

Senate

HEALTH, WELFARE AND STATE INSTITUTIONS

Minutes of Meeting - April 16, 1975

The twenty-second meeting of the Health, Welfare and State Institutions Committee was held on April 16, 1975 at 5:10 p.m. in Room 323.

COMMITTEE MEMBERS PRESENT: Chairman Lee E. Walker
Senator Cliff Young

OTHERS PRESENT: Mr. Peter Combs
Dr. Charles Dickson
Dr. Gwen O'Brien
Father Dunphy

S.B. 374 - Enacts the Nevada Mental Health and Mental Retardation Law.

Dr. Dickson presented the committee with proposed amendments which are a result of previous meetings on this bill and suggestions made at these meetings (See Exhibit A for copy of amendments). Dr. Dickson advised that with these amendments, they have suggested that the counties not be responsible for the cost of indigent care.

The new amendments were discussed, with Dr. Dickson advising on various sections; i.e. they now have a definition for mental health professional, they have changed the definition of mental retardation, they have adopted the counties definition of residency, immediate treatment is now allowed in Section 50.

Senator Young referred to Section 50 (see page 2, line 2 of attached amendments) and suggested that "express" be deleted; however, Mr. Combs felt that this was consistent with other language.

Dr. Dickson referred to Section 52 and advised that they feel the client has the right to inspect his record -- this has been done in Illinois for 3 years and there has been no problems.

Dr. Dickson advised that the language in Section 66 is new and relates to the responsibilities of the Director. Senator Young suggested the following amendment to this section: "and may by delegation of the Institute Director, be responsible for the non-medical care and treatment of clients; and..."

Sections 68 through 97 have been deleted and new sections (see attached amendments) added. These new sections are basically the same but they do make it more workable.

Section 99 indicates that the Institute does not have jurisdiction over the prison. If the warden has someone that he would like to

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have transferred to the facility, he must go through the general procedures.

Mr. Combes referred to Section 102, page 11, line 3, and suggested that "...mental health facility shall.." be changed to "may"

With respect to Section 120, Dr. Dickson advised that the wording "mental retardation" should be added throughout.

Dr. Dickson referred to Section 124 and advised that they have put in basically the same language as before and omitted the portion that indicates the counties would pay for the care.

Section 133 - language is added that was omitted by the bill drafters in the bill.

Dr. Dickson explained the changes in the following sections: The original language is returned to Section 156; "Center" is defined in Section 159; Section 161 has been changed in order to be consistent with S.B. 298 which has already passed; the problem area has been deleted in Section 174; the counties are given the opportunity to participate if they desire in Section 188; Sections 193-196 are deleted; Section 197 is amended to deal with privileged communications.

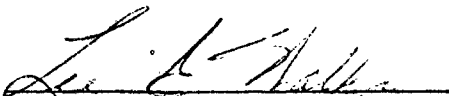
Father Dunphy referred to Section 197 and felt that that this should also apply to private agencies, and suggested that page 20, line 3 of attached amendments be amended to read: "...by a public or private agency as a"

Being no further business at this time, the meeting was adjourned at 6:30 p.m.

Respectfully submitted,


 Sharon W. Maher, Secretary

APPROVED:


 Lee E. Walker, Chairman



STATE OF NEVADA
 DIVISION OF MENTAL HYGIENE
 AND MENTAL RETARDATION

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MIKE O'CALLAGHAN
 Governor

CHARLES R. DICKSON, Ph.D.
 Administrator
 MENTAL HYGIENE AND
 MENTAL RETARDATION

JACK MIDDLETON
 Associate Administrator for
 Mental Retardation

April 16, 1975

MEMORANDUM

To: Senator Lee Walker, Chairman
 Senate Health, Welfare and State Institutions Committee

From: Charles R. Dickson, Ph.D., Administrator *C.R.D.*
 Mental Hygiene and Mental Retardation Division

Subject: Amendments to Senate Bill 374

Attached please find amendments to Senate Bill 374. Changes proposed for Admission and Release procedures can be seen on pages three through ten.

The amendments resulted from input by the Senate Health, Welfare and State Institutions Committee members, the expressed views of county representatives and some suggestions by the private and public psychiatric community. In addition, there are a few minor revisions suggested by the Deputy Attorney General representing the Division of Mental Hygiene and Mental Retardation.

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 Enclosure

AMENDMENTS TO SENATE BILL 374

April 16, 1975

AMENDMENTS TO SENATE BILL 374

The following should be added as an additional section to Senate Bill 374 following Section 11, on page 2: Mental health professional as used in this title means a psychiatrist licensed to practice medicine in the State of Nevada or a psychologist with the training and experience necessary for certification as a consulting psychologist or psychologist; or someone employed by a public agency as a psychologist or psychiatric social worker.

Section 20 - page 3, lines 19 through 21:

Change the definition of Mental Retardation to read: Mental Retardation refers to significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

Section 22, subsection 2 - page 3, lines 28 and 29:

These two lines should be changed to read: 2. For purposes of involuntary court-ordered admission and emergency admission to a mental health facility, "mentally ill person" means any person who has demon-

Section 45 - page 7, lines 6 through 12:

This entire section should be reworded as follows: A person's residence shall be taken to mean and shall be considered to mean the actual residence of each of such persons, or the place where each such person was employed; or in case such person was in no employment, then it shall be considered and held to be the place where such person made his home or his headquarters.

Section 50, subsection 1(a) (1) - page 8, lines 12 and 13:

Change to read as follows: The client if he is 18 years of age or over or legally emancipated and competent to give such consent and from his legal guardian, if any;

Section 50, subsection 1(b)(2) - page 8, line 20:

Change to read as follows: The reasonable risks, benefits and purposes of such procedure; and

Section 50, subsection 1(d) - page 8, lines 24 through 32:

Subdivision (d) of subsection 1 should be reworded to read: (d) The absence of express and informed consent notwithstanding, a licensed and qualified physician may render emergency medical care or treatment to any client who has been injured in an accident or who is suffering from an acute illness, disease or condition, if within a reasonable degree of medical certainty, delay in initiation of emergency medical care or treatment would endanger the health of the client and if such treatment is immediately entered into the client's treatment record;

Section 50, subsection 1 (continued)

Another subdivision should be added to subsection 1 which would read: (e) If the proposed emergency medical care or treatment is deemed by the medical director to be unusual, experimental or generally occurring infrequently in routine medical practice, the medical director shall appoint two professionals, at least one being a physician, to evaluate the client and the proposed care or treatment plan. The care or treatment plan shall be implemented only if both professionals agree that it is in the best interest of the client. The findings of the two professionals shall be entered into the client's treatment record. For the purposes of this section, "professional" means a mental health worker with a graduate degree in one of the following fields: psychology, medicine, psychiatry, social work or nursing.

Section 50, subsection 2 - page 8, lines 33 through 37:

The word "canteen" should be deleted from line 36, so that this subdivision reads as follows: To wear his own clothing, to keep and use his own personal possessions, including his toilet articles, unless such articles may be used to endanger his or others' lives, and to keep and be allowed to spend a reasonable sum of his own money for expenses and small purchases;

Section 66, subsection 1 - page 13, line 4

The word "and" should be added at the end of line 4 and a new subdivision of subsection 1 should be added which reads as follows: (i) To assume responsibility for the non-medical care and treatment of clients if such responsibility has not been delegated.

Section 67, subsection 2(b) - page 13, lines 24 through 26:

Subdivision (b) should be changed to read as follows: (b) Have standard medical histories currently maintained on all clients, and administer or have administered the accepted and appropriate medical treatments to all clients under his care, and may be responsible for the non-medical care and treatment of clients; and

by delegation of the institute or clinic director

Sections 68 through 97 of Senate Bill 374 should be deleted entirely and replaced with the following wording for those sections:

Sec. 68. There shall be three types of admission to mental health facilities in the State of Nevada. These are voluntary admission, emergency admission and involuntary court-ordered admission.

Sec. 69. 1. Any person may apply to any public or private mental health facility in the State of Nevada for admission to such facility as a voluntary client for the purposes of observation, diagnosis, care and treatment. In the case of a person who has not attained the age of majority, application for voluntary admission may be made on his behalf by his spouse, parent or legal guardian.

2. If the application is for admission to a division facility, the applicant shall be admitted as a voluntary client if examination by admitting personnel reveals that the person needs and may benefit from services offered by the mental health facility.

3. Any person admitted to a division facility as a voluntary client shall be released immediately after the filing of a written request for release with the responsible physician or his designee within the normal working day.

4. Any person admitted to a division facility as a voluntary client who has not requested release may nonetheless be released by the medical director when examining personnel at the division facility determine that the client has recovered or has improved to such an extent that he is not considered a danger to himself or others and is not gravely disabled or that the services of that facility are no longer beneficial to him or advisable.

Sec. 70. 1. Any mentally ill person as defined in subsection 2 of section 22 may be detained in a private or public mental health facility under an emergency admission for evaluation, observation and treatment subject to subsections 2 and 3.

2. No person admitted to a mental health facility under subsection 1 may be detained for a period in excess of 2 working days unless within such period of time a written petition has been filed with the clerk of the district court to commence proceedings for involuntary court-ordered admission of that person.

3. No person admitted to a mental health facility under subsection 1 may be detained under emergency admission for a period in excess of 7 calendar days from the date on which a petition under subsection 2 has been filed with the clerk of the district court.

Sec. 71. 1. Application for an emergency admission of an allegedly mentally ill person for evaluation and observation may only be made by a duly accredited agent of the department, an officer authorized to make arrests in the State of Nevada, a physician, psychologist, social worker or public health nurse. The agent, officer, physician, psychologist, social worker or public health nurse may take an allegedly mentally ill person into custody without a warrant for the purpose of making an application for emergency admission for evaluation, observation and treatment under section 70 and may transport the person or arrange the transportation for him with a local law enforcement agency to a public or private

(Sec. 71. continued)

mental health facility for the purposes of making such application.

2. The application shall reveal the circumstances under which the person was taken into custody and the reasons therefor.

3. For the purposes of subsection 1, "duly accredited agent of the department" means any person appointed or designated by the director of the department to take into custody and to transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

4. Any person who has reason to believe that another person is mentally ill, and because of such illness is likely to harm himself or others if he is not immediately detained or that such person is gravely disabled by mental illness, may apply to the district attorney of the county where the allegedly mentally ill person is found and the district attorney may, if satisfied that the person is likely to harm himself or others or is gravely disabled as defined in subsection 2 of section 22 of this act:

(a) Issue an order to any peace officer for immediate apprehension of such person and his transportation to a public or private mental health facility; and

(b) Make application for the admission of such person under emergency admission provisions of section 70 of this act.

Sec. 72. The administrative officer of a division facility or of any other private or public mental health facility shall not accept an application for an emergency admission under sections 70 and 71 of this act unless such application is accompanied by a certificate of a psychiatrist, certified psychologist or physician stating that he has examined the person alleged to be mentally ill and that he has concluded that as a result of mental illness the person is likely to harm himself or others or is gravely disabled as defined in subsection 2 of section 22 of this act. Such certificate may be obtained from a psychiatrist, certified psychologist, or physician who is employed by the public or private mental health facility to which such application is made.

Sec. 73. No application or certificate authorized under section 71 and 72 of this act may be considered if made by a psychiatrist, certified psychologist or physician who is related by blood or marriage to the allegedly mentally ill person, or who is financially interested in the facility in which the allegedly mentally ill person is to be detained. No application or certificate of any examining person authorized under section 72 of this act may be considered unless it is based on personal observation and examination of the allegedly mentally ill person made by such examining person not more than 72 hours prior to the making of the application or certificate. The certificate shall set forth in detail the facts and reasons on which the examining person based his opinions and conclusions.

Sec. 74. Within 24 hours of a person's admission under emergency admission, the administrative officer of a mental health facility shall give notice of such admission by certified mail to the spouse, parent, or legal guardian of that person.

Sec. 75. A petition filed with the clerk of the district court to commence proceedings for involuntary court-ordered admission of a person pursuant to section 70 shall include:

1. A certified copy of the application made pursuant to section 71 of this act with respect to the person detained; and

2. A petition executed by a psychiatrist, certified psychologist, or physician certifying that he has examined the person alleged to be mentally ill and has concluded that as a result of mental illness the person is likely to harm himself or others or is gravely disabled as defined in subsection 2 of section 22 of this act.

Sec. 76. Proceedings for an involuntary court-ordered admission of any person in the State of Nevada who is not at a mental health facility under an emergency admission may be commenced by the filing of a petition with the clerk of the district court of any county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children, the legal guardian of the person to be treated or by any physician; psychologist, social worker or public health nurse, by a duly accredited agent of the department, by any officer authorized to make arrests in the State of Nevada or by any interested person. Such petition shall be accompanied:

1. By a certificate of a physician or certified psychologist stating that he has examined the person alleged to be mentally ill and has concluded that as a result of mental illness the person is likely to harm himself or others or that he is gravely disabled as provided in subsection 2 of section 22 of this act; or

2. By a sworn statement written by the petitioner that:

(a) The petitioner has probable cause to believe that such person is mentally ill and, because of such illness is likely to harm himself or others, or is gravely disabled as defined in subsection 2 of section 22 of this act; and

(b) That such person has refused to submit to examination or treatment by a physician, psychiatrist or certified psychologist.

Sec. 77. 1. Immediately after he receives any petition filed under section 75 or 76 of this act, the clerk of the district court shall transmit the petition to the appropriate district judge, who shall set a time and place for its hearing, which date should be within 7 calendar days from the time such petition is received by the clerk.

2. Notice of the petition and of the time and place of any proceedings thereon shall be given by the court to the subject of the petition, his attorney, if known, the petitioner, the district attorney of the county in which the court has its principal office and the administrative office of any mental health facility in which the subject of the petition is detained.

Sec. 78. 1. After the filing of a petition to commence proceedings for involuntary court-ordered admission of a person pursuant to section 75 or 76 of this act, the court shall promptly cause two or more physicians or certified psychologists, one of whom shall always be a physician, to examine the person alleged to be mentally ill or request an evaluation from a multiple disciplinary team from the division of the person alleged to be mentally ill.

2. For the purpose of conducting the examination of a person who is not at a mental health facility under emergency admission pursuant to section 70, the court may order a peace officer to take the individual into protective custody and transport him to a mental health facility where he may be detained as long as necessary to complete the examinations, but in no event longer than 24 hours.

3. Unless the individual has been admitted under an emergency admission pursuant to section 70 of this act, he may be allowed to remain in his home or other place of residence pending an ordered examination or examinations and to return to his home or other place of residence upon completion of the examination or examinations. The individual may be accompanied by one or more of his relations or friends to the place of examination.

Sec. 79. The court in its discretion may require any petitioner under section 76 of this act, except any duly accredited agent of the department or any officer authorized to make arrests in the State of Nevada, to file an undertaking with surety to be approved by the court in the amount the court deems proper, conditioned to save harmless the person alleged to be mentally ill by reason of costs incurred, including attorney fees, if any, and damages suffered by the person as a result of such action.

Sec. 80. 1. The administrator shall establish such multiple disciplinary evaluation teams as are necessary to aid the courts under sections 78 and 86 of this act.

2. Each team shall be composed of a psychiatrist and other mental health professionals representative of the division selected from personnel in the division.

3. When performing as members of the team under section 78 or 86 of this act, such persons shall receive the per diem expense allowance and travel expenses provided by law. Fees for such evaluations shall be established and collected as set forth in section 44 of this act.

Sec. 81. 1. In counties where the examining personnel required pursuant to section 78 of this act are not available, proceedings for court-ordered involuntary admission shall be conducted in the nearest county having such examining personnel available in order that there be minimum delay.

2. The entire expense of proceedings for involuntary court-ordered admission shall be paid by the county in which the application is filed, except that where the person to be admitted last resided in another county of the state the expense shall be charged to and payable by such county of residence.

Sec. 82. 1. The allegedly mentally ill person or any relative or friend on his behalf is entitled to retain counsel to represent him in any proceeding before the district court relating to involuntary court-ordered admission, and if he fails or refuses to obtain counsel, the court shall advise him and his guardian or next of kin, if known, of such right to counsel and shall appoint counsel who may be the public defender or his deputy.

2. Any counsel appointed pursuant to subsection 1 shall be awarded compensation by the court for his services in an amount determined by it to be fair and reasonable. The compensation shall be charged against the estate of the person for whom the counsel was appointed, or if the person is indigent, the compensation shall be charged against the county where the allegedly mentally ill person last resided.

3. The court may, at the request of any counsel, grant a recess in the proceedings for not more than 5 days to give the counsel an opportunity to prepare his case.

4. Each district attorney or his deputy shall appear and represent the state in all involuntary court-ordered admission proceedings in his county. The district attorney is responsible for the presentation of evidence, if any, in support of the involuntary court-ordered admission of a person to a mental health facility in proceedings held pursuant to section 75 or 76 of this act.

Sec. 83. Witnesses subpoenaed under the provisions of this chapter shall be paid the same fees and mileage as are paid to witnesses in the courts of the State of Nevada.

Sec. 84. In proceedings for an involuntary court-ordered admission, the person with respect to whom the proceedings are held shall be present and may, at the discretion of the court, testify.

Sec. 85. In proceedings for involuntary court-ordered admission, the court shall hear and consider all relevant testimony including but not limited to the testimony of examining personnel who participated in the evaluation of the person alleged to be mentally ill and the certificates of physicians or certified psychologists accompanying the petition.

Sec. 86. 1. If the district court finds, after proceedings for involuntary court-ordered admission, that the person with respect to whom such hearing was held:

(a) Is not mentally ill, or if mentally ill, does not exhibit observable behavior that he is likely to harm himself or others if allowed to remain at liberty, or is not gravely disabled, the court shall enter its finding to such effect and the person shall not be involuntarily detained in a mental health facility.

(b) Is mentally ill and, because of that illness, is likely to harm himself or others if allowed to remain at liberty, or is gravely disabled, the court may order the involuntary admission of the person for the most appropriate course of treatment.

2. An involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the mental health facility as provided for in subsection 2 of section 90 of this act. At the end of the court-ordered treatment period, the division or any non-division mental health facility, may petition to renew the detention of the person for additional periods of time not to exceed 6 months each. For each renewal, such petition shall set forth to the court specific reasons why further treatment would be in the person's own best interests.

3. Before issuing an order pursuant to paragraph (b) of subsection 1 or a renewal pursuant to subsection 2, the court shall explore other alternative courses of treatment within the least restrictive environment as suggested by the division evaluation team or other qualified mental health professionals which the court believes will be in the best interests of the person.

Sec. 87. 1. When any involuntary court admission is ordered under the provisions of this chapter, the involuntarily admitted person, together with the court orders and certificates of the physicians, certified psychologists or evaluation team and a full and complete transcript of the notes of the official reporter made at the examination of such person before the court, shall be delivered to the sheriff of the county who shall convey the person to the appropriate public or private mental health facility.

2. No mentally ill person may be conveyed to the mental health facility without at least one attendant of the same sex or a relative in the first degree of consanguinity or affinity being in attendance.

Sec. 88. The order for involuntary court admission of any person to a mental health facility, public or private, shall be accompanied by a clinical abstract, including a history of illness, diagnosis, treatment and the names of relatives or correspondents.

Sec. 89. 1. If any person involuntarily court-admitted to any division facility pursuant to section 86 of this act is found by the court not to be a resident of the State of Nevada and to be a resident of another place, he may be transferred to the state of his residence pursuant to section 46 of this act if an appropriate institution of that state is willing to accept him.

2. The approval of the administrator shall be obtained before any transfer is made pursuant to subsection 1.

Sec. 90. 1. When a client, involuntarily admitted to a mental health facility by court order, is released at the end of the period of time specified pursuant to section 86 of this act, written notice shall be given to the admitting court at least 10 days prior to the release of the client. The client may then be released without requiring further orders of the court.

2. An involuntarily court-admitted client may be released prior to the time period specified in section 86 of this act when:

(a) An evaluation team established under section 80 of this act or two mental health professionals, at least one of them being a physician, determines that the client has recovered from his mental illness or has improved to such an extent that he is no longer considered a danger to himself or others and is not gravely disabled; and

(b) Under advisement from the evaluation team or two mental health professionals, at least one of them being a physician, the medical director of the mental health facility authorizes the release and gives written notice to the admitting court 10 days prior to the release of the client.

Section 91. 1. An indigent resident of this state discharged as having recovered from his mental illness, but having a residual medical or surgical disability which prevents him from obtaining or holding remunerative employment, shall be returned to the county of his last residence. A non-resident indigent with such disabilities shall be returned to the county from which he was involuntarily court-admitted. The administrative officer of the mental health facility shall first give notice in writing, not less than 10 days prior to discharge, to the board of county commissioners of the county to which the person will be returned.

2. Delivery of the indigent resident defined in subsection 1 shall be made to an individual or agency authorized to provide further care.

3. This section does not authorize the release of any person held upon an order of a court or judge having criminal jurisdiction arising out of a criminal offense.

Section 92. Any involuntarily court-admitted person may be conditionally released from a public or private mental health facility on convalescent leave when, in the judgment of the medical director of such facility, such convalescent status is in the best interest of the person and will not be detrimental to the public welfare.

2. When an involuntarily court-admitted person is conditionally released pursuant to subsection 1, the state or any of its agents or employees are not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the person.

3. When a court-adjudicated incompetent person is conditionally released from a mental health facility, the administrative officer of such mental health facility shall petition the court for restoration of full civil and legal rights as deemed necessary to facilitate such person's rehabilitation.

Section 93. The provisions of this chapter are applicable to any person who, on or after July 1, 1975, is a client or patient in a public or private hospital or mental health facility in the State of Nevada by reason of having been declared insane or of unsound mind pursuant to a court order entered in a noncriminal proceeding prior to such date.

Section 94. All applications and certificates for the admission of any person in the State of Nevada to a mental health facility under the provisions of this chapter shall be made on forms approved by the division and the office of the attorney general and furnished by the clerks of the district courts in each county.

Section 95. 1. Any person who:

(a) Without probable cause for believing a person to be mentally ill causes or conspires with or assists another to cause the involuntary court-ordered admission of any such person under this chapter; or

(b) Causes or conspires with or assists another to cause the denial to any person of any right accorded to him under this chapter, shall be punished by a fine not exceeding \$5,000 or by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by both fine and imprisonment.

2. Any person who, without probable cause for believing another person to be mentally ill, executes a petition, application or certificate pursuant to this chapter, by which such person secures or attempts to secure the apprehension, hospitalization, detention or restraint of the person alleged to be mentally ill, or any physician, psychiatrist or certified psychologist who knowingly makes any false certificate or application pursuant to this chapter as to the mental condition of any person shall be punished by a fine not exceeding \$5,000, or by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by both fine and imprisonment.

Section 96. Any public officer or employee who transports or delivers or assists in transporting or delivering or detains or assists in detaining any person pursuant to the provisions of this chapter shall not be rendered civilly or criminally liable thereby unless it is shown that such officer or employee acted maliciously or in bad faith or that his negligence resulted in bodily harm to such person.

Section 97. 1. When a client committed by a court to a division facility on or before June 30, 1975, or a client who is judicially admitted on or after July 1, 1975, or a person who is involuntarily detained pursuant to sections 70 to 85, inclusive, of this act, escapes from any division facility, or when a judicially admitted client has not returned to a division facility from convalescent leave after the administrative officer of the facility has ordered him to do so, any peace officer shall, upon written request of the administrative officer or his designee and without the necessity of a warrant or court order, apprehend, take into custody and deliver the person to such division facility or another state facility.

2. Any person appointed or designated by the director of the department to take into custody and transport to a division facility persons who have escaped or failed to return as described in subsection 1 may participate in the apprehension and delivery of any such person, but may not take the person into custody without a warrant.

Section 98 - page 20, lines 28 through 39:

This section should be deleted entirely.

Section 99 - page 20, lines 40 through 50:

Subsection 2 of this section should be deleted entirely, and subsection 1 should be changed to read: Whenever a person, while undergoing imprisonment in the Nevada state prison, becomes mentally ill and is so adjudged by a court as in other cases of mental illness, the Warden shall apply to the Administrator for detention and mental health treatment at an appropriate division facility as determined by the administrator. If adequate security, treatment services are not available in division facilities as determined by the administrator, the administrator shall make available consultation and other appropriate services within the resources available to the division as he deems necessary to the Warden in order that the person is provided treatment at the Nevada state prison. It shall be the Warden's decision whether to accept such services.

Section 100, subsection 1 - page 21, lines 1 through 15:

This section should be changed to read: Whenever the administrator of the division determines that state division facilities are inadequate for the care of any mentally ill person, the administrator of the division may designate two physicians, licensed under the provisions of chapter 630 of NRS, and familiar with the field of psychiatry, to examine such person. If the two physicians concur in the opinion of the administrator, the administrator may contract with appropriate corresponding authorities in any other state of the United States having adequate facilities for such purposes for the reception, care or treatment of such persons. The two physicians so designated shall receive a reasonable fee for their services based upon rates set by the Nevada industrial commission for similar services, which fee shall be paid by the county of the person's last known residence.

2. Moneys to carry out the provisions of this section shall be provided by direct legislative appropriation.

Section 102 - page 24, lines 20 through 27:

An addition should be made to this section so that it reads as follows:
A court-adjudicated mentally incompetent person admitted to a public or private mental health facility shall have a guardian appointed either by the admitting court or by the district court of the county wherein the mental health facility is located, on the application of any interested person or, in the case of an indigent, on the application of the district attorney of the county wherein the mental health facility is located. The provisions of Chapter 159 of NRS shall govern the appointment and administration of guardianships created pursuant to this chapter.

MAY

Section 120 - page 24, lines 20 through 27:

This section should include "mental retardation" and be changed to read: A mental health and mental retardation center revolving fund up to the amount of \$5,000 is hereby created for each division mental health and mental retardation center, and may be used for the payment of mental health or mental retardation center bills requiring immediate payment and for no other purposes. The respective clinic directors shall deposit the respective revolving funds in one or more banks of reputable standing. Payments made from each fund shall be promptly reimbursed from appropriated funds of the respective mental health or mental retardation centers on claims as other claims against the state are paid.

Sections 124 through 132 (beginning on page 25, line 27, and continuing through page 27, line 3) are to be amended as follows:

Section 124:

This section as presently written in Senate Bill 374 should be deleted entirely and replaced by the following language, which is basically a rewording of existing NRS 433.699: 1. When a person is admitted to a hospital under one of the various forms of admission prescribed by law, the parent or parents of a mentally ill person who is a minor or the husband or wife or adult child of a mentally ill person, if of sufficient ability, and the estate of such mentally ill person, if such estate is sufficient for the purpose, shall pay the cost of such mentally ill person's maintenance, including treatment and surgical operations, in any hospital in which such person is hospitalized under the provision of this chapter:

(a) To the administrative officer if such person is admitted to a division facility; or

(b) In all other cases, to the hospital rendering the service.

2. If such persons and estates liable for the care, maintenance and support of a committed person neglect or refuse to pay the administrative officer or the hospital rendering service, the state is entitled to recover, by appropriate legal action, all sums due plus interest at the rate of 7 percent per annum.

Section 125:

This section as presently written in Senate Bill 374 should be deleted entirely and replaced by the following language, which is basically a rewording of existing NRS 433.7005: 1. Once a court has ordered the admission of a person to a division facility, the administrative officer shall make an investigation, pursuant to the provisions of this chapter, to determine whether or not such person or his relatives are capable of paying for all or a portion of the costs that will be incurred during such period of admission.

2. If such investigation reveals that the admitted person's estate or his relatives are capable of paying such costs, the administrative officer may petition the court of admission to modify its original order and require that such estate or relatives pay such expenses if such order did not so provide, or such petition may request increased payments as a result of such investigation.

Section 126:

This section should remain as it is presently written in Senate Bill 374.

Section 127:

This section should be deleted entirely from Senate Bill 374.

Section 128:

This section should remain as it is presently written in Senate Bill 374.

Section 129:

The phrase, "or the county in case of indigent clients," should be deleted from subsection 1 of this section, so that the section reads as follows: 1. If the client, his responsible relative or guardian neglect or refuse to pay the cost of treatment to the division mental health facility rendering service pursuant to the fee schedule established by section 42 of this act, the state is entitled to recover by appropriate legal action all sums due, plus interest.

2. Prior to such legal action, the division mental health facility shall demonstrate efforts at collection, which may include contractual arrangements for collection through a private collection agency.

Section 130:

This section as presently written in Senate Bill 374 should be deleted entirely and replaced by the following language, which is basically a rewording of existing NRS 433.6981: 1. The expenses of hospitalization of:

(a) A mentally ill person prior to court-ordered admission; or

(b) A person who is admitted to a hospital pursuant to this chapter and released without court-ordered admission

shall be paid by the county in which such person resides, unless voluntarily paid by such person or on his behalf.

2. The county may recover all or any part of the expenses paid by it, in a civil action against:

(a) The person whose expenses were paid;

(b) The estate of such person; or

(c) A relative made responsible by Section 124 of this Act, to the extent that financial ability is found in such action to exist.

Section 131:

This section as presently written in Senate Bill 374 should be deleted entirely and replaced by the following language, which is basically a rewording of existing NRS 433.7013: Payment for the care, support, maintenance and other expenses of a person admitted to a division facility shall not be exacted from such person's estate if there is a likelihood of such person's recovery or release from such institute or mental health center and payment will reduce his estate to such an extent that he is likely to become a burden on the community in the event of his discharge from such division facility.

Section 132:

This section should be reworded to read: 1. The administrative officers of the respective division mental health facilities may enter into special agreements secured by properly executed bonds with the relatives, guardians or friends of clients who are adjudicated mentally incompetent for subsistence, care or other expenses of such clients. Each agreement and bond shall be to the State of Nevada, and any action to enforce the same may be brought by the administrative officer.

2. Financially responsible relatives and the guardian of the estate of such clients may, from time to time, pay moneys to the division mental health facility for the future personal needs of the mentally incompetent client and for his burial expenses. Sums so paid shall be credited to the clients' personal deposit funds.

The following sections, numbered 132.1 through 132.5, are to be added to Senate Bill 374:

Section 132.1:

This is basically a rewording of existing NRS 433.700: The district court shall, as part of the admission hearing or by a separate hearing, determine the respective amounts, if any, which the estate of any person who is admitted to a hospital and each relative made responsible by NRS 433.699 is required to pay toward the maintenance of such person.

Section 132.2:

This is basically a rewording of existing NRS 433.701: 1. If any person, made liable to the administrative officer for the maintenance of a mentally ill person under the provisions of Section 132.1, fails to provide or pay for such maintenance, the administrator of the division shall petition the district court of the county in which such client is hospitalized for a citation to show cause why such person should not be adjudged to pay a portion or all of the expenses of maintenance of such client. The citation shall be served at least 10 days before the hearing thereon.

2. If, upon the hearing as authorized under subsection 1, it appears to the court that the mentally ill person or the relative determined to be responsible has sufficient estate out of which some or all of the determined amount may be met, the court shall make an order requiring payment by such client or relative of such sum or sums as it may find he is reasonably able to pay and as may be necessary to provide for the maintenance and treatment of such mentally ill person.

Section 132.3:

This is basically a rewording of existing NRS 433.7011: If at any time there is not sufficient money available in the estate of an admitted person to pay the claims of the division facility for his care, support, maintenance and other expenses therein, the court may on petition of the guardian of the estate, or if the guardian refuses or neglects to petition, on the petition of the administrative officer, make an order directing the guardian to sell so much of the other personal or real property, or both, in the person's estate as is necessary to pay for such expenses incurred at such facility and also such other charges as are allowed by law.

Section 132.4:

This is basically a rewording of existing NRS 433.7015: 1. If the administrative officer has reason to believe that a person is suffering from a chronic form of mental illness and will probably be hospitalized until death, he shall file a certificate with the county clerk of the county of admission.

2. Such certificate shall be prima facie evidence that such person is not likely to recover or be released from the division facility and the guardian shall pay the amount due for his care, support, maintenance and expenses at such facility and such other charges as are allowed by law out of any moneys of the estate in his possession.

Section 132.5:

This is basically a rewording of existing NRS 433.703: 1. Any order issued pursuant to Section 132.2 of this Act:

(a) Shall require the payment of such sums to the administrative officer annually, semiannually, quarterly or monthly as the court may direct.

(b) May be enforced, as provided in chapter 31 of NRS, against any property of the mentally ill person or the person liable or undertaking to maintain him.

2. All sums received by the administrative officer pursuant to subsection 1 shall be deposited in the state treasury and may be expended by the division for the support of the division facility in accordance with the allotment, transfer, work program and budget provisions of NRS 353.150 to 353.245, inclusive.

Section 133, subsection 6 - page 27, lines 19 through 21:

This subsection should be changed to read as follows: 6. Except as provided in subsection 7, the administrative officers shall deposit the fund for their respective division facilities in commercial accounts with banks of reputable standing. When deposits in the commercial account exceed \$15,000, the administrative officer may deposit the excess, at interest, in a savings account in any reputable commercial bank or federally insured savings and loan association within the state. The savings account shall be in the name of the fund. Interest paid by the bank on deposits in the savings account shall be usable for recreation purposes at the respective division facility.

Section 140 - page 28, lines 20 through 34:

This section should be changed to read as follows: The expense of diagnostic, medical and surgical services furnished to a client admitted to a division mental health facility by persons not on the staff of the facility, whether rendered while the client is in a general hospital, an outpatient of a general hospital or treated outside any hospital, shall be paid by the client, the guardian or relatives responsible for his care, or, in the case of an indigent client or a client whose estate is inadequate to pay such expenses, shall be a charge upon the county from which the admission to the division facility was made, if the client had, prior to admission, been a resident of such county. The expense of such medical and surgical services shall not in any case be a charge against or paid by the State of Nevada, except when in the opinion of the administrative officer of the division mental health facility to which the client is admitted payment should be made for nonresident indigent clients and funds are authorized pursuant to section 39 of this act.

Section 141 - page 28, lines 35 through 44:

Subsection 2 of this section (lines 41 through 44) should be deleted entirely. Subsection 1 of this section (lines 35 through 40) should be changed to read as follows: Chapter 435 of NRS is hereby amended by adding thereto a new section which shall read as follows: Neither voluntary admission nor judicial commitment nor any other procedure provided in this chapter shall be construed as depriving a mentally retarded person of his full civil and legal rights by any method other than a separate judicial proceeding resulting in a determination of incompetency wherein the civil and legal rights forfeited and the legal disabilities imposed are specifically stated.

Section 142, subsection 1 - page 28, line 48:

The word appearing in brackets should be retained and the word in italics should be omitted so line 48 of Section 142 reads as follows: . . . (men)tally retarded children of their respective counties.

Section 143, subsection 2 - page 29, lines 19 and 20:

These two lines of subsection 2 should be changed to read as follows: All mentally retarded children are entitled to benefits under NRS 435.010 to 435.040, inclusive:

Section 144, subsection 1 - page 29, line 28:

The word appearing in brackets should be retained and the word in italics should be omitted so line 28 reads as follows: . . . mentally retarded child, resident of this state, may file with the . . .

Section 144, subsection 1(a) - page 29, line 33:

The wording in italics in line 33 should be changed to read: . . . the child meets the criteria set forth in NRS 435.020; and . . .

Section 144, subsection 1(b) - page 29, lines 36 and 37:

These lines should be changed to read: . . . child requires services not otherwise required by law to be provided to him by any other county, political subdivision or agency of this or any other state.

Section 144, subsection 3 - page 29, line 43:

The wording in italics in line 43 should be changed to read: . . . child to any responsible person or facility . . .

Section 144, subsection 4 - page 29, lines 49 and 50:

The last word of this subsection appearing in brackets should be retained so that lines 49 and 50 read: . . . county commissioners to receive any such mentally retarded child.

Section 146 - page 30, lines 20 through 23:

This portion of Section 146 should be changed to read: NRS 435.050 8s hereby amended to read as follows: 435.050 The following terms, wherever used or referred to in this chapter have the following meanings unless a different meaning clearly appears in the context:

Section 146, subsection 3 - page 30, lines 31 through 33:

The wording in italics, beginning in line 31 and going through line 33, should be changed to read: For the purposes of this chapter, "child" means any person under the age of 21 years who may be eligible for mental retardation services.

Section 149, subsection 3 - page 31, at line 11:

The following wording should be added as subdivision (a) of subsection 3: (a) When a mentally retarded person is committed to a division facility by court order, the committing court shall be given ten days notice prior to the discharge of such mentally retarded person.

Section 151, subsection 3 - page 32, lines 20 and 21:

These two lines should be changed to read: . . . reasonable financial ability as determined by the administrator, and for the remainder, if any, the administrator shall explore all reasonable alternative sources of payment.

Section 156, subsection 2 - page 33, lines 35 through 43:

The portion in brackets, lines 36 through 40, should be retained, and the portion in italics, lines 41 through 43, should be omitted, so the subsection reads: 2. Any moneys collected by the division under NRS 435.050 to 435.110, inclusive, shall be deposited in a separate nonreverting fund in the state treasury and shall be expended for the augmentation of the mental retardation residential placement fund, hereby created in the state treasury, in accordance with the allotment, transfer, work program and budget provisions of NRS 353.150 to 353.245, inclusive.

Section 159 - page 34, lines 8 through 49; page 35, lines 1 through 6:

An additional subsection should be added as subsection 1 of this section which reads: 1. "Center" means a community based training center for the care and training of mentally and functionally retarded persons. All other subsections currently numbered 1 through 8 should be renumbered 2 through 9.

Section 161 - page 35, lines 23 through 43:

This section should be deleted in its entirety and replaced with the following language (Senate Bill 298): NRS 435.290 is hereby amended to read as follows: 435.290 1. A center holding a certificate of qualification from the division is eligible to receive aid from the community training center fund in amounts not (to exceed) less than the amounts allocable under subsections 2 and 3.

2. Each center in the state is eligible to receive that percentage of available funds as the ratio of the number of enrollees of each center bears to the total number of enrollees in all centers in the state, but not (to exceed \$250) less than \$300 per enrollee per quarter, except that each community center shall be given a minimum of (\$12,000) \$14,000 per year as long as the center maintains a minimum of five enrollees per quarter and their staff expenses are in the amount of (\$12,000) \$14,000 or more each year.

3. The division, in its discretion, may grant aid from the community training center fund to help in establishing new centers. This aid in the aggregate shall not exceed one-half of the fund during the fiscal year ending June 30, 1970, and shall not exceed one-fourth of the fund thereafter.

Section 165, subsection 2 - page 36, line 20:

This line should be changed to read: . . . of further care and treatment within a facility of a mentally retarded client 21 years . . .

Section 166 - page 36, lines 26 through 31:

This section should be deleted entirely.

Section 168 - page 37, at line 3:

The following should be added to this section at line 3: The administrator shall establish the regulations and present them to the court to be used as criteria for commitment of mentally retarded persons.

Section 174 - page 38, line 10:

This line, which reads, ". . . and which may include a community mental health center," should be deleted entirely.

Section 188, subsection 1 - page 41, lines 33 through 43:

The wording in italics, beginning in line 39 and going through line 43 should be changed to read as follows: Moneys provided by direct legislative appropriation for purposes of reimbursement as provided by NRS 436.230 to 436.260, inclusive, shall be allotted to the governing body as follows:
(a) The state shall pay to each county a sum equal to 90 percent of the total proposed expenditures as reflected by the plan of proposed expenditures submitted pursuant to Section 186, provided that prior to such payment, the governing body submits evidence to the administrator that 10 percent of the total proposed expenditures have been raised and budgeted by the county for the establishment or maintenance of a county program.

Section 193 - page 43, lines 44 and 45:

This section should be deleted entirely.

Section 194 - page 43, lines 46 through 49; page 44, lines 1 through 14:

This section should be deleted entirely.

Section 195 - page 44, lines 15 through 19:

This section should be deleted entirely.

Section 196 - page 44, lines 20 through 41:

This section should be deleted entirely.

Section 197, subsection 2 - page 45, lines 3 through 8:

The wording in italics, beginning in line 5 and going through line 8, should be changed to read: . . . and in addition includes a person employed by a public agency as a psychologist or psychiatric social worker, or someone under his guidance, direction or control, while engaged in the examination, diagnosis or treatment of a patient for a mental condition.

OR PRIVATE

Section 198 - page 45, lines 9 through 28:

All wording within brackets should be retained and all wording in italics should be deleted. That is, no revision is proposed to NRS 49.245 as it presently appears in the law, by Senate Bill 374 or by these amendments to Senate Bill 374.