

SENATE COMMITTEE ON  
HEALTH, WELFARE AND STATE INSTITUTIONS

MINUTES OF MEETING # 28

APRIL 24, 1973

The meeting convened at 8:00 a.m.

Senator Walker in the Chair.

PRESENT:

Senators Young  
Swobe  
Raggio  
Herr  
Drakulich  
Neal

Other interested parties, list of which is hereto attached as Exhibit A.

AB 959 Enacts the Nevada Mental Health and  
Mental Retardation Law.

Dr. Chuck Dickson and Ms. Suzanne Bryant were witnesses, from the Division of Mental Hygiene and Mental Retardation Services. Dr. Dickson is Clinical Administrator for the Division, and Ms. Bryant supervisor of Educational Programs.

This bill replaces NRS chapters 433, 435, and 436. It is an attempt to re-organize all mental health and Mental retardation standards - (to upgrade them) now in existance.

Since this bill has been discussed previously --(refer to Minutes #27, April 18, 1973), and therein contains the intent, the contents this date pick up where the meeting adjourned on 4/18/73.

Question concerning Section 50, page 8, was brought forth, to which Dr. Dickson explained that this bill contains all previous bills that have been passed through committee pertaining to mental health, to date. He explained that it was compiled from a multitude of sources, among which were the Governor's Advisory Board, local psychiatrists and psychologists, administrators, etc., Work began on this bill in May of last year.

Regarding admissions, Dr. Dickson explained that almost anyone could make a petition to have somebody admitted.

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Under this petition for admission, they would be examined by a psychiatrist at the institute or at the Mental Health Center in Las Vegas; this psychiatrist would determine whether or not they should be admitted. A court procedure would be a more formal admission - we would have to take the client. The client is still subject to review by a medical board, and the time duration is for six months.

This time is fixed by the court. In this bill, option for release sooner than the stated six months is possible, at the attending psychiatrist's decision. There is a court evaluation team which makes the admission decisions. This team can be composed of two factors: two psychiatrists in private practice, or one composed by the court. The person has an automatic review every six months, to determine the necessity of keeping him in an institution. This relieves the burden of keeping a person longer than necessary. This includes geriatric patients as well, due to the fact that there may be alternatives to treatment, which would have a high success factor. The tone of this bill protects a client, puts the burden upon the Division.

Senator Raggio stated that, in regards to the automatic 6 months' petition, with the right of counsel, that the procedure would be broadened to the point where it is unworkable. With 350 patients currently in institutions, there are a large percentage that are going to be there over 6 months. Senator Raggio felt that this was putting a heavy burden on the courts of Washoe County. He felt that this determination should be up to the medical director of the institute.

Dr. Dickson tried to explain to the committee, the abuses in regards to detaining a patient without just need; that this was not an uncommon practice to date. Senator Young found it "hard to believe", and asked for citing of specific cases. Dr. Dickson referred to cases which had been publicized, and cited others in this reference, especially those who were committed, then ended up in prison.

Ms. Bryant cited a recent experiment performed back East, where several psychologists feigned a symptom, and were readily admitted. After admission, stopped complaining of the symptoms, as if they had been cured. The difficulty in obtaining a release was more than considerable, and thus substantiated Dr. Dickson's above statement. (This experiment was documented and published).

Further discussion followed, Senator Walker affirming that the intent of this bill and its purpose was to conform with

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current practices across the country, as well as to upgrade the treatment and concept of mental health in Nevada.

Senator Raggio questioned the right of patients to refuse treatment, as specified in this bill. Dr. Dickson explained that section applies (as written) to the performance of lobotomies and electroshock treatments, which, in recent years, have been proven to be drastic measures, and not at all satisfactory, let alone humane.

The section pertaining to sterilization had been deleted, Dr. Dickson said, on the assembly side. He explained that the reason it was in the original draft was because parents who have had children in the institutions have taken them out, and had them sterilized, and returned them.

Senator Herr stated that she concurred with Senator Young's views, and that such an extensive bill, (49 pages) should not be presented on the 100th day, without time to study it.

Senator Swobe moved to hold this bill indefinitely, Senator Herr seconded the motion, and it was so carried.

Senator Neal and Senator Walker opposed, wishing to pass AB 959.

AB 806 Extends provision for drug abuse treatment under certain circumstances and prohibits disclosure of any information relating thereto.

Assemblyman Lowman defined this bill to the committee after which Senator Swobe moved for a "Do Pass". Senator Raggio seconded the motion, and it was so carried.

The meeting adjourned at 9:00 a.m.

Respectfully submitted,

  
Jo Ann Hughes, Secretary

APPROVED:





(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 806

ASSEMBLY BILL NO. 806—COMMITTEE ON HEALTH  
AND WELFARE

MARCH 23, 1973

Referred to Committee on Health and Welfare

SUMMARY—Extends provision for drug abuse treatment under certain circumstances and prohibits disclosure of any information relating thereto. Fiscal Note: No. (BDR 11-1370)

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to minors; extending the provision for drug abuse treatment under certain circumstances; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 129.030 is hereby amended to read as follows:  
2 129.030 1. Notwithstanding any other provision of law, and without  
3 limiting cases in which consent may otherwise be obtained or is not  
4 required, any emancipated minor or any minor who has contracted a  
5 lawful marriage may give consent to the furnishing of hospital, medical  
6 and surgical care to himself, and his consent shall not be subject to dis-  
7 affirmance because of minority. For the purposes of this subsection only,  
8 subsequent judgment of annulment of such marriage or judgment of  
9 divorce shall not deprive such person of his adult status once attained.  
10 2. Notwithstanding any other provision of law, any minor who is  
11 under the influence of, or suspected of being under the influence of, a  
12 controlled substance as defined by chapter 453 of NRS, or a dangerous  
13 or hallucinogenic drug:  
14 (a) May give express consent; or  
15 (b) If unable to give express consent, shall be deemed to consent,  
16 to the furnishing of hospital, medical, [or] surgical or health care for the  
17 treatment of drug abuse or related illness by any public or private  
18 hospital, any health and care facility or any licensed physician or surgeon  
19 and his consent shall not be subject to disaffirmance because of minority.  
20 Immunity from civil or criminal liability extends to any person pro-  
21 viding such care, in the absence of negligence in such care.  
22 3. The consent of the parent or parents or the legal guardian of any  
23 minor described in subsections 1 and 2 shall not be necessary in order  
24 to authorize such hospital, medical or surgical care.

Original bill is 2 pages long.  
Contact the Research Library for  
a copy of the complete bill.

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