

SENATE BILL NO. 342—COMMITTEE ON TAXATION

(ON BEHALF OF LONG-TERM CARE IN NEVADA (SCR 4))

MARCH 14, 2001

Referred to Committee on Finance

SUMMARY—Establishes pilot program to provide support services for persons who provide care for certain persons with brain damage. (BDR S-302)

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; requiring the aging services division of the department of human resources to establish a pilot program to provide support services for persons who provide care for certain persons with brain damage; authorizing the division to contract for the provision of services required to carry out the pilot program; 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.** As used in this act, unless the context otherwise requires,
2 the words and terms defined in sections 2 to 9, inclusive, of this act have
3 the meanings ascribed to them in those sections.
4 **Sec. 2.** “Brain damage” means a significant destruction of brain tissue
5 that results in the loss of the functioning of the brain and includes, without
6 limitation:
7 1. Progressive, degenerative, and dementing illnesses, including,
8 without limitation, presenile and senile dementias, Alzheimer’s disease,
9 multi-infarct disease, Pick’s disease and Kreutzfeldt-Jakob’s disease.
10 2. Degenerative diseases of the central nervous system that may result
11 in dementia or severe impairment of the brain, including, without
12 limitation, epilepsy, multiple sclerosis, Parkinson’s disease, amyotrophic
13 lateral sclerosis and Huntington’s disease and other hereditary diseases.
14 3. Permanent damage caused by strokes, including, without limitation,
15 cerebral hemorrhage, aneurysm and embolism.
16 4. Posttraumatic, postanoxic and postinfectious damage caused by
17 incidents, including, without limitation, coma, accidental injuries to the



1 skull, closed head injuries, loss of oxygen and encephalitis, herpes simplex,
2 tuberculosis and other infections.

3 5. Permanent brain damage or temporary or progressive dementia
4 caused by tumors, hydrocephalus, abscesses, seizures and substance
5 toxicity.

6 **Sec. 3.** "Brain-impaired adult" means a person whose brain damage
7 occurred after the age of 18.

8 **Sec. 4.** "Caregiver" means any family member or other person who:

- 9 1. Provides care for a brain-impaired adult; and
10 2. Is not compensated for providing that care.

11 **Sec. 5.** "Division" means the aging services division of the
12 department of human resources.

13 **Sec. 6.** "Family member" means any person who provides care for a
14 brain-impaired adult and is:

- 15 1. Related to the brain-impaired adult; or
16 2. Appointed guardian or conservator of the brain-impaired adult by a
17 court of competent jurisdiction.

18 **Sec. 7.** "Request for proposals" has the meaning ascribed to it in NRS
19 333.020.

20 **Sec. 8.** "Respite care" means the supervision of or care provided for a
21 brain-impaired adult by a person other than the caregiver to:

- 22 1. Relieve the caregiver from the responsibility of providing care for
23 the brain-impaired adult on a continuous basis; and
24 2. Enable the caregiver to fulfill obligations and engage in activities
25 other than providing care for the brain-impaired adult.

26 **Sec. 9.** "Support services" means the services provided to a caregiver
27 pursuant to the pilot program established by section 10 of this act. The term
28 includes the services set forth in paragraphs (a), (b) and (c) of subsection 1
29 of section 13 of this act.

30 **Sec. 10.** 1. The division shall:

31 (a) Establish a pilot program to provide support services to caregivers of
32 brain-impaired adults;

33 (b) Designate an urban area and a rural area in this state where the
34 support services will be provided;

35 (c) Determine the number of employees required for each area where
36 the support services will be provided; and

37 (d) Consult with other organizations that provide services to brain-
38 impaired adults, family members and caregivers to coordinate the support
39 services provided pursuant to the pilot program with the services provided
40 by other organizations, including, without limitation, the division of mental
41 health and developmental services of the department of human resources.

42 2. The division may enter into a contract for the provision of services
43 required to carry out the pilot program established pursuant to subsection 1.

44 **Sec. 11.** The division may, within the limitations of legislative
45 appropriation, contract with a consultant to assist the division in carrying
46 out its duties pursuant to sections 2 to 14, inclusive, of this act, including,
47 without limitation:

48 1. If the division determines that it will enter into a contract pursuant
49 to section 10 of this act:



- 1 (a) Developing a request for proposals; and
- 2 (b) Evaluating the responses received by the division to the request for
- 3 proposals;

4 2. Developing a sliding scale for determining the amount that a person

5 is required to pay for the support services he receives; and

6 3. Developing criteria for the report that is required to be submitted to

7 the director of the legislative counsel bureau pursuant to section 12 of this

8 act.

9 **Sec. 12.** 1. The division shall:

10 (a) Determine the support services that the pilot program will provide in

11 each area.

12 (b) If the division determines that it will enter into a contract pursuant to

13 section 10 of this act:

14 (1) Prepare requests for proposals based on the services required to

15 carry out the pilot program as determined pursuant to this subsection;

16 (2) Accept those proposals; and

17 (3) Review the proposals submitted and award a contract for support

18 services.

19 (c) On or before February 1 of each year following a fiscal year in

20 which the pilot program provided support services, submit a report

21 concerning the pilot program to the director of the legislative counsel

22 bureau for transmittal to the senate standing committee on finance and the

23 assembly standing committee on ways and means if the legislature is in

24 session, or to the interim finance committee if the legislature is not in

25 session.

26 2. As used in this section, “fiscal year” means a period beginning on

27 July 1 and ending on the following June 30.

28 **Sec. 13.** 1. Each area where support services are provided must:

29 (a) Provide information, advice and referrals to a caregiver relating to:

30 (1) Diagnostic procedures;

31 (2) Long-term care;

32 (3) Legal and financial matters;

33 (4) Mental health; and

34 (5) Caregiving techniques;

35 (b) Provide respite care;

36 (c) Provide training and educational programs for brain-impaired adults,

37 family members, caregivers and providers of support services;

38 (d) Identify the services required by the caregivers residing in that area,

39 determine whether those services are provided by the pilot program and

40 provide that information to the division; and

41 (e) Assist the division in such activities as the division determines are

42 necessary to carry out the provisions of sections 2 to 14, inclusive, of this

43 act.

44 2. The respite care provided pursuant to this section:

45 (a) Must, to the extent practicable, be provided in a local facility or by a

46 local agency, including, without limitation:

47 (1) An agency to provide nursing in the home; and

48 (2) A facility for the care of adults during the day;



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1 (b) Must, to the extent practicable, be provided in a manner that allows
2 the caregiver to chose whether the respite care will be provided for a period
3 of consecutive days or for a number of cumulative days within a specific
4 period; and
5 (c) May be provided by a provider of respite care chosen by the
6 caregiver, including, without limitation:
7 (1) A provider of home health care other than an agency to provide
8 nursing in the home; and
9 (2) A facility outside the home other than a facility for the care of
10 adults during the day.
11 3. As used in this section:
12 (a) “Agency to provide nursing in the home” has the meaning ascribed
13 to it in NRS 449.0015.
14 (b) “Facility for the care of adults during the day” has the meaning
15 ascribed to it in NRS 449.004.
16 **Sec. 14.** 1. A person who receives support services may be required
17 to pay a portion of the cost of those support services based upon his ability
18 to pay, except that he must not be required to pay more than the actual cost
19 of the support services.
20 2. A person may not be denied support services solely because of his
21 inability to pay for the support services.
22 3. A person who is eligible to receive Medicaid is not entitled to
23 receive respite care provided by the pilot program.
24 **Sec. 15.** 1. There is hereby appropriated from the state general fund
25 to the aging services division of the department of human resources the
26 sum of \$782,740 to carry out the pilot project established pursuant to
27 section 10 of this act.
28 2. Any remaining balance of the appropriation made pursuant to
29 subsection 1 must not be committed for expenditure after June 30, 2003,
30 and reverts to the state general fund as soon as all payments of money
31 committed have been made.
32 **Sec. 16.** This act becomes effective on July 1, 2001, and expires by
33 limitation on June 30, 2005.

