be accompanied by a clinical abstract, including
16 a history of illness, diagnosis, treatment and the names of relatives or
17 correspondents.

18 **Sec. 45.** NRS 433A.350 is hereby amended to read as follows:

19 433A.350 1. Upon admission to any public or private mental health facility
20 or to ~~fa program of community based or outpatient services,~~ *assisted outpatient*
21 *treatment*, each consumer and the consumer's spouse and legal guardian, if any,
22 must receive a written statement outlining in simple, nontechnical language all
23 procedures for release provided by this chapter, setting out all rights accorded to
24 such a consumer by this chapter and chapters 433 and 433B of NRS and, if the
25 consumer has no legal guardian, describing procedures provided by law for
26 adjudication of incapacity and appointment of a guardian for the consumer.

27 2. Written information regarding the services provided by and means of
28 contacting the local office of an agency or organization that receives money from
29 the Federal Government pursuant to 42 U.S.C. §§ 10801 et seq., to protect and
30 advocate the rights of persons in a mental health crisis must be posted in each
31 public and private mental health facility and in each location in which ~~fa program~~
32 ~~of community based or outpatient services~~ *assisted outpatient treatment* is
33 provided and must be provided to each consumer upon admission.

34 **Sec. 46.** NRS 433A.360 is hereby amended to read as follows:

35 433A.360 1. A clinical record for each consumer must be diligently
36 maintained by any division facility, private institution, facility offering mental
37 health services or ~~program of community based or outpatient services,~~ *person*
38 *professionally qualified in the field of psychiatric mental health responsible for*
39 *providing assisted outpatient treatment*. The record must include information
40 pertaining to the consumer's admission, legal status, treatment and individualized
41 plan for habilitation. The clinical record is not a public record and no part of it may
42 be released, except as otherwise provided in subsection 2 or except:

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

44 (b) The record must be released to physicians, advanced practice registered
45 nurses, attorneys and social agencies as specifically authorized in writing by the
46 consumer, the consumer's parent, guardian or attorney.

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

49 (d) The record or any part thereof may be disclosed to a qualified member of
50 the staff of a division facility, an employee of the Division or a member of the staff
51 of an agency in Nevada which has been established pursuant to the Developmental
52 Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.,
53 or the Protection and Advocacy for Mentally Ill Individuals Act of 1986, 42 U.S.C.

1 §§ 10801 et seq., when the Administrator deems it necessary for the proper care of
2 the consumer.

3 (e) Information from the clinical records may be used for statistical and
4 evaluative purposes if the information is abstracted in such a way as to protect the
5 identity of individual consumers.

6 (f) To the extent necessary for a consumer to make a claim, or for a claim to be
7 made on behalf of a consumer for aid, insurance or medical assistance to which the
8 consumer may be entitled, information from the records may be released with the
9 written authorization of the consumer or the consumer's guardian.

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

13 (1) The consumer is a consumer of that office and the consumer or the
14 consumer's legal representative or guardian authorizes the release of the record; or

15 (2) A complaint regarding a consumer was received by the office or there
16 is probable cause to believe that the consumer has been abused or neglected and the
17 consumer:

18 (I) Is unable to authorize the release of the record because of the
19 consumer's mental or physical condition; and

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

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

24 2. A division facility, private institution, facility offering mental health
25 services or ~~program of community based or outpatient services~~ *person*
26 *professionally qualified in the field of psychiatric mental health responsible for*
27 *providing assisted outpatient treatment* and any other person or entity having
28 information concerning a consumer, including, without limitation, a clinical record,
29 any part thereof or any information contained therein, may disclose such
30 information to a provider of health care to assist with treatment provided to the
31 consumer.

32 3. As used in this section ~~[-~~

33 ~~— (a) “Consumer” includes any person who seeks, on the person’s own or others’~~
34 ~~initiative, and can benefit from, care, treatment and training in a private institution~~
35 ~~or facility offering mental health services, from treatment to competency in a~~
36 ~~private institution or facility offering mental health services, or from a program of~~
37 ~~community based or outpatient services.~~

38 ~~— (b) “Provider” , “provider of health care” has the meaning ascribed to it in~~
39 ~~NRS 629.031.~~

40 **Sec. 47.** NRS 433A.380 is hereby amended to read as follows:

41 433A.380 1. ~~[- Except as otherwise provided in subsection 4, any] Any~~
42 ~~person involuntarily admitted by a court may be conditionally released from a~~
43 ~~public or private mental health facility when, in the judgment of the medical~~
44 ~~director of the facility : [- the]~~

45 (a) *The conditional release is in the best interest of the person , will provide the*
46 *least restrictive treatment that is appropriate for the person* and will not be
47 detrimental to the public welfare ~~[-];~~

48 (b) *A community treatment program, social services agency, mobile crisis*
49 *team or multi-disciplinary team has agreed to provide case management, support*
50 *and supervision to the person to ensure his or her compliance with the conditions*
51 *of the release; and*

1 (c) *The person qualifies to receive case management, support and*
2 *supervision from the community treatment program, social services agency,*
3 *mobile crisis team or multi-disciplinary team.*

4 2. The medical director of the facility or the medical director's designee shall
5 prescribe the period for which the conditional release is effective. The period must
6 not extend beyond the last day of the court-ordered period of ~~[treatment]~~ *admission*
7 pursuant to NRS 433A.310. If the person has a legal guardian, the facility ~~[shall]~~
8 *must* notify the guardian *at least 3 days* before discharging the person from the
9 facility ~~[]~~ *or, if the person will be released in less than 3 days, as soon as*
10 *practicable. Notification of the legal guardian must be provided:*

11 (a) *In person or by telephone; or*

12 (b) *If the facility is not able to contact the guardian in person or by*
13 *telephone, by facsimile, electronic mail or certified mail.*

14 3. The legal guardian has discretion to determine where the person will be
15 released, taking into consideration any discharge plan proposed by the facility
16 assessment team. If the legal guardian does not inform the facility as to where the
17 person will be released within 3 days after the date of notification, the facility
18 ~~[shall]~~ *must* discharge the person according to its proposed discharge plan.

19 ~~[2.]~~ 4. *Before conditionally releasing a person from a public or private*
20 *mental health facility pursuant to this section, the medical director of the facility*
21 *must notify the court that ordered the involuntary admission. The court may*
22 *periodically review the appropriateness of the conditional release and the terms*
23 *thereof, but the court may not terminate the conditional release except through*
24 *proceedings for involuntary admission pursuant to NRS 433A.200 to 433A.330,*
25 *inclusive.*

26 5. When a person is conditionally released pursuant to ~~[subsection 1.]~~ *this*
27 *section*, the State or any of its agents or employees are not liable for any debts or
28 contractual obligations, medical or otherwise, incurred or damages caused by the
29 actions of the person.

30 ~~[3.]~~ 6. When a person who has been adjudicated by a court to be
31 incapacitated is conditionally released from a mental health facility, the
32 administrative officer of the mental health facility shall petition the court for
33 restoration of full civil and legal rights as deemed necessary to facilitate the
34 incapacitated person's rehabilitation. If the person has a legal guardian, the petition
35 must be filed with the court having jurisdiction over the guardianship.

36 ~~[4.]~~ ~~A person who was involuntarily admitted by a court because he or she was~~
37 ~~likely to present a substantial likelihood of serious harm to himself or herself or~~
38 ~~others, as determined pursuant to NRS 433A.0195, may be conditionally released~~
39 ~~only if, at the time of the release, written notice is given to the court which admitted~~
40 ~~him or her, to the person's legal guardian and to the district attorney of the county~~
41 ~~in which the proceedings for admission were held.~~

42 ~~— 5. Except as otherwise provided in subsection 7, the administrative officer of~~
43 ~~a public or private mental health facility or the administrative officer's designee~~
44 ~~shall order a person who is conditionally released from that facility pursuant to this~~
45 ~~section to return to the facility if a psychiatrist and a member of that person's~~
46 ~~treatment team who is professionally qualified in the field of psychiatric mental~~
47 ~~health determine that the conditional release is no longer appropriate because that~~
48 ~~person presents a substantial likelihood of serious harm to himself or herself or~~
49 ~~others, as determined pursuant to NRS 433A.0195. Except as otherwise provided in~~
50 ~~this subsection, the administrative officer or the designee shall, at least 3 days~~
51 ~~before the issuance of the order to return, give written notice of the order to the~~
52 ~~court that admitted the person to the facility and to the person's legal guardian. If an~~
53 ~~emergency exists in which the person presents a substantial likelihood of harm to~~

1 himself or herself or others, as determined pursuant to NRS 433A.0195, the order
 2 must be submitted to the court and the legal guardian not later than 1 business day
 3 after the order is issued.

4 ~~— 6. The court shall review an order submitted pursuant to subsection 5 and the~~
 5 ~~current condition of the person who was ordered to return to the facility at its next~~
 6 ~~regularly scheduled hearing for the review of petitions for involuntary court-~~
 7 ~~ordered admissions, but in no event later than 5 judicial days after the person is~~
 8 ~~returned to the facility. The administrative officer or the administrative officer's~~
 9 ~~designee shall give written notice to the person who was ordered to return to the~~
 10 ~~facility, to the person's legal guardian and to the person's attorney, if known, of the~~
 11 ~~time, date and place of the hearing and of the facts necessitating that person's return~~
 12 ~~to the facility.~~

13 ~~— 7. The provisions of subsection 5 do not apply if the period of conditional~~
 14 ~~release has expired.]~~

15 **Sec. 48.** NRS 433A.390 is hereby amended to read as follows:

16 433A.390 1. When a consumer, involuntarily admitted to a mental health
 17 facility or ~~[to a program of community-based or outpatient services]~~ **required to**
 18 **receive assisted outpatient treatment** by court order, is released at the end of the
 19 period specified pursuant to NRS 433A.310 ~~[.]~~ **or section 18 of this act, as**
 20 **applicable**, written notice must be given to the ~~[admitting]~~ court ~~[and to the~~
 21 ~~consumer's legal guardian at least 10]~~ **that issued the order not later than 3**
 22 **judicial days** ~~[before]~~ **after** the release of the consumer. The consumer may ~~[then]~~
 23 be released without requiring further orders of the court. If the consumer has a legal
 24 guardian, the facility or the ~~[professional]~~ **person professionally qualified in the**
 25 **field of psychiatric mental health** responsible for providing ~~[or coordinating]~~ the
 26 ~~[program of community-based or outpatient services]~~ **assisted outpatient treatment**
 27 shall notify the guardian **in the manner prescribed by subsection 6 at least 3 days**
 28 before discharging the consumer from the facility or ~~[program.]~~ **treatment or, if the**
 29 **consumer will be released in less than 3 days, as soon as practicable.**

30 2. The legal guardian **of a consumer involuntarily admitted to a mental**
 31 **health facility, if applicable**, has discretion to determine where the consumer will
 32 be released ~~[.]~~ **pursuant to subsection 1**, taking into consideration any discharge
 33 plan proposed by the facility assessment team . ~~[for the professional responsible for~~
 34 ~~providing or coordinating the program of community-based or outpatient services.]~~
 35 If the legal guardian does not inform the facility ~~[or professional]~~ as to where the
 36 consumer will be released within 3 days after the date of notification, the facility
 37 ~~[or professional shall]~~ **must** discharge the consumer according to its proposed
 38 discharge plan.

39 ~~[2.]~~ 3. A consumer who is involuntarily admitted to a mental health facility
 40 may be unconditionally released before the period specified in NRS 433A.310
 41 when ~~[.]~~

42 ~~— (a) An evaluation team established under NRS 433A.250 or two persons~~
 43 ~~professionally qualified in the field of psychiatric mental health, at least one of~~
 44 ~~them being a] the physician [.] primarily responsible for treating the patient, a~~
 45 ~~psychiatrist or an advanced practice registered nurse who has the psychiatric~~
 46 ~~training and experience prescribed by the State Board of Nursing pursuant to~~
 47 ~~NRS 632.120 determines that the consumer is no longer a person in a mental health~~
 48 ~~crisis . [.] and~~

49 ~~— (b) Under advisement from the evaluation team or two persons professionally~~
 50 ~~qualified in the field of psychiatric mental health, at least one of them being a~~
 51 ~~physician, the medical director of the mental health facility authorizes the release~~
 52 ~~and gives written notice to the admitting court and to the consumer's legal guardian~~
 53 ~~at least 10 days before the release of the consumer.]~~ If the consumer has a legal

1 guardian, the facility shall notify the guardian *in the manner prescribed by*
2 *subsection 6 at least 3 days* before discharging the consumer from the facility ~~[-]~~
3 *or, if the consumer will be released in less than 3 days, as soon as practicable.*
4 The legal guardian, *if applicable*, has discretion to determine where the consumer
5 will be released, taking into consideration any discharge plan proposed by the
6 facility assessment team. If the legal guardian does not inform the facility as to
7 where the consumer will be released within 3 days after the date of notification, the
8 facility shall discharge the consumer according to its proposed discharge plan.

9 ~~[3.]~~ 4. A consumer who is ~~[involuntarily admitted to a program of~~
10 ~~community-based or outpatient services]~~ *required to receive assisted outpatient*
11 *treatment* may be unconditionally released before the period specified in ~~[NRS~~
12 ~~433A.310]~~ *section 18 of this act* when ~~[-]~~

13 ~~— (a) The [professional] person professionally qualified in the field of~~
14 ~~psychiatric mental health~~ responsible for providing ~~[or coordinating]~~ the ~~[program~~
15 ~~of community-based or outpatient services]~~ *assisted outpatient treatment* for the
16 consumer determines that ~~[the consumer is no longer a person in a mental health~~
17 ~~crisis; and~~

18 ~~— (b) Under advisement from an evaluation team established under NRS~~
19 ~~433A.250 or two persons professionally qualified in the field of psychiatric mental~~
20 ~~health, at least one of them being a physician, the professional responsible for~~
21 ~~providing or coordinating the program of community-based or outpatient services~~
22 ~~for the consumer authorizes the release and gives written notice to the admitting~~
23 ~~court at least 10 days before the release of the consumer from the program.] :~~

24 ~~(a) [Requires] The consumer no longer requires assisted outpatient treatment~~
25 ~~to prevent further disability or deterioration that [presents a substantial likelihood~~
26 ~~of serious harm to himself or herself or others, as determined pursuant to NRS~~
27 ~~433A.0195; and] would result in the person becoming a person in a mental health~~
28 ~~crisis;~~

29 ~~(b) [Has a limited ability to make an informed decision to voluntarily seek or~~
30 ~~comply with treatment for his or her mental illness as a result of his or her~~
31 ~~mental illness.] The consumer is willing and likely to voluntarily participate in~~
32 ~~outpatient treatment that enables the person to live safely in the community~~
33 ~~without the supervision of the court; or~~

34 ~~(c) After the order for assisted outpatient treatment has been effective for at~~
35 ~~least 30 days, the assisted outpatient treatment is not meeting the needs of the~~
36 ~~consumer.~~

37 5. *If a consumer who will be released from assisted outpatient treatment*
38 *pursuant to subsection 4 has a legal guardian, the person professionally qualified*
39 *in the field of psychiatric mental health responsible for providing the assisted*
40 *outpatient treatment to the consumer shall notify the guardian in the manner*
41 *prescribed by subsection 6 at least 3 days before discharging the consumer from*
42 *the treatment or, if the consumer will be released in less than 3 days, as soon as*
43 *practicable.*

44 6. *Notification of a guardian pursuant to subsection 1, 3 or 5 must be*
45 *provided:*

46 (a) *In person or by telephone; or*

47 (b) *If the mental health facility or the person professionally qualified in the*
48 *field of psychiatric mental health, as applicable, is not able to contact the*
49 *guardian in person or by telephone, by facsimile, electronic mail or certified mail.*

50 7. *A mental health facility or a person professionally qualified in the field*
51 *of psychiatric mental health responsible for providing treatment to a consumer*
52 *shall provide written notice to the ~~[admitting]~~ court that issued the order not later*

1 *than 3 judicial days after unconditionally releasing a consumer pursuant to*
2 *subsection 3 or 4.*

3 **Sec. 48.5. NRS 433A.400 is hereby amended to read as follows:**

4 433A.400 1. An indigent resident of this state discharged as having been
5 determined to no longer be a person in a mental health crisis, but having a residual
6 medical or surgical disability which prevents him or her from obtaining or holding
7 remunerative employment, must be returned to the county of his or her last
8 residence, except as otherwise provided pursuant to subsections 2 and 3. A
9 nonresident indigent with such disabilities must be returned to the county from
10 which he or she was involuntarily court-admitted, except as otherwise provided in
11 subsections 2 and 3. The administrative officer of the mental health facility shall
12 first give notice in writing, not less than 10 days before discharge, to the board of
13 county commissioners of the county to which the person will be returned and to the
14 person's legal guardian.

15 2. Delivery of the indigent person must be made to an individual or agency
16 authorized to provide further care. If the person has a legal guardian, the facility
17 shall notify the guardian before discharging the person from the facility. The legal
18 guardian has discretion to determine where the person will be released, taking into
19 consideration any discharge plan proposed by the facility assessment team. If the
20 legal guardian does not inform the facility as to where the person will be released
21 within 3 days after the date of notification, the facility shall discharge the person
22 according to its proposed discharge plan. *Notification of a guardian pursuant to*
23 *this subsection must be provided:*

24 *(a) In person or by telephone; or*

25 *(b) If the mental health facility is not able to contact the guardian in person*
26 *or by telephone, by facsimile, electronic mail or certified mail.*

27 3. An indigent person may be delivered to a state that is a party to the
28 Interstate Compact on Mental Health ratified and enacted in NRS 433.4543
29 regardless of residency in the manner provided in the Compact.

30 4. This section does not authorize the release of any person held upon an
31 order of a court or judge having criminal jurisdiction arising out of a criminal
32 offense.

33 **Sec. 49. NRS 433A.460 is hereby amended to read as follows:**

34 433A.460 No person admitted to a public or private mental health facility or
35 ~~to a program of community-based or outpatient services~~ *who receives assisted*
36 *outpatient treatment* pursuant to this chapter shall, by reason of such admission ~~;~~
37 *or treatment*, be denied the right to dispose of property, marry, execute instruments,
38 make purchases, enter into contractual relationships, vote and hold a driver's
39 license, unless such person has been specifically adjudicated incapacitated by a
40 court of competent jurisdiction and has not been restored to legal capacity.

41 **Sec. 50. NRS 433A.580 is hereby amended to read as follows:**

42 433A.580 No person may be admitted *or transferred* to a private hospital ~~;~~
43 *or* a division mental health facility ~~for a program of community-based or outpatient~~
44 ~~services~~ *, ordered to receive assisted outpatient treatment or transferred to a*
45 *different person professionally qualified in the field of psychiatric mental health*
46 *to provide assisted outpatient treatment* pursuant to the provisions of this chapter
47 unless mutually agreeable financial arrangements relating to the costs of treatment
48 are made between the private hospital, division facility or ~~professional~~ *person*
49 *professionally qualified in the field of psychiatric mental health* responsible for
50 providing ~~for coordinating a program of community-based or outpatient services~~
51 *assisted outpatient treatment* and the consumer or person requesting his or her
52 admission.

1 **Sec. 51.** NRS 433A.600 is hereby amended to read as follows:

2 433A.600 1. A person who is admitted to a division facility or ~~{to a program~~
3 ~~of community-based or outpatient services}~~ *who receives assisted outpatient*
4 *treatment* operated by the Division and not determined to be indigent and every
5 responsible relative pursuant to NRS 433A.610 of the person shall be charged for
6 the cost of treatment and is liable for that cost. If after demand is made for payment
7 the person or his or her responsible relative fails to pay that cost, the administrative
8 officer or ~~{professional}~~ *person professionally qualified in the field of psychiatric*
9 *mental health* responsible for providing ~~{or coordinating}~~ the ~~{program of~~
10 ~~community-based or outpatient services,}~~ *assisted outpatient treatment*, as
11 applicable, may recover the amount due by civil action.

12 2. All sums received pursuant to subsection 1 must be deposited in the State
13 Treasury and may be expended by the Division for the support of that facility or
14 ~~{program}~~ *of assisted outpatient treatment* in accordance with the allotment,
15 transfer, work program and budget provisions of NRS 353.150 to 353.245,
16 inclusive.

17 **Sec. 52.** NRS 433A.640 is hereby amended to read as follows:

18 433A.640 1. Once a court has ordered the admission of a person to a
19 division facility, the administrative officer ~~{shall}~~ *must* make an investigation,
20 pursuant to the provisions of this chapter, to determine whether the person or his or
21 her responsible relatives pursuant to NRS 433A.610 are capable of paying for all or
22 a portion of the costs that will be incurred during the period of admission.

23 2. If a person is admitted to a division facility or ~~{program of community-~~
24 ~~based or outpatient services}~~ *required to receive assisted outpatient treatment*
25 pursuant to a court order, that person and his or her responsible relatives are
26 responsible for the payment of the actual cost of the treatment and services
27 rendered during his or her admission to the division facility or ~~{program}~~ *while he*
28 *or she is receiving assisted outpatient treatment* unless the investigation reveals
29 that the person and his or her responsible relatives are not capable of paying the full
30 amount of the costs.

31 3. Once a court has ordered ~~{the admission of a person to a program of~~
32 ~~community-based or outpatient services}~~ *a person to receive assisted outpatient*
33 *treatment* operated by the Division, the ~~{professional}~~ *person professionally*
34 *qualified in the field of psychiatric mental health* responsible for providing ~~{or~~
35 ~~coordinating}~~ the ~~{program shall}~~ *assisted outpatient treatment must* make an
36 investigation, pursuant to the provisions of this chapter, to determine whether the
37 person *receiving the treatment* or his or her responsible relatives pursuant to NRS
38 433A.610 are capable of paying for all or a portion of the costs that will be incurred
39 during the period of ~~{admission.}~~ *treatment.*

40 **Sec. 53.** NRS 433A.650 is hereby amended to read as follows:

41 433A.650 Determination of ability to pay pursuant to NRS 433A.640 ~~{shall}~~
42 *must* include investigation of whether the consumer has benefits due and owing to
43 the consumer for the cost of his or her treatment from third-party sources, such as
44 Medicare, Medicaid, social security, medical insurance benefits, retirement
45 programs, annuity plans, government benefits or any other financially responsible
46 third parties. The administrative officer of a division mental health facility or
47 ~~{professional}~~ *person professionally qualified in the field of psychiatric mental*
48 *health* responsible for providing ~~{or coordinating a program of community-based or~~
49 ~~outpatient services}~~ *the assisted outpatient treatment* may accept payment for the
50 cost of a consumer's treatment from the consumer's insurance company, Medicare
51 or Medicaid and other similar third parties.

1 **Sec. 54.** NRS 433A.660 is hereby amended to read as follows:

2 433A.660 1. If the consumer, his or her responsible relative pursuant to
3 NRS 433A.610, guardian or the estate neglects or refuses to pay the cost of
4 treatment to the division facility or to the ~~[program of community based or~~
5 ~~outpatient services]~~ *person professionally qualified in the field of psychiatric*
6 *mental health responsible for providing the assisted outpatient treatment* operated
7 by the Division rendering service pursuant to the fee schedule established under
8 NRS 433.404 or 433B.250, as appropriate, the State is entitled to recover by
9 appropriate legal action all sums due, plus interest.

10 2. Before initiating such legal action, the division facility or program, as
11 applicable, shall demonstrate efforts at collection, which may include contractual
12 arrangements for collection through a private collection agency.

13 **Sec. 55.** NRS 433A.713 is hereby amended to read as follows:

14 433A.713 1. Each public or private mental health facility and hospital in
15 this State shall, in the manner and time prescribed by regulation of the State Board
16 of Health, report to the Division:

17 (a) The number of ~~[applications for emergency admission received by]~~ *persons*
18 *placed on a mental health crisis hold at* the mental health facility or hospital
19 pursuant to NRS 433A.160 during the immediately preceding quarter; and

20 (b) Any other information prescribed by regulation of the State Board of
21 Health.

22 2. The State Board of Health may adopt regulations that require a public or
23 private mental health facility or hospital to adopt a plan for the discharge of a
24 person admitted to the facility or hospital in accordance with the provisions of this
25 chapter and that prescribe the contents of such a plan.

26 **Sec. 56.** NRS 433A.715 is hereby amended to read as follows:

27 433A.715 1. A court shall seal all court records relating to ~~[the admission~~
28 ~~and treatment of any person who was admitted, voluntarily or as the result of a~~
29 ~~noncriminal proceeding, to a public or private hospital, a mental health facility or a~~
30 ~~program of community based or outpatient services in this State for the purpose of~~
31 ~~obtaining mental health treatment.]~~ *proceedings under this chapter.*

32 2. Except as otherwise provided in subsections 4, 5 and 6, a person or
33 governmental entity that wishes to inspect records that are sealed pursuant to this
34 section must file a petition with the court that sealed the records. Upon the filing of
35 a petition, the court shall fix a time for a hearing on the matter. The petitioner must
36 provide notice of the hearing and a copy of the petition to the person who is the
37 subject of the records. If the person who is the subject of the records wishes to
38 oppose the petition, the person must appear before the court at the hearing. If the
39 person appears before the court at the hearing, the court must provide the person an
40 opportunity to be heard on the matter.

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

43 (a) A law enforcement agency must obtain or maintain information concerning
44 persons who have been admitted to a public or private hospital ~~[]~~ *or* a mental
45 health facility or ~~[a program of community based or outpatient services]~~ *received*
46 *assisted outpatient treatment* in this State pursuant to state or federal law;

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

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

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

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

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

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

9 (d) An authorized representative of the governmental entity presents to the
10 court a written authorization signed by the person who is the subject of the records
11 and notarized by a notary public or judicial officer in which the person who is the
12 subject of the records consents to the inspection of the records.

13 5. Upon the request of a public or private hospital or a mental health facility
14 to which a person has been admitted in this State, the court shall:

15 (a) Authorize the release of a copy of any order which was entered by the court
16 pursuant to paragraph (b) of subsection 1 of NRS 433A.310 *or paragraph (b) of*
17 *subsection 1 of section 18 of this act* if:

18 (1) The request is in writing and includes the name and date of birth of the
19 person who is the subject of the requested order; and

20 (2) The hospital or facility certifies that:

21 (I) The person who is the subject of the requested order is, at the time
22 of the request, admitted to the hospital or facility and is being treated for an alleged
23 mental illness; and

24 (II) The requested order is necessary to improve the care which is
25 being provided to the person who is the subject of the order.

26 (b) Place the request in the record under seal.

27 6. Upon its own order, any court of this State may inspect court records that
28 are sealed pursuant to this section without following the procedure described in
29 subsection 2 if the records are necessary and relevant for the disposition of a matter
30 pending before the court. The court may allow a party in the matter to inspect the
31 records without following the procedure described in subsection 2 if the court
32 deems such inspection necessary and appropriate.

33 7. Following the sealing of records pursuant to this section, the admission of
34 the person who is the subject of the records to the public or private hospital ~~or~~
35 ~~mental health facility or [program of community based or outpatient services.]~~ *the*
36 *assisted outpatient treatment of the person who is the subject of the records* is
37 deemed never to have occurred, and the person may answer accordingly any
38 question related to its occurrence, except in connection with:

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

41 (b) A transfer of a firearm; or

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

43 8. A court may disclose information contained in a record sealed pursuant to
44 this section to a provider of health care to assist with treatment provided to the
45 consumer.

46 9. As used in this section:

47 (a) "Firefighter" means a person who is a salaried employee of a fire-fighting
48 agency and whose principal duties are to control, extinguish, prevent and suppress
49 fires. As used in this paragraph, "fire-fighting agency" means a public fire
50 department, fire protection district or other agency of this State or a political
51 subdivision of this State, the primary functions of which are to control, extinguish,
52 prevent and suppress fires.

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

1 (c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

2 (d) "Seal" means placing records in a separate file or other repository not
3 accessible to the general public.

4 **Sec. 57.** NRS 433A.750 is hereby amended to read as follows:

5 433A.750 1. A person who:

6 (a) Without probable cause for believing a person is a person in a mental health
7 crisis causes or conspires with or assists another to cause the involuntary court-
8 ordered admission of the person under this chapter; or

9 (b) Causes or conspires with or assists another to cause the denial to any person
10 of any right accorded to the person under this chapter,
11 is guilty of a category D felony and shall be punished as provided in NRS
12 193.130.

13 2. Unless a greater penalty is provided in subsection 1, a person who
14 knowingly and willfully violates any provision of this chapter regarding the
15 admission of a person to, or discharge of a person from, a public or private mental
16 health facility or ~~fa program of community-based or outpatient services~~ *the*
17 *commencement or termination of assisted outpatient treatment* is guilty of a gross
18 misdemeanor.

19 3. A person who, without probable cause for believing another person is a
20 person in a mental health crisis, executes a petition, application or certificate
21 pursuant to this chapter, by which the person secures or attempts to secure the
22 apprehension, hospitalization, detention, admission or restraint of the person
23 alleged to be a person in a mental health crisis, or any physician, psychiatrist,
24 ~~licensed~~ psychologist, advanced practice registered nurse or other person
25 professionally qualified in the field of psychiatric mental health who knowingly
26 makes any false certificate or application pursuant to this chapter as to the mental
27 condition of any person is guilty of a category D felony and shall be punished as
28 provided in NRS 193.130.

29 **Sec. 58.** NRS 3.0105 is hereby amended to read as follows:

30 3.0105 1. There is hereby established, in each judicial district that includes a
31 county whose population is 100,000 or more, a family court as a division of the
32 district court.

33 2. If the caseload of the family court so requires, the Chief Judge may assign
34 one or more district judges of the judicial district to act temporarily as judges of the
35 family court.

36 3. If for any reason a judge of the family court is unable to act, any other
37 district judge of the judicial district may be assigned as provided in subsection 2 to
38 act temporarily as judge of the family court.

39 4. A district judge assigned to the family court pursuant to subsection 2 or 3
40 for a period of 90 or more days, except for a district judge or hearing master
41 assigned to hear proceedings brought pursuant to NRS 433A.200 to 433A.330,
42 inclusive, *or sections 11 to 21, inclusive, of this act* must attend the instruction
43 required pursuant to subsection 1 of NRS 3.028. District judges must not be
44 assigned to the family court pursuant to subsections 2 and 3 on a rotating basis.

45 **Sec. 59.** NRS 3.223 is hereby amended to read as follows:

46 3.223 1. Except if the child involved is subject to the jurisdiction of an
47 Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et
48 seq., in each judicial district in which it is established, the family court has original,
49 exclusive jurisdiction in any proceeding:

50 (a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B,
51 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, except to the extent
52 that a specific statute authorizes the use of any other judicial or administrative
53 procedure to facilitate the collection of an obligation for support.

1 (b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to
2 issue an order authorizing an abortion.

3 (c) For judicial approval of the marriage of a minor.

4 (d) Otherwise within the jurisdiction of the juvenile court.

5 (e) To establish the date of birth, place of birth or parentage of a minor.

6 (f) To change the name of a minor.

7 (g) For a judicial declaration of the sanity of a minor.

8 (h) To approve the withholding or withdrawal of life-sustaining procedures
9 from a person as authorized by law.

10 (i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an
11 involuntary court-ordered admission to a mental health facility.

12 (j) *Brought pursuant to sections 11 to 21, inclusive, of this act to require a*
13 *person to receive assisted outpatient treatment.*

14 (k) Brought pursuant to NRS 441A.510 to 441A.720, inclusive, for an
15 involuntary court-ordered isolation or quarantine.

16 2. The family court, where established and, except as otherwise provided in
17 paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent
18 jurisdiction over actions for the issuance of a temporary or extended order for
19 protection against domestic violence.

20 3. The family court, where established, and the district court have concurrent
21 jurisdiction over any action for damages brought pursuant to NRS 41.134 by a
22 person who suffered injury as the proximate result of an act that constitutes
23 domestic violence.

24 **Sec. 60.** NRS 178.460 is hereby amended to read as follows:

25 178.460 1. If requested by the district attorney or counsel for the defendant
26 within 10 days after the report by the Administrator or the Administrator's designee
27 is sent to them, the judge shall hold a hearing within 10 days after the request at
28 which the district attorney and the defense counsel may examine the members of
29 the treatment team on their report.

30 2. If the judge orders the appointment of a licensed psychiatrist or
31 psychologist who is not employed by the Division to perform an additional
32 evaluation and report concerning the defendant, the cost of the additional evaluation
33 and report is a charge against the county.

34 3. Within 10 days after the hearing or 10 days after the report is sent, if no
35 hearing is requested, the judge shall make and enter a finding of competence or
36 incompetence, and if the judge finds the defendant to be incompetent:

37 (a) Whether there is substantial probability that the defendant can receive
38 treatment to competency and will attain competency to stand trial or receive
39 pronouncement of judgment in the foreseeable future; and

40 (b) Whether the defendant is at that time a danger to himself or herself or to
41 society.

42 4. If the judge finds the defendant:

43 (a) Competent, the judge shall, within 10 days, forward the finding to the
44 prosecuting attorney and counsel for the defendant. Upon receipt thereof, the
45 prosecuting attorney shall notify the sheriff of the county or chief of police of the
46 city that the defendant has been found competent and prearrange with the facility
47 for the return of the defendant to that county or city for trial upon the offense there
48 charged or the pronouncement of judgment, as the case may be.

49 (b) Incompetent, but there is a substantial probability that the defendant can
50 receive treatment to competency and will attain competency to stand trial or receive
51 pronouncement of judgment in the foreseeable future and finds that the defendant is
52 dangerous to himself or herself or to society, the judge shall recommit the

1 defendant and may order the involuntary administration of medication for the
2 purpose of treatment to competency.

3 (c) Incompetent, but there is a substantial probability that the defendant can
4 receive treatment to competency and will attain competency to stand trial or receive
5 pronouncement of judgment in the foreseeable future and finds that the defendant is
6 not dangerous to himself or herself or to society, the judge shall order that the
7 defendant remain an outpatient or be transferred to the status of an outpatient under
8 the provisions of NRS 178.425.

9 (d) Incompetent, with no substantial probability of attaining competency in the
10 foreseeable future, the judge shall order the defendant released from custody or, if
11 the defendant is an outpatient, released from any obligations as an outpatient if,
12 within 10 judicial days, the prosecuting attorney has not filed a motion pursuant to
13 NRS 178.461 or if, within 10 judicial days, a petition is not filed ~~to commit~~ *for*
14 *the involuntary court-ordered admission of the person to a mental health facility*
15 pursuant to NRS 433A.200. After the initial 10 judicial days, the person may
16 remain an outpatient or in custody under the provisions of this chapter only as long
17 as the motion or petition is pending unless the person is committed to the custody
18 of the Administrator pursuant to NRS 178.461 or involuntarily ~~committed~~
19 *admitted to a mental health facility* pursuant to chapter 433A of NRS.

20 5. Except as otherwise provided in subsections 4 and 7 of NRS 178.461, no
21 person who is committed under the provisions of this chapter may be held in the
22 custody of the Administrator or the Administrator's designee longer than the
23 longest period of incarceration provided for the crime or crimes with which the
24 person is charged or 10 years, whichever period is shorter. Upon expiration of the
25 applicable period provided in this section, subsection 4 or 7 of NRS 178.461 or
26 subsection 4 of NRS 178.463, the person must be returned to the committing court
27 for a determination as to whether or not involuntary commitment pursuant to
28 chapter 433A of NRS is required.

29 **Sec. 61.** NRS 179A.163 is hereby amended to read as follows:

30 179A.163 1. Upon receiving a record transmitted pursuant to NRS
31 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 ~~to~~ *or section 18 of this*
32 *act*, the Central Repository:

33 (a) Shall take reasonable steps to ensure that the information reported in the
34 record is included in each appropriate database of the National Instant Criminal
35 Background Check System; and

36 (b) May take reasonable steps to ensure that the information reported in the
37 record is included in each appropriate database of the National Crime Information
38 Center.

39 2. Except as otherwise provided in subsection 3, if the Central Repository
40 receives a record described in subsection 1, the person who is the subject of the
41 record may petition the court for an order declaring that:

42 (a) The basis for the adjudication reported in the record no longer exists;

43 (b) The adjudication reported in the record is deemed not to have occurred for
44 purposes of 18 U.S.C. § 922(d)(4) and (g)(4) and NRS 202.360; and

45 (c) The information reported in the record must be removed from the National
46 Instant Criminal Background Check System and the National Crime Information
47 Center.

48 3. To the extent authorized by federal law, if the record concerning the
49 petitioner was transmitted to the Central Repository pursuant to NRS 159.0593,
50 174.035, 175.533, 175.539, 178.425 or 433A.310 ~~to~~ *or section 18 of this act*, the
51 petitioner may not file a petition pursuant to subsection 2 until 3 years after the date
52 of the order transmitting the record to the Central Repository.

53 4. A petition filed pursuant to subsection 2 must be:

1 (a) Filed in the court which made the adjudication or finding pursuant to NRS
2 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 ~~§~~ *or section 18 of this*
3 *act*; and

4 (b) Served upon the district attorney for the county in which the court
5 described in paragraph (a) is located.

6 5. The Nevada Rules of Civil Procedure govern all proceedings concerning a
7 petition filed pursuant to subsection 2.

8 6. The court shall grant the petition and issue the order described in
9 subsection 2 if the court finds that the petitioner has established that:

10 (a) The basis for the adjudication or finding made pursuant to NRS 159.0593,
11 174.035, 175.533, 175.539, 178.425 or 433A.310 *or section 18 of this act*
12 concerning the petitioner no longer exists;

13 (b) The petitioner's record and reputation indicate that the petitioner is not
14 likely to act in a manner dangerous to public safety; and

15 (c) Granting the relief requested by the petitioner pursuant to subsection 2 is
16 not contrary to the public interest.

17 7. Except as otherwise provided in this subsection, the petitioner must
18 establish the provisions of subsection 6 by a preponderance of the evidence. If the
19 adjudication or finding concerning the petitioner was made pursuant to NRS
20 159.0593 or 433A.310, the petitioner must establish the provisions of subsection 6
21 by clear and convincing evidence.

22 8. The court, upon entering an order pursuant to this section, shall cause, on a
23 form prescribed by the Department of Public Safety, a record of the order to be
24 transmitted to the Central Repository.

25 9. Within 5 business days after receiving a record of an order transmitted
26 pursuant to subsection 8, the Central Repository shall take reasonable steps to
27 ensure that information concerning the adjudication or finding made pursuant to
28 NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 *or section 18 of*
29 *this act* is removed from the National Instant Criminal Background Check System
30 and the National Crime Information Center, if applicable.

31 10. If the Central Repository fails to remove a record as provided in
32 subsection 9, the petitioner may bring an action to compel the removal of the
33 record. If the petitioner prevails in the action, the court may award the petitioner
34 reasonable attorney's fees and costs incurred in bringing the action.

35 11. If a petition brought pursuant to subsection 2 is denied, the person who is
36 the subject of the record may petition for a rehearing not sooner than 2 years after
37 the date of the denial of the petition.

38 **Sec. 62.** NRS 179A.165 is hereby amended to read as follows:

39 179A.165 1. Any record described in NRS 179A.163 is confidential and is
40 not a public book or record within the meaning of NRS 239.010. A person may not
41 use the record for any purpose other than for a purpose related to criminal justice,
42 including, without limitation, inclusion in the appropriate database of the National
43 Instant Criminal Background Check System and the National Crime Information
44 Center, if applicable. The Central Repository may disclose the record to any agency
45 of criminal justice.

46 2. If a person or governmental entity is required to transmit, report or take any
47 other action concerning a record pursuant to NRS 159.0593, 174.035, 175.533,
48 175.539, 178.425, 179A.163 or 433A.310 ~~§~~ *or section 18 of this act*, no action for
49 damages may be brought against the person or governmental entity for:

50 (a) Transmitting or reporting the record or taking any other required action
51 concerning the record;

52 (b) Failing to transmit or report the record or failing to take any other required
53 action concerning the record;

1 (c) Delaying the transmission or reporting of the record or delaying in taking
2 any other required action concerning the record; or

3 (d) Transmitting or reporting an inaccurate or incomplete version of the record
4 or taking any other required action concerning an inaccurate or incomplete version
5 of the record.

6 **Sec. 63.** NRS 179A.167 is hereby amended to read as follows:

7 179A.167 1. The Central Repository shall permit a person who is or
8 believes he or she may be the subject of information relating to records of mental
9 health held by the Central Repository to inspect and correct any information
10 contained in such records.

11 2. The Central Repository shall adopt regulations and make available
12 necessary forms to permit inspection, review and correction of information relating
13 to records of mental health by those persons who are the subjects thereof. The
14 regulations must specify:

15 (a) The requirements for proper identification of the persons seeking access to
16 the records; and

17 (b) The reasonable charges or fees, if any, for inspecting records.

18 3. The Director of the Department shall adopt regulations governing:

19 (a) All challenges to the accuracy or sufficiency of information or records of
20 mental health by the person who is the subject of the allegedly inaccurate or
21 insufficient record;

22 (b) The correction of any information relating to records of mental health
23 found by the Director to be inaccurate, insufficient or incomplete in any material
24 respect;

25 (c) The dissemination of corrected information to those persons or agencies
26 which have previously received inaccurate or incomplete information; and

27 (d) A reasonable time limit within which inaccurate or insufficient information
28 relating to records of mental health must be corrected and the corrected information
29 disseminated.

30 4. As used in this section, "information relating to records of mental health"
31 means information contained in a record:

32 (a) Transmitted to the Central Repository pursuant to NRS 159.0593, 174.035,
33 175.533, 175.539, 178.425 or 433A.310 ~~or~~ **or section 18 of this act**; or

34 (b) Transmitted to the National Instant Criminal Background Check System or
35 the National Crime Information Center pursuant to NRS 179A.163.

36 **Sec. 64.** NRS 388.253 is hereby amended to read as follows:

37 388.253 1. The Department shall, with assistance from other state agencies,
38 including, without limitation, the Division of Emergency Management, the
39 Investigation Division, and the Nevada Highway Patrol Division of the Department
40 of Public Safety, develop a model plan for the management of:

41 (a) A suicide; or

42 (b) A crisis or emergency that involves a public school or a private school and
43 that requires immediate action.

44 2. The model plan must include, without limitation, a procedure for:

45 (a) In response to a crisis or emergency:

46 (1) Coordinating the resources of local, state and federal agencies, officers
47 and employees, as appropriate;

48 (2) Accounting for all persons within a school;

49 (3) Assisting persons within a school in a school district, a charter school
50 or a private school to communicate with each other;

51 (4) Assisting persons within a school in a school district, a charter school
52 or a private school to communicate with persons located outside the school,
53 including, without limitation, relatives of pupils and relatives of employees of such

1 a school, the news media and persons from local, state or federal agencies that are
2 responding to a crisis or an emergency;

3 (5) Assisting pupils of a school in the school district, a charter school or a
4 private school, employees of such a school and relatives of such pupils and
5 employees to move safely within and away from the school, including, without
6 limitation, a procedure for evacuating the school and a procedure for securing the
7 school;

8 (6) Reunifying a pupil with his or her parent or legal guardian;

9 (7) Providing any necessary medical assistance;

10 (8) Recovering from a crisis or emergency;

11 (9) Carrying out a lockdown at a school;

12 (10) Providing shelter in specific areas of a school; and

13 (11) Providing disaster behavioral health related to a crisis, emergency or
14 suicide;

15 (b) Providing specific information relating to managing a crisis or emergency
16 that is a result of:

17 (1) An incident involving hazardous materials;

18 (2) An incident involving mass casualties;

19 (3) An incident involving an active shooter;

20 (4) An incident involving a fire, explosion or other similar situation;

21 (5) An outbreak of disease;

22 (6) Any threat or hazard identified in the hazard mitigation plan of the
23 county in which the school district is located, if such a plan exists; or

24 (7) Any other situation, threat or hazard deemed appropriate;

25 (c) Providing pupils and staff at a school that has experienced a crisis or
26 emergency with access to counseling and other resources to assist in recovering
27 from the crisis or emergency;

28 (d) Evacuating pupils and employees of a charter school to a designated space
29 within an identified public middle school, junior high school or high school in a
30 school district that is separate from the general population of the school and large
31 enough to accommodate the charter school, and such a space may include, without
32 limitation, a gymnasium or multipurpose room of the public school;

33 (e) Selecting an assessment tool which assists in responding to a threat against
34 the school by a pupil or pupils;

35 (f) On an annual basis, providing drills to instruct pupils in the appropriate
36 procedures to be followed in response to a crisis or an emergency. Such drills must
37 occur:

38 (1) At different times during normal school hours; and

39 (2) In cooperation with other state agencies, pursuant to this section.

40 (g) Responding to a suicide or attempted suicide to mitigate the effects of the
41 suicide or attempted suicide on pupils and staff at the school, including, without
42 limitation, by making counseling and other appropriate resources to assist in
43 recovering from the suicide or attempted suicide available to pupils and staff;

44 (h) Providing counseling and other appropriate resources to pupils and school
45 staff who have contemplated or attempted suicide;

46 (i) Outreach to persons and organizations located in the community in which a
47 school that has had a suicide by a pupil, including, without limitation, religious and
48 other nonprofit organizations, that may be able to assist with the response to the
49 suicide;

50 (j) Addressing the needs of pupils at a school that has experienced a crisis,
51 emergency or suicide who are at a high risk of suicide, including, without
52 limitation, pupils who are members of the groups described in subsection 3 of NRS
53 388.256; and

1 (k) Responding to a pupil who is determined to be a person in mental health
2 crisis, as defined in NRS 433A.0175, including, without limitation:

3 (1) Utilizing mobile mental health crisis response units, where available,
4 before transporting the pupil to a public or private mental health facility pursuant to
5 subparagraph (2); and

6 (2) Transporting the pupil to a public or private mental health facility or
7 hospital for ~~[admission]~~ *placement on a mental health crisis hold* pursuant to NRS
8 ~~[433A.150.]~~ *433A.160.*

9 3. In developing the model plan, the Department shall consider the plans
10 developed pursuant to NRS 388.243 and 394.1687 and updated pursuant to NRS
11 388.245 and 394.1688.

12 4. The Department shall require a school district to ensure that each public
13 school in the school district identified pursuant to paragraph (d) of subsection 2 is
14 prepared to allow a charter school to evacuate to the school when necessary in
15 accordance with the procedure included in the model plan developed pursuant to
16 subsection 1. A charter school shall hold harmless, indemnify and defend the school
17 district to which it evacuates during a crisis or an emergency against any claim or
18 liability arising from an act or omission by the school district or an employee or
19 officer of the school district.

20 5. The Department may disseminate to any appropriate local, state or federal
21 agency, officer or employee, as the Department determines is necessary:

22 (a) The model plan developed by the Department pursuant to subsection 1;

23 (b) A plan developed pursuant to NRS 388.243 or updated pursuant to NRS
24 388.245;

25 (c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS
26 394.1688; and

27 (d) A deviation approved pursuant to NRS 388.251 or 394.1692.

28 6. The Department shall, at least once each year, review and update as
29 appropriate the model plan developed pursuant to subsection 1.

30 **Sec. 65.** NRS 388.476 is hereby amended to read as follows:

31 388.476 “Chemical restraint” means the administration of drugs *to a person*
32 for the specific and exclusive purpose of controlling an acute or episodic
33 ~~[aggressive]~~ behavior *that places the person or others at a risk of harm* when *less*
34 *restrictive* alternative intervention techniques have failed to limit or control the
35 behavior. The term does not include the administration of drugs ~~[on a regular basis,~~
36 ~~as]~~ prescribed by a physician, ~~[to treat the symptoms of]~~ *physician assistant or*
37 *advanced practice registered nurse as standard treatment for the* mental ~~[,]~~ *or*
38 physical ~~[, emotional or behavioral disorders and for assisting a person in gaining~~
39 ~~self-control over his or her impulses.]~~ *condition of the person.*

40 **Sec. 66.** NRS 394.355 is hereby amended to read as follows:

41 394.355 “Chemical restraint” means the administration of drugs *to a person*
42 for the specific and exclusive purpose of controlling an acute or episodic
43 ~~[aggressive]~~ behavior *that places the person or others at a risk of harm* when *less*
44 *restrictive* alternative intervention techniques have failed to limit or control the
45 behavior. The term does not include the administration of drugs ~~[on a regular basis,~~
46 ~~as]~~ prescribed by a physician, ~~[to treat the symptoms of]~~ *physician assistant or*
47 *advanced practice registered nurse as standard treatment for the* mental ~~[,]~~ *or*
48 physical ~~[, emotional or behavioral disorders and for assisting a person in gaining~~
49 ~~self-control over his or her impulses.]~~ *condition of the person.*

50 **Sec. 67.** NRS 449.0915 is hereby amended to read as follows:

51 449.0915 1. The Division may issue an endorsement as a crisis stabilization
52 center to the holder of a license to operate a psychiatric hospital that meets the
53 requirements of this section.

1 2. A psychiatric hospital that wishes to obtain an endorsement as a crisis
2 stabilization center must submit an application in the form prescribed by the
3 Division which must include, without limitation, proof that the applicant meets the
4 requirements of subsection 3.

5 3. An endorsement as a crisis stabilization center may only be issued if the
6 psychiatric hospital to which the endorsement will apply:

7 (a) Does not exceed a capacity of 16 beds or constitute an institution for mental
8 diseases, as defined in 42 U.S.C. § 1396d;

9 (b) Operates in accordance with established administrative protocols,
10 evidenced-based protocols for providing treatment and evidence-based standards
11 for documenting information concerning services rendered and recipients of such
12 services in accordance with best practices for providing crisis stabilization services;

13 (c) Delivers crisis stabilization services:

14 (1) To patients for not less than 24 hours in an area devoted to crisis
15 stabilization or detoxification before releasing the patient into the community,
16 referring the patient to another facility or transferring the patient to a bed within the
17 hospital for short-term treatment, if the psychiatric hospital has such beds;

18 (2) In accordance with best practices for the delivery of crisis stabilization
19 services; and

20 (3) In a manner that promotes concepts that are integral to recovery for
21 persons with mental illness, including, without limitation, hope, personal
22 empowerment, respect, social connections, self-responsibility and self-
23 determination;

24 (d) Employs qualified persons to provide peer support services, as defined in
25 NRS 449.01566, when appropriate;

26 (e) Uses a data management tool to collect and maintain data relating to
27 admissions, discharges, diagnoses and long-term outcomes for recipients of crisis
28 stabilization services;

29 (f) Accepts all patients, without regard to:

30 (1) The race, ethnicity, gender, socioeconomic status, sexual orientation or
31 place of residence of the patient;

32 (2) Any social conditions that affect the patient;

33 (3) The ability of the patient to pay; or

34 (4) Whether the patient is admitted voluntarily to the psychiatric hospital
35 pursuant to NRS 433A.140 or admitted to the psychiatric hospital under an
36 emergency admission pursuant to ~~NRS 433A.150;~~ **section 10 of this act;**

37 (g) Performs an initial assessment on any patient who presents at the
38 psychiatric hospital, regardless of the severity of the behavioral health issues that
39 the patient is experiencing;

40 (h) Has the equipment and personnel necessary to conduct a medical
41 examination of a patient pursuant to NRS 433A.165; and

42 (i) Considers whether each patient would be better served by another facility
43 and transfer a patient to another facility when appropriate.

44 4. Crisis stabilization services that may be provided pursuant to paragraph (c)
45 of subsection 3 may include, without limitation:

46 (a) Case management services, including, without limitation, such services to
47 assist patients to obtain housing, food, primary health care and other basic needs;

48 (b) Services to intervene effectively when a behavioral health crisis occurs and
49 address underlying issues that lead to repeated behavioral health crises;

50 (c) Treatment specific to the diagnosis of a patient; and

51 (d) Coordination of aftercare for patients, including, without limitation, at least
52 one follow-up contact with a patient not later than 72 hours after the patient is
53 discharged.

1 5. An endorsement as a crisis stabilization center must be renewed at the same
2 time as the license to which the endorsement applies. An application to renew an
3 endorsement as a crisis stabilization center must include, without limitation:

4 (a) The information described in subsection 3; and

5 (b) Proof that the psychiatric hospital is accredited by the Commission on
6 Accreditation of Rehabilitation Facilities, or its successor organization, or the Joint
7 Commission, or its successor organization.

8 6. As used in this section, “crisis stabilization services” means behavioral
9 health services designed to:

10 (a) De-escalate or stabilize a behavioral crisis, including, without limitation, a
11 behavioral health crisis experienced by a person with a co-occurring substance use
12 disorder; and

13 (b) When appropriate, avoid admission of a patient to another inpatient mental
14 health facility or hospital and connect the patient with providers of ongoing care as
15 appropriate for the unique needs of the patient.

16 **Sec. 68.** NRS 449A.206 is hereby amended to read as follows:

17 449A.206 “Chemical restraint” means the administration of drugs *to a person*
18 for the specific and exclusive purpose of controlling an acute or episodic
19 ~~aggressive~~ behavior *that places the person or others at a risk of harm* when *less*
20 *restrictive* alternative intervention techniques have failed to limit or control the
21 behavior. The term does not include the administration of drugs ~~[on a regular basis,~~
22 ~~as]~~ prescribed by a physician, ~~[to treat the symptoms of]~~ *physician assistant or*
23 *advanced practice registered nurse as standard treatment for the* mental ~~[,]~~ *or*
24 physical ~~[, emotional or behavioral disorders and for assisting a person in gaining~~
25 ~~self control over his or her impulses.]~~ *condition of the person.*

26 **Sec. 69.** NRS 449A.636 is hereby amended to read as follows:

27 449A.636 1. When acting under the authority of an advance directive for
28 psychiatric care, an attending physician or other provider of health care shall
29 comply with the advance directive unless:

30 (a) Compliance, in the opinion of the attending physician or other provider, is
31 not consistent with generally accepted standards of care for the provision of
32 psychiatric care for the benefit of the principal;

33 (b) Compliance is not consistent with the availability of psychiatric care
34 requested;

35 (c) Compliance is not consistent with applicable law;

36 (d) The principal is admitted to a mental health facility or hospital pursuant to
37 NRS 433A.145 to 433A.330, inclusive, *or required to receive assisted outpatient*
38 *treatment pursuant to sections 11 to 21, inclusive, of this act* and a course of
39 treatment is required pursuant to those provisions; or

40 (e) Compliance, in the opinion of the attending physician or other provider, is
41 not consistent with appropriate psychiatric care in case of an emergency
42 endangering the life or health of the principal or another person.

43 2. In the event that one part of the advance directive is unable to be followed
44 because of any of the circumstances set forth in subsection 1, all other parts of the
45 advance directive must be followed.

46 **Sec. 70.** NRS 450.470 is hereby amended to read as follows:

47 450.470 1. If the county hospital is located at the county seat, the board of
48 hospital trustees shall, at all times, provide a suitable room that may be used for the
49 examination of persons who are alleged to ~~[have mental illness]~~ *be persons in a*
50 *mental health crisis* and who are to be brought before the judge of the district court
51 for proceedings to determine the issue of involuntary court-ordered admission as
52 provided in chapter 433A of NRS. This section does not prohibit or limit the

1 examination of persons alleged to ~~{have mental illness}~~ *be persons in a mental*
2 *health crisis* at a private hospital as provided in chapter 433A of NRS.

3 2. The board of trustees of such a county hospital, in cooperation with the
4 local law enforcement agencies, may provide a suitable room that may be used for
5 the custodial supervision of persons who are alleged to:

- 6 (a) ~~{Have mental illness;}~~ *Be persons in a mental health crisis;* or
7 (b) Be dangerous to themselves or others.

8 **Sec. 71.** NRS 629.550 is hereby amended to read as follows:

9 629.550 1. If a patient communicates to a mental health professional an
10 explicit threat of imminent serious physical harm or death to a clearly identified or
11 identifiable person and, in the judgment of the mental health professional, the mental health
12 professional has the intent and ability to carry out the threat, the mental health
13 professional shall ~~{apply for the emergency admission of}~~ *place* the patient ~~{to a~~
14 ~~mental health facility}~~ *on a mental health crisis hold* pursuant to NRS 433A.160 ,
15 *petition for a court to order the placement of the patient on a mental health crisis*
16 *hold pursuant to section 9 of this act* or make a reasonable effort to communicate
17 the threat in a timely manner to:

- 18 (a) The person who is the subject of the threat;
19 (b) The law enforcement agency with the closest physical location to the
20 residence of the person; and
21 (c) If the person is a minor, the parent or guardian of the person.

22 2. A mental health professional shall be deemed to have made a reasonable
23 effort to communicate a threat pursuant to subsection 1 if:

- 24 (a) The mental health professional actually communicates the threat in a timely
25 manner; or
26 (b) The mental health professional makes a good faith attempt to communicate
27 the threat in a timely manner and the failure to actually communicate the threat in a
28 timely manner does not result from the negligence or recklessness of the mental
29 health professional.

30 3. A mental health professional who exercises reasonable care in determining
31 that he or she:

32 (a) Has a duty to take an action described in subsection 1 is not subject to civil
33 or criminal liability or disciplinary action by a professional licensing board for
34 disclosing confidential or privileged information.

35 (b) Does not have a duty to take an action described in subsection 1 is not
36 subject to civil or criminal liability or disciplinary action by a professional licensing
37 board for any damages caused by the actions of a patient.

38 4. The provisions of this section do not:

39 (a) Limit or affect the duty of the mental health professional to report child
40 abuse or neglect pursuant to NRS 432B.220 or the commercial sexual exploitation
41 of a child pursuant to NRS 432C.110; or

42 (b) Modify any duty of a mental health professional to take precautions to
43 prevent harm by a patient:

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

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

47 5. As used in this section, "mental health professional" includes:

48 (a) A physician or psychiatrist licensed to practice medicine in this State
49 pursuant to chapter 630 or 633 of NRS;

50 (b) A psychologist who is licensed to practice psychology pursuant to chapter
51 641 of NRS or authorized to practice psychology in this State pursuant to the
52 Psychology Interjurisdictional Compact enacted in NRS 641.227;

53 (c) A social worker who:

1 (1) Holds a master's degree in social work;
2 (2) Is licensed as a clinical social worker pursuant to chapter 641B of NRS;
3 and
4 (3) Is employed by the Division of Public and Behavioral Health of the
5 Department of Health and Human Services;

6 (d) A registered nurse who:

7 (1) Is licensed to practice professional nursing pursuant to chapter 632 of
8 NRS; and

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

10 (e) A marriage and family therapist licensed pursuant to chapter 641A of NRS;

11 (f) A clinical professional counselor licensed pursuant to chapter 641A of
12 NRS; and

13 (g) A person who is working in this State within the scope of his or her
14 employment by the Federal Government, including, without limitation,
15 employment with the Department of Veterans Affairs, the military or the Indian
16 Health Service, and is:

17 (1) Licensed or certified as a physician, psychologist, marriage and family
18 therapist, clinical professional counselor, alcohol and drug counselor or clinical
19 alcohol and drug counselor in another state;

20 (2) Licensed as a social worker in another state and holds a master's degree
21 in social work; or

22 (3) Licensed to practice professional nursing in another state and holds a
23 master's degree in psychiatric nursing or a related field.

24 **Sec. 72.** NRS 632.120 is hereby amended to read as follows:

25 632.120 1. The Board shall:

26 (a) Adopt regulations establishing reasonable standards:

27 (1) For the denial, renewal, suspension and revocation of, and the
28 placement of conditions, limitations and restrictions upon, a license to practice
29 professional or practical nursing or a certificate to practice as a nursing assistant or
30 medication aide - certified.

31 (2) Of professional conduct for the practice of nursing.

32 (3) For prescribing and dispensing controlled substances and dangerous
33 drugs in accordance with applicable statutes.

34 (4) For the psychiatric training and experience necessary for an advanced
35 practice registered nurse to be authorized to make the diagnoses, evaluations and
36 examinations described in NRS ~~[433A.160.]~~ 433A.240, **433A.390**, 433A.430,
37 484C.300, 484C.320, 484C.330, 484C.340 and 484C.350 and **sections 10 and 11 of**
38 **this act**, the certifications described in NRS 433A.170, 433A.195 and 433A.200 ~~[]~~
39 **and the sworn statements or declarations described in NRS 433A.210 and section**
40 **11 of this act.**

41 (b) Prepare and administer examinations for the issuance of a license or
42 certificate under this chapter.

43 (c) Investigate and determine the eligibility of an applicant for a license or
44 certificate under this chapter.

45 (d) Carry out and enforce the provisions of this chapter and the regulations
46 adopted pursuant thereto.

47 (e) Develop and disseminate annually to each registered nurse who cares for
48 children information concerning the signs and symptoms of pediatric cancer.

49 2. The Board may adopt regulations establishing reasonable:

50 (a) Qualifications for the issuance of a license or certificate under this chapter.

51 (b) Standards for the continuing professional competence of licensees or
52 holders of a certificate. The Board may evaluate licensees or holders of a certificate
53 periodically for compliance with those standards.

1 3. The Board may adopt regulations establishing a schedule of reasonable fees
2 and charges, in addition to those set forth in NRS 632.345, for:

3 (a) Investigating licensees or holders of a certificate and applicants for a
4 license or certificate under this chapter;

5 (b) Evaluating the professional competence of licensees or holders of a
6 certificate;

7 (c) Conducting hearings pursuant to this chapter;

8 (d) Duplicating and verifying records of the Board; and

9 (e) Surveying, evaluating and approving schools of practical nursing, and
10 schools and courses of professional nursing,

11 and collect the fees established pursuant to this subsection.

12 4. For the purposes of this chapter, the Board shall, by regulation, define the
13 term "in the process of obtaining accreditation."

14 5. The Board may adopt such other regulations, not inconsistent with state or
15 federal law, as may be necessary to carry out the provisions of this chapter relating
16 to nursing assistant trainees, nursing assistants and medication aides - certified.

17 6. The Board may adopt such other regulations, not inconsistent with state or
18 federal law, as are necessary to enable it to administer the provisions of this
19 chapter.

20 **Sec. 73.** NRS 641B.160 is hereby amended to read as follows:

21 641B.160 1. The Board shall adopt:

22 (a) Such regulations as are necessary or desirable to enable it to carry out the
23 provisions of this chapter;

24 (b) Regulations establishing reasonable standards for the psychiatric training
25 and experience necessary for a clinical social worker to be authorized to make the
26 certifications described in NRS 433A.170, 433A.195 and 433A.200 ~~§~~ *and section*
27 *10 of this act, make a sworn statement or declaration described in NRS 433A.210*
28 *and section 11 of this act and perform an evaluation described in section 11 of*
29 *this act;*

30 (c) Regulations prescribing uniform standards concerning the locations at
31 which interns provide services;

32 (d) Regulations prescribing standards concerning the electronic supervision of
33 interns working at remote sites; and

34 (e) Regulations prescribing the manner by which the qualifications for the
35 issuance or renewal of a license under the provisions of this chapter will be made
36 available to the public such that those qualifications are clearly defined and easily
37 understood.

38 2. On the date that the Board gives notice pursuant to NRS 233B.060 of its
39 intent to adopt, amend or repeal a regulation, the Board shall submit the regulation
40 to the Commission on Behavioral Health for review. The Commission shall review
41 the regulation and make recommendations to the Board concerning the advisability
42 of adopting, amending or repealing the regulation and any changes that the
43 Commission deems advisable.

44 **Sec. 74.** 1. The amendatory provisions of NRS 433A.145, as amended by
45 section 28 of this act, apply to any person:

46 (a) Who has been admitted to a public or private mental facility; and

47 (b) Whose status is that of a voluntary consumer on or after October 1, 2021,
48 regardless of the date on which he or she was admitted.

49 2. The amendatory provisions of NRS 433A.165, 433A.185, 433A.195,
50 433A.200 and 433A.310, as amended by sections 31, 33, 35, 36 and 43 of this act,
51 respectively, apply to any person:

52 (a) Who has been admitted to a public or private mental facility or hospital;
53 and

1 (b) Whose status is that of an emergency consumer on or after October 1, 2021,
2 regardless of the date on which he or she was admitted.

3 3. Any person who was involuntarily admitted to a program of community-
4 based or outpatient services before October 1, 2021, by a court order that remains
5 effective on that date shall be deemed to have been ordered to receive assisted
6 outpatient treatment pursuant to section 18 of this act.

7 4. The amendatory provisions of NRS 433A.380 and 433A.390, as amended
8 by sections 47 and 48 of this act, respectively, apply to any person who has been
9 admitted to a public or private mental health facility pursuant to a court order that is
10 effective on October 1, 2021, regardless of the date on which he or she was
11 admitted.

12 5. The amendatory provisions of NRS 433A.220 and 433A.380, as amended
13 by sections 39 and 47 of this act, respectively, apply to any person who has been
14 conditionally released from a public or private mental health facility where the
15 conditional release is effective on October 1, 2021, regardless of the date on which
16 he or she was conditionally released.

17 6. As used in this section, "assisted outpatient treatment" has the meaning
18 ascribed to it in NRS 433A.019, as amended by section 24 of this act.

19 **Sec. 75.** NRS 433A.315, 433A.323 and 433A.327 are hereby repealed.

20 **Sec. 76.** 1. This section becomes effective upon passage and approval.

21 2. Sections 1 to 75, inclusive, of this act become effective:

22 (a) Upon passage and approval for the purpose of adopting regulations and
23 performing any preparatory administrative tasks that are necessary to carry out the
24 provisions of this act; and

25 (b) On October 1, 2021, for all other purposes.

TEXT OF REPEALED SECTIONS

433A.315 Development of written plan for course of treatment and program of community-based or outpatient services. If a court determines pursuant to NRS 433A.310 that a person should be involuntarily admitted to a program of community-based or outpatient services, the court shall promptly cause two or more persons professionally qualified in the field of psychiatric mental health, which may include the person who filed the petition for involuntary court-ordered admission pursuant to NRS 433A.200 if he or she is so qualified, in consultation with the person to be involuntarily admitted, to develop and submit to the court a written plan prescribing a course of treatment and enumerating the program of community-based or outpatient services for the person. The plan must include, without limitation:

1. A description of the types of services in which the person will participate;
2. The medications, if any, which the person must take and the manner in which those medications will be administered;
3. The name of the person professionally qualified in the field of psychiatric mental health who is responsible for providing or coordinating the program of community-based or outpatient services; and

4. Any other requirements which the court deems necessary.

433A.323 Failure to participate in program or carry out plan of treatment: Petition and order to take person into custody; evaluation.

1. When a person who is involuntarily admitted to a program of community-based or outpatient services fails to participate in the program or otherwise fails to

carry out the plan of treatment developed pursuant to NRS 433A.315, despite efforts by the professional responsible for providing or coordinating the program of community-based or outpatient services for the person to solicit the person's compliance, the professional may petition the court to issue an order requiring a peace officer to take into custody and deliver the person to the appropriate location for an evaluation by an evaluation team from the Division pursuant to NRS 433A.240. The petition must be accompanied by:

- (a) A copy of the order for involuntary admission;
- (b) A copy of the plan of treatment submitted to the court pursuant to NRS 433A.315;
- (c) A list that sets forth the specific provisions of the plan of treatment which the person has failed to carry out; and
- (d) A statement by the petitioner which explains how the person's failure to participate in the program of community-based or outpatient services or failure to carry out the plan of treatment will likely cause the person to harm himself or herself or others.

2. If the court determines that there is probable cause to believe that the person is likely to harm himself or herself or others if the person does not comply with the plan of treatment, the court may issue an order requiring a peace officer to take into custody and deliver the person to an appropriate location for an evaluation by an evaluation team from the Division pursuant to NRS 433A.240.

3. As used in this section, "appropriate location" does not include a jail or prison.

433A.327 Conditional release of person in program: When allowed; no liability of State; notice to court, district attorney and legal guardian; order to resume participation in program; judicial review of order to resume participation in program.

1. Except as otherwise provided in subsection 3, any person involuntarily admitted to a program of community-based or outpatient services may be conditionally released from the program when, in the judgment of the professional responsible for providing or coordinating the program of community-based or outpatient services, the person does not present a substantial likelihood of serious harm to himself or herself or others. The professional responsible for providing or coordinating the program of community-based or outpatient services shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of admission to a program of community-based or outpatient services pursuant to NRS 433A.310.

2. When a person is conditionally released pursuant to subsection 1, the State of Nevada, the agents and employees of the State or a mental health facility, the professionals responsible for providing or coordinating programs of community-based or outpatient services and any other professionals providing mental health services are not liable for any debts or contractual obligations incurred, medical or otherwise, or damages caused by the actions of the person who is released.

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

4. Except as otherwise provided in subsection 6, the professional responsible for providing or coordinating the program of community-based or outpatient services shall order a person who is conditionally released pursuant to subsection 1 to resume participation in the program if the professional determines that the conditional release is no longer appropriate because that person presents a

substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195. Except as otherwise provided in this subsection, the professional responsible for providing or coordinating the program of community-based or outpatient services shall, at least 3 days before the issuance of the order to resume participation, give written notice of the order to the court that admitted the person to the program. If an emergency exists in which the person presents a substantial likelihood of serious harm to himself or herself or others, the order must be submitted to the court not later than 1 business day after the order is issued.

5. The court shall review an order submitted pursuant to subsection 4 and the current condition of the person who was ordered to resume participation in a program of community-based or outpatient services at the next regularly scheduled hearing for the review of petitions for involuntary admissions, but in no event later than 5 judicial days after participation in the program is resumed. The court shall serve notice on the person who was ordered to resume participation in the program and to his or her attorney of the time, date and place of the hearing and of the facts necessitating that the person resume participation in the program.

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