**Assisted Outpatient Treatment**

**NRS 433A.335  Filing and contents of petition or motion; sworn statements or declarations concerning recommendation for and provision of assisted outpatient treatment; service of petition or motion.**

      1.  A proceeding for an order requiring any person in the State of Nevada to receive assisted outpatient treatment may be commenced by the filing of a petition for such an order with the clerk of the district court of the county where the person who is to be treated is present. The petition may be filed by:

      (a) Any person who is at least 18 years of age and resides with the person to be treated;

      (b) The spouse, parent, adult sibling, adult child or legal guardian of the person to be treated;

      (c) A physician, physician assistant, psychologist, social worker or registered nurse who is providing care to the person to be treated;

      (d) The Administrator or his or her designee; or

      (e) The medical director of a division facility in which the person is receiving treatment or the designee of the medical director of such a division facility.

      2.  A proceeding to require a person who is the defendant in a criminal proceeding in the district court to receive assisted outpatient treatment may be commenced by the district court, on its own motion, or by motion of the defendant or the district attorney if:

      (a) The defendant has been examined in accordance with [NRS 178.415](https://www.leg.state.nv.us/nrs/NRS-178.html#NRS178Sec415);

      (b) The defendant is not eligible for commitment to the custody of the Administrator pursuant to [NRS 178.461](https://www.leg.state.nv.us/nrs/NRS-178.html#NRS178Sec461); and

      (c) The Division makes a clinical determination that assisted outpatient treatment is appropriate.

      3.  A petition filed pursuant to subsection 1 or a motion made pursuant to subsection 2 must allege the following concerning the person to be treated:

      (a) The person is at least 18 years of age.

      (b) The person has a mental illness.

      (c) The person has a history of poor compliance with treatment for his or her mental illness that has resulted in at least one of the following circumstances:

             (1) At least twice during the immediately preceding 48 months, poor compliance with mental health treatment has been a significant factor in causing the person to be hospitalized or receive services in the behavioral health unit of a detention facility or correctional facility. The 48-month period described in this subparagraph must be extended by any amount of time that the person has been hospitalized, incarcerated or detained during that period.

             (2) Poor compliance with mental health treatment has been a significant factor in causing the person to commit, attempt to commit or threaten to commit serious physical harm to himself or herself or others during the immediately preceding 48 months. The 48-month period described in this subparagraph must be extended by any amount of time that the person has been hospitalized, incarcerated or detained during that period.

             (3) Poor compliance with mental health treatment has resulted in the person being hospitalized, incarcerated or detained for a cumulative period of at least 6 months and the person:

                   (I) Is scheduled to be discharged or released from such hospitalization, incarceration or detention during the 30 days immediately following the date of the petition; or

                   (II) Has been discharged or released from such hospitalization, incarceration or detention during the 60 days immediately preceding the date of the petition.

      (d) Because of his or her mental illness, the person is unwilling or unlikely to voluntarily participate in outpatient treatment that would enable the person to live safely in the community without the supervision of the court.

      (e) Assisted outpatient treatment is the least restrictive appropriate means to prevent further disability or deterioration that would result in the person becoming a person in a mental health crisis.

      4.  A petition filed pursuant to subsection 1 or a motion made pursuant to subsection 2 must be accompanied by:

      (a) A sworn statement or a declaration that complies with the provisions of [NRS 53.045](https://www.leg.state.nv.us/nrs/NRS-053.html#NRS053Sec045) by a physician, a psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to [NRS 641B.160](https://www.leg.state.nv.us/nrs/NRS-641B.html#NRS641BSec160) or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to [NRS 632.120](https://www.leg.state.nv.us/nrs/NRS-632.html#NRS632Sec120), stating that he or she:

             (1) Evaluated the person who is the subject of the petition or motion not earlier than 10 days before the filing of the petition or making of the motion;

             (2) Recommends that the person be ordered to receive assisted outpatient treatment; and

             (3) Is willing and able to testify at a hearing on the petition or motion; and

      (b) A sworn statement or a declaration that complies with the provisions of [NRS 53.045](https://www.leg.state.nv.us/nrs/NRS-053.html#NRS053Sec045) from a person professionally qualified in the field of psychiatric mental health stating that he or she is willing to provide assisted outpatient treatment for the person in the county where the person resides.

      5.  A copy of the petition filed pursuant to subsection 1 or the motion made pursuant to subsection 2 must be served upon the person who is the subject of the petition or motion or his or her counsel and, if applicable, his or her legal guardian.

      (Added to NRS by [2021, 3068](https://www.leg.state.nv.us/Statutes/81st2021/Stats202121.html#Stats202121page3068))

**NRS 433A.336  Hearing on petition or motion; notice.**

      1.  Immediately after the clerk of the district court receives a petition filed pursuant to subsection 1 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or [NRS 433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345), the clerk shall transmit the petition to the appropriate district judge, who shall set a time, date and place for its hearing. Immediately after a motion is made pursuant to subsection 2 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335), the district judge shall set a time, date and place for its hearing. The date must be:

      (a) Within 30 judicial days after the date on which the petition is received by the clerk or the motion is made, as applicable; or

      (b) If the person who is the subject of the petition or motion is hospitalized at the time of the petition or motion, before that person is to be discharged and within a sufficient time to arrange for a continuous transition from inpatient treatment to assisted outpatient treatment.

      2.  If the Chief Judge, if any, of the district court has assigned a district court judge or hearing master to preside over hearings pursuant to this section, that judge or hearing master must preside over the hearing.

      3.  The court shall give notice of the petition or motion and of the time, date and place of any proceedings thereon to the person who is the subject of the petition or motion, his or her attorney, if known, the person’s legal guardian, the petitioner, if applicable, the district attorney of the county in which the court has its principal office, the local office of an agency or organization that receives money from the Federal Government pursuant to 42 U.S.C. §§ 10801 et seq. to protect and advocate the rights of persons with a mental illness and the administrative office of any public or private mental health facility or hospital in which the subject of the petition or motion is detained.

      (Added to NRS by [2021, 3070](https://www.leg.state.nv.us/Statutes/81st2021/Stats202121.html#Stats202121page3070))

**NRS 433A.337  Written treatment plan.**

      1.  Before the date of a hearing on a petition or motion for assisted outpatient treatment, the person who made the sworn statement or declaration pursuant to paragraph (a) of subsection 4 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335), the personnel of the Division who made the clinical determination concerning the appropriateness of assisted outpatient treatment pursuant to paragraph (c) of subsection 2 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or the person or entity who submitted the petition pursuant to [NRS 433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345), as applicable, shall submit to the court a proposed written treatment plan created by a person professionally qualified in the field of psychiatric mental health who is familiar with the person who is the subject of the petition or motion, as applicable. The proposed written treatment plan must set forth:

      (a) The services and treatment recommended for the person who is the subject of the petition or motion; and

      (b) The person who will provide such services and treatment and his or her qualifications.

      2.  Services and treatment set forth in a proposed written treatment plan must include, without limitation:

      (a) Case management services to coordinate the assisted outpatient treatment recommended pursuant to paragraph (b); and

      (b) Assisted outpatient treatment which may include, without limitation:

             (1) Medication;

             (2) Periodic blood or urine testing to determine whether the person is receiving such medication;

             (3) Individual or group therapy;

             (4) Full-day or partial-day programming activities;

             (5) Educational activities;

             (6) Vocational training;

             (7) Treatment and counseling for a substance use disorder;

             (8) If the person has a history of substance use, periodic blood or urine testing for the presence of alcohol or other recreational drugs;

             (9) Supervised living arrangements; and

             (10) Any other services determined necessary to treat the mental illness of the person, assist the person in living or functioning in the community or prevent a deterioration of the mental or physical condition of the person.

      3.  A person professionally qualified in the field of psychiatric mental health who is creating a proposed written treatment plan pursuant to subsection 1 shall:

      (a) Consider any wishes expressed by the person who is to be treated in an advance directive for psychiatric care executed pursuant to [NRS 449A.600](https://www.leg.state.nv.us/nrs/NRS-449A.html#NRS449ASec600) to [449A.645](https://www.leg.state.nv.us/nrs/NRS-449A.html#NRS449ASec645), inclusive; and

      (b) Consult with the person who is to be treated, any providers of health care who are currently treating the person, any supporter or legal guardian of the person, and, upon the request of the person, any other person concerned with his or her welfare, including, without limitation, a relative or friend.

      4.  If a proposed written treatment plan includes medication, the plan must specify the type and class of the medication and state whether the medication is to be self-administered or administered by a specific provider of health care. A proposed written treatment plan must not recommend the use of physical force or restraints to administer medication.

      5.  If a proposed written treatment plan includes periodic blood or urine testing for the presence of alcohol or other recreational drugs, the plan must set forth sufficient facts to support a clinical determination that the person who is to be treated has a history of substance use disorder.

      6.  If the person who is to be treated has executed an advance directive for psychiatric care pursuant to [NRS 449A.600](https://www.leg.state.nv.us/nrs/NRS-449A.html#NRS449ASec600) to [449A.645](https://www.leg.state.nv.us/nrs/NRS-449A.html#NRS449ASec645), inclusive, a copy of the advance directive must be attached to the proposed written treatment plan.

      7.  As used in this section, “provider of health care” has the meaning ascribed to it in [NRS 629.031](https://www.leg.state.nv.us/nrs/NRS-629.html#NRS629Sec031).

      (Added to NRS by [2021, 3071](https://www.leg.state.nv.us/Statutes/81st2021/Stats202121.html#Stats202121page3071))

**NRS 433A.338  Right to counsel; compensation of counsel; recess; continuation of representation by counsel during assisted outpatient treatment.**

      1.  The person who is the subject of a petition filed or motion made pursuant to [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or [433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345) or any relative or friend on the person’s behalf is entitled to retain counsel to represent the person in any proceeding before the district court relating to assisted outpatient treatment. If he or she fails or refuses to obtain counsel, the court must advise the person and his or her guardian or next of kin, if known, of such right to counsel and must appoint counsel, who may be the public defender or his or her deputy. The person must be represented by counsel at all stages of the proceedings.

      2.  The court shall award compensation to any counsel appointed pursuant to subsection 1 for his or her services in an amount determined by the court to be fair and reasonable. The compensation must be charged against the estate of the person for whom the counsel was appointed or, if the person is indigent, against the county where the person who is the subject of the petition or motion last resided.

      3.  The court shall, at the request of counsel representing the subject of the petition or motion in proceedings before the court relating to assisted outpatient treatment, grant a recess in the proceedings for the shortest time possible, but for not more than 7 days, to give the counsel an opportunity to prepare his or her case.

      4.  If the person who is the subject of the petition or motion is ordered to receive assisted outpatient treatment, counsel must continue to represent the person until the person is released from the program. The court shall serve notice upon such counsel of any action that is taken involving the person while the person is required by the order to receive assisted outpatient treatment.

      (Added to NRS by [2021, 3072](https://www.leg.state.nv.us/Statutes/81st2021/Stats202121.html#Stats202121page3072))

**NRS 433A.339  Duty of district attorney to appear in proceedings; presentation of case when district attorney does not appear.**

      1.  The district attorney of a county in which a petition is filed or motion is made pursuant to [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or [433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345) or his or her deputy:

      (a) Must appear and represent the State in the proceedings for assisted outpatient treatment if:

             (1) The proceedings were initiated by:

                   (I) A petition filed pursuant to subsection 1 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or [NRS 433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345) by the Administrator or his or her designee or the medical director of a division facility or his or her designee; or

                   (II) A motion made pursuant to subsection 2 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335); and

             (2) The district attorney determines that there is clear and convincing evidence that the criteria prescribed in subsection 3 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or subsection 1 of [NRS 433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345), as applicable, are met.

      (b) May appear and represent the State in the proceedings for assisted outpatient treatment in any other case where the district attorney determines that there is clear and convincing evidence that the criteria prescribed in subsection 3 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or subsection 1 of [NRS 433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345), as applicable, are met.

      2.  If the district attorney does not appear and represent the State in a proceeding for assisted outpatient treatment, the petitioner is responsible for presenting the case in support of the petition.

      (Added to NRS by [2021, 3072](https://www.leg.state.nv.us/Statutes/81st2021/Stats202121.html#Stats202121page3072))

**NRS 433A.341  Testimony.**

      1.  In proceedings for assisted outpatient treatment, the court shall hear and consider all relevant testimony, including, without limitation:

      (a) The testimony of the person who made a sworn statement or declaration pursuant to paragraph (a) of subsection 4 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335), any personnel of the Division responsible for a clinical determination made pursuant to paragraph (c) of subsection 2 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or the person or entity responsible for the decision to submit a petition pursuant to [NRS 433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345), as applicable;

      (b) The testimony of any supporter or legal guardian of the person who is the subject of the proceedings, if that person wishes to testify; and

      (c) If the proposed written treatment plan submitted pursuant to [NRS 433A.337](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec337) recommends medication and the person who is the subject of the petition or motion objects to the recommendation, the testimony of the person professionally qualified in the field of psychiatric mental health who prescribed the recommendation.

      2.  The court may consider testimony relating to any past actions of the person who is the subject of the petition or motion if such testimony is probative of the question of whether the person currently meets the criteria prescribed by subsection 3 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or subsection 1 of [NRS 433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345), as applicable.

      (Added to NRS by [2021, 3073](https://www.leg.state.nv.us/Statutes/81st2021/Stats202121.html#Stats202121page3073))

**NRS 433A.342  Presence and testimony of subject of petition.**

      1.  Except as otherwise provided in subsection 2, the person who is the subject of a petition or motion for assisted outpatient treatment must be present at the proceedings on the petition or motion, as applicable, and may, at the discretion of the court, testify.

      2.  The court may conduct the hearing on a petition or motion for assisted outpatient treatment in the absence of the person who is the subject of the petition or motion if:

      (a) The person has waived his or her right to attend the hearing after receiving notice pursuant to [NRS 433A.336](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec336) and being advised of his or her right to be present and the potential consequences of failing to attend; and

      (b) The counsel for the person is present.

      (Added to NRS by [2021, 3073](https://www.leg.state.nv.us/Statutes/81st2021/Stats202121.html#Stats202121page3073))

**NRS 433A.343  Findings and order; conditions for order to receive assisted outpatient treatment; alternative courses of treatment; transmittal of record to Central Repository for Nevada Records of Criminal History and law enforcement agencies.**

      1.  If the district court finds, after proceedings for the assisted outpatient treatment of a person:

      (a) That the person professionally qualified in the field of psychiatric mental health who made the sworn statement or declaration pursuant to paragraph (b) of subsection 4 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or submitted the petition pursuant to [NRS 433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345), as applicable, is not able to provide treatment to the person who is the subject of the proceedings in the county where he or she resides or that there is not clear and convincing evidence that the person who is the subject of the proceedings meets the criteria prescribed in subsection 3 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or subsection 1 of [NRS 433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345), as applicable, the court must enter its finding to that effect and the person must not be ordered to receive assisted outpatient treatment.

      (b) That the person professionally qualified in the field of psychiatric mental health who made the sworn statement or declaration pursuant to paragraph (b) of subsection 4 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or submitted the petition pursuant to [NRS 433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345), as applicable, is able to provide treatment to the person who is the subject of the proceedings in the county where he or she resides and that there is clear and convincing evidence that the person who is the subject of the proceedings meets the criteria prescribed in subsection 3 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or subsection 1 of [NRS 433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345), as applicable, the court may order the person to receive assisted outpatient treatment. The order of the court must be interlocutory and must not become final if, within 30 days after the issuance of the order, the person is unconditionally released pursuant to [NRS 433A.390](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec390).

      2.  If the district court finds, after proceedings for the assisted outpatient treatment of a defendant in a criminal proceeding pursuant to subsection 2 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335):

      (a) That the person professionally qualified in the field of psychiatric mental health who made the sworn statement or declaration pursuant to paragraph (b) of subsection 4 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or submitted the petition pursuant to [NRS 433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345), as applicable, is not able to provide treatment to the defendant in the county where he or she resides or that there is not clear and convincing evidence that the defendant meets the criteria prescribed in subsection 3 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or subsection 1 of [NRS 433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345), as applicable, the court must enter its finding to that effect and the defendant must not be ordered to receive assisted outpatient treatment.

      (b) That the person professionally qualified in the field of psychiatric mental health who made the sworn statement or declaration pursuant to paragraph (b) of subsection 4 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or submitted the petition pursuant to [NRS 433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345), as applicable, is able to provide treatment to the defendant in the county where he or she resides and that there is clear and convincing evidence that the defendant meets the criteria prescribed in subsection 3 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or subsection 1 of [NRS 433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345), as applicable, except as otherwise provided in this paragraph, the court must order the defendant to receive assisted outpatient treatment and suspend further proceedings in the criminal proceeding against the defendant until the defendant completes the treatment or the treatment is terminated. If the offense allegedly committed by the defendant is a category A or B felony or involved the use or threatened use of force or violence, the court must not order the defendant to receive assisted outpatient treatment pursuant to this paragraph unless the prosecuting attorney stipulates to the assignment. The order of the court must be interlocutory and must not become final if, within 30 days after the issuance of the order, the person is unconditionally released pursuant to [NRS 433A.390](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec390). If the defendant successfully completes the assisted outpatient treatment to the satisfaction of the court, the court must dismiss the criminal charges against the defendant with prejudice.

      3.  An order for a person to receive assisted outpatient treatment must:

      (a) Provide for a period of assisted outpatient treatment that does not exceed 6 months unless the order is renewed or extended pursuant to [NRS 433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345);

      (b) Specify the services that the person who is to be treated must receive; and

      (c) Direct the person professionally qualified in the field of psychiatric mental health who made the sworn statement or declaration pursuant to paragraph (b) of subsection 4 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or submitted the petition pursuant to [NRS 433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345), as applicable, to provide the services pursuant to paragraph (b) for the duration of the order.

      4.  If an order for a person to receive assisted outpatient treatment requires the administration of medication, the order must state the classes of medication and the reasons for ordering the medication, which must be based on the proposed written treatment plan submitted pursuant to [NRS 433A.337](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec337). The order may require the person who is to be treated to self-administer the medication or accept the administration of the medication by a specified person. The court shall not order the use of physical force or restraints to administer medication.

      5.  An order for a person to receive assisted outpatient treatment must not prescribe treatment that is not recommended by the person professionally qualified in the field of psychiatric mental health who made the sworn statement or declaration pursuant to paragraph (b) of subsection 4 of [NRS 433A.335](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec335) or submitted the petition pursuant to [NRS 433A.345](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec345), as applicable.

      6.  If the court issues an order requiring a person to receive assisted outpatient treatment, the court must, notwithstanding the provisions of [NRS 433A.715](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec715), cause, within 5 business days after the order becomes final pursuant to this section, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to:

      (a) The Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System; and

      (b) Each law enforcement agency of this State with which the court has entered into an agreement for such transmission, along with a statement indicating that the record is being transmitted for inclusion in each of this State’s appropriate databases of information relating to crimes.

      7.  A court may periodically review an order for a person to receive assisted outpatient treatment to determine whether there is an available alternative treatment that is the least restrictive treatment that is appropriate for the person, is in the best interest of the person and will not be detrimental to the public welfare. If the court determines that such a treatment is available, the court must amend the order to require such treatment.

      8.  As used in this section, “National Instant Criminal Background Check System” has the meaning ascribed to it in [NRS 179A.062](https://www.leg.state.nv.us/nrs/NRS-179A.html#NRS179ASec062).

      (Added to NRS by [2021, 3074](https://www.leg.state.nv.us/Statutes/81st2021/Stats202121.html#Stats202121page3074))

**NRS 433A.344  Petition for evaluation of recipient of assisted outpatient treatment; conditions for granting of petition.**

      1.  A person professionally qualified in the field of psychiatric mental health who is responsible for providing assisted outpatient treatment to a person ordered by a court to receive assisted outpatient treatment pursuant to [NRS 433A.343](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec343) may petition the court to issue an order requiring a peace officer to take into custody and deliver the person to an appropriate location for a prompt evaluation by the professional to determine whether the person is a person in a mental health crisis if:

      (a) The person who is the subject of the petition has failed to comply with the plan of assisted outpatient treatment ordered pursuant to [NRS 433A.343](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec343);

      (b) The petitioner has made reasonable efforts to solicit such compliance; and

      (c) The failure to comply with the plan of assisted outpatient treatment may cause the person who is the subject of the petition to harm himself or herself or others.

      2.  A petition pursuant to subsection 1 must set forth:

      (a) The specific provisions of the plan of assisted outpatient treatment which the subject of the petition has failed to carry out;

      (b) The efforts made by the petitioner to solicit compliance; and

      (c) The basis for the petitioner’s belief that the failure to comply with the plan of assisted outpatient treatment may cause the subject of the petition to harm himself or herself or others.

      3.  If the court determines that there is probable cause to believe that the conditions described in paragraphs (a), (b) and (c) of subsection 1 have been satisfied, the court may issue an order requiring a peace officer to take into custody and deliver the person who is the subject of the petition to an appropriate location for a prompt evaluation by the petitioner to determine whether the person is a person in a mental health crisis.

      4.  As used in this section, “appropriate location” means any location identified by a petitioner but does not include a jail or prison.

      (Added to NRS by [2021, 3076](https://www.leg.state.nv.us/Statutes/81st2021/Stats202121.html#Stats202121page3076))

**NRS 433A.345  Petition to renew order for assisted outpatient treatment; service; hearing.**

      1.  Not later than 7 judicial days before the end of a period of assisted outpatient treatment ordered by a court pursuant to [NRS 433A.343](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec343), the Administrator or his or her designee, the medical director of a division facility through which the person who is the subject of the order is receiving assisted outpatient treatment or his or her designee or another person professionally qualified in the field of psychiatric mental health responsible for providing the assisted outpatient treatment may petition to renew the order for assisted outpatient treatment for an additional period that does not exceed 6 months. The petition for renewal must allege that:

      (a) Because of his or her mental illness, the person to be treated is unwilling or unlikely to voluntarily participate in outpatient treatment that would enable the person to live safely in the community without the supervision of the court; and

      (b) Assisted outpatient treatment is the least restrictive appropriate means to prevent further disability or deterioration that would result in the person to be treated becoming a person in a mental health crisis.

      2.  A copy of a petition filed pursuant to subsection 1 must be served upon the person who is the subject of the petition or his or her counsel and, if applicable, his or her legal guardian.

      3.  Upon receiving a petition filed pursuant to subsection 1, the court shall schedule a hearing on the petition pursuant to [NRS 433A.336](https://www.leg.state.nv.us/nrs/nrs-433a.html#NRS433ASec336). If the order for assisted outpatient treatment that is effective at the time of the petition is scheduled to expire before the hearing, the order is extended and remains in effect until the date of the hearing.

      (Added to NRS by [2021, 3076](https://www.leg.state.nv.us/Statutes/81st2021/Stats202121.html#Stats202121page3076))