

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.

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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, ~~for~~ 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.

