

ASSEMBLY BILL NO. 68—ASSEMBLYWOMAN EVANS

PREFILED JANUARY 28, 1999

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to medical records provided to certain entities investigating reports of abuse or neglect of children. (BDR 38-155)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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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 the protection of children; providing civil and criminal immunity to persons who cause medical tests to be performed on children suspected of being abused or neglected or provide records or copies thereof of those medical tests to certain persons; requiring those medical records or copies thereof to be provided to certain law enforcement agencies, agencies that provide protective services to children and the prosecuting attorney's office; 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 432B.160 is hereby amended to read as follows:
2 432B.160 1. Immunity from civil or criminal liability extends to
3 every person who in good faith:
4 (a) Makes a report pursuant to the provisions of NRS 432B.220;
5 (b) Conducts an interview or allows an interview to be taken pursuant to
6 NRS 432B.270;
7 (c) Allows or takes photographs or X-rays pursuant to NRS 432B.270;
8 (d) ***Causes a medical test to be performed pursuant to NRS 432B.270;***
9 (e) ***Provides a record, or a copy thereof, of a medical test performed***
10 ***pursuant to NRS 432B.270 to an agency that provides protective services***
11 ***to the child, a law enforcement agency that participated in the***
12 ***investigation of the report of abuse or neglect of the child or the***
13 ***prosecuting attorney's office;***
14 (f) Holds a child pursuant to NRS 432B.400 or places a child in
15 protective custody;

1 ~~[(e)]~~ (g) Refers a case or recommends the filing of a petition pursuant
2 to NRS 432B.380; or

3 ~~[(f)]~~ (h) Participates in a judicial proceeding resulting from a referral or
4 recommendation.

5 2. In any proceeding to impose liability against a person for:

6 (a) Making a report pursuant to subsection 2 of NRS 432B.220; or

7 (b) Any of the acts set forth in paragraphs (b) to ~~[(f)]~~ (h), inclusive, of
8 subsection 1,

9 there is a presumption that the person acted in good faith.

10 **Sec. 2.** NRS 432B.270 is hereby amended to read as follows:

11 432B.270 1. A designee of an agency investigating a report of abuse
12 or neglect of a child may, without the consent of and outside the presence
13 of any person responsible for the child's welfare, interview a child
14 concerning any possible abuse or neglect. The child may be interviewed at
15 any place where he is found. The designee shall, immediately after the
16 conclusion of the interview, if reasonably possible, notify a person
17 responsible for the child's welfare that the child was interviewed, unless
18 the designee determines that such notification would endanger the child.

19 2. A designee of an agency investigating a report of abuse or neglect
20 of a child may, without the consent of the person responsible for a child's
21 welfare:

22 (a) Take or cause to be taken photographs of the child's body, including
23 the areas of trauma; and

24 (b) If indicated after consultation with a physician, cause X-rays or
25 medical tests to be performed on a child.

26 3. Upon the taking of any photographs ~~[(f)]~~ or X-rays or *the*
27 *performance of any* medical tests pursuant to subsection 2, the person
28 responsible for the child's welfare must be notified immediately, if
29 reasonably possible, unless the designee determines ~~[(such)]~~ *that the*
30 notification would endanger the child. The reasonable cost of these
31 photographs, X-rays or medical tests must be paid by the agency providing
32 protective services if money is not otherwise available.

33 4. Any photographs or X-rays taken *or records of any medical tests*
34 *performed* pursuant to subsection 2, *or any medical records relating to the*
35 *examination or treatment of a child pursuant to this section*, or copies
36 thereof, must be sent to the agency providing protective services, ~~[(and to)]~~
37 the law enforcement agency participating in the investigation of the report
38 ~~[(The photograph or X-ray:)]~~ *and the prosecuting attorney's office. Each*
39 *photograph, X-ray, result of a medical test or other medical record:*

40 (a) Must be accompanied by a statement *or certificate signed by the*
41 *custodian of medical records of the health care facility where the*
42 *photograph or X-ray was taken or the treatment, examination or medical*
43 *test* was performed, indicating ~~[(the)]~~ :

1 (1) *The* name of the child ~~[, the]~~ ;

2 (2) *The* name and address of the person ~~[taking]~~ *who took* the
3 photograph or X-ray ~~[and the]~~ , *performed the medical test or examined*
4 *or treated the child; and*

5 (3) *The* date *on which* the photograph or X-ray was taken ~~[;]~~ *or the*
6 *treatment, examination or medical test was performed;*

7 (b) Is admissible in any proceeding relating to *the* abuse or neglect of
8 the child; and

9 (c) May be given to the child's parent or guardian if he pays the cost of
10 duplicating them.

11 5. *As used in this section, "medical test" means any test performed*
12 *by or caused to be performed by a provider of health care, including,*
13 *without limitation, a computerized axial tomography scan and magnetic*
14 *resonance imaging.*

15 Sec. 3. This act becomes effective upon passage and approval.