

SENATE BILL NO. 448—COMMITTEE ON FINANCE

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes concerning the regulation of mental health services provided to children in this State. (BDR 39-1217)

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

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

AN ACT relating to mental health; creating the Children’s Behavioral Health Policy and Accountability Board as a subcommittee of the Commission on Mental Health and Developmental Services; designating the Division of Child and Family Services of the Department of Health and Human Services as the mental health authority for children in this State and establishing the duties thereof; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Commission on Mental Health and Developmental
2 Services establishes certain policies concerning the development and administration
3 of services for persons with mental illness, mental retardation or co-occurring
4 disorders and related conditions. The Commission further develops policies
5 concerning the care and treatment of such persons and is authorized to take other
6 actions to assist such persons, including providing information, investigating
7 complaints about the care of a person and promoting programs for the treatment of
8 such persons. (NRS 433.314, 433.316) Existing law further requires the
9 Commission to appoint a subcommittee on the mental health of children to review
10 findings and recommendations of certain mental health consortiums. (NRS
11 433.317) **Section 9** of this bill repeals that subcommittee and, in its place, **section 2**
12 of this bill creates the Children’s Behavioral Health Policy and Accountability
13 Board as a subcommittee of the Commission. The Chair of the Commission
14 appoints the members of the Board, and **section 2** specifies certain persons and
15 representatives who must be appointed to the Board.

16 **Section 3** of this bill requires the Board to evaluate services provided to
17 children with mental illness, mental retardation or co-occurring disorders and



18 related conditions. The services evaluated include services provided by any
19 provider or facility, including public and private facilities. In addition, **section 3**
20 requires the Board to provide advice and assistance to the Commission in carrying
21 out the duties of the Commission and carrying out the powers of the Commission
22 with respect to children with mental illness, mental retardation or co-occurring
23 disorders and related conditions considering any provider or facility in this State
24 serving such children, whether public or private. **Section 4** of this bill requires the
25 Commission to consult with the Board before adopting regulations concerning such
26 children.

27 Existing law establishes certain powers and duties of the Administrator of the
28 Division of Child and Family Services of the Department of Health and Human
29 Services relating to the oversight of the administration of mental health services to
30 children in this State. (NRS 433B.130) **Section 5** of this bill designates the Division
31 as the mental health authority for children in the State of Nevada and requires the
32 Division to establish performance standards and qualifications for all providers and
33 facilities that provide treatment to children in this State. In addition, **section 5**
34 requires the Division to monitor and evaluate mental health services and treatment
35 provided to children, conduct investigations of complaints regarding such treatment
36 or services and provide training and outreach activities relating to policies of this
37 State concerning the provision of care and treatment to children receiving mental
38 health services in this State. **Section 8** of this bill clarifies that the Division is
39 authorized to contract with any provider or facility in this State that can best treat
40 children with mental illness.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 433 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1. *There is hereby created, as a subcommittee of the***
4 ***Commission, the Children's Behavioral Health Policy and***
5 ***Accountability Board.***

6 ***2. The Chair of the Commission shall appoint not less than***
7 ***14 but not more than 18 members to serve on the Board. The***
8 ***members appointed by the Chair must include, without limitation:***

9 ***(a) A member of the Commission who shall serve as the ex***
10 ***officio chair of the Board;***

11 ***(b) A member of the family of a child with mental illness,***
12 ***mental retardation or co-occurring disorders or related***
13 ***conditions;***

14 ***(c) A representative of an organization that advocates on***
15 ***behalf of families;***

16 ***(d) A representative of the Division of Child and Family***
17 ***Services of the Department;***

18 ***(e) A representative of an agency which provides child welfare***
19 ***services in a county whose population is 100,000 or more;***

20 ***(f) A representative of a school district;***

21 ***(g) A representative of the juvenile justice system;***



1 (h) A representative of the Division of Health Care Financing
2 and Policy of the Department;

3 (i) A representative of the Division of Mental Health and
4 Developmental Services of the Department;

5 (j) A private provider of behavioral health care;

6 (k) A physician, psychologist, licensed clinical social worker,
7 licensed marriage and family therapist or clinical professional
8 counselor;

9 (l) A representative who is a member of the governing body of
10 an Indian reservation or Indian colony;

11 (m) A provider of health care whose specialty is early
12 childhood mental health; and

13 (n) A representative of a mental health consortium established
14 pursuant to NRS 433B.333.

15 3. The Chair of the Commission shall appoint members to the
16 Board without regard to race, color, religion, sex, sexual
17 orientation, national origin, age, political affiliation or disability
18 and shall appoint members so that all geographic areas of the
19 State are represented.

20 4. Members of the Board serve at the pleasure of the Chair of
21 the Commission for a term of 4 years. Upon the expiration of a
22 term of a member, the member may be reappointed, but no
23 member may serve for more than three terms.

24 5. Members of the Board serve without compensation. A
25 member of the Board who is an officer or employee of this State or
26 a political subdivision of this State must be relieved from duties
27 without loss of regular compensation so that the officer or
28 employee may prepare for and attend meetings of the Board and
29 perform any work necessary to carry out the duties of the Board in
30 the most timely manner practicable. A state agency or political
31 subdivision of this State shall not require an officer or employee
32 who is a member of the Board to make up the time the officer or
33 employee is absent from work to carry out duties as a member of
34 the Board or use annual vacation or compensatory time for the
35 absence.

36 6. A vacancy occurring in the membership of the Board must
37 be filled in the same manner as the original appointment, if the
38 member is required pursuant to subsection 2. If a vacancy occurs
39 and the initial appointment was discretionary, the Chair of the
40 Commission may either fill the vacancy or leave the position
41 vacant.

42 7. The Board shall meet at least four times each year at the
43 times and places specified by a call of the Chair. A majority of the
44 members of the Board constitutes a quorum, and a quorum may
45 exercise any power or authority conferred on the Board.



1 **Sec. 3. 1. The Children's Behavioral Health Policy and**
2 **Accountability Board created pursuant to section 2 of this act shall**
3 **evaluate services provided by any provider or facility in this State**
4 **to children with mental illness, mental retardation or co-occurring**
5 **disorders and related conditions to determine and report to the**
6 **Commission concerning:**

7 **(a) The quality of the care and treatment that is provided to**
8 **such children;**

9 **(b) Accessibility to such care and treatment; and**

10 **(c) The future needs of this State concerning the treatment of**
11 **such children.**

12 **2. The Board shall provide advice and other assistance to the**
13 **Commission in carrying out the duties and powers of the**
14 **Commission as set forth in NRS 433.314 and 433.316 with respect**
15 **to children with mental illness, mental retardation or co-occurring**
16 **disorders and related conditions, including, without limitation:**

17 **(a) Recommending any necessary regulations or legislation;**

18 **(b) Providing reports to the Commission concerning the**
19 **quality of the care and treatment provided to such children by any**
20 **provider or facility in this State for inclusion in the report to the**
21 **Governor and the Legislature pursuant to subsection 4 of NRS**
22 **433.314 which must include, without limitation, recommendations**
23 **of actions that may improve the quality of the care and treatment**
24 **provided to such children;**

25 **(c) Recommending actions to increase accessibility to mental**
26 **health services to children that are provided by any provider or**
27 **facility in this State;**

28 **(d) Recommending actions to improve the care and treatment**
29 **provided to such children; and**

30 **(e) Developing a statewide plan for approval of the**
31 **Commission to coordinate services for the treatment of such**
32 **children in this State by any provider or facility and to provide for**
33 **the continuity of care and treatment provided by any provider or**
34 **facility in this State.**

35 **3. The Board shall provide information to the general public,**
36 **in accordance with any direction provided by the Commission,**
37 **concerning children with mental illness, mental retardation or co-**
38 **occurring disorders and related conditions and consider ways to**
39 **involve the general public in the decisions concerning the policies**
40 **affecting such children.**

41 **4. In carrying out its duties pursuant to this section, the**
42 **Board shall consult with a psychiatrist who is licensed to practice**
43 **medicine in the State of Nevada and who is experienced in child**
44 **and adolescent behavioral health.**

45 **5. As used in this section:**



1 (a) *“Child” means a person less than 18 years of age or, if in*
2 *school, until graduation from high school.*

3 (b) *“Facility” means a:*

4 (1) *Unit or subunit operated by the Division of Child and*
5 *Family Services of the Department pursuant to chapter 433B of*
6 *NRS.*

7 (2) *Hospital, clinic or other institution operated by a public*
8 *or private entity for the care, treatment or training of children who*
9 *are clients.*

10 (3) *Specialized foster home as defined in NRS 424.018.*

11 (4) *Psychiatric hospital or facility which provides*
12 *residential treatment for mental illness.*

13 **Sec. 4.** NRS 433.324 is hereby amended to read as follows:

14 433.324 1. The Commission shall adopt regulations:

15 (a) For the care and treatment of persons with mental illness,
16 mental retardation or co-occurring disorders and persons with
17 related conditions by all state agencies and facilities, and their
18 referral to private facilities;

19 (b) *For the care and treatment of children with mental illness,*
20 *mental retardation or co-occurring disorders and children with*
21 *related conditions by any provider or facility in this State;*

22 (c) To ensure continuity in the care and treatment provided to
23 persons with mental illness, mental retardation or co-occurring
24 disorders and persons with related conditions in this State; and

25 ~~[(e)]~~ (d) Necessary for the proper and efficient operation of the
26 facilities of the Division.

27 2. The Commission may adopt regulations to promote
28 programs relating to mental health, mental retardation and co-
29 occurring disorders and related conditions.

30 3. *The Commission shall consult with and obtain the advice*
31 *of the Children’s Behavioral Health Policy and Accountability*
32 *Board before adopting regulations concerning the care and*
33 *treatment of children or other issues involving children with*
34 *mental illness, mental retardation or co-occurring disorders and*
35 *children with related conditions.*

36 4. *As used in this section:*

37 (a) *“Child” has the meaning ascribed to it in section 3 of this*
38 *act.*

39 (b) *“Facility” has the meaning ascribed to it in section 3 of*
40 *this act.*

41 **Sec. 5.** Chapter 433B of NRS is hereby amended by adding
42 thereto a new section to read as follows:

43 1. *The Division is hereby designated as the mental health*
44 *authority for children in the State of Nevada.*



1 2. *As the mental health authority for children in this State,*
2 *the Division shall:*

3 (a) *Establish performance standards and qualifications for all*
4 *providers and facilities that provide treatment to children in this*
5 *State;*

6 (b) *Collect and analyze data from all providers and facilities*
7 *that provide treatment to children in this State to monitor and*
8 *evaluate the services and treatment provided to children in this*
9 *State and identify any areas that need improvement;*

10 (c) *Conduct investigations of complaints by children and*
11 *family members of children who receive treatment or other mental*
12 *health services from any provider or facility in this State;*

13 (d) *Provide training and outreach activities to ensure that*
14 *providers and facilities that provide treatment to children in this*
15 *State are informed about the policies adopted by the Commission*
16 *on Mental Health and Developmental Services and the provisions*
17 *of this section; and*

18 (e) *Adopt such regulations as necessary to carry out the*
19 *provisions of this section.*

20 3. *As used in this section:*

21 (a) *“Facility” has the meaning ascribed to it in section 3 of*
22 *this act.*

23 (b) *“Family member” means any person who is responsible for*
24 *the care of a child, including, without limitation, a parent, foster*
25 *parent, guardian or other person who is legally responsible for a*
26 *child whether related or not.*

27 **Sec. 6.** NRS 433B.130 is hereby amended to read as follows:

28 433B.130 1. The Administrator shall:

29 (a) Administer, in accordance with the policies established by
30 the Commission, the programs of the Division for the mental health
31 of children.

32 (b) ~~Establish appropriate policies to ensure that children in~~
33 ~~division facilities have timely access to clinically appropriate~~
34 ~~psychotropic medication that are consistent with the policies~~
35 ~~established pursuant to NRS 432B.197.] Exercise supervision and~~
36 ~~control over the Division. Any official action of the Division must~~
37 ~~be taken by or pursuant to the direction of the Administrator.~~

38 (c) *Recommend to the Commission on Mental Health and*
39 *Developmental Services a representative of the Division to serve*
40 *on the Children’s Behavioral Health Policy and Accountability*
41 *Board created by section 2 of this act.*

42 2. The Administrator may:

43 (a) Appoint the administrative personnel necessary to operate
44 the programs of the Division for the mental health of children.



1 (b) Delegate to the administrative officers the power to appoint
2 medical, technical, clerical and operational staff necessary for the
3 operation of any division facilities.

4 3. If the Administrator finds that it is necessary or desirable
5 that any employee reside at a facility operated by the Division or
6 receive meals at such a facility, perquisites granted or charges for
7 services rendered to that person are at the discretion of the Director
8 of the Department.

9 4. The Administrator may accept children referred to the
10 Division for treatment pursuant to the provisions of NRS 458.290 to
11 458.350, inclusive.

12 5. The Administrator may enter into agreements with the
13 Administrator of the Division of Mental Health and Developmental
14 Services of the Department for the care and treatment of clients of
15 the Division of Child and Family Services at any facility operated
16 by the Division of Mental Health and Developmental Services.

17 **Sec. 7.** NRS 433B.175 is hereby amended to read as follows:

18 433B.175 1. The Administrator shall ensure that each
19 employee who comes into direct contact with children at any
20 treatment facility and any other division facility into which a child
21 may be committed by a court order receives training within 30 days
22 after employment and annually thereafter. Such training must
23 include, without limitation, instruction concerning:

24 (a) ~~[Controlling]~~ *Responding to* the behavior of children;

25 (b) Policies and procedures concerning the use of force and
26 restraint on children;

27 (c) The rights of children in the facility;

28 (d) Suicide awareness and prevention;

29 (e) The administration of medication to children;

30 (f) Applicable state and federal constitutional and statutory
31 rights of children in the facility;

32 (g) Policies and procedures concerning other matters affecting
33 the health, welfare, safety and civil and other rights of children in
34 the facility; and

35 (h) Such other matters as required by the Board.

36 2. The Division shall adopt regulations necessary to carry out
37 the provisions of this section.

38 **Sec. 8.** NRS 433B.210 is hereby amended to read as follows:

39 433B.210 The Division may:

40 1. ~~[By contract]~~ *Contract* with ~~[general hospitals or other~~
41 ~~institutions having adequate facilities in this State, provide for~~
42 ~~inpatient care of clients with mental illness.]~~ *any provider or facility*
43 *in this State to provide treatment to children with mental illness*
44 *when it appears that they can be treated best by the provider or*
45 *facility.*



1 2. Contract with appropriate persons professionally qualified in
2 the field of psychiatric mental health to provide inpatient and
3 outpatient care for children with mental illness when it appears that
4 they can be treated best in that manner.

5 **Sec. 9.** NRS 433.317 is hereby repealed.

6 **Sec. 10.** The Division of Child and Family Services of the
7 Department of Health and Human Services shall adopt the
8 regulations necessary to implement the provisions of this act on or
9 before October 1, 2011.

10 **Sec. 11.** This act becomes effective upon passage and approval
11 for the purpose of adopting regulations and on October 1, 2011, for
12 all other purposes.

TEXT OF REPEALED SECTION

433.317 Appointment of subcommittee on the mental health of children; duties; compensation to extent of available funding.

1. The Commission shall appoint a subcommittee on the mental health of children to review the findings and recommendations of each mental health consortium submitted pursuant to NRS 433B.335 and to create a statewide plan for the provision of mental health services to children.

2. The members of the subcommittee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

