
SENATE BILL NO. 174—SENATORS RAWSON AND TITUS

FEBRUARY 15, 2001

JOINT SPONSORS: ASSEMBLYMEN MARVEL, GIUNCHIGLIANI,
PARKS, LESLIE AND BUCKLEY

Referred to Committee on Finance

SUMMARY—Requires cooperative efforts to make available through existing state programs adequate community-based services to provide essential personal assistance to certain persons with disabilities. (BDR 38-190)

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

~

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

AN ACT relating to persons with disabilities; requiring cooperative efforts to enable existing state programs to make available community-based services for the provision of essential personal assistance to certain of those persons and to establish a program to ensure the adequacy of those services; making an appropriation; and providing other matters properly relating thereto.

1 WHEREAS, People of all ages with severe functional disabilities are
2 often forced to live in unsafe conditions or an institutional setting because
3 of their inability to obtain essential personal assistance in their
4 communities; and

5 WHEREAS, Many of those people require only minimal personal
6 assistance to live safely and independently in their communities; and

7 WHEREAS, The potential cost for the state to provide institutional care
8 for all those people far exceeds the cost to provide them with essential
9 personal care in their communities; and

10 WHEREAS, Those people should have available such essential personal
11 assistance as is appropriate for them to avoid placement in an institutional
12 setting without regard to their age, marital or family status, race, national
13 origin, cultural background, religion, gender, sexual preference or
14 geographic location; and

15 WHEREAS, Existing state programs provide a sufficient framework
16 within which to make essential personal assistance available to those
17 people; and



1 WHEREAS, It is the goal of this state to ensure that people with severe
2 functional disabilities have available, through existing state programs and
3 the provision of free care by their families and friends, essential personal
4 assistance in the most integrated setting appropriate to their needs and of a
5 sufficient quality to maximize their ability to live safely and independently
6 in their communities, and to provide those people with meaningful choices
7 and the maximum feasible amount of control over the essential personal
8 assistance they receive; now, therefore,

9
10 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
11 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
12

13 **Section 1.** Chapter 426 of NRS is hereby amended by adding thereto
14 the provisions set forth as sections 2 to 12, inclusive, of this act.

15 **Sec. 2.** *As used in sections 2 to 12, inclusive, of this act, unless the*
16 *context otherwise requires, the words and terms defined in sections 3 to*
17 *8, inclusive, of this act have the meanings ascribed to them in those*
18 *sections.*

19 **Sec. 3.** *“Advisory committee” means the advisory committee on*
20 *personal assistance for persons with severe functional disabilities created*
21 *pursuant to section 12 of this act.*

22 **Sec. 4.** *“Essential personal assistance” means the assistance of a*
23 *person with a severe functional disability for not more than 6 hours per*
24 *day in:*

- 25 1. *Eating;*
- 26 2. *Bathing;*
- 27 3. *Using a toilet;*
- 28 4. *Dressing;*
- 29 5. *Moving about; and*
- 30 6. *Taking care of himself.*

31 **Sec. 5.** *“Reasonably adequate state funding” means the amount of*
32 *state funding that can reasonably be accommodated within the state*
33 *budgetary limitations established by the governor and the legislature for*
34 *each biennial session of the legislature.*

35 **Sec. 6.** *“Recipient” means a recipient of essential personal*
36 *assistance through a state personal assistance program.*

37 **Sec. 7.** *“Severe functional disability” means any physical or mental*
38 *condition pursuant to which a person is unable, without substantial*
39 *assistance from another person, to eat, bathe and use a toilet.*

40 **Sec. 8.** *“State personal assistance program” means a program*
41 *established pursuant to NRS 422.396, 427A.250 or 615.173.*

42 **Sec. 9.** *Each state personal assistance program must make available,*
43 *within a reasonable period after receiving a request therefor and in*
44 *accordance with any conditions upon the receipt of federal funding,*
45 *adequate community-based services to provide essential personal*
46 *assistance to residents of this state with severe functional disabilities who*
47 *would, with the provision of that assistance, be able to live safely and*
48 *independently in their communities outside of an institutional setting.*



* S B 1 7 4 *

- 1 **Sec. 10.** *The director, in cooperation with the director of the*
2 *department of human resources and with the assistance of the advisory*
3 *committee, shall:*
- 4 1. *Determine the amount of state funding necessary each biennium*
5 *to carry out section 9 of this act.*
- 6 2. *Take such action as is feasible to ensure that reasonably adequate*
7 *state funding is allocated each biennium to carry out section 9 of this act.*
- 8 3. *Establish a program to ensure the adequacy of the services*
9 *provided to carry out section 9 of this act that, within the limitations of*
10 *any conditions upon the receipt of federal funding, includes:*
- 11 (a) *Minimum standards for the provision of essential personal*
12 *assistance, including, to the extent practicable, the provision of services*
13 *in accordance with NRS 629.091;*
- 14 (b) *Minimum qualifications and training requirements for providers*
15 *of essential personal assistance;*
- 16 (c) *Standards for the financial operation of providers of essential*
17 *personal assistance;*
- 18 (d) *The development of an individual service plan for the provision of*
19 *essential personal assistance to each recipient which includes*
20 *appropriate procedures to ensure the adequacy of the services provided to*
21 *that recipient;*
- 22 (e) *Procedures to appeal the denial or modification of an individual*
23 *service plan and to resolve any disputes regarding the contents of such a*
24 *plan;*
- 25 (f) *Continuous monitoring of the adequacy and effectiveness of the*
26 *provision of essential personal assistance to each recipient;*
- 27 (g) *Mandatory requirements and procedures for reporting the abuse,*
28 *neglect or exploitation of a recipient;*
- 29 (h) *The receipt of meaningful input from recipients, including surveys*
30 *of recipients, regarding the extent to which recipients are receiving the*
31 *services described in their individual service plans and their satisfaction*
32 *with those services; and*
- 33 (i) *Continuing procedures for soliciting public input regarding the*
34 *development, implementation and review of the program.*
- 35 4. *Review and modify the program established pursuant to*
36 *subsection 3 as appropriate to provide recipients with as much*
37 *independence and control over the provision of essential personal*
38 *assistance as is feasible.*
- 39 5. *Submit to each regular session of the legislature and make*
40 *available to members of the public any recommendations for legislation*
41 *to carry out section 9 of this act and to carry out or improve the program*
42 *established pursuant to subsection 3.*
- 43 6. *Submit to each regular session of the legislature a report*
44 *regarding the expenditure of any money received to carry out sections 2*
45 *to 12, inclusive, of this act, that must include, without limitation,*
46 *information regarding:*
- 47 (a) *The fiscal and other effects of services provided to carry out*
48 *section 9 of this act;*



1 (b) *The results of the program established pursuant to subsection 3;*
2 *and*

3 (c) *The percentage change in the number of residents of this state*
4 *with severe functional disabilities who are able to avoid or leave*
5 *institutional care as a result of the receipt of essential personal assistance*
6 *through community-based services.*

7 Sec. 11. *The administrator of each state personal assistance*
8 *program shall, except as otherwise limited by specific statute and any*
9 *conditions on the receipt of federal funding, require each recipient to pay*
10 *a copayment for essential personal assistance received pursuant to*
11 *section 9 of this act based upon a sliding scale that is proportionate to the*
12 *recipient's income.*

13 Sec. 12. 1. *The advisory committee on personal assistance for*
14 *persons with severe functional disabilities is hereby created in the*
15 *department.*

16 2. *The governor shall:*

17 (a) *Solicit recommendations for the appointment of members to the*
18 *advisory committee from organizations that are representative of a broad*
19 *range of persons with disabilities and organizations interested in the*
20 *provision of personal services to persons with functional disabilities.*

21 (b) *Appoint to the advisory committee such members as he deems*
22 *appropriate to represent a broad range of persons with disabilities from*
23 *diverse backgrounds, including, without limitation, one or more persons*
24 *who are representative of:*

25 (1) *The Nevada commission on aging.*

26 (2) *The statewide independent living council established in this*
27 *state pursuant to 29 U.S.C. § 796d.*

28 (3) *The state council on developmental disabilities established in*
29 *this state pursuant to section 125 of the Developmental Disabilities*
30 *Assistance and Bill of Rights Act of 2000.*

31 (4) *Centers for independent living established in this state.*

32 (5) *Providers of personal services to persons with disabilities,*
33 *including providers who receive state funding for that purpose.*

34 (6) *Persons with disabilities who receive personal services.*

35 3. *The majority of the members of the advisory committee must be*
36 *persons with disabilities.*

37 4. *After the initial term, the term of each member is 2 years.*

38 5. *Members of the advisory committee serve without compensation,*
39 *except that each member is entitled, while engaged in the business of the*
40 *advisory committee, to the per diem allowance and travel expenses*
41 *provided for state employees generally.*

42 6. *A majority of the members of the advisory committee constitutes a*
43 *quorum for the transaction of business, and a majority of a quorum*
44 *present at any meeting is sufficient for any official action taken by the*
45 *advisory committee.*

46 7. *The advisory committee shall:*

47 (a) *At its first meeting and annually thereafter, elect a chairman from*
48 *among its members.*



1 ***(b) Meet at the call of the director, the chairman or a majority of its***
2 ***members as frequently as is necessary to provide the director with***
3 ***appropriate assistance to carry out the provisions of section 9 of this act.***

4 **Sec. 13.** As soon as practicable after the effective date of this act, the
5 governor shall appoint to the advisory committee on personal assistance for
6 persons with severe functional disabilities created pursuant to section 12 of
7 this act:

8 1. To the extent feasible, half of its members to serve initial terms of 2
9 years; and

10 2. The remainder of its members to serve initial terms of 4 years.

11 **Sec. 14.** 1. There is hereby appropriated from the state general fund
12 to the director of the department of employment, training and rehabilitation
13 the sum of \$250,000 to carry out the provisions of sections 2 to 12,
14 inclusive, of this act.

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

19 **Sec. 15.** This act becomes effective upon passage and approval.

