

CHAPTER.....

AN ACT relating to public welfare; repealing, reenacting, reorganizing and revising certain provisions relating to the Welfare Division, the Division of Health Care Financing and Policy and the Division of Child and Family Services of the Department of Human Resources; revising certain provisions relating to property tax assistance for senior citizens; revising certain provisions relating to the Chief Research and Statistical Analyst of the Health Division of the Department of Human Resources; providing that the Director of the Department or his designee is responsible for appointing and removing certain employees of the Department; repealing certain provisions which require the Department of Employment, Training and Rehabilitation to employ job development coordinators to promote employment for persons who receive public assistance; repealing certain provisions concerning community service block grants; transferring certain duties of the Health Division of the Department of Human Resources concerning services for the abuse of alcohol or drugs to the Division of Mental Health and Developmental Services of the Department; requiring the Department of Human Resources to prepare and submit certain plans concerning such transfer to the Governor and the Legislative Committee on Health Care; requiring the Legislative Committee on Health Care to conduct an interim study concerning the organizational and delivery structure of services for the treatment and prevention of substance abuse in this State; changing the name of the Department of Human Resources to the Department of Health and Human Services; changing the name of the Welfare Division of the Department of Human Resources to the Division of Welfare and Supportive Services of the Department of Health and Human Services; reenacting certain penalties; and providing other matters properly relating thereto.

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 97, 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 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Administrator” means the Administrator of the Division.*

Sec. 4. *“Board” means the State Board of Welfare and Supportive Services.*

Sec. 5. *“Children’s Health Insurance Program” means the program established pursuant to 42 U.S.C. §§ 1397aa to 1397jj, inclusive, to provide health insurance for uninsured children from low-income families in this State.*

Sec. 6. *“Department” means the Department of Health and Human Services.*

Sec. 7. *“Director” means the Director of the Department.*

Sec. 8. *“Division” means the Division of Welfare and Supportive Services of the Department.*

Sec. 9. *“Division of Health Care Financing and Policy” means the Division of Health Care Financing and Policy of the Department.*

Sec. 10. *“Food Stamp Assistance” means the program established to provide persons of low income with an opportunity to obtain a more nutritious diet through the issuance of coupons pursuant to the Food Stamp Act of 1977, 7 U.S.C. §§ 2011 et seq., as amended.*

Sec. 11. *“Low-Income Home Energy Assistance” means the program established to assist persons of low income to meet the costs of heating and cooling their homes pursuant to the Low-Income Home Energy Assistance Act of 1981, 42 U.S.C. §§ 8621 et seq., as amended.*

Sec. 12. *“Medicaid” has the meaning ascribed to it in NRS 439B.120.*

Sec. 13. *“Program for Child Care and Development” means the program established to provide assistance for the care and development of children pursuant to 42 U.S.C. §§ 9858 et seq.*

Sec. 14. *“Program for the Enforcement of Child Support” means the program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and other provisions of that act relating to the enforcement of child support.*

Sec. 15. 1. *“Public assistance” includes:*

- (a) State Supplemental Assistance;*
- (b) Temporary Assistance for Needy Families;*
- (c) Medicaid;*
- (d) Food Stamp Assistance;*
- (e) Low-Income Home Energy Assistance;*
- (f) The Program for Child Care and Development;*
- (g) Benefits provided pursuant to any other public welfare program administered by the Division pursuant to such additional*

federal legislation as is not inconsistent with the purposes of this chapter; and

(h) Benefits provided pursuant to any other public welfare program administered by the Division of Health Care Financing and Policy of the Department pursuant to chapter 422 of NRS.

2. The term does not include the Children's Health Insurance Program.

Sec. 16. "State Supplementary Assistance" means the program established to provide state assistance to aged or blind persons in connection with the Supplemental Security Income Program.

Sec. 17. "Supplemental Security Income Program" means the program established for aged, blind or disabled persons pursuant to Title XVI of the Social Security Act, 42 U.S.C. §§ 1381 et seq., as amended.

Sec. 18. "Temporary Assistance for Needy Families" means the program established to provide temporary assistance for needy families pursuant to Title IV of the Social Security Act, 42 U.S.C. §§ 601 et seq., and other provisions of that act relating to temporary assistance for needy families.

Sec. 19. (Deleted by amendment.)

Sec. 20. 1. Notwithstanding any other provision of state or local law, a person or governmental entity that provides a state or local public benefit:

(a) Shall comply with the provisions of 8 U.S.C. § 1621 regarding the eligibility of an alien for such a benefit.

(b) Is not required to pay any costs or other expenses relating to the provision of such a benefit after July 1, 1997, to an alien who, pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

2. Compliance with the provisions of 8 U.S.C. § 1621 must not be construed to constitute any form of discrimination, distinction or restriction made, or any other action taken, on the basis of national origin.

3. As used in this section, "state or local public benefit" has the meaning ascribed to it in 8 U.S.C. § 1621.

Sec. 21. The State Board of Welfare and Supportive Services, consisting of seven members appointed by the Governor, is hereby created within the Division.

Sec. 22. 1. The Governor shall appoint members who have an interest in and a knowledge of the field of public welfare.

2. Members of the Board must be selected to give statewide representation, and not more than three members may be residents of the same county.

3. Members of the Board may be removed for failure to attend Board meetings.

Sec. 23. 1. *The members of the Board shall meet at least twice each calendar year to consider any issues related to public assistance and other programs for which the Division is responsible that may be of importance to members of the general public, the Governor or the Division, at such places as the Board, the Chairman of the Board, the Administrator or the Director deems appropriate.*

2. *Four members of the Board constitute a quorum, and a quorum may exercise all the power and authority conferred on the Board.*

3. *The Board shall:*

(a) *At least 14 days before the date it holds a meeting, provide public notice of the date, time and location of the meeting, in addition to the notice required pursuant to NRS 241.020.*

(b) *Keep minutes of all meetings of the Board, which must include records of testimony and written comments presented to the Board, and file the minutes with the Division. The minutes must be maintained as public records.*

Sec. 24. 1. *At the first meeting after the adjournment of any regular session of the Legislature, the Board shall elect from its members a Chairman and Vice Chairman. The terms of the offices of Chairman and Vice Chairman expire upon the election of a Chairman and Vice Chairman at the first meeting following the adjournment of the next regular session of the Legislature.*

2. *If a vacancy occurs in the office of Chairman, the Vice Chairman shall assume the duties of Chairman for the unexpired term. If a vacancy occurs in the office of Vice Chairman, the Board shall, at its next meeting, fill the vacancy for the unexpired term.*

3. *The Administrator shall act as the nonvoting recording Secretary.*

Sec. 25. 1. *For each day's attendance at each meeting of the Board, each member of the Board is entitled to receive a salary of not more than \$80 per day, as fixed by the Board.*

2. *While engaged in the business of the Board, each member and employee of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

Sec. 26. 1. *The Board has only those powers and duties authorized by law.*

2. *The Board shall:*

(a) *Adopt regulations for its own management and government.*

(b) *Not later than 90 days after the date it holds a meeting, advise the Legislature, if it is in regular session, the Governor, the Director and the Division, based upon any testimony, written*

comments and other matters considered at the meeting, of any recommendations of the Board for legislation or other action relating to the administration of public assistance and other programs for which the Division is responsible.

Sec. 27. The Administrator must:

- 1. Be selected on the basis of his training, experience, capacity and interest in public welfare services.*
- 2. Be a graduate in public or business administration from an accredited college or university.*
- 3. Have not less than 3 years of demonstrated successful experience in public welfare administration, with responsibility for general direction and determination of a policy of a general assistance and social service program, or any equivalent combination of training and experience.*
- 4. Possess qualities of leadership in the field of human welfare and health.*

Sec. 28. The Administrator:

- 1. Shall serve as the Executive Officer of the Division.*
- 2. Shall establish policies for the administration of the programs of the Division and shall administer all activities and services of the Division in accordance with those policies and any regulations of the Administrator, subject to administrative supervision by the Director.*
- 3. Is responsible for the management of the Division.*

Sec. 29. The Administrator shall make:

- 1. Such reports, subject to approval by the Director, as will comply with the requirements of federal legislation and this chapter.*
- 2. Reports to the Board.*
- 3. A biennial report to the Director on the condition, operation and functioning of the Division.*

Sec. 30. The Administrator:

- 1. Is responsible for and shall supervise the fiscal affairs and responsibilities of the Division, subject to administrative supervision by the Director.*
- 2. Shall present the biennial budget of the Division to the Legislature in conjunction with the Budget Division of the Department of Administration.*
- 3. Shall allocate, in the interest of efficiency and economy, the State's appropriation for the administration of each program for which the Division is responsible, subject to administrative supervision by the Director.*

Sec. 31. The Administrator:

- 1. May establish, consolidate and abolish sections within the Division.*

2. Shall organize the Division to comply with the requirements of this chapter and with the standards required by federal legislation, subject to approval by the Director.

3. Shall appoint the heads of the sections of the Division.

4. May employ such assistants and employees as may be necessary for the efficient operation of the Division.

5. Shall set standards of service.

Sec. 32. 1. The Administrator or his designated representative may administer oaths and take testimony thereunder and issue subpoenas requiring the attendance of witnesses before the Division at a designated time and place and the production of books, papers and records relative to eligibility or continued eligibility for public assistance.

2. The Director or his designated representative may administer oaths and take testimony thereunder and issue subpoenas requiring the attendance of witnesses before the Department at a designated time and place and the production of books, papers and records relative to verification of treatment and payments to a provider of medical care, remedial care or other services pursuant to the State Plan for Medicaid.

3. If a witness fails to appear or refuses to give testimony or to produce books, papers and records as required by a subpoena issued pursuant to this section, the district court of the county in which the investigation is being conducted may compel the attendance of the witness, the giving of testimony and the production of books, papers and records as required by the subpoena.

Sec. 33. The Administrator may adopt such regulations as are necessary for the administration of this chapter and any program of the Division.

Sec. 34. 1. Before adopting, amending or repealing any regulation for the administration of a program of public assistance or any other program for which the Division is responsible, the Administrator must give at least 30 days' notice of his intended action.

2. The notice of intent to act upon a regulation must:

(a) Include a statement of the need for and purpose of the proposed regulation, and either the terms or substance of the proposed regulation or a description of the subjects and issues involved, and of the time when, the place where and the manner in which, interested persons may present their views thereon.

(b) Include a statement identifying the entities that may be financially affected by the proposed regulation and the potential financial impact, if any, upon local government.

(c) State each address at which the text of the proposed regulation may be inspected and copied.

(d) *Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the Administrator for that purpose.*

3. *All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing. The Administrator shall consider fully all oral and written submissions relating to the proposed regulation.*

4. *The Administrator shall keep, retain and make available for public inspection written minutes of each public hearing held pursuant to this section in the manner provided in subsections 1 and 2 of NRS 241.035.*

5. *The Administrator may record each public hearing held pursuant to this section and make those recordings available for public inspection in the manner provided in subsection 4 of NRS 241.035.*

6. *No objection to any regulation on the ground of noncompliance with the procedural requirements of this section may be made more than 2 years after its effective date.*

Sec. 35. *The Administrator shall:*

1. *Supply the Director with material on which to base proposed legislation.*

2. *Cooperate with the Federal Government and state governments for the more effective attainment of the purposes of this chapter.*

3. *Coordinate the activities of the Division with other agencies, both public and private, with related or similar activities.*

4. *Keep a complete and accurate record of all proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents pertaining to his office.*

5. *Inform the public in regard to the activities and operation of the Division, and provide other information which will acquaint the public with problems relating to welfare.*

6. *Conduct studies into the causes of the social problems with which the Division is concerned.*

7. *Provide leadership in the community in order that all welfare activities are pointed toward the single goal of improving the public welfare.*

8. *Invoke any legal, equitable or special procedures for the enforcement of his orders or the enforcement of the provisions of this chapter.*

9. *Exercise any other powers that are necessary and proper for the standardization of state work, to expedite business, to ensure fair consideration of applications for aid and to promote the efficiency of the service provided by the Division.*

Sec. 36. *The Administrator and the Division shall administer the provisions of this chapter, subject to administrative supervision by the Director.*

Sec. 37. *1. Any gifts or grants of money which the Division is authorized to accept must be deposited in the State Treasury to the credit of the Division of Welfare and Supportive Services' Gift and Cooperative Account in the Department of Health and Human Services' Gift Fund.*

2. Money in the Account must be used for welfare purposes only and expended in accordance with the terms of the gift or grant.

3. All claims must be approved by the Administrator before they are paid.

Sec. 38. *1. Money to carry out the provisions of this chapter, including, without limitation, any federal money allotted to the State of Nevada pursuant to the program to provide Temporary Assistance for Needy Families and the Program for Child Care and Development, must be provided by appropriation by the Legislature from the State General Fund.*

2. Disbursements for the purposes of this chapter must be made upon claims duly filed and allowed in the same manner as other money in the State Treasury is disbursed.

Sec. 39. *Any federal money allotted to the State of Nevada for public assistance programs and other programs for which the Division is responsible and such other money as may be received by the State for such purposes must, except as otherwise provided in NRS 425.363, be deposited in the appropriate accounts of the Division in the State General Fund.*

Sec. 40. *1. The State of Nevada assents to the purposes of the Act of Congress of the United States entitled the "Social Security Act," approved August 14, 1935, and assents to such additional federal legislation as is not inconsistent with the purposes of this chapter and NRS 432.010 to 432.085, inclusive, and sections 154 to 163.8, inclusive, of this act.*

2. The State of Nevada further accepts, with the approval of the Governor, the appropriations of money by Congress in pursuance of the Social Security Act and authorizes the receipt of such money into the State Treasury for the use of the Department in accordance with this chapter, NRS 432.010 to 432.085, inclusive, sections 154 to 163.8, inclusive, of this act and the conditions imposed by the Social Security Act.

3. The State of Nevada may accept, with the approval of the Governor, any additional funds which may become or are made available for extension of programs and services administered by the Department under the provisions of the Social Security Act. Such money must be deposited in the State Treasury for the use of

the Department in accordance with this chapter, NRS 432.010 to 432.085, inclusive, sections 154 to 163.8, inclusive, of this act and the conditions and purposes under which granted by the Federal Government.

Sec. 41. *If Congress passes any law increasing the participation of the Federal Government in a Nevada program for public assistance, whether relating to eligibility for assistance or otherwise:*

1. The Director may accept, with the approval of the Governor, the increased benefits of such congressional legislation; and

2. The Administrator may adopt any regulations required by the Federal Government as a condition of acceptance.

Sec. 42. *The Director shall have the power to sign and execute, in the name of the State, by "The Department of Health and Human Services," any contract or agreement with the Federal Government or its agencies.*

Sec. 43. *The Department shall:*

1. Administer all public welfare programs of this State, including:

- (a) State Supplementary Assistance;*
- (b) Temporary Assistance for Needy Families;*
- (c) Medicaid;*
- (d) Food Stamp Assistance;*
- (e) Low-Income Home Energy Assistance;*
- (f) The Program for Child Care and Development;*
- (g) The Program for the Enforcement of Child Support;*
- (h) The Children's Health Insurance Program; and*
- (i) Other welfare activities and services provided for by the laws of this State.*

2. Act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the State of Nevada to aid in the furtherance of any of the services and activities set forth in subsection 1.

3. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of welfare programs, and in increasing the efficiency of welfare programs by prompt and judicious use of new federal grants which will assist the Department in carrying out the provisions of this chapter.

4. Observe and study the changing nature and extent of welfare needs and develop through tests and demonstrations effective ways of meeting those needs and employ or contract for personnel and services supported by legislative appropriations

from the State General Fund or money from federal or other sources.

5. Enter into reciprocal agreements with other states relative to public assistance, welfare services and institutional care, when deemed necessary or convenient by the Director.

6. Make such agreements with the Federal Government as may be necessary to carry out the Supplemental Security Income Program.

Sec. 44. 1. The Director shall adopt each state plan required by the Federal Government, either directly or as a condition to the receipt of federal money, for the administration of any public assistance or other program for which the Division is responsible. Such a plan must set forth, regarding the particular program to which the plan applies:

- (a) The requirements for eligibility;*
- (b) The nature and amounts of grants and other assistance which may be provided;*
- (c) The conditions imposed; and*
- (d) Such other provisions relating to the development and administration of the program as the Director deems necessary.*

2. In developing and revising such a plan, the Director shall consider, among other things:

- (a) The amount of money available from the Federal Government;*
- (b) The conditions attached to the acceptance of that money; and*
- (c) The limitations of legislative appropriations and authorizations,*

↳ for the particular program to which the plan applies.

3. The Division shall make available to members of the general public a summary of the State Plan for Temporary Assistance for Needy Families established pursuant to this section.

4. The Division shall comply with each state plan adopted pursuant to this section.

Sec. 45. 1. The Department shall provide public assistance pursuant to:

- (a) The program established to provide Temporary Assistance for Needy Families;*
- (b) Medicaid; or*
- (c) Any program for which a grant has been provided to this State pursuant to 42 U.S.C. §§ 1397 et seq.,*

↳ to a qualified alien who complies with the requirements established by the Department pursuant to federal law and this chapter for the receipt of benefits pursuant to that program.

2. As used in this section, "qualified alien" has the meaning ascribed to it in 8 U.S.C. § 1641.

Sec. 46. *The Attorney General and his deputies are the legal advisers for the Division.*

Sec. 47. *1. Subject to the provisions of subsection 2, if an application for public assistance or claim for services is not acted upon by the Department within a reasonable time after the filing of the application or claim for services, or is denied in whole or in part, or if any grant of public assistance or claim for services is reduced, suspended or terminated, the applicant for or recipient of public assistance or services may appeal to the Department and may be represented in the appeal by counsel or by another representative of his choice.*

2. Upon the initial decision to deny, reduce, suspend or terminate public assistance or services, the Department shall notify that applicant or recipient of its decision, the regulations involved and his right to request a hearing within a certain period. If a request for a hearing is received within that period, the Department shall notify that person of the time, place and nature of the hearing. The Department shall provide an opportunity for a hearing of that appeal and shall review his case regarding all matters alleged in that appeal.

3. The Department is not required to grant a hearing pursuant to this section if the request for the hearing is based solely upon the provisions of a federal law or a law of this State that requires an automatic adjustment to the amount of public assistance or services that may be received by an applicant or recipient.

Sec. 48. *1. At any hearing held pursuant to the provisions of subsection 2 of section 47 of this act, opportunity must be afforded all parties to respond and present evidence and argument on all issues involved.*

2. Unless precluded by law, informal disposition may be made of any hearing by stipulation, agreed settlement, consent order or default.

3. The record of a hearing must include:

(a) All pleadings, motions and intermediate rulings.

(b) Evidence received or considered.

(c) Questions and offers of proof and objections, and rulings thereon.

(d) Any decision, opinion or report by the hearing officer presiding at the hearing.

4. Oral proceedings, or any part thereof, must be transcribed on request of any party seeking judicial review of the decision.

5. Findings of fact must be based exclusively on substantial evidence.

6. Any employee or other representative of the Department who investigated or made the initial decision to deny, modify or

cancel a grant of public assistance or services shall not participate in the making of any decision made pursuant to the hearing.

Sec. 49. *In any hearing held pursuant to the provisions of subsection 2 of section 47 of this act:*

1. Irrelevant, immaterial or unduly repetitious evidence must be excluded. Unless it is privileged pursuant to chapter 49 of NRS, evidence, including, without limitation, hearsay, may be admitted if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs. Objections to evidentiary offers may be made. Subject to the requirements of this subsection, if a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

2. Documentary evidence may be received in the form of copies or excerpts. Upon request, parties must be given an opportunity to compare the copy with the original.

3. Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues whether or not the matter was covered in the direct examination, impeach any witness, regardless of which party first called him to testify, and rebut the evidence against him.

Sec. 50. *Any person who is:*

1. The subject of a hearing conducted under the authority of the Division; or

*2. A witness at that hearing,
↪ and who is a person with a disability as defined in NRS 50.050, is entitled to the services of an interpreter at public expense, subject to the provisions of NRS 50.052 and 50.053. The interpreter must be qualified to engage in the practice of interpreting in this State pursuant to subsection 2 of NRS 656A.100 and must be appointed by the person who presides at the hearing.*

Sec. 51. *1. A decision or order issued by a hearing officer must be in writing. A final decision must include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory or regulatory language, must be accompanied by a concise and explicit statement of the underlying facts supporting the findings. A copy of the decision or order must be delivered by certified mail to each party and to his attorney or other representative.*

2. The Department or an applicant for or recipient of public assistance or services may, at any time within 90 days after the date on which the written notice of the decision is mailed, petition the district court of the judicial district in which the applicant for or recipient of public assistance or services resides to review the decision. The district court shall review the decision on the record

of the case before the hearing officer. The decision and record must be certified as correct and filed with the clerk of the court by the Department.

Sec. 52. *1. Before the date set by the court for hearing, an application may be made to the court by motion, with notice to the opposing party and an opportunity for that party to respond, for leave to present additional evidence. If it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the Department, the court may order that the additional evidence be taken before the Department upon conditions determined by the court. The Department may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings or decisions with the reviewing court.*

2. The review must be conducted by the court without a jury and must be confined to the record. In cases of alleged irregularities in procedure before the Department, not shown in the record, proof thereon may be taken in the court. The court, at the request of either party, shall hear oral argument and receive written briefs.

3. The court shall not substitute its judgment for that of the Department as to the weight of the evidence on questions of fact. The court may affirm the decision of the Department or remand the case for further proceedings. The court may reverse the decision and remand the case to the Department for further proceedings if substantial rights of the appellant have been prejudiced because the Department's findings, inferences, conclusions or decisions are:

(a) In violation of constitutional, regulatory or statutory provisions;

(b) In excess of the statutory authority of the Department;

(c) Made upon unlawful procedure;

(d) Affected by other error of law;

(e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

4. An aggrieved party may obtain review of any final judgment of the district court by appeal to the Supreme Court. The appeal must be taken in the manner provided for civil cases.

Sec. 53. *To ensure accuracy, uniformity and completeness in statistics and information, the Division may prescribe forms of reports and records to be kept by all persons, associations or institutions, subject to its supervision or investigation, and each*

such person, association or institution shall keep such records and render such reports in the form so prescribed.

Sec. 54. *As a part of the health and welfare programs of this State, the Division may:*

1. Conduct a family planning service, or contract for the provision of a family planning service, in any county of the State. Such service may include the dispensing of information and the distribution of literature on birth control and family planning methods.

2. Establish a policy of referral of welfare recipients for birth control.

Sec. 55. *1. As part of the health and welfare programs of this State, the Division or any other division designated by the Director may provide prenatal care to pregnant women who are indigent, or may contract for the provision of that care, at public or nonprofit hospitals in this State.*

2. The Division or any other division designated by the Director shall provide to each person licensed to engage in social work pursuant to chapter 641B of NRS, each applicant for Medicaid and any other interested person, information concerning the prenatal care available pursuant to this section.

3. The Division or any other division designated by the Department shall adopt regulations setting forth criteria of eligibility and rates of payment for prenatal care provided pursuant to the provisions of this section, and such other provisions relating to the development and administration of the Program for Prenatal Care as the Director or the Administrator, as applicable, deems necessary.

Sec. 56. *1. To restrict the use or disclosure of any information concerning applicants for and recipients of public assistance or assistance pursuant to the Children's Health Insurance Program to purposes directly connected to the administration of this chapter, and to provide safeguards therefor, under the applicable provisions of the Social Security Act, the Division shall establish and enforce reasonable regulations governing the custody, use and preservation of any records, files and communications filed with the Division.*

2. If, pursuant to a specific statute or a regulation of the Division, names and addresses of, or information concerning, applicants for and recipients of assistance, including, without limitation, assistance pursuant to the Children's Health Insurance Program, are furnished to or held by any other agency or department of government, such agency or department of government is bound by the regulations of the department prohibiting the publication of lists and records thereof or their use

for purposes not directly connected with the administration of this chapter.

3. Except for purposes directly connected with the administration of this chapter, no person may publish, disclose or use, or permit or cause to be published, disclosed or used, any confidential information pertaining to a recipient of assistance, including, without limitation, a recipient of assistance pursuant to the Children's Health Insurance Program, under the provisions of this chapter.

Sec. 57. Assistance awarded pursuant to the provisions of this chapter is not transferable or assignable at law or in equity and none of the money paid or payable under this chapter is subject to execution, levy, attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency law.

Sec. 58. All assistance awarded pursuant to the provisions of this chapter is awarded and held subject to the provisions of any amending or repealing act that may be enacted, and no recipient has any claim for assistance or otherwise by reason of his assistance being affected in any way by an amending or repealing act.

Secs. 59-64. (Deleted by amendment.)

Sec. 65. 1. Except as otherwise provided in subsection 2, a person who has been convicted of a felony after August 22, 1996, an element of which is the possession, use or distribution of a controlled substance, is not eligible to receive any public assistance for which denial is required by 21 U.S.C. § 862a.

2. A person who has been convicted of a felony described in subsection 1 may be determined to be eligible for assistance if that person is participating in or has successfully completed a program for the treatment of the abuse of controlled substances that has been approved by the Division and:

(a) Demonstrates to the satisfaction of the Division that he has not possessed, used or distributed controlled substances since he began the program; or

(b) Is pregnant and a physician has certified in writing that the health and safety of the mother and the unborn child are dependent upon the receipt of benefits.

3. As used in this section, "controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

Sec. 66. 1. The Division shall:

(a) Periodically evaluate recipients of public assistance pursuant to this chapter to identify recipients who are victims of domestic violence.

(b) Refer a recipient who it determines is a victim of domestic violence to appropriate counseling or other supportive services available in the community in which the recipient resides.

2. *Except as otherwise provided in this subsection, the Division shall not disclose to any person other than the victim that a determination of domestic violence has been made pursuant to this section. The Division may disclose the information to the Secretary of Health and Human Services or his designee for the purposes of including that information in the Federal Parent Locator Service established pursuant to 42 U.S.C. § 653.*

Sec. 67. 1. *Except as otherwise provided in subsection 3, as a condition to the receipt of public assistance, a recipient must:*

(a) *Ensure that each dependent child for whom the recipient is receiving assistance has received the standard immunizations established for children by the regulations adopted pursuant to NRS 439.550.*

(b) *Within 6 months after the determination of his eligibility for public assistance, submit to the Division, in the manner specified in NRS 432A.230 and 432A.260 for admission to a child care facility, proof that each dependent child for whom the recipient is receiving assistance has received those standard immunizations.*

2. *The Division shall advise each recipient of the availability of those standard immunizations through clinics for the immunization of children held pursuant to NRS 439.535.*

3. *The Division shall waive the requirements of subsection 1 if the failure to immunize a dependent child is because of a religious belief or medical condition and the recipient submits to the Division a written statement of that fact in the manner specified in NRS 432A.240 or 432A.250 for admission to a child care facility.*

4. *A head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families who does not comply with the requirements of this section:*

(a) *Shall be deemed to have failed to comply with the terms of the plan for personal responsibility signed by the head of the household pursuant to section 81 of this act; and*

(b) *Is subject to the penalties prescribed by the Division pursuant to section 86 of this act for failing to comply with the terms of that plan.*

Sec. 68. 1. *As a condition to the receipt of public assistance, a recipient who has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age, must comply with the provisions of NRS 392.040 with respect to that child.*

2. *If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less*

than 7 years of age, but is less than 12 years of age, the head of the household shall take every reasonable action to ensure that the child is not at risk of failing to advance to the next grade level in school.

3. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age and:

(a) The head of the household does not comply with the provisions of NRS 392.040 with respect to that child; or

(b) That child is at risk of failing to advance to the next grade level in school,

↪ the Division shall require the head of the household to review with the Division the personal responsibility plan signed by him pursuant to section 81 of this act and revise the plan as necessary to assist the head of the household in complying with the provisions of NRS 392.040 and helping the child to improve his academic performance.

Sec. 69. *Notwithstanding any other provision of this chapter, the Division shall not, pursuant to this chapter, deny, reduce, discontinue or terminate any public assistance in violation of any requirement of federal law or condition to the receipt of federal money.*

Sec. 70. *1. Spouse for spouse and parents for minor children are liable for the support of an applicant for or recipient of public assistance.*

2. The Division shall investigate the ability of responsible relatives to contribute to the support of an applicant for or recipient of public assistance and shall determine the amount of such support for which such relative is responsible.

Sec. 71. *Written statements of information required from responsible relatives of applicants or recipients need not be under oath, but any person signing such statements who willfully states therein as true any material matter which he knows to be false is subject to all the penalties for perjury as provided by law.*

Sec. 72. *The Division shall advise the Attorney General of the failure of a responsible relative to contribute to the support of a recipient of public assistance as required by law. The Attorney General shall cause appropriate legal action to be taken to enforce such support and, in addition, may collect a reasonable fee which must be added to the costs of the action in any justice's court of the State, the expense of such fee and costs to be borne by the relative. Any fees collected by the Attorney General under the provisions of this section must be deposited in the State General Fund in the State Treasury.*

Sec. 73. *The liability of a relative to contribute to the support of a recipient of public assistance established by this chapter is not grounds for denying or discontinuing public assistance to any person, but by accepting such public assistance, the recipient thereof shall be deemed to consent to suit in his name by the county against such responsible living relative or relatives and to secure an order for his support.*

Sec. 74. *As used in sections 74 to 94, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 75 to 78, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 75. *"Benefit" means any benefit provided by the Division pursuant to the Program.*

Sec. 76. *"Head of a household" means a member of a household who receives benefits on behalf of the household and is responsible for complying with the plan for personal responsibility required by section 81 of this act and the agreement of cooperation required by section 82 of this act.*

Sec. 77. *"Household" means an association of persons who:*

- 1. Live in the same home or dwelling;*
- 2. Are related by blood, adoption or marriage; and*
- 3. Are mutually dependent on each other for the basic necessities of life.*

Sec. 78. *"Program" means the program established to provide Temporary Assistance for Needy Families.*

Sec. 79. *The Administrator:*

- 1. Shall adopt regulations for the administration of the Program;*
- 2. Shall report to the Interim Finance Committee quarterly concerning the regulations adopted by the Division for the administration of the Program;*
- 3. May contract with any state or private agency to provide any of the services of the Program; and*
- 4. May receive a grant of money from the Federal Government or any other source to defray the costs of the Program.*

Sec. 80. *1. The Division shall make an assessment of the skills, prior work experience and employability of each member of the applicant's household.*

2. The assessment required pursuant to subsection 1 must include an evaluation of whether the members of the household need additional services, including, without limitation, job training, child care, treatment for the abuse of alcohol or drugs, mental health services or any other services.

3. *The applicant must, as a condition to the receipt of those benefits, cooperate with the Division in making the assessment required pursuant to subsection 1.*

4. *If the assessment required pursuant to subsection 1 indicates that a member of the household may require mental health services, the Division shall refer that member of the household to a person professionally qualified in the field of psychiatric mental health.*

5. *As used in this section, "person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.*

Sec. 81. 1. *The Division shall, with the participation of the head of a household who is applying for benefits, establish a written plan for personal responsibility for the household. The plan for personal responsibility must be based on the assessment made pursuant to section 80 of this act and 42 U.S.C. § 608.*

2. *In addition to the requirements set forth in 42 U.S.C. § 608, the plan required pursuant to subsection 1 must:*

(a) *Identify the role of each member of the household and his obligations pursuant to the plan;*

(b) *Be signed by the head of the household within 60 days after he is determined to be eligible for benefits; and*

(c) *Specify a date, not later than 24 months after the date the plan becomes effective, upon which the plan will expire.*

3. *The Division shall periodically review the plan required pursuant to subsection 1 to determine whether the needs of the household have changed. The Division may, with the participation of the head of the household, amend the plan as it deems appropriate.*

4. *If a member of the household is an unmarried parent who is less than 18 years of age, the plan required pursuant to subsection 1 must include a provision which:*

(a) *Requires the head of the household to ensure that the unmarried parent attends training to learn the skills necessary to care for the child; and*

(b) *Encourages the head of the household to ensure that the unmarried parent participates in a program which provides mentors for unmarried parents who are less than 18 years of age.*

Sec. 82. 1. *The Administrator shall establish by regulation an agreement of cooperation that must be signed by the head of a household as a condition to the receipt of benefits.*

2. *The agreement required pursuant to subsection 1 must include a statement of:*

(a) *The actions that the members of the household are expected to take as a condition to the receipt of benefits; and*

(b) The penalties that may be imposed by the Division pursuant to section 86 of this act for failing to comply with the provisions of the agreement or the plan for personal responsibility signed by the head of the household pursuant to section 81 of this act.

Sec. 83. *Within 45 days after an applicant for benefits submits his application to the Division, the Division shall:*

- 1. Approve the application and begin providing benefits to the applicant; or*
- 2. Deny benefits to the applicant.*

Sec. 84. *1. Subject to the provisions of 42 U.S.C. § 607(e), the Division shall require each head of a household who is not suffering from a hardship described in subsection 7 of section 88 of this act to perform work:*

(a) Within a reasonable time after the Division determines that the head of the household is capable of finding and performing work; or

(b) Not later than the date on which the head of the household has received benefits for 24 months, regardless of whether those months are consecutive or cumulative,
↪ whichever occurs earlier.

2. A head of a household who does not comply with the requirements of this section:

(a) Shall be deemed to have failed to comply with the terms of the plan for personal responsibility signed by him pursuant to section 81 of this act; and

(b) Is subject to the penalties prescribed by the Division pursuant to section 86 of this act for the failure to comply with the terms of that plan.

3. The Administrator shall adopt regulations setting forth the activities that will constitute work for the purposes of this section.

Sec. 85. *1. Except as otherwise provided in this section, if the plan for personal responsibility signed by the head of a household pursuant to section 81 of this act includes a requirement that the head of the household complete a program of job training, the Division may exempt the head of the household from that requirement upon determining that:*

(a) The head of the household:

(1) Is ill or physically incapacitated;
(2) Must care for an ill or incapacitated member of his household;

(3) Is receiving payments or is awaiting approval for the receipt of payments pursuant to the Supplemental Security Income Program;

(4) Is a single custodial parent of a child who is less than 1 year of age;

(5) Is not a recipient of benefits but receives benefits on behalf of a member of his household who is a dependent;

(6) Is a person who is:

(I) Sixty years of age or older;

(II) The caretaker of a child; and

(III) A relative, other than a parent, of that child; or

(7) Is pregnant and has been deemed unable to work by her physician; or

(b) Any other good cause exists to exempt the head of the household from the requirement to complete the program of job training.

2. A head of a household may not claim the exemption prescribed in subparagraph (4) of paragraph (a) of subsection 1 for more than 12 months during his lifetime, regardless of whether those months are consecutive or cumulative.

3. The Division shall not exempt a head of a household pursuant to this section if the exemption would violate a requirement of federal law or a condition to the receipt of federal money.

Sec. 86. 1. Except as otherwise provided in this section:

(a) If the Division determines that the head of a household has not complied with the terms of the plan for personal responsibility signed by the head of the household pursuant to section 81 of this act or the agreement of cooperation signed by the head of the household pursuant to section 82 of this act, the Division shall notify him that if his failure to comply does not cease within 30 days after he is notified of the failure to comply, the benefits provided to his household will be reduced pursuant to paragraph (b).

(b) The Division shall adopt regulations establishing a schedule of progressive penalties pursuant to which the benefits to the household will be reduced or terminated because of the failure of the head of the household to comply with the terms of the plan.

2. The Division shall not reduce, discontinue or terminate any benefits pursuant to this section if the reduction, discontinuance or termination would violate a requirement of federal law or a condition to the receipt of federal money.

Sec. 87. The Division shall not provide benefits to a person who is prohibited from receiving benefits pursuant to 42 U.S.C. § 608(a).

Sec. 88. 1. Except as otherwise provided in subsection 2, a household that receives benefits for 24 months, regardless of whether those months are consecutive or cumulative, is prohibited from receiving additional benefits for 12 consecutive months unless the head of the household is suffering from a hardship.

2. The household may receive additional benefits for not more than 6 additional months, regardless of whether those months are consecutive or cumulative, if the Administrator determines that providing benefits to the household will significantly increase the likelihood that the head of the household will become self-sufficient and will not need to apply for benefits in the future. A household that receives any additional benefits pursuant to this subsection is prohibited from receiving benefits for 12 consecutive months after the additional benefits cease to be provided unless the head of the household is suffering from a hardship.

3. The Division shall not provide benefits to a household if an adult member of that household has received benefits from this or any other state for 60 months, regardless of whether those months are consecutive or cumulative, unless the head of the household is suffering from a hardship.

4. Except as otherwise provided in subsections 5 and 6, a household that is receiving benefits beyond the period prescribed in subsection 1, 2 or 3 because the head of the household is suffering from a hardship may continue to receive benefits for as long as the head of the household suffers from the hardship. Once the head of the household no longer suffers from the hardship, the household is not eligible to receive benefits:

(a) For 12 consecutive months if the household has not received benefits from this or any other state for 60 months, regardless of whether those months are consecutive or cumulative; or

(b) During the lifetime of the head of the household if the household has received benefits from this or any other state for 60 months, regardless of whether those months are consecutive or cumulative, unless the head of the household again suffers from a hardship.

5. A household that is receiving benefits pursuant to this section because the head of the household is suffering from a hardship described in paragraph (c) of subsection 7 may not receive benefits pursuant to this section solely because of that hardship for more than 12 months during the lifetime of the head of the household.

6. Notwithstanding any other provision of this section, if the Administrator determines that the denial or suspension of benefits provided to a household solely because the head of the household is deemed to be suffering from a hardship is necessary to ensure that this State does not exceed the limitation set forth in 42 U.S.C. § 608(a)(7)(C), the Administrator may deny or suspend such benefits. The Administrator shall send written notice to a

household whose benefits will be denied or suspended pursuant to this subsection.

7. For the purposes of this section, the head of a household shall be deemed to be suffering from a hardship if the Division determines that he:

(a) Is ill or physically or mentally incapacitated;

(b) Must care for an ill or incapacitated member of his household;

(c) Is a single custodial parent of a child who is less than 1 year of age;

(d) Is not a recipient of benefits but receives benefits on behalf of a member of his household who is a dependent;

(e) Is an unmarried parent who:

(1) Is less than 18 years of age; and

(2) Complies with the requirements set forth in 42 U.S.C. §§ 608(a)(4) and 608(a)(5);

(f) Is a person who is:

(1) Sixty years of age or older;

(2) The caretaker of a child; and

(3) A relative, other than a parent, of that child; or

(g) Is suffering from any other condition or circumstance that the Administrator deems to be a hardship.

Sec. 89. 1. *If the plan for personal responsibility signed by the head of a household pursuant to section 81 of this act includes a provision providing for the payment of transitional assistance to the head of the household, the Division may provide transitional assistance to the head of the household if the household becomes ineligible for benefits for one or more of the reasons described in 42 U.S.C. § 608(a)(11). The Division shall not provide transitional assistance pursuant to this section for more than 12 consecutive months.*

2. *As used in this section, "transitional assistance" means:*

(a) Assistance provided by the Division to low-income families to pay for the costs of child care; or

(b) Medicaid provided pursuant to the plan administered by the Department pursuant to NRS 422.271.

Sec. 90. 1. *The Division may, within the limitations of available funding, provide for the payment by the Division of certain expenses on behalf of an applicant for benefits if the Division determines that the applicant is not in need of long-term benefits.*

2. *If the Division provides for the payment of expenses pursuant to subsection 1, the Division shall specify the expenses for which payment may be made.*

Sec. 91. 1. *The Division shall, within the limitations of available funding, establish a program which promotes the self-*

sufficiency of a natural father whose paternity is presumed pursuant to NRS 126.051 or a noncustodial parent of a child for whom benefits are being received by a household.

2. If a natural father whose paternity is presumed pursuant to NRS 126.051 or a noncustodial parent of a child for whom benefits are being received by a household chooses to participate in the program established pursuant to subsection 1, the Division may, within the limitations of available funding, increase the amount of benefits provided to the head of the household on behalf of the child.

Sec. 92. The Division shall, through its regional offices, encourage public and private entities to provide employment opportunities for members of households that are receiving benefits.

Sec. 93. 1. The Chief of the Program for the Enforcement of Child Support of the Division or his designee may enforce a court order for the support of a child against the parents of a noncustodial parent of a child if:

(a) The custodial parent and noncustodial parent of the child are both less than 18 years of age; and

(b) The custodial parent of the child is a member of a household that is receiving benefits.

2. If the Chief or his designee enforces a court order against the parents of a noncustodial parent pursuant to subsection 1, the parents of the noncustodial parent are jointly and severally liable for the payments required pursuant to the order.

Sec. 94. Notwithstanding any other provision of this chapter, if the Division determines that:

1. The head of a household is a victim of domestic violence pursuant to section 66 of this act; and

2. Requiring the head of the household to comply with the requirements of this chapter or the regulations adopted pursuant thereto may endanger or threaten the physical safety of the head of the household,

↳ the Division may waive those requirements for such a period as it deems appropriate.

Sec. 95. 1. The Department, through a division of the Department designated by the Director, shall establish and administer a program to provide supportive assistance to qualifying relatives of children who provide care for and obtain the legal guardianship of those children.

2. As a condition to the provision of any supportive assistance pursuant to this section:

(a) The child must:

(1) Have been placed in the care of his qualifying relative for not less than 6 months; and

(2) If he is 14 years of age or older, consent to the legal guardianship; and

(b) The qualifying relative must:

(1) Reside in this State;

(2) Have attained such a minimum age as the Department specifies by regulation;

(3) Verify his relationship to the child; and

(4) File for and obtain court approval of the legal guardianship and comply with any requirements imposed by the court.

3. The supportive assistance provided pursuant to this section must include, within the limitations of available funding:

(a) Reimbursement of all or a portion of the legal fees incurred by the qualifying relative to establish the legal guardianship;

(b) Payments of not more than the amount that the Department would provide to a foster parent if the child had been placed in foster care;

(c) Assistance with:

(1) Child care;

(2) Respite care; and

(3) Transportation; and

(d) Any other assistance the Department deems appropriate.

4. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

5. As used in this section, unless the context otherwise requires, “qualifying relative” means a person specified in 45 C.F.R. § 233.90(c)(1)(v)(A).

Sec. 96. *1. Unless a different penalty is provided pursuant to NRS 422.361 to 422.369, inclusive, or 422.450 to 422.590, inclusive, a person who knowingly and designedly, by any false pretense, false or misleading statement, impersonation or misrepresentation, obtains or attempts to obtain monetary or any other public assistance, or money, property, medical or remedial care or any other service provided pursuant to the Children’s Health Insurance Program, having a value of \$100 or more, whether by one act or a series of acts, with the intent to cheat, defraud or defeat the purposes of this chapter is guilty of a category E felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.*

2. For the purposes of subsection 1, whenever a recipient of Temporary Assistance for Needy Families pursuant to the provisions of this chapter receives an overpayment of benefits for the third time and the overpayments have resulted from a false statement or representation by the recipient or from the failure of

the recipient to notify the Division of a change in his circumstances which would affect the amount of assistance he receives, a rebuttable presumption arises that the payment was fraudulently received.

3. For the purposes of subsection 1, "public assistance" includes any money, property, medical or remedial care or any other service provided pursuant to a state plan.

Sec. 97. (Deleted by amendment.)

Sec. 98. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 99 and 100 of this act.

Sec. 99. *"Administrator" means the Administrator of the Division.*

Sec. 100. *The purposes of the Division are:*

1. To ensure that the Medicaid provided by this State and the insurance provided pursuant to the Children's Health Insurance Program in this State are provided in the manner that is most efficient to this State.

2. To evaluate alternative methods of providing Medicaid and providing insurance pursuant to the Children's Health Insurance Program.

3. To review Medicaid, the Children's Health Insurance Program and other health programs of this State to determine the maximum amount of money that is available from the Federal Government for such programs.

4. To promote access to quality health care for all residents of this State.

5. To restrain the growth of the cost of health care in this State.

Sec. 101. NRS 422.001 is hereby amended to read as follows:

422.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[422.010 to 422.055,]~~ **422.021 to 422.054**, inclusive, *and section 99 of this act* have the meanings ascribed to them in those sections.

Sec. 102. NRS 422.030 is hereby amended to read as follows:

422.030 "Department" means the Department of **Health and Human ~~[Resources.] Services.~~**

Sec. 103. NRS 422.041 is hereby amended to read as follows:

422.041 ~~["Division of Health Care Financing and Policy"]~~ **"Division"** means the Division of Health Care Financing and Policy of the Department.

Sec. 104. NRS 422.050 is hereby amended to read as follows:

422.050 1. "Public assistance" includes:

- (a) State Supplementary Assistance;
- (b) Temporary Assistance for Needy Families;
- (c) Medicaid;
- (d) Food Stamp Assistance;

- (e) Low-Income Home Energy Assistance;
- (f) The Program for Child Care and Development; and
- (g) Benefits provided pursuant to any other public welfare program administered by ~~the Welfare Division or~~ the Division ~~of Health Care Financing and Policy~~ pursuant to such additional federal legislation as is not inconsistent with the purposes of this chapter.

2. The term does not include the Children's Health Insurance Program.

Sec. 105. NRS 422.151 is hereby amended to read as follows:

422.151 1. The Medical Care Advisory Group is hereby created within the Division . ~~of Health Care Financing and Policy.~~

2. The function of the Medical Care Advisory Group is to:

(a) Advise the Division regarding the provision of services for the health and medical care of welfare recipients.

(b) Participate, and increase the participation of welfare recipients, in the development of policy and the administration of programs by the Division.

Sec. 106. NRS 422.155 is hereby amended to read as follows:

422.155 1. The Director shall appoint a Chairman of the Medical Care Advisory Group from among its members.

2. The Administrator ~~of the Division of Health Care Financing and Policy~~ or his designee shall serve as Secretary for the Medical Care Advisory Group.

3. The Medical Care Advisory Group:

(a) Shall meet at least once each calendar year.

(b) May, upon the recommendation of the Chairman, form subcommittees for decisions and recommendations concerning specific problems within the scope of the functions of the Medical Care Advisory Group.

Sec. 107. NRS 422.2356 is hereby amended to read as follows:

422.2356 The Administrator:

1. Shall serve as the Executive Officer of the Division . ~~of Health Care Financing and Policy.~~

2. Shall establish policies for the administration of the programs of the Division, and shall administer all activities and services of the Division in accordance with those policies and any regulations of the Administrator, subject to administrative supervision by the Director.

3. Is responsible for the management of the Division.

Sec. 108. NRS 422.2358 is hereby amended to read as follows:

422.2358 The Administrator shall make:

1. Such reports, subject to approval by the Director, as will comply with the requirements of federal legislation and this chapter.

2. A biennial report to the Director on the condition, operation and functioning of the Division . ~~{of Health Care Financing and Policy.}~~

Sec. 109. NRS 422.2362 is hereby amended to read as follows:

422.2362 The Administrator:

1. Is responsible for and shall supervise the fiscal affairs and responsibilities of the Division , ~~{of Health Care Financing and Policy.}~~ subject to administrative supervision by the Director.

2. Shall present the biennial budget of the Division to the Legislature in conjunction with the Budget Division of the Department of Administration.

3. Shall allocate, in the interest of efficiency and economy, the State's appropriation for the administration of each program for which the Division ~~{of Health Care Financing and Policy}~~ is responsible, subject to administrative supervision by the Director.

Sec. 110. NRS 422.2364 is hereby amended to read as follows:

422.2364 The Administrator:

1. May establish, consolidate and abolish sections within the Division . ~~{of Health Care Financing and Policy.}~~

2. Shall organize the Division to comply with the requirements of this chapter and with the standards required by federal legislation, subject to approval by the Director.

3. Shall appoint the heads of the sections of the Division.

4. May employ such assistants and employees as may be necessary ~~{to}~~ **for** the efficient operation of the Division.

5. Shall set standards of service.

Sec. 111. NRS 422.2366 is hereby amended to read as follows:

422.2366 1. The Administrator or his designated representative may administer oaths and take testimony thereunder and issue subpoenas requiring the attendance of witnesses before the Division ~~{of Health Care Financing and Policy}~~ at a designated time and place and the production of books, papers and records relative to:

(a) Eligibility or continued eligibility to provide medical care, remedial care or other services pursuant to the State Plan for Medicaid or the Children's Health Insurance Program; and

(b) Verification of treatment and payments to a provider of medical care, remedial care or other services pursuant to the State Plan for Medicaid or the Children's Health Insurance Program.

2. If a witness fails to appear or refuses to give testimony or to produce books, papers and records as required by the subpoena, the district court of the county in which the investigation is being conducted may compel the attendance of the witness, the giving of

testimony and the production of books, papers and records as required by the subpoena.

Sec. 112. NRS 422.2368 is hereby amended to read as follows:

422.2368 The Administrator may adopt such regulations as are necessary for the administration of ~~[NRS 422.2352 to 422.2374, inclusive, 422.301 to 422.306, inclusive, 422.3755 to 422.390, inclusive, and 422.580.]~~ *this chapter.*

Sec. 113. NRS 422.2369 is hereby amended to read as follows:

422.2369 1. Before adopting, amending or repealing any regulation for the administration of a program of public assistance or any other program for which the Division ~~[of Health Care Financing and Policy]~~ is responsible, the Administrator ~~[shall]~~ *must* give at least 30 days' notice of his intended action.

2. The notice of intent to act upon a regulation must:

(a) Include a statement of the need for and purpose of the proposed regulation, and either the terms or substance of the proposed regulation or a description of the subjects and issues involved, and of the time when, the place where ~~[]~~ and the manner in which, interested persons may present their views thereon.

(b) Include a statement identifying the entities that may be financially affected by the proposed regulation and the potential financial impact, if any, upon local government.

(c) State each address at which the text of the proposed regulation may be inspected and copied.

(d) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the Administrator for that purpose.

3. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing. The Administrator shall consider fully all oral and written submissions relating to the proposed regulation.

4. The Administrator shall keep, retain and make available for public inspection written minutes of each public hearing held pursuant to this section in the manner provided in subsections 1 and 2 of NRS 241.035.

5. The Administrator may record each public hearing held pursuant to this section and make those recordings available for public inspection in the manner provided in subsection 4 of NRS 241.035.

6. An objection to any regulation on the ground of noncompliance with the procedural requirements of this section may not be made more than 2 years after its effective date.

Sec. 114. NRS 422.2372 is hereby amended to read as follows:

422.2372 The Administrator shall:

1. Supply the Director with material on which to base proposed legislation.
2. Cooperate with the Federal Government and state governments for the more effective attainment of the purposes of this chapter.
3. Coordinate the activities of the Division ~~[of Health Care Financing and Policy]~~ with other agencies, both public and private, with related or similar activities.
4. Keep a complete and accurate record of all proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents pertaining to his office.
5. Inform the public in regard to the activities and operation of the Division, and provide other information which will acquaint the public with the financing of Medicaid programs.
6. Conduct studies into the causes of the social problems with which the Division is concerned.
7. Invoke any legal, equitable or special procedures for the enforcement of his orders or the enforcement of ~~[NRS 422.2352 to 422.2374, inclusive, 422.301 to 422.306, inclusive, 422.3755 to 422.390, inclusive, and 422.580.]~~ *the provisions of this chapter.*
8. Exercise any other powers that are necessary and proper for the standardization of state work, to expedite business ~~[]~~ and to promote the efficiency of the service provided by the Division.

Sec. 115. NRS 422.2374 is hereby amended to read as follows:

422.2374 1. The Administrator shall:

- (a) Promptly comply with a request from the Unit for access to and free copies of any records or other information in the possession of the Division ~~[of Health Care Financing and Policy]~~ regarding a provider;
 - (b) Refer to the Unit all cases in which he suspects that a provider has committed an offense pursuant to NRS 422.540 to 422.570, inclusive; and
 - (c) Suspend or exclude a provider who he determines has committed an offense pursuant to NRS 422.540 to 422.570, inclusive, from participation as a provider or an employee of a provider, for a minimum of 3 years. A criminal action need not be brought against the provider before suspension or exclusion pursuant to this subsection.
2. As used in this section:

(a) “Provider” means a person who has applied to participate or who participates in the State Plan for Medicaid as the provider of goods or services.

(b) “Unit” means the Medicaid Fraud Control Unit established in the Office of the Attorney General pursuant to NRS 228.410.

Sec. 116. NRS 422.240 is hereby amended to read as follows:

422.240 1. Money to carry out the provisions of ~~[NRS 422.001 to 422.410, inclusive, and 422.580,]~~ *this chapter*, including, without limitation, any federal money allotted to the State of Nevada pursuant to the program to provide Temporary Assistance for Needy Families and the Program for Child Care and Development, must, except as otherwise provided in NRS 422.3755 to 422.379, inclusive, and 439.630, be provided by appropriation by the Legislature from the State General Fund.

2. Disbursements for the purposes of ~~[NRS 422.001 to 422.410, inclusive, and 422.580]~~ *this chapter* must, except as otherwise provided in NRS 422.3755 to 422.379, inclusive, and 439.630, be made upon claims duly filed and allowed in the same manner as other money in the State Treasury is disbursed.

Sec. 117. NRS 422.245 is hereby amended to read as follows:

422.245 Any federal money allotted to the State of Nevada for public assistance programs and other programs for which ~~[the Welfare Division or]~~ the Division ~~[of Health Care Financing and Policy]~~ is responsible and such other money as may be received by the State for such purposes must, except as otherwise provided in NRS 425.363, be deposited in the appropriate accounts of ~~[the Welfare Division or]~~ the Division ~~[of Health Care Financing and Policy]~~ in the State General Fund.

Sec. 118. NRS 422.260 is hereby amended to read as follows:

422.260 1. The State of Nevada assents to the purposes of the Act of Congress of the United States entitled the “Social Security Act,” approved August 14, 1935, and assents to such additional federal legislation as is not inconsistent with the purposes of this chapter and NRS 432.010 to 432.085, inclusive ~~[]~~, *and sections 154 to 163.8, inclusive, of this act.*

2. The State of Nevada further accepts, with the approval of the Governor, the appropriations of money by Congress in pursuance of the Social Security Act and authorizes the receipt of such money into the State Treasury for the use of the Department in accordance with this chapter, NRS 432.010 to 432.085, inclusive, *and sections 154 to 163.8, inclusive, of this act*, and the conditions imposed by the Social Security Act.

3. The State of Nevada may accept, with the approval of the Governor, any additional funds which may become or are made available for extension of programs and services administered by the Department under the provisions of the Social Security Act. Such

money must be deposited in the State Treasury for the use of the Department in accordance with this chapter, NRS 432.010 to 432.085, inclusive, *and sections 154 to 163.8, inclusive, of this act*, and the conditions and purposes under which granted by the Federal Government.

Sec. 119. NRS 422.265 is hereby amended to read as follows:

422.265 If Congress passes any law increasing the participation of the Federal Government in a Nevada program for public assistance, whether relating to eligibility for assistance or otherwise:

1. The Director may accept, with the approval of the Governor, the increased benefits of such congressional legislation; and

2. The ~~[State Welfare Administrator or the Administrator of the Division of Health Care Financing and Policy]~~ *Administrator* may adopt any regulations required by the Federal Government as a condition of acceptance.

Sec. 120. NRS 422.267 is hereby amended to read as follows:

422.267 The Director shall have the power to sign and execute, in the name of the State, by “The Department of *Health and Human [Resources,] Services,*” any contract or agreement with the Federal Government or its agencies.

Sec. 121. NRS 422.270 is hereby amended to read as follows:

422.270 The Department shall:

1. Administer all public welfare programs of this State, including:

- (a) State Supplementary Assistance;
- (b) Temporary Assistance for Needy Families;
- (c) Medicaid;
- (d) Food Stamp Assistance;
- (e) Low-Income Home Energy Assistance;
- (f) The Program for Child Care and Development;
- (g) The Program for the Enforcement of Child Support;
- (h) The Children’s Health Insurance Program; and
- (i) Other welfare activities and services provided for by the laws of this State.

2. Act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the State of Nevada to aid in the furtherance of any of the services and activities set forth in subsection 1.

3. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of welfare programs, and in increasing the efficiency of welfare programs by prompt and judicious use of new federal grants which will assist the Department in carrying out the provisions of this chapter.

4. Observe and study the changing nature and extent of welfare needs and develop through tests and demonstrations effective ways of meeting those needs and employ or contract for personnel and services supported by legislative appropriations from the State General Fund or money from federal or other sources.

5. Enter into reciprocal agreements with other states relative to public assistance, welfare services and institutional care, when deemed necessary or convenient by the Director.

6. Make such agreements with the Federal Government as may be necessary to carry out the Supplemental Security Income Program.

7. *As used in this section, “Program for the Enforcement of Child Support” means the program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and any other provisions of that act relating to the enforcement of child support.*

Sec. 122. NRS 422.271 is hereby amended to read as follows:

422.271 1. The Director shall adopt each state plan required by the Federal Government, either directly or as a condition to the receipt of federal money, for the administration of any public assistance or other program for which ~~[the Welfare Division or]~~ the Division ~~[of Health Care Financing and Policy]~~ is responsible. Such a plan must set forth, regarding the particular program to which the plan applies:

- (a) The requirements for eligibility;
- (b) The nature and amounts of grants and other assistance which may be provided;
- (c) The conditions imposed; and
- (d) Such other provisions relating to the development and administration of the program as the Director deems necessary.

2. In developing and revising such a plan, the Director shall consider, among other things:

- (a) The amount of money available from the Federal Government;
- (b) The conditions attached to the acceptance of that money; and
- (c) The limitations of legislative appropriations and authorizations,

↳ for the particular program to which the plan applies.

3. The ~~[Welfare Division shall make available to members of the general public a summary of the State Plan for Temporary Assistance for Needy Families established pursuant to this section.~~

~~— 4. The Welfare Division and the Division of Health Care Financing and Policy]~~ **Division** shall comply with each state plan adopted pursuant to this section.

Sec. 123. NRS 422.2715 is hereby amended to read as follows:

422.2715 1. Upon approval of the Interim Finance Committee, the Director, through the Division , ~~[of Health-Care Financing and Policy,]~~ shall establish a program for the provision of medical assistance to certain persons who are employed and have disabilities. The Director shall establish the program by:

(a) Amending the State Plan for Medicaid in the manner set forth in 42 U.S.C. § 1396a(a)(10)(A)(ii)(XIII);

(b) Amending the State Plan for Medicaid in the manner set forth in 42 U.S.C. § 1396a(a)(10)(A)(ii)(XV); or

(c) Obtaining a Medicaid waiver from the Federal Government to carry out the program.

2. The Director may require a person participating in a program established pursuant to subsection 1 to pay a premium or other cost-sharing charges in a manner that is consistent with federal law.

Sec. 124. NRS 422.273 is hereby amended to read as follows:

422.273 1. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid; and

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid.

➤ Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

2. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

3. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

4. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

5. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. ~~{of Health Care Financing and Policy.}~~ Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of final adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

6. As used in this section, unless the context otherwise requires:

(a) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(b) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(c) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

Sec. 125. NRS 422.274 is hereby amended to read as follows:

422.274 1. The Director shall apply to the Federal Government for a Medicaid waiver to extend coverage for prescription drugs and other related services to persons 65 years of age or older who are not eligible for pharmacy benefits pursuant to Medicaid and whose incomes are not more than 200 percent of the federally designated level signifying poverty.

2. The Director shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a Medicaid waiver pursuant to this section, including, without limitation:

(a) Providing any necessary information requested by the Federal Government in a timely manner;

(b) Responding promptly and thoroughly to any questions or concerns of the Federal Government concerning the application; and

(c) Working with the Federal Government to amend any necessary provisions of the application to satisfy the requirements for approval of the application.

3. The Director may:

(a) Administer a program established pursuant to this section through the Division ; ~~{of Health Care Financing and Policy.}~~ or

(b) Hire a pharmacy benefits manager by contract to administer a program established pursuant to this section.

4. Not more than 10 percent of the money received by the Department to implement a program established pursuant to this section may be used for administrative expenses or other indirect costs.

5. The Director shall submit a quarterly report concerning a program established pursuant to this section to the Interim Finance Committee and the Legislative Committee on Health Care.

Sec. 126. NRS 422.2745 is hereby amended to read as follows:

422.2745 1. Except as otherwise provided in this subsection, the Director may apply to the Federal Government for a Medicaid waiver to extend coverage for prescription drugs and other related services to persons with disabilities who have been determined to be eligible for disability benefits from the federal social security system, who are not eligible for pharmacy benefits pursuant to Medicaid and whose incomes are not more than 200 percent of the federally designated level signifying poverty. The Director shall not apply for a waiver pursuant to this subsection unless the Director and the Interim Finance Committee have determined that sufficient funds are available in this State to implement the waiver.

2. If the Federal Government approves a Medicaid waiver which the Director applied for pursuant to subsection 1, the Director shall adopt regulations to implement the waiver and establish a program in accordance with the waiver, including, without limitation, regulations setting forth criteria of eligibility, the services covered by the program, the amount of any copayment for which a person who receives services pursuant to the program is responsible and any limitation on the number of persons who may receive services pursuant to the program.

3. The Director may:

(a) Administer a program established pursuant to this section through the Division ; ~~{of Health Care Financing and Policy;}~~ or

(b) Hire a pharmacy benefits manager by contract to administer a program established pursuant to this section.

4. Not more than 10 percent of the money received by the Department to implement a program established pursuant to this section may be used for administrative expenses or other indirect costs.

5. The Director shall submit a quarterly report concerning:

(a) The progress of the Director toward applying for a waiver pursuant to subsection 1 and establishing a program in accordance with such a waiver that has been approved by the Federal Government; and

(b) Any program established pursuant to this section,
↳ to the Interim Finance Committee and the Legislative Committee on Health Care.

Sec. 127. NRS 422.275 is hereby amended to read as follows:

422.275 The Attorney General and his deputies are the legal advisers for ~~[the Welfare Division and]~~ the Division . ~~[of Health Care Financing and Policy.]~~

Sec. 128. NRS 422.278 is hereby amended to read as follows:

422.278 Any person who is:

1. The subject of a hearing conducted under the authority of ~~[the Welfare Division or]~~ the Division ; ~~[of Health Care Financing and Policy:]~~ or

2. A witness at that hearing,

↳ and who is a person with a disability as defined in NRS 50.050, is entitled to the services of an interpreter at public expense, subject to the provisions of NRS 50.052 and 50.053. The interpreter must be qualified to engage in the practice of interpreting in this State pursuant to subsection 2 of NRS 656A.100 and must be appointed by the person who presides at the hearing.

Sec. 129. NRS 422.280 is hereby amended to read as follows:

422.280 To ensure accuracy, uniformity and completeness in statistics and information, ~~[the Welfare Division and]~~ the Division ~~[of Health Care Financing and Policy]~~ may prescribe forms of reports and records to be kept by all persons, associations or institutions, subject to its supervision or investigation, and each such person, association or institution shall keep such records and render such reports in the form so prescribed.

Sec. 130. NRS 422.284 is hereby amended to read as follows:

422.284 As a part of the health and welfare programs of this State, ~~[the Welfare Division or]~~ the Division ~~[of Health Care Financing and Policy]~~ may:

1. Conduct a family planning service, or contract for the provision of a family planning service, in any county of the State. Such service may include the dispensing of information and the distribution of literature on birth control and family planning methods.

2. Establish a policy of referral of welfare recipients for birth control.

Sec. 131. NRS 422.287 is hereby amended to read as follows:

422.287 1. As part of the health and welfare programs of this State, the Division ~~[of Health Care Financing and Policy]~~ or any other division designated by the Director may provide prenatal care to pregnant women who are indigent, or may contract for the provision of that care, at public or nonprofit hospitals in this State.

2. The Division ~~[of Health Care Financing and Policy]~~ or any other division designated by the Director shall provide to each person licensed to engage in social work pursuant to chapter 641B of NRS, each applicant for Medicaid and any other interested

person, information concerning the prenatal care available pursuant to this section.

3. The Division ~~[of Health Care Financing and Policy]~~ or any other division designated by the Department shall adopt regulations setting forth criteria of eligibility and rates of payment for prenatal care provided pursuant to the provisions of this section, and such other provisions relating to the development and administration of the Program for Prenatal Care as the Director or the Administrator, ~~[of the Division of Health Care Financing and Policy,]~~ as applicable, deems necessary.

Sec. 132. NRS 422.290 is hereby amended to read as follows:

422.290 1. To restrict the use or disclosure of any information concerning applicants for and recipients of public assistance or assistance pursuant to the Children's Health Insurance *Program* to purposes directly connected to the administration of this chapter, and to provide safeguards therefor, under the applicable provisions of the Social Security Act, ~~[the Welfare Division and]~~ the Division ~~[of Health Care Financing and Policy]~~ shall establish and enforce reasonable regulations governing the custody, use and preservation of any records, files and communications filed with ~~[the Welfare Division or]~~ the Division . ~~[of Health Care Financing and Policy.]~~

2. If, pursuant to a specific statute or a regulation of ~~[the Welfare Division or]~~ the Division , ~~[of Health Care Financing and Policy,]~~ names and addresses of, or information concerning, applicants for and recipients of assistance, including, without limitation, assistance pursuant to the Children's Health Insurance Program, are furnished to or held by any other agency or department of government, such agency or department of government is bound by the regulations of the department prohibiting the publication of lists and records thereof or their use for purposes not directly connected with the administration of this chapter.

3. Except for purposes directly connected with the administration of this chapter, no person may publish, disclose or use, or permit or cause to be published, disclosed or used, any confidential information pertaining to a recipient of assistance, including, without limitation, a recipient of assistance pursuant to the Children's Health Insurance Program, under the provisions of this chapter.

Sec. 133. NRS 422.301 is hereby amended to read as follows:

422.301 The Administrator and the Division ~~[of Health Care Financing and Policy]~~ shall administer the provisions of ~~[NRS 422.2352 to 422.2374, inclusive, 422.301 to 422.306, inclusive, 422.3755 to 422.390, inclusive, and 422.580,]~~ *this chapter*, subject to administrative supervision by the Director.

Sec. 134. NRS 422.302 is hereby amended to read as follows:

422.302 1. Any gifts or grants of money which the Division ~~{of Health Care Financing and Policy}~~ is authorized to accept must be deposited in the State Treasury to the credit of the Gift and Cooperative Account of the Division ~~{of Health Care Financing and Policy}~~ which is hereby created in the Department of *Health and Human ~~{Resources}~~ Services'* Gift Fund.

2. Money in the Account must be used for health care purposes only and expended in accordance with the terms of the gift or grant.

3. All claims must be approved by the Administrator before they are paid.

Sec. 135. NRS 422.303 is hereby amended to read as follows:

422.303 The Department, through the Division , ~~{of Health Care Financing and Policy,}~~ may reimburse directly, under the State Plan for Medicaid, any registered nurse who is authorized pursuant to chapter 632 of NRS to perform additional acts in an emergency or under other special conditions as prescribed by the State Board of Nursing, for such services rendered under the authorized scope of his practice to persons eligible to receive that assistance if another provider of health care would be reimbursed for providing those same services.

Sec. 136. NRS 422.304 is hereby amended to read as follows:

422.304 1. The Department, through the Division , ~~{of Health Care Financing and Policy,}~~ shall pay, under the State Plan for Medicaid:

(a) A facility for hospice care licensed pursuant to chapter 449 of NRS for the services for hospice care, including room and board, provided by that facility to a person who is eligible to receive Medicaid.

(b) A program for hospice care licensed pursuant to chapter 449 of NRS for the services for hospice care provided by that program to a person who is eligible to receive Medicaid.

2. As used in this section:

(a) "Facility for hospice care" has the meaning ascribed to it in NRS 449.0033.

(b) "Hospice care" has the meaning ascribed to it in NRS 449.0115.

Sec. 137. NRS 422.3045 is hereby amended to read as follows:

422.3045 1. If the Division ~~{of Health Care Financing and Policy}~~ denies an application for the Children's Health Insurance Program, the Division shall provide written notice of the decision to the applicant. An applicant who disagrees with the denial of the application may request a review of the case and a hearing before an impartial hearing officer by filing a written request within 30 days

after the date of the notice of the decision at the address specified in the notice.

2. The Division ~~{of Health Care Financing and Policy}~~ shall adopt regulations regarding the review and hearing before an impartial hearing officer. The decision of the hearing officer must be in writing.

3. The applicant may at any time within 30 days after the date on which the written decision is mailed, petition the district court of the judicial district in which the applicant resides to review the decision. The district court shall review the decision on the record. The decision and record must be certified as correct and filed with the court by the Administrator . ~~{of the Division for Health Care Financing and Policy.}~~

4. The review by the court must be in accordance with NRS 422.279.

Sec. 138. NRS 422.305 is hereby amended to read as follows:

422.305 1. Except as otherwise provided in subsection 2 and in NRS 228.410 and 422.2374, any information obtained by the Division ~~{of Health Care Financing and Policy}~~ in an investigation of a provider of services under the State Plan for Medicaid is confidential.

2. The information presented as evidence at a hearing:

(a) To enforce the provisions of NRS 422.450 to 422.590, inclusive; or

(b) To review an action by the Division ~~{of Health Care Financing and Policy}~~ against a provider of services under the State Plan for Medicaid,

↪ is not confidential, except for the identity of any recipient of the assistance.

Sec. 139. NRS 422.306 is hereby amended to read as follows:

422.306 1. Upon receipt of a request for a hearing from a provider of services under the State Plan for Medicaid, the Division ~~{of Health Care Financing and Policy}~~ shall appoint a hearing officer to conduct the hearing. Any employee or other representative of the Division ~~{of Health Care Financing and Policy}~~ who investigated or made the initial decision regarding the action taken against a provider of services may not be appointed as the hearing officer or participate in the making of any decision pursuant to the hearing.

2. The Division ~~{of Health Care Financing and Policy}~~ shall adopt regulations prescribing the procedures to be followed at the hearing.

3. The decision of the hearing officer is a final decision. Any party, including the Division , ~~{of Health Care Financing and Policy.}~~ who is aggrieved by the decision of the hearing officer may appeal that decision to the District Court in and for Carson City by

filing a petition for judicial review within 30 days after receiving the decision of the hearing officer.

4. A petition for judicial review filed pursuant to this section must be served upon every party within 30 days after the filing of the petition for judicial review.

5. Unless otherwise provided by the court:

(a) Within 90 days after the service of the petition for judicial review, the Division ~~{of Health Care Financing and Policy}~~ shall transmit to the court the original or a certified copy of the entire record of the proceeding under review, including, without limitation, a transcript of the evidence resulting in the final decision of the hearing officer;

(b) The petitioner who is seeking judicial review pursuant to this section shall serve and file an opening brief within 40 days after the Division ~~{of Health Care Financing and Policy}~~ gives written notice to the parties that the record of the proceeding under review has been filed with the court;

(c) The respondent shall serve and file an answering brief within 30 days after service of the opening brief; and

(d) The petitioner may serve and file a reply brief within 30 days after service of the answering brief.

6. Within 7 days after the expiration of the time within which the petitioner may reply, any party may request a hearing. Unless a request for hearing has been filed, the matter shall be deemed submitted.

7. The review of the court must be confined to the record. The court shall not substitute its judgment for that of the hearing officer as to the weight of the evidence on questions of fact. The court may affirm the decision of the hearing officer or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions or decisions are:

(a) In violation of constitutional or statutory provisions;

(b) In excess of the statutory authority of the Division ; ~~{of Health Care Financing and Policy;}~~

(c) Made upon unlawful procedure;

(d) Affected by other error of law;

(e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Sec. 140. NRS 422.369 is hereby amended to read as follows:

422.369 A person authorized by the Division ~~{of Health Care Financing and Policy}~~ to furnish the types of medical and remedial care for which assistance may be provided under the Plan, or an agent or employee of the authorized person, who, with the intent to

defraud, furnishes such care upon presentation of a Medicaid card which he knows was obtained or retained in violation of any of the provisions of NRS 422.361 to 422.367, inclusive, or is forged, expired or revoked, is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 141. NRS 422.3775 is hereby amended to read as follows:

422.3775 1. Each nursing facility that is licensed in this State shall pay a fee assessed by the Division ~~{of Health Care Financing and Policy}~~ to increase the quality of nursing care in this State.

2. To determine the amount of the fee to assess pursuant to this section, the Division ~~{of Health Care Financing and Policy}~~ shall establish a uniform rate per non-Medicare patient day that is equivalent to 6 percent of the total annual accrual basis gross revenue for services provided to patients of all nursing facilities licensed in this State. For the purposes of this subsection, total annual accrual basis gross revenue does not include charitable contributions received by a nursing facility.

3. The Division ~~{of Health Care Financing and Policy}~~ shall calculate the fee owed by each nursing facility by multiplying the total number of days of care provided to non-Medicare patients by the nursing facility, as provided to the Division pursuant to NRS 422.378, by the uniform rate established pursuant to subsection 2.

4. A fee assessed pursuant to this section is due 30 days after the end of the month for which the fee was assessed.

5. The payment of a fee to the Division ~~{of Health Care Financing and Policy}~~ pursuant to NRS 422.3755 to 422.379, inclusive, is an allowable cost for Medicaid reimbursement purposes.

Sec. 142. NRS 422.378 is hereby amended to read as follows:

422.378 1. Each nursing facility shall file with the Division ~~{of Health Care Financing and Policy}~~ each month a report setting forth the total number of days of care it provided to non-Medicare patients during the preceding month, the total gross revenue it earned as compensation for services provided to patients during the preceding month and any other information required by the Division.

2. Each nursing facility shall file with the Division ~~{of Health Care Financing and Policy}~~ any information required and requested by the Division to carry out the provisions of NRS 422.3755 to 422.379, inclusive.

Sec. 143. NRS 422.3785 is hereby amended to read as follows:

422.3785 1. There is hereby created in the State Treasury the Fund to Increase the Quality of Nursing Care, to be administered by the Division . ~~{of Health Care Financing and Policy.}~~

2. The Fund to Increase the Quality of Nursing Care must be a separate and continuing fund, and no money in the Fund reverts to the State General Fund at any time. The interest and income on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

3. Any money received by the Division ~~{of Health Care Financing and Policy}~~ pursuant to NRS 422.3755 to 422.379, inclusive, must be deposited in the State Treasury for credit to the Fund to Increase the Quality of Nursing Care, and must be expended, to the extent authorized by federal law, to obtain federal financial participation in the Medicaid Program, and in the manner set forth in subsection 4.

4. Expenditures from the Fund to Increase the Quality of Nursing Care must be used only:

(a) To increase the rates paid to nursing facilities for providing services pursuant to the Medicaid Program and may not be used to replace existing state expenditures paid to nursing facilities for providing services pursuant to the Medicaid Program; and

(b) To administer the provisions of NRS 422.3755 to 422.379, inclusive. The amount expended pursuant to this paragraph must not exceed 1 percent of the money received from the fees assessed pursuant to NRS 422.3755 to 422.379, inclusive, and must not exceed the amount authorized for expenditure by the Legislature for administrative expenses in a fiscal year.

5. If federal law or regulation prohibits the money in the Fund to Increase the Quality of Nursing Care from being used in the manner set forth in this section, the rates paid to nursing facilities for providing services pursuant to the Medicaid Program must be changed:

(a) Except as otherwise provided in paragraph (b), to the rates paid to such facilities on June 30, 2003; or

(b) If the Legislature or the Division ~~{of Health Care Financing and Policy}~~ has on or after July 1, 2003, changed the rates paid to such facilities through a manner other than the use of expenditures from the Fund to Increase the Quality of Nursing Care, to the rates provided for by the Legislature or the Division . ~~{of Health Care Financing and Policy.}~~

Sec. 144. NRS 422.379 is hereby amended to read as follows:

422.379 The Division ~~{of Health Care Financing and Policy}~~ shall establish administrative penalties for the late payment by a

nursing facility of a fee assessed pursuant to NRS 422.3755 to 422.379, inclusive.

Sec. 145. NRS 422.382 is hereby amended to read as follows:

422.382 1. In a county whose population is 100,000 or more within which:

(a) A public hospital is located, the state or local government or other entity responsible for the public hospital shall transfer an amount equal to:

(1) Seventy percent of the total amount of disproportionate share payments distributed to all hospitals pursuant to NRS 422.387 for a fiscal year, less \$1,050,000; or

(2) Sixty-eight and fifty-four one hundredths percent of the total amount of disproportionate share payments distributed to all hospitals pursuant to NRS 422.387 for a fiscal year,

➤ whichever is less, to the Division . ~~{of Health Care Financing and Policy.}~~

(b) A private hospital which receives a disproportionate share payment pursuant to paragraph (c) of subsection 2 of NRS 422.387 is located, the county shall transfer 1.95 percent of the total amount of disproportionate share payments distributed to all hospitals pursuant to NRS 422.387 for a fiscal year, but not more than \$1,500,000, to the Division . ~~{of Health Care Financing and Policy.}~~

2. A county that transfers the amount required pursuant to paragraph (b) of subsection 1 to the Division ~~{of Health Care Financing and Policy}~~ is discharged of the duty and is released from liability for providing medical treatment for indigent inpatients who are treated in the hospital in the county that receives a payment pursuant to paragraph (c) of subsection 2 of NRS 422.387.

3. The money transferred to the Division ~~{of Health Care Financing and Policy}~~ pursuant to subsection 1 must not come from any source of funding that could result in any reduction in revenue to the State pursuant to 42 U.S.C. § 1396b(w).

4. Any money collected pursuant to subsection 1, including any interest or penalties imposed for a delinquent payment, must be deposited in the State Treasury for credit to the Intergovernmental Transfer Account in the State General Fund to be administered by the Division . ~~{of Health Care Financing and Policy.}~~

5. The interest and income earned on money in the Intergovernmental Transfer Account, after deducting any applicable charges, must be credited to the Account.

Sec. 146. NRS 422.385 is hereby amended to read as follows:

422.385 1. The allocations and payments required pursuant to subsections 1 to 5, inclusive, of NRS 422.387 must be made, to the extent allowed by the State Plan for Medicaid, from the Medicaid Budget Account.

2. Except as otherwise provided in subsection 3 and subsection 6 of NRS 422.387, the money in the Intergovernmental Transfer Account must be transferred from that Account to the Medicaid Budget Account to the extent that money is available from the Federal Government for proposed expenditures, including expenditures for administrative costs. If the amount in the Account exceeds the amount authorized for expenditure by the Division ~~{of Health Care Financing and Policy}~~ for the purposes specified in NRS 422.387, the Division ~~{of Health Care Financing and Policy}~~ is authorized to expend the additional revenue in accordance with the provisions of the State Plan for Medicaid.

3. If enough money is available to support Medicaid and to make the payments required by subsection 6 of NRS 422.387, money in the Intergovernmental Transfer Account may be transferred:

(a) To an account established for the provision of health care services to uninsured children pursuant to a federal program in which at least 50 percent of the cost of such services is paid for by the Federal Government, including, without limitation, the Children's Health Insurance Program; or

(b) To carry out the provisions of NRS 439B.350 and 439B.360.

Sec. 147. NRS 422.387 is hereby amended to read as follows:

422.387 1. Before making the payments required or authorized by this section, the Division ~~{of Health Care Financing and Policy}~~ shall allocate money for the administrative costs necessary to carry out the provisions of NRS 422.380 to 422.390, inclusive. The amount allocated for administrative costs must not exceed the amount authorized for expenditure by the Legislature for this purpose in a fiscal year. The Interim Finance Committee may adjust the amount allowed for administrative costs.

2. The State Plan for Medicaid must provide for the payment of the maximum amount of disproportionate share payments allowable under federal law and regulations. The State Plan for Medicaid must provide that for:

(a) All public hospitals in counties whose population is 400,000 or more, the total annual disproportionate share payments are \$66,650,000 plus 90 percent of the total amount of disproportionate share payments distributed by the State in that fiscal year that exceeds \$76,000,000;

(b) All private hospitals in counties whose population is 400,000 or more, the total annual disproportionate share payments are \$1,200,000 plus 2.5 percent of the total amount of disproportionate share payments distributed by the State in that fiscal year that exceeds \$76,000,000;

(c) All private hospitals in counties whose population is 100,000 or more but less than 400,000, the total annual disproportionate

share payments are \$4,800,000 plus 2.5 percent of the total amount of disproportionate share payments distributed by the State in that fiscal year that exceeds \$76,000,000;

(d) All public hospitals in counties whose population is less than 100,000, the total annual disproportionate share payments are \$900,000 plus 2.5 percent of the total amount of disproportionate share payments distributed by the State in that fiscal year that exceeds \$76,000,000; and

(e) All private hospitals in counties whose population is less than 100,000, the total annual disproportionate share payments are \$2,450,000 plus 2.5 percent of the total amount of disproportionate share payments distributed by the State in that fiscal year that exceeds \$76,000,000.

3. The State Plan for Medicaid must provide for a base payment in an amount determined pursuant to subsections 4 and 5. Any amount set forth in each paragraph of subsection 2 that remains after all base payments have been distributed must be distributed to the hospital within that paragraph with the highest uncompensated care percentage in an amount equal to either the amount remaining after all base payments have been distributed or the amount necessary to reduce the uncompensated care percentage of that hospital to the uncompensated care percentage of the hospital in that paragraph with the second highest uncompensated care percentage, whichever is less. Any amount set forth in subsection 2 that remains after the uncompensated care percentage of the hospital with the highest uncompensated care percentage in a paragraph has been reduced to equal the uncompensated care percentage of the hospital in that paragraph with the second highest uncompensated care percentage must be distributed equally to the two hospitals with the highest uncompensated care percentage in that paragraph until their uncompensated care percentages are equal to the uncompensated care percentage of the hospital with the third highest uncompensated care percentage in that paragraph. This process must be repeated until all available funds set forth in a paragraph of subsection 2 have been distributed.

4. Except as otherwise provided in subsection 5, the base payments for the purposes of subsection 3 are:

(a) For the University Medical Center of Southern Nevada, \$66,531,729;

(b) For Washoe Medical Center, \$4,800,000;

(c) For Carson-Tahoe Hospital, \$1,000,000;

(d) For Northeastern Nevada Regional Hospital, \$500,000;

(e) For Churchill Community Hospital, \$500,000;

(f) For Humboldt General Hospital, \$215,109;

(g) For William Bee Ririe Hospital, \$204,001;

(h) For Mt. Grant General Hospital, \$195,838;

- (i) For South Lyon Medical Center, \$174,417; and
- (j) For Nye Regional Medical Center, \$115,000,

→ or the successors in interest to such hospitals.

5. The Plan must be consistent with the provisions of NRS 422.380 to 422.390, inclusive, and Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., and the regulations adopted pursuant to those provisions. If the total amount available to the State for making disproportionate share payments is less than \$76,000,000, the Administrator:

(a) Shall adjust the amounts for each group of hospitals described in a paragraph of subsection 2 proportionally in accordance with the limits of federal law. If the amount available to hospitals in a group described in a paragraph of subsection 2 is less than the total amount of base payments specified in subsection 4, the Administrator shall reduce the base payments proportionally in accordance with the limits of federal law.

(b) Shall adopt a regulation specifying the amount of the reductions required by paragraph (a).

6. To the extent that money is available in the Intergovernmental Transfer Account, the Division ~~{of Health-Care Financing and Policy}~~ shall distribute \$50,000 from that Account each fiscal year to each public hospital which:

(a) Is located in a county that does not have any other hospitals; and

(b) Is not eligible for a payment pursuant to subsections 2, 3 and 4.

7. As used in this section:

(a) “Total revenue” is the amount of revenue a hospital receives for patient care and other services, net of any contractual allowances or bad debts.

(b) “Uncompensated care costs” means the total costs of a hospital incurred in providing care to uninsured patients, including, without limitation, patients covered by Medicaid or another governmental program for indigent patients, less any payments received by the hospital for that care.

(c) “Uncompensated care percentage” means the uncompensated care costs of a hospital divided by the total revenue for the hospital.

Sec. 148. NRS 422.390 is hereby amended to read as follows:

422.390 1. The Division ~~{of Health-Care Financing and Policy}~~ shall adopt regulations concerning:

(a) Procedures for the transfer to the Division ~~{of Health-Care Financing and Policy}~~ of the amount required pursuant to NRS 422.382.

(b) Provisions for the payment of a penalty and interest for a delinquent transfer.

(c) Provisions for the payment of interest by the Division ~~{of Health Care Financing and Policy}~~ for late reimbursements to hospitals or other providers of medical care.

(d) Provisions for the calculation of the uncompensated care percentage for hospitals, including, without limitation, the procedures and methodology required to be used in calculating the percentage, and any required documentation of and reporting by a hospital relating to the calculation.

2. The Division ~~{of Health Care Financing and Policy}~~ shall report to the Interim Finance Committee quarterly concerning the provisions of NRS 422.380 to 422.390, inclusive.

Sec. 149. NRS 422.410 is hereby amended to read as follows:

422.410 1. Unless a different penalty is provided pursuant to NRS 422.361 to 422.369, inclusive, or 422.450 to 422.590, inclusive, a person who knowingly and designedly, by any false pretense, false or misleading statement, impersonation or misrepresentation, obtains or attempts to obtain monetary or any other public assistance, or money, property, medical or remedial care or any other service provided pursuant to the Children's Health Insurance Program, having a value of \$100 or more, whether by one act or a series of acts, with the intent to cheat, defraud or defeat the purposes of this chapter is guilty of a category E felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. For the purposes of subsection 1, whenever a recipient of Temporary Assistance for Needy Families pursuant to the provisions of this chapter *and sections 2 to 97, inclusive, of this act* receives an overpayment of benefits for the third time and the overpayments have resulted from a false statement or representation by the recipient or from the failure of the recipient to notify the ~~{Welfare}~~ Division *of Welfare and Supportive Services of the Department* of a change in his circumstances which would affect the amount of assistance he receives, a rebuttable presumption arises that the payment was fraudulently received.

3. For the purposes of subsection 1, "public assistance" includes any money, property, medical or remedial care or any other service provided pursuant to a state plan.

Sec. 150. NRS 427A.470 is hereby amended to read as follows:

427A.470 1. "Home" means residential living quarters located in this State. The quarters may consist of a single dwelling unit, or a unit which is an integral part of a larger complex such as a multidwelling or a multipurpose building, together with the land upon which the unit is built and any surrounding land, not to exceed 2 acres, and any outbuildings and facilities reasonably necessary for use of the unit as residential living quarters.

2. The term includes:

(a) A mobile or manufactured home.

(b) A home, mobile or manufactured home or dwelling that the claimant ~~possesses~~ *and spouse of the claimant possess* under a contract of sale, deed of trust, life estate, joint tenancy or tenancy in common.

(c) A residential facility for groups required to be licensed by the Health Division of the Department ~~of Human Resources~~ pursuant to NRS 449.001 to 449.240, inclusive.

(d) A dwelling within any housing project which has been established pursuant to chapter 315 of NRS and for which the housing authority makes payments in lieu of taxes.

3. The term does not include any part of the building or land which is not used as living quarters by the claimant and spouse and which produces income for the claimant or spouse, if the residential living quarters are part of a multipurpose building.

Sec. 151. NRS 427A.485 is hereby amended to read as follows:

427A.485 “Income” means adjusted gross income, as defined in the Internal Revenue Code, and includes:

1. Tax-free interest;
2. The untaxed portion of a pension , *individual retirement account* or annuity;
3. Railroad retirement benefits;
4. Veterans’ pensions and compensation;
5. Payments received pursuant to the federal Social Security Act, including supplemental security income, but excluding hospital and medical insurance benefits for the aged and disabled;
6. Public welfare payments, including allowances for shelter;
7. Unemployment insurance benefits;
8. Payments for lost time;
9. Payments received from disability insurance;
10. Disability payments received pursuant to workers’ compensation insurance;
11. Alimony;
12. Support payments;
13. Allowances received by dependents of servicemen;
14. The amount of recognized capital gains and losses excluded from adjusted gross income;
15. Life insurance proceeds in excess of \$5,000;
16. Bequests and inheritances; and
17. Gifts of cash of more than \$300 not between household members and such other kinds of cash received by a household as the Division specifies by regulation.

Sec. 152. NRS 427A.540 is hereby amended to read as follows:

427A.540 No claim may be accepted by the Division if the:

1. Claimant or spouse of the claimant owns real property, other than that claimed as a home, which has an assessed value of more than \$30,000;
2. Home of the claimant *and spouse of the claimant* has an assessed value of more than \$87,500; or
3. Liquid assets of the claimant *and spouse of the claimant* are more than \$150,000.

Sec. 152.5. NRS 428.355 is hereby amended to read as follows:

428.355 As used in NRS 428.355 ~~[to 428.395, inclusive,]~~ , *428.365 and 428.375*, unless the context otherwise requires:

1. “Community Services Block Grant Act” means the federal act set forth in 42 U.S.C. §§ 9901 et seq.
2. “Director” means the Director of the Department of Human Resources.
3. “Eligible entity” has the meaning ascribed to it in 42 U.S.C. § 9902.

Sec. 153. Chapter 432 of NRS is hereby amended by adding thereto the provisions set forth as sections 154 to 163.8, inclusive, of this act.

Sec. 154. 1. *The purposes of the Division are to:*

(a) Provide a comprehensive state system for the coordination and provision of services to children and families who need assistance relating to juvenile justice and the care, welfare and mental health of children.

(b) Aid in the preservation, rehabilitation and reunification of families.

(c) Ensure that children are placed in the least restrictive environment available which is appropriate to their needs.

(d) Coordinate and provide services for youth who are in need of residential care or in need of treatment, or both.

2. *In accomplishing its purposes, the Division shall:*

(a) Establish and coordinate a system for:

(1) The diagnosis and assessment of the needs of particular children and families, including those in need of multiple services;

(2) The referral of children and families to appropriate services; and

(3) The management and monitoring of cases in which children and families are referred to multiple services.

(b) Plan and coordinate the provision of services for the support of families to:

(1) Maintain the integrity of families;

(2) Ensure that children are not unnecessarily removed from their homes; and

(3) Ensure that families are reunited as soon as practicable after the removal of children from their homes.

(c) Ensure that a sufficient range of services is available to provide care and treatment to children and families in the least restrictive setting appropriate to their needs.

(d) Work closely with other governmental agencies and with public and private agencies providing the same or similar services.

3. The Division shall develop standards for carrying out programs aimed toward the prevention of delinquent acts of children and programs for the treatment of those brought to its attention. It shall assist in the development of programs for the predelinquent children whose behavior tends to lead them into contact with law enforcement agencies.

4. The Division shall develop and assist in carrying out programs for the diversion of juveniles out of the judicial system and programs for the aftercare of juveniles who have been released from state institutions, who have been brought before the juvenile court or family court or who have otherwise come into contact with law enforcement agencies. The Administrator shall observe and evaluate the success of those programs.

Sec. 155. *The Division consists of an Administrator and:*

1. The Nevada Youth Training Center Bureau;

2. The Caliente Youth Center Bureau;

3. The Bureau of Services for Child Care;

4. The Youth Parole Bureau; and

5. Within the limits of legislative appropriation, such additional administrative sections as the Administrator determines are necessary to perform the functions of the Division.

Sec. 156. *The Administrator must be appointed on the basis of his education, training, experience, demonstrated abilities and his interest in the provision of services to children and families and related programs.*

Sec. 157. *1. The Administrator shall appoint, with the approval of the Director, a chief of each of the bureaus in the Division. The chiefs are designated respectively as:*

(a) The Superintendent of the Nevada Youth Training Center;

(b) The Superintendent of the Caliente Youth Center;

(c) The Chief of the Bureau of Services for Child Care; and

(d) The Chief of the Youth Parole Bureau.

2. The Administrator is responsible for the administration, through the Division, of the provisions of chapters 63 and 424 of NRS, NRS 127.220 to 127.310, inclusive, 432.010 to 432.085, inclusive, sections 154 to 163.8, inclusive, of this act, and 433B.010 to 433B.350, inclusive, and all other provisions of law

relating to the functions of the Division, but is not responsible for the professional activities of the components of the Division except as specifically provided by law.

Sec. 158. *1. The Superintendents of the Nevada Youth Training Center, the Caliente Youth Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS are in the unclassified service of the State unless federal law or regulation requires otherwise.*

2. The Chief of the Bureau of Services for Child Care and the Chief of the Youth Parole Bureau are in the classified service of the State.

Sec. 159. *The chief of each bureau of the Division shall:*

1. Administer the provisions of law relating to his bureau, subject to the administrative supervision of the Administrator.

2. Except as otherwise provided in NRS 284.143, devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 160. *1. Except as otherwise provided in subsection 2 and by specific statute:*

(a) The Division shall:

(1) Establish and impose a schedule of fees for services rendered through each of its programs. The highest fee established for a service must approximate the cost of providing the service.

(2) Establish a scale proportionate to income so that families whose income is low can afford services preventive of greater expense to the family or the public afterward.

(3) Submit the schedule to the Director for approval before enforcement.

(b) The fees collected pursuant to the schedule must be deposited in the State Treasury to the credit of the State General Fund.

(c) The Administrator may waive any fee established pursuant to the schedule if he determines that the person required to pay that fee is financially unable to do so.

2. Fees collected pursuant to this section for services provided to juveniles committed to the custody of the Division, the Nevada Youth Training Center, the Caliente Youth Center or any other state facility for the detention of children pursuant to title 5 of NRS must be deposited with the State Treasurer for credit to a separate account in the State General Fund for expenditure by the Administrator to carry out the powers and duties of the Administrator and the Division.

Sec. 161. *1. Except for gifts or grants specifically accounted for in another account, any gifts or grants of money*

which the Division is authorized to accept must be deposited in the State Treasury to the credit of the Division of Child and Family Services' Gift and Cooperative Account in the Department of Health and Human Services' Gift Fund.

2. Money in the Account must be expended in accordance with the terms of the gift or grant.

3. All claims must be approved by the Administrator before they are paid.

Sec. 162. *1. The Department may issue a subpoena to compel the attendance of witnesses, the giving of testimony and the production of books and papers at an administrative hearing conducted pursuant to the provisions of 20 U.S.C. § 1415 on behalf of a party to that hearing. The subpoena must be signed by the Director or a person designated by the Director for this purpose. If a person fails to comply with a subpoena, the Department may apply to the district court for enforcement of the subpoena.*

2. The District Court in and for Carson City or the county in which a hearing is being conducted for which such a subpoena was issued may, upon receipt of such an application, compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by the subpoena.

3. In case of the refusal of any witness to attend or testify or produce any papers required by the subpoena, the person holding the hearing may report to the district court by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in accordance with this section; and

(c) That the witness has failed or refused to attend or produce the papers required by subpoena before the person holding the hearing named in the subpoena, or has refused to answer questions propounded to him in the course of the hearing,

↳ and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the person.

4. The court, upon petition of the person holding the hearing, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order, the time must not be more than 10 days after the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the person holding the hearing. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly

issued by the person holding the hearing, the court shall thereupon enter an order that the witness appear before the person at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order, the witness must be dealt with as for contempt of court.

Sec. 163. *1. The Department, through the Division, is the sole state agency for the establishment of standards for the receipt of federal money in the field of juvenile development and for programs to prevent, combat and control delinquency. The Administrator, with the approval of the Director, may develop state plans, make reports to the Federal Government and comply with such other conditions as may be imposed by the Federal Government for the receipt of assistance for those programs. In developing and revising state plans, the Administrator shall consider, among other things, the amount of money available from the Federal Government for those programs and the conditions attached to that money, and the limitations of legislative appropriations for the programs.*

2. The Administrator shall cause to be deposited with the State Treasurer all money allotted to this State by the Federal Government for the purposes described in this section and shall cause to be paid out of the State Treasury the money therein deposited for those purposes.

Sec. 163.2. *1. All gifts of money that the Division is authorized to accept must be deposited in the Nevada Children's Gift Account in the Department of Health and Human Services' Gift Fund.*

2. Money in the Gift Account may be used to benefit the children to whom shelter and care is provided by the Division. Each gift must be expended in accordance with the terms of the gift.

3. The interest and income earned on the money in the Nevada Children's Gift Account, after deducting any applicable charges, must be credited to the Gift Account.

4. The Division may transfer each fiscal year from the Nevada Children's Gift Account to the Nevada Children's Gift Revolving Account created pursuant to section 163.4 of this act an amount not to exceed the amount of interest and income earned for that fiscal year on the money in the Nevada Children's Gift Account.

5. Each claim against the Nevada Children's Gift Account must be approved by the Administrator or his designee before it is paid.

Sec. 163.4. *1. The Nevada Children's Gift Revolving Account is hereby created. All money in the Nevada Children's Gift Revolving Account must be deposited in a financial institution*

qualified to receive deposits of public money and must be secured with a depository bond that is satisfactory to the State Board of Examiners, unless it is otherwise secured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.

2. The money in the Nevada Children's Gift Revolving Account may be distributed by the Division to foster parents, upon request, on the basis of need, to pay the costs associated with participation by a child in foster care in intramural, recreational, social, school and sports-related activities, including, without limitation, uniforms and equipment, the rental of musical instruments, registration fees and art lessons.

3. All requests for distributions of money from the Nevada Children's Gift Revolving Account must be made to the Division in writing. The person making the request must demonstrate that all other resources for money to pay for the activity have been exhausted.

4. The Division shall develop policies for the administration of this section.

5. Purchases made by the Division pursuant to this section are exempt from the provisions of the State Purchasing Act.

6. The balance in the Nevada Children's Gift Revolving Account must be carried forward at the end of each fiscal year.

Sec. 163.6. *1. The Account to Assist Persons Formerly in Foster Care is hereby established in the Department of Health and Human Services' Gift Fund.*

2. The Account must be administered by the Administrator.

3. The money in the Account must be used to assist persons who attained the age of 18 years while children in foster care in this State to make the transition from foster care to economic self-sufficiency, and may, consistent with that purpose, be:

(a) Disbursed on behalf of such persons, on the basis of need, to obtain goods and services, including, without limitation:

- (1) Job training;*
- (2) Housing assistance; and*
- (3) Medical insurance;*

(b) Granted to nonprofit community organizations; or

(c) Expended to provide matching money required as a condition of any federal grant.

4. A request for the disbursement of money from the Account pursuant to paragraph (a) of subsection 3 must be made to the Division in writing. The request must include information to demonstrate that all other resources for money to pay for the goods and services have been exhausted.

5. *The Division shall adopt such regulations as necessary for the administration of this section.*

6. *Money in the Account at the end of any fiscal year remains in the Account and does not revert to any other fund.*

Sec. 163.8. 1. *The Department may enter into a contract with a person for the provision of shelter and care to children who are placed in the custody of an agency which provides child welfare services.*

2. *The Department may not enter into a contract pursuant to this section unless it is satisfied that the person is qualified and has the necessary facilities and money to provide adequate shelter and care to the children.*

3. *The Department shall adopt such regulations as are necessary to ensure that the person provides adequate shelter and care for the children placed in his care.*

4. *The person shall comply with all regulations adopted pursuant to this section.*

Sec. 164. NRS 432.010 is hereby amended to read as follows:

432.010 As used in this chapter, except as otherwise defined by specific statute or unless the context otherwise requires:

1. “Administrator” means the Administrator of the Division.

2. “Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.

3. “Child” means a person less than 18 years of age ~~or~~ **H** or, if in school, until graduation from high school.

4. *“Department” means the Department of Health and Human Services.*

5. *“Director” means the Director of the Department.*

6. “Division” means the Division of Child and Family Services of the Department. ~~{of Human Resources.~~

~~—5—~~ 7. “Maintenance” means general expenses for care such as board, shelter, clothing, transportation and other necessary or incidental expenses, or any of them, or monetary payments therefor.

~~{6—~~ 8. “Special services” means medical, hospital, psychiatric, surgical or dental services, or any combination thereof.

Sec. 165. NRS 432.0305 is hereby amended to read as follows:

432.0305 The Department, ~~{of Human Resources,}~~ through the Division, shall:

1. Observe and study the changing nature and extent of the need for child welfare services and develop through tests and demonstrations effective ways of meeting those needs.

2. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including the adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of programs for child welfare,

and in increasing the efficiency of those programs by prompt and judicious use of new federal grants which will assist the Division in carrying out the provisions of NRS 432.010 to 432.085, inclusive ~~and~~ , *and sections 154 to 163.8, inclusive, of this act.* The Department shall consider any request for a change in the state plan submitted by an agency which provides child welfare services.

3. Enter into reciprocal agreements with other states relative to services for child welfare and institutional care, when deemed necessary or convenient by the Administrator . ~~{of the Division.}~~

4. Enter into agreements with an agency which provides child welfare services in a county whose population is 100,000 or more when deemed necessary or convenient by the Administrator . ~~{of the Division.}~~

5. Accept money from and cooperate with the United States or any of its agencies in carrying out the provisions of NRS 432.010 to 432.085, inclusive, *and sections 154 to 163.8, inclusive, of this act,* and of any federal acts pertaining to public child welfare and youth services, insofar as authorized by the Legislature.

Sec. 166. NRS 432.031 is hereby amended to read as follows:

432.031 1. The Department , ~~{of Human Resources,}~~ through the Division, shall act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the State to aid in the furtherance of any services and activities for child welfare.

2. If the Congress of the United States passes any law increasing the participation of the Federal Government in a Nevada Program for Child Welfare, either as relates to eligibility for assistance or otherwise, the Director ~~{of the Department of Human Resources}~~ is authorized to accept, with the approval of the Governor, the increased benefits of that legislation. The Division may adopt such standards as are required by the Congress of the United States as a condition to the acceptance of those benefits.

3. An agency which provides child welfare services in a county whose population is 100,000 or more shall enter into such agreements with the Division as are necessary to maximize the amount of money that this State may obtain from the Federal Government for the provision of child welfare services throughout this State.

Sec. 167. NRS 432.034 is hereby amended to read as follows:

432.034 Written statements of information required from responsible relatives of applicants for or recipients of assistance pursuant to NRS 432.010 to 432.085, inclusive, *and sections 154 to 163.8, inclusive, of this act* need not be under oath, but any person who signs such a statement and willfully states therein as true any material matter which he knows to be false is guilty of perjury

which is a category D felony and shall be punished as provided in NRS 193.130.

Sec. 168. NRS 432.091 is hereby amended to read as follows:

432.091 The provisions of NRS 432.010 to 432.085, inclusive, *and sections 154 to 163.8, inclusive, of this act* do not apply to the Program for Child Care and Development administered by the ~~{Welfare}~~ Division *of Welfare and Supportive Services* of the Department ~~{of Human Resources}~~ pursuant to ~~{chapter 422 of NRS.}~~ *sections 2 to 97, inclusive, of this act.*

Sec. 169. NRS 432.133 is hereby amended to read as follows:

432.133 1. The Director ~~{of the Department of Human Resources}~~ is responsible for administering the Children's Trust Account. He may delegate to the Administrator any of the duties involved in administering the Account.

2. The Director shall report to each regular session of the Legislature regarding the agencies or organizations that have been awarded money from the Children's Trust Account, the money credited to the Account, the interest and income on the money in the Account, any unexpended money in the Account ~~{,}~~ and the general expenses of administering the Account.

Sec. 170. NRS 432.135 is hereby amended to read as follows:

432.135 1. The Committee for Protection of Children is hereby created within the Department ~~{of Human Resources.}~~

2. The Committee consists of the following seven members, with at least one member residing within a county whose population is less than 100,000:

(a) The Administrator;

(b) A superintendent of a county school district appointed by the Director ; ~~{of the Department of Human Resources;}~~

(c) A director of a local agency providing services for abused or neglected children appointed by the Director of the Department ; ~~{of Human Resources;}~~

(d) A representative of a community organization involved with children, appointed by the Director ; ~~{of the Department of Human Resources;}~~ and

(e) Three members of the general public with knowledge of or experience in services to prevent abuse or neglect of children, appointed by the Governor.

Sec. 171. NRS 432.137 is hereby amended to read as follows:

432.137 1. The Committee for Protection of Children shall meet at least twice a year. Additional meetings may be called by the Director ~~{of the Department of Human Resources}~~ as he determines necessary.

2. The expenses for travel of those members who are not state employees and the cost of the meetings must be paid solely out of

the money in the Children's Trust Account available for administrative expenses under subsection 2 of NRS 432.131.

Sec. 172. NRS 432A.026 is hereby amended to read as follows:

432A.026 "Department" means the Department of *Health and Human ~~[Resources.] Services.~~*

Sec. 173. NRS 432A.035 is hereby amended to read as follows:

432A.035 The provisions of this chapter do not apply to the Program for Child Care and Development administered by the ~~[Welfare]~~ Division *of Welfare and Supportive Services* of the Department ~~[of Human Resources]~~ pursuant to ~~[chapter 422 of NRS.] sections 2 to 97, inclusive, of this act.~~

Sec. 174. NRS 432A.060 is hereby amended to read as follows:

432A.060 The Chief ~~[shall]~~ *must* be appointed , *with the consent of the Director,* on the basis of his education, training, experience and demonstrated abilities and his interest in child care services and programs.

Sec. 175. NRS 432A.110 is hereby amended to read as follows:

432A.110 1. All gifts of money which the Bureau is authorized to accept must be deposited in the State Treasury for credit to the Gift Account for Child Care Services in the Department of *Health and Human ~~[Resources'] Services'~~* Gift Fund. The money may be invested and reinvested and must be used in accordance with the conditions of the gift.

2. All claims must be approved by the Chief before they are paid.

Sec. 175.5. NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the agency which provides child welfare services:

(a) Permit the child to remain in the temporary or permanent custody of his parents or a guardian with or without supervision by the court or a person or agency designated by the court, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe;

(b) Place him in the temporary or permanent custody of a relative or other person who the court finds suitable to receive and care for him with or without supervision, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe; *or*

(c) Place him in the temporary custody of a public agency or institution authorized to care for children, the local juvenile

probation department, the local department of juvenile services or a private agency or institution licensed by the Department of Human Resources or a county whose population is 100,000 or more to care for such a child. ~~§ 207~~

~~—(d) Commit him to the custody of the Superintendent of the Northern Nevada Children's Home or the Superintendent of the Southern Nevada Children's Home, in accordance with chapter 423 of NRS.]~~

➔ In carrying out this subsection, the court may, in its sole discretion and in compliance with the requirements of chapter 159 of NRS, consider an application for the guardianship of the child. If the court grants such an application, it may retain jurisdiction of the case or transfer the case to another court of competent jurisdiction.

2. If, pursuant to subsection 1, a child is placed other than with a parent:

(a) The parent retains the right to consent to adoption, to determine the child's religious affiliation and to reasonable visitation, unless restricted by the court. If the custodian of the child interferes with these rights, the parent may petition the court for enforcement of his rights.

(b) The court shall set forth good cause why the child was placed other than with a parent.

3. If, pursuant to subsection 1, the child is to be placed with a relative, the court may consider, among other factors, whether the child has resided with a particular relative for 3 years or more before the incident which brought the child to the court's attention.

4. Except as otherwise provided in this subsection, a copy of the report prepared for the court by the agency which provides child welfare services must be sent to the custodian and the parent or legal guardian. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the location of the parent is unknown, the report need not be sent to that parent.

5. In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of his parents or guardian, preference must be given to placing the child:

(a) With any person related within the third degree of consanguinity to the child who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(b) If practicable, together with his siblings.

➔ Any search for a relative with whom to place a child pursuant to this section must be completed within 1 year after the initial placement of the child outside of his home. If a child is placed with any person who resides outside of this State, the placement must be in accordance with NRS 127.330.

6. Within 60 days after the removal of a child from his home, the court shall:

(a) Determine whether:

(1) The agency which provides child welfare services has made the reasonable efforts required by paragraph (a) of subsection 1 of NRS 432B.393; or

(2) No such efforts are required in the particular case; and

(b) Prepare an explicit statement of the facts upon which its determination is based.

Secs. 176-177. (Deleted by amendment.)

Sec. 178. NRS 127.275 is hereby amended to read as follows:

127.275 1. Except as otherwise provided in this section:

(a) In a county whose population is less than 100,000, the Division shall, in accordance with ~~NRS 232.464;~~ *section 160 of this act;* and

(b) In a county whose population is 100,000 or more, the board of county commissioners of the county shall, by ordinance,

➤ charge reasonable fees for the services provided by an agency which provides child welfare services in placing, arranging the placement of or assisting in placing or arranging the placement of any child for adoption, and for conducting any investigation required by NRS 127.2805.

2. The fees charged for those services must vary based on criteria developed by the Division and board of county commissioners but must not exceed the usual and customary fees that child-placing agencies in the area where the services are provided, or in a similar geographic area, would charge for those services. The Division and board of county commissioners shall not discriminate between adoptions made through an agency and specific adoptions in setting their fees.

3. A fee must not be charged for services related to the adoption of a child with special needs.

4. An agency which provides child welfare services may waive or reduce any fee charged pursuant to this section if the agency which provides child welfare services determines that the adoptive parents are not able to pay the fee or the needs of the child require a waiver or reduction of the fee.

5. Any money collected by an agency which provides child welfare services in a county whose population is less than 100,000 pursuant to this section must be accounted for in the appropriate account of the Division and may be used only to pay for the costs of any adoptive or postadoptive services provided by any agency which provides child welfare services in a county whose population is less than 100,000.

6. Any money collected by an agency which provides child welfare services in a county whose population is 100,000 or more

pursuant to this section must be deposited in the county treasury for the credit of the agency which provides child welfare services and may be used only to pay for the costs of any adoption or postadoptive services provided by the agency which provides child welfare services.

Sec. 179. NRS 164.400 is hereby amended to read as follows:

164.400 1. Except in connection with an application for benefits pursuant to chapter 422 of NRS ~~§~~ *or sections 2 to 97, inclusive, of this act*, a trustee may present a certification of trust to any person, in lieu of a copy of any trust instrument, to establish the existence or terms of the trust. The trustee may present the certification voluntarily or at the request of the person with whom he is dealing.

2. Such a certification must be in the form of an affidavit signed and acknowledged by all of the currently acting trustees of the trust.

Sec. 180. NRS 217.180 is hereby amended to read as follows:

217.180 1. In determining whether to make an order for compensation, the compensation officer shall consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to his injury or death, the prior case or social history, if any, of the victim, the need of the victim or his dependents for financial aid and other relevant matters.

2. If the applicant has received or is likely to receive an amount on account of his injury or the death of another from:

(a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender;

(b) Insurance;

(c) The employer of the victim; or

(d) Another private or public source or program of assistance,
→ the applicant shall report the amount received or that he is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Board the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

3. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

4. As used in this section, "public source or program of assistance" means:

(a) Public assistance, as defined in NRS 422.050 ~~§~~ *and section 15 of this act*;

(b) Social services provided by a social service agency, as defined in NRS 430A.080; or

(c) Other assistance provided by a public entity.

Sec. 181. NRS 232.290 is hereby amended to read as follows:

232.290 As used in NRS 232.290 to ~~[232.465,]~~ **232.357**, inclusive, unless the context requires otherwise:

1. “Department” means the Department of **Health and Human ~~[Resources.]~~ Services.**

2. “Director” means the Director of the Department.

Sec. 182. NRS 232.300 is hereby amended to read as follows:

232.300 1. The Department of **Health and Human ~~[Resources.]~~ Services** is hereby created.

2. The Department consists of a Director and the following divisions:

(a) Aging Services Division.

(b) Health Division.

(c) Division of Mental Health and Developmental Services.

(d) ~~[Welfare Division.]~~ **Division of Welfare and Supportive Services.**

(e) Division of Child and Family Services.

(f) Division of Health Care Financing and Policy.

3. The Department is the sole agency responsible for administering the provisions of law relating to its respective divisions.

Sec. 183. NRS 232.320 is hereby amended to read as follows:

232.320 1. Except as otherwise provided in subsection ~~[2,]~~ **3**, the Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging Services Division;

(2) The Administrator of the Health Division;

(3) The ~~[State Welfare Administrator.]~~ **Administrator of the Division of Welfare and Supportive Services;**

(4) The Administrator of the Division of Child and Family Services; and

(5) The Administrator of the Division of Health Care Financing and Policy.

(b) Shall administer, through the divisions of the Department and the Office of Disability Services, the provisions of chapters 63, ~~[423,]~~ 424, 425, 426A, 427A, 432A to 442, inclusive, 446 to 450, inclusive, of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, 422.580, 426.205 to 426.295, inclusive, 432.010 to 432.139, inclusive, 444.003 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, **and sections 2 to 97, inclusive, and 154 to 163.8, inclusive, of this act**, and all other provisions of law relating

to the functions of the divisions of the Department and the Office of Disability Services, but is not responsible for the clinical activities of the Health Division or the professional line activities of the other divisions or the Office of Disability Services.

(c) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(d) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information to him regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which he deems necessary for his performance of the duties imposed upon him pursuant to this section.

(e) Has such other powers and duties as are provided by law.

2. *Notwithstanding any other provision of law, the Director, or his designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than:*

(a) The Administrator of the Division of Mental Health and Developmental Services who is appointed pursuant to subsection 3;

(b) The Executive Director of the Nevada Indian Commission who is appointed pursuant to NRS 233A.055; and

(c) The State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

3. The Governor shall appoint the Administrator of the Division of Mental Health and Developmental Services.

Sec. 184. NRS 232.350 is hereby amended to read as follows:
232.350 Unless federal law or regulation requires otherwise:

1. The administrators of the divisions of the Department, except as otherwise provided in subsections 2 and 3, may each appoint , *with the consent of the Director*, a deputy and a chief assistant in the unclassified service of the State.

2. The Administrator of the Division of Child and Family Services of the Department shall appoint , *with the consent of the Director*, four deputies in the unclassified service of the State, one of whom is the Deputy Administrator for Youth Corrections who is responsible only for correctional services for youths for which the Division is responsible, including, without limitation, juvenile correctional institutions, parole of juveniles, administration of juvenile justice and programs for juvenile justice.

3. The Administrator of the Division of Health Care Financing and Policy of the Department may appoint , *with the consent of the Director*, two deputies in the unclassified service of the State.

Sec. 185. NRS 232.355 is hereby amended to read as follows:

232.355 1. Except for gifts or grants specifically accounted for in another fund, all gifts or grants of money or other property which the divisions of the Department ~~[of Human Resources]~~ are authorized to accept must be accounted for in the Department of *Health and Human [Resources'] Services'* Gift Fund, which is hereby created as a special revenue fund. The Fund is a continuing fund without reversion. The Department may establish such accounts in the Fund as are necessary to account properly for gifts received. All such money received by the divisions must be deposited in the State Treasury for credit to the Fund. The money in the Fund must be paid out on claims as other claims against the State are paid. Unless otherwise specifically provided by statute, claims against the Fund must be approved by the Director or his delegate.

2. Gifts of property other than money may be sold or exchanged when this is deemed by the head of the facility or agency responsible for the gift to be in the best interest of the facility or agency. The sale price must not be less than 90 percent of the value determined by a qualified appraiser appointed by the head of the facility or agency. All money received from the sale must be deposited in the State Treasury to the credit of the appropriate gift account in the Department of *Health and Human [Resources'] Services'* Gift Fund. The money may be spent only for the purposes of the facility or agency named in the title of the account. The property may not be sold or exchanged if to do so would violate the terms of the gift.

Sec. 185.3. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise county recorders shall charge and collect the following fees:

For recording any document, for the first page.....	\$10
For each additional page	1
For recording each portion of a document which must be separately indexed, after the first indexing	3
For copying any record, for each page.....	1
For certifying, including certificate and seal.....	4
For a certified copy of a certificate of marriage.....	10
For a certified abstract of a certificate of marriage	10

2. Except as otherwise provided in this subsection, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed \$3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay to the county treasurer the amount of fees collected by him pursuant to this subsection for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of \$1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay to the county treasurer the amount of fees collected by him pursuant to this subsection. On or before the 15th day of each month, the county treasurer shall remit the money received by him pursuant to this subsection to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to ~~NRS 423.137~~ **section 163.6 of this act.**

4. Except as otherwise provided in this subsection, subsection 5 or by specific statute, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of \$25 for recording any

document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

5. Except as otherwise provided in subsection 6, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by him to:

(a) The county in which his office is located.

(b) The State of Nevada or any city or town within the county in which his office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town;
or

(4) Is a notice of the pendency of an action by the State or that city or town.

6. A county recorder shall charge and collect the fees specified in this section for copying of any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his certificate and seal upon the copy, the county recorder shall charge the regular fee.

7. For purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his official capacity.

8. Except as otherwise provided in subsection 2 or 3 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

Sec. 185.5. NRS 435.010 is hereby amended to read as follows:

435.010 1. The boards of county commissioners of the various counties shall make provision for the support, education and care of the mentally retarded children and children with related conditions of their respective counties.

2. For that purpose they are empowered to make all necessary contracts and agreements to carry out the provisions of NRS 435.010 ~~[to 435.040, inclusive.]~~ , 435.020 and 435.030. Any such contract or agreement may be made with any responsible person or facility in or without the State of Nevada.

3. The provisions of NRS 435.010 ~~[to 435.040, inclusive.]~~ , 435.020 and 435.030 supplement the services which other political subdivisions or agencies of the State are required by law to provide,

and do not supersede or relieve the responsibilities of such political subdivisions or agencies.

Sec. 185.7. NRS 435.020 is hereby amended to read as follows:

435.020 All mentally retarded children and children with related conditions are entitled to benefits under NRS 435.010 ~~to 435.040, inclusive;~~ **435.020 and 435.030:**

1. Who are unable to pay for their support and care;
2. Whose parents, relatives or guardians are unable to pay for their support and care; and
3. If division facilities are to be utilized, whom the Division recognizes as proper subjects for services within such division facilities.

Sec. 185.8. (Deleted by amendment.)

Sec. 185.9. NRS 439.150 is hereby amended to read as follows:

439.150 1. The State Board of Health is hereby declared to be supreme in all nonadministrative health matters. It has general supervision over all matters, except for administrative matters, relating to the preservation of the health and lives of citizens of this State and over the work of the State Health Officer and all district, county and city health departments, boards of health and health officers.

2. The Department of Human Resources is hereby designated as the agency of this State to cooperate with the federal authorities in the administration of those parts of the Social Security Act which relate to the general promotion of Public Health. It may receive and expend all money made available to the Health Division by the Federal Government, the State of Nevada or its political subdivisions, or from any other source, for the purposes provided in this chapter. In developing and revising any state plan in connection with federal assistance for health programs, the Department shall consider, without limitation, the amount of money available from the Federal Government for those programs, the conditions attached to the acceptance of that money and the limitations of legislative appropriations for those programs.

3. Except as otherwise provided in NRS ~~458.025 and~~ 576.128, the State Board of Health may set reasonable fees for the:

- (a) Licensing, registering, certifying, inspecting or granting of permits for any facility, establishment or service regulated by the Health Division;
- (b) Programs and services of the Health Division;
- (c) Review of plans; and
- (d) Certification and licensing of personnel.

↪ Fees set pursuant to this subsection must be calculated to produce for that period the revenue from the fees projected in the budget approved for the Health Division by the Legislature.

Sec. 186. NRS 439.272 is hereby amended to read as follows:

439.272 1. The Health Division shall appoint , *with the consent of the Director*, a State Dental Health Officer, who is in the unclassified service of the State. The State Dental Health Officer must:

- (a) Be a resident of this State;
- (b) Hold a current license to practice dentistry issued pursuant to chapter 631 of NRS; and
- (c) Be appointed on the basis of his education, training and experience and his interest in public dental health and related programs.

2. The State Dental Health Officer shall:

- (a) Determine the needs of the residents of this State for public dental health;
- (b) Provide the Health Division with advice regarding public dental health;
- (c) Make recommendations to the Health Division and the Legislature regarding programs in this State for public dental health;
- (d) Supervise the activities of the State Public Health Dental Hygienist; and
- (e) Seek such information and advice from a dental school of the University and Community College System of Nevada as necessary to carry out his duties.

3. Except as otherwise provided in this subsection, the State Dental Health Officer shall devote all of his time to the business of his office and shall not pursue any other business or vocation or hold any other office of profit. Notwithstanding the provisions of NRS 281.127 and 284.143, the State Dental Health Officer may engage in academic instruction, research and studies at a dental school of the University and Community College System of Nevada.

4. The Health Division may solicit and accept gifts and grants to pay the costs associated with the position of State Dental Health Officer.

Sec. 187. NRS 439.279 is hereby amended to read as follows:

439.279 1. The Health Division shall appoint , *with the consent of the Director*, a State Public Health Dental Hygienist, who is in the unclassified service of the State. The State Public Health Dental Hygienist must:

- (a) Be a resident of this State;
- (b) Hold a current license to practice dental hygiene issued pursuant to chapter 631 of NRS with a special endorsement issued pursuant to NRS 631.287; and

(c) Be appointed on the basis of his education, training and experience and his interest in public health dental hygiene and related programs.

2. The State Public Health Dental Hygienist:

(a) Shall assist the State Dental Health Officer in carrying out his duties; and

(b) May:

(1) Make recommendations to the Health Division regarding programs in this State for public health dental hygiene; and

(2) Perform any acts authorized pursuant to NRS 631.287.

3. Except as otherwise provided in this subsection, the State Public Health Dental Hygienist shall devote all of his time to the business of his office and shall not pursue any other business or vocation or hold any other office of profit. Notwithstanding the provisions of NRS 281.127 and 284.143, the State Public Health Dental Hygienist may engage in academic instruction, research and studies in a program of the University and Community College System of Nevada.

4. The Health Division may solicit and accept gifts and grants to pay the costs associated with the position of State Public Health Dental Hygienist.

Sec. 188. NRS 439A.086 is hereby amended to read as follows:

439A.086 The position of Chief Research and Statistical Analyst is hereby created in the Health Division of the Department. ***This position is in the unclassified service of the State.***

Sec. 188.5. NRS 444.330 is hereby amended to read as follows:

444.330 1. The Health Division has supervision over the sanitation, healthfulness, cleanliness and safety, as it pertains to the foregoing matters, of the following state institutions:

(a) Institutions and facilities of the Department of Corrections.

(b) Northern Nevada Adult Mental Health Services.

(c) Nevada Youth Training Center, Caliente Youth Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

~~(d) Northern Nevada Children's Home.~~

~~—(e) Southern Nevada Children's Home.~~

~~—(f)~~ University and Community College System of Nevada.

2. The State Board of Health may adopt regulations pertaining thereto as are necessary to promote properly the sanitation, healthfulness, cleanliness and, as it pertains to the foregoing matters, the safety of those institutions.

3. The State Health Officer or his authorized agent shall inspect those institutions at least once each calendar year and whenever he

deems an inspection necessary to carry out the provisions of this section.

4. The State Health Officer may publish reports of the inspections.

5. All persons charged with the duty of maintenance and operation of the institutions named in this section shall operate the institutions in conformity with the regulations adopted by the State Board of Health pursuant to subsection 2.

6. The State Health Officer or his authorized agent may, in carrying out the provisions of this section, enter upon any part of the premises of any of the institutions named in this section over which he has jurisdiction, to determine the sanitary conditions of the institutions and to determine whether the provisions of this section and the regulations of the State Board of Health pertaining thereto are being violated.

Sec. 189. NRS 449.00455 is hereby amended to read as follows:

449.00455 “Facility for the treatment of abuse of alcohol or drugs” means any public or private establishment which provides residential treatment, including mental and physical restoration, of abusers of alcohol or drugs and which is certified by the ~~[Health]~~ Division *of Mental Health and Developmental Services of the Department of Human Resources* pursuant to subsection 4 of NRS 458.025. It does not include a medical facility or services offered by volunteers or voluntary organizations.

Sec. 190. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, unless the context requires otherwise:

1. “Administrator” means the Administrator of the ~~[Health]~~ Division.

2. “Alcohol and drug abuse program” means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.

3. “Alcohol and drug abuser” means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects his ability to function socially or economically.

4. “Alcoholic” means any person who habitually uses alcoholic beverages to the extent that he endangers the health, safety or welfare of himself or any other person or group of persons.

5. ~~["Board" means the State Board of Health.~~

~~—6.]~~ “Civil protective custody” means a custodial placement of a person to protect his health or safety. Civil protective custody does not have any criminal implication.

~~[7.]~~ 6. “Detoxification technician” means a person who is certified by the ~~[Health]~~ Division to provide screening for the safe withdrawal from alcohol and other drugs.

7. *“Division” means the Division of Mental Health and Developmental Services of the Department of Human Resources.*

8. “Facility” means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.

~~[9. “Health Division” means the Health Division of the Department of Human Resources.]~~

Sec. 191. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, unless the context requires otherwise:

1. “Administrator” means the Administrator of the ~~[Health]~~ Division.

2. “Alcohol and drug abuse program” means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.

3. “Alcohol and drug abuser” means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects his ability to function socially or economically.

4. “Alcoholic” means any person who habitually uses alcoholic beverages to the extent that he endangers the health, safety or welfare of himself or any other person or group of persons.

5. ~~“Board” means the State Board of Health.~~

~~—6.]~~ “Civil protective custody” means a custodial placement of a person to protect his health or safety. Civil protective custody does not have any criminal implication.

6. *“Division” means the Division of Mental Health and Developmental Services of the Department of Human Resources.*

7. “Facility” means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.

~~[8. “Health Division” means the Health Division of the Department of Human Resources.]~~

Sec. 192. NRS 458.025 is hereby amended to read as follows:

458.025 The ~~[Health]~~ Division:

1. Shall formulate and operate a comprehensive state plan for alcohol and drug abuse programs which must include:

(a) A survey of the need for prevention and treatment of alcohol and drug abuse, including a survey of the facilities needed to provide services and a plan for the development and distribution of services and programs throughout this State.

(b) A plan for programs to educate the public in the problems of the abuse of alcohol and other drugs.

(c) A survey of the need for persons who have professional training in fields of health and other persons involved in the prevention of alcohol and drug abuse and in the treatment and recovery of alcohol and drug abusers, and a plan to provide the necessary treatment.

➔ In developing and revising the state plan, the ~~Health~~ Division shall consider, without limitation, the amount of money available from the Federal Government for alcohol and drug abuse programs and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for alcohol and drug abuse programs.

2. Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of alcohol and drug abuse programs in this State.

3. Must be consulted in the planning of projects and advised of all applications for grants from within this State which are concerned with alcohol and drug abuse programs, and shall review the applications and advise the applicants concerning the applications.

4. Shall certify or deny certification of detoxification technicians or any facilities or programs on the basis of the standards established by the ~~Board~~ *Division* pursuant to this section, and publish a list of certified detoxification technicians, facilities and programs. Any detoxification technicians, facilities or programs which are not certified are ineligible to receive state and federal money for alcohol and drug abuse programs. The ~~Board~~ *Division* shall adopt regulations. The regulations:

(a) Must prescribe the requirements for continuing education for persons certified as detoxification technicians; and

(b) May prescribe the fees for the certification of detoxification technicians, facilities or programs. A fee prescribed pursuant to this paragraph must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the ~~Health~~ Division of issuing the certificate.

5. Upon request from a facility which is self-supported, may certify the facility, its programs and detoxification technicians and add them to the list described in subsection 4.

Sec. 193. NRS 458.025 is hereby amended to read as follows:
458.025 The ~~Health~~ Division:

1. Shall formulate and operate a comprehensive state plan for alcohol and drug abuse programs which must include:

(a) A survey of the need for prevention and treatment of alcohol and drug abuse, including a survey of the facilities needed to

provide services and a plan for the development and distribution of services and programs throughout this State.

(b) A plan for programs to educate the public in the problems of the abuse of alcohol and other drugs.

(c) A survey of the need for persons who have professional training in fields of health and other persons involved in the prevention of alcohol and drug abuse and in the treatment and recovery of alcohol and drug abusers, and a plan to provide the necessary treatment.

➔ In developing and revising the state plan, the ~~{Health}~~ Division shall consider, without limitation, the amount of money available from the Federal Government for alcohol and drug abuse programs and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for alcohol and drug abuse programs.

2. Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of alcohol and drug abuse programs in this State.

3. Must be consulted in the planning of projects and advised of all applications for grants from within this State which are concerned with alcohol and drug abuse programs, and shall review the applications and advise the applicants concerning the applications.

4. Shall certify or deny certification of any facilities or programs on the basis of the standards established by the ~~{Board}~~ *Division* pursuant to this section, and publish a list of certified facilities and programs. Any facilities or programs which are not certified are ineligible to receive state and federal money for alcohol and drug abuse programs. The ~~{Board}~~ *Division* shall adopt regulations, which may prescribe the fees for the certification of facilities or programs. A fee prescribed pursuant to this subsection must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the ~~{Health}~~ Division of issuing the certificate.

5. Upon request from a facility which is self-supported, may certify the facility and its programs and add them to the list described in subsection 4.

Sec. 194. NRS 458.026 is hereby amended to read as follows:

458.026 1. An applicant for the issuance or renewal of his certification as a detoxification technician must submit to the ~~{Health}~~ Division the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~{Health}~~ Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certification; or

(b) A separate form prescribed by the **[Health]** Division.

3. The certification of a person as a detoxification technician may not be issued or renewed by the **[Health]** Division if the applicant:

(a) Fails to complete or submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Administrator shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 195. NRS 458.027 is hereby amended to read as follows:

458.027 1. If the **[Health]** Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who has been certified as a detoxification technician, the **[Health]** Division shall deem the certification to be suspended at the end of the 30th day after the date on which the court order was issued unless the **[Health]** Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person who has been certified stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The **[Health]** Division shall reinstate the certification of a person as a detoxification technician that has been suspended by a district court pursuant to NRS 425.540 if the **[Health]** Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certification was suspended stating that the person whose certification was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 196. NRS 458.031 is hereby amended to read as follows:

458.031 The **[Health]** Division shall administer the provisions of NRS 458.010 to 458.350, inclusive, as the sole agency of the State of Nevada for that purpose.

Sec. 197. NRS 458.035 is hereby amended to read as follows:

458.035 The **[Health]** Division may contract with any appropriate public or private agency, organization or institution to carry out the provisions of NRS 458.010 to 458.350, inclusive.

Sec. 198. NRS 458.055 is hereby amended to read as follows:

458.055 1. To preserve the confidentiality of any information concerning persons applying for or receiving any services pursuant to NRS 458.010 to 458.350, inclusive, the **[Health]** Division may establish and enforce rules governing the confidential nature, custody, use and preservation of the records, files and communications filed with the **[Health]** Division.

2. Wherever information concerning persons applying for and receiving any services pursuant to NRS 458.010 to 458.350, inclusive, is furnished to or held by any other government agency or a public or private institution, the use of that information by the agency or institution is subject to the rules established by the **[Health]** Division pursuant to subsection 1.

3. Except as otherwise provided in NRS 442.300 to 442.330, inclusive, and 449.705 and chapter 629 of NRS and except for purposes directly connected with the administration of NRS 458.010 to 458.350, inclusive, a person shall not disclose, use or authorize the disclosure of any confidential information concerning a person receiving services pursuant to NRS 458.010 to 458.350, inclusive.

Sec. 199. NRS 458.080 is hereby amended to read as follows:

458.080 The **[Health]** Division may, by contracting with organized groups, render partial financial assistance in the operation of facilities established by these groups. Each such contract must contain a provision allowing for an audit of all accounts, books and other financial records of the organization with which the agency contracts.

Sec. 200. NRS 458.097 is hereby amended to read as follows:

458.097 1. Money received by the **[Health]** Division pursuant to NRS 369.174 must be used to increase services for the prevention of alcohol and drug abuse and alcoholism and for the detoxification and rehabilitation of alcohol and drug abusers. In allocating the money for the increase of services, the **[Health]** Division shall give priority to:

(a) The areas where there exists a shortage of services for the treatment of alcoholism and alcohol abuse. The **[Health]** Division shall determine the areas of shortage on the basis of data available from state and local agencies, data contained in the comprehensive state plan for alcohol and drug abuse programs, and other appropriate data.

(b) The needs of counties to provide:

(1) Civil protective custody, pursuant to NRS 458.270, for persons who are found in public places while under the influence of alcohol; and

(2) Secure detoxification units or other appropriate facilities for persons who are arrested or taken into custody while under the influence of a controlled substance.

(c) Alcohol and drug abuse programs that are primarily directed toward the prevention of such abuse.

2. As used in this section, "secure detoxification unit" has the meaning ascribed to it in NRS 458.175.

Sec. 201. NRS 458.100 is hereby amended to read as follows:

458.100 1. All gifts or grants of money for an alcohol and drug abuse program which the ~~Health~~ Division is authorized to accept must be deposited in the State Treasury for credit to the State Grant and Gift Account for Alcohol and Drug Abuse which is hereby created in the Department of Human Resources' Gift Fund.

2. Money in the Account must be used to carry out the provisions of NRS 458.010 to 458.350, inclusive.

3. All claims must be approved by the Administrator before they are paid.

Sec. 202. NRS 458.103 is hereby amended to read as follows:

458.103 The ~~Health~~ Division may accept:

1. Money appropriated and made available by any act of Congress for any alcohol and drug abuse program administered by the ~~Health~~ Division as provided by law.

2. Money appropriated and made available by the State of Nevada or by a county, a city, a public district or any political subdivision of this State for any alcohol and drug abuse program administered by the ~~Health~~ Division as provided by law.

Sec. 203. NRS 458.104 is hereby amended to read as follows:

458.104 1. If the Administrator determines that current claims exceed the amount of money available to the ~~Health~~ Division because of a delay in the receipt of money from federal grants, he may request from the Director of the Department of Administration a temporary advance from the State General Fund for the payment of authorized expenses.

2. The Director of the Department of Administration shall notify the State Controller and the Fiscal Analysis Division of the Legislative Counsel Bureau of his approval of a request made pursuant to subsection 1. The State Controller shall draw his warrant upon receipt of the approval by the Director of the Department of Administration.

3. An advance from the State General Fund:

(a) Must be approved by the Director of the Department of Administration for use pursuant to NRS 458.080; and

(b) Is limited to 25 percent of the revenue expected to be received in the current fiscal year from any source other than legislative appropriation.

4. Any money which is temporarily advanced from the State General Fund to the ~~Health~~ Division pursuant to this section must be repaid by August 31 following the end of the fiscal year during which the money was advanced.

Sec. 204. NRS 458.105 is hereby amended to read as follows:

458.105 The ~~Health~~ Division may fix and collect reasonable fees for the sale of miscellaneous printed materials pertaining to alcohol and drug abuse which are purchased or prepared by the ~~Health~~ Division. The fees must be deposited in the State Treasury to the credit of the General Fund.

Sec. 205. NRS 458.110 is hereby amended to read as follows:

458.110 In addition to the activities set forth in NRS 458.025 to 458.115, inclusive, the ~~Health~~ Division may engage in any activity necessary to effectuate the purposes of NRS 458.010 to 458.350, inclusive.

Sec. 206. NRS 458.125 is hereby amended to read as follows:

458.125 1. The ~~Health~~ Division shall prepare requests for proposals for the provision by facilities of:

(a) Residential treatment of adolescents who engage in substance abuse;

(b) Outpatient treatment of adolescents who engage in substance abuse;

(c) Comprehensive evaluations of adolescents with problems relating to substance abuse or mental illness, or both; and

(d) Transitional housing for adolescents who engage in substance abuse.

2. Upon accepting a proposal submitted in accordance with this section, the ~~Health~~ Division may advance not more than 8 percent of the amount of the proposal to the facility that submitted the proposal to help defray the costs of starting the provision of the services, including, without limitation, the cost of beds, equipment and rental space for expansion.

3. The ~~Health~~ Division shall establish such requirements for the requests for proposals as it determines necessary.

4. The ~~Health~~ Division shall hire, to the extent of legislative authorization, such staff as it determines necessary to carry out the provisions of this section and NRS 458.131.

Sec. 207. NRS 458.131 is hereby amended to read as follows:

458.131 The ~~Health~~ Division shall, on or before September 1 of each odd-numbered year, submit to the Director of the Department of Human Resources a report covering the biennium ending on June 30 of that year. The report must include:

1. The name of each facility that received money pursuant to NRS 458.125 during the biennium, and the amount of money that each facility received for each type of service provided;

2. If a facility received money pursuant to NRS 458.125 during the biennium to help defray the costs of starting the provision of services, the name of the facility, the amount of money received and an accounting of how the money was used;

3. The number of adolescents who received any of the services described in NRS 458.125 from those facilities during the biennium, and the number of adolescents who were receiving those services as of the end of the biennium; and

4. As of the end of the biennium:

- (a) The number of adolescents on waiting lists to receive the services described in NRS 458.125; and

- (b) An estimate of the number of other adolescents in this State who are in need of the services described in NRS 458.125.

Sec. 208. NRS 483.800 is hereby amended to read as follows:

483.800 1. The following sources shall submit, within 30 days after learning such information, to the Department the name, address, birth date, social security number, visual acuity and any other information which may be required by regulation of the Department, of persons who are blind or night-blind or whose vision is severely impaired and shall designate whether the person is blind, night-blind or has severely impaired vision:


- (a) Hospitals, medical clinics and similar institutions which treat persons who are blind, night-blind or whose vision is severely impaired; and

- (b) Agencies of the State and political subdivisions which provide special tax consideration for blindness.

2. When any source described in subsection 1 learns that vision has been restored to any person whose name appears in the registry established pursuant to subsection 3, the fact of restoration of vision must be reported to the registry within 30 days after learning of that fact.

3. The Department may establish a registry for the purposes of this section and adopt regulations governing reports to and operation of the registry.

4. The Department shall maintain a file of the names, addresses, birth dates and social security numbers of persons who are blind or night-blind or whose vision is severely impaired.

5. All information learned by the Department pursuant to this section is confidential and any person who, without the consent of the person concerned, reveals that information for purposes other than those specified in this section, or other than for administration of the Program for Supplemental Security Income, including State Supplementary Assistance pursuant to chapter 422 of NRS  or

sections 2 to 97, inclusive, of this act, or services to the blind pursuant to NRS 426.520 to 426.610, inclusive, is guilty of a misdemeanor.

Sec. 209. NRS 612.448 is hereby amended to read as follows:

612.448 1. In addition to any restrictions imposed pursuant to NRS 422.065 *and section 20 of this act*, benefits are not payable on the basis of services performed by an alien unless, at the time the services were performed, he was:

(a) Lawfully admitted for permanent residence in the United States;

(b) Lawfully present in the United States for the purpose of performing the services; or

(c) Otherwise permanently residing in the United States under color of law, including an alien who was lawfully present in the United States pursuant to section 207, 208 or 212(d)(5) of the Immigration and Nationality Act.

2. Any data or information required of persons applying for benefits to determine whether benefits are not payable to them because of their alien status must be uniformly required from all applicants for benefits.

3. In the case of any person whose application for benefits would otherwise be approved, a determination that benefits to that person are not payable because of his alien status may not be made except upon a preponderance of the evidence.

4. Any modification of any condition or any effective date for the denial of benefits based on services performed by an alien under the provisions of 26 U.S.C. § 3304(a)(14) which must be made by this State as a condition for full tax credit against the tax imposed by the Unemployment Compensation Amendments of 1976 (P.L. 94-566) must be adopted by regulation of the Administrator.

Sec. 210. 1. NRS 232.365, 232.367, 232.368, 232.369, 232.371, 232.373, 232.400, 232.410, 232.420, 232.430, 232.440, 232.450, 232.460, 232.464, 232.4645, 232.4647 and 232.465 are hereby repealed.

2. NRS 422.010, 422.049, 422.055, 422.070, 422.080, 422.110, 422.120, 422.130, 422.140, 422.160, 422.180, 422.190, 422.200, 422.210, 422.215, 422.222, 422.224, 422.230, 422.2352, 422.2931, 422.29312, 422.29316, 422.29318, 422.2932, 422.29322, 422.29324, 422.310, 422.330, 422.340, 422.350, 422.371, 422.3712, 422.3714, 422.3716, 422.3718, 422.372, 422.3722, 422.3724, 422.3726, 422.3728, 422.3732, 422.3734, 422.3736, 422.3738, 422.374, 422.3742, 422.3744, 422.3746, 422.3748, 422.3752, 422.3754, 422.392 and 422.600 are hereby repealed.

3. NRS 423.010, 423.020, 423.030, 423.050, 423.065, 423.070, 423.080, 423.085, 423.090, 423.095, 423.100, 423.110, 423.120, 423.130, 423.135, 423.137, 423.140, 423.145, 423.147, 423.150,

423.160, 423.170, 423.180, 423.190, 423.200, 423.210, 423.220, 423.225, 423.230, 423.233, 423.235 and 423.250 are hereby repealed.

4. NRS 428.385 and 428.395 are hereby repealed.

5. NRS 435.040 is hereby repealed.

6. NRS 439A.087 and 439A.088 are hereby repealed.

Sec. 211. The Department of Human Resources shall develop a plan for the transfer of services for the abuse of alcohol or drugs from the Health Division of the Department to the Division of Mental Health and Developmental Services of the Department pursuant to sections 185.9 and 189 to 207, inclusive, of this act and submit the plan to the Governor and the Legislative Committee on Health Care on or before March 31, 2006, for review and approval.

Sec. 211.5. 1. The Legislative Committee on Health Care shall conduct an interim study of the organizational and delivery structure of services for the treatment and prevention of substance abuse in this State.

2. The study must include, without limitation:

(a) An evaluation of the manner in which the organizational and delivery structure of services for the treatment and prevention of substance abuse in this State may be improved so that the services are provided in the most effective manner for the residents of this State;

(b) An analysis of the services for the treatment and prevention of substance abuse that are currently funded or provided by public agencies in this State to determine whether any of these services are overlapping or duplicative, and whether any of these services could successfully be integrated; and

(c) An analysis of the utilization of services for the treatment and prevention of substance abuse in this State and of projections for the future needs for such services in this State, including, without limitation:

(1) An examination of the barriers that persons diagnosed with both a mental illness and a substance abuse problem encounter in attempting to receive appropriate services for the treatment of substance abuse in this State;

(2) An examination of the barriers that pregnant women encounter in attempting to receive appropriate services for the treatment of substance abuse in this State;

(3) An examination of the collaboration of the different divisions of the Department of Human Resources in the provision of services to persons with substance abuse problems in this State, and an examination of whether that collaboration is focused on the best interests of the persons receiving the services; and

(4) An examination of the provision of services for the prevention of substance abuse in this State, and an examination of

whether these services are effective at preventing or reducing the incidence of substance abuse problems in this State.

3. The Legislative Committee on Health Care shall ensure that the persons and entities which provide services for the treatment or prevention of mental illness or substance abuse in this State are involved in the study.

4. The Legislative Committee on Health Care shall submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.

Sec. 212. To the extent that the statutory provisions enacted by this act are substantially the same as the statutory provisions repealed by this act, the statutory provisions enacted by this act must be construed as being substituted in a continuing way for the statutory provisions repealed by this act.

Sec. 213. 1. To the extent that any statutory provision is repealed by this act, that repeal does not affect, modify or abrogate any right, remedy, duty, obligation, requirement, assessment, fine, forfeiture, penalty, liability, action, prosecution, proceeding, adjudication, disposition, order, judgment, regulation, contract, act or transaction that was in existence, had been instituted, imposed, taken, executed, entered or adopted, or had otherwise accrued or occurred before October 1, 2005.

2. To the extent that any statutory provision is repealed by this act, that repeal does not revive any other statutory provision that was repealed before October 1, 2005.

Sec. 214. The provisions of this act do not repeal or otherwise affect, modify or abrogate:

1. Any statute enacting a special, local or temporary law.
2. Any statute, ordinance or resolution making an appropriation.
3. Any statute, ordinance or resolution affecting any bond issue or by which any bond issue may have been authorized.
4. The running of any statute of limitations in force on October 1, 2005.
5. The continued existence or operation of any state or local department, agency or office legally established or held on or before October 1, 2005.
6. Any bond of any public officer.
7. Any taxes, fees, assessments or other charges legally incurred, imposed or collected before October 1, 2005.
8. Any regulation, ordinance or resolution that does not conflict with the provisions of this act.

Sec. 215. 1. Except as otherwise provided in this section, the provisions of this act do not repeal or otherwise affect, modify or abrogate any statute authorizing, ratifying, confirming, approving or accepting any compact or contract with the United States, another

state, or any agency or instrumentality of the United States or another state.

2. The repeal of the provisions of NRS 232.365 to 232.373, inclusive, 232.400 to 232.465, inclusive, 422.010, 422.049, 422.055, 422.070 to 422.140, inclusive, 422.160 to 422.230, inclusive, 422.2931 to 422.29324, inclusive, 422.310 to 422.350, inclusive, 422.371 to 422.3754, inclusive, 422.392, 423.010, 423.130, 423.135, 423.137 and 423.147 is intended for the purposes of reenactment and codification only.

Sec. 216. 1. If any bill passed by the 73rd Session of the Nevada Legislature adds a new statutory provision to NRS 232.365 to 232.373, inclusive, 232.400 to 232.465, inclusive, 422.010, 422.049, 422.055, 422.070 to 422.140, inclusive, 422.160 to 422.230, inclusive, 422.2931 to 422.29324, inclusive, 422.310 to 422.350, inclusive, 422.371 to 422.3754, inclusive, 422.392, 423.010, 423.130, 423.135, 423.137 and 423.147, the new statutory provision shall be deemed to be saved, and the new statutory provision remains in effect in accordance with the terms of the bill and must be incorporated into the provisions of title 38 of NRS, as amended by the provisions of this act. The Legislative Counsel shall codify the new statutory provision in the appropriate chapter in title 38 of NRS, as amended by the provisions of this act.

2. If any bill passed by the 73rd Session of the Nevada Legislature amends a statutory provision of NRS 232.365 to 232.373, inclusive, 232.400 to 232.465, inclusive, 422.010, 422.049, 422.055, 422.070 to 422.140, inclusive, 422.160 to 422.230, inclusive, 422.2931 to 422.29324, inclusive, 422.310 to 422.350, inclusive, 422.371 to 422.3754, inclusive, 422.392, 423.010, 423.130, 423.135, 423.137 and 423.147 that is repealed by the provisions of this act, the amendment shall be deemed to be saved, and the amendment remains in effect in accordance with the terms of the bill and must be incorporated into the provisions of title 38 of NRS, as amended by the provisions of this act. The Legislative Counsel shall codify the amendment in the appropriate chapter in title 38 of NRS, as amended by the provisions of this act.

Sec. 217. 1. The Legislative Counsel shall:

(a) In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to a statutory provision of NRS 232.365 to 232.373, inclusive, 232.400 to 232.465, inclusive, 422.010, 422.049, 422.055, 422.070 to 422.140, inclusive, 422.160 to 422.230, inclusive, 422.2931 to 422.29324, inclusive, 422.310 to 422.350, inclusive, 422.371 to 422.3754, inclusive, 422.392, 423.010, 423.130, 423.135, 423.137 and 423.147 that is repealed by the provisions of this act to refer to the appropriate provision of title 38 of NRS, as amended by the provisions of this act.

(b) In preparing supplements to the Nevada Administrative Code, appropriately change any references to a statutory provision of NRS 232.365 to 232.373, inclusive, 232.400 to 232.465, inclusive, 422.010, 422.049, 422.055, 422.070 to 422.140, inclusive, 422.160 to 422.230, inclusive, 422.2931 to 422.29324, inclusive, 422.310 to 422.350, inclusive, 422.371 to 422.3754, inclusive, 422.392, 423.010, 423.130, 423.135, 423.137 and 423.147 that is repealed by the provisions of this act to refer to the appropriate provision of title 38 of NRS, as amended by the provisions of this act.

(c) In preparing supplements to the Nevada Administrative Code, appropriately recodify any regulations in the Nevada Administrative Code so that those regulations correspond with the appropriate chapters of title 38 of NRS, as amended by the provisions of this act.

2. Any reference in a bill or resolution passed by the 73rd Session of the Nevada Legislature to a statutory provision of NRS 232.365 to 232.373, inclusive, 232.400 to 232.465, inclusive, 422.010, 422.049, 422.055, 422.070 to 422.140, inclusive, 422.160 to 422.230, inclusive, 422.2931 to 422.29324, inclusive, 422.310 to 422.350, inclusive, 422.371 to 422.3754, inclusive, 422.392, 423.010, 423.130, 423.135, 423.137 and 423.147 that is repealed by the provisions of this act shall be deemed to refer to the appropriate provision of title 38 of NRS, as amended by the provisions of this act.

Sec. 218. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 219. 1. The Legislative Counsel shall:

(a) In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer or agency.

(b) In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer or agency.

2. Any reference in a bill or resolution passed by the 73rd Session of the Nevada Legislature to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency shall be deemed to refer to the officer or agency to which the responsibility is transferred.

Sec. 220. 1. This section and section 211 of this act become effective upon passage and approval.

2. Sections 1 to 185.7, inclusive, 186 to 188.5, inclusive, and 208 to 219, inclusive, of this act become effective on October 1, 2005.

3. Sections 185.9, 189, 190, 192 and 194 to 207, inclusive, of this act, become effective on July 1, 2007.

4. Sections 190, 192, 194 and 195 of this act expire by limitation on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.

5. Sections 191 and 193 of this act become effective on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.

