

ASSEMBLY BILL NO. 378—ASSEMBLYWOMAN HANSEN

MARCH 21, 2019

Referred to Committee on Education

SUMMARY—Makes various changes relating to the transportation and admission of certain persons alleged to be a danger to themselves or others to certain facilities or hospitals. (BDR 34-711)

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; requiring the model plan for the management of a crisis, emergency or suicide involving a school to include a plan for responding to a pupil with a mental illness; clarifying that consent from any parent or legal guardian of a person is not necessary for the emergency admission of that person; requiring a person who applies for the emergency admission of a child to attempt to obtain the consent of a parent or guardian of the child; requiring the notification of a parent or guardian of a child of the emergency admission of the child; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law requires the Department of Education to develop a model plan for
- 2 the management of a suicide or a crisis or emergency that involves a public or
- 3 private school and requires immediate action. (NRS 388.253) Existing law requires
- 4 the development of a plan to be used by all public schools in a school district or a
- 5 charter school in responding to a crisis or emergency, which must include the plans,
- 6 procedures and information included in the model plan developed by the
- 7 Department. (NRS 388.243) Existing law authorizes the emergency admission of a
- 8 person who is determined to present a clear and present danger of harm to himself,
- 9 herself or others as a result of mental illness to a public or private mental health
- 10 facility or hospital for evaluation, observation and treatment. (NRS 433A.150)
- 11 Existing law authorizes certain persons to make an application for such an
- 12 emergency admission, including an officer authorized to make arrests in this State.
- 13 (NRS 433A.160) **Section 1** of this bill requires the model plan to include a plan for
- 14 responding to a pupil who is determined to present a clear and present danger of



15 harm to himself or herself or others as a result of mental illness, including: (1)  
16 utilizing mobile mental health crisis response units, where available; and (2)  
17 transporting the pupil to a mental health facility or hospital for admission. **Section**  
18 **2** of this bill clarifies that such a facility or hospital may accept for emergency  
19 admission any person for whom a proper application for emergency admission has  
20 been made, regardless of whether any parent or legal guardian of the person has  
21 consented to such admission. **Section 2.2** of this bill requires a person, other than a  
22 parent or guardian, who applies for the emergency admission of a person who is  
23 less than 18 years of age to attempt to obtain the consent of a parent or guardian to  
24 make the application when practicable. **Section 2.5** of this bill requires a mental  
25 health facility or hospital to notify a parent or guardian within 24 hours of the  
26 emergency admission of a person who is less than 18 years of age. **Section 3** of this  
27 bill clarifies that a school police officer can also make an application for the  
28 involuntary court-ordered admission of a person to a mental health facility or to a  
29 program of community-based or outpatient services.

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

1 **Section 1.** NRS 388.253 is hereby amended to read as follows:  
2 388.253 1. The Department shall, with assistance from other  
3 state agencies, including, without limitation, the Division of  
4 Emergency Management, the Investigation Division, and the  
5 Nevada Highway Patrol Division of the Department of Public  
6 Safety, develop a model plan for the management of:  
7 (a) A suicide; or  
8 (b) A crisis or emergency that involves a public school or a  
9 private school and that requires immediate action.  
10 2. The model plan must include, without limitation, a  
11 procedure for:  
12 (a) In response to a crisis or emergency:  
13 (1) Coordinating the resources of local, state and federal  
14 agencies, officers and employees, as appropriate;  
15 (2) Accounting for all persons within a school;  
16 (3) Assisting persons within a school in a school district, a  
17 charter school or a private school to communicate with each other;  
18 (4) Assisting persons within a school in a school district, a  
19 charter school or a private school to communicate with persons  
20 located outside the school, including, without limitation, relatives of  
21 pupils and relatives of employees of such a school, the news media  
22 and persons from local, state or federal agencies that are responding  
23 to a crisis or an emergency;  
24 (5) Assisting pupils of a school in the school district, a  
25 charter school or a private school, employees of such a school and  
26 relatives of such pupils and employees to move safely within and  
27 away from the school, including, without limitation, a procedure for  
28 evacuating the school and a procedure for securing the school;



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

3 (7) Providing any necessary medical assistance;

4 (8) Recovering from a crisis or emergency;

5 (9) Carrying out a lockdown at a school; and

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

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

9 (1) An incident involving hazardous materials;

10 (2) An incident involving mass casualties;

11 (3) An incident involving an active shooter;

12 (4) An outbreak of disease;

13 (5) Any threat or hazard identified in the hazard mitigation  
14 plan of the county in which the school district is located, if such a  
15 plan exists; or

16 (6) Any other situation, threat or hazard deemed appropriate;

17 (c) Providing pupils and staff at a school that has experienced a  
18 crisis, emergency or suicide with access to counseling and other  
19 resources to assist in recovering from the crisis, emergency or  
20 suicide; ~~and~~

21 (d) Evacuating pupils and employees of a charter school to a  
22 designated space within an identified public middle school, junior  
23 high school or high school in a school district that is separate from  
24 the general population of the school and large enough to  
25 accommodate the charter school, and such a space may include,  
26 without limitation, a gymnasium or multipurpose room of the public  
27 school ~~and~~; and

28 *(e) Responding to a pupil who is determined to be a person*  
29 *with mental illness, as defined in NRS 433A.115, including,*  
30 *without limitation:*

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

34 *(2) Transporting the pupil to a public or private mental*  
35 *health facility or hospital for admission pursuant to*  
36 *NRS 433A.150.*

37 3. In developing the model plan, the Department shall consider  
38 the plans developed pursuant to NRS 388.243 and 394.1687 and  
39 updated pursuant to NRS 388.245 and 394.1688.

40 4. The Department shall require a school district to ensure that  
41 each public school in the school district identified pursuant to  
42 paragraph (d) of subsection 2 is prepared to allow a charter school to  
43 evacuate to the school when necessary in accordance with the  
44 procedure included in the model plan developed pursuant to  
45 subsection 1. A charter school shall hold harmless, indemnify and



1 defend the school district to which it evacuates during a crisis or an  
2 emergency against any claim or liability arising from an act or  
3 omission by the school district or an employee or officer of the  
4 school district.

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

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

10 (b) A plan developed pursuant to NRS 388.243 or updated  
11 pursuant to NRS 388.245;

12 (c) A plan developed pursuant to NRS 394.1687 or updated  
13 pursuant to NRS 394.1688; and

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

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

18 **Sec. 2.** NRS 433A.150 is hereby amended to read as follows:

19 433A.150 1. ~~{Any}~~ *Except as otherwise provided in this*  
20 *subsection, a person alleged to be a person with mental illness may,*  
21 *upon application pursuant to NRS 433A.160 and subject to the*  
22 *provisions of subsection 2, be detained in a public or private mental*  
23 *health facility or hospital under an emergency admission for*  
24 *evaluation, observation and treatment ~~§~~, regardless of whether*  
25 *any parent or legal guardian of the person has consented to the*  
26 *admission.*

27 2. Except as otherwise provided in subsection 3, a person  
28 detained pursuant to subsection 1 must be released within 72 hours,  
29 including weekends and holidays, after the certificate required  
30 pursuant to NRS 433A.170 and the examination required by  
31 paragraph (a) of subsection 1 of NRS 433A.165 have been  
32 completed, if such an examination is required, or within 72 hours,  
33 including weekends and holidays, after the person arrives at the  
34 mental health facility or hospital, if an examination is not required  
35 by paragraph (a) of subsection 1 of NRS 433A.165, unless, before  
36 the close of the business day on which the 72 hours expires, a  
37 written petition for an involuntary court-ordered admission to a  
38 mental health facility is filed with the clerk of the district court  
39 pursuant to NRS 433A.200, including, without limitation, the  
40 documents required pursuant to NRS 433A.210, or the status of the  
41 person is changed to a voluntary admission.

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



1     **Sec. 2.2.** 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,

29     ↳ only if the agent, officer, physician, physician assistant,  
30 psychologist, marriage and family therapist, clinical professional  
31 counselor, social worker or registered nurse has, based upon his or  
32 her personal observation of the person alleged to be a person with  
33 mental illness, probable cause to believe that the person has a  
34 mental illness and, because of that illness, is likely to harm himself  
35 or herself or others if allowed his or her liberty.

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

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

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



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

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

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

16 4. *To the extent practicable, a person who applies for the*  
17 *emergency admission of a person who is less than 18 years of age*  
18 *to a public or private mental health facility or hospital, other than*  
19 *a parent or guardian, shall attempt to obtain the consent of the*  
20 *parent or guardian before making the application.*

21 5. Except as otherwise provided in this subsection, each person  
22 admitted to a public or private mental health facility or hospital  
23 under an emergency admission must be evaluated at the time of  
24 admission by a psychiatrist or a psychologist. If a psychiatrist or a  
25 psychologist is not available to conduct an evaluation at the time of  
26 admission, a physician or an advanced practice registered nurse who  
27 has the training and experience prescribed by the State Board of  
28 Nursing pursuant to NRS 632.120 may conduct the evaluation. Each  
29 such emergency admission must be approved by a psychiatrist.

30 ~~5.1~~ 6. As used in this section, “an accredited agent of the  
31 Department” means any person appointed or designated by the  
32 Director of the Department to take into custody and transport to a  
33 mental health facility pursuant to subsections 1 and 2 those persons  
34 in need of emergency admission.

35 **Sec. 2.5.** NRS 433A.190 is hereby amended to read as  
36 follows:

37 433A.190 Within 24 hours of a person’s admission under  
38 emergency admission, the administrative officer of a public or  
39 private mental health facility shall give notice of such admission in  
40 person, by telephone or facsimile and by certified mail to the spouse  
41 or legal guardian *of that person or, if the person is less than 18*  
42 *years of age, the parent or legal guardian* of that person.

43 **Sec. 3.** NRS 433A.200 is hereby amended to read as follows:  
44 433A.200 1. Except as otherwise provided in subsection 3  
45 and NRS 432B.6075, a proceeding for an involuntary court-ordered



1 admission of any person in the State of Nevada may be commenced  
2 by the filing of a petition for the involuntary admission to a mental  
3 health facility or to a program of community-based or outpatient  
4 services with the clerk of the district court of the county where the  
5 person who is to be treated resides. The petition may be filed by the  
6 spouse, parent, adult children or legal guardian of the person to be  
7 treated or by any physician, physician assistant, psychologist, social  
8 worker or registered nurse, by an accredited agent of the Department  
9 or by any officer authorized to make arrests in the State of Nevada  
10 **⊞**, *including, without limitation, a school police officer*. The  
11 petition must be accompanied:

12 (a) By a certificate of a physician, a licensed psychologist, a  
13 physician assistant under the supervision of a psychiatrist, a clinical  
14 social worker who has the psychiatric training and experience  
15 prescribed by the Board of Examiners for Social Workers pursuant  
16 to NRS 641B.160, an advanced practice registered nurse who has  
17 the psychiatric training and experience prescribed by the State  
18 Board of Nursing pursuant to NRS 632.120 or an accredited agent  
19 of the Department stating that he or she has examined the person  
20 alleged to be a person with mental illness and has concluded that the  
21 person has a mental illness and, because of that illness, is likely to  
22 harm himself or herself or others if allowed his or her liberty or if  
23 not required to participate in a program of community-based or  
24 outpatient services; or

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

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

32 (2) The person alleged to be a person with mental illness has  
33 refused to submit to examination or treatment by a physician,  
34 psychiatrist, licensed psychologist or advanced practice registered  
35 nurse who has the psychiatric training and experience prescribed by  
36 the State Board of Nursing pursuant to NRS 632.120.

37 2. Except as otherwise provided in NRS 432B.6075, if the  
38 person to be treated is a minor and the petitioner is a person other  
39 than a parent or guardian of the minor, a petition submitted pursuant  
40 to subsection 1 must, in addition to the certificate or statement  
41 required by that subsection, include a statement signed by a parent  
42 or guardian of the minor that the parent or guardian does not object  
43 to the filing of the petition.

44 3. A proceeding for the involuntary court-ordered admission of  
45 a person who is the defendant in a criminal proceeding in the district



1 court to a program of community-based or outpatient services may  
2 be commenced by the district court, on its own motion, or by motion  
3 of the defendant or the district attorney if:

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

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

8 (c) The Division makes a clinical determination that placement  
9 in a program of community-based or outpatient services is  
10 appropriate.

11 **Sec. 4.** This act becomes effective upon passage and approval.

