

Policy: Prior to discharge from a Division inpatient facility, the treatment team shall determine whether the consumer meets discharge criteria and shall provide an individualized aftercare plan for the consumer.

Purpose: The purpose of this policy is to maximize the consumer's progress and adjustment to daily life after discharge from a Division facility.

Scope: Division Wide

Definitions:

- ❖ Consumer discharge is a staff or court authorized consumer release from an assigned treatment facility, including convalescent leave.
- ❖ Unconditional Release: When a consumer involuntarily admitted to a division facility by court order is released at the end of the 6-month commitment period, pursuant to NRS 433A.390, a written notice must be sent to the admitting court at least 10 days prior to the release of the consumer using a "Notice of Discharge From Commitment" form. Refer to NRS 433A.390 which clarifies when a consumer may be unconditionally released from a mental health facility.
- ❖ Conditional Release: When a consumer is involuntarily admitted to a division facility by court order and considered a danger to self and others as a consumer with mental illness is being considered for release, and then the consumer may be discharged on a conditional release pursuant to NRS 433A.380 and 433A.390 178.463, and 178.467 unless the court waives the notice. Refer to NRS 433A.380, 178.467, and 178.468 which describe the process for placing a consumer on conditional leave, and the criteria and process for returning a consumer on conditional leave.

Procedures:

- I. Conditions for Consumer Discharge from a Division Facility Under NRS Chapter 178, Incompetent to Stand Trial, Evaluation of Competency:
 - A. Consumers committed to the division's forensic facility, Lake's Crossing Center (LCC), shall not be discharged unless a court order signed by a district or municipal judge is received authorizing the discharge. These consumers can only be discharged to the custody of the appropriate law enforcement agency, unless otherwise directed by the court order.
 - B. Should a consumer committed under NRS 178 be adjudicated as incompetent with no probability of attaining competency and charges dismissed, the consumer shall not be discharged or recommitted under an involuntary civil commitment to another division facility unless a court order, dismissing the charges and signed by the appropriate district judge, is received.

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- C. Prior to commencing an involuntary civil commitment of a consumer adjudicated incompetent with no probability of attaining competency LCC officials shall contact and consult with the Deputy Attorney General assigned to the Division.
- D. Consumers committed under NRS Chapter 178 as incompetent to stand trial and charged with a Category A or a Category B felony listed in 178.461 (6) and found incompetent to stand trial with no possibility of attaining competency in the foreseeable future and are involuntarily committed to the Division will only be released upon the receipt of a court order signed by the appropriate district judge pursuant to 178.463 through 178. 469.

II. Consumer discharge from a Division facility under NRS 433A, Conditional Release:

- A. The provisions of this law apply only to consumers under civil commitments for involuntary court-ordered admissions. When a consumer is under a civil commitment by virtue of an involuntary court-ordered admission to a mental health facility, the maximum duration of that commitment order is 6 months.
- B. If a consumer continues to need to be under a civil commitment at the expiration of the 6-month period, a new petition for court-ordered admission must be filed, and a hearing must be held prior to the six-month period.
- C. If, following an order for civil commitment, a consumer becomes ready for discharge from the mental health facility within that 6-month period, then the team responsible for discharge planning must decide whether the discharge from the hospitalization should be conditional or unconditional.
- D. If it is decided that a consumer should be unconditionally released from a facility, then notice must be given to the court and the district attorney.
- E. Once a consumer is unconditionally released, the civil commitment order will become null and void.
- F. If the discharge planning team believes the consumer should be conditionally released from the mental health facility, then it must provide a Notice of Conditional Release to the court and the district attorney. On the form, the maximum duration of that release must be noted.
- G. Conditional release may last only for the maximum extent of the underlying civil commitment. The consumer must also be provided a copy of the Notice.
- H. The criteria and procedure for bringing a consumer back from conditional release is set forth in NRS 433A.380(5):
 - 1. A member of the consumer's treatment team, who is professionally qualified in the field of psychiatric mental health, will determine that the consumer is

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presently mentally ill and a danger to himself or to others pursuant to the criteria of NRS 433A.115.

2. This member of the treatment team will discuss the matter with a psychiatrist. If they determine that conditional release is no longer appropriate because the consumer presents a clear and present danger to self or others, they have three (3) options:
 - a. If the decompensation is gradual, they may request an order from the Agency Director of the mental health facility, ordering the consumer to return to the hospital in 3 days. A copy of this administrative order must be given to the consumer. If for any reason the consumer starts to improve, or complies with the medication regimen such that their behaviors no longer pose a clear and present danger to self or others, it should be duly noted in the chart, let the mental health facility know, let the court know, and the process may stop there. If the consumer returns voluntarily to the mental health facility, provide notice of the same to the court, and the matter will be reviewed at the next court hearing date.
 - b. **In cases involving imminent threat of danger to self or others a Legal 2000 should be initiated immediately.**
 - c. If a consumer is ordered to return from conditional leave and does not, the Agency Director of the mental health facility may issue an order to law enforcement to return a consumer to the mental health facility.
 - J. Consumer being returned to a mental health facility from conditional release do not require medical clearance before being readmitted to the mental health facility.
 - K. If a consumer is intoxicated they must be detoxed prior to admission. Similarly, any obvious physical conditions needing treatment should be addressed prior to admission.
 - L. The committing court will review the return from conditional release. The attached forms are to be used:
 1. Notice of conditional release.
 2. Notice of unconditional release.
 3. Notice of order to return from conditional release and of hearing.
 4. Administrative order to return from conditional release.
- III. Consumer discharge from a division facility under NRS 433A.150 & NRS 433A.310:
- A. When a consumer with charges pending is to be released from a 72-hour emergency admission, pursuant to NRS 433A.150, the discharge must be reviewed and approved by the agency director or designee.

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- B. If a local, state or federal law enforcement agency requests notification of a consumer's discharge from an inpatient residential setting in order to pursue criminal charges, the agency shall cooperate.
 - C. The law enforcement agency's request must be in writing on the "Request for Notification by Law Enforcement Agency" form.
 - D. Written confirmation of the notification to law enforcement must follow telephone contact.
 - E. Written confirmation must include identification of the consumer discharged, the staff member making contact, and the law enforcement officer contacted and date.
- IV. Consumers with mental illness shall not be discharged without an individualized aftercare plan that incorporates conditions that will maximize the consumer's progress and adjustment to daily life. If the discharge is conditional leave NRS 433A.380, a "Notice of Conditional Leave" form must be completed, including the conditions of aftercare.
- Upon discharge from the inpatient unit, an updated Level of Care Utilization System (LOCUS) assessment will be completed. If the individual being assessed is discharged in the same episode, a discharge LOCUS in the POU will not be necessary.
- V. Should the court object to a consumer discharge or transfer to a less restrictive treatment, the agency director or designee will contact the division administrator. The Division administrator, deputy attorney general, and agency director or designee will determine the proper course of action.
 - VI. All discharges that require out-of state placement are to be reviewed and approved by the Agency director or designee prior to discharge. If out of state transportation is provided by the agency, there must be an accompanying appropriate discharge destination with confirmed living arrangement and support system to assist the consumer in their home community, and appropriate receiving agency (s) or individual (s) has accepted the consumer for services.
 - VII. All consumers traveling on state purchased tickets will be accompanied by a chaperone. The chaperone definition is:
 - i. Designated mental health staff
 - ii. Family members or designee
 - iii. Legal Guardian
 - iv. Domestic partners
 - v. Other appropriate caregivers as approved by administrative staff

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- VIII. As part of their discharge planning all DPBH agencies shall assure that the entity to which their consumers are being discharged (to family, other treatment providers, etc.) is clearly addressed and identified in the care plan and care planning activities, as part of consumers continuity of care.

A handwritten signature in blue ink, appearing to read "Rnd White", written over a horizontal line.

Administrator

Attachments: A, B, C, D

Effective Date: 1/21/00

Date Revised/Reviewed: 6/24/03; 7/8/03; 8/03/04; 8/18/04; 7/13/07; 11/15/13

Supersedes: 4.005 Discharge of Consumers from Division Inpatient Facilities

Date Approved by DPBH Administrator: 11/15/13

Date Approved by Public Health Commission: 11/15/13

Attachment C

NOTICE OF ORDER TO
RETURN FROM CONDITIONAL RELEASE and of HEARING
[NRS 433A.380(5), (6)]

TO: _____(Consumer)
_____(Consumer's Attorney)

I am the Administrative Officer of the _____ and pursuant to the authority granted to me in NRS 433A.380 and NRS 433A.370, I will issue an order to return the **consumer** to _____, at _____ and will request that any peace officer, pursuant to NRS 433A.370, apprehend, take into custody and deliver the **consumer** to this facility.

Pursuant to NRS 433A.380(5) this Notice is being given: (check one)

____ At least 3 days before the issuance of the Order To Return From Conditional Release.

____ Along with the Order to Return from Conditional Release. An emergency exists in which the consumer presents an imminent threat of harm to himself/herself or others. This Notice will be submitted to the court not later than one day later than the issuance of the Order to Return from Conditional Release.

Notice is also hereby given that the issue of the return from conditional leave will be held before the Family Court on the _____ day of _____, at the hour of 9:30 a.m. or as soon thereafter as counsel may be heard, at the Courtroom located at _____.

The facts necessitating the **consumer's** return to _____ are as follows:

Agency Director

Date

Attachment D

ADMINISTRATIVE ORDER TO
RETURN FROM CONDITIONAL RELEASE

TO: Any Peace Officer of the State of Nevada

TO: "Consumer" and Consumer's Attorney

_____ (hereafter "consumer") was involuntarily committed to the
on date by the _____ Judicial District Court, _____ County, Nevada for a period of six (6)
months, ending on _____ (date). The consumer was placed on conditional release after it was
determined by the Medical Director of _____ that it was in the best interest of Consumer and would
not be detrimental to the public welfare. The conditional release is effective for the period up to and
including _____ (date).

Now, pursuant to NRS 433A.310, a psychiatrist and a member of the consumer's treatment
team who is professionally qualified in the field of psychiatric mental health have determined that the
conditional release is no longer appropriate because the consumer currently presents a clear and
present danger of harm to himself/herself or others.

I am the Administrative Officer of _____ and pursuant to the authority granted to me by NRS
433A.380 and NRS 433A.370, I am hereby ordering the return of this consumer to _____, located at
, phone number _____ and am requesting that any peace officer, pursuant to NRS 433A.370,
apprehend, take into custody and deliver this consumer to this facility.

DATED this _____ day of _____, _____.

Agency Director