

SENATE BILL NO. 469—COMMITTEE ON HUMAN RESOURCES
AND FACILITIES

(ON BEHALF OF BUDGET DIVISION)

MARCH 17, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Extends services related to mental retardation to persons with related conditions.
(BDR 39-1579)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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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 persons with mental disabilities; extending certain governmental services relating to mental retardation to persons with related conditions; 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 433 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***“Persons with related conditions” means persons who have a severe,***
4 ***chronic disability which:***
5 ***1. Is attributable to:***
6 ***(a) Cerebral palsy or epilepsy; or***
7 ***(b) Any other condition, other than mental illness, found to be closely***
8 ***related to mental retardation because the condition results in impairment***
9 ***of general intellectual functioning or adaptive behavior similar to that of***
10 ***a mentally retarded person and requires treatment or services similar to***
11 ***those required by a mentally retarded person;***
12 ***2. Is manifested before the person affected attains the age of 22***
13 ***years;***
14 ***3. Is likely to continue indefinitely; and***
15 ***4. Results in substantial functional limitations in three or more of***
16 ***the following areas of major life activity:***

- (a) *Taking care of oneself;*
- (b) *Understanding and use of language;*
- (c) *Learning;*
- (d) *Mobility;*
- (e) *Self-direction; and*
- (f) *Capacity for independent living.*

Sec. 2. NRS 433.003 is hereby amended to read as follows:

433.003 The legislature hereby declares that it is the intent of this Title:

1. To eliminate the forfeiture of any civil and legal rights of any person and the imposition of any legal disability on any person, based on an allegation of mental illness or mental retardation ~~H~~ *or a related condition*, by any method other than a separate judicial proceeding resulting in a determination of incompetency, wherein the civil and legal rights forfeited and the legal disabilities imposed are specifically stated; and

2. To charge the division of mental health and developmental services, and the division of child and family services, of the department with recognizing their duty to act in the best interests of their respective clients by placing them in the least restrictive environment.

Sec. 3. NRS 433.005 is hereby amended to read as follows:

433.005 As used in this Title, unless the context otherwise requires, or except as otherwise defined by specific statute, the words and terms defined in NRS 433.014 to 433.224, inclusive, *and section 1 of this act*, have the meanings ascribed to them in those sections.

Sec. 4. NRS 433.184 is hereby amended to read as follows:

433.184 "Mental retardation center" means an organized program for providing appropriate services and treatment to mentally retarded persons ~~H~~ *and persons with related conditions*. A mental retardation center may include facilities for residential treatment and training.

Sec. 5. NRS 433.214 is hereby amended to read as follows:

433.214 "Training" means a program of services directed primarily toward enhancing the health, welfare and development of mentally retarded persons *and persons with related conditions* through the process of providing those experiences that will enable the individual to:

1. Develop his physical, intellectual, social and emotional capacities to the fullest extent;

2. Live in an environment that is conducive to personal dignity; and

3. Continue development of those skills, habits and attitudes essential to adaptation in contemporary society.

Sec. 6. NRS 433.233 is hereby amended to read as follows:

433.233 1. The division facilities providing mental health services are designated as:

- (a) Nevada mental health institute;

- 1 (b) Southern Nevada adult mental health services;
- 2 (c) Rural clinics; and
- 3 (d) Lakes Crossing center.

4 2. The division facilities providing services for mentally retarded
5 persons **and persons with related conditions** are designated as:

- 6 (a) Desert regional center;
- 7 (b) Sierra regional center; and
- 8 (c) Rural regional center.

9 3. Division facilities established after July 1, 1981, must be named by
10 the administrator, subject to the approval of the director of the department.

11 **Sec. 7.** NRS 433.244 is hereby amended to read as follows:

12 433.244 1. The administrator must:

- 13 (a) Have training and demonstrated administrative qualities of
14 leadership in any one of the professional fields of psychiatry, medicine,
15 psychology, social work, education or administration.
- 16 (b) Be appointed, from a list of three persons nominated by the
17 commission, on the basis of merit as measured by administrative training or
18 experience in programs relating to mental health, including care, treatment
19 or training, or any combination thereof, of mentally ill and mentally
20 retarded persons ~~H~~ **and persons with related conditions**.
- 21 (c) Have additional qualifications which are in accordance with criteria
22 prescribed by the department of personnel.

23 2. The administrator is in the unclassified service of the state.

24 **Sec. 8.** NRS 433.279 is hereby amended to read as follows:

25 433.279 1. The division shall carry out a vocational and educational
26 program for the certification of mental health-mental retardation
27 technicians, including forensic technicians:

- 28 (a) Employed by the division, or other employees of the division who
29 perform similar duties, but are classified differently.
- 30 (b) Employed by the division of child and family services of the
31 department.

32 The program must be carried out in cooperation with the University and
33 Community College System of Nevada.

34 2. A mental health-mental retardation technician is responsible to the
35 director of the service in which his duties are performed. The director of a
36 service may be a licensed physician, dentist, podiatric physician,
37 psychiatrist, psychologist, rehabilitation therapist, social worker, registered
38 nurse or other professionally qualified person. This section does not
39 authorize a mental health-mental retardation technician to perform duties
40 which require the specialized knowledge and skill of a professionally
41 qualified person.

42 3. The division shall adopt regulations to carry out the provisions of
43 this

section.

1 4. As used in this section, “mental health-mental retardation
2 technician” means an employee of the division of mental health and
3 developmental services or the division of child and family services who, for
4 compensation or personal profit, carries out procedures and techniques
5 which involve cause and effect and which are used in the care, treatment
6 and rehabilitation of mentally ill, emotionally disturbed or mentally
7 retarded persons ~~H~~ *or persons with related conditions*, and who has direct
8 responsibility for:

9 (a) Administering or carrying out specific therapeutic procedures,
10 techniques or treatments, excluding medical interventions, to enable clients
11 to make optimal use of their therapeutic regime, their social and personal
12 resources, and their residential care; or

13 (b) The application of interpersonal and technical skills in the
14 observation and recognition of symptoms and reactions of clients, for the
15 accurate recording of such symptoms and reactions, and for carrying out
16 treatments authorized by members of the interdisciplinary team that
17 determines the treatment of the clients.

18 **Sec. 9.** NRS 433.314 is hereby amended to read as follows:

19 433.314 The commission shall:

20 1. Establish policies to ensure adequate development and
21 administration of services for the mentally ill and mentally retarded ~~H~~ *and*
22 *persons with related conditions*, including services to prevent mental
23 illness and mental retardation *and related conditions*, and services
24 provided without admission to a facility or institution;

25 2. Set policies for the care and treatment of mentally ill and mentally
26 retarded persons *and persons with related conditions* provided by all state
27 agencies;

28 3. Review the programs and finances of the division; and

29 4. Report at the beginning of each year to the governor and at the
30 beginning of each odd-numbered year to the legislature on the quality of the
31 care and treatment provided for mentally ill and mentally retarded persons
32 *and persons with related conditions* in this state and on any progress made
33 toward improving the quality of that care and treatment.

34 **Sec. 10.** NRS 433.316 is hereby amended to read as follows:

35 433.316 The commission may:

36 1. Collect and disseminate information pertaining to mental health and
37 mental retardation ~~H~~ *and related conditions*.

38 2. Request legislation pertaining to mental health and mental
39 retardation ~~H~~ *and related conditions*.

40 3. Investigate complaints about the care of any person in a public
41 facility for the treatment of the mentally ill or mentally retarded ~~H~~ *and*
42 *persons with related conditions*.

1 4. Accept, as authorized by the legislature, gifts and grants of money
2 and property.

3 5. Take appropriate steps to increase the availability of and to enhance
4 the quality of the care and treatment of the mentally ill and mentally
5 retarded **and persons with related conditions** provided through state
6 agencies, hospitals and clinics.

7 6. Promote programs for the treatment of the mentally ill and mentally
8 retarded **and persons with related conditions** and participate in and
9 promote the development of facilities for training persons to provide
10 services for the mentally ill and mentally retarded **and persons with**
11 **related conditions.**

12 7. Create a plan to coordinate the services for the treatment of the
13 mentally ill and the mentally retarded **and persons with related conditions**
14 provided in this state and to provide continuity in the care and treatment
15 provided.

16 8. Establish and maintain an appropriate program which provides
17 information to the general public concerning mental illness and mental
18 retardation **and related conditions** and consider ways to involve the general
19 public in the decisions concerning the policy on mental illness and mental
20 retardation **and related conditions.**

21 9. Compile statistics on mental illness and study the cause, pathology
22 and prevention of that illness.

23 10. Establish programs to prevent or postpone the commitment of
24 residents of this state to facilities for the treatment of the mentally ill and
25 mentally retarded **and persons with related conditions.**

26 11. Evaluate the future needs of this state concerning the treatment of
27 mental illness and mental retardation **and related conditions** and develop
28 ways to improve the treatment already provided.

29 12. Take any other action necessary to promote mental health in this
30 state.

31 **Sec. 11.** NRS 433.324 is hereby amended to read as follows:

32 433.324 1. The commission shall adopt regulations:

33 (a) For the care and treatment of mentally ill and mentally retarded
34 persons **and persons with related conditions** by all state agencies and
35 facilities, and their referral to private facilities;

36 (b) To ensure continuity in the care and treatment provided to mentally
37 ill and mentally retarded persons **and persons with related conditions** in
38 this state; and

39 (c) Necessary for the proper and efficient operation of the facilities of
40 the division.

41 2. The commission may adopt regulations to promote programs
42 relating to mental health and mental retardation **and related conditions.**

1 **Sec. 12.** NRS 433.325 is hereby amended to read as follows:

2 433.325 The commission or its designated agent may inspect any state
3 facility providing services for the mentally ill or mentally retarded **and**
4 **persons with related conditions** to determine if the facility is in compliance
5 with the provisions of this Title and any regulations adopted pursuant to
6 those provisions.

7 **Sec. 13.** NRS 433.334 is hereby amended to read as follows:

8 433.334 The division may, by contract with general hospitals or other
9 institutions having adequate facilities in the State of Nevada, provide for
10 inpatient care of mentally ill and mentally retarded clients ~~and~~ **and clients**
11 **with related conditions.**

12 **Sec. 14.** NRS 433.344 is hereby amended to read as follows:

13 433.344 The division may contract with appropriate persons
14 professionally qualified in the field of psychiatric mental health to provide
15 inpatient and outpatient care for mentally ill and mentally retarded persons
16 **and persons with related conditions** when it appears that they can be
17 treated best in that manner.

18 **Sec. 15.** NRS 433.395 is hereby amended to read as follows:

19 433.395 1. Upon approval of the director of the department, the
20 administrator may accept:

21 (a) Donations of money and gifts of real or personal property; and

22 (b) Grants of money from the Federal Government,

23 for use in public or private programs that provide services to persons in this
24 state who are mentally ill or mentally retarded ~~and~~ **and persons with related**
25 **conditions.**

26 2. The administrator shall disburse any donations, gifts and grants
27 received pursuant to this section to programs that provide services to
28 persons who are mentally ill or mentally retarded **and persons with related**
29 **conditions** in a manner that supports the plan to coordinate services created
30 by the commission pursuant to subsection 7 of NRS 433.316. In the
31 absence of a plan to coordinate services, the administrator shall make
32 disbursements to programs that will maximize the benefit provided to
33 persons who are mentally ill or mentally retarded **and persons with related**
34 **conditions** in consideration of the nature and value of the donation, gift or
35 grant.

36 3. Within limits of legislative appropriations or other available money,
37 the administrator may enter into a contract for services related to the
38 evaluation and recommendation of recipients for the disbursements
39 required by this section.

1 **Sec. 16.** NRS 433.404 is hereby amended to read as follows:

2 433.404 1. The division shall establish a fee schedule for services
3 rendered through any program supported by the state pursuant to the
4 provisions of chapters 433 to 436, inclusive, of NRS. The schedule must be
5 submitted to the commission and the director of the department for joint
6 approval before enforcement. The fees collected by facilities operated by
7 the division pursuant to this schedule must be deposited in the state treasury
8 to the credit of the state general fund, except as otherwise provided in NRS
9 433.354 for fees collected pursuant to contract or agreement and in NRS
10 435.120 for fees collected for services to mentally retarded clients ~~and~~ *and*
11 *clients with related conditions.*

12 2. For a facility providing services for the treatment of the mentally ill
13 or mentally retarded ~~and persons with related conditions~~, the fee
14 established must approximate the cost of providing the service, but if a
15 client is unable to pay in full the fee established pursuant to this section, the
16 division may collect any amount the client is able to pay.

17 **Sec. 17.** NRS 433.458 is hereby amended to read as follows:

18 433.458 "Administrative officer" means a person with overall
19 executive and administrative responsibility for a facility that provides
20 services relating to mental health or mental retardation *and related*
21 *conditions* and that is operated by any public or private entity.

22 **Sec. 18.** NRS 433.494 is hereby amended to read as follows:

23 433.494 1. An individualized written plan of mental health or mental
24 retardation services *or plan of services for a related condition* must be
25 developed for each client of each facility. The plan must provide for the
26 least restrictive treatment procedure that may reasonably be expected to
27 benefit the client.

28 2. The plan must be kept current and must be modified when indicated.
29 The plan must be thoroughly reviewed at least once every 3 months.

30 3. The person in charge of implementing the plan of services must be
31 designated in the plan.

32 **Sec. 19.** NRS 433A.020 is hereby amended to read as follows:

33 433A.020 The administrative officer of a facility of the division must:

34 1. Be selected on the basis of training and demonstrated administrative
35 qualities of leadership in any one of the fields of psychiatry, medicine,
36 psychology, social work, education or administration.

37 2. Be appointed on the basis of merit as measured by administrative
38 training or experience in programs relating to mental health, including care
39 and treatment of mentally ill and mentally retarded persons ~~and persons~~ *and persons*
40 *with related conditions.*

41 3. Have additional qualifications which are in accordance with criteria
42 prescribed by the department of personnel.

1 **Sec. 20.** NRS 435.005 is hereby amended to read as follows:

2 435.005 Unless specifically excluded by law, the provisions of this
3 chapter apply to all facilities within the division offering services to
4 mentally retarded persons ~~and~~ **and persons with related conditions.**

5 **Sec. 21.** NRS 435.007 is hereby amended to read as follows:

6 435.007 As used in this chapter, unless the context otherwise requires:

7 1. "Child" means any person under the age of 18 years who may be
8 eligible for mental retardation services ~~and~~ **or services for a related**
9 **condition.**

10 2. "Residential facility for groups" means a structure similar to a
11 private residence which will house a small number of persons in a homelike
12 atmosphere.

13 3. "Parent" means the parent of a child. The term does not include the
14 parent of a person who has attained the age of 18 years.

15 4. "Person" includes a child and any other mentally retarded client **or**
16 **client with a related condition** who has attained the age of 18 years.

17 **Sec. 22.** NRS 435.010 is hereby amended to read as follows:

18 435.010 1. The boards of county commissioners of the various
19 counties shall make provision for the support, education and care of the
20 mentally retarded children **and children with related conditions** of their
21 respective counties.

22 2. For that purpose they are empowered to make all necessary contracts
23 and agreements to carry out the provisions of NRS 435.010 to 435.040,
24 inclusive. Any such contract or agreement may be made with any
25 responsible person or facility in or without the State of Nevada.

26 3. The provisions of NRS 435.010 to 435.040, inclusive, supplement
27 the services which other political subdivisions or agencies of the state are
28 required by law to provide, and do not supersede or relieve the
29 responsibilities of such political subdivisions or agencies.

30 **Sec. 23.** NRS 435.020 is hereby amended to read as follows:

31 435.020 All mentally retarded children **and children with related**
32 **conditions** are entitled to benefits under NRS 435.010 to 435.040,
33 inclusive:

34 1. Who are unable to pay for their support and care;

35 2. Whose parents, relatives or guardians are unable to pay for their
36 support and care; and

37 3. If division facilities are to be utilized, whom the division recognizes
38 as proper subjects for services within such division facilities.

39 **Sec. 24.** NRS 435.030 is hereby amended to read as follows:

40 435.030 1. A parent, relative, guardian or nearest friend of any
41 mentally retarded child ~~and~~ **or a child with a related condition who is a**
42 resident of this state, may file with the board of county commissioners of
43 the proper county an application under oath stating:

- 1 (a) That the child meets the criteria set forth in NRS 435.020; and
2 (b) That the child requires services not otherwise required by law to be
3 provided to him by any other county, political subdivision or agency of this
4 or any other state.

5 2. If the board of county commissioners is satisfied that the statements
6 made in the application are true, the board shall issue a certificate to that
7 effect.

8 3. The board of county commissioners shall make necessary
9 arrangements for the transportation of a mentally retarded child **or a child**
10 **with a related condition** to any responsible person or facility to be utilized
11 pursuant to contract or agreement as designated in NRS 435.010 at the
12 expense of the county.

13 4. A certificate of the board of county commissioners, when produced,
14 shall be the authority of any responsible person or facility in or without the
15 State of Nevada under contract with the board of county commissioners to
16 receive any such mentally retarded child ~~or~~ **or child with a related**
17 **condition**.

18 **Sec. 25.** NRS 435.040 is hereby amended to read as follows:

19 435.040 1. In case a resident of the northern Nevada children's home
20 or the southern Nevada children's home is adjudged to be mentally retarded
21 ~~or~~ **or to have a related condition**, a responsible person or facility as
22 designated in NRS 435.010 may receive the resident from the
23 superintendent of ~~such~~ **the** children's home and shall make provision for
24 ~~such~~ **the** child in the same manner as if received from a board of county
25 commissioners.

26 2. The county of the child's residence immediately preceding
27 admission to the children's home ~~shall~~ **must** bear the expense of
28 transportation to the responsible person or facility and of the subsequent
29 care.

30 3. If the child is a dependent child committed to the northern Nevada
31 children's home or the southern Nevada children's home under the
32 provisions of NRS 423.210, the county ~~shall be~~ **is** entitled to receive from
33 the parent or parents, and to recover by appropriate legal action if
34 necessary, all sums expended by the county under subsection 2, ~~or~~ but the
35 sum which the county may receive or recover ~~shall~~ **must** not exceed the
36 amount which the district court has ordered ~~such~~ **the** parent or parents to
37 pay under NRS 423.210.

38 **Sec. 26.** NRS 435.060 is hereby amended to read as follows:

39 435.060 The division may operate a residential facility for groups to
40 care for and maintain mentally retarded persons **and persons with related**
41 **conditions** until they can live in a more normal situation.

1 **Sec. 27.** NRS 435.077 is hereby amended to read as follows:

2 435.077 1. The administrator shall ~~establish~~ **adopt** regulations for
3 the transfer of mentally retarded persons **and persons with related**
4 **conditions** from one facility to another facility operated by the division.

5 2. Subject to the provisions of subsection 3, when the associate
6 administrator for mental retardation determines that it is in the best interest
7 of the person, he may discharge, or place on convalescent leave, any
8 mentally retarded person **or person with a related condition** in a facility
9 operated by the division.

10 3. When a mentally retarded person **or person with a related condition**
11 is committed to a division facility by court order, the committing court must
12 be given 10 days' notice before the discharge of that person.

13 **Sec. 28.** NRS 435.081 is hereby amended to read as follows:

14 435.081 1. The administrator or his designee may receive a mentally
15 retarded person **or person with a related condition** of this state for services
16 in a facility operated by the division if:

17 (a) ~~He~~ **The person** is mentally retarded as defined in NRS 433.174 **or**
18 **is a person with a related condition** and is in need of institutional training
19 and treatment;

20 (b) Space is available which is designed and equipped to provide
21 appropriate care for ~~him;~~ **the person;**

22 (c) The facility has or can provide an appropriate program of training
23 and treatment for ~~him;~~ **the person;** and

24 (d) There is written evidence that no less restrictive alternative is
25 available in his community.

26 2. A mentally retarded person **or person with a related condition** may
27 be accepted at a division facility for emergency evaluation when the
28 evaluation is requested by a court. A person must not be retained pursuant
29 to this subsection for more than 10 working days.

30 3. A court may order that a mentally retarded person **or person with a**
31 **related condition** be admitted to a division facility if it finds that admission
32 is necessary because of the death or sudden disability of the parent or
33 guardian of the person. The person must not be retained pursuant to this
34 subsection for more than 45 days. Before the expiration of the 45-day
35 period the division shall report to the court its recommendations for
36 placement or treatment of the person. If less restrictive alternatives are not
37 available, the person may be admitted to the facility using the procedures
38 for voluntary or involuntary admission, as appropriate.

39 4. A child may be received, cared for and examined at a division
40 facility for the mentally retarded for not more than 10 working days without
41 admission, if the examination is ordered by a court having jurisdiction of
42 the minor in accordance with the provisions of paragraph (c) of subsection
43 1 of NRS 62.211 and subsection 1 of NRS 432B.560. At the end of the 10

1 days, the administrator or his designee shall report the result of the
2 examination to the court and shall detain the child until the further order of
3 the court, but not to exceed 7 days after the administrator's report.

4 5. The parent or guardian of a person believed to be mentally retarded
5 *or believed to have a related condition* may apply to the administrative
6 officer of a division facility to have the person evaluated by personnel of
7 the division who are experienced in the diagnosis of mental retardation ~~and~~
8 *and related conditions*. The administrative officer may accept the person
9 for evaluation without admission.

10 6. If, after the completion of an examination or evaluation pursuant to
11 subsection 4 or 5, the administrative officer finds that the person meets the
12 criteria set forth in subsection 1, the person may be admitted to the facility
13 using the procedures for voluntary or involuntary admission, as
14 appropriate.

15 7. If, at any time, the parent or guardian of a person admitted to a
16 division facility on a voluntary basis, or the person himself if he has
17 attained the age of 18 years, requests in writing that the person be
18 discharged, the administrative officer shall discharge the person. If the
19 administrative officer finds that discharge from the facility is not in the
20 person's best interests, he may initiate proceedings for involuntary
21 admission, but the person must be discharged pending those proceedings.

22 **Sec. 29.** NRS 435.085 is hereby amended to read as follows:

23 435.085 The administrative officer of a division facility may authorize
24 the transfer of a mentally retarded person *or person with a related*
25 *condition* to a general hospital for necessary diagnostic, medical or surgical
26 services not available within the division. All expenses incurred under this
27 section ~~shall~~ *must* be paid as follows:

28 1. In the case of a judicially committed mentally retarded person ~~and~~
29 ~~such expenses shall~~ *or person with a related condition, the expenses must*
30 be paid by his parents or guardian to the extent of their reasonable financial
31 ability as determined by the administrator, and the remainder, if any, ~~shall~~
32 ~~be~~ *is* a charge upon the county of the *last known residence of the* mentally
33 retarded ~~person's last known residence;~~ *person or person with a related*
34 *condition;*

35 2. In the case of a mentally retarded person *or person with a related*
36 *condition* admitted to a division facility pursuant to NRS 435.010, 435.020
37 and 435.030, ~~such expenses shall be~~ *the expenses are* a charge upon the
38 county from which a certificate was issued pursuant to subsection 2 of NRS
39 435.030; and

40 3. In the case of a mentally retarded person *or person with a related*
41 *condition* admitted to a division facility upon voluntary application as
42 provided in NRS 435.081, ~~such expenses shall~~ *the expenses must* be paid
43 by the parents or guardian to the extent of their reasonable financial ability

1 as determined by the administrator, and for the remainder, if any, the
2 administrator shall explore all reasonable alternative sources of payment.

3 **Sec. 30.** NRS 435.090 is hereby amended to read as follows:

4 435.090 1. When any mentally retarded child *or child with a related*
5 *condition* is committed to a division facility by a court of competent
6 jurisdiction, the court shall examine the parent, parents or guardian of
7 ~~{such}~~ *the* child regarding the ability of ~~{such}~~ *the* parent, parents or
8 guardian or the estate of the child to contribute to the care, support and
9 maintenance of ~~{such}~~ *the* child while residing in ~~{such}~~ *the* facility.

10 2. If the court determines that the parent, parents or guardian of the
11 child is able to contribute, it shall enter an order prescribing the amount to
12 be contributed.

13 3. If the court determines that the estate of the child is able to
14 contribute, it shall enter an order requiring that a guardian of the estate of
15 the child be appointed, if there is none, and that the guardian of the estate
16 contribute the amount prescribed by the court from ~~{such}~~ *the* estate.

17 4. If the parent, parents or guardian fail or refuse to comply with the
18 order of the court, the division is entitled to recover from the parent,
19 parents or guardian, by appropriate legal action, all sums due together with
20 interest.

21 **Sec. 31.** NRS 435.100 is hereby amended to read as follows:

22 435.100 1. When any mentally retarded person *or person with a*
23 *related condition* is transferred from one care facility operated by the
24 division to another care facility operated by the division, the parent, parents
25 or guardian shall continue to contribute ~~{such}~~ *the* amount for the care,
26 support and maintenance of ~~{such}~~ *the* person as may have previously been
27 ordered by the court of competent jurisdiction committing ~~{such}~~ *the*
28 person.

29 2. If no such order was entered by the committing court, the division
30 may petition ~~{such}~~ *the* court for an order requiring the parent, parents or
31 guardian to contribute.

32 3. Any order for contribution entered under the provisions of
33 subsection 2 ~~{shall}~~ *must* be entered in the same manner and ~~{have}~~ *has* the
34 same effect as an order for contribution entered under the provisions of
35 NRS 435.090.

36 **Sec. 32.** NRS 435.110 is hereby amended to read as follows:

37 435.110 1. When any mentally retarded child *or child with a related*
38 *condition* is admitted to a facility operated by the division at the request of
39 a parent, parents or guardian, ~~{such}~~ *the* parent, parents or guardian shall
40 enter into an agreement with the division providing for the contribution of
41 an amount for the care, support and maintenance of ~~{such}~~ *the* child as
42 determined by the division to be reasonable. In determining the amount, the
43 division shall give consideration to the ability of the parent, parents or

1 guardian to make such a contribution, and may excuse the making of any
2 contribution.

3 2. If the parent, parents or guardian fail or refuse to perform under the
4 terms of the agreement, the division is entitled to recover from the parent,
5 parents or guardian, by appropriate legal action, all sums due together with
6 interest.

7 3. If the division determines that the parent, parents or guardian do not
8 have the ability to contribute an amount sufficient to pay for the care,
9 support and maintenance of ~~{such}~~ *the* child, but that the estate of ~~{such}~~
10 *the* child is able to contribute, the division may make application to a court
11 of competent jurisdiction for the appointment of a guardian of the estate of
12 ~~{such}~~ *the* child, if there is none, and for an order requiring ~~{such}~~ *the*
13 guardian to contribute an amount as determined by the court.

14 **Sec. 33.** NRS 435.115 is hereby amended to read as follows:

15 435.115 The administrator shall establish a fee schedule, in
16 consultation with the state association for retarded citizens and subject to
17 the approval of the board and the director of the department, for services
18 rendered to the mentally retarded *and to persons with related conditions*
19 by the division.

20 **Sec. 34.** NRS 435.121 is hereby amended to read as follows:

21 435.121 1. There are two types of admissions of mentally retarded
22 persons *or persons with related conditions* to a mental retardation center:

23 (a) Voluntary admission.

24 (b) Involuntary admission.

25 2. An application for admission of a mentally retarded person *or*
26 *person with a related condition* to a mental retardation center must be
27 made on a form approved by the division and the attorney general. The
28 clerk of each district court in the state shall make the forms available to any
29 person upon request.

30 **Sec. 35.** NRS 435.122 is hereby amended to read as follows:

31 435.122 1. Any mentally retarded person *or person with a related*
32 *condition* may apply to any mental retardation center for admission as a
33 voluntary client. His parent or guardian or another responsible person may
34 submit the application on his behalf.

35 2. If the person or a responsible party on behalf of the person objects to
36 voluntary admission, the procedure for involuntary admission may be
37 followed.

38 **Sec. 36.** NRS 435.123 is hereby amended to read as follows:

39 435.123 Whenever a person is alleged to be mentally retarded *or to*
40 *have a related condition* and *is alleged to be* a clear and present danger to
41 himself or others, his parent or guardian or another responsible person may
42 initiate proceedings for his involuntary admission to a mental retardation
43 center by petitioning the district court of the county where the person

1 resides. The petition must be accompanied by a certificate signed by a
2 physician or licensed psychologist experienced in the diagnosis of mental
3 retardation **and related conditions** stating that he has examined the person
4 within the preceding 30 days and has concluded that the person is mentally
5 retarded ~~H~~ **or is a person with a related condition**, has demonstrated that
6 he is a clear and present danger to himself or others and is in need of
7 institutional training and treatment.

8 **Sec. 37.** NRS 435.125 is hereby amended to read as follows:

9 435.125 1. After the petition is filed, the court may cause a
10 physician or licensed psychologist promptly to examine the person who is
11 the subject of the petition or request an evaluation from the mental
12 retardation center to which it is proposed the person be admitted. Any
13 physician or licensed psychologist requested by the court to conduct such
14 an examination must be experienced in the diagnosis of mental retardation
15 ~~H~~ **and related conditions**. The examination or evaluation must indicate
16 whether the person is or is not mentally retarded **or a person with a related**
17 **condition** and whether he is or is not in need of institutional training and
18 treatment.

19 2. The court may allow the person alleged to be mentally retarded **or to**
20 **have a related condition** to remain at his place of residence pending any
21 ordered examination and to return upon completion of the examination.
22 One or more of the person's relatives or friends may accompany him to the
23 place of examination.

24 **Sec. 38.** NRS 435.126 is hereby amended to read as follows:

25 435.126 1. The person alleged to be mentally retarded ~~H~~ **or to have**
26 **a related condition**, or any relative or friend acting on his behalf, is entitled
27 to retain counsel to represent him in any proceeding before the district
28 court relating to his involuntary admission to a mental retardation center.

29 2. If ~~[such]~~ counsel has not been retained, the court, before proceeding,
30 shall advise the person and his guardian, or closest living relative if such a
31 relative can be located, of the person's right to have counsel.

32 3. If the person fails or refuses to secure counsel, the court shall
33 appoint counsel to represent him. If the person is indigent, the counsel
34 appointed may be the public defender.

35 4. Any counsel appointed by the court is entitled to fair and reasonable
36 compensation for his services. The compensation must be charged against
37 the property of the person for whom he was appointed. If the person is
38 indigent, the compensation must be charged against the county in which the
39 person alleged to be mentally retarded **or to have a related condition** last
40 resided.

41 **Sec. 39.** NRS 435.128 is hereby amended to read as follows:

42 435.128 1. Upon completion of the proceedings for involuntary
43 admission of a person to a mental retardation center, if the court finds:

1 (a) That the person is mentally retarded ~~or~~ **or has a related condition,**
2 has demonstrated that he is a clear and present danger to himself or others
3 and is in need of institutional training and treatment;

4 (b) That appropriate space and programs are available at the mental
5 retardation center to which it is proposed that the person be admitted; and

6 (c) That there is no less restrictive alternative to admission to a mental
7 retardation center which would be consistent with the best interests of the
8 person,

9 the court shall by written order certify that the person is eligible for
10 involuntary admission to a mental retardation center.

11 2. A certificate of eligibility for involuntary admission expires 12
12 months after the date of issuance if the client has not been discharged
13 earlier by the procedure provided in NRS 435.129. At the end of the 12-
14 month period, the administrative officer of the mental retardation center
15 may petition the court to renew the certificate for an additional period of
16 not more than 12 months. Each petition for renewal must set forth the
17 specific reasons why further treatment is required. A certificate may be
18 renewed more than once.

19 **Sec. 40.** NRS 435.130 is hereby amended to read as follows:

20 435.130 The intent of the legislature in the enactment of NRS 435.130
21 to 435.320, inclusive, is to aid mentally or functionally retarded persons
22 **and persons with related conditions** who are not served by existing
23 programs to receive high quality care and training in an effort to help them
24 become useful citizens.

25 **Sec. 41.** NRS 435.180 is hereby amended to read as follows:

26 435.180 “Enrollee” means any person enrolled in a center for care and
27 training because of mental or functional retardation ~~or~~ **or a related**
28 **condition.**

29 **Sec. 42.** NRS 435.230 is hereby amended to read as follows:

30 435.230 ~~In order to~~ **To** qualify for the aid provided for by NRS
31 435.130 to 435.320, inclusive, a center must:

32 1. File an application with the division for a certificate of qualification,
33 which must include:

34 (a) The name and address of the center.

35 (b) The names, addresses and qualifications of the administrative
36 personnel of the center.

37 (c) An outline of the educational, occupational and therapeutic program
38 to be offered.

39 (d) The number of persons enrolled or expected.

40 (e) An affidavit that the center is nonsectarian and a nonprofit
41 organization under the Internal Revenue Code of 1954 as amended, ~~or~~ **26**
42 U.S.C. § 501(c)(3). ~~or~~

43 (f) The number and qualifications of the staff.

1 (g) A complete and detailed proposed financial statement for the
2 operations for the coming year.

3 (h) Any other information which the division may require.

4 2. Each year after the original application is made under subsection 1,
5 file an application for renewal of the certificate of qualification, which must
6 contain:

7 (a) The information required by subsection 1.

8 (b) The total number of members of the staff, persons enrolled, and days
9 of care and training that the center provided during the previous year.

10 (c) The number enrolled and days of care and training that the center
11 provided during the previous year to those enrolled who qualify for aid
12 under the terms of NRS 435.130 to 435.320, inclusive, and the standards
13 established by the division.

14 (d) A financial statement clearly showing all income received by the
15 center during the previous year and the sources thereof.

16 (e) Any other information that the division may require.

17 3. Be inspected by a member or authorized agent of the division to
18 determine whether the center's facilities are proper and adequate.

19 4. Keep accurate records of daily attendance and establish uniform
20 financial statements and bookkeeping procedures as prescribed by the
21 division.

22 5. Maintain standards not inconsistent with those required by NRS
23 435.130 to 435.320, inclusive, or established by the division to qualify for
24 money from other sources, such as United Fund and United States
25 Government programs.

26 6. Before certifying an applicant for enrollment as mentally retarded ~~§~~
27 *or a person with a related condition*, require:

28 (a) A documentary history of retarded overall functioning ~~§~~ *or the*
29 *related condition*; and

30 (b) Substantiation, through evaluation by a qualified diagnostic team.

31 7. Meet all other standards set by the division.

32 **Sec. 43.** NRS 435.340 is hereby amended to read as follows:

33 435.340 Neither voluntary admission nor judicial commitment nor any
34 other procedure provided in this chapter ~~shall~~ *may* be construed as
35 depriving a mentally retarded person *or person with a related condition* of
36 his full civil and legal rights by any method other than a separate judicial
37 proceeding resulting in a determination of incompetency wherein the civil
38 and legal rights forfeited and the legal disabilities imposed are specifically
39 stated.

40 **Sec. 44.** NRS 435.350 is hereby amended to read as follows:

41 435.350 1. Each mentally retarded person *or person with a related*
42 *condition* admitted to a division facility is entitled to all rights enumerated

43 in NRS 433.482 and 433.484.

2. The administrator shall designate a person or persons to be responsible for establishment of regulations relating to denial of rights of mentally retarded persons ~~and~~ *and persons with related conditions*. The person designated shall file the regulations with the administrator.

3. Clients' rights specified in NRS 433.482 and 433.484 may be denied only for cause. Any denial of such rights must be entered in the client's treatment record, and notice of ~~such~~ *the* denial must be forwarded to the administrator's designee or designees as provided in subsection 2. Failure to report denial of rights by an employee may be grounds for dismissal.

4. Upon receipt of notice of a denial of rights as provided in subsection 3, the administrator's designee or designees shall cause a full report to be prepared which sets forth in detail the factual circumstances surrounding ~~such~~ *the* denial. A copy of the report must be sent to the administrator and the commission.

5. The commission has such powers and duties with respect to reports of denial of rights as are enumerated in subsection 3 of NRS 433.534.

Sec. 45. NRS 435.360 is hereby amended to read as follows:

435.360 1. The relatives of a mentally retarded client *or client with a related condition* who is 18 years of age or older are not responsible for the costs of his care and treatment within a division facility.

2. The client or his estate, when able, may be required to contribute a reasonable amount toward the costs of his care and treatment. Otherwise, the full costs of ~~such~~ *the* services must be borne by the state.

Sec. 46. NRS 435.365 is hereby amended to read as follows:

435.365 1. Whenever a person with mental retardation *or a related condition* is cared for by a parent or other relative with whom he lives, that parent or relative is eligible to receive assistance on a monthly basis from the division for each such person who lives and is cared for in the home if the division finds that:

(a) The person with mental retardation *or a related condition* has been diagnosed as having profound or severe mental retardation or, if he is under 6 years of age, has developmental delays that require support that is equivalent to the support required by a person with profound or severe mental retardation ~~and~~ *or a related condition*;

(b) The person with mental retardation *or a related condition* is receiving adequate care; and

(c) The person with mental retardation *or a related condition* and the parent or other relative with whom he lives is not reasonably able to pay for his care and support.

The amount of ~~such~~ *the* assistance must be established by legislative appropriation for each fiscal year.

2. The division shall adopt regulations:

(a) Which establish a procedure of application for assistance;

1 (b) For determining the eligibility of an applicant pursuant to subsection
2 1; and

3 (c) For determining the amount of assistance to be provided to an
4 eligible applicant.

5 3. The decision of the division regarding eligibility for assistance or the
6 amount of assistance to be provided is a final administrative decision.

7 **Sec. 47.** NRS 435.370 is hereby amended to read as follows:

8 435.370 The division may make such rules and regulations and enter
9 such agreements with public and private agencies as are deemed necessary
10 to implement residential placement-foster family care programs for
11 mentally retarded persons ~~and~~ *and persons with related conditions.*

12 **Sec. 48.** NRS 435.390 is hereby amended to read as follows:

13 435.390 1. The administrative officer of any division facility where
14 mentally retarded persons *or persons with related conditions* reside may
15 establish a canteen operated for the benefit of clients and employees of the
16 facility. The administrative officer shall keep a record of transactions in the
17 operation of the canteen.

18 2. Each canteen must be self-supporting. No money provided by the
19 state may be used for its operation.

20 3. The respective administrative officers shall deposit the money used
21 for the operation of the canteen in one or more banks of reputable standing,
22 except that an appropriate sum may be maintained as petty cash at each
23 canteen.

24 **Sec. 49.** NRS 436.110 is hereby amended to read as follows:

25 436.110 The legislature declares that the purposes of this chapter are:

26 1. To encourage and provide financial assistance to counties in the
27 establishment and development of mental health services, including
28 services to the mentally retarded ~~and~~ *and persons with related conditions,*
29 through locally controlled community mental health programs.

30 2. To promote the improvement and, if necessary, the expansion of
31 already existing services which help to conserve the mental health of the
32 people of Nevada. It is the intent of this chapter that services to individuals
33 ~~shall~~ be rendered only upon voluntary application.

34 **Sec. 50.** NRS 436.150 is hereby amended to read as follows:

35 436.150 The county board shall:

36 1. Review and evaluate communities' needs, services, facilities and
37 special problems in the fields of mental health and mental retardation ~~and~~
38 *and related conditions.*

39 2. Advise the governing body as to programs of community mental
40 health services and facilities and services to the mentally retarded ~~and~~ *and*
41 *persons with related conditions,* and, when requested by ~~such~~ *the*
42 governing body, make recommendation regarding the appointment of a
43 county

director.

1 3. After adoption of a program, continue to act in an advisory capacity
2 to the county director.

3 **Sec. 51.** NRS 436.170 is hereby amended to read as follows:

4 436.170 The county director shall:

5 1. Serve as chief executive officer of the county program and be
6 accountable to the county board.

7 2. Exercise administrative responsibility and authority over the county
8 program and facilities furnished, operated or supported in connection
9 therewith, and over services to the mentally retarded ~~{ }~~ **and persons with**
10 **related conditions**, except as administrative responsibility is otherwise
11 provided for in this Title.

12 3. Recommend to the governing body, after consultation with the
13 county board, the providing of services, establishment of facilities,
14 contracting for services or facilities and other matters necessary or
15 desirable to accomplish the purposes of this chapter.

16 4. Submit an annual report to the governing body reporting all
17 activities of the program, including a financial accounting of expenditures
18 and a forecast of anticipated needs for the ensuing year.

19 5. Carry on such studies as may be appropriate for the discharge of his
20 duties, including the control and prevention of psychiatric disorders and the
21 treatment of mental retardation ~~{ }~~ **and related conditions**.

22 **Sec. 52.** NRS 436.230 is hereby amended to read as follows:

23 436.230 Expenditures made by counties for county programs,
24 including services to the mentally retarded ~~{ }~~ **and persons with related**
25 **conditions**, pursuant to this chapter, ~~{ shall }~~ **must** be reimbursed by the state
26 pursuant to NRS 436.240 to 436.320, inclusive.

27 **Sec. 53.** NRS 436.240 is hereby amended to read as follows:

28 436.240 1. A service operated within a county program ~~{ shall }~~ **must**
29 be directed to at least one of the following mental health areas:

30 (a) Mental illness;

31 (b) Mental retardation ~~{ }~~ **and related conditions**;

32 (c) Organic brain and other neurological impairment;

33 (d) Alcoholism; and

34 (e) Drug abuse.

35 2. A service is any of the following:

36 (a) Diagnostic service;

37 (b) Emergency service;

38 (c) Inpatient service;

39 (d) Outpatient or partial hospitalization service;

40 (e) Residential, sheltered or protective care service;

41 (f) Habilitation or rehabilitation service;

1 (g) Prevention, consultation, collaboration, education or information
2 service; and

3 (h) Any other service approved by the division.

4 **Sec. 54.** NRS 436.270 is hereby amended to read as follows:

5 436.270 1. ~~{Moneys}~~ **Money** provided by direct legislative
6 appropriation for purposes of reimbursement as provided by NRS 436.230
7 to 436.260, inclusive, ~~{shall}~~ **must** be allotted to the governing body as
8 follows:

9 (a) The state shall pay to each county a sum equal to 90 percent of the
10 total proposed expenditures as reflected by the plan of proposed
11 expenditures submitted pursuant to NRS 436.250 if the county has
12 complied with the provisions of paragraph (b).

13 (b) ~~{Prior to}~~ **Before** payment under this subsection, the governing body
14 of a county must submit evidence to the administrator that 10 percent of the
15 total proposed expenditures have been raised and budgeted by the county
16 for the establishment or maintenance of a county program.

17 2. All state and federal moneys appropriated or authorized for the
18 promotion of mental health or for services to the mentally retarded **and**
19 **persons with related conditions** in the State of Nevada ~~{shall}~~ **must** be
20 disbursed through the division in accordance with the provisions of this
21 chapter and rules and regulations ~~{promulgated}~~ **adopted** in accordance
22 therewith.

23 **Sec. 55.** NRS 436.310 is hereby amended to read as follows:

24 436.310 Fees for mental health services, including services to the
25 mentally retarded ~~{and}~~ **and persons with related conditions**, rendered
26 pursuant to an approved county plan ~~{shall}~~ **must** be charged in accordance
27 with ability to pay, but not in excess of actual cost.

28 **Sec. 56.** This act becomes effective upon passage and approval.