Division of Mental Health and Developmental Services
Policy #4.005 - Discharge of Consumers from Division Inpatient Facilities
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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.

#### 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 NRS 433A.390 which clarifies when a person may be unconditionally released from a mental health facility.
- ❖ Conditional Release: When a consumer involuntarily admitted to a division facility by court order and considered a danger to self and others as a person with mental illness is being considered for release, the consumer may be discharged on a conditional release pursuant to NRS 433A.380 and 433A.390(2) unless the court waives the notice. Refer to NRS 433A.380 which describes the process for placing a person on conditional leave, and the criteria and process for returning a person 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.
  - 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.
  - 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 capital offense, i.e., murder, etc., and found incompetent to stand trial with no possibility of attaining competency in the foreseeable future and are involuntarily committed to the Division shall not be discharged from LCC to a less restrictive environment unless the division administrator has granted written approval.
- II. Consumer discharge from a Division facility under NRS 433A, Conditional Release:
  - A. The provisions of this law apply only to persons under civil commitments for involuntary court-ordered admissions. When a person 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 person 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 person 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 person should be unconditionally released from a facility, then notice must be given to the court and the district attorney.
  - E. Once a person is unconditionally released, the civil commitment order will become null and void.
  - F. If the discharge planning team believes the person 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. Rural Clinics will be notified of conditional releases of consumers.
  - I. The criteria and procedure for bringing a person 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 person is 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

person 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 administrative officer of the mental health facility, ordering the person to return to the hospital in 3 days. A copy of this administrative order must be given to the person. If for any reason the person 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 person 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 person is ordered to return from conditional leave and does not, the administrative officer of the mental health facility may issue an order to law enforcement to return a person to the mental health facility.
- J. Persons 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 person 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 leave. 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 administrator.
  - 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.

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- 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.
- V. Should the court object to a consumer discharge or transfer to a less restrictive treatment, the agency administrator shall contact the division administrator. The division administrator, attorney general, and agency administrator shall 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 prior to placement.
- VII. Consumers with mental illness who have been identified as having a history of violent behavior(s) shall not be discharged without a risk assessment inventory pursuant to Division Policy #3.002 having been conducted.
- VIII. Each division psychiatric hospital shall develop specific written procedures to implement the provisions of this policy or shall incorporate this policy into the agency policy manual.



Administrator

Attachments: A, B, C, D

Effective Date: 1/21/00

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

Date Approved by MHDS Commission:

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IN AND FOR COUNTY	
II II ID I OK	
FAMILY DIVISION	
In the Matter of the Examination of: ) Case No.	
) Dept. No.	
An Allegedly Mentally III Person.	
) NOTICE O	F
) UNCONDITIONA	L RELEASE
,	
TO: District Court Judge	
TO: District Attorney	
Client was involuntarily committed to the Nevada M	ental Health
Institute (hereafter "NMHI") on date by the Judicial District Cour	rt, County
Nevada for a period of six (6) months, ending on date.	, <u> </u>
Pursuant to NRS 433A.390, it has been determined that this client will be	be unconditionally
released before the end of the six month period specified in NRS 433A.310.	•
This notice is being provided to you at least 10 days before the actual re	elease date.
DATED this day of	rease date.

Agency Director

## Policy 4.005 – Attachment B

Code No.
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IN THEJUDICIAL D	ISTRIC	T COURT OF THE STATE OF NEVADA
IN AND F	OR THE	COUNTY
F	AMILY	DIVISION
In the Matter of the Examination of:	)	Case No.
	)	Dept. No.
An Allegedly Mentally III Person.	)	_
	)	NOTICE OF
	)	CONDITIONAL RELEASE
TO: District Court Judge		
TO: District Attorney		
TO: Client		
TO: Client's Attorney		
		the on _date_ by
		County, Nevada for a period of six (6) months,
=		it has been determined by the Medical Director of
<u> </u>		e best interest of this client and will not be
-	onditiona	al release is effective until the period commitment
expires.		
DATED this day of	,	•

Agency Director

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

TO:		(Client)		
		(Client's	Attorney)	
I am the Adn	ninistrative Officer	of the		and pursuant to the
authority gran	nted to me in NRS	433A.380 and NRS	S 433A.370, I will issue	e an order to return the
client to	, at		_and will request that a	ny peace officer, pursuant
to NRS 433A	3.370, apprehend, to	ake into custody an	d deliver the client to t	his facility.
Pursu	ant to NRS 433A.3	380(5) this Notice is	s being given: (check o	ne)
At leas	at 3 days before the	issuance of the Oro	der To Return From Co	onditional Release.
Along	with the Order to F	Return from Conditi	ional Release. An emer	gency exists in which the
client present	ts an imminent thre	eat of harm to himse	elf/herself or others. Th	is Notice will be
submitted to	the court not later t	than one day later tl	han the issuance of the	Order to Return from
Conditional I	Release.			
Notic	e is also hereby giv	ven that the issue of	the return from condit	ional leave will be held
before the Fa	mily Court on the	day of	, at the hour of 9:	30 a.m. or as soon
thereafter as	counsel may be hea	ard, at the Courtroo	m located at	
The fa	acts necessitating the	he client's return to	are as follows	:
Agen	cy Director		Date	_

# ADMINISTRATIVE ORDER TO RETURN FROM CONDITIONAL RELEASE

10: Any Peace Officer of the State of Nevada
TO: "Client" and Client's Attorney
Client (hereafter "client") was involuntarily committed to the
on date by the Judicial District Court, County, Nevada for a period of six
(6) months, ending on <u>date</u> . The client was placed on conditional release after it was
determined by the Medical Director of that it was in the best interest of Client and would
not be detrimental to the public welfare. The conditional release is effective for the period up to and
including <u>date</u> .
Now, pursuant to NRS 433A.310, a psychiatrist and a member of the client'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 client 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 client to, located
at, phone number and am requesting that any peace
officer, pursuant to NRS 433A.370, apprehend, take into custody and deliver this client to this
facility.
DATED this,

Agency Director