

ASSEMBLY BILL NO. 155—ASSEMBLYMEN EISEN, FRIERSON;  
BENITEZ-THOMPSON, CARRILLO, DONDERO LOOP,  
DUNCAN, FLORES, HEALEY, KIRKPATRICK AND OSCARSON

FEBRUARY 20, 2013

JOINT SPONSORS: SENATORS JONES AND HARDY

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing reports of the abuse or neglect of a child. (BDR 38-610)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
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 children; revising provisions governing persons who are required to report the abuse or neglect of a child; revising provisions governing the punishment for the failure of a person to report the abuse or neglect of a child; revising provisions relating to the abandonment of a newborn child to a provider of emergency services; requiring the Legislative Committee on Health Care to review certain provisions governing a person who provides a service related to health care; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 Under existing law, persons in certain professions and occupations are required,
- 2 if the person in his or her professional or occupational capacity knows or has
- 3 reasonable cause to believe that a child has been abused or neglected, to report the
- 4 abuse or neglect to an agency which provides child welfare services or to a law
- 5 enforcement agency. (NRS 432B.220) **Section 2** of this bill revises the manner in
- 6 which those persons are specified in existing law and provides that those persons
- 7 must be informed in writing or by electronic communication of their duty as
- 8 mandatory reporters. Those persons must also provide a written acknowledgment or



an electronic record of having been so informed. The party responsible for informing the person and maintaining a copy of the acknowledgment or record is: (1) the entity responsible for the licensure, certification or endorsement of the person in this State if such licensure, certification or endorsement is required in the person's professional or occupational capacity; or (2) the employer of the person if no licensure, certification or endorsement in this State is required. **Section 5** of this bill requires those mandatory reporters currently holding a license, certificate or endorsement in this State to be informed of their duty as mandatory reporters at the next renewal of their license, certificate or endorsement and requires those current mandatory reporters who are not required to be licensed, certified or endorsed by this State to be informed of their duty as mandatory reporters by their employer on or before December 31, 2013.

**Section 1** of this bill requires the Legislative Committee on Health Care to review, after each regular session of the Nevada Legislature, any chapter added to title 39, 40 or 54 of NRS that authorizes or requires the issuance of a license, permit or certificate to a person who provides any service related to health care to determine if the person should be included as a person required to report the abuse or neglect of a child. **Section 1** also requires the Committee, before the next regular session of the Legislature, to prepare and submit to the Legislature a report concerning the findings of the Committee. The report must include, without limitation, any recommended legislation.

Existing law requires an attorney to report the abuse or neglect of a child unless the attorney acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect. (NRS 432B.220) **Section 2** also provides that an attorney is not required to report the abuse or neglect of a child if the attorney acquired the knowledge of the abuse or neglect from a client who is the victim of the abuse or neglect and who is in foster care, except that the attorney may report the abuse or neglect with the consent of the child.

Under existing law, a failure to report the abuse or neglect of a child by a person with a duty to report the abuse or neglect is punishable as a misdemeanor. (NRS 432B.240) **Section 3** of this bill provides that a first violation of the duty to report is punishable as a misdemeanor, and any subsequent violation is punishable as a gross misdemeanor.

Under existing law, a parent may voluntarily leave a child who is not more than 30 days old with a provider of emergency services under certain circumstances, thereby presumably abandoning the child. That law is commonly referred to as Nevada's "Safe Haven Law." (NRS 432B.630) **Section 4** of this bill expands the definition of "provider of emergency services" to include a volunteer fire department and any ambulance service holding a permit issued in this State.

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

**Section 1.** Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

***The Legislative Committee on Health Care shall:***

***1. After each regular session of the Legislature, review any chapter added to title 39, 40 or 54 of NRS that authorizes or requires the issuance of a license, permit or certificate to a person who provides any service related to health care to determine if the***



1 *person should be included as a person required to make a report*  
2 *pursuant to NRS 432B.220; and*

3 *2. Before the beginning of the next regular session of the*  
4 *Legislature, prepare a report concerning its findings pursuant to*  
5 *subsection 1 and submit the report to the Director of the*  
6 *Legislative Counsel Bureau for transmittal to the Legislature. The*  
7 *report must include, without limitation, any recommended*  
8 *legislation.*

9 **Sec. 2.** NRS 432B.220 is hereby amended to read as follows:

10 432B.220 1. Any person who is described in subsection 4  
11 and who, in his or her professional or occupational capacity, knows  
12 or has reasonable cause to believe that a child has been abused or  
13 neglected shall:

14 (a) Except as otherwise provided in subsection 2, report the  
15 abuse or neglect of the child to an agency which provides child  
16 welfare services or to a law enforcement agency; and

17 (b) Make such a report as soon as reasonably practicable but not  
18 later than 24 hours after the person knows or has reasonable cause to  
19 believe that the child has been abused or neglected.

20 2. If a person who is required to make a report pursuant to  
21 subsection 1 knows or has reasonable cause to believe that the abuse  
22 or neglect of the child involves an act or omission of:

23 (a) A person directly responsible or serving as a volunteer for or  
24 an employee of a public or private home, institution or facility  
25 where the child is receiving child care outside of the home for a  
26 portion of the day, the person shall make the report to a law  
27 enforcement agency.

28 (b) An agency which provides child welfare services or a law  
29 enforcement agency, the person shall make the report to an agency  
30 other than the one alleged to have committed the act or omission,  
31 and the investigation of the abuse or neglect of the child must be  
32 made by an agency other than the one alleged to have committed the  
33 act or omission.

34 3. Any person who is described in paragraph (a) of subsection  
35 4 who delivers or provides medical services to a newborn infant and  
36 who, in his or her professional or occupational capacity, knows or  
37 has reasonable cause to believe that the newborn infant has been  
38 affected by prenatal illegal substance abuse or has withdrawal  
39 symptoms resulting from prenatal drug exposure shall, as soon as  
40 reasonably practicable but not later than 24 hours after the person  
41 knows or has reasonable cause to believe that the newborn infant is  
42 so affected or has such symptoms, notify an agency which provides  
43 child welfare services of the condition of the infant and refer each  
44 person who is responsible for the welfare of the infant to an agency  
45 which provides child welfare services for appropriate counseling,



1 training or other services. A notification and referral to an agency  
2 which provides child welfare services pursuant to this subsection  
3 shall not be construed to require prosecution for any illegal action.

4 4. A report must be made pursuant to subsection 1 by the  
5 following persons:

6 (a) A ~~{physician, dentist, dental hygienist, chiropractor,~~  
7 ~~optometrist, podiatric physician, medical examiner, resident, intern,~~  
8 ~~professional or practical nurse, physician assistant licensed pursuant~~  
9 ~~to chapter 630 or 633 of NRS, perfusionist, psychiatrist,~~  
10 ~~psychologist, marriage and family therapist, clinical professional~~  
11 ~~counselor, clinical alcohol and drug abuse counselor, alcohol and~~  
12 ~~drug abuse counselor, clinical social worker, music therapist,~~  
13 ~~athletic trainer, advanced emergency medical technician or other}~~  
14 person providing ~~{medical}~~ services licensed or certified in this State  
15 ~~{}~~ *pursuant to, without limitation, chapter 450B, 630, 630A, 631,*  
16 *632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A,*  
17 *640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.*

18 (b) Any personnel of a ~~{hospital or similar institution}~~ *medical*  
19 *facility licensed pursuant to chapter 449 of NRS who are* engaged  
20 in the admission, examination, care or treatment of persons or an  
21 administrator, manager or other person in charge of ~~{a hospital or~~  
22 ~~similar institution}~~ *such a medical facility* upon notification of  
23 suspected abuse or neglect of a child by a member of the staff of the  
24 ~~{hospital}~~ *medical facility.*

25 (c) A coroner.

26 (d) A member of the clergy, practitioner of Christian Science or  
27 religious healer, unless the person has acquired the knowledge of the  
28 abuse or neglect from the offender during a confession.

29 (e) A ~~{social worker and an administrator, teacher, librarian or~~  
30 ~~counselor of}~~ *person working in* a school ~~{}~~ *who is licensed or*  
31 *endorsed pursuant to chapter 391 or 641B of NRS.*

32 (f) Any person who maintains or is employed by a facility or  
33 establishment that provides care for children, children's camp or  
34 other public or private facility, institution or agency furnishing care  
35 to a child.

36 (g) Any person licensed *pursuant to chapter 424 of NRS* to  
37 conduct a foster home.

38 (h) Any officer or employee of a law enforcement agency or an  
39 adult or juvenile probation officer.

40 (i) An attorney, unless the attorney has acquired the knowledge  
41 of the abuse or neglect from a client who ~~{is}~~ :

42 (1) *Is or may be accused of the abuse or neglect {} ; or*

43 (2) *Is the victim of the abuse or neglect, is in foster care*  
44 *and has not first given his or her consent to report the abuse or*  
45 *neglect.*



(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

*7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:*

*(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;*

*(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and*

*(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.*



1       **8. The employer of a person who is described in subsection 4**  
2 **and who is not required in his or her professional or occupational**  
3 **capacity to be licensed, certified or endorsed in this State must,**  
4 **upon initial employment of the person:**

5       **(a) Inform the person, in writing or by electronic**  
6 **communication, of his or her duty as a mandatory reporter**  
7 **pursuant to this section;**

8       **(b) Obtain a written acknowledgment or electronic record from**  
9 **the person that he or she has been informed of his or her duty**  
10 **pursuant to this section; and**

11       **(c) Maintain a copy of the written acknowledgment or**  
12 **electronic record for as long as the person is employed by the**  
13 **employer.**

14       **Sec. 3.** NRS 432B.240 is hereby amended to read as follows:

15       432B.240 Any person who knowingly and willfully violates  
16 the provisions of NRS 432B.220 is guilty of :

17       **1. For the first violation,** a misdemeanor.

18       **2. For each subsequent violation, a gross misdemeanor.**

19       **Sec. 4.** NRS 432B.630 is hereby amended to read as follows:

20       432B.630 1. A provider of emergency services shall take  
21 immediate possession of a child who is or appears to be not more  
22 than 30 days old:

23       (a) When:

24           (1) The child is voluntarily delivered to the provider by a  
25 parent of the child; and

26           (2) The parent does not express an intent to return for the  
27 child; or

28       (b) When the child is delivered to the provider by another  
29 provider of emergency services pursuant to paragraph (b) of  
30 subsection 2.

31       2. A provider of emergency services who takes possession of a  
32 child pursuant to subsection 1 shall:

33       (a) Whenever possible, inform the parent of the child that:

34           (1) By allowing the provider to take possession of the child,  
35 the parent is presumed to have abandoned the child;

36           (2) By failing or refusing to provide an address where the  
37 parent can be located, the parent waives any notice of the hearing to  
38 be conducted pursuant to NRS 432B.470; and

39           (3) Unless the parent contacts the local agency which  
40 provides child welfare services, action will be taken to terminate his  
41 or her parental rights regarding the child.

42       (b) Perform any act necessary to maintain and protect the  
43 physical health and safety of the child. If the provider is a public  
44 fire-fighting agency ~~for~~ , **a volunteer fire department**, a law  
45 enforcement agency ~~or~~ **or an ambulance service**, the provider shall



1 immediately cause the safe delivery of the child to a hospital, an  
2 obstetric center or an independent center for emergency medical  
3 care licensed pursuant to chapter 449 of NRS.

4 (c) As soon as reasonably practicable but not later than 24 hours  
5 after the provider takes possession of the child, report that  
6 possession to an agency which provides child welfare services and,  
7 if the provider is not a law enforcement agency, to a law  
8 enforcement agency. The law enforcement agency shall notify the  
9 Clearinghouse and investigate further, if necessary, using any other  
10 resources to determine whether the child has been reported as a  
11 missing child. Upon conclusion of the investigation, the law  
12 enforcement agency shall inform the agency which provides child  
13 welfare services of its determination. The agency which provides  
14 child welfare services shall maintain that information for statistical  
15 and research purposes.

16 3. A parent who delivers a child to a provider of emergency  
17 services pursuant to paragraph (a) of subsection 1:

18 (a) Shall leave the child:

19 (1) In the physical possession of a person who the parent has  
20 reasonable cause to believe is an employee of the provider; or

21 (2) On the property of the provider in a manner and location  
22 that the parent has reasonable cause to believe will not threaten the  
23 physical health or safety of the child, and immediately contact the  
24 provider, through the local emergency telephone number or  
25 otherwise, and inform the provider of the delivery and location of  
26 the child. A provider of emergency services is not liable for any  
27 civil damages as a result of any harm or injury sustained by a child  
28 after the child is left on the property of the provider pursuant to this  
29 subparagraph and before the provider is informed of the delivery  
30 and location of the child pursuant to this subparagraph or the  
31 provider takes physical possession of the child, whichever occurs  
32 first.

33 (b) Shall be deemed to have given consent to the performance of  
34 all necessary emergency services and care for the child.

35 (c) Must not be required to provide any background or medical  
36 information regarding the child, but may voluntarily do so.

37 (d) Unless there is reasonable cause to believe that the child has  
38 been abused or neglected, excluding the mere fact that the parent  
39 has delivered the child to the provider pursuant to subsection 1:

40 (1) Must not be required to disclose any identifying  
41 information, but may voluntarily do so;

42 (2) Must be allowed to leave at any time; and

43 (3) Must not be pursued or followed.

44 4. As used in this section:



(a) "Clearinghouse" has the meaning ascribed to it in NRS 432.150.

(b) "Provider of emergency services" means:

(1) A hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS;

(2) A public fire-fighting agency ~~that~~, *including, without limitation, a volunteer fire department;*

(3) A law enforcement agency ~~that~~; *or*

(4) *An ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS.*

**Sec. 5.** 1. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 of NRS 432B.220, as amended by section 2 of this act, who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State and who is already licensed, certified or endorsed on October 1, 2013, shall, upon the next renewal of the license, certificate or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to that section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to that section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

2. The employer of a person who is described in subsection 4 of NRS 432B.220, as amended by section 2 of this act, who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State and who is already employed on October 1, 2013, must, on or before December 31, 2013:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to that section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to that section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

