

SENATE BILL NO. 146—SENATOR OHRENSCHALL

FEBRUARY 25, 2021

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.

AN ACT relating to mental health; requiring certain psychiatric facilities to consult with the treating provider of health care of a child with an emotional disturbance who is subject to the jurisdiction of a juvenile court 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) This bill requires the administrative officer or staff of a public or private inpatient psychiatric treatment facility to ask the person or entity having legal custody of a child with an emotional disturbance who is subject to the jurisdiction of a juvenile court for reasons relating to the protection of the child from abuse or neglect if the child has a treating provider of healthcare when admitting the child. If the child has a treating provider of health care, this bill requires the administrative officer or staff of the facility to make a reasonable effort to consult with the treating provider of health care concerning the care to be provided to the child. If the child is admitted, this bill further requires the administrative officer or staff of the facility to: (1) ask the legal custodian of the child for consent and make a reasonable attempt to obtain consent from the child to allow the facility to coordinate the care of the child with the treating provider of health care on an ongoing basis; and (2) make a reasonable attempt to coordinate with all treating providers of health care of the child concerning a plan to discharge the child from the facility.



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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. When admitting a child with an emotional disturbance who is subject to the jurisdiction of a juvenile court pursuant to chapter 432B of NRS to a public or private inpatient psychiatric treatment facility, the administrative officer of the facility or the staff of the administrative officer shall ask the person or entity having legal custody of the child if the child has a treating provider of health care. If the child has a treating provider of health care, the administrative officer or the staff of the administrative officer must make a reasonable effort to contact the treating provider of health care.

2. If the administrative officer of a public or private inpatient psychiatric treatment facility or the staff of the administrative officer is able to contact the treating provider of health care pursuant to subsection 1, the administrative officer or staff must make a reasonable effort to consult with and consider any input from the treating provider of health care concerning the care to be provided to the child, including, without limitation, the admission of the child.

3. If a child is admitted to a public or private inpatient psychiatric treatment facility, the administrative officer of the facility or the staff of the administrative officer must:

(a) Ask the person or entity having legal custody of the child for consent and make a reasonable attempt to obtain the consent of the child to allow the facility to coordinate the care of the child with the treating provider of health care on an ongoing basis; and

(b) Make a reasonable attempt to coordinate with all treating providers of health care of the child concerning a plan to discharge the child from the facility.

4. Failure of a person or entity having legal custody of a child or a child to provide consent pursuant to paragraph (a) of subsection 3 must not prevent a facility from coordinating the care of the child with the treating provider of health care of the child on an ongoing basis when necessary to protect or improve the health or welfare of the child.

5. As used in this section, "treating provider of health care" means, with respect to any child, a physician, a physician assistant who practices under the supervision of a psychiatrist, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to



1 *NRS 632.120 or a psychologist who regularly provides mental or*
2 *behavioral health treatment to the child.*

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

