

ASSEMBLY BILL NO. 635—COMMITTEE ON HEALTH AND
HUMAN SERVICES

(ON BEHALF OF INTERIM COMMITTEE ON HEALTH CARE)

MARCH 26, 2001

Referred to Concurrent Committees on Health and Human
Services and Ways and Means

SUMMARY—Creates commission on autism. (BDR 39-225)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in Executive
Budget.

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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 health care; creating the commission on autism; providing for its membership; requiring the commission to establish certain centers to provide services relating to autism; making an appropriation; 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
2 the provisions set forth as sections 2 to 22, inclusive, of this act.
3 **Sec. 2.** *As used in sections 2 to 22, inclusive, of this act, unless the*
4 *context otherwise requires, the words and terms defined in sections 3, 4*
5 *and 5 of this act have the meanings ascribed to them in those sections.*
6 **Sec. 3.** *“Autism” includes any developmental disorder specified by*
7 *the commission.*
8 **Sec. 4.** *“Center” means a center for providing services for autism*
9 *created pursuant to section 10 of this act.*
10 **Sec. 5.** *“Commission” means the commission on autism created by*
11 *section 6 of this act.*
12 **Sec. 6.** 1. *The commission on autism, consisting of 12 members, is*
13 *hereby created within the division. The commission consists of:*
14 *(a) One member of the Statewide Autism Task Force, appointed by the*
15 *task force from among its members;*
16 *(b) One member who represents users of services for autism,*
17 *appointed by the Statewide Autism Task Force;*



- 1 (c) One member who represents the University Affiliated Project of
2 the University of Nevada, Reno, appointed by the chairman of the
3 department that oversees the project;
- 4 (d) One member who represents the Early Childhood Autism Program
5 of the University of Nevada, Reno, appointed by the chairman of the
6 department of psychology;
- 7 (e) One member who represents a department of the University of
8 Nevada, Las Vegas, that specializes in the study of autism, appointed by
9 the chairman of that department;
- 10 (f) One member who represents an association or other organization
11 of residential providers of services for autism, appointed by the
12 administrator;
- 13 (g) One member who represents Families for Effective Autism
14 Treatment, appointed by the governing body of that organization;
- 15 (h) One member who represents the Autism Society of America,
16 selected by a majority of the members of the governing bodies of the
17 chapters of that organization located in this state;
- 18 (i) One member who represents Nevada Parents Encouraging
19 Parents, Incorporated, appointed by the board of directors of that
20 organization;
- 21 (j) One member who represents the University of Nevada School of
22 Medicine, appointed by the dean of that school;
- 23 (k) One member who is an employee of the department of
24 employment, training and rehabilitation and has knowledge and
25 experience concerning community-based services provided by the
26 department, appointed by the director of the department; and
- 27 (l) One member who is an employee of the department of education
28 and has knowledge and experience concerning special education,
29 appointed by the superintendent of public instruction.
- 30 2. If any appointing entity specified in subsection 1 ceases to exist,
31 the appointments required by that subsection must be made by the
32 successor in interest of the entity or, if there is not a successor in interest,
33 by the chairman of the commission.
- 34 3. After the initial terms, each member of the commission serves a
35 term of 3 years. A member may be reappointed for an additional term. A
36 vacancy occurring in the membership of the commission must be filled in
37 the same manner as the original appointment.
- 38 4. At its first meeting, and annually thereafter, the commission shall
39 elect a chairman from among its members. A member of the commission
40 may serve as chairman for more than one term.
- 41 **Sec. 7. 1.** The commission shall meet at such times and places
42 specified by a call of the chairman or by a majority of the members of the
43 commission.
- 44 2. A majority of the members of the commission constitute a quorum,
45 and a quorum may exercise all the powers and duties of the commission.
- 46 3. The division shall provide the necessary staff to assist the
47 commission in carrying out its duties.
- 48 **Sec. 8. 1.** Each member of the commission:
49 (a) Serves without compensation; and



1 (b) Except as otherwise provided in subsection 2, is entitled to receive
2 the per diem allowance and travel expenses provided for state officers
3 and employees generally.

4 2. The members of the commission who are state employees are
5 entitled to receive the per diem allowance and travel expenses provided
6 for state officers and employees generally if they are required to attend to
7 the business of the commission outside Carson City.

8 3. A claim for payment pursuant to the provisions of this section
9 must be made on a voucher approved by the chairman of the commission
10 and paid as other claims against the state are paid.

11 4. The members of the commission who are state employees must be
12 relieved from their duties without loss of compensation to perform their
13 duties relating to the business of the commission in the most timely
14 manner practicable. The state employees must not be required to make
15 up or take annual or compensatory time for any period during which
16 they are relieved from their duties pursuant to the provisions of this
17 section.

18 **Sec. 9. The commission shall:**

19 1. Monitor and supervise each center;

20 2. Encourage the availability of services at those centers for persons
21 with autism;

22 3. Promote awareness of autism and facilitate advocacy for persons
23 with autism and their families;

24 4. Provide consultation, training and technical assistance for persons
25 with autism and their families;

26 5. Develop methods for consolidating services for autism that are
27 provided by more than one agency of this state;

28 6. Conduct an assessment of the services that are provided in this
29 state for persons with autism and develop goals for the delivery of
30 services for autism in this state;

31 7. Review any programs or other services provided for persons with
32 autism in other states and evaluate the appropriateness of providing
33 those programs or services in this state;

34 8. Insofar as practicable, solicit recommendations from the families
35 of persons with autism concerning the services that are available in this
36 state for those persons and their families;

37 9. Establish a statewide network of support for persons with autism
38 to encourage communication and the exchange of information
39 concerning autism between the families of those persons and persons
40 who provide services relating to the treatment of autism; and

41 10. Submit recommendations to the department and the department
42 of education concerning the care and treatment of persons with autism.

43 **Sec. 10. 1. The commission shall establish a center in the northern**
44 **portion of this state and a center in the southern portion of this state. For**
45 **each center, the commission:**

46 (a) Shall employ:

47 (1) A director who is qualified pursuant to section 15 of this act;

48 (2) An evaluator who is qualified pursuant to section 16 of this act;



1 (3) *A diagnostician who is qualified pursuant to section 17 of this*
2 *act; and*

3 (4) *A program designer who is qualified pursuant to section 18 of*
4 *this act; and*

5 (b) *May employ one or more:*

6 (1) *Behavioral interventionists who are qualified pursuant to*
7 *section 19 of this act; or*

8 (2) *Case managers who are qualified pursuant to section 20 of this*
9 *act.*

10 2. *The commission shall adopt regulations setting forth the*
11 *procedure by which a person with autism may apply to receive the*
12 *services of a center.*

13 **Sec. 11.** 1. *Each center shall ensure that the following services are*
14 *available for each person with autism who is qualified to receive the*
15 *services and the members of his family:*

16 (a) *A network of support;*

17 (b) *The establishment of a team to provide services in accordance with*
18 *the provisions of section 14 of this act;*

19 (c) *A support staff;*

20 (d) *Programs to provide training in communication, academics, social*
21 *and vocational skills and daily living;*

22 (e) *Programs to provide recreation and leisure activities; and*

23 (f) *Any other service required by the commission.*

24 2. *Each center may provide the services specified in subsection 1 or*
25 *refer a person who is qualified to receive those services to another*
26 *provider of those services.*

27 3. *Each center may coordinate with any other person, including a*
28 *government, governmental agency or a political subdivision of a*
29 *government, to provide the services specified in subsection 1.*

30 **Sec. 12.** 1. *Each center shall:*

31 (a) *Serve as a clearinghouse for information relating to autism;*

32 (b) *Provide advice and information relating to autism and any services*
33 *provided in this state for the treatment of autism; and*

34 (c) *Support activities that increase or improve those services within*
35 *the area of service of the center.*

36 2. *Each center may conduct research relating to the treatment of*
37 *autism.*

38 **Sec. 13.** 1. *Each center shall ensure that any person who is*
39 *assigned to the staff of any residential facility operated by the center:*

40 (a) *Is qualified for the position to which he is assigned in accordance*
41 *with regulations adopted by the commission; and*

42 (b) *Provides services at the residential facility in a gentle and humane*
43 *manner.*

44 2. *Any services provided at a residential facility specified in*
45 *subsection 1 must, insofar as practicable, be:*

46 (a) *Designed to improve the well-being and quality of life of the*
47 *person for whom the services are provided;*



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1 (b) Designed to teach skills in accordance with the capacity of the
2 person to learn those skills as determined by the director of the center;
3 and

4 (c) Provided in the least restrictive manner as is practicable.

5 3. Each center shall ensure that:

6 (a) Any services that are provided at the residential facility, including,
7 without limitation, any programs for training a person who receives
8 services at the residential facility, are monitored and supervised by a
9 person who is qualified to provide that monitoring and supervision as
10 determined by the director of the center; and

11 (b) The ratio of the number of persons receiving services at the
12 residential facility to the number of members of the staff of the
13 residential facility is sufficient to satisfy any requirements for health,
14 safety and treatment for each person who receives services at the facility.

15 4. Each center shall review and consider any recommendations
16 submitted to the center concerning the provision of services at the
17 residential facility.

18 **Sec. 14. 1.** If a person with autism is qualified to receive services
19 provided by a center and if requested by a member of his family, the
20 center shall establish a team to provide services for the person. The
21 members of the team may include:

22 (a) The person with autism, if determined to be appropriate by the
23 director of the center;

24 (b) Each member of his family who provides care directly to the
25 person, as determined by the director;

26 (c) A diagnostician employed by the center;

27 (d) A program designer employed by the center;

28 (e) A behavior interventionist employed by the center; and

29 (f) Any other person specified by the director.

30 2. Each team established pursuant to subsection 1 shall, as soon a
31 practicable after it is established, conduct a meeting of the members of
32 the team and prepare a plan of service for the person. After conducting
33 the initial meeting and preparing the plan of service, the team shall
34 periodically conduct meetings to determine the effectiveness of the plan
35 and revise the plan if required to provide additional services to the person
36 or to ensure the effectiveness of the plan.

37 **Sec. 15. 1.** Each director of a center must:

38 (a) Have a doctorate degree in psychology, education or a related
39 discipline approved by the commission;

40 (b) Have successfully completed courses relating to child and human
41 development and the theory of learning that are approved by the
42 commission;

43 (c) Have not less than 5 years of experience in the field of autism; and

44 (d) Possess the following knowledge and skills relating to autism:

45 (1) Knowledge of assessments, diagnoses, treatment and delivery of
46 services for persons with autism;

47 (2) Experience coordinating services and developing programs;

48 (3) Ability to develop plans for the treatment of autism;



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- 1 (4) Ability to communicate with persons with autism and their
2 families;
3 (5) Knowledge of the manner in which treatment is provided for
4 persons with autism, including, without limitation, behavioral treatment;
5 (6) Ability to work with persons who have a severe mental or
6 physical disability;
7 (7) Ability to establish requirements for programs for behavioral
8 intervention, including, without limitation, the ability to supervise a
9 member of the staff of the center who administers behavioral
10 intervention; and
11 (8) Knowledge of and ability to use a functional behavioral
12 assessment and analysis and a plan to provide positive behavioral
13 support; and
14 (e) Satisfy any other requirements for qualification prescribed by the
15 commission.
- 16 2. Each director of a center shall:
17 (a) Supervise the operation of the center;
18 (b) Coordinate the services provided by the center;
19 (c) Report periodically to the commission concerning the operation of
20 and services provided by the center;
21 (d) If requested by a person, refer the person to a diagnostician for an
22 evaluation pursuant to section 17 of this act; and
23 (e) Perform any other duties assigned to him by the commission.
- 24 **Sec. 16.** 1. Each evaluator employed by the commission pursuant
25 to section 10 of this act must:
26 (a) Have received a bachelor's degree from a college or university
27 approved by the commission;
28 (b) Have the ability to:
29 (1) Interview and communicate with persons with autism and their
30 families; and
31 (2) Document and report information obtained during an
32 evaluation of a person with autism to determine the services that are
33 available from the center for that person; and
34 (c) Satisfy any other requirements for qualification prescribed by the
35 commission.
- 36 2. Each evaluator shall:
37 (a) Prepare and maintain a registry that includes the name of each
38 person with autism who resides within the area of service of the center
39 where the evaluator is employed;
40 (b) Monitor any services relating to the treatment of autism that are
41 provided in this state to determine the effectiveness of those services;
42 (c) Upon the request of a member of the family of a person with
43 autism, provide assistance to the member of the family to ensure that any
44 services provided to the person with autism are appropriate for him; and
45 (d) Perform any other duties assigned to him by the commission or the
46 director of the center.
- 47 **Sec. 17.** 1. Each diagnostician employed by the commission
48 pursuant to section 10 of this act must:



- 1 (a) *Be a physician, psychiatrist or psychologist who is licensed to*
2 *practice in this state;*
3 (b) *Have not less than 5 years of experience working with persons*
4 *with autism or a related disorder specified by the commission; and*
5 (c) *Satisfy any other requirements for qualification prescribed by the*
6 *commission.*
7 2. *Each diagnostician shall, for each person who is referred to him*
8 *by the director:*
9 (a) *Conduct an evaluation of the person to determine whether he has*
10 *autism and, if so, whether he is qualified to receive services at the center*
11 *or from any other person approved by the commission to provide those*
12 *services;*
13 (b) *Determine whether the person has any conditions specified by the*
14 *commission; and*
15 (c) *Perform any other duties assigned to him by the commission or the*
16 *director of the center.*
17 3. *In conducting an evaluation of a person specified in subsection 2,*
18 *the diagnostician shall consider:*
19 (a) *The characteristics of autism;*
20 (b) *The level at which the person is able to function, including,*
21 *without limitation, his strengths and weaknesses; and*
22 (c) *Whether the person exhibits any conditions specified by the*
23 *commission.*
24 **Sec. 18. 1. Each program designer employed by the commission**
25 **pursuant to section 10 of this act must:**
26 (a) *Have received a bachelor's degree from a college or university*
27 *approved by the commission;*
28 (b) *Have not less than 1 year of experience under the supervision of a*
29 *person who:*
30 (1) *Has a doctorate degree in a discipline approved by the*
31 *commission; and*
32 (2) *Has obtained such training and skills as are prescribed by the*
33 *commission in developing and carrying out plans for behavioral*
34 *intervention; and*
35 (c) *Satisfy any other requirements for qualification prescribed by the*
36 *commission.*
37 2. *Each program designer shall:*
38 (a) *Prepare a plan for behavioral intervention for each person who*
39 *receives services at the center;*
40 (b) *Coordinate the administration of any strategy of intervention used*
41 *by a behavioral interventionist employed by the center;*
42 (c) *Supervise each behavioral interventionist employed by the center;*
43 (d) *Insofar as practicable:*
44 (1) *Coordinate the administration of the plan prepared pursuant to*
45 *paragraph (a) with any other person or agency that provides services for*
46 *the treatment of autism to the person for whom the plan is prepared or*
47 *the members of his family; and*
48 (2) *Ensure that each person and agency specified in subparagraph*
49 *(1) understands the provisions of the plan; and*



1 (e) Perform any other duties assigned to him by the commission or the
2 director of the center.

3 3. In carrying out his duties, the program designer shall:

4 (a) Assess the results of any diagnostic tests administered to a person
5 who receives services at the center;

6 (b) Review the family history of the person;

7 (c) Identify the behavioral characteristics of the person; and

8 (d) Insofar as practicable, ensure that the services provided to the
9 person, including the provisions of the plan prepared pursuant to
10 subsection 2, are appropriate for the person.

11 4. In preparing a plan specified in subsection 2, the program
12 designer may use any behavioral method prescribed by the commission.

13 **Sec. 19.** 1. Each behavioral interventionist employed by the
14 commission pursuant to section 10 of this act must:

15 (a) Obtain such training and skills as are prescribed by the
16 commission;

17 (b) Have knowledge of and the ability to administer any behavioral
18 assessments and strategies specified by the commission; and

19 (c) Satisfy any other requirements for qualification prescribed by the
20 commission.

21 2. Each behavioral interventionist shall:

22 (a) Work directly with each person for whom a plan of behavioral
23 intervention is prepared pursuant to section 18 of this act and his family
24 to change the behavior of the person by using methods for intervention
25 and skills for development specified by the commission;

26 (b) Assist the family in administering the plan of behavioral
27 intervention;

28 (c) Collect information concerning the effectiveness of the plan of
29 behavioral intervention and review the plan in consultation with the
30 family and the program designer to determine whether any revision of
31 the plan is required to ensure the effectiveness of the plan; and

32 (d) Perform any other duties assigned to him by the commission or
33 director of the center.

34 3. Each behavioral interventionist must complete a probationary
35 period specified by the commission. During the probationary period, the
36 program designer shall directly supervise the behavioral interventionist
37 to ensure that he satisfactorily performs the duties set forth in subsection
38 2. After the expiration of the probationary period, the behavioral
39 interventionist may perform those duties without the direct supervision of
40 the program designer.

41 **Sec. 20.** 1. Each case manager employed by the commission
42 pursuant to section 10 of this act must obtain such training and
43 education as are prescribed by the commission.

44 2. Each case manager shall for each person who receives services at
45 the center:

46 (a) Coordinate the meetings of the team established for the person
47 pursuant to section 14 of this act;

48 (b) Ensure that any plan for providing services to the person at the
49 center is carried out, including, without limitation, ensuring that any



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1 *evaluations required by the plan are conducted and any additional care is*
2 *provided to the person;*

3 *(c) Communicate regularly with the family of the person;*

4 *(d) Prepare and maintain a record of each meeting specified in*
5 *paragraph (a) and any services provided by the center to the person or*
6 *his family;*

7 *(e) Determine whether any services for the person are available from*
8 *any other person and whether any money is available to pay for those*
9 *services; and*

10 *(f) Perform any other duties assigned to him by the commission or*
11 *director.*

12 **Sec. 21.** *The commission may:*

13 *1. Employ such professional, technical and clerical staff as are*
14 *necessary to assist the commission in carrying out the provisions of*
15 *sections 2 to 22, inclusive, of this act;*

16 *2. Cooperate with any person, including any government,*
17 *governmental agency or political subdivision of a government, to:*

18 *(a) Provide services to persons with autism; or*

19 *(b) Avoid duplication of or obtain money to pay for those services;*

20 *3. Prepare and submit to the director of the legislative counsel*
21 *bureau for transmittal to the legislature any recommendations for*
22 *legislation relating to autism; and*

23 *4. Apply for and accept any gift, grant, appropriation or donation,*
24 *and use the gift, grant, appropriation or donation to carry out its duties*
25 *pursuant to the provisions of sections 2 to 22, inclusive, of this act.*

26 **Sec. 22.** *The commission shall adopt regulations to carry out the*
27 *provisions of sections 2 to 22, inclusive, of this act. The regulations must*
28 *include, without limitation, provisions that set forth:*

29 *1. The procedure by which:*

30 *(a) A person who provides care in his home for a person with autism*
31 *may apply to the commission for a grant of money from the commission*
32 *to assist the person in providing that care; and*

33 *(b) A residential care center that provides residential services to a*
34 *person with autism may apply for such a grant to increase the rates of*
35 *reimbursement to the residential care center; and*

36 *2. The criteria that the commission will consider in determining*
37 *whether to award a grant of money.*

38 **Sec. 23.** *1. The appointment of the members of the commission on*
39 *autism created by section 6 of this act must be made as soon as practicable*
40 *after July 1, 2001.*

41 *2. As soon as practicable after all the members of the commission are*
42 *appointed, the members of the commission shall, by lot, choose:*

43 *(a) Three members whose terms expire on June 30, 2002;*

44 *(b) Four members whose terms expire on June 30, 2003; and*

45 *(c) Five members whose terms expire on June 30, 2004.*

46 **Sec. 24.** *1. There is hereby appropriated from the state general fund*
47 *to the division of mental health and developmental services of the*
48 *department of human resources the sum of \$700,000 to pay that portion of*
49 *the costs to carry out the provisions of sections 2 to 22, inclusive, of this*



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1 act that is not covered by grants from the fund for a healthy Nevada or by
2 discretionary money available to the University Affiliated Project of the
3 University of Nevada, Reno, and the department of employment, training
4 and rehabilitation.

5 2. Any remaining balance of the appropriation made by subsection 1
6 must not be committed for expenditure after June 30, 2003, and reverts to
7 the state general fund as soon as all payments of money committed have
8 been made.

9 **Sec. 25.** 1. This section and section 24 of this act become effective
10 upon passage and approval.

11 2. Sections 1 to 23, inclusive, of this act become effective on July 1,
12 2001.

