

SENATE BILL NO. 7—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON HEALTH CARE)

PREFILED DECEMBER 19, 2014

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the admission of persons with certain mental conditions to and the release of such persons from certain facilities and programs. (BDR 39-64)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to mental health; expanding the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness and a petition for the involuntary court-ordered admission of such a person to certain facilities or programs; expanding the list of persons authorized to complete certain certificates concerning the mental condition of another; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law defines “person with mental illness” as a person whose capacity to
2 exercise self-control, judgment and discretion in the conduct of the person’s affairs
3 and social relations or to care for his or her personal needs is diminished, as a result
4 of mental illness, to the extent that the person presents a clear and present danger of
5 harm to himself or herself or others. (NRS 433A.115) Existing law authorizes
6 certain persons to file an application for the emergency admission of a person
7 alleged to be a person with mental illness to certain facilities. (NRS 433A.160)
8 **Section 1.5** of this bill expands the list of persons who are authorized to file such an
9 application to include a physician assistant.

10 With certain exceptions, existing law requires an application for the emergency
11 admission of a person alleged to be a person with a mental illness to be
12 accompanied by a certificate of a psychiatrist or licensed psychologist or, if neither



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13 is available, a physician, stating that the person has a mental illness and, because of
14 that mental illness, is likely to harm himself or herself or others if not admitted to
15 certain facilities or programs. (NRS 433A.170, 433A.200) Under existing law, a
16 licensed physician on the medical staff of certain facilities may release a person
17 alleged to be a person with mental illness who has been admitted on an emergency
18 basis if a licensed physician on the medical staff of the facility completes a
19 certificate stating that the person admitted is not a person with a mental illness.
20 (NRS 433A.195) **Sections 1, 1.7, 2, 3 and 4** of this bill authorize a physician
21 assistant under the supervision of a psychiatrist, a psychologist, a clinical social
22 worker with certain psychiatric training and experience, an advanced practice
23 registered nurse with certain psychiatric training and experience or an accredited
24 agent of the Department of Health and Human Services to complete such a
25 certificate while still requiring a licensed physician on the medical staff of the
26 facility to release the person. **Sections 4.2 and 4.7** of this bill require the State
27 Board of Nursing and the Board of Examiners for Social Workers to adopt
28 regulations prescribing the psychiatric training and experience necessary before an
29 advanced practice registered nurse or clinical social worker, as applicable, may
30 complete such a certificate.

31 Existing law prohibits a person who is related by blood or marriage within the
32 first degree of consanguinity or affinity to a person alleged to be a person with
33 mental illness from completing: (1) an application for the emergency admission of
34 such a person to a mental health facility; (2) a certificate stating that a person has a
35 mental illness and, because of that mental illness, is likely to harm himself or
36 herself or others if not admitted to a mental health facility on an emergency basis;
37 or (3) a certificate stating that a person is not a person with mental illness. (NRS
38 433A.197) **Section 3** also prohibits a person who is related by blood or marriage
39 within the second degree of consanguinity or affinity to a person alleged to be a
40 person with mental illness from completing such an application or certificate.

41 Existing law authorizes the spouse or a parent, adult child or legal guardian of a
42 person and certain other persons to file a petition for the involuntary court-ordered
43 admission of a person alleged to be a person with mental illness to a mental health
44 facility or to a program of community-based or outpatient services. (NRS
45 433A.200) **Section 4** further authorizes a physician assistant to file such a petition.

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

1 **Section 1.** NRS 433A.145 is hereby amended to read as
2 follows:

3 433A.145 1. If a person with mental illness is admitted to a
4 public or private mental health facility or hospital as a voluntary
5 consumer, the facility or hospital shall not change the status of the
6 person to an emergency admission unless the hospital or facility
7 receives, before the change in status is made, an application for an
8 emergency admission pursuant to NRS 433A.160 and the certificate
9 of a psychiatrist, psychologist, ~~to~~ physician, *physician assistant,*
10 *clinical social worker, advanced practice registered nurse or*
11 *accredited agent of the Department* pursuant to NRS 433A.170.

12 2. A person whose status is changed pursuant to subsection 1
13 must not be detained in excess of 48 hours after the change in status



1 is made unless, before the close of the business day on which the 48
2 hours expires, a written petition is filed with the clerk of the district
3 court pursuant to NRS 433A.200.

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

8 **Sec. 1.5.** NRS 433A.160 is hereby amended to read as
9 follows:

10 433A.160 1. Except as otherwise provided in subsection 2,
11 an application for the emergency admission of a person alleged to be
12 a person with mental illness for evaluation, observation and
13 treatment may only be made by an accredited agent of the
14 Department, an officer authorized to make arrests in the State of
15 Nevada or a physician, *physician assistant*, psychologist, marriage
16 and family therapist, clinical professional counselor, social worker
17 or registered nurse. The agent, officer, physician, *physician*
18 *assistant*, psychologist, marriage and family therapist, clinical
19 professional counselor, social worker or registered nurse may:

20 (a) Without a warrant:

21 (1) Take a person alleged to be a person with mental illness
22 into custody to apply for the emergency admission of the person for
23 evaluation, observation and treatment; and

24 (2) Transport the person alleged to be a person with mental
25 illness to a public or private mental health facility or hospital for
26 that purpose, or arrange for the person to be transported by:

27 (I) A local law enforcement agency;

28 (II) A system for the nonemergency medical
29 transportation of persons whose operation is authorized by the
30 Nevada Transportation Authority;

31 (III) An entity that is exempt pursuant to NRS 706.745
32 from the provisions of NRS 706.386 or 706.421; or

33 (IV) If medically necessary, an ambulance service that
34 holds a permit issued pursuant to the provisions of chapter 450B of
35 NRS,

36 ↪ only if the agent, officer, physician, *physician assistant*,
37 psychologist, marriage and family therapist, clinical professional
38 counselor, social worker or registered nurse has, based upon his or
39 her personal observation of the person alleged to be a person with
40 mental illness, probable cause to believe that the person has a
41 mental illness and, because of that illness, is likely to harm himself
42 or herself or others if allowed his or her liberty.

43 (b) Apply to a district court for an order requiring:

44 (1) Any peace officer to take a person alleged to be a person
45 with mental illness into custody to allow the applicant for the order



1 to apply for the emergency admission of the person for evaluation,
2 observation and treatment; and

3 (2) Any agency, system or service described in subparagraph
4 (2) of paragraph (a) to transport the person alleged to be a person
5 with mental illness to a public or private mental health facility or
6 hospital for that purpose.

7 ↪ The district court may issue such an order only if it is satisfied
8 that there is probable cause to believe that the person has a mental
9 illness and, because of that illness, is likely to harm himself or
10 herself or others if allowed his or her liberty.

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

18 3. The application for the emergency admission of a person
19 alleged to be a person with mental illness for evaluation, observation
20 and treatment must reveal the circumstances under which the person
21 was taken into custody and the reasons therefor.

22 4. Except as otherwise provided in this subsection, each person
23 admitted to a public or private mental health facility or hospital
24 under an emergency admission must be evaluated at the time of
25 admission by a psychiatrist or a psychologist. If a psychiatrist or a
26 psychologist is not available to conduct an evaluation at the time of
27 admission, a physician may conduct the evaluation. Each such
28 emergency admission must be approved by a psychiatrist.

29 5. As used in this section, "an accredited agent of the
30 Department" means any person appointed or designated by the
31 Director of the Department to take into custody and transport to a
32 mental health facility pursuant to subsections 1 and 2 those persons
33 in need of emergency admission.

34 **Sec. 1.7.** NRS 433A.170 is hereby amended to read as
35 follows:

36 433A.170 Except as otherwise provided in this section, the
37 administrative officer of a facility operated by the Division or of any
38 other public or private mental health facility or hospital shall not
39 accept an application for an emergency admission under NRS
40 433A.160 unless that application is accompanied by a certificate of
41 a ~~psychiatrist or a~~ licensed psychologist, *a physician, a physician*
42 *assistant under the supervision of a psychiatrist, a clinical social*
43 *worker who has the psychiatric training and experience prescribed*
44 *by the Board of Examiners for Social Workers pursuant to NRS*
45 *641B.160, an advanced practice registered nurse who has the*



1 *psychiatric training and experience prescribed by the State Board*
2 *of Nursing pursuant to NRS 632.120 or an accredited agent of the*
3 *Department* stating that he or she has examined the person alleged
4 to be a person with mental illness and that he or she has concluded
5 that the person has a mental illness and, because of that illness, is
6 likely to harm himself or herself or others if allowed his or her
7 liberty. ~~If a psychiatrist or licensed psychologist is not available to~~
8 ~~conduct an examination, a physician may conduct the examination.~~
9 The certificate required by this section may be obtained from a
10 ~~psychiatrist,~~ licensed psychologist , ~~or~~ physician , *physician*
11 *assistant, clinical social worker, advanced practice registered*
12 *nurse or accredited agent of the Department* who is employed by
13 the public or private mental health facility or hospital to which the
14 application is made.

15 **Sec. 2.** NRS 433A.195 is hereby amended to read as follows:
16 433A.195 A licensed physician on the medical staff of a
17 facility operated by the Division or of any other public or private
18 mental health facility or hospital may release a person admitted
19 pursuant to NRS 433A.160 upon completion of a certificate which
20 meets the requirements of NRS 433A.197 signed by a licensed
21 physician on the medical staff of the facility or hospital , *a*
22 *physician assistant under the supervision of a psychiatrist,*
23 *psychologist, a clinical social worker who has the psychiatric*
24 *training and experience prescribed by the Board of Examiners for*
25 *Social Workers pursuant to NRS 641B.160, an advanced practice*
26 *registered nurse who has the psychiatric training and experience*
27 *prescribed by the State Board of Nursing pursuant to NRS*
28 *632.120 or an accredited agent of the Department* stating that he or
29 she has personally observed and examined the person and that he or
30 she has concluded that the person is not a person with a mental
31 illness.

32 **Sec. 3.** NRS 433A.197 is hereby amended to read as follows:
33 433A.197 1. An application or certificate authorized under
34 subsection 1 of NRS 433A.160 or NRS 433A.170 or 433A.195 must
35 not be considered if made by a ~~psychiatrist,~~ psychologist , ~~or~~
36 physician , *physician assistant, clinical social worker, advanced*
37 *practice registered nurse or accredited agent of the Department*
38 who is related by blood or marriage within the ~~first~~ *second* degree
39 of consanguinity or affinity to the person alleged to be a person with
40 mental illness, or who is financially interested in the facility in
41 which the person alleged to be a person with mental illness is to be
42 detained.

43 2. An application or certificate of any examining person
44 authorized under NRS 433A.170 must not be considered unless it is
45 based on personal observation and examination of the person



1 alleged to be a person with mental illness made by such examining
2 person not more than 72 hours prior to the making of the application
3 or certificate. The certificate required pursuant to NRS 433A.170
4 must set forth in detail the facts and reasons on which the examining
5 person based his or her opinions and conclusions.

6 3. A certificate authorized pursuant to NRS 433A.195 must not
7 be considered unless it is based on personal observation and
8 examination of the person alleged to be a person with mental illness
9 made by the examining physician ~~H~~, *physician assistant,*
10 *psychologist, clinical social worker, advanced practice registered*
11 *nurse or accredited agent of the Department.* The certificate
12 authorized pursuant to NRS 433A.195 must ~~set forth~~ *describe* in
13 detail the facts and reasons on which the examining physician ,
14 *physician assistant, psychologist, clinical social worker, advanced*
15 *practice registered nurse or accredited agent of the Department*
16 based his or her opinions and conclusions.

17 **Sec. 4.** NRS 433A.200 is hereby amended to read as follows:

18 433A.200 1. Except as otherwise provided in NRS
19 432B.6075, a proceeding for an involuntary court-ordered admission
20 of any person in the State of Nevada may be commenced by the
21 filing of a petition for the involuntary admission to a mental health
22 facility or to a program of community-based or outpatient services
23 with the clerk of the district court of the county where the person
24 who is to be treated resides. The petition may be filed by the spouse,
25 parent, adult children or legal guardian of the person to be treated or
26 by any physician, *physician assistant,* psychologist, social worker
27 or registered nurse, by an accredited agent of the Department or by
28 any officer authorized to make arrests in the State of Nevada. The
29 petition must be accompanied:

30 (a) By a certificate of a physician, ~~psychiatrist or~~, *a licensed*
31 *psychologist , a physician assistant under the supervision of a*
32 *psychiatrist, a clinical social worker who has the psychiatric*
33 *training and experience prescribed by the Board of Examiners for*
34 *Social Workers pursuant to NRS 641B.160, an advanced practice*
35 *registered nurse who has the psychiatric training and experience*
36 *prescribed by the State Board of Nursing pursuant to NRS*
37 *632.120 or an accredited agent of the Department* stating that he or
38 she has examined the person alleged to be a person with mental
39 illness and has concluded that the person has a mental illness and,
40 because of that illness, is likely to harm himself or herself or others
41 if allowed his or her liberty or if not required to participate in a
42 program of community-based or outpatient services; or

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

44 (1) The petitioner has, based upon the petitioner's personal
45 observation of the person alleged to be a person with mental illness,



1 probable cause to believe that the person has a mental illness and,
2 because of that illness, is likely to harm himself or herself or others
3 if allowed his or her liberty or if not required to participate in a
4 program of community-based or outpatient services; and

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

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

14 **Sec. 4.2.** NRS 632.120 is hereby amended to read as follows:

15 632.120 1. The Board shall:

16 (a) Adopt regulations establishing reasonable standards:

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

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

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

24 *(4) For the psychiatric training and experience necessary*
25 *for an advanced practice registered nurse to be authorized to make*
26 *the certifications described in NRS 433A.170, 433A.195 and*
27 *433A.200.*

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

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

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

34 2. The Board may adopt regulations establishing reasonable:

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

37 (b) Standards for the continuing professional competence of
38 licensees or holders of a certificate. The Board may evaluate
39 licensees or holders of a certificate periodically for compliance with
40 those standards.

41 3. The Board may adopt regulations establishing a schedule of
42 reasonable fees and charges, in addition to those set forth in NRS
43 632.345, for:

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



1 (b) Evaluating the professional competence of licensees or
2 holders of a certificate;

3 (c) Conducting hearings pursuant to this chapter;

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

5 (e) Surveying, evaluating and approving schools of practical
6 nursing, and schools and courses of professional nursing,

7 and collect the fees established pursuant to this subsection.

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

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

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

18 **Sec. 4.7.** NRS 641B.160 is hereby amended to read as follows:

19 641B.160 The Board shall adopt ~~such~~ :

20 1. *Such* regulations as are necessary or desirable to enable it to
21 carry out the provisions of this chapter ~~+~~ ; and

22 2. *Regulations establishing reasonable standards for the*
23 *psychiatric training and experience necessary for a clinical social*
24 *worker to be authorized to make the certifications described in*
25 *NRS 433A.170, 433A.195 and 433A.200.*

26 **Sec. 5.** This act becomes effective upon passage and approval.

