

SENATE BILL NO. 146—SENATOR OHRENSCHALL

FEBRUARY 25, 2021

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Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to mental health services for children. (BDR 39-870)

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.

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AN ACT relating to mental health; requiring certain psychiatric facilities to consult with the treating psychiatrist of a child with an emotional disturbance who is living outside his or her home under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes a child to be taken into protective custody and placed outside of his or her home to protect the child from abuse, neglect or abandonment and in certain other circumstances. (NRS 432B.325-432B.400, 432B.410-432B.5908) Existing law designates certain facilities of the Division of Child and Family Services of the Department of Health and Human Services to provide services for the mental health of children. (NRS 433B.110) Existing law authorizes such a facility to treat a child with an emotional disturbance who is a resident of this State if: (1) the child is committed by court order; or (2) the child's parent, parents or legal guardian makes application for treatment for the child. (NRS 433B.310) This bill requires the administrative officer or staff of such a facility to ask the person or entity having custody of a child with an emotional disturbance who has been placed outside his or her home for protective purposes if the child has a treating psychiatrist before admitting the child for inpatient care. If the child has a treating psychiatrist, this bill requires the administrative officer or staff of the facility to consult with the treating psychiatrist. This bill prohibits the admission of the child for inpatient care against the recommendation of the child's treating psychiatrist unless avoiding admission is not practicable. If the child is admitted, this bill further requires the administrative officer or staff of the facility to: (1) ask the child if he or she wishes for the facility to consult with the treating psychiatrist on an ongoing basis concerning treatment of the child; and (2) ensure that such consultation occurs if requested by the child.



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

**Section 1.** Chapter 433B of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Before admitting a child with an emotional disturbance who has been taken into protective custody or otherwise placed outside his or her home pursuant to chapter 432B of NRS to a treatment facility or other division facility for inpatient care, the administrative officer or the staff of the administrative officer must ask the person or entity having custody of the child if the child has a treating psychiatrist. If the child has a treating psychiatrist, the administrator or the staff of the administrator must attempt to contact the treating psychiatrist.*

*2. If the administrative officer of a treatment facility or other division facility or the staff of the administrative officer is able to contact the treating psychiatrist pursuant to subsection 1, the administrative officer or staff:*

*(a) Must consult with the treating psychiatrist concerning the admission of the child; and*

*(b) To the extent practicable, must not admit the child for inpatient care if the treating psychiatrist determines that such admission is not necessary.*

*3. If a child is admitted to a treatment facility or other division facility for inpatient care after consulting with the treating psychiatrist pursuant to subsection 2, the administrative officer of the facility or the staff of the administrative officer must:*

*(a) Ask the child if he or she wishes for the facility to consult with the treating psychiatrist on an ongoing basis concerning treatment of the child; and*

*(b) If the child states that he or she wishes for the facility to consult with the treating psychiatrist on an ongoing basis, ensure that such consultation occurs.*

*4. As used in this section, "treating psychiatrist" means, with respect to any child, a psychiatrist who regularly provides treatment to the child.*

**Sec. 2.** This act becomes effective upon passage and approval.

