

ASSEMBLY BILL NO. 387—ASSEMBLYMEN FRIERSON AND BACKUS

MARCH 21, 2019

Referred to Committee on Health and Human Services

SUMMARY—Establishes a program to provide services to families of certain children with a mental illness or emotional disturbance. (BDR 39-1000)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; establishing a task force to develop a program to prevent the relinquishment of custody of certain children to an agency which provides child welfare services because of a need for services for a mental illness or emotional disturbance; requiring an agency which provides child welfare services to annually report to the Department of Health and Human Services certain information concerning the relinquishment of custody of children to the agency; requiring the Department to annually report to the Legislature certain information concerning such relinquishment and the effectiveness of the program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain requirements concerning the treatment of a child with an emotional disturbance. (NRS 433B.290-433B.339) **Section 3** of this bill requires the Director of the Department of Health and Human Services to establish a task force to develop a program to prevent the relinquishment of custody of children to an agency which provides child welfare services solely to allow the children to receive services to address a mental illness or emotional disturbance. **Section 4** of this bill requires the task force to adopt procedures for: (1) conducting reviews and arranging the provision of services under the program; (2) increasing the availability of certain services; and (3) providing outreach and education to parents and providers of mental health services concerning the program. **Section 4** additionally requires the Department to adopt regulations that identify the manner in which the cost of providing such services will be paid. **Section 5** of this bill requires the Director to establish one or more clinical teams to review the cases of



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certain children who are at risk of the relinquishment of custody to an agency which provides child welfare services solely to allow the children to receive services for a mental illness or emotional disturbance. **Section 5** requires a clinical team to develop a plan of care for each such child and arrange for the provision of: (1) the services necessary to stabilize the condition of each such child while the plan of care is being developed; and (2) the services outlined in the plan of care. **Section 6** of this bill requires: (1) each agency which provides child welfare services in this State to annually report to the Department certain information concerning the relinquishment of children to the agency; and (2) the Department to submit an annual report to the Legislature that contains certain information concerning such relinquishment and the effectiveness of the program. **Section 7** of this bill makes a conforming change.

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

Section 1. Chapter 433B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.*

Sec. 3. 1. *The Director of the Department of Health and Human Services shall establish a task force to develop a program to prevent the relinquishment of custody of children who are not abused or neglected to an agency which provides child welfare services solely to allow the children to receive services to address a mental illness or emotional disturbance. The Director shall appoint to the task force representatives of:*

(a) The Divisions of Child and Family Services of the Department;

(b) The Aging and Disability Services Division of the Department;

(c) The Division of Public and Behavioral Health of the Department; and

(d) The Division of Health Care Financing and Policy of the Department.

2. *In addition to the members appointed pursuant to subsection 1:*

(a) The Superintendent of Public Instruction shall appoint to the task force one representative of the Department of Education; and

(b) The person in charge of each agency which provides child welfare services in a county whose population is 100,000 or more shall appoint to the task force one representative of the agency.



3. Each member of the task serves without additional compensation and is not entitled to the per diem allowance and travel expenses provided for state officers and employees generally.

4. Each member of the task force who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the task force and perform any work necessary to carry out the duties of the task force in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the task force to make up the time the officer or employee is absent from work to carry out duties as a member of the task force or use annual vacation or compensatory time for the absence.

Sec. 4. 1. The task force shall:

(a) Prescribe procedures for conducting the review by a clinical team appointed pursuant to section 5 of this act and the arrangement of the provision of services pursuant to that section;

(b) Develop and carry out procedures to increase the availability of the services described in subsection 3 of section 5 of this act throughout this State to allow children to receive those services in or near their homes;

(c) Provide for outreach to and the education of parents and providers of mental health services concerning the services available through the program; and

(d) Make recommendations to the Department concerning the adoption of any regulations necessary to carry out the provisions of sections 2 to 6, inclusive, of this act.

2. The Department of Health and Human Services shall adopt any regulations necessary to carry out the provisions of sections 2 to 6, inclusive, of this act, including, without limitation, regulations that set forth the manner in which the cost of providing services pursuant to section 5 of this act will be paid. Those regulations must require the parent or guardian of a child to whom services are provided to use any insurance and otherwise contribute to the cost of such services to the extent of his or her ability.

Sec. 5. As part of the program established pursuant to section 3 of this act, the Director of the Department shall appoint one or more clinical teams to:

1. Review each case of a child who:

(a) Has been admitted to a hospital or mental health facility;

(b) Has not been subject to abuse or neglect; and



(c) *Is at risk of the relinquishment of custody to an agency which provides child welfare services solely to allow the child to receive services for a mental illness or emotional disturbance.*

2. *Develop a plan of care for each child described in subsection 1 that outlines the services necessary to treat the mental illness or emotional disturbance of the child and prevent the relinquishment of custody.*

3. *Arrange for the provision of:*

(a) *Services necessary to stabilize the mental illness of the child for not more than 90 days while the plan of care is being developed. Such services may include, without limitation, intensive community-based services or placement in a residential facility.*

(b) *The services prescribed in the plan of care developed pursuant to subsection 2.*

Sec. 6. 1. *On or before January 15 of each year, each agency which provides child welfare services in this State shall report to the Department:*

(a) *The number of children who were relinquished to the agency during the immediately preceding year because the children needed services for a mental illness or emotional disturbance; and*

(b) *Information prescribed by regulation of the Department concerning the length of time the services were provided to such children and the status of the children upon the termination of services.*

2. *On or before January 31 of each year, the Department shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report which includes, for the immediately preceding calendar year:*

(a) *A summary of the information reported to the Department pursuant to subsection 1;*

(b) *The number of children who received services pursuant to section 5 of this act and the services that were provided;*

(c) *The number of children described in paragraph (b) who were relinquished to the agency which provides child welfare services despite the services provided to those children; and*

(d) *Information concerning the length of time that services to stabilize a child were provided pursuant to subsection 3 of section 5 of this act.*

Sec. 7. NRS 432.0125 is hereby amended to read as follows:

432.0125 1. The Administrator shall appoint, with the approval of the Director, a chief of each of the bureaus in the Division. The chiefs are designated respectively as:

(a) The Superintendent of the Nevada Youth Training Center;

(b) The Superintendent of the Caliente Youth Center; and



(c) The Chief of the Youth Parole Bureau.

2. The Administrator is responsible for the administration, through the Division, of the provisions of chapters 63 and 424 of NRS, NRS 127.220 to 127.310, inclusive, 432.010 to 432.085, inclusive, and 433B.010 to 433B.340, inclusive, *and sections 2 to 6, inclusive, of this act* and all other provisions of law relating to the functions of the Division, but is not responsible for the professional activities of the components of the Division except as specifically provided by law.

Sec. 8. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 9. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 10. This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2019, for all other purposes.



