

SENATE BILL NO. 90—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF HUMAN RESOURCES,  
MENTAL HEALTH AND DEVELOPMENTAL SERVICES DIVISION)

FEBRUARY 11, 2003

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Referred to Committee on Judiciary

SUMMARY—Authorizes certain governmental entities to share certain records in their possession concerning defendants and offenders. (BDR 14-511)

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

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

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AN ACT relating to health records; providing the Administrator of the Division of Mental Health and Developmental Services of the Department of Human Resources or his designee access to certain records concerning certain defendants which are in the possession of the Department of Corrections; providing the Director of the Department of Corrections or the designated medical director access to certain records concerning an offender which are in the possession of the Division of Mental Health and Developmental Services; 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 178 of NRS is hereby amended by adding  
2     thereto a new section to read as follows:  
3     ***1. The Administrator of the Division of Mental Health and***  
4     ***Developmental Services of the Department of Human Resources***  
5     ***or his designee may request from the Department of Corrections***  
6     ***access to any records in its possession which contain information***  
7     ***that may assist in evaluating and treating a defendant who***



\* S B 9 0 R 1 \*

1 *previously has served a term of imprisonment under the*  
2 *supervision of the Department of Corrections and who is*  
3 *committed to the custody of or ordered to report to the*  
4 *Administrator or his designee pursuant to NRS 178.425 or*  
5 *178.460.*

6 2. *Unless otherwise ordered by a court, upon request of the*  
7 *Administrator or his designee for access to records of a defendant*  
8 *pursuant to subsection 1, the Department of Corrections, through*  
9 *the designated medical director, shall provide access to any such*  
10 *records, including, without limitation, relevant medical and*  
11 *mental health records, for the limited purpose of allowing the*  
12 *Administrator or his designee to evaluate and treat the defendant.*

13 3. *No oral or written consent of the defendant is required for*  
14 *the Administrator or his designee to obtain access to records from*  
15 *the Department of Corrections pursuant to this section.*

16 4. *As used in this section, "designated medical director"*  
17 *means the designated administrative officer of the Department of*  
18 *Corrections who is responsible for the medical treatment of*  
19 *offenders.*

20 **Sec. 2.** Chapter 209 of NRS is hereby amended by adding  
21 thereto a new section to read as follows:

22 1. *The Director, through the designated medical director,*  
23 *may request from the Division of Mental Health and*  
24 *Developmental Services of the Department of Human Resources*  
25 *access to any records in its possession which contain information*  
26 *that may assist in evaluating, caring for and providing treatment*  
27 *to an offender who previously was committed to the custody of or*  
28 *ordered to report to the Administrator or his designee pursuant to*  
29 *NRS 178.425 or 178.460.*

30 2. *Unless otherwise ordered by a court, upon a request for*  
31 *access to records of an offender pursuant to subsection 1, the*  
32 *Division of Mental Health and Developmental Services of the*  
33 *Department of Human Resources shall provide access to any such*  
34 *records, including, without limitation, relevant medical and*  
35 *mental health records, for the limited purpose of allowing the*  
36 *Director or the designated medical director to evaluate, care for*  
37 *and provide treatment to the offender.*

38 3. *The Director, through the designated medical director,*  
39 *may provide to the Division of Mental Health and Developmental*  
40 *Services of the Department of Human Resources or to other*  
41 *community medical or mental health care providers, relevant*  
42 *medical and mental health records of an offender serving a term*  
43 *of imprisonment under the custody of the Department of*  
44 *Corrections, for the purposes of planning the discharge of the*  
45 *offender and assuring the continuity of evaluation, care and*



\* S B 9 0 R 1 \*

1 *treatment of the offender in the community after release from*  
2 *incarceration.*

3 4. *No oral or written consent of the offender is required to*  
4 *obtain access to records from the Division of Mental Health and*  
5 *Developmental Services of the Department of Human Resources*  
6 *or the Department of Corrections pursuant to this section.*

7 5. *As used in this section, "designated medical director"*  
8 *means the designated administrative officer of the Department*  
9 *who is responsible for the medical treatment of offenders.*

10 **Sec. 3.** This act becomes effective upon passage and approval.

