

**MINUTES OF THE
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-sixth Session
May 31, 2011**

The Senate Committee on Health and Human Services was called to order by Chair Allison Copening at 3:37 p.m. on Tuesday, May 31, 2011, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Allison Copening, Chair
Senator Valerie Wiener, Vice Chair
Senator Sheila Leslie
Senator Ruben J. Kihuen
Senator Joseph (Joe) P. Hardy
Senator Ben Kieckhefer
Senator Greg Brower

GUEST LEGISLATORS PRESENT:

Assemblywoman April Mastroluca, Assembly District No. 29

STAFF MEMBERS PRESENT:

Marsheilah Lyons, Policy Analyst
Risa Lang, Counsel
Shauna Kirk, Committee Secretary

OTHERS PRESENT:

Erin Russell, Ph.D., Clark County Children's Mental Health Consortium
Karen Taycher, Clark County Children's Mental Health Consortium
Amber Howell, Deputy Administrator, Family Programs, Division of Child and Family Services, Department of Health and Human Services

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CHAIR COPENING:

We will open the meeting with Assembly Bill (A.B.) 48.

ASSEMBLY BILL 48 (1st Reprint): Revises provisions governing children's mental health consortia. (BDR 39-336)

ERIN RUSSELL, PH.D. (Clark County Children's Mental Health Consortium):

The Clark County Children's Mental Health Consortium (CCCMHC) was established with *Nevada Revised Statutes* (NRS) 433B.333 in 2001. It has studied the needs of children and has helped craft solutions to help improve services. The CCCMHC has established a 10-year strategic plan for provisions related to children's mental health services. Section 2 of the bill authorizes the CCCMHC to implement a plan and work with the Department of Health and Human Services (DHHS) to avoid duplicate efforts. Section 3 of the bill authorizes each mental health consortium (MHC) to apply directly for grants and accept gifts and donations. They do not have this ability in statute. It also establishes an account in which to put the funds.

It is stated in NRS 433B.335 subsection 4, that on or before January 31 of each even-numbered year, each MHC shall submit to the director of DHHS a list of priorities to implement the long-term strategic plan.

Section 4 of the bill requires each MHC to submit to the director of DHHS any request for an allocation for administrative expenses. It is up to the director to implement this and include it in his plan. The original bill had a section 5, but it has been deleted.

CHAIR COPENING:

What brought this about for the CCCMHC?

DR. RUSSELL:

This allows MHCs the ability to apply directly for grants. They are working with different localities to piece things together and help with the ten-year plan. They are not able to directly apply for grants and have an account.

SENATOR KIECKHEFER:

What is the demonstration project relating to mental health services mentioned in section 2, subsection 1, paragraph (a), subparagraph (2)?

DR. RUSSELL:

This pertains to a pilot project. Karen Taycher may be able to talk more about that.

SENATOR LESLIE:

What is the long-term plan? Has there been any discussion about long-term structure?

KAREN TAYCHER (Clark County Children's Mental Health Consortium):

Each MHC develops strategies in its own region and recommends them to the director of DHHS. When we were asked questions about how we hope to implement the ten-year plan, representatives of the CCCMHC carried out conversation that might be changing next session. Our main duty is to educate the director of DHHS as well as the legislative body on the needs in each of the CCCMHC's target areas.

SENATOR KIECKHEFER:

What would you envision as a demonstration project relating to mental health services for children with severe emotional disturbance?

MS. TAYCHER:

Several years ago, we put together public service announcements (PSAs) to encourage parents to engage in mental health care for their children just as a parent would take a child with a broken bone to the doctor. The PSAs encouraged parents to take their children's mental health issues to the doctor. We aired announcements in Clark County on several radio stations and television as well as in theaters in northern Nevada. When putting that PSA together, we ran into difficulty gaining funds and having a place to put the funds to complete the PSA project. That is an example as to what prompted the amendment in the original bill. We would not have a pilot project that was outside the scope of the ten-year plan. The contemplation is more about coordination activities and not providing mental health services.

SENATOR KIECKHEFER:

What are your current administrative expenses on an annual base?

MS. TAYCHER:

I do not have that budget with me. The expenses are for running public meetings, making copies and posting. We have had some grant funds in the

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past for surveys of parents whose children have been in the Desert Willow Treatment Center and other special projects. We needed a formal way to request funds from the director of DHHS.

SENATOR HARDY:

Are we talking about \$5,000 a year or \$50,000 a year?

MS. TAYCHER:

It may be \$20,000 among the different MHCs. Any special activities through the MHCs would be on top of that and not considered administrative costs.

SENATOR WIENER MOVED TO DO PASS A.B. 48.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR COPENING:

We will now open the meeting on A.B. 148.

ASSEMBLY BILL 148 (2nd Reprint): Revises provisions governing the voluntary relinquishment of an infant to a provider of emergency services. (BDR 38-589)

ASSEMBLYWOMAN APRIL MASTROLUCA (Assembly District No. 29):

This bill is an extension of a law that is currently in effect called the Safe Haven Infant Protection Act passed in 2001. This allows persons to take newborns under 30 days old, for whom they feel they cannot care, to a police station, fire station or hospital, or call 911. A person can leave a newborn with no questions asked and with no penalty unless the newborn has been abused.

There are two pieces to the bill. When we passed the law in 2001, we were 1 of only 14 states with this kind of law. The law is working; however, we do not have any way of tracking how many times it has been used. One piece of the bill allows for a tracking mechanism so the State can keep track, through the counties, of the number of newborns being dropped off. We have looked across the Country for this type of law to make sure there was nothing we were

missing. When there was a newborn taken to a Clark County fire station by a male, people in the community felt this male needed to be found to make sure the newborn was not kidnapped. The law specifically said no questions asked and does not state that it has to be the mother. We added a provision allowing for law enforcement to make sure the child was not reported as missing. It does still allow for the anonymity as necessary. There is a process the child would go through with social services to enable people to come forward and say it is their child.

CHAIR COPENING:

Is law enforcement not investigating whether a child is a missing child now?

ASSEMBLYWOMAN MASTROLUCA:

It is a case-by-case basis. If the child is taken to a fire station or a hospital, child protective services (CPS) may be the only one called.

SENATOR HARDY:

Would not the anonymity be at risk if the police investigate where the baby came from?

ASSEMBLYWOMAN MASTROLUCA:

The moment a child is dropped off and there are no injuries to the child, law enforcement is not going to ask any questions. If they find that a child has been kidnapped, they will ask for a description. At no time is there an ability to collect data on the person who is dropping off the baby.

SENATOR HARDY:

Law enforcement's investigation is going to try to find out where the baby came from.

ASSEMBLYWOMAN MASTROLUCA:

It should not be a position where they receive a baby and need to find out where the baby came from. It should be a position of receiving a baby and making sure no one has reported a baby missing in the past 24 hours or 36 hours.

SENATOR HARDY:

Kidnapping is what would get law enforcement interested if there was a baby found somewhere. If there were no report of a baby kidnapped, we would have to have an investigation.

ASSEMBLYWOMAN MASTROLUCA:

The second reprint removed the word "investigate." The second reprint says that the law enforcement agency shall notify the clearinghouse established pursuant to NRS 432.170 and investigate further, as necessary, using any other resources to determine whether the child has been reported as a missing child.

SENATOR HARDY:

If there was a baby missing, law enforcement could pick up the phone and tell CPS a baby is missing.

ASSEMBLYWOMAN MASTROLUCA:

That is how this bill is designed to work. It would not be triggered by a child being dropped off; it would be triggered by a missing person's report.

SENATOR HARDY:

How did the law enforcement agency get to the point where they could notify the clearinghouse?

ASSEMBLYWOMAN MASTROLUCA:

When a child is turned over to CPS, it is reported to a law enforcement agency.

SENATOR LESLIE:

It looks to me like it is described correctly. I feel comfortable with the language of " ... if necessary" Why is there a fiscal note of \$5,000 for only Churchill County?

ASSEMBLYWOMAN MASTROLUCA:

In the original drafting of the bill, there was stronger language to make sure the child was not missing. Some law enforcement agencies thought it might become burdensome. We toned down that language. In testimony, it was stated that we do not know the number of times this law has been used in the last ten years. If we find there are more than we could have imagined, we would need to find a better way to educate the public.

SENATOR BROWER:

I am somewhat concerned about questions being asked, but I do not think it will be a problem. I believe it is worth trying. Why do we think it is important to make sure we are tracking the numbers?

ASSEMBLYWOMAN MASTROLUCA:

Data is how we know if we are doing something worthwhile. This will allow us to see if the law is working the way we intended. If we can track the number of children who are abandoned in Nevada from this point forward, we can see where we need to target our PSAs. If we have more children abandoned legally rather than illegally, then the word is getting out. We can make sure we are targeting the right group based on where the children are being dropped off.

SENATOR HARDY:

Was there discussion as to the identity of the child being confidential? This could help to make sure someone does not come to interview a person who is now 23 years of age about having been abandoned.

AMBER HOWELL (Deputy Administrator, Family Programs, Division of Child and Family Services, Department of Health and Human Services):

To get confidential information, a person would have to get into the specific case itself. We can make a query to just get raw data, and no identity is attached to it.

SENATOR HARDY:

That is not what is says, but that is the intent.

MS. HOWELL

Yes. We would put in coded information to get the data elements we want to run a query based on the allegation type. It would only bring up how many children have those specific allegations.

SENATOR HARDY:

Would this be compatible with Health Insurance Portability and Accountability Act (HIPAA) requirements?

MS. HOWELL:

Yes. We would accept it as a report of abandonment.

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SENATOR LESLIE:

Would this come under the same confidentiality provisions the agency already has which protects the identity and all of the information for abused and neglected children?

MS. HOWELL:

That is correct. We would do it the same as when we receive a report of a child's death. There may not be an investigation, but we are coding it in the system and treating it as such.

CHAIR COPENING:

What happens when an abused baby is dropped off? Is the person who dropped off the child still protected?

MS. HOWELL:

It is a different circumstance. We would be getting a report from a fire station or a medical hospital. If the child has been abandoned and there are signs of abuse or neglect, we open the case for a different intervention. There is a thorough investigation, and we would try to contact the parents.

SENATOR HARDY:

Section 1, subsection 2, line 33 defines agency as an agency that provides child welfare services.

MS. HOWELL:

The definition of a child welfare agency is defined in NRS chapter 432B.

RISA LANG (Counsel):

We do have the confidentiality aspect in NRS 432B.280. I believe that would apply.

SENATOR WEINER MOVED TO DO PASS A.B. 148.

SENATOR LESLIE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Copening:

With no further business to come before the Senate Committee on Health and Human Services, I will adjourn the meeting at 4:15 p.m.

RESPECTFULLY SUBMITTED:

Shauna Kirk,
Committee Secretary

APPROVED BY:

Senator Allison Copening, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A	Agenda	Agenda
	B	Attendance Roster	Attendance Roster