

Assembly Bill No. 151–Committee on
Health and Human Services

CHAPTER.....

AN ACT relating to public welfare; requiring certain persons to report the commercial sexual exploitation of a child to an agency which provides child welfare services; requiring all persons to report the commercial sexual exploitation of a child to a law enforcement agency in certain circumstances; authorizing a fee for certain costs relating to information maintained by an agency which provides child welfare services; requiring an agency which provides child welfare services to adopt certain rules, policies or regulations; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain persons who, in their professional or occupational capacity, know or have reasonable cause to believe that a child has been abused or neglected to report the abuse or neglect to an agency which provides child welfare services or a law enforcement agency. (NRS 432B.220) **Section 12** of this bill requires any such person who is required to report the abuse or neglect of a child and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child is a commercially sexually exploited child, to report the commercial sexual exploitation to an agency which provides child welfare services as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child is a commercially sexually exploited child. **Section 12** provides that any person who knowingly and willfully violates such a requirement is guilty of a misdemeanor for the first violation and a gross misdemeanor for each subsequent violation. **Section 12** also requires any person who knows or has reasonable cause to believe that a child is a commercially sexually exploited child to immediately contact a law enforcement agency if an alleged perpetrator of the commercial sexual exploitation is or is alleged to be present with the child, or the child is otherwise in imminent danger to report the commercial sexual exploitation of the child.

The Nevada Rules of Professional Conduct generally prohibit an attorney from revealing information relating to the representation of a client unless the client consents to the disclosure or the disclosure is impliedly authorized to carry out the representation. However, the Rules require an attorney to reveal such information to the extent the attorney reasonably believes necessary to prevent a criminal act that is likely to result in reasonably certain death or substantial bodily harm. Additionally, the Rules authorize an attorney to reveal such information in certain other circumstances. (RPC 1.6) The Restatement (Third) of the Law Governing Lawyers states that serious bodily harm includes the consequences of child sexual abuse. (Restatement (Third) of the Law Governing Lawyers § 66 cmt. c (2000)) **Section 12.5** of this bill: (1) prohibits an attorney from making a report pursuant to **section 12** when prohibited by the Nevada Rules of Professional Conduct; and (2) requires an attorney to make a report pursuant to **section 12** when necessary to prevent further sex trafficking or sexual abuse of a child and in other circumstances when such reporting is authorized by the Nevada Rules of Professional Conduct.



Section 13 of this bill requires an agency which provides child welfare services, upon receiving a report concerning the commercial sexual exploitation of a child, to: (1) conduct an initial screening; and (2) report the commercial sexual exploitation to the appropriate law enforcement agency. **Section 13** additionally authorizes such an agency to: (1) if the child resides in another jurisdiction, initiate contact with an agency which provides child welfare services in that jurisdiction; and (2) conduct an assessment relating to abuse or neglect of the child. **Section 13** further sets forth the actions that an agency which provides child welfare services is authorized to take if no abuse or neglect of the child is identified.

Section 14 of this bill provides that information maintained pursuant to **sections 2-15** of this bill by an agency which provides child welfare services is confidential and any person who willfully releases or disseminates such information, except in certain authorized circumstances, is guilty of a misdemeanor.

Section 15 of this bill establishes provisions relating to the authorized release of information maintained pursuant to **sections 2-15** by an agency which provides child welfare services. **Section 15** generally provides that any person to whom such information is provided who further disseminates the information or makes the information public is guilty of a gross misdemeanor. **Section 15** also: (1) authorizes an agency which provides child welfare services to charge a fee for processing costs necessary to prepare such information for authorized release; and (2) requires an agency which provides child welfare services to adopt rules, policies or regulations to carry out the provisions of law relating to the authorized release of such information.

Existing law provides that if a person reports to a law enforcement agency that another person has committed a violent or sexual offense against a child, and the violent or sexual offense would constitute abuse or neglect of a child, the report shall be deemed to be a report of the abuse or neglect of the child that is required by law. (NRS 202.894) **Section 16** of this bill provides that if the sexual or violent offense would constitute the commercial sexual exploitation of a child, the report shall be deemed to be a report of the commercial sexual exploitation of a child that is required by **section 12**.

Sections 18 and 19 of this bill make certain provisions of law that apply to the duty of certain professionals to report the abuse or neglect of a child also apply to the duty of such professionals to report the commercial sexual exploitation of a child pursuant to **section 12**.

EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. Title 38 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*



Sec. 3. “Agency which provides child welfare services” means:

1. In a county whose population is less than 100,000, the local office of the Division of Child and Family Services of the Department of Health and Human Services; or

2. In a county whose population is 100,000 or more, the agency of the county,

↳ which provides or arranges for necessary child welfare services.

Sec. 4. “Child” means a person under the age of 18 years.

Sec. 5. “Child welfare services” has the meaning ascribed to it in NRS 432B.044.

Sec. 6. “Commercial sexual exploitation” means the sex trafficking of a child in violation of NRS 201.300 or the sexual abuse or sexual exploitation of a child for the financial benefit of any person or in exchange for anything of value, including, without limitation, monetary or nonmonetary benefits given or received by any person.

Sec. 7. “Commercially sexually exploited child” means any child who is sex trafficked in violation of NRS 201.300, sexually abused or sexually exploited for the financial benefit of any person or in exchange for anything of value, including, without limitation, monetary or nonmonetary benefits given or received by any person.

Sec. 8. “Information maintained by an agency which provides child welfare services” means data or information concerning reports and assessments made pursuant to this chapter, including, without limitation, the name, address, date of birth, social security number and image or likeness of any child, family member of any child and reporting party or source, whether primary or collateral.

Sec. 9. “Sexual abuse” has the meaning ascribed to it in NRS 432B.100.

Sec. 10. “Sexual exploitation” has the meaning ascribed to it in NRS 432B.110.

Sec. 11. For the purposes of this chapter, a person:

1. Has “reasonable cause to believe” if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

2. Acts “as soon as reasonably practicable” if, in light of all the surrounding facts and circumstances which are known or



which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.

Sec. 12. 1. Except as otherwise provided in subsection 2 and section 12.5 of this act, any person who knows or has reasonable cause to believe that a child is a commercially sexually exploited child may report the commercial sexual exploitation of the child to an agency which provides child welfare services.

2. Except as otherwise provided in section 12.5 of this act, any person who is required to make a report pursuant to NRS 432B.220 and who, in his or her professional capacity, knows or has reasonable cause to believe that a child is a commercially sexually exploited child shall:

(a) Report the commercial sexual exploitation of the child to an agency which provides child welfare services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child is a commercially sexually exploited child.

3. If an alleged perpetrator of the commercial sexual exploitation of a child is or is alleged to be present with the child, or if the child is otherwise in imminent danger, any person who knows or has reasonable cause to believe that a child is a commercially sexually exploited child, including, without limitation, a person who is required to make a report pursuant to NRS 432B.220 shall immediately contact a law enforcement agency to report the commercial sexual exploitation of the child. Failure to make such a report is a misdemeanor.

4. Any person who knowingly and willfully violates the provisions of subsection 2 is guilty of:

(a) For the first violation, a misdemeanor.

(b) For each subsequent violation, a gross misdemeanor.

Sec. 12.5. 1. An attorney shall not make a report of the commercial sexual exploitation of a child if such reporting conflicts with the ethical duties of attorneys as set forth in the Nevada Rules of Professional Conduct.

2. Nothing in this section shall be construed as relieving an attorney from the duty to report the commercial sexual exploitation of a child pursuant to section 12 of this act:

(a) To the extent the attorney reasonably believes necessary to prevent the further sex trafficking or sexual abuse of the child; or

(b) In any other circumstance for which such a report is authorized by the Nevada Rules of Professional Conduct.



Sec. 13. 1. Upon the receipt of a report pursuant to section 12 of this act, an agency which provides child welfare services:

(a) Shall conduct an initial screening to determine whether there is reasonable cause to believe that the child is a victim of commercial sexual exploitation;

(b) Shall make a report to the appropriate law enforcement agency for the purpose of identifying the perpetrator of the commercial sexual exploitation;

(c) If the child resides in another jurisdiction, may initiate contact with an agency which provides child welfare services in the jurisdiction in which the child resides to provide notification of the circumstances surrounding the child's removal from the jurisdiction or placement in another location; and

(d) May conduct an assessment pursuant to chapter 432B of NRS.

2. If an agency which provides child welfare services conducts an assessment pursuant to chapter 432B of NRS and no abuse or neglect of a child is identified, the agency may:

(a) Conduct an assessment of the family of the child to determine which services, if any, the family needs or refer the family to a person or an organization that has entered into a written agreement with the agency to make such an assessment; and

(b) If appropriate, provide to the child and his or her family counseling, training or other services relating to commercial sexual exploitation or refer the child and his or her family to a person or an organization that has entered into an agreement with the agency to provide those services.

3. If an agency which provides child welfare services has entered into an agreement with a person or an organization to provide services to a child or his or her family and the person or organization will provide such services pursuant to subsection 2, the agency shall require the person or organization to notify the agency if:

(a) The child or his or her family refuses or fails to participate in such services; or

(b) The person or organization determines that there is a serious risk to the health or safety of the child.

4. As used in this section, "abuse or neglect of a child" has the meaning ascribed to it in NRS 432B.020.

Sec. 14. 1. Except as otherwise provided in NRS 239.0115 and 439.538 and except as otherwise authorized or required pursuant to section 15 of this act, information maintained by an



agency which provides child welfare services, including, without limitation, reports and assessments made pursuant to this chapter, is confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases or disseminates such information, except:

(a) Pursuant to a criminal prosecution relating to the commercial sexual exploitation of a child;

(b) As otherwise authorized or required pursuant to section 15 of this act; or

(c) As otherwise authorized or required pursuant to NRS 439.538,

↪ is guilty of a misdemeanor.

Sec. 15. 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Except as otherwise provided in this section, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe is a commercially sexually exploited child;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe is a commercially sexually exploited child and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the commercial sexual exploitation of a child;

(e) A court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;



(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(g) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(h) Except as otherwise provided in subsection 4, a federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from commercial sexual exploitation;

(i) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(j) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, if the identity of the person responsible for reporting the commercial sexual exploitation of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

(k) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons; or

(l) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency.

3. Before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports that a child is a commercially sexually exploited child and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged commercial sexual exploitation of a child or the life or safety of any person.

4. An agency which provides child welfare services shall not provide information maintained by the agency which provides child welfare services to a juvenile court only to facilitate a



determination by the court related to the adjudication of a child who is accused of:

(a) Sex trafficking a child in violation of NRS 201.300; or

(b) Facilitating sex trafficking of a child in violation of NRS 201.301.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

7. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

8. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to a district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings against any person alleged to be the perpetrator of the commercial sexual exploitation of a child.

9. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

10. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

11. As used in this section, "parent" has the meaning ascribed to it in NRS 432B.080.

Sec. 16. NRS 202.894 is hereby amended to read as follows:

202.894 If a person reports to a law enforcement agency that another person has committed a violent or sexual offense against a child, whether or not the person is required to make such a report



pursuant to NRS 202.882, and the violent or sexual offense against the child would constitute abuse or neglect of a child, as defined in NRS 432B.020, *or the commercial sexual exploitation, as defined in section 6 of this act, of a child*, the report made by the person shall be deemed to be a report of the abuse or neglect of the child that has been made pursuant to NRS 432B.220 *or a report of the commercial sexual exploitation of a child that has been made pursuant to section 12 of this act, as applicable*, and:

1. The appropriate agencies shall act upon the report pursuant to chapter 432B of NRS ~~H~~ *or sections 2 to 15, inclusive, of this act, as applicable*; and

2. The report may be used in the same manner as other reports that are made pursuant to NRS 432B.220 ~~H~~ *or section 12 of this act*.

Sec. 17. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,



338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,



692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and sections 14 and 15 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 18. NRS 629.550 is hereby amended to read as follows:

629.550 1. If a patient communicates to a mental health professional an explicit threat of imminent serious physical harm or death to a clearly identified or identifiable person and, in the



judgment of the mental health professional, the patient has the intent and ability to carry out the threat, the mental health professional shall apply for the emergency admission of the patient to a mental health facility pursuant to NRS 433A.160 or make a reasonable effort to communicate the threat in a timely manner to:

- (a) The person who is the subject of the threat;
- (b) The law enforcement agency with the closest physical location to the residence of the person; and
- (c) If the person is a minor, the parent or guardian of the person.

2. A mental health professional shall be deemed to have made a reasonable effort to communicate a threat pursuant to subsection 1 if:

(a) The mental health professional actually communicates the threat in a timely manner; or

(b) The mental health professional makes a good faith attempt to communicate the threat in a timely manner and the failure to actually communicate the threat in a timely manner does not result from the negligence or recklessness of the mental health professional.

3. A mental health professional who exercises reasonable care in determining that he or she:

(a) Has a duty to take an action described in subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information.

(b) Does not have a duty to take an action described in subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any damages caused by the actions of a patient.

4. The provisions of this section do not:

(a) Limit or affect the duty of the mental health professional to report child abuse or neglect pursuant to NRS 432B.220 ~~to~~ **or the commercial sexual exploitation of a child pursuant to section 12 of this act;** or

(b) Modify any duty of a mental health professional to take precautions to prevent harm by a patient:

(1) Who is in the custody of a hospital or other facility where the mental health professional is employed; or

(2) Who is being discharged from such a facility.

5. As used in this section, "mental health professional" includes:

(a) A physician or psychiatrist licensed to practice medicine in this State pursuant to chapter 630 or 633 of NRS;



(b) A psychologist who is licensed to practice psychology pursuant to chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;

(c) A social worker who:

(1) Holds a master's degree in social work;

(2) Is licensed as a clinical social worker pursuant to chapter 641B of NRS; and

(3) Is employed by the Division of Public and Behavioral Health of the Department of Health and Human Services;

(d) A registered nurse who:

(1) Is licensed to practice professional nursing pursuant to chapter 632 of NRS; and

(2) Holds a master's degree in psychiatric nursing or a related field;

(e) A marriage and family therapist licensed pursuant to chapter 641A of NRS;

(f) A clinical professional counselor licensed pursuant to chapter 641A of NRS; and

(g) A person who is working in this State within the scope of his or her employment by the Federal Government, including, without limitation, employment with the Department of Veterans Affairs, the military or the Indian Health Service, and is:

(1) Licensed or certified as a physician, psychologist, marriage and family therapist, clinical professional counselor, alcohol and drug abuse counselor or clinical alcohol and drug abuse counselor in another state;

(2) Licensed as a social worker in another state and holds a master's degree in social work; or

(3) Licensed to practice professional nursing in another state and holds a master's degree in psychiatric nursing or a related field.

Sec. 19. NRS 640B.700 is hereby amended to read as follows:

640B.700 1. The Board may refuse to issue a license to an applicant or may take disciplinary action against a licensee if, after notice and a hearing as required by law, the Board determines that the applicant or licensee:

(a) Has submitted false or misleading information to the Board or any agency of this State, any other state, the Federal Government or the District of Columbia;

(b) Has violated any provision of this chapter or any regulation adopted pursuant thereto;

(c) Has been convicted of a felony, a crime relating to a controlled substance or a crime involving moral turpitude;



- (d) Is addicted to alcohol or any controlled substance;
 - (e) Has violated the provisions of NRS 200.5093, 200.50935 or 432B.220 ~~or~~ **or section 12 of this act;**
 - (f) Is guilty of gross negligence in his or her practice as an athletic trainer;
 - (g) Is not competent to engage in the practice of athletic training;
 - (h) Has failed to provide information requested by the Board within 60 days after receiving the request;
 - (i) Has engaged in unethical or unprofessional conduct as it relates to the practice of athletic training;
 - (j) Has been disciplined in another state, a territory or possession of the United States, or the District of Columbia for conduct that would be a violation of the provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this State;
 - (k) Has solicited or received compensation for services that he or she did not provide;
 - (l) If the licensee is on probation, has violated the terms of the probation;
 - (m) Has terminated professional services to a client in a manner that detrimentally affected that client; or
 - (n) Has operated a medical facility, as defined in NRS 449.0151, at any time during which:
 - (1) The license of the facility was suspended or revoked; or
 - (2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.
- ➡ This paragraph applies to an owner or other principal responsible for the operation of the facility.
2. The Board may, if it determines that an applicant for a license or a licensee has committed any of the acts set forth in subsection 1, after notice and a hearing as required by law:
- (a) Refuse to issue a license to the applicant;
 - (b) Refuse to renew or restore the license of the licensee;
 - (c) Suspend or revoke the license of the licensee;
 - (d) Place the licensee on probation;
 - (e) Impose an administrative fine of not more than \$5,000;
 - (f) Require the applicant or licensee to pay the costs incurred by the Board to conduct the investigation and hearing; or
 - (g) Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.
3. The Board shall not issue a private reprimand to a licensee.



4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

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