

Committee in Session at 10:06 am on Monday, May 4, 1979.

Senator Keith Ashworth in the Chair.

PRESENT: Chairman Keith Ashworth
Vice-Chairman Joe Neal
Senator Clifton Young
Senator Wilbur Faiss
Senator Jim Kosinski

ABSENT: Senator Rick Blakemore

GUESTS: Mr. Paul Cohen, Administrative Assistant, State Health Division
Mr. Dave Halston, Clark County
Mr. Charles Zobell, City of Las Vegas
Mr. Robert Warren, Executive Secretary, Nevada Mining Association
Mr. Russell McDonald, Nevada Association of County Commissioners
Mr. Ernest Gregory, Administrator, Division of Environmental Protection
Ms. Jean Stoess, Vice Chairman, Washoe County Board of Commissioners
Ms. Debbie Shelter, Washoe County Property Owners Groups

Chairman Ashworth opened the hearing on S.B. 470.

Chairman Ashworth stated Mr. Paul Cohen had submitted amendments to S.B. 470 (Exhibit "A"). He noted that there is also a Fiscal Note.

Mr. Paul Cohen, Administrative Assistant, State Health Division, presented the amendments to S.B. 470. He stated he spoke with Mr. Vern Calhoun, Administrator for the Agency on Narcotics Investigation, regarding Section 10 of Page 3 as to controlled substances; Mr. Calhoun and his staff felt there were no problems with the way the bill is written which was one of Mr. Cohen's concerns. He stated, regarding the Fiscal Note, that he had contacted Mr. Besterman, Deputy Director with the National Institute of Drug Abuse; regardless of what the State Board of Health does, before any controlled substance for research on therapeutic effect of Tetrahydrocannabinol will be allowed to enter this state by the Institute of Drug Abuse, Nevada has to have an approved protocol. He stated that protocol is basically what the State Board of Health would adopt in their rules and regulations. He said an agency, such as the State Board of Health, would have to receive an identification number from the Food and Drug Administration before they are allowed to release the controlled substance. He said the drug enforcement administration that will be coming to Nevada will now allow the chemical to be released or dispensed (continued on Page 2)

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without a security clearance. He stated this was the method utilized when his agency went into the Methadone program in Las Vegas where they now have five programs.

Senator Young questioned the word "protocol." Mr. Cohen stated that it is a federal word; protocol is synonymous with anything that relates to research at the federal level. Senator Faiss questioned how the Methadone controls are working; if there are any problems now. Mr. Cohen stated that they have no problems now, but when they started out there were problems at that time. He said that every Methadone client has an Identification Card similar to those of the lobbyists. He stated their budget is based upon the fact that they do not have the staff to do the basic legwork. Senator Kosinski asked if this were the only budget they would need in the first biennium, to which Mr. Cohen stated that it was. He further stated that the Methadone programs in Las Vegas are self-supporting, paid for by the clients. It was his recommendation that the program proposed in S.B. 470 become self-supporting after two years. Senator Kosinski asked if he planned to implement the program in a manner which would enable it to become self-sufficient. Mr. Cohen stated they would in a similar fashion as the drug abuse; part of the protocol is that a controlled substance program be monitored no less than four times a year and that it is audited twice a year. He stated the existing staff of the Consumer Health Protection Services would be able to take on the responsibility of monitoring the program. He said this would not be an added burden because it would be under controlled substances; it would be through their normal operations.

S.B. 470 (Exhibit "B")

Senator Young made the motion to Amend and Do Pass and Rerefer to Finance.

Seconded by Senator Faiss.

Motion carried.

Yeas -- 5

Nays -- 0

There being no further testimony on S.B. 470, Chairman Ashworth closed the hearing.

Chairman Ashworth opened the hearing on A.B. 572, stating that there had been testimony from the Nevada Farm Bureau and they were not very amenable to this bill.

Mr. Dave Halston, Clark County, stated the amendments may not be as substantive as they appear, they generally do support the legislation from all point sources; they have already prepared a program, along with their water quality planning in Clark County, for implementation of non-point source controls. The changes they would like to see put into the bill are more definitional to get a clear understanding of what the legislation refers to. He stated that on Page 2, Line 2, "pollution control for all significant sources

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should be defined as "individually and collectively." He said it should also read, "all significant sources individually and collectively." He requested adding "affluent limits" on Line 26, Page 2, after "waste discharge."

Mr. Charles Zobell, City of Las Vegas, stated they have some proposed amendments. Chairman Ashworth stated that as there were three different factions with amendments, he suggested they meet together and present amendments to the committee. Mr. Zobell stated that the Southern Nevada Homebuilders also had some amendments. Chairman Ashworth appointed a committee to work the amendments out. He stated he believes this bill is important and that there is a need for it. He said it was not his, or the committee's intention, to kill the bill.

Chairman Ashworth closed the hearing until May 5, 1979.

Chairman Ashworth opened the hearing on S.B. 164 stating that Mr. McDonald had submitted amendments (Exhibit "C").

Mr. Russell McDonald, Nevada Association of County Commissioners, stated that during the last hearing on S.B. 164, the committee wished to restrict it. He stated the best way to change the bill was to strike out all but the heading and start over again; as he has done with the proposed amendment. He further stated that he questioned if a motorcycle was considered a motor vehicle. Mr. McDonald stated the meaning of motor vehicle should be defined and he would be willing to change his amendment to read in Section 1, subsection 1, "As used in this section, motor vehicle means; public highway means."

S.B. 164 (Exhibit "D")

Senator Neal moved to Amend S.B. 164 and Re-refer to the Senate Finance Committee.

Seconded by Senator Kosinski.

Motion carried.

Yeas -- 5

Nays -- 0

The hearing was closed on S.B. 164.

Chairman Ashworth opened the hearing on A.B. 541 and asked if the amendments were ready.

Mr. Ernest Gregory, Administrator, Division of Environmental Protection, stated he did not as yet have the amendments. Senator Kosinski suggested taking the testimony of Ms. Jean Stoess at this time. Chairman Ashworth stated that he felt a report should be presented on what the committee had done. Mr. Gregory said that a meeting was held with Senator Kosinski, Jean Stoess, Charles Zobell, Wendell McCurry, Russ McDonald and himself to review the bill item

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by item. He stated they feel they have a bill that is satisfactory to everyone. Chairman Ashworth noted that there is a Conflict Notice on the bill.

Ms. Jean Stoess, Vice Chairman, Washoe County Board of Commissioners, stated they support A.B. 541 with the amendments. Senator Young questioned the signature of the co-signer on the permit. She stated that issue had been clarified. She said their concern was with the possible extension of liability to them personally but that had been resolved. Senator Kosinski stated that the provisions remain in the bill whereby the local governing body can assess the homeowners.

Ms. Debbie Shelter, Washoe County Property Owners Groups, stated her group was agreeable with the concept of the bill and would support A.B. 541 as amended.

Chairman Ashworth questioned if the committee would be agreeable to taking action on the bill based on the testimony. Senator Kosinski stated that he would prefer to wait for the amendments.

Chairman Ashworth closed the hearing on A.B. 541.

As to S.B. 450, Senator Kosinski stated that there could be some problems created by the definition of mental health. He said it could be left to the discretion of the administrator of the division. He said he had no strong feelings about the bill. He noted that he had presented a letter to the committee from Dr. Bing Oberle (Exhibit "E") and if the committee after reviewing the letter wished to take out the definition of mental health, he would have no objection. Chairman Ashworth stated that the wording appeared to be creating another category in health care that he felt was not necessary. Senator Young stated he would rather take the definition out if it did not create any problems. Senator Kosinski said he did not feel any problems would be created. He said he would like to have Mr. Frank Daykin, Legal Counsel, Legislative Counsel Bureau, review the letter.

As to S.B. 471, Senator Kosinski stated he was still doing research on the bill and all the material has not as yet been returned. He requested the matter be addressed at a later time. The committee concurred.

Chairman Ashworth questioned the pleasure of the committee regarding A.B. 528. Senator Kosinski stated the issue had been "deadlocked"; however, with some clarification as to the responsibility of the department, he would be willing to support it. He said the amendment offered by Mr. Petroni afforded some substitute change which helps. Chairman Ashworth stated he would bring the matter before the committee again.

As to A.B. 667, Senator Kosinski expressed concern that the greater health system agency is not a governmental body; it is another private corporation performing governmental functions. He was concerned that they would not be mandated by the Open Meeting Law

and he wanted to discuss the possibility of amending the bill to provide that they would be. He said he believed it to be an important bill and did not like to see it held any longer. He stated that they are going to revamp their regulations and more clearly provide that they will hold open meetings when discussing, deliberating or acting on the applications for certification by health facilities. He stated that he was not entirely comfortable but would agree to pass the bill. Senator Young questioned whether the health facility has to act on the administration. He questioned if it was not just a study or advisory function. Senator Kosinski stated it is a recommendation and they provide their record to the next higher level.

A.B. 667 (Exhibit "F")

Senator Kosinski moved to Do Pass A.B. 667.

Seconded by Senator Young.

Motion carried.

Yeas -- 5

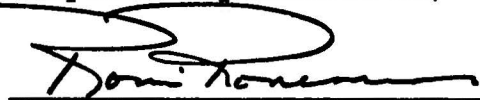
Nays -- 0

Senator Young questioned if the hearing officer should be an attorney but not engaged in the private practice of law. He questioned if a state employee, referenced on Page 2, Line 40, could be the hearing officer.

Chairman Ashworth presented BDR 50-1990 which "provides penalty for owner of dog which runs at large and provides for liability of owner of animal which causes injury to or death of livestock or poultry." Chairman Ashworth stated that the bill was at the request of Senator Lamb and would have to be referred to the Senate Judiciary Committee. The committee concurred with no objection.


There being no further business, the committee adjourned at 10:55 am.

Respectfully submitted,



Roni Ronemus
Committee Secretary

Approved:



Chairman
Senator Keith Ashworth



JOHN H. CARR, M.D., M.P.H., F.A.A.P.
STATE HEALTH OFFICER
PHONE (702) 885-4740

STATE OF NEVADA
DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710

May 3, 1979

MEMORANDUM

TO: Senator Keith Ashworth, Chairman
Committee on Human Resources & Facilities

FROM: John H. Carr, M.D.
~~State~~ Health Officer

SUBJECT: S.B. 470 Amendments

As discussed earlier, the Health Division's suggestions for amendments to this bill are;

Page 1, Line 15

Change "State Board of Pharmacy" to "State Board of Health,"
This line would then read:

"2. The State Board of (Pharmacy) Health shall
appoint..."

Page 2, Lines 3 & 4

Delete both lines:

("One of the members must be engaged in practice in Clark County
and one in Washoe County.")

JHC/bws

cc: Ralph DiSibio, Ed.D.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 470

 SENATE BILL NO. 470—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

APRIL 16, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Establishes program to research therapeutic effects of marihuana on certain cancer and glaucoma patients. (BDR 40-977)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to controlled substances; establishing a program to research the therapeutic effects of marihuana on certain patients; establishing a board of review for the program; requiring the state board of health to adopt regulations for the program; establishing requirements for admission into the program; authorizing the health division to contract to receive marihuana; 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. Chapter 453 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this act.
3 SEC. 2. *As used in sections 3 to 9, inclusive, of this act, unless the*
4 *context requires otherwise:*
5 1. "Board" means the board of review for patients.
6 2. "Marihuana" means:
7 (a) *The plant of the genus Cannabis;*
8 (b) *Tetrahydrocannabinols,*
9 *and any of their derivatives.*
10 3. "Program" means the program to research the therapeutic effects
11 of marihuana.
12 SEC. 3. 1. *The board of review for patients, consisting of three mem-*
13 *bers who are physicians licensed to practice in this state, is hereby cre-*
14 *ated.*
15 2. *The state board of health shall appoint:*
16 (a) *One member who has been certified by the American Board of*
17 *Ophthalmology.*
18 (b) *One member who has been certified by the American Board of*
19 *Internal Medicine both regularly and in the subspecialty of medical*
20 *oncology.*

Amendment to S.R. 164

Amends the bill as a whole by striking out sections 1 to 13 inclusive and inserting in lieu thereof the following:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. As used in this section "public highway" means:

(a) A highway under the jurisdiction of the department of highways of the state of Nevada.

(b) A highway within the state of Nevada which is a part of the National System of Interstates and Defense Highways, as described in subsection (a) of section 103 of Title 23, U.S.C.

2. Whenever a board of county commissioners provides hospital care to a nonresident indigent person on account of an injury suffered by the person in a motor vehicle accident on a public highway and after having exercised reasonable diligence to collect the amount of the charges for such care from the nonresident indigent person or any other person responsible for his support and has been unsuccessful the board of county commissioners may apply to the state board of examiners for reimbursement of the unpaid charges for hospital care.

3. The state board of examiners may adopt, amend and repeal regulations prescribing the procedure to be followed in the filing of applications and proceedings under this section and for such other matters as the state board of examiners deems appropriate.

4. Upon approval of the application in whole or in part by the state board of examiners the state controller shall draw his warrant for the payment thereof and the state treasurer shall pay the same from the reserve for statutory contingency funds.

UIS

1)

Sec. 2. NRS 253.264 is hereby amended to read as follows:

353.264 1. The revenue for statutory contingency funds is hereby created as a trust fund.

2. The revenue for statutory contingency funds shall be administered by the state board of revenues, and the moneys in the funds shall be expended only for:

(a) The payment of claims which are obligations of the state under NRS 41.0327, 41.037, 176.485, 179.310, 212.040, 212.050, 212.070, 214.040, 282.290, 282.315, 293.253, 293.405, 353.120, 353.262 and 412.154;

[and]

(b) The payment of claims which are obligations of the state under NRS 7.125, 176.223, 177.345, 179.225, 213.153 and subsection 4 of NRS 361.055, but such claims shall be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for such purposes have been exhausted [;]; and

(c) The payment of approved applications for reimbursement of unpaid charges for hospital care pursuant to section 1 of this act, but not more than \$100,000 may be paid from the revenue for statutory contingency fund for such purpose in any one fiscal year.

Sec. 3. There is hereby appropriated from the general fund in the state treasury the sum of \$200,000 to the revenue for statutory contingency fund.

Amend the title of the bill by striking out the last two lines of this title and inserting in lieu thereof the following:

"acceptance; personnel procedures; making and 2) appropriations; and providing other matters properly relating thereto."

S. B. 164

SENATE BILL NO. 164—SENATOR GLASER

JANUARY 31, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Provides state reimbursement of costs of hospital care for certain indigents injured in motor vehicle accidents. (BDR 38-531)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to indigent persons; providing for state reimbursement of costs of hospital care furnished to certain indigent persons injured in motor vehicle accidents; prescribing procedures; establishing an account for hospital care to indigent persons; 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. Chapter 428 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 11, inclusive, of this act.
3 SEC. 2. *As used in sections 3 to 11, inclusive, of this act, unless the*
4 *context otherwise requires, the words and terms defined in sections 3 to*
5 *6, inclusive, of this act have the meanings ascribed to them in those*
6 *sections.*
7 SEC. 3. "Division" means the welfare division of the department of
8 human resources.
9 SEC. 4. "Hospital" means an establishment which has the staff and
10 equipment to provide diagnosis, care and treatment of all stages of
11 human injury and illness and which provides 24-hour medical care.
12 SEC. 5. "Hospital care" means:
13 1. Services furnished by a hospital to a patient between the time of
14 his admission and the time of his discharge, including:
15 (a) Bed and board;
16 (b) Drugs; and
17 (c) Anesthesia, nursing services, equipment, supplies and laboratory
18 and radiological services, whether furnished directly by the hospital or
19 pursuant to a contractual arrangement made by the hospital; and
20 2. Services of a physician rendered to a patient in a hospital between
21 the time of his admission and the time of his discharge.
22 SEC. 6. "Injury in a motor vehicle accident" means any personal



ROBERT LIST
Governor

STATE OF NEVADA
DIVISION OF MENTAL HYGIENE
AND MENTAL RETARDATION

4600 KIETZKE LANE, SUITE 108
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EXHIBIT "E"
Bing Oberle, Ph.D.


Administrator

Associate Administrator for
Mental Health

JACK MIDDLETON
Associate Administrator for
Mental Retardation

April 27, 1979

MEMORANDUM

TO: Senator Jim Kosinski
FROM: Bing Oberle, Ph.D. 
Acting Administrator
RE: Requested Information on NRS 433.154

At your request, I requested Emmagene Sansing, Deputy Attorney General for the Division to research the impact of deleting NRS 433.154 from the statutes. Emmagene's analysis is attached.

Basically, the deletion of this statute would cause procedural problems for the Division under a number of associated statutes. Therefore it would not appear advisable to proceed with an action to delete this particular statute.

Understanding the barrage you are under from various professional groups to gain inclusion into this statute, I would suggest that you refer them to the Division Administrator. The Division would be happy to take the responsibility for negotiating with various representatives, and if appropriate, to request modification of this statute whenever the Legislature reconvenes.

I hope this meets with your approval. If I can be of any further assistance on this or other issues, please let me know.

JB0/



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
DIVISION OF MENTAL HYGIENE
AND MENTAL RETARDATION
4600 KIETZKE LANE, SUITE 108
RENO, NEVADA 89502
(702) 784-4071

RICHARD H. BRYAN
ATTORNEY GENERAL

RECEIVED
EMMAGENE SANSING
DEPUTY ATTORNEY GENERAL

APR 26 REC'D

Division of Mental Hygiene
& Mental Retardation
Office of Program Planning

April 25, 1979

MEMORANDUM

To: Bing Oberle, Ph.D., Acting Administrator
Division of Mental Hygiene and Mental Retardation

Fr: Emmagene Sansing, Deputy Attorney General
Division of Mental Hygiene and Mental Retardation

Re: NRS 433.154

You have asked what impact removing NRS 433.154 would have on the Division of Mental Hygiene and Mental Retardation.

The statute specifically defines "mental health professionals". If the statute is removed it will have impact on seven (7) other statutes in chapters 433 and 433A. They are 433.344, 433.414, 433A.240, 433A.250, 433A.310, 433A.330 and 433A.340 discussed as follows:

NRS 433.344 provides that the Division may contract with appropriate "mental health professionals" to provide for the mentally ill and mentally retarded when they can be treated best in that manner. Removing the definition of mental health professionals would leave the Division without guidance as to those contracts. However, it is my opinion this would not significantly effect the Division since it has discretion to enter into contracts when necessary to provide services to its clients, whether with "mental health professional" or other parties.

Repealing NRS 433.154 will have the greatest impact on the involuntary civil commitment process, specifically the Division's multiple disciplinary team and its duties in relation to such commitments. NRS 433A.250 provides that the administrator shall establish multiple disciplinary teams as are necessary to aid the courts under

Bing Oberle, Ph.D.
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NRS 433A.240 and 433A.310. The multiple disciplinary team shall be composed of a psychiatrist and other "mental health professionals" representative of the Division selected from personnel in the Division. Obviously, if the definition of mental health professional is removed, the multiple-disciplinary team would not be limited to psychologists and social workers. Psychiatrist would not be affected since it is mentioned specifically as a team member. ?

NRS 433A.240 and 433A.310 set forth the duties of the multiple disciplinary team and mental health professionals. Under NRS 433A.240, after a petition has been filed to commence proceedings for a six-month civil commitment the court orders the person be examined by either physicians or psychologists or by a multiple disciplinary team. Members of the multiple disciplinary team then testify regarding whether the person is mentally ill and dangerous or gravely disabled. NRS 433A.310 provides that before ordering involuntary admission the court is to explore alternative courses of treatment as suggested by the Division evaluation team or other qualified "mental health professionals."

Mental health professionals and the multiple disciplinary team also have certain duties before civilly committed clients can be released. NRS 433A.390 provides that a client may be released prior to expiration of the six-month commitment period when (a) an evaluation team established pursuant to NRS 433A.250 or two "mental health professionals", at least one of whom is a physician, determine the person is no longer dangerous and is not gravely disabled and (b) the medical director, under advisement from the evaluation team or two "mental health professionals", authorizes the release and give 10 days written notice to the admitting court.

In addition to the above statutes, NRS 433A.330 briefly refers to the evaluation team. It provides that when a person is committed to a facility, that person shall be accompanied by the court orders and certificates of the physicians, certified psychologists or evaluation team and a transcript of the commitment hearing.

NRS 433.414 provides that physicians to the Division staff and professional members of the evaluation team established pursuant to 433A shall receive a reasonable fee for evaluations, examinations, and court testimony.

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Because NRS 433.154 provides a definition of mental health professionals who are involved in the commitment process and are members of the Division's multiple disciplinary team, repeal would have an impact on the Division multiple disciplinary evaluation team and mental health professionals' participation in the civil commitment process and subsequent release.

For your information, I have enclosed copies of the statutes referred to in this memorandum.

ES/jed
Enclosures

433A.240 Examination of person alleged to be mentally ill; protective custody.

1. After the filing of a petition to commence proceedings for involuntary court-ordered admission of a person pursuant to NRS 433A.200 or 433A.210, 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 NRS 433A.150, the court may order a peace officer to take the individual into protective custody and transport him to a mental health facility or hospital where he may be detained until a hearing is had upon the petition.

3. Unless the individual is admitted under an emergency admission pursuant to NRS 433A.150, 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.

(Added to NRS by 1975, 1604)

433A.250 Multiple disciplinary evaluation teams: Functions; composition; fees and expenses.

1. The administrator shall establish such multiple disciplinary evaluation teams as are necessary to aid the courts under NRS 433A.240 and 433A.310.

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 NRS 433A.240 and 433A.310, 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 NRS 433.414.

(Added to NRS by 1975, 1605)

433.154 "Mental health professional" defined. "Mental health professional" means:

1. A psychiatrist licensed to practice medicine in the State of Nevada;
 2. A psychologist certified to practice in this state or employed as such by the division; or
 3. A social worker who holds a master's degree in social work, or is a candidate for that degree and is employed by the division.
- (Added to NRS by 1975, 1591)

433.344 Contracts with mental health professionals for inpatient, outpatient care. The division may contract with appropriate mental health professionals to provide inpatient and outpatient care for mentally ill and mentally retarded persons when it appears that they can be treated best in that manner.

(Added to NRS by 1975, 1594)

433.414 Fees of physicians, other professional staff.

1. Physicians and other professional staff employed within any division facility shall receive a reasonable fee for evaluations, examinations or court testimony when directed by the court to perform such services, singularly or as a member of an evaluation team established pursuant to the provisions of chapter 433A of NRS.

2. If such evaluation or testimony is provided while the physician or other professional person is acting as an employee of a division facility, the fee shall be received by the division facility at which he is employed.

(Added to NRS by 1975, 1595)

433A.310 Findings and order, expiration, renewal of order.

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 NRS 433A.390. At the end of the court-ordered treatment period, the division or any nondivision 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.

(Added to NRS by 1975, 1606)

433A.330 Transportation to mental health facility.

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.

(Added to NRS by 1975, 1607)

433A.340 Applicability to persons previously committed. 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 non-criminal proceeding prior to such date.

(Added to NRS by 1975, 1608)

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 667

ASSEMBLY BILL NO. 667—ASSEMBLYMAN PRICE

MARCH 28, 1979

Referred to Committee on Health and Welfare

SUMMARY—Establishes procedure for review of certain decisions involving licensing of certain health facilities. (BDR 18-1807)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to certain health care facilities and agencies; establishing a procedure for the review of certain decisions involving their licensing; 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 439A.100 is hereby amended to read as follows:
 2 439A.100 1. The health division of the department of human
 3 resources shall not issue a new license or alter an existing license for
 4 changes in the number of beds or types of services offered by a hospital,
 5 ambulatory surgical care center, skilled nursing facility, intermediate
 6 care facility or home health agency without an approval in writing
 7 from the director of the department or office of health planning and
 8 resources.
 9 2. The situations in which this approval is required include:
 10 (a) The construction, development or other establishment of a new
 11 health care facility or health maintenance organization;
 12 (b) Any expenditure by or on behalf of a health care facility or
 13 health maintenance organization in excess of \$150,000, or such amount
 14 as the department may specify in regulations adopted pursuant to this
 15 chapter, which under generally accepted accounting principles con-
 16 sistently applied is a capital expenditure;
 17 (c) A change in the number of existing beds in a hospital, skilled
 18 nursing facility, intermediate care facility, end-stage renal disease treat-
 19 ment facility or health maintenance organization through the addition
 20 or removal of five or more beds, or the relocation of five or more beds
 21 from one physical facility to another; and
 22 (d) The offering of health services in or through a health care
 23 facility, home health agency or health maintenance organization, costing