

SENATE BILL NO. 486—COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES

MARCH 23, 2001

Referred to Committee on Finance

SUMMARY—Creates Task Force for Community-Based Services for Persons with Disabilities. (BDR S-970)

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 persons with disabilities; creating the Task Force for Community-Based Services for Persons with Disabilities; prescribing its powers and duties; making an appropriation; and providing other matters properly relating thereto.

1 WHEREAS, Nevada's level of funding services for persons with  
2 disabilities is one of the lowest in the nation; and

3 WHEREAS, Nevada has traditionally used the state budget process to  
4 define the needs of the state in relation to the amount of money available  
5 for that purpose; and

6 WHEREAS, Because of this approach, the State of Nevada has not  
7 determined the appropriate levels of funding for services required by  
8 federal law for community-based services for persons with disabilities; and

9 WHEREAS, The development of a comprehensive state plan for  
10 providing services to persons with disabilities and their families is of  
11 utmost importance to this state; and

12 WHEREAS, Such a plan would also put the State in compliance with  
13 recent court cases and the recommendations of the federal Health Care  
14 Financing Administration, thereby avoiding potential litigation; now  
15 therefore,

16  
17 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
18 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:  
19

20 **Section 1.** As used in sections 2 to 6, inclusive, of this act, "Task  
21 Force" means the Task Force for Community-Based Services for Persons  
22 with Disabilities created pursuant to section 2 of this act.



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1     **Sec. 2.** 1. The Task Force for Community-Based Services for  
2 Persons with Disabilities, consisting of 13 members, is hereby created. The  
3 Task Force consists of:  
4     (a) One member of the Senate Committee on Finance, appointed by the  
5 Majority Leader of the Senate;  
6     (b) One member of the Assembly Committee on Ways and Means,  
7 appointed by the Speaker of the Assembly;  
8     (c) One member who has knowledge of the needs of the mentally ill and  
9 the services available to meet those needs, appointed by the Commission  
10 on Mental Health and Developmental Services;  
11     (d) One member who is an employee of the Department of Human  
12 Resources and has knowledge and experience concerning services provided  
13 for persons with developmental disabilities, appointed by the Director of  
14 the Department;  
15     (e) One member who is an employee of the Department of Human  
16 Resources and has knowledge and experience concerning services provided  
17 for persons with physical disabilities, appointed by the Director of the  
18 Department;  
19     (f) One member who is the chairman of the State Independent Living  
20 and Developmental Disabilities Councils or his designee;  
21     (g) One member who is an employee of the Department of  
22 Employment, Training and Rehabilitation and who has responsibility for  
23 provision of community-based services to people with physical,  
24 neurological or sensory disabilities, appointed by the Director of the  
25 Department;  
26     (h) One member who is a provider of community-based residential  
27 services for persons with developmental disabilities, appointed by the  
28 Governor from a list of three names submitted by the Nevada Association  
29 of Service Providers;  
30     (i) One member who is a provider of jobs and day treatment for persons  
31 with developmental disabilities, appointed by the Governor from a list of  
32 three names submitted by the Community Training Association;  
33     (j) One member who is a provider of community-based services for  
34 persons with physical and neurological disabilities, appointed by the  
35 Governor from a list of four names submitted by the Nevada Forum on  
36 Disabilities;  
37     (k) One member who represents persons with developmental disabilities  
38 who receive services provided by the Department of Human Resources,  
39 appointed by the Governor from a list of three names submitted by the  
40 State Independent Living and Developmental Disabilities Councils;  
41     (l) One member who represents persons with physical and neurological  
42 disabilities who receive services provided by the Department of Human  
43 Resources, appointed by the Governor from a list of three names submitted  
44 by the Commission on Mental Health and Developmental Services; and  
45     (m) One member who represents families of children with disabilities,  
46 appointed by the Governor from a list of three names submitted by the  
47 Division of Child and Family Services of the Department of Human  
48 Resources.



1 2. Vacancies of members appointed to the Task Force must be filled in  
2 the same manner as original appointments.

3 **Sec. 3.** 1. The members of the Task Force shall meet at the call of  
4 the chairman or a majority of the members of the Task Force. The Task  
5 Force shall prescribe regulations for its management and government.

6 2. At its first meeting, the Task Force shall elect a chairman and vice  
7 chairman from among its members.

8 3. Seven members of the Task Force constitute a quorum, and a  
9 quorum may exercise all the powers conferred on the Task Force. The  
10 chairman of the Task Force may create subcommittees comprised of  
11 members of the Task Force and assign various topics of study to the  
12 subcommittees.

13 4. Except as otherwise provided in subsection 5, the members of the  
14 Task Force are entitled to receive a salary and the per diem allowance and  
15 travel expenses provided for state officers and employees generally for  
16 each day or part thereof that the member is engaged in the business of the  
17 Task Force.

18 5. The members of the Task Force who are state employees are not  
19 entitled to receive a salary in addition to their regular salary but are entitled  
20 to receive the per diem allowance and travel expenses provided by law for  
21 state employees generally if required to attend to the business of the Task  
22 Force outside Carson City. Any such reimbursement and allowance must  
23 be paid by the public entity that employs the member.

24 6. The members of the Task Force who are state employees must be  
25 relieved from their duties without loss of their regular compensation to  
26 perform their duties relating to the Task Force in the most timely manner  
27 practicable. The state employees may not be required to make up the time  
28 they are absent from work to fulfill their obligations as members of the  
29 Task Force or take annual leave or compensatory time for the absence.

30 **Sec. 4.** 1. The Task Force shall conduct at least six public hearings  
31 in a broad range of settings and locations in this state to ensure that it  
32 receives information from all interested persons, including, without  
33 limitation, persons with disabilities, their representatives, governmental  
34 representatives and representatives of persons who provide institutional  
35 and community-based services to persons with disabilities.

36 2. The Task Force, after considering testimony and information  
37 presented by the public, shall develop a state plan that ensures that persons  
38 with disabilities receive the services that they are entitled to receive  
39 pursuant to state and federal law. In developing such a plan, the Task Force  
40 shall:

41 (a) Determine the need for services of persons with disabilities and their  
42 families throughout this state;

43 (b) Determine what services are available in this state for the various  
44 categories of disability covered by the Americans with Disabilities Act and  
45 the extent to which these programs are able to serve those persons in the  
46 most integrated setting;

47 (c) Determine the extent to which the services provided to persons with  
48 disabilities comply with state and federal law;



- 1 (d) Evaluate the procedure used for evaluating the individual program  
2 for each person with a disability who receives services from the state;  
3 (e) Review and analyze the sources of funding available for services for  
4 persons with disabilities, including, without limitation, any Medicaid or  
5 other waivers, and funding specifically available to coordinate community  
6 resources that provide correct and appropriate settings for those persons;  
7 (f) Evaluate the procedure for establishing and maintaining waiting lists  
8 for services for persons with disabilities and determine a procedure to  
9 ensure that persons on the waiting lists are served at a reasonable pace and  
10 receive needed community services;  
11 (g) Determine whether persons with developmental disabilities are  
12 being given a sufficient opportunity to make informed choices regarding  
13 whether, and how, their needs can be best met, and, if they are not being  
14 given sufficient opportunity, determine how informed choices can be  
15 enhanced; and  
16 (h) Review the existing practices for the assurance and improvement of  
17 the quality of services that are provided by the State of Nevada, and the  
18 current management practices of the related programs, and, if applicable,  
19 determine any recommendations for improvement.
- 20 3. When performing its duties pursuant to this section, the members of  
21 the Task Force shall, in accordance with the guidelines developed for this  
22 purpose by the federal Health Care Financing Administration, keep the  
23 following overriding principles in mind:
- 24 (a) It is critically important to include a broad spectrum of public  
25 participation from persons with disabilities, their representatives and  
26 service providers to ensure constructive exchange of information, on-going  
27 involvement and inspired discussion to produce a comprehensive and  
28 effective plan.
- 29 (b) A primary goal of the plan is to ensure that the plan will prevent or  
30 correct current and future unjustified placement of persons with disabilities  
31 in settings more segregated than they require.
- 32 (c) Persons with developmental disabilities should be given the  
33 opportunity to make informed choices regarding whether, and how, their  
34 needs can be best met.
- 35 4. The Task Force shall, not later than October 1, 2002, prepare and  
36 submit a report of its findings and any recommended legislation to:
- 37 (a) The Governor;  
38 (b) The Director of the Department of Human Resources;  
39 (c) The Commission on Mental Health and Developmental Services;  
40 and  
41 (d) The Director of the Legislative Counsel Bureau for transmittal to the  
42 72nd session of the Legislature.
- 43 5. The report must include:
- 44 (a) An assessment of how many persons with disabilities are currently  
45 in more segregated settings than they require;  
46 (b) An assessment of the adequacy of the State of Nevada's efforts to  
47 prevent or correct current and future unjustified placement of persons with  
48 disabilities in settings more segregated than they require, and any related  
49 recommendations for improvement, if applicable;



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- 1 (c) A conclusion as to whether the identified supports and services  
2 currently in existence meet the needs of persons who are likely to require  
3 assistance in order to live in the community and the changes that could be  
4 made to improve the availability, quality and adequacy of these supports  
5 and services; and  
6 (d) The state plan, presented at length and in an executive summary.  
7 6. The Task Force may:  
8 (a) Apply for grants, and accept any gifts, grants or donations to assist  
9 the Task Force in carrying out its duties.  
10 (b) Conduct investigations and hold hearings, engage in informal  
11 roundtable discussions, and any other practice reasonably designed to assist  
12 the Task Force in carrying out its duties.  
13 (c) Request the Department of Human Resources to provide information  
14 concerning the programs and services it provides to persons with  
15 disabilities and any other information the department is authorized to  
16 disclose that may assist the Task Force in carrying out its duties.  
17 (d) Contract with a person who has knowledge and experience  
18 concerning programs that provide services for persons with disabilities to  
19 assist the Task Force in carrying out its duties.  
20 (e) Contract with a person who has knowledge about and experience in  
21 facilitating group discussions which include divergent points of view and  
22 perspectives to achieve consensus and mutual satisfaction in an effective  
23 planning process.  
24 **Sec. 5.** The Director of the Legislative Counsel Bureau shall provide  
25 such personnel, facilities, equipment and supplies as the Task Force may  
26 require to carry out its duties.  
27 **Sec. 6.** 1. There is hereby appropriated from the state general fund  
28 to the legislative fund created by NRS 218.085 the sum of \$350,000 for the  
29 expenses of the Task Force in carrying out its duties.  
30 2. Any remaining balance of the appropriation made by subsection 1  
31 must not be committed for expenditure after June 30, 2003, and reverts to  
32 the state general fund as soon as all payments of money committed have  
33 been made.  
34 **Sec. 7.** This act becomes effective on July 1, 2001.

