

Amendment No. 104

Assembly Amendment to Assembly Bill No. 154 (BDR 38-611)

Proposed by: Assembly Committee on Health and Human Services

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

EWR/RBL



Date: 4/5/2013

A.B. No. 154—Revises provisions concerning child death review teams.

(BDR 38-611)



ASSEMBLY BILL NO. 154—ASSEMBLYMEN EISEN, FRIERSON; BENITEZ-THOMPSON,
CARRILLO, DONDERO LOOP, FLORES AND HEALEY

FEBRUARY 20, 2013

JOINT SPONSORS: SENATORS JONES AND HARDY

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions concerning child death review teams.
(BDR 38-611)FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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; authorizing a multidisciplinary team to review the death of a child to use data collected concerning the death of a child for research and prevention purposes in certain circumstances; consolidating the administrative teams that review the report and recommendations of a multidisciplinary team appointed to review the death of a child and the Executive Committee to Review the Death of Children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the director or other authorized representative of an agency which provides child welfare services and the Executive Committee to Review the Death of Children are authorized to appoint a multidisciplinary team to review certain records concerning the death of a child. (NRS 432B.403-432B.407, 432B.409) Section 1 of this bill authorizes a multidisciplinary team to review the death of a child to use data collected concerning the death of a child for research and prevention purposes if the data is aggregated and does not allow for the identification of any person.

An administrative team consisting of administrators of agencies which provide child welfare services, and agencies responsible for vital statistics, public health, mental health and public safety is required to review the report and recommendations of a multidisciplinary team. (NRS 432B.408) ~~This~~ Section 2 of this bill consolidates the administrative team into the Executive Committee and requires the Executive Committee to review the report and recommendations of a multidisciplinary team. ~~This~~ Section 3 of this bill ~~also~~ provides that certain members of the Executive Committee who are administrators of agencies which provide child welfare services, and agencies responsible for ~~vital statistics, public health,~~ mental health and public safety, must serve as nonvoting members of the Executive Committee.

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

Section 1. NRS 432B.407 is hereby amended to read as follows:

432B.407 1. A multidisciplinary team to review the death of a child is entitled to access to:

(a) All investigative information of law enforcement agencies regarding the death;

(b) Any autopsy and coroner's investigative records relating to the death;

(c) Any medical or mental health records of the child; and

(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the child or the child's family.

2. Each organization represented on a multidisciplinary team to review the death of a child shall share with other members of the team information in its possession concerning the child who is the subject of the review, any siblings of the child, any person who was responsible for the welfare of the child and any other information deemed by the organization to be pertinent to the review.

3. A multidisciplinary team to review the death of a child may, if appropriate, meet and share information with a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475 or 228.495.

4. A multidisciplinary team to review the death of a child may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to the cause of any death being investigated by the team. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the team pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.

5. A multidisciplinary team to review the death of a child may use data collected concerning the death of a child for the purpose of research or to prevent future deaths of children if the data is aggregated and does not allow for the identification of any person.

6. Except as otherwise provided in this section, information acquired by, and the records of, a multidisciplinary team to review the death of a child are confidential, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

~~Section 1.~~ **Sec. 2.** NRS 432B.408 is hereby amended to read as follows:

432B.408 1. The report and recommendations of a multidisciplinary team to review the death of a child must be transmitted ~~to an administrative team~~ for review ~~to~~

~~2. An administrative team must consist of administrators of agencies which provide child welfare services, and agencies responsible for vital statistics, public health, mental health and public safety.~~

~~3. to the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409.~~

2. The ~~administrative team~~ **Executive Committee** shall review the report and recommendations and respond in writing to the multidisciplinary team within 90 days after receiving the report.

~~Sec. 2.~~ **Sec. 3.** NRS 432B.409 is hereby amended to read as follows:

432B.409 1. The Administrator of the Division of Child and Family Services shall establish an Executive Committee to Review the Death of Children, consisting of ~~representatives~~ :

(a) *Representatives* from multidisciplinary teams formed pursuant to paragraph (a) of subsection 1 of NRS 432B.405 and NRS 432B.406, vital statistics, law enforcement, public health and the Office of the Attorney General.

~~12.1~~ (b) *Administrators of agencies which provide child welfare services, and agencies responsible for mental health and public safety, to the extent that such administrators are not already appointed pursuant to paragraph (a). Members of the Executive Committee who are administrators of agencies which provide child welfare services and of agencies responsible for vital statistics, public health, mental health and public safety, appointed pursuant to this paragraph shall serve as nonvoting members.*

~~13.1~~ 2. The Executive Committee shall:

(a) Adopt statewide protocols for the review of the death of a child;

(b) Adopt regulations to carry out the provisions of NRS 432B.403 to 432B.4095, inclusive;

(c) Adopt bylaws to govern the management and operation of the Executive Committee;

(d) Appoint one or more multidisciplinary teams to review the death of a child from the names submitted to the Executive Committee pursuant to paragraph (b) of subsection 1 of NRS 432B.405;

(e) Oversee training and development of multidisciplinary teams to review the death of children; ~~and~~

(f) Compile and distribute a statewide annual report, including statistics and recommendations for regulatory and policy changes ~~+~~

~~3.1~~ ; and

~~(g)~~ Carry out the duties specified in NRS 432B.408.

~~14.1~~ 3. The Review of Death of Children Account is hereby created in the State General Fund. The Executive Committee may use money in the Account to carry out the provisions of NRS 432B.403 to 432B.4095, inclusive.

~~15.1~~ ~~Sec. 3.1~~ Sec. 4. NRS 432B.4095 is hereby amended to read as follows:

432B.4095 1. Each member of a multidisciplinary team organized pursuant to NRS 432B.405, a multidisciplinary team organized pursuant to NRS 432B.4075 ~~+, an administrative team organized pursuant to NRS 432B.4081~~ or the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409 who discloses any confidential information concerning the death of a child is personally liable for a civil penalty of not more than \$500.

2. The Administrator of the Division of Child and Family Services:

(a) May bring an action to recover a civil penalty imposed pursuant to subsection 1 against a member of a multidisciplinary team organized pursuant to NRS 432B.4075 ~~+, an administrative team~~ or the Executive Committee; and

(b) Shall deposit any money received from the civil penalty with the State Treasurer for credit to the State General Fund.

3. Each director or other authorized representative of an agency which provides child welfare services that organized a multidisciplinary team pursuant to NRS 432B.405:

(a) May bring an action to recover a civil penalty pursuant to subsection 1 against a member of the multidisciplinary team; and

(b) Shall deposit any money received from the civil penalty in the appropriate county treasury.

~~16.1~~ ~~Sec. 4.1~~ Sec. 5. As soon as practicable after July 1, 2013, the Administrator of the Division of Child and Family Services of the Department of Health and Human Services shall appoint to the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409 the additional

1 members of the Executive Committee required by paragraph (b) of subsection 1 of
2 NRS 432B.409, as amended by section ~~424~~ 3 of this act.
3 ~~Sec. 5.~~ **Sec. 6.** This act becomes effective on July 1, 2013.