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ASSEMBLY BILL NO. 38—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE DIVISION OF PUBLIC  
AND BEHAVIORAL HEALTH)

PREFILED DECEMBER 20, 2014

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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. (BDR 39-335)

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

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

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AN ACT relating to 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 admission of such a person to certain facilities or programs; expanding the list of persons authorized to complete a certificate stating that certain persons admitted to certain mental health facilities or hospitals are not persons with mental illness; 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** of this bill expands the list of persons who are authorized to file such an  
9 application to include a physician assistant.



10 Under existing law, a licensed physician on the medical staff of certain  
11 facilities may release a person alleged to be a person with mental illness who has  
12 been admitted on an emergency basis if a licensed physician on the medical staff of  
13 the facility completes a certificate stating that the person admitted is not a person  
14 with a mental illness. (NRS 433A.195) **Sections 2 and 3** of this bill authorize a  
15 physician assistant, psychologist, social worker or registered nurse to complete  
16 such a certificate while still requiring a licensed physician on the medical staff of  
17 the facility to release the person.

18 Existing law authorizes the spouse or a parent, adult child or legal guardian of a  
19 person and certain other persons to file a petition for the involuntary court-ordered  
20 admission of a person alleged to be a person with mental illness to a mental health  
21 facility or to a program of community-based or outpatient services. (NRS  
22 433A.200) **Section 4** of this bill further authorizes a physician assistant to file such  
23 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.160 is hereby amended to read as  
2 follows:

3 433A.160 1. Except as otherwise provided in subsection 2,  
4 an application for the emergency admission of a person alleged to be  
5 a person with mental illness for evaluation, observation and  
6 treatment may only be made by an accredited agent of the  
7 Department, an officer authorized to make arrests in the State of  
8 Nevada or a physician, *physician assistant*, psychologist, marriage  
9 and family therapist, clinical professional counselor, social worker  
10 or registered nurse. The agent, officer, physician, *physician*  
11 *assistant*, psychologist, marriage and family therapist, clinical  
12 professional counselor, social worker or registered nurse may:

13 (a) Without a warrant:

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

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

20 (I) A local law enforcement agency;

21 (II) A system for the nonemergency medical  
22 transportation of persons whose operation is authorized by the  
23 Nevada Transportation Authority;

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

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



1 ↪ only if the agent, officer, physician, *physician assistant*,  
2 psychologist, marriage and family therapist, clinical professional  
3 counselor, social worker or registered nurse has, based upon his or  
4 her personal observation of the person alleged to be a person with  
5 mental illness, probable cause to believe that the person has a  
6 mental illness and, because of that illness, is likely to harm himself  
7 or herself or others if allowed his or her liberty.

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

9 (1) Any peace officer to take a person alleged to be a person  
10 with mental illness into custody to allow the applicant for the order  
11 to apply for the emergency admission of the person for evaluation,  
12 observation and treatment; and

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

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

21 2. An application for the emergency admission of a person  
22 alleged to be a person with mental illness for evaluation, observation  
23 and treatment may be made by a spouse, parent, adult child or legal  
24 guardian of the person. The spouse, parent, adult child or legal  
25 guardian and any other person who has a legitimate interest in the  
26 person alleged to be a person with mental illness may apply to a  
27 district court for an order described in paragraph (b) of subsection 1.

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

32 4. Except as otherwise provided in this subsection, each person  
33 admitted to a public or private mental health facility or hospital  
34 under an emergency admission must be evaluated at the time of  
35 admission by a psychiatrist or a psychologist. If a psychiatrist or a  
36 psychologist is not available to conduct an evaluation at the time of  
37 admission, a physician may conduct the evaluation. Each such  
38 emergency admission must be approved by a psychiatrist.

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



1       **Sec. 2.** NRS 433A.195 is hereby amended to read as follows:

2       433A.195 A licensed physician on the medical staff of a  
3 facility operated by the Division or of any other public or private  
4 mental health facility or hospital may release a person admitted  
5 pursuant to NRS 433A.160 upon completion of a certificate which  
6 meets the requirements of NRS 433A.197 signed by a licensed  
7 physician on the medical staff of the facility or hospital , *a*  
8 *physician assistant, psychologist, social worker or registered nurse*  
9 *or an accredited agent of the Department* stating that he or she has  
10 personally observed and examined the person and that he or she has  
11 concluded that the person is not a person with a mental illness.

12       **Sec. 3.** NRS 433A.197 is hereby amended to read as follows:

13       433A.197 1. An application or certificate authorized under  
14 subsection 1 of NRS 433A.160 or NRS 433A.170 or 433A.195 must  
15 not be considered if made by a psychiatrist, psychologist , ~~for~~  
16 physician , *physician assistant, social worker or registered nurse*  
17 who is related by blood or marriage within the first degree of  
18 consanguinity or affinity to the person alleged to be a person with  
19 mental illness, or who is financially interested in the facility in  
20 which the person alleged to be a person with mental illness is to be  
21 detained.

22       2. An application or certificate of any examining person  
23 authorized under NRS 433A.170 must not be considered unless it is  
24 based on personal observation and examination of the person  
25 alleged to be a person with mental illness made by such examining  
26 person not more than 72 hours prior to the making of the application  
27 or certificate. The certificate required pursuant to NRS 433A.170  
28 must set forth in detail the facts and reasons on which the examining  
29 person based his or her opinions and conclusions.

30       3. A certificate authorized pursuant to NRS 433A.195 must not  
31 be considered unless it is based on personal observation and  
32 examination of the person alleged to be a person with mental illness  
33 made by the examining physician ~~for~~ , *physician assistant,*  
34 *psychologist, social worker, registered nurse or accredited agent of*  
35 *the Department.* The certificate authorized pursuant to NRS  
36 433A.195 must ~~set forth~~ *describe* in detail the facts and reasons on  
37 which the examining physician , *physician assistant, psychologist,*  
38 *social worker, registered nurse or accredited agent of the*  
39 *Department* based his or her opinions and conclusions.

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

41       433A.200 1. Except as otherwise provided in NRS  
42 432B.6075, a proceeding for an involuntary court-ordered admission  
43 of any person in the State of Nevada may be commenced by the  
44 filing of a petition for the involuntary admission to a mental health  
45 facility or to a program of community-based or outpatient services



1 with the clerk of the district court of the county where the person  
2 who is to be treated resides. The petition may be filed by the spouse,  
3 parent, adult children or legal guardian of the person to be treated or  
4 by any physician, *physician assistant*, psychologist, social worker  
5 or registered nurse, by an accredited agent of the Department or by  
6 any officer authorized to make arrests in the State of Nevada. The  
7 petition must be accompanied:

8 (a) By a certificate of a physician, psychiatrist or licensed  
9 psychologist stating that he or she has examined the person alleged  
10 to be a person with mental illness and has concluded that the person  
11 has a mental illness and, because of that illness, is likely to harm  
12 himself or herself or others if allowed his or her liberty or if not  
13 required to participate in a program of community-based or  
14 outpatient services; or

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

16 (1) The petitioner has, based upon the petitioner's personal  
17 observation of the person alleged to be a person with mental illness,  
18 probable cause to believe that the person has a mental illness and,  
19 because of that illness, is likely to harm himself or herself or others  
20 if allowed his or her liberty or if not required to participate in a  
21 program of community-based or outpatient services; and

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

25 2. Except as otherwise provided in NRS 432B.6075, if the  
26 person to be treated is a minor and the petitioner is a person other  
27 than a parent or guardian of the minor, the petition must, in addition  
28 to the certificate or statement required by subsection 1, include a  
29 statement signed by a parent or guardian of the minor that the parent  
30 or guardian does not object to the filing of the petition.

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







