

EDUCATION, HEALTH, WELFARE & STATE  
INSTITUTIONS

JANUARY 24, 1977

The meeting was called to order in Room #323 at 9:40 a.m. on Thursday, January 24, 1977, with Senator Jack Schofield in the Chair.

PRESENT: Chairman Jack Schofield  
Senator William Raggio  
Senator Richard Blakemore  
Senator Wilbur Faiss  
Senator William H. Hernstadt

ABSENT: Senator Joe Neal

GUESTS: Dr. Charles R. Dickson -- Mental Health Institute  
Dr. Kenneth J. Sharigian -- Mental Health Institute  
Mr. Orville Wahrenbrock -- Dept. of Human Resources  
Mr. Wm. J. Miller -- Caliente Girls Training School  
Mr. Wm. J. LaBadie -- State Welfare, Deputy Admin.

S.B. 99 (Exhibit A)

Dr. Charles R. Dickson and Dr. Kenneth J. Sharigian spoke in behalf of this bill.

Dr. Sharigian read from his submitted statement (Exhibit A-1) a summary of S.B. 99, and the Institute's position. Dr. Sharigian said that it should be noted that passage of this bill merely allows consideration of acceptance, spending of the money must be approved by the legislature. Chairman Schofield asked if acceptance of the money implied any obligation to the Foundation. Dr. Sharigian said that the only obligation was to meet the requirements of the proposal. Dr. Sharigian said the obligations were as follows: (1) Completing site-development at the Mental Health Institute; (2) facilities for the Mental Offender program; (3) creation of a transitional home for four (4) persons. Dr. Dickson said the origin of the proposal came from the Rand study that was funded by Fleischmann. Senator Blakemore asked why the Fleischmann Foundation specifically was singled out for funding. Dr. Sharigian said that the current law says that before one can specifically accept money from an organization you have to get the authority from the Legislature. Senator Raggio interjected that this bill would not become an N.R.S. section, but was rather a specific act. Senator Raggio then questioned, does this only allow for purchase of real property? Dr. Sharigian said that authority for capital improvements and staffing is already provided for in the law if approved by the Interim Finance Committee. Senator Hernstadt asked what the time frame was on this. Dr. Dickson said that the Institute hopes to submit the application in six (6) weeks, and the turn-around time has been traditionally ninety (90) days.

Senator Hernstadt stated that in Line 6 of the bill the word 'which' should be replaced by the word 'and' so that it is clarified that the money is not only for the purchase of real property, but also to build the buildings. There was a discussion among the Senators to request a clarification from the bill drafters. Chairman Schofield assigned Senator Raggio to this task, and report back to the Committee.

S.B. 98 (Exhibit B)

Dr. Sharigian read from his submitted statement (Exhibit A-1) a summary of S.B. 98. Dr. Sharigian said that this is consistent with Federal Court decisions throughout the nation. Dr. Sharigian said there was a case in Las Vegas District Court, where a boy fifteen (15) years of age was admitted by his guardian on a voluntary admission, against his will, and the Nevada court over-ruled this admission as unconstitutional. Senator Raggio wished to know the name of the Justice who issued this decision. Dr. Sharigian said that he would obtain this information and report back to the Committee.

Senator Raggio said that he felt reluctance to go against the principal of parental control until the age of eighteen (18) years. Senator Hernstadt asked if the State of Nevada made any legal distinction between age groups. Senator Raggio said that as far as he knew, there was nothing specific, however, everyone under the age of eighteen (18) years was considered a minor.

Senator Blakemore asked who would make the judgement as to whether the situation was an emergency or not. Dr. Dickson said that this would be up to the admitting officer.

Senator Hernstadt asked if there were any cases where the parents were truly at fault, and if this was so, is this what prompted the bill? Dr. Dickson said yes. Chairman Schofield said that through his experience in Opportunity School in Las Vegas he saw both sides, and at times, the parent can be in desperate need of help. Dr. Dickson said that in order to assist in explaining this bill, he would provide the Committee with information of what is being done in other states.

Senator Raggio once again expressed his concern and stated that he believed in parental control, and could see children not receiving treatment because the parents would not want to go through the "hassle".

Senator Schofield asked what motivated this bill. Dr. Dickson said the Nevada court decision already mentioned, and this is sponsored by the agency. Senator Schofield asked if there was a precedence set in other states. Dr. Sharigian said that Pennsylvania had court action in this area.

Senators Faiss and Hernstadt both requested a history from the Nevada Mental Institute of cases related to this bill.

Senator Hernstadt emphasized that juveniles have rights too, and if court action has already taken place in Las Vegas, then perhaps there should be a law in order to unify the procedure. Senator Hernstadt said that apparently it is already the law for 55% of Nevada's population (Las Vegas). Senator Raggio once more stated that he wanted to see the decision of the court, and unless this went to the Supreme Court, a lower court decision did not necessarily set precedence.

Dr. Dickson said he would obtain the desired information and get back to the Committee.

Mr. Wm. J. LaBadie spoke in behalf of State Welfare against this bill. Mr. LaBadie said he was concerned about having an emotionally disturbed child, who was both a danger to himself and the community, having the right to say, 'I do not want to be there'. Mr. LaBadie said that Welfare had around 25 to 30 children under their jurisdiction at this time who fit in this description and if temporary placement were necessary in order to analyze their stability, and the child said he did not want to go -- where would they place him? What would they do with child?

Senator Hernstadt stated that wasn't Mr. LaBadie speaking only of emergency procedure. And couldn't this be handled by the admitting officer as an emergency. Mr. LaBadie said there is not always an agreement as to what cases are an emergency. Senator Blakemore said that this may force the administration to declare "emergency" on each admission.

Dr. Dickson said that this bill only deals with the proper age limit at which a person can protest being incarcerated in an institution, and doesn't affect finding a 'slot' for someone who needs help. Dr. Dickson said that Welfare can make an emergency commitment if they have custody of the case.

Senator Raggio asked what would a parent who needed a commitment for a problem child on Saturday what does the parent do? Dr. Dickson said they would have to see a professional (physician, psychologist, social worker or public health nurse) and for a limited period an emergency hold could be arranged. Senator Raggio said that an emergency commitment (in accord with the statute) can only be done by the following: duly accredited agent of the department, and officer authorized to make arrests, physicians, social workers, etc. Therefore, Senator

Raggio felt that on a weekend the parents would not know where to go to see one of these people.

Senator Hernstadt felt that perhaps there could be a hearing for the children who protest, in order that youngsters can be protected by due process.

Senator Raggio said that if the limit of 14 was just an arbitrary decision, then it might be hard to justify. The Committee decided to wait for further information.

S.B. 94 (Exhibit C)

Mr. Orville Wahrenbrock read his submitted statement (Exhibit C-1).

Senator Blakemore said that he was not sure how this proposition could be more economical to the State. Mr. Wahrenbrock said that this bill had no fiscal impact, and would be implemented with existing positions, also, instead of renting two facilities in both Las Vegas and Reno, they could rent just one facility for both areas.

Senator Schofield asked if the parole officers would be combined to work both male and female parolees regardless of sex. Mr. Wahrenbrock said this is done in the Washoe County probation department, however there are cases when this is not recommendable.

Senator Raggio said that he was concerned about the proliferation of State agencies, and questioned why this couldn't be accomplished within the existing framework.

Mr. Wm. J. Miller of the Caliente Girls Training School said that he saw the combination of parole and institutions in the California Youth Authority and since its conception, they have been trying to separate them. Mr. Miller said that his current program was excellent and communication between the parole officer and their assignees is conducted on a daily basis.

Senator Schofield asked where the actual physical offices were located. Mr. Wahrenbrock said the Caliente girls parole office was in the State office on Bonanza in Las Vegas, boys is located on Eastern near the juvenile court, and the boys also have an office in Carson City. Mr. Wahrenbrock said in Reno the girls parole office is on Grove Street, and the boys is located on Flint Street. Both the boy's and girl's counselor for Elko and Caliente are housed at the institutions.

Senator Hernstadt wondered if adoption of this bill would better equalize the work-load between males and females. The Senator could not understand why more time was spent on female parolees. Mr. Wahrenbrock said that the Department has no control over the size of the caseloads. He said the committing court is the one who controls this; and the personnel is a fixed commodity.

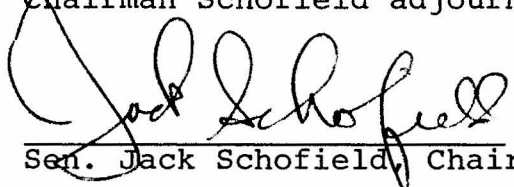
Senator Hernstadt requested from Mr. Wahrenbrock and Mr. Miller any material, either sociological or psychiatric, indicating why women need more care than men.

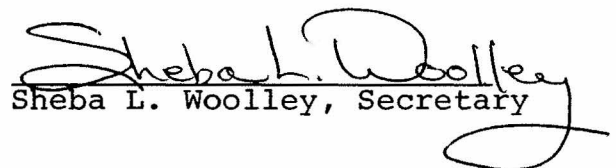
Mr. Miller questioned why the two chiefs were put under classified service, and the current officers were to remain un-classified. Mr. Wahrenbrock said that we were not trying to make anyone who is now classified into un-classified service. This was done, Mr. Wahrenbrock said because generally the head of an agency is un-classified, (Page 4, line 25), and this needed to be clarified in the bill.

Senator Raggio: Motion to approve the  
minutes (1/21/77)  
Senator Hernstadt: 2nd the Motion.

The Motion passed.

Chairman Schofield adjourned the meeting at 10:50 a.m.

  
Sen. Jack Schofield, Chairman

  
Sheba L. Woolley, Secretary

S. B. 99

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SENATE BILL NO. 99—COMMITTEE ON EDUCATION,  
HEALTH AND WELFARE AND STATE INSTITUTIONS

JANUARY 20, 1977

Referred to Committee on Education, Health and Welfare  
and State Institutions

SUMMARY—Authorizes mental hygiene and mental retardation division of department of human resources to apply to Max C. Fleischmann Foundation of Nevada for donation or grant to construct mental health facilities. (BDR S-132)

FISCAL NOTE: Local Government Impact: No.  
State or Industrial Insurance Impact: No.

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

AN ACT authorizing the mental hygiene and mental retardation division of the department of human resources to apply to the Max C. Fleischmann Foundation of Nevada for a donation or grant to construct mental health facilities; 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. The mental hygiene and mental retardation division of
- 2 the department of human resources is authorized to submit one or more
- 3 applications to the Max C. Fleischmann Foundation of Nevada for a
- 4 donation or grant to construct mental health facilities. Money received
- 5 by the division may be expended to acquire in the name of the State of
- 6 Nevada real property upon which to construct the facilities if such use
- 7 does not violate the terms and conditions imposed by the donor.
- 8 SEC. 2. This act shall become effective upon passage and approval.

Original bill is on file at  
the Research Library.



STATE OF NEVADA  
DIVISION OF MENTAL HYGIENE  
AND MENTAL RETARDATION

4600 KIETZKE LANE, SUITE 108

RENO, NEVADA 89502 EXHIBIT "A-1"

(702) 784-4071

MIKE O'CALLAGHAN  
Governor

CHARLES R. DICKSON, Ph.D.  
Administrator

MENTAL HYGIENE AND  
MENTAL RETARDATION

JACK MIDDLETON  
Associate Administrator for  
Mental Retardation

January 24, 1977

Senator Jack Schofield, Chairman  
Senate Health, Education and Welfare Committee  
Nevada State Legislature  
Legislative Building  
Carson City, Nevada 89701

Dear Senator Schofield:

The Senate Health, Education and Welfare Committee, on January 24, will consider Senate Bills 96, 98 and 99. These bills have been proposed by the Division of Mental Hygiene and Mental Retardation. The following is a brief rationale for each bill which I hope will assist you in your deliberations:

Senate Bill 96: Changes the stated age of majority within the mental retardation statutes to 18. This bill will bring the age of majority within the mental retardation statutes in line with legislation passed by the 1975 State Legislature. It should be noted that with this change there will be a minor fiscal impact on mental retardation programs in the state. With the reduction of age from 21 to 18, the state should anticipate losing \$4,600 during fiscal year 77/78 and \$5,300 during fiscal year 78/79 in fees received from families of persons in mental retardation programs.

Senate Bill 98: Changes the voluntary admission procedures to mental health facilities as they relate to children. Presently, any child may be voluntarily admitted by their parents or guardian without the child's consent. This bill would alter the procedure so that if a child 14 years or older protests his admission, the voluntary admission would not be allowed. Other alternative methods of admission, such as emergency admission and court ordered involuntary admission, remain available. This bill is consistent with various federal court decisions, and gives a person of 14 and over the same rights as adults in terms of mental health programs. It should be additionally noted that, during the past year, the Division of Mental Hygiene and Mental Retardation confronted a court case in which the admission of a child of 15, admitted by his guardian against his will, was overturned by a Nevada court as unconstitutional.

Senator Jack Schofield  
January 24, 1977  
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Senate Bill 99: Empowers the Division of Mental Hygiene and Mental Retardation to accept money from the Max C. Fleischmann Foundation for the purchase of property on which to build facilities. Presently, the Division is empowered by law to accept money for staff and construction. However, NRS 334.050 states that purchase and acquisition of real property requires authorization by law. Since the Division anticipates submitting a significant grant proposal to the Fleischmann Foundation for construction and property purchase, this authority is desired. The Legislature, through its Interim Finance Committee, must review and approve the receipt and spending of money from non-State sources. Consequently, the passage of this law will not approve the spending of any money received from the Fleischmann Foundation, but will merely make it possible to consider the use of these funds.

I hope these comments will be of assistance to the committee. If you desire further information, please contact me.

Respectfully,



Charles R. Dickson, Ph.D.  
Administrator,  
Division of Mental Hygiene  
and Mental Retardation

CRD/KJS/jq

cc: All members, Senate Health, Education and Welfare Committee.



S. B. 98

SENATE BILL NO. 98—COMMITTEE ON EDUCATION, HEALTH AND WELFARE AND STATE INSTITUTIONS

JANUARY 20, 1977

Referred to Committee on Education, Health and Welfare and State Institutions

SUMMARY—Tightens procedures for admission of children to mental health facilities. (BDR 39-133)

FISCAL NOTE: Local Government Impact: No. State or Industrial Insurance Impact: No.

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

AN ACT relating to care of the mentally ill; tightening procedures for voluntary admission of children to mental health facilities; 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 433A.140 is hereby amended to read as follows:
- 2 433A.140 1. Any person may apply to any public or private mental
- 3 health facility in the State of Nevada for *voluntary* admission to such
- 4 facility [as a voluntary client] for the purposes of observation, diagnosis,
- 5 care and treatment. In the case of a [person who has not attained the
- 6 age of majority,] *child*, application for voluntary admission may be made
- 7 on his behalf by his [spouse,] parent or legal guardian. *If the child*
- 8 *is 14 or more years of age and protests to the admitting officer, the appli-*
- 9 *cation shall be denied.*
- 10 2. [If] *Except as limited by subsection 1, if* the application is for
- 11 admission to a division facility, the applicant shall be admitted as a
- 12 voluntary client if examination by admitting personnel reveals that the
- 13 person needs and may benefit from services offered by the mental health
- 14 facility.
- 15 3. Any person admitted to a division facility as a voluntary client
- 16 shall be released immediately after the filing of a written request for
- 17 release with the responsible physician or his designee within the normal
- 18 working day.
- 19 4. Any person admitted to a dvision facility as a voluntary client
- 20 who has not requested release may nonetheless be released by the

Original bill is 2 pages long.  
Contact the Research Library for  
a copy of the complete bill.

**S. B. 94**

**SENATE BILL NO. 94—COMMITTEE ON EDUCATION, HEALTH AND WELFARE AND STATE INSTITUTIONS**

JANUARY 20, 1977

Referred to Committee on Education, Health and Welfare and State Institutions

**SUMMARY**—Establishes youth parole division within youth services agency of department of human resources. (BDR 16-32)

**FISCAL NOTE:** Local Government Impact: No.  
State or Industrial Insurance Impact: No.

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

AN ACT relating to youthful offenders; establishing a youth parole division within the youth services agency of the department of human resources; requiring the division to supervise persons paroled from the Nevada youth training center and the Nevada girls training center; prescribing other duties of the division; eliminating similar duties of the superintendents of those centers; 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 210 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 to 6, inclusive, of this act.
- 3 SEC. 2. *As used in sections 3 to 6, inclusive, of this act:*
- 4 1. "Chief" means the chief of the youth parole division of the youth
- 5 services agency in the department of human resources.
- 6 2. "Division" means the youth parole division of the youth services
- 7 agency in the department of human resources.
- 8 SEC. 3. *The division shall:*
- 9 1. Supervise all persons released on parole from the Nevada youth
- 10 training center and the Nevada girls training center.
- 11 2. Furnish to each person paroled a written statement of the condi-
- 12 tions of the parole and instructions regarding such conditions.
- 13 3. Keep itself informed concerning the conduct and condition of all
- 14 persons under its jurisdiction.
- 15 4. Coordinate its functions with those of the superintendents of the
- 16 Nevada youth training center and the Nevada girls training center.
- 17 SEC. 4. *The chief may appoint, in accordance with chapter 284 of*
- 18 *NRS, such supervisory personnel and other assistants and employees as*
- 19 *are necessary to discharge the responsibilities of the division.*

Original bill is 4 pages long.  
Contact the Research Library for  
a copy of the complete bill.

EXHIBIT C-1

Testimony in support of S. B. 94 presented before the Senate Committee on Education, Health, Welfare and State Institutions. January 24, 1977 by Orville A. Wahrenbrock, Chief Assistant to the Director, Department of Human Resources

S.B. 94 is sponsored by the Director's Office of the Department of Human Resources. The legislation proposes to combine the two separate youth parole functions of the Nevada Youth Training Center at Elko and the Nevada Girls' Training Center at Caliente into a single operating unit. The proposal has no fiscal impact on the Executive Budget.

Currently, NYTC has parole counselor positions stationed in Elko, Reno, Carson City and Las Vegas, involving a total of 10 professional positions.

The Girls' Training Center has parole counselors positions stationed in Caliente, Reno and Las Vegas, involving a total of 7 professional positions.

In proposing that the two separate functions be combined, we have the full support of the Superintendent of the Nevada Youth Training Center at Elko. The Superintendent of the Girls' Training Center at Caliente has some serious concerns about the proposal and will express those concerns to this committee.

In proposing this legislation, we envision some real advantages to the people of Nevada:

1. Economies in the delivery system. ✓
2. More equitable case loads.
3. Improved supervision of staff and program. -
4. Economies in operations -

These advantages are based on the proven premise that, with very few exceptions, women parole counselors can work just as effectively with male parolees as they can with female parolees, and that male parole counselors can work just as effectively with female parolees as they can with male parolees. In some instances, the results are more effective.

Let us review briefly how these advantages will be realized.

1. ECONOMIES IN THE DELIVERY SYSTEM

Keeping in mind that we are working with a statewide system and the locations of our two staffs, it occurs that a boy's parole counselor will travel from Reno to Winnemucca on Monday to see two or three parolees and then on Wednesday a girl's parole counselor will travel the same distance to visit two or three of her parolees. The same could be said for visits to many other communities in rural Nevada. In combining services, we visualize a savings in travel expense and manpower time spent on the road without decreasing services. More likely the delivery system will be improved.

2. MORE EQUITABLE CASE LOADS


Case loads are not determined at the state level but rather are determined by the number of commitments coming out the various district courts over which we have no control. Currently, the boy's parole staff are carrying an average of

45 to 55 cases per counselor while the girl parole case load is between 20 and 30 per counselor. A more equal distribution of this case load would lead to improved services to all parolees.

3. IMPROVED SUPERVISION OF STAFF AND PROGRAM

Currently, the parole staff and program are under the direction and supervision of the respective superintendents of Elko and Caliente. Because of the distance and travel problems, 6 months ago the Superintendent of the boys at Elko requested the Office of the Director to provide direct supervision to boys parole services in Reno and Las Vegas. This has been provided, subject to legislative approval. The problem of supervising a staff and program from Elko was evident particularly when the major share of the case load was located 450 miles away in Las Vegas. The same problem occurs between Caliente and Reno. It is our opinion that the suggested legislation will provide for improved supervision of staff and program by having the administration of the program located closer to the scene of the action.

4. ECONOMIC SAVINGS IN OPERATION

Lastly, we feel that certain savings can be made in operations. Currently, there are five locations being occupied for youth parole services. We feel that this could be reduced to three sites. The consolidation of secretarial functions would provide for a more equitable distribution of the work load and provide for more adequate responsiveness to the ever increasing demands of the court for reports - order - etc. 

One of the great strengths of our present system is the close relationship between the institutions and the parole or after-care program. We want to protect that relationship to the fullest extent possible. With the current administrative motivation, we feel this objective can be achieved.

We urge your favorable consideration of this proposal.