

ASSEMBLY HEALTH & WELFARE COMMITTEE MINUTES

Page 1

DATE: MARCH 26, 1975

MEMBERS PRESENT: CHAIRMAN BENNETT

VICE-CHAIRMAN CHRISTENSEN

MR. LOWMAN
MR. MANN
MR. VERGIELS
MR. MURPHY
MRS. FORD

GUESTS PRESENT:

W. J. Labadie, Welfare

A. R. Martelle, "
Earl Yamashita, "
Douglas Simeroth, "
Gloria Handley, "
Robert Holland, "

Chairman Bennett called the meeting to order for the purpose of discussing AB-108.

Mr. W. J. Labadie of the Welfare Department stated that AB-108 was necessary in order to receive Federal funds, and it must be passed by April 18, 1975, in order to receive the money. Amendments have been drawn to conform to the Federal requirements, but they are also suggesting some changes to the amendments.

Amendment #5892 and the requested changes thereto are <u>attached</u> to the Legislation Action sheet covering AB-108 and made a part of these minutes. Mr. Hollande explained the amendments covering each section of the bill and their reasons for requesting them.

AB-422 was the next bill on the agenda. Mr. Martelle stated this bill was strictly for the purpose of changing the State law to conform to the Federal law. They have information that the Federal Law will change again, so they are requesting AB-422 which will enable them to conform to any future changes in Federal requirements.

Chairman Bennett next called for discussion on AB-433. Mr. Holland said this bill is attempting to have the agency set the fees and rates for medical care subject to the approval of the Board. He suggested one amendment which is set forth on the Legislation Action sheet attached hereto covering AB-433.

After general discussion by the Committee on the above and other bills, the following action was taken:

MARCH 26, 1975

(See Legislation Action sheets attached for complete detail)

- AB-108 Mr. Lowman moved Amend and Do Pass, seconded by Mr. Mann. Motion carried.
- AB-422 Mr. Mann moved Do Pass, seconded by Mr. Lowman. Motion carried.
- AB-433 Mr. Mann moved Amend and Do Pass, seconded by Mr. Murphy. Motion carried.
- AB-100 Mr. Murphy moved Amend and Do Pass, seconded by Mrs. Ford. Motion carried.
- SB-26 Mr. Mann moved Amend and Do Pass, seconded by Mr. Murphy. Motion carried.
- SB-57 Mr. Mann moved Do Pass, seconded by Mr. Vergiels. Motion carried.
- SB-260 Mr. Mann moved Do Pass, seconded by Mr. Murphy. Motion carried.

The meeting adjourned at 4:10 p.m.

Respectfully submitted,

Jane Dunne, Secretary

ASSEMBLY

AGENDA FOR COMMITTEE ON HEALTH & WELLARE

Date March 26, 1975 Time 3:00 P.M. Room 240

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	Bills or Resolutions to be considered	Subject	Counsel requested*
ament Os Pars	AB-108	Revises child abuse and neglect statutes.	
	AB-422	Conforms certain definitions in aid to dependent children law to federal law.	
4 Do Pas	AB-433	Apportions duties respecting medical or remedial care rates between state welfare board and state welfare administrator.	

HEALTH AND WELFARE COMMITTEE LEGISLATION ACTION

DATE ABX	Ok&k March 26,	1975		
SUBJECT A	B-108	·		
MOTION:	Amend and Do	Pass		
Do Pass	Amend	Indefinite	ly Postpone	Reconsider
Moved By _	Mr. Lowman	Sec	onded By Mr.	Mann
AMENDMENT	See attached	d Amendment	No. 5892 and	Changes to be
made in A	mendment No.	5892 attac	ched hereto.	
	Moved By		Seconded 1	ВУ
AMENDMENT				
	Moved By		Seconded 1	Ву
	MOTIO	<u>N</u>	AMEND	AMEND
<u>VOTE</u> :	Yes	No Y	<u>res No</u>	Yes No
Bennett Christensen Barengo Craddock Mann Murphy Vergiels Ford Lowman	Not pres	sent		
TALLY:	6 ,	0		
Origin	al Motion:	Passed x	Defeated	Withdrawn
Amende	d & Passed _		Amended & D	efeated
Amende	d & Passed _	tion to the second of the seco	Amended & D	efeated

Attach to Minutes March 26, 1975

Date

ASSEMBLY ACTION	SENATE ACTION	ASSEMBLY / SENATE AMENDMENT BLANK
Adopted	Adopted	Amendments to Assembly / Senate: Bill / Joint Resolution No. 10 3 (BDR 1 1 1 40) Proposed by
Amendment	Nº 5892	
• Amend section	1, page 1, line $\overline{2}$,	by deleting "and 3" and inscrting:
"to 3.5, inclus	ive,".	
Amend sec. 2,	page 1, by deletin	g lines 3 through 8, inclusive, and insert:
"Sec. 2. <u>1.</u>	As used in NRS 200	.501 to 200.508, inclusive, an sections
2 to 3.5, inclu	sive, of this act,	"child abuse and neglect" reans the non-
accidental phys	ical or mental inju	ry, sexual abuse, negligent treatment
or maltreatment	of a child under t	he age of 18 years by a person who is
AS Form 1a (AMENDMENT	BLANK) 3044A	Drafted 3 3 3 By CFB (3) CFB

Amendment No. 5392 to Assembly Bill No. 103 (BDR 16-149) Page 2

responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby.

2. A child is not abused or neglected, nor is his health or welfare hirmed or threatened for the sole reason that his parent or guardian, is good faith, selects and depends upon nonmedical remedial treatment for such child, if such treatment is recognized and permitted under the laws of this state in lieu of medical treatment.".

Amend sec. 3, page 1, line 9, by inserting after "proceeding" and efore "resulting" the words: ", civil or criminal,".

Amend sec. 3, page 1, line 11, by Rest deleting "and 3" and inserting: to 3.5, inclusive,".

Amend the bill as a whole by adding a new section designated section 3.5, ollowing section 3 to read as follows:

- "Sec. 3.5. 1. Reports made pursuant to NRS 200.501 to 200.503, incluive, and sections 2 to 3.5, inclusive, of this act, as well as all
 records concerning such reports and investigations thereof, are confidential.
- 2. Any person, law enforcement agency, or public or private agency, institution or facility who willfully releases or willfully encourages release of data or information concerning the reports and investigations of child abuse and neglect, except:
- (a) Pursuant to criminal prosecution under the provisions of NRS 200.501 to 200.508, inclusive, and sections 2 to 3.5, inclusive, of this act; and

Amendment No. 5392 to Assembly Bill No. 103 (BDR 16-149) Page 3

- (b) To persons or agencies enumerated in subsection 3 of this section; is guilty of a misdemeanor.
 - 3. Data or information concerning the reports and investigations of child abuse and neglect shall be made available only to:
 - (a) A physician who has before him a child who he reasonably believes may have been abused or neglected;
 - (b) A person authorized to place a child in protective custody when such person has before him a child who he reasonably believes may have been abused or neglected and such person requires the information to place the child in protective custody;
 - (c) An agency responsible for, or authorized to perform and undertaking the care, treatment or supervision of the child, or to the child's parent, guardian or another person who is responsible for the child's welfare;
 - (d) A district attorney or other law enforcement official who requires the information in connection with an investigation of child abuse and neglect;
 - (e) A court which has determined/such information is necessary for the determination of an issue before it;
 - (f) A person engaged in bona fide research, but the identity of the subjects of the report shall remain confidential;
 - (g) The child's guardian ad litem;
 - (h) A grand jury upon its determination that access to such records is necessary in the conduct of its official business; or To Journal

Amendment No. 5892 to Assembly Bill No. 108 (BDR 16-149) Page 4

- (i) Any comparable authorized person or agency in another jurisdiction.".

 Amend sec. 5, page 2, by deleting lines 6 through 11, inclusive, and inserting:
- "Sec. 5. 1. As used in sections 5 to 9, inclusive, of this act, "child abuse and neglect" means the nonaccidental physical or mental injury, sexual abuse, negligent treatment or maltreatment of a child under the age of 18 years by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby.
- 2. A child is not abused or neglected, nor is his health or welfare a harmed or threatened for the sole reason that his parent or guardian, in good faith, selects and depends upon nonmedical remedial treatment for such child, if such treatment is recognized a and permitted under the laws of this state in lieu of medical treatment.".

Amend sec. 6, page 2, line 12, by deleting numeral "1.".

Amend sec. 6, my page 2, by deleting lines 15 through 25, inclusive.

Amend sec. 8, pages 2 and 3, by deleting lines 31 through 50, inclusive,

on page 2 and deleting lines 1 through 13, inclusive, on page 3 and insert:

"Sec. 8. 1. Reports made to the central registry established under section 6 of this act, as well as any other information obtained for central registry purposes and in the possession of the welfare division, is confidential and shall be made available only to persons and agencies enumerated in section 3.5 of this act.

Amendment No. 5392 to Assembly Bill No. 108 (BDR 16-149) Page 5

- 2. Central registry information shall not be released unless the right of the applicant to the information is confirmed by the welfare division, and the released information discloses the nature of the disposition of the case or its current status.
- 3. A person given access to names or other information identifying a subject of the report shall not divulge or make public such identifying information unless he is a district attorney or other law enforcement official and the purpose concerns court action.
- 4. Unless an investigation of a report, conducted pursuant to NRS

 200.501 to 200.503, inclusive, and sections 2 to 3.5, inclusive, of
 this act, reveals some credible evidence of alleged child abuse or neglect, all information identifying the subject of a report shall be
 expunged from the central registry forthwith. In all other cases, the
 record of the report to the central registry shall be expunged no later
 than 10 years after the subject child xxxx reaches the age of 18.".

 Amend sec. 9, page 3, by deleting lines 14 through 17, inclusive, and
 inserting:
 - "Sec. 9. Any person who willfully releases or willfully encourages the release of data or information contained in the central registry to unauthorized persons in violation of sections 3.5 and 3 of this act is guilty of a misdemeanor.".

Amend sec. 10, page 3, line 24, by inserting after closed bracket and before ", through" the following:

Amendment No. 5892 to Assembly Bill No. 108 (BDR 16-149) Page 6

"to provide for the cooperation of law enforcement officials, courts of competent jurisdiction, and all appropriate state agencies providing human services in relation to preventing, identifying and treating child abuse and neglect".

Amend sec. 11, page 3, by deleting lines 36 through 41, inclusive, and inserting:

"[has had serious injury or injuries inflicted on him as a result of abuse or neglect.] has been abused or neglected. If the report of child abuse and neglect involves the acts or omissions of the welfare division or a county agency authorized by the juvenile court to receive such reports, or a law enforcement agency, the report shall be made to and the investigation made by an agency other than the one alleged to have committed the acts or omissions. Upon the receipt of a report concerning the possible [nonaccidental infliction of a physical injury upon a child, or willful neglect] abuse or neglect of a child, it [shall be] is the duty of the welfare division, county agency or law enforcement agency promptly to investigate. The law enforcement agency shall forthwith".

Amend sec. 11, page 4, by inserting between lines 17 and 13:

"3. A similar report may be made by any other person.".

Amend sec. 12, page 4, by deleting lines 21 through 27, inclusive, and inserting:

"(a) File with the central registry for child abuse and neglect, established under section 6 of this act, a copy of each report received by or referred to them under NRS 200.502.

Amendment No. 5892 to Assembly Bill No. 108 (BDR 16-149) Page 7

- (b) Investigate each report <u>made under NRS 200.502</u> received or referred to it by a law <u>make</u> enforcement agency to determine the circumstances surrounding the injury or injuries, the cause thereof, and the person or persons responsible.
- [(b) Advise the referring law enforcement agency, if any, of its investigation.]
- (c) Report the following information to the central registry at the time of the completion of the investigation required by paragraph (b) of this section:
- (1) Identifying and demographic information on the child alleged to be abused or neglected, his parents and the person or persons allegedly responsible for the abuse or neglect.
- (2) The facts of the alleged child abuse or neglect, including the date and type of alleged child abuse or neglect, the manner in which abuse was inflicted and the severity of the injuries.
- (d) Upon disposition of the case, report the nature of the disposition to the central registry and the referring law enforcement agency, if any.
- (e) Provide such social services as are necessary to protect the child and preserve the family.".

Amend sec. 12, page 4, by deleting limes 32 through 35 and inserting:
"3. If the division or agency determines that further action is neces-".



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(c) An agency responsible for, or authorized to perform and underaking the care, treatment or supervision of either the child or the child's parent, guardian or another person who is responsible for the child's welfare;

4. Unless an investigation of a report, conducted pursuant to NRS
200.501 to 200.508, inclusive, and sections 2 to 3.5, inclusive, of
this act, reveals some credible evidence of alleged child abuse or neglect, all information identifying the subject of a report shall be
expunged from the central registry forthwith. In all other cases, the
record of the report to the central registry shall be sealed no later
than 10 years after the subject child reaches the age of 18.".

(e) A court which first has determined in camera that public disclosure of such information is necessary for the determination of an issue before it;

HEALTH AND WELFARE COMMITTEE LEGISLATION ACTION

DATE March 26	<u>, 1</u> 975				•
SUBJECT	AB 422				·
MOTION:			·		
Do Pass XX A	mend Inde	efinitely	Postpone	Recons	ider
Moved By Mr	. Mann	Secon	ded By	Mr. Lowman	***************************************
AMENDMENT					
	Moved By		Seconde	d By	
AMENDMENT					
					•
	Moved By		Seconde	d By	
	MOTION	una direktorian	AMEND	AM	END
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Bennett Christensen Barengo Craddock Mann Murphy Vergiels Ford Lowman	Not present Not present Not present X X X X X	t			
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HEALTH AND WELFARE COMMITTEE LEGISLATION ACTION

DATE ARXARS Ma:	rch 26, 1975		A STATE OF THE STA		•		
SUBJECT AB-	433						
MOTION: Ame	nd and Do Pass						
Do Pass A	mend Indef	initely Po	stpone _	Recons	ider		
Moved By	Mr. Mann	Seconded	i By Mr.	Murphy			
approval, the stor fee schedule	AMENDMENT Sec. 1 changed to read as follows: "Subject to board approval, the state welfare administrator shall establish the rates or fee schedules for medical or remedial care to be provided under						
NRS 428.150 to	428.370, inclu Moved By	sive.	Seconded	Ву			
AMENDMENT				* **			
					•		
	Moved By		Seconded	Ву			
	MOTION	Aì	MEND	AM	IEND		
VOTE:	Yes No	Yes	No	Yes	No		
Bennett Christensen Barengo Craddock Mann Murphy Vergiels Ford Lowman	Not present Not present Not present x x x x						
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March 26, 1975

Date

Attach to Minutes

HEALTH AND WELFARE COMMITTEE LEGISLATION ACTION

DATE March	<u>26, 19</u> 75			· · · · · · · · · · · · · · · · · · ·
SUBJECT	AB-100			
MOTION:	AMEND & DO PASS			
Do Pass	Amend Inde	efinitely Postpo	one Reco	nsider
Moved By	Mr. Murphy	Seconded By	Mrs. Ford	······································
AMENDMENT	See copy of ame	ndment attached		and the state of t
	Moved By	Seco	nded By	
AMENDMENT				
	,			
	Moved By	Seco	nded By	
	MOTION	AMEND		AMEND
VOTE:	Yes	No Yes	No Yes	No No
Bennett Christensen Barengo Craddock Mann Murphy Vergiels Ford Lowman	Not present Not present Not present x x			
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Origi	nal Motion: Pas	sed <u>x</u> Defeat	ed With	drawn
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Attach to Minutes March 26, 1975
Date

Pg. 2, line 10: delete: health & care facility, clinic, or Pg/ counseling service

Pg. 2, line 11: after "minor" add: "covered under Subsection 1"
Pg. 2, line 15: Add the sentence: Immunity from civil of criminal
liability extends to any person providing such care, in the absence
of negligence in such care.

Pg. 3, line 7: add after the word Nevada: "to receive outpatient services or"

Add new section: The parent, parents, or legal guardian of an individual less than 18 years of age shall not be liable for payment of care for such persons pursuant to this act unless they have joined in the consent to such counseling, care or treatment.

Alternative "A!

Amend 129.030 to read as follows:

Any minor who:

(1) is living separate and apart from parents or legal guardian whether with or without the consent of a parent or guardian and regard less of the duration of such separate residence,

(2) is or has been married or has borne a child

(3) is referred by a physician, clergyman, or family planning agency or

(4) in the physician's judgement, the failure to provide services would create a serious health hazard

may give effective consent to medical, dental, mental and other health care services for himself or herself, and for his or her child, short of sterilization and except as otherwise provided in NRS 442.250, and the consent of no other person is required.

Alternative "B"

- 1. Any minor who is living separate and apart from parents or legal guardian whether with or without the consent of a parent or guardian and regardless of the duration of such separate residence may give consent to medical, dental, mental and other health care services for himself or herself, and the consent of no other person is required.
- 2. Any minor who has been married or has borne a child may give effective consent to medical, mental dental and other health care ser vices for himself or herself and for his or her child, and the consent of no other person is required.
- 3. Any minor who is referred by a physician, clergyman or a family planning agency or for whom the failure to provide health care services would, in the physician's judgement, create a serious health hazard, may be provided treatment and counseling to prevent unwanted pregnancy, short of sterilization and except as otherwise provided in NRS 442.250, and the consent of no other person is required.

HEALTH AND WELFARE COMMITTEE LEGISLATION ACTION

March 26,	<u>19</u> /5				
SUBJECT SB-2	26				
MOTION: Amer	nd & Do Pass			• • • •	
Do Pass A	mendIn	definit	tely Postpon	e Rec	onsider
Moved By	Mr. Mann	Se	econded By _	Mr. Mur	phy
AMENDMENT Line	10 and 11, I	Page 1,	changed to:	"Cautio	n: Do not
use alcohol	or non-pres	scribed	drugs witho	ut consul	ting the
•		•	Second	led By	
AMENDMENT	in a film and the state of the	<u></u>	and the second seco		
					·
•	Moved By _		Second	led By	
•	MOTION		AMEND		AMEND
VOTE:	Yes	No	Yes	No Ye	<u>No</u>
Bennett Christensen Barengo Craddock Mann Murphy Vergiels Ford Lowman	_X _x _Not preser _Not preser _x _x _x _x				
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HEALTH AND WELFARE COMMITTEE LEGISLATION ACTION

SUBJECT S	B-57	
MOTION:	-	
Do Pass X	Amend Inde:	initely Postpone Reconsider
Moved By	Mr. Mann	Seconded By Mr. Vergiels
AMENDMENT		
	Moved By	Seconded By
AMENDMENT		
	Moved By	Seconded By
	MOTION	AMEND AMEND
VOTE:	Yes N	Yes No Yes No
Bennett Christensen Barengo Craddock Mann Murphy Vergiels Ford Lowman	Not present Not present Not present X X X X	
TALLY:	5 . 1	
Origina	l Motion: Pass	ed x Defeated Withdrawn
Amended	& Passed	Amended & Defeated
Amended	& Passed	Amended & Defeated

Date

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HEALTH AND WELFARE COMMITTEE LEGISLATION ACTION

	26, 1975 B-260	
MOTION:		
Do Pass X	Amend Indefinitel	y Postpone Reconsider
Moved By	Mr. Mann Seco	nded By Mr. Murphy
AMENDMENT		
	Moved By	Seconded By
AMENDMENT		
•		
	Moved By	Seconded By
	MOTION	AMEND AMEND
VOTE:	Yes No Ye	s <u>No</u> Yes <u>No</u>
Bennett Christensen Barengo Craddock Mann Murphy Vergiels Ford Lowman	Not present Not present Not present X X X X X	
TALLY:	6 . 0	
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	d & Passed	.Amended & Defeated
Atta	ch to Minutes March	26, 19/5 has been been seen a

Date