SUMMARY—Revises provisions relating to certain evaluations of delinquent children. (BDR 5-408)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

Effect on the State Highway Fund: No.

AN ACT relating to juvenile justice; authorizing licensed clinical social workers to conduct certain evaluations relating to alcohol or controlled substance use; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the juvenile court to order a delinquent child to undergo an evaluation to determine whether the child has an alcohol or substance use disorder if the child committed certain unlawful acts involving alcohol or a controlled substance. Unless the nearest location at which such an evaluation may be conducted is in another state, existing law requires the evaluation to be conducted in this State by: (1) a clinical alcohol and drug counselor who is licensed, an alcohol and drug counselor who is licensed or certified, or an alcohol and drug counselor intern or a clinical alcohol and drug counselor intern who is certified, under existing law, to make that classification; or (2) a physician who is certified to make that classification by the Board of Medical Examiners. (NRS 62E.620)

This bill adds a licensed clinical social worker to the list of persons who may conduct such an evaluation.

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

Section 1. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child has an alcohol or substance use disorder if the child committed:

(a) An unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430;

(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or

(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. Except as otherwise provided in subsection 3, an evaluation of the child must be conducted by:

(a) A clinical alcohol and drug counselor who is licensed, an alcohol and drug counselor who is licensed or certified, or an alcohol and drug counselor intern or a clinical alcohol and drug counselor intern who is certified, pursuant to chapter 641C of NRS, to make that classification; ~~[or]~~

(b) A physician who is certified to make that classification by the Board of Medical Examiners ~~[.]~~ ***; or***

(c) A clinical social worker who is licensed pursuant to chapter 641B of NRS.

3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:

(a) Possesses qualifications that are substantially similar to the qualifications described in subsection 2;

(b) Holds an appropriate license, certificate or credential issued by a regulatory agency in the other state; and

(c) Is in good standing with the regulatory agency in the other state.

4. The evaluation of the child may be conducted at an evaluation center.

5. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

6. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment provider to submit monthly reports on the treatment of the child pursuant to this section.

7. Except as otherwise provided in this subsection, the juvenile court shall not order the child or the parent or guardian of the child to pay any charges relating to the evaluation and treatment of the child pursuant to this section. The juvenile court shall:

(a) To the extent possible, arrange for the child to receive such evaluation and treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such evaluation and treatment.

(b) Arrange for the billing of any available public or private medical insurance to pay for such evaluation and treatment.

(c) Not order the parent or guardian of the child to pay the costs for such evaluation and treatment unless the child receives such evaluation and treatment from a provider that is not approved or the child seeks additional evaluation or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such evaluation and treatment.

8. After a treatment provider has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment provider is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle, a power-driven vessel or a sailing vessel under way while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct.

9. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Division of Public and Behavioral Health of the Department of Human Services. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

10. Except as otherwise provided in NRS 239.0115, all information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

(a) The juvenile court;

(b) The child;

(c) The attorney for the child, if any;

(d) The parents or guardian of the child;

(e) The district attorney; and

(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

11. A record of any finding that a child has violated the provisions of NRS 484C.110, 484C.120, 484C.130 or 484C.430 must be included in the driver's record of that child for 7 years after the date of the offense.