

Steve Sisolak
Governor



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**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



Lisa Sherych
Administrator

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Technical Bulletin

Date: June 28, 2022

Topic: Patient Denial of Rights Reporting Requirements to the Commission on Behavioral Health

Contact: Leon Ravin, M.D., Statewide Psychiatric Medical Director

To: Hospitals, Clinics and Health Care Facilities

Background

The Commission on Behavioral Health is a 10 member Governor appointed public body established pursuant to Nevada Revised Statute (NRS) [232.361](#). The duties of the Commission are listed in Nevada Revised Statute (NRS) [Chapter 433](#).

Reporting Requirements:

In accordance with [NRS 433.534](#) all facilities including hospitals, clinics or other institutions operated by a public or private entity, for the care, treatment and training of consumers must submit any and all consumer denial of rights reports to the Commission on Behavioral Health. Use of **physical** (NRS 433.5493(3)), **mechanical** (NRS 433.5496(3)) and **chemical** (NRS 433.5503(2)) **restraints** on a consumer **must be reported** as a denial of rights to the Commission.

All facilities are encouraged to submit all denial of rights reports to Carol Elslager with the Division of Public and Behavioral Health at the following address:

Carol Elslager, MA

Clinical Program Planner I

Nevada Department of Health and Human Services

Division of Public and Behavioral Health | Clinical Services

1650 Community College Drive | Las Vegas, NV 89146

The reports will be routed to the Commission for review during their quarterly scheduled [meetings](#). Physical copies must be received and will be returned to the facility following Commission review.

Consumers' Rights

NRS 433.456 Definitions. As used in [NRS 433.456](#) to [433.536](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 433.458](#), [433.461](#) and [433.462](#) have the meanings ascribed to them in those sections.
(Added to NRS by [1989, 1755](#); A [1997, 3491](#); [2011, 412](#))

NRS 433.458 "Administrative officer" defined. "Administrative officer" means a person with overall executive and administrative responsibility for a facility that provides services relating to mental health and that is operated by any public or private entity.
(Added to NRS by [1989, 1755](#); A [1999, 2594](#); [2013, 668](#), [3010](#))

NRS 433.461 “Facility” defined. “Facility” means any:

1. Unit or subunit operated by the Division of Public and Behavioral Health of the Department for the care, treatment and training of consumers.
2. Unit or subunit operated by the Division of Child and Family Services of the Department pursuant to [chapter 433B](#) of NRS.
3. Hospital, clinic or other institution operated by any public or private entity, for the care, treatment and training of consumers.
(Added to NRS by [1989, 1755](#); A [1993, 2716](#); [1999, 99](#); [2011, 412](#))

NRS 433.534 Denial of rights prohibited; exceptions; report; investigation and action by Commission; closure of meeting in certain circumstances.

1. The rights of a consumer enumerated in this chapter must not be denied except to protect the consumer’s health and safety or to protect the health and safety of others, or both. Any denial of those rights in any facility must be entered in the consumer’s record of treatment, and notice of the denial must be forwarded to the administrative officer of the facility. Failure to report denial of rights by an employee may be grounds for dismissal.

2. If the administrative officer of a facility receives notice of a denial of rights as provided in subsection 1, the officer shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. Except as otherwise provided in [NRS 239.0115](#), such a report is confidential and must not be disclosed. A copy of the report must be sent to the Commission.

3. The Commission:

- (a) Shall receive reports of and may investigate apparent violations of the rights guaranteed by this chapter;
- (b) May act to resolve disputes relating to apparent violations;
- (c) May act on behalf of consumers to obtain remedies for any apparent violations; and
- (d) Shall otherwise endeavor to safeguard the rights guaranteed by this chapter.

4. Pursuant to [NRS 241.030](#), the Commission may close any portion of a meeting in which it considers the character, alleged misconduct or professional competence of a person in relation to:

- (a) The denial of the rights of a consumer; or
- (b) The care and treatment of a consumer.

↳ The provisions of this subsection do not require a meeting of the Commission to be closed to the public.

(Added to NRS by [1975, 1598](#); A [1979, 812](#); [1985, 2268](#); [1989, 1757](#); [1993, 2112, 2719](#); [1995, 676, 1735](#); [2007, 2106](#); [2011, 417](#))

NRS 433A.0145 “Consumer” defined. “Consumer” means any person who, whether voluntarily or involuntarily, seeks and can benefit from care, treatment and training:

1. In a public or private mental health facility or other public or private facility offering mental health services; or
2. From a person professionally qualified in the field of psychiatric mental health who provides assisted outpatient treatment.
(Added to NRS by [2021, 3067](#))

Questions:

For updated guidance, please review the DPBH Technical Bulletin [website](#) regularly. Please email Carol Elslager c.elslager@health.nv.gov or call 702-486-0674 for other questions regarding submission of Denial of Rights Reports.

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Division of Public and Behavioral Health

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