

SENATE COMMITTEE ON
HEALTH, WELFARE AND STATE INSTITUTIONS
MINUTES OF MEETING #5
FEBRUARY 21, 1973

The meeting was called to order at 9:00 a.m.

Senator Walker in the chair.

PRESENT: Senator Raggio
Senator Herr
Senator Drakulich

Ms. Gloria Handley, Chief, Family & Children
Services, State Welfare Dpt.
Mr. William Labadie Department Administrator,
State Welfare Department
Ms. Doris Carpenter Director, Washoe County
Welfare Department
Mr. William Hadley, Non-Support Welfare Div.,
District Attorney's Office
Ms. Sharon Greene, President, Nevada State Hospital
Association
Ms. Donna Dixon, Executive Director, Planned
Parenthood
Mr. O. Wahrenbrock, Asst. Director, Health, Welfare
Rehabilitation

refer
to
2/28

A.B. 184 Permits reporting of child abuse or neglect either to law enforcement
(Refer to agency or to local office of welfare division. Fiscal Note: No. (BDR 16-7))
Minutes #3)
NRS 200.502

Chairman Walker informed the committee that the Las Vegas membership of the Nevada State Optometric Association has suggested amending this bill as follows:

Page 1, line 22: "...dentistry and osteopathy,
optometry, chiropractic physicians, residents..."

Justification for addition of this amendment lies in the fact that often broken eye glasses will serve as indication of child abuse. There were no objections to this addition.

Mr. Labadie and Ms. Handley took the witness chair in favor of this bill as written, stating their department was 'ready willing and able' to accept the responsibility

designated therein.

Mr. Hadley opposed the bill as written, recommending instead, the amendments attached hereto as Exhibit A. He explained that the numerous classifications and divisions covering 'injury', 'battered', 'neglected' and such terminology should not be separated and therefore, that one agency, uniformly, should be designated the responsibility of investigating reports.

Further, that cost was of little concern, since the ratification of this bill and his proposed amendments would merely legalize functions already in practice.

Ms. Handley stated that the practices and desires of Washoe County did not necessarily represent those of the rest of the counties in the state, and that the proposed amendments should indicate consideration of this fact.

Ms. Carpenter said that the Juvenile Services Division, Clark County, was in accord with Mr. Hadley's proposals.

Senator Raggio commented he saw nothing wrong with adding another agency or alternative to which child abuse reports could be referred, in light of the reported reticence to make said reports to law enforcement agencies.

P# 6 - Ms. Handley agreed, but added that her division would like provision for receipt of copies of all reports for entry in the state registry, i.e., that provision for cooperative exchange of information be made.

Senator Raggio concurred.

Senator Drakulich expressed concern that the local police departments may object to being by-passed.

In reply, Senator Raggio stated he could foresee cases which would negate any such objection, such as reports made out of anger, malice, etc., wherein justification for investigation was nil.

Mr. Hadley confirmed this insight ~~stating~~ that initial investigation often proved this to be fact.

P# 11
Mr. Labadie stated that if the amendments as proposed by Mr. Hadley are passed, he wanted it made clear that his office was not to be held legally responsible (as it now is) for these procedures and actions as now practiced in Washoe County.

There being no further testimony, A.B. 184 was tabled pending presence of 5 committee members.

S.B. 119

-Creates health facilities specialist in state fire marshal's office and provides for fire safety training of health and care facilities personnel. Fiscal --

(Refer to
Minutes #3)

Note: No. (BDR 40-656)

Senator Herr informed the committee of her interest in this bill, and of the problem of standardizing adequate fire prevention training programs. Most death resulting from fire especially in medical facilities were due to lack of proper emergency training.

Ms. Sharon Greene spoke as witness, again emphasizing the need for trained personnel to conduct educational or emergency training programs for employees of medical facilities. Her reference was to bomb threats.

Senator Walker asked why local fire departments could not satisfy this need, since they were doing so for other public institutions such as schools.

Ms. Greene replied that there was no continuity within local fire departments, nor personnel with adequate training or qualifications for conducting such programs. Further, that there was no one willing to accept this responsibility.

Further discussion was followed by a move for "Do Pass" from Senator Drakulich, seconded by Senator Raggio. The motion was so carried.

AB 119

-Repeals Family Planning Services and Population Research Law. Fiscal Note: No. (BDR 40-136)

Ms. Donna Dixon sat as witness, informing the committee of the purpose of Planned Parenthood - i.e., to make available family planning and education pertaining to this planning available to all families. She stressed the reason why her organization had not been totally successful was due to lack of state funding and interest.

Stressing the need for such programs in light of this bill, she asked that the committee bear in mind her comments when considering future legislation on this matter.

Mr. O. Wahrenbrock informed the committee that there is such legislation now being formed.

Senator Herr moved "Do Pass" on A.B. 119, Senator Raggio seconded the motion. It was so carried.

S.B. 190

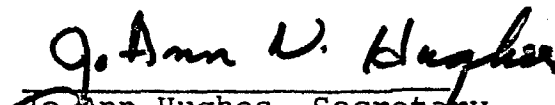
S.B. 191

(Refer to Minutes of 2/16/73, #4.)

S.B. 190 and 191 were returned to committee for vote,
as amended, and received "Do Pass", and was so carried.

Meeting adjourned at 10:00 a.m.

Respectfully submitted,


Jo Ann Hughes, Secretary

APPROVED:


LEE E. WALKER, CHAIRMAN



Robert E. Rose
District Attorney

Washoe County

Courthouse
Reno, Nevada 89505

February 8, 1973

NONSUPPORT WELFARE DIVISION

WILLIAM L. HADLEY
CHIEF DEPUTY

William J. Raggio
State Senator
First American Title Building
210 So. Sierra, Suite 201
Reno, Nevada

Clifton C. Young
State Senator
232 Court
Reno, Nevada

Dear Bill and Cliff:

Doris Carpenter, Director of the Washoe County Welfare Department, and this office are somewhat concerned about the provisions of Assembly Bill 184. We feel that local welfare agencies such as the Washoe County Welfare Department, which work as an arm of the juvenile court, should be included as an agency that can receive a report concerning a battered child.

The District Attorney's Office is responsible for prosecuting criminal neglect cases and as far as the civil side of these matters is concerned, this office would prefer to work through the County Welfare Department rather than the State Welfare Division.

If this bill comes before a Senate Committee for hearing, Mrs. Carpenter and I would appreciate being present to express our viewpoints.

This office was actively involved in at least sixty of these matters in the previous year, several of which were litigated in juvenile court. The practice in this county has been for law enforcement agencies or other interested persons to refer these matters directly to the Washoe County Welfare Department which has developed a definite expertise in their handling.

I would propose the following language in lieu of Assembly Bill 184 as proposed:

Section 1. NRS 200.502 is hereby amended to read as follows:
200.502 1. A report shall be made promptly to the local

office of the welfare division of the department of health, welfare and rehabilitation for to any county agency acting through the juvenile court that receives such reports or to any police department or sheriff's office when there is reason to believe that a child under 18 years of age has had serious injury or injuries inflicted on him as a result of abuse or neglect. Upon the receipt of a report concerning the possible nonaccidental infliction of a physical injury upon a child, or willful neglect of a child, it shall be the duty of the welfare division, county agency or law enforcement agency to investigate. The law enforcement agency shall forthwith refer such report to the local office of the welfare division or county agency. The welfare division or county agency shall carry out the duties as outlined in NRS 200.504.

Line 4

Sec. 2. 200.502 (e):

(e) By every person who engages in the care of minor children during the day or night, or who maintains or is employed at a child care facility of any nature.

Sec. 3. 200.504 Duties of welfare division or county agency receiving a report.

1. The welfare division or county agency shall:

(a) Investigate each report referred to it by a law enforcement agency to determine the circumstances surrounding the injury or injuries, the cause thereof, and the person or persons responsible.

(b) Advise such law enforcement agency of its investigation.

(c) Provide such social services as are necessary to protect the child and preserve the family.

2. If the division or county agency determines that further action is necessary to protect the child it may refer the case to the district attorney for criminal prosecution or it may file a petition in dependency in the juvenile division of the district court as provided in chapter 62 of NRS.

We appreciate your interest in these problems and earnestly hope that a solution can be arrived at which will be responsive to the needs of all concerned.

Sincerely,

ROBERT E. ROSE
DISTRICT ATTORNEY

By 
WILLIAM L. HADLEY, Chief Deputy

WLH:cam

cc: Senator Thomas R.C. Wilson, II
Senator Coe Swobe
Robert E. Rose
Doris Carpenter

P.S. Assembly Bill 184 was passed by the Assembly on February 7, 1973 and presented to the Senate.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 184

ASSEMBLY BILL NO. 184—MESSRS. BENNETT,
CRAWFORD AND VERGIELS

JANUARY 31, 1973

Referred to Committee on Health and Welfare

SUMMARY—Permits reporting of child abuse or neglect either to law enforcement agency or to local office of welfare division. Fiscal Note: No. (BDR 16-47)

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

AN ACT relating to reports of child abuse or neglect; providing that reports may be made directly to the local office of the welfare division of the department of health, welfare and rehabilitation or to an authorized county agency; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 200.502 is hereby amended to read as follows:
2 200.502 1. A report, as provided in NRS 200.503, shall be made
3 promptly to *the local office of the welfare division of the department of*
4 *health, welfare and rehabilitation, to any county agency authorized by the*
5 *juvenile court to receive such reports, or to any police department or*
6 *sheriff's office when there is reason to believe that a child under 18 years*
7 *of age has had serious injury or injuries inflicted on him as a result of*
8 *abuse or neglect. Upon the receipt of a report concerning the possible*
9 *nonaccidental infliction of a physical injury upon a child, or willful neglect*
10 *of a child, it shall be the duty of [such] the welfare division, county*
11 *agency or law enforcement agency to investigate. [and] The law enforce-*
12 *ment agency shall forthwith refer such report to the local office of the*
13 *welfare division [of the department of health, welfare and rehabilitation.]*
14 *or county agency. The welfare division or county agency shall perform the*
15 *duties provided in NRS 200.504. No child about whom such report is*
16 *made shall be removed from his parents, stepparents, guardian or other*
17 *persons having lawful custody by such law enforcement agency without*
18 *consultation with the division unless, in the judgment of the reporting*
19 *physician or such law enforcement agency, immediate removal is consid-*
20 *ered essential to protect the child from further injury or abuse.*
21 2. Such report shall be made:
22 (a) By every physician or surgeon, including doctors of medicine,

SENATE BILL NO. 119—SENATOR HERR

JANUARY 30, 1973

Referred to Committee on Health, Welfare and State Institutions

SUMMARY—Creates health facilities specialist in state fire marshal's office and provides for fire safety training of health and care facilities personnel. Fiscal Note: No. (BDR 40-656)



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

AN ACT relating to fire safety in health and care facilities; providing for a health facilities specialist in the office of the state fire marshal; providing for training of health and care facilities personnel in emergency evacuation procedures; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 477 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *The state fire marshal shall appoint a health facilities specialist,*
4 *who shall be in the classified service of the state in accordance with the*
5 *provisions of chapter 284 of NRS.*
6 2. *The health facilities specialist shall be responsible for the enforce-*
7 *ment of all laws and ordinances and all rules and regulations adopted by*
8 *the state fire marshal relating to fire safety in health and care facilities*
9 *as defined in NRS 449.011. His duties shall include but need not be lim-*
10 *ited to:*
11 (a) *Coordinating and consulting with all principal parties involved in*
12 *the construction of health and care facilities;*
13 (b) *Developing and maintaining procedures for fire prevention and*
14 *safety to life in health and care facilities;*
15 (c) *Developing a state fire safety training manual for use in training*
16 *health and care facilities personnel;*
17 (d) *Coordinating with and assisting local fire departments and the*
18 *supervisory and other personnel of health and care facilities in providing*
19 *a continuous fire safety training program for such facilities; and*
20 (e) *Recommending conditions of approval for fire safety to be included*
21 *in the health and care facility licensing and renewal procedures of the*
22 *health division of the department of health, welfare and rehabilitation,*
23 *and conducting inspections of such facilities as he deems necessary in*
24 *connection with such recommendations.*

1 SEC. 2. NRS 449.037 is hereby amended to read as follows:

2 449.037 The state board of health shall have the following powers:

3 1. To adopt licensing standards for each class of health and care
4 facility covered by NRS 449.021 to 449.240, inclusive, after considering
5 the recommendations of the health facilities advisory council.

6 2. To adopt rules and regulations governing the licensing of such
7 institutions after considering the recommendations of the health facilities
8 advisory council.

9 3. *To adopt rules and regulations governing the training of super-
10 visory and other personnel of health and care facilities in procedures for
11 emergency evacuation of patients and other persons from the dangers of
12 fire, explosion and earthquake.*

13 4. To adopt such other rules and regulations as it deems necessary or
14 convenient to carry out the provisions of NRS 449.021 to 449.240,
15 inclusive.

A. B. 119

ASSEMBLY BILL NO. 119—MESSRS. BROADBENT
AND GETTO

JANUARY 24, 1973

Referred to Committee on Health and Welfare

SUMMARY—Repeals Family Planning Services and Population
Research Law. Fiscal Note: No. (BDR 40-136)



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

AN ACT to repeal the Family Planning Services and Population Research Law.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

1 SECTION 1. NRS 439.273, 439.274, 439.275, 439.276, 439.277 and
2 439.278 are hereby repealed.

Ⓢ

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 190

SENATE BILL NO. 190—COMMITTEE ON HEALTH,
WELFARE AND STATE INSTITUTIONS

FEBRUARY 9, 1973

Referred to Committee on Health, Welfare and State Institutions

SUMMARY—Requires name of father of child born out of wedlock to appear on birth certificate and be used as surname of child under certain conditions. Fiscal Note: No. (BDR 40-240)

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

AN ACT relating to birth certificates; enlarging the circumstances under which the name of the father of an illegitimate child may be entered thereon; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 440.280 is hereby amended to read as follows:
2 440.280 1. The attending physician or midwife shall file a certificate
3 of birth, properly and completely filled out, giving all the particulars
4 required by this chapter, with the local health officer of the registration
5 district in which the birth occurred within 10 days after the date of birth.
6 If no physician or midwife was in attendance, then the father or mother,
7 householder or owner of the premises, manager or superintendent of the
8 public or private institution in which the birth occurred shall notify the
9 local health officer, within 10 days after the birth, of the fact that a birth
10 has occurred. The local health officer shall then secure the necessary
11 information and signature to make a proper certificate of birth.
12 2. In cities, the certificate of birth shall be filed at a less interval than
13 10 days after the birth if so required by municipal ordinance or regulation
14 now in force or which may hereafter be enacted.
15 3. If the mother was married at the time of birth, the name of her
16 husband shall be entered on the certificate as the father of the child unless
17 paternity has been determined otherwise by a court of competent jurisdic-
18 tion.
19 4. If the mother was unmarried at the time of birth, the name of the
20 father [shall not be entered on the certificate without the written consent
21 of the mother and of the person to be named as father unless paternity
22 has been determined by a court of competent jurisdiction.] *shall be*

1 entered on the original certificate of birth if the father executes an affi-
2 davit acknowledging paternity of the child and the mother consents
3 thereto. If both the father and mother execute an affidavit acknowledging
4 paternity of the child and consenting to the use of the surname of the
5 father as the surname of the child, the name of the father shall be entered
6 on the original certificate of birth and the surname of the father shall be
7 entered thereon as the surname of the child. Affidavits executed pursuant
8 to this subsection shall be submitted to the local health officer, his author-
9 ized representative, or the attending physician or midwife prior to the
10 time a proper certificate of birth is forwarded to the state registrar. The
11 affidavits executed pursuant to this subsection shall then be delivered to
12 the state registrar for filing. The state registrar's file of affidavits shall be
13 sealed and affidavits in the file may be examined only upon order of a
14 court of competent jurisdiction or request of either the father or mother
15 executing the affidavit. The local health officer shall complete the orig-
16 inal certificate of birth in accordance with this subsection and other
17 provisions of this chapter. The name of the father shall not otherwise
18 appear on the original certificate of birth unless paternity has been deter-
19 mined by a court of competent jurisdiction.

20 5. If a determination of paternity has been made by a court of com-
21 petent jurisdiction, the name of the father as determined by the court shall
22 be entered on the certificate.

23 SEC. 2. NRS 440.290 is hereby amended to read as follows:

24 440.290 The form of the birth certificate to be used under this chap-
25 ter shall include as a minimum the items required by the standard certifi-
26 cate of live birth as recommended by the [United States Bureau of the
27 Census,] National Center for Health Statistics of the United States Public
28 Health Service, but no certificate to be used under this chapter shall
29 include any notation of legitimacy or illegitimacy. The entry of the name
30 of the father of a child or of the surname of the father as the surname of
31 the child on the certificate of birth pursuant to subsection 4 of NRS
32 440.280 shall not be considered a notation of legitimacy or illegitimacy
33 within the meaning of this section.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 191

SENATE BILL NO. 191—COMMITTEE ON HEALTH,
WELFARE AND STATE INSTITUTIONS

FEBRUARY 9, 1973

Referred to Committee on Health, Welfare and State Institutions

SUMMARY—Expands regulatory authority of district health boards, and permits injunctive relief for health violations in general. Fiscal Note: No. (BDR 40-239)

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

AN ACT relating to public health; expanding regulatory authority of district health boards; prescribing a penalty for violation of board regulations; permitting injunctive relief for health violations in general; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 439.410 is hereby amended to read as follows:
2 439.410 1. The district board of health shall have the powers, duties
3 and authority of a county board of health in the health district.
4 2. The district health department shall have jurisdiction over all pub-
5 lic health matters in the health district.
6 3. *In addition to any other powers, duties and authority conferred on*
7 *a district board of health by this section, the district board of health shall*
8 *have the power by affirmative vote of a majority of all the members of*
9 *the board to adopt, promulgate, amend and enforce reasonable rules and*
10 *regulations consistent with law, which rules and regulations shall take*
11 *effect immediately on their approval by the state board of health to:*
12 (a) *Prevent and control nuisances;*
13 (b) *Regulate sanitation and sanitary practices in the interests of the*
14 *public health;*
15 (c) *Provide for the sanitary protection of water and food supplies and*
16 *the control of sewage disposal; and*
17 (d) *Protect and promote the public health generally in the geographical*
18 *area subject to the jurisdiction of the health district.*
19 SEC. 2. NRS 439.580 is hereby amended to read as follows:
20 439.580 1. Any local health officer or his deputy who shall neglect
21 or fail to enforce the provisions of this chapter in his jurisdiction, or shall
22 neglect or refuse to perform any of the duties imposed upon him by this

1 chapter or by the instructions and directions of the health division shall be
2 punished by a fine of not more than \$100.

3 2. Each person violating any of the provisions of this chapter or
4 refusing or neglecting to obey any lawful order, rule or regulation of the
5 state board of health or violating any rule or regulation approved by the
6 state board of health pursuant to NRS 439.350, 439.410 and 439.460
7 shall be guilty of a misdemeanor.

8 SEC. 3. Chapter 439 of NRS is hereby amended by adding thereto a
9 new section which shall read as follows:

10 1. *Any person, corporation, firm, partnership, joint stock company,*
11 *or any other association or organization which violates or proposes to*
12 *violate this chapter or any regulation of the state board of health or any*
13 *rule or regulation approved by the state board of health pursuant to NRS*
14 *439.350, 439.410 and 439.460 may be enjoined by any court of compe-*
15 *tent jurisdiction.*

16 2. *Actions for injunction under this section may be prosecuted by*
17 *the attorney general, any district attorney in this state or any retained*
18 *counsel of any local board of health in the name and upon the complaint*
19 *of the state board of health or any local board of health, or upon the com-*
20 *plaint of the state health officer, any local health officer or his deputy, or*
21 *any member of the state board of health.*