
ASSEMBLY BILL NO. 203—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF DEPARTMENT OF EMPLOYMENT,
TRAINING AND REHABILITATION)

FEBRUARY 11, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Specifies duties of administrator of rehabilitation division of department of employment, training and rehabilitation. (BDR 18-765)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to the rehabilitation division of the department of employment, training and rehabilitation; specifying the duties of the administrator of the rehabilitation division; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 232 of NRS is hereby amended by adding thereto
2 a new section to read as follows:

3 *The director shall appoint an administrator of the rehabilitation*
4 *division of the department. The administrator:*

5 1. *Is in the unclassified service of the state unless federal law or*
6 *regulation requires otherwise, and serves at the pleasure of the director.*

7 2. *Shall administer the provisions of law set forth in subsection 4,*
8 *subject to the administrative supervision of the director.*

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

12 4. *Is responsible for the administration, through the bureaus of the*
13 *rehabilitation division, of the provisions of NRS 232.940 and 232.950*
14 *and this section, NRS 426.520 to 426.610, inclusive, 458.010 to 458.360,*
15 *inclusive, and chapters 426A and 615 of NRS and all other provisions of*
16 *law relating to the functions of the rehabilitation division and its*

1 *bureaus, but is not responsible for the professional line activities of the*
2 *bureaus except as otherwise provided by specific statute.*

3 *5. Is responsible for the preparation of a consolidated state plan for*
4 *the bureau of services to the blind and visually impaired, the bureau of*
5 *vocational rehabilitation and any other program administered by the*
6 *rehabilitation division that he considers appropriate to incorporate into*
7 *the consolidated state plan before submission to the Federal Government.*
8 *This subsection does not apply if any federal regulation exists that*
9 *prohibits a consolidated plan.*

10 *6. In developing and revising state plans pursuant to subsection 5,*
11 *shall consider, without limitation:*

12 *(a) The amount of money available from the Federal Government for*
13 *the programs of the rehabilitation division;*

14 *(b) The conditions attached to the acceptance of that money; and*

15 *(c) The limitations of legislative appropriations for the programs.*

16 *7. May employ, within the limits of legislative appropriations, such*
17 *staff as is necessary to the performance of the duties of the rehabilitation*
18 *division.*

19 **Sec. 2.** NRS 232.900 is hereby amended to read as follows:

20 232.900 As used in NRS 232.900 to 232.960, inclusive, *and section 1*
21 *of this act*, unless the context otherwise requires:

22 1. "Department" means the department of employment, training and
23 rehabilitation.

24 2. "Director" means the director of the department.

25 **Sec. 3.** NRS 232.920 is hereby amended to read as follows:

26 232.920 The director:

27 1. Shall:

28 (a) Organize the department into divisions and other operating units as
29 needed to achieve the purposes of the department;

30 (b) Upon request, provide the director of the department of
31 administration with a list of organizations and agencies in this state whose
32 primary purpose is the training and employment of handicapped persons;
33 and

34 (c) Except as otherwise provided by a specific statute, direct the
35 divisions to share information in their records with agencies of local
36 governments which are responsible for the collection of debts or
37 obligations if the confidentiality of the information is otherwise maintained
38 under the terms and conditions required by law.

39 2. Is responsible for the administration, through the divisions of the
40 department, of the provisions of NRS 458.010 to 458.360, inclusive,
41 chapters 426, 426A, 612 and 615 of NRS, and all other provisions of law

1 relating to the functions of the department and its divisions, but is not
2 responsible for the professional line activities of the divisions or other
3 operating units except as ~~{specifically}~~ **otherwise** provided by ~~law.~~

4 ~~—3.— Is responsible for the preparation of a consolidated state plan for the~~
5 ~~bureau of services to the blind and visually impaired, the bureau of~~
6 ~~vocational rehabilitation and any other program administered by the~~
7 ~~rehabilitation division which he considers appropriate to incorporate into~~
8 ~~the consolidated state plan before submission to the Federal Government.~~
9 ~~This subsection does not apply if any federal regulation exists which~~
10 ~~prohibits a consolidated plan.~~

11 ~~—4.— In developing and revising state plans pursuant to subsection 3,~~
12 ~~shall consider, among other things, the amount of money available from~~
13 ~~the Federal Government for the programs of the division and the~~
14 ~~conditions attached to the acceptance of that money, and the limitations of~~
15 ~~legislative appropriations for the programs.~~

16 ~~—5.—~~ **specific statute.**

17 **3.** May employ, within the limits of legislative appropriations, such
18 staff as is necessary to the performance of the duties of the department.

19 **Sec. 4.** NRS 232.950 is hereby amended to read as follows:

20 232.950 1. The ~~{director}~~ **administrator** shall appoint , **with the**
21 **consent of the director**, a head of each bureau in the division, to be known
22 as the chief of his respective bureau.

23 2. The chief of each bureau:

24 (a) Is in the unclassified service of the state unless federal law or
25 regulation requires otherwise.

26 (b) Shall administer the provisions of law relating to his bureau, subject
27 to the administrative supervision of the ~~{director,}~~ **administrator.**

28 (c) Is directly responsible to the ~~{director,}~~ **administrator.**

29 3. Subject to the approval of the ~~{director,}~~ **administrator**, the chief of
30 each bureau may employ, within the limits of legislative appropriations,
31 such staff as is necessary to the performance of his duties.

32 **Sec. 5.** NRS 426A.060 is hereby amended to read as follows:

33 426A.060 1. The advisory committee on traumatic brain injuries,
34 consisting of 11 members, is hereby created.

35 2. The ~~{director}~~ **administrator** shall appoint to the committee:

36 (a) One member who is an employee of the rehabilitation division of the
37 department.

38 (b) One member who is an employee of the welfare division of the
39 department of human resources and participates in the administration of
40 the state program providing Medicaid.

41 (c) One member who is a licensed insurer in this state.

42 (d) One member who represents the interests of educators in this state.

1 (e) One member who is a person professionally qualified in the field of
2 psychiatric mental health.

3 (f) Two members who are employees of private providers of
4 rehabilitative health care located in this state.

5 (g) One member who represents persons who operate community-based
6 programs for head injuries in this state.

7 (h) One member who represents hospitals in this state.

8 (i) Two members who represent the recipients of health care in this
9 state.

10 3. After the initial appointments, each member of the committee serves
11 a term of 3 years.

12 4. The committee shall elect one of its members to serve as chairman.

13 5. Members of the committee serve without compensation and are not
14 entitled to receive the per diem allowance or travel expenses provided for
15 state officers and employees generally.

16 6. The committee may:

17 (a) Make recommendations to the ~~{director}~~ *administrator* relating to
18 the establishment and operation of any program for persons with traumatic
19 brain injuries.

20 (b) Make recommendations to the ~~{director}~~ *administrator* concerning
21 proposed legislation relating to traumatic brain injuries.

22 (c) Collect information relating to traumatic brain injuries.

23 7. The committee shall prepare a report of its activities and
24 recommendations each year and submit a copy to the:

25 (a) Director ~~{}~~ *of the department;*

26 (b) *Administrator;*

27 (c) Legislative committee on health care; and

28 ~~{(e)}~~ (d) Legislative commission.

29 8. As used in this section:

30 (a) ~~{“Director”}~~ *“Administrator”* means the ~~{director}~~ *administrator of*
31 *the rehabilitation division* of the department.

32 (b) “Person professionally qualified in the field of psychiatric mental
33 health” has the meaning ascribed to it in NRS 433.209.

34 (c) “Provider of health care” has the meaning ascribed to it in NRS
35 629.031.

36 **Sec. 6.** NRS 458.043 is hereby amended to read as follows:

37 458.043 As executive head of the bureau, the chief shall:

38 1. Direct and supervise all administrative and technical activities as
39 provided by NRS 458.010 to 458.360, inclusive, subject to administrative
40 supervision by the ~~{director.}~~ *administrator of the rehabilitation division*
41 *of the department.*

2. Subject to the approval of the ~~{director,}~~ *administrator of the rehabilitation division of the department*, appoint such technical, clerical and operational staff as the execution of his duties and the operation of the bureau may require.

Sec. 7. Chapter 615 of NRS is hereby amended by adding thereto a new section to read as follows:

“Administrator” means the administrator of the rehabilitation division of the department.

Sec. 8. NRS 615.020 is hereby amended to read as follows:

615.020 As used in this chapter the words and terms defined in NRS 615.031 to 615.140, inclusive, *and section 7 of this act* unless the context otherwise requires, have the meanings ascribed to them in those sections.

Sec. 9. NRS 615.180 is hereby amended to read as follows:

615.180 1. The chief shall:

(a) Subject to the approval of the director, adopt rules and regulations necessary to carry out the purposes of this chapter;

(b) Establish appropriate administrative units within the bureau;

(c) Subject to the approval of the ~~{director,}~~ *administrator*, appoint such personnel as is necessary for the proper and efficient performance of the functions of the bureau;

(d) Prescribe the duties of the personnel of the bureau;

(e) Prepare and submit to the governor, through the director, before September 1 of each even-numbered year for the biennium ending June 30 of such year, reports of activities and expenditures and estimates of sums required to carry out the purposes of this chapter;

(f) Make certification for the disbursement of money available for carrying out the purposes of this chapter; and

(g) Take such other action as may be necessary or appropriate to cooperate with public and private agencies and otherwise to carry out the purposes of this chapter.

2. The chief may delegate to any officer or employee of the bureau such of his powers and duties as he finds necessary to carry out the purposes of this chapter.

Sec. 10. NRS 615.280 is hereby amended to read as follows:

615.280 1. Any person applying for or receiving vocational rehabilitation who is aggrieved by any action or inaction of the bureau or the ~~{director}~~ *administrator* with respect to him is entitled, in accordance with regulations, to a fair hearing before a hearing officer.

2. A person aggrieved by the decision of a hearing officer is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS.

1 **Sec. 11.** Notwithstanding the amendatory provisions of section 5 of
2 this act, the members of the advisory committee on traumatic brain injuries
3 appointed by the director of the department of employment, training and
4 rehabilitation pursuant to NRS 426A.060 before the effective date of this
5 act remain members of the advisory committee for the duration of the
6 respective terms to which they were appointed.

7 **Sec. 12.** This act becomes effective upon passage and approval.

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