

SENATE BILL NO. 538—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

(ON BEHALF OF DEPARTMENT OF HUMAN
RESOURCES—DIRECTOR'S OFFICE)

MARCH 26, 2001

Referred to Committee on Human Resources and Facilities

SUMMARY—Creates advisory council within department of human resources.
(BDR 38-355)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 the department of human resources; creating an advisory council within the department of human resources; abolishing the state welfare board, the Nevada commission on aging, the commission on mental health and developmental services, and the advisory board on maternal and child health; 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 422 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 8, inclusive, of this act.
3 **Sec. 2.** *As used in sections 2 to 8, inclusive, of this act, unless the*
4 *context otherwise requires, "council" means the advisory council created*
5 *by section 3 of this act.*
6 **Sec. 3.** *The advisory council, consisting of 15 members appointed by*
7 *the governor, is hereby created within the department.*
8 **Sec. 4.** *1. The governor shall appoint members to the council who*
9 *have an interest in and a knowledge of the programs administered by the*
10 *department.*
11 *2. Members of the council must be selected to provide statewide*
12 *representation, and not more than seven members may be residents of*
13 *the same county.*
14 *3. Members of the council may be removed for failure to attend the*
15 *meetings of the council.*



1 **Sec. 5.** 1. *The members of the council shall meet twice each year to*
2 *consider any issues related to the programs for which the department is*
3 *responsible that may be of importance to members of the general public,*
4 *the governor or the department at such places as the council, the*
5 *chairman of the council or the director deems appropriate.*

6 2. *Eight members of the council constitute a quorum, and a quorum*
7 *may exercise all the power and authority conferred on the council.*

8 3. *The council shall:*

9 (a) *At least 45 days before the date it holds a meeting, provide public*
10 *notice of the date, time and location of the meeting, in addition to the*
11 *notice required pursuant to NRS 241.020.*

12 (b) *Keep minutes of all meetings of the council, which must include*
13 *records of testimony and written comments presented to the council, and*
14 *file the minutes with the director. The minutes must be maintained as*
15 *public records.*

16 **Sec. 6.** 1. *At the first meeting after the adjournment of any regular*
17 *session of the legislature, the council shall elect from its members a*
18 *chairman and vice chairman. The terms of the offices of chairman and*
19 *vice chairman expire upon the election of a chairman and vice chairman*
20 *at the first meeting following the adjournment of the next regular session*
21 *of the legislature.*

22 2. *If a vacancy occurs in the office of chairman, the vice chairman*
23 *shall assume the duties of chairman for the unexpired term. If a vacancy*
24 *occurs in the office of vice chairman, the council shall, at its next*
25 *meeting, fill the vacancy for the unexpired term.*

26 3. *The director shall act as the nonvoting recording secretary.*

27 **Sec. 7.** 1. *For each day's attendance at each meeting of the*
28 *council, each member of the council is entitled to receive a salary of not*
29 *more than \$80 per day, as fixed by the council.*

30 2. *While engaged in the business of the council, each member and*
31 *employee of the council is entitled to receive the per diem allowance and*
32 *travel expenses provided for state officers and employees generally.*

33 **Sec. 8.** *The council shall:*

34 1. *Adopt regulations for its management and government.*

35 2. *Not later than 90 days after it holds a meeting, advise the director,*
36 *based upon any testimony, written comments and other matters*
37 *considered at the meeting, of any recommendations of the council for*
38 *legislation or other action relating to the programs for which the*
39 *department is responsible.*

40 **Sec. 9.** NRS 422.001 is hereby amended to read as follows:

41 422.001 As used in this chapter, unless the context otherwise requires,
42 the words and terms defined in NRS ~~422.010~~ 422.021 to 422.055,
43 inclusive, have the meanings ascribed to them in those sections.

44 **Sec. 10.** NRS 422.190 is hereby amended to read as follows:

45 422.190 The state welfare administrator shall make:

46 1. Such reports, subject to approval by the director, as will comply
47 with the requirements of federal legislation and this chapter.

48 2. Reports to the ~~board~~ director.



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1 3. A biennial report to the director on the condition, operation and
2 functioning of the welfare division.

3 **Sec. 11.** NRS 427A.040 is hereby amended to read as follows:

4 427A.040 1. The division shall : ~~I, consistent with the priorities~~
5 ~~established by the commission pursuant to NRS 427A.038;~~

6 (a) Serve as a clearinghouse for information related to problems of the
7 aged and aging.

8 (b) Assist the director in all matters pertaining to problems of the aged
9 and aging.

10 (c) Develop plans, conduct and arrange for research and demonstration
11 programs in the field of aging.

12 (d) Provide technical assistance and consultation to political
13 subdivisions with respect to programs for the aged and aging.

14 (e) Prepare, publish and disseminate educational materials dealing with
15 the welfare of older persons.

16 (f) Gather statistics in the field of aging which other federal and state
17 agencies are not collecting.

18 (g) Stimulate more effective use of existing resources and available
19 services for the aged and aging.

20 (h) Develop and coordinate efforts to carry out a comprehensive state
21 plan for providing services to meet the needs of older persons. In
22 developing and revising the state plan, the division shall consider, among
23 other things, the amount of money available from the Federal Government
24 for services to aging persons and the conditions attached to the acceptance
25 of such money, and the limitations of legislative appropriations for services
26 to aging persons.

27 (i) Coordinate all state and federal funding of service programs to the
28 aging in the state.

29 (j) Confer with the department as the sole state agency in the state
30 responsible for administering the provisions of this chapter.

31 2. The division may contract with any appropriate public or private
32 agency, organization or institution, in order to carry out the provisions of
33 this chapter.

34 **Sec. 12.** NRS 427A.270 is hereby amended to read as follows:

35 427A.270 1. The division may apply for, accept and expend any
36 federal or private grant of money or other type of assistance that becomes
37 available to carry out the provisions of NRS 427A.250 to 427A.280,
38 inclusive. Any money received pursuant to this section must be deposited
39 with the state treasurer and accounted for separately in the state general
40 fund.

41 2. The division shall, with the approval of the ~~commission and~~
42 director, establish a schedule of fees to be charged and collected for any
43 service provided pursuant to NRS 427A.250 to 427A.280, inclusive.

44 **Sec. 13.** NRS 217.450 is hereby amended to read as follows:

45 217.450 1. The ~~commission on mental health and developmental~~
46 ~~services shall advise the administrator of the division concerning the award~~
47 ~~of grants from the account for aid for victims of domestic violence.~~

48 ~~2. The~~ administrator of the division shall give priority to those
49 applications for grants from the account for aid for victims of domestic



1 violence submitted by organizations which offer the broadest range of
2 services for the least cost within one or more counties. The administrator
3 shall not approve the use of money from a grant to acquire any buildings.

4 ~~13-1~~ 2. The administrator of the division has the final authority to
5 approve or deny an application for a grant. The administrator shall notify
6 each applicant in writing of the action taken on its application within 45
7 days after the deadline for filing the application.

8 ~~14-1~~ 3. In determining the amount of money to be allocated for grants,
9 the administrator of the division shall use the following formula:

10 (a) A basic allocation of \$7,000 must be made for each county whose
11 population is less than 100,000. For counties whose population is 100,000
12 or more, the basic allocation is \$35,000. These allocations must be
13 increased or decreased for each fiscal year ending after June 30, 1990, by
14 the same percentage that the amount deposited in the account during the
15 preceding fiscal year, pursuant to NRS 122.060, is greater or less than the
16 sum of \$791,000.

17 (b) Any additional revenue available in the account must be allocated to
18 grants, on a per capita basis, for all counties whose population is 14,000 or
19 more.

20 (c) Money remaining in the account after disbursement of grants does
21 not revert and may be awarded in a subsequent year.

22 **Sec. 14.** NRS 433.244 is hereby amended to read as follows:

23 433.244 1. The administrator must:

24 (a) Have training and demonstrated administrative qualities of
25 leadership in any one of the professional fields of psychiatry, medicine,
26 psychology, social work, education or administration.

27 (b) Be appointed ~~from a list of three persons nominated by the~~
28 ~~commission.~~ on the basis of merit as measured by administrative training
29 or experience in programs relating to mental health, including care,
30 treatment or training, or any combination thereof, of mentally ill and
31 mentally retarded persons and persons with related conditions.

32 (c) Have additional qualifications which are in accordance with criteria
33 prescribed by the department of personnel.

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

35 **Sec. 15.** NRS 433.254 is hereby amended to read as follows:

36 433.254 1. The administrator serves at the pleasure of the governor
37 and shall:

38 (a) Serve as the executive officer of the division;

39 (b) Administer the division in accordance with the policies established
40 by the ~~commission;~~ **department;**

41 (c) Make an annual report to the director of the department on the
42 condition and operation of the division, and such other reports as the
43 director may prescribe; and

44 (d) Employ, within the limits of available money, the assistants and
45 employees necessary to the efficient operation of the division.

46 2. The administrator shall appoint the administrative personnel
47 necessary to operate the programs of the division, including an associate
48 administrator for mental retardation. The ~~commission~~ **director of the**
49 **department** must approve the credentials, training and experience of



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1 deputy administrators and heads of enumerated institutions. ~~He~~ *The*
2 *administrator* shall delegate to the administrative officers the power to
3 appoint medical, technical, clerical and operational staff necessary for the
4 operation of the facilities of the division.

5 3. If the administrator finds that it is necessary or desirable that any
6 employee reside at a facility operated by the division or receive meals at
7 such a facility, perquisites granted or charges for services rendered to that
8 person are at the discretion of the governor.

9 4. The administrator may accept persons referred to the division for
10 treatment pursuant to the provisions of NRS 458.290 to 458.350, inclusive.

11 **Sec. 16.** NRS 433.395 is hereby amended to read as follows:

12 433.395 1. Upon approval of the director of the department, the
13 administrator may accept:

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

15 (b) Grants of money from the Federal Government,
16 for use in public or private programs that provide services to persons in this
17 state who are mentally ill or mentally retarded and persons with related
18 conditions.

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

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

33 **Sec. 17.** NRS 433.404 is hereby amended to read as follows:

34 433.404 1. The division shall establish a fee schedule for services
35 rendered through any program supported by the state pursuant to the
36 provisions of chapters 433 to 436, inclusive, of NRS. The schedule must be
37 submitted to the ~~commission and the~~ director of the department for ~~joint~~
38 approval before enforcement. The fees collected by facilities operated by
39 the division pursuant to this schedule must be deposited in the state
40 treasury to the credit of the state general fund, except as otherwise
41 provided in NRS 433.354 for fees collected pursuant to contract or
42 agreement and in NRS 435.120 for fees collected for services to mentally
43 retarded clients and clients with related conditions.

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



1 **Sec. 18.** NRS 433.482 is hereby amended to read as follows:
2 433.482 Each client admitted for evaluation, treatment or training to a
3 facility has the following personal rights, a list of which must be
4 prominently posted in all facilities providing those services : ~~and must be~~
5 ~~otherwise brought to the attention of the client by such additional means as~~
6 ~~prescribed by regulation.~~

7 1. To wear his own clothing, to keep and use his own personal
8 possessions, including his toilet articles, unless those articles may be used
9 to endanger his or ~~others~~ *other person's* lives, and to keep and be
10 allowed to spend a reasonable sum of his own money for expenses and
11 small purchases.

12 2. To have access to individual space for storage for his private use.

13 3. To see visitors each day.

14 4. To have reasonable access to telephones, both to make and receive
15 confidential calls.

16 5. To have ready access to materials for writing letters, including
17 stamps, and to mail and receive unopened correspondence, but:

18 (a) For the purposes of this subsection, packages are not considered as
19 correspondence; and

20 (b) Correspondence identified as containing a check payable to a client
21 may be subject to control and safekeeping by the administrative officer of
22 that facility or his designee, so long as the client's record of treatment
23 documents the action.

24 6. To have reasonable access to an interpreter if the client does not
25 speak English or is hearing impaired.

26 7. To designate a person who must be kept informed by the facility of
27 the client's medical and mental condition, if the client signs a release
28 allowing the facility to provide such information to the person.

29 8. To have access to his medical records denied to any person other
30 than:

31 (a) A member of the staff of the facility or related medical personnel, as
32 appropriate;

33 (b) A person who obtains a waiver by the client of his right to keep the
34 medical records confidential; or

35 (c) A person who obtains a court order authorizing the access.

36 ~~19. Other personal rights as specified by regulation of the commission.~~

37 **Sec. 19.** NRS 433.484 is hereby amended to read as follows:

38 433.484 Each client admitted for evaluation, treatment or training to a
39 facility has the following rights concerning care, treatment and training, a
40 list of which must be prominently posted in all facilities providing those
41 services : ~~and must be otherwise brought to the attention of the client by~~
42 ~~such additional means as prescribed by regulation.~~

43 1. To medical, psychosocial and rehabilitative care, treatment and
44 training including prompt and appropriate medical treatment and care for
45 physical and mental ailments and for the prevention of any illness or
46 disability. All of that care, treatment and training must be consistent with
47 standards of practice of the respective professions in the community and is
48 subject to the following conditions:



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1 (a) Before instituting a plan of care, treatment or training or carrying out
2 any necessary surgical procedure, express and informed consent must be
3 obtained in writing from:
4 (1) The client if he is 18 years of age or over or legally emancipated
5 and competent to give that consent, and from his legal guardian, if any;
6 (2) The parent or guardian of a client under 18 years of age and not
7 legally emancipated; or
8 (3) The legal guardian of a client of any age who has been
9 adjudicated mentally incompetent;
10 (b) An informed consent requires that the person whose consent is
11 sought be adequately informed as to:
12 (1) The nature and consequences of the procedure;
13 (2) The reasonable risks, benefits and purposes of the procedure; and
14 (3) Alternative procedures available;
15 (c) The consent of a client as provided in paragraph (b) may be
16 withdrawn by the client in writing at any time with or without cause;
17 (d) Even in the absence of express and informed consent, a licensed and
18 qualified physician may render emergency medical care or treatment to any
19 client who has been injured in an accident or who is suffering from an
20 acute illness, disease or condition, if within a reasonable degree of medical
21 certainty, delay in the initiation of emergency medical care or treatment
22 would endanger the health of the client and if the treatment is immediately
23 entered into the client's record of treatment, subject to the provisions of
24 paragraph (e); and
25 (e) If the proposed emergency medical care or treatment is deemed by
26 the chief medical officer of the facility to be unusual, experimental or
27 generally occurring infrequently in routine medical practice, the chief
28 medical officer shall request consultation from other physicians or
29 practitioners of healing arts who have knowledge of the proposed care or
30 treatment.
31 2. To be free from abuse, neglect and aversive intervention.
32 3. To consent to his transfer from one facility to another, except that
33 the administrator of the division of mental health and developmental
34 services of the department or his designee, or the administrator of the
35 division of child and family services of the department or his designee,
36 may order a transfer to be made whenever conditions concerning care,
37 treatment or training warrant it. If the client in any manner objects to the
38 transfer, the person ordering it must enter the objection and a written
39 justification of the transfer in the client's record of treatment and
40 immediately forward a notice of the objection to the administrator who
41 ordered the transfer . ~~1. and the commission shall review the transfer~~
42 ~~pursuant to subsection 3 of NRS 433.534.~~
43 ~~4. Other rights concerning care, treatment and training as may be~~
44 ~~specified by regulation of the commission.~~
45 **Sec. 20.** NRS 433.534 is hereby amended to read as follows:
46 433.534 1. The rights of a client enumerated in this chapter must not
47 be denied except to protect the client's health and safety or to protect the
48 health and safety of others, or both. Any denial of those rights in any
49 facility must be entered in the client's record of treatment, and notice of the



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1 denial must be forwarded to the administrative officer of the facility.
2 Failure to report denial of rights by an employee may be grounds for
3 dismissal.

4 2. If the administrative officer of a facility receives notice of a denial
5 of rights as provided in subsection 1, he shall cause a full report to be
6 prepared which must set forth in detail the factual circumstances
7 surrounding the denial. Such a report is confidential and must not be
8 disclosed. ~~{A copy of the report must be sent to the commission.~~

9 ~~3. The commission:~~

10 ~~— (a) Shall receive reports of and may investigate apparent violations of~~
11 ~~the rights guaranteed by this chapter;~~

12 ~~— (b) May act to resolve disputes relating to apparent violations;~~

13 ~~— (c) May act on behalf of clients to obtain remedies for any apparent~~
14 ~~violations; and (d) Shall otherwise endeavor to safeguard the rights~~
15 ~~guaranteed by this chapter.~~

16 ~~4. Pursuant to NRS 241.030, the commission may close any portion of~~
17 ~~a meeting in which it considers the character, alleged misconduct or~~
18 ~~professional competence of a person in relation to:~~

19 ~~— (a) The denial of the rights of a client; or~~

20 ~~— (b) The care and treatment of a client.~~

21 ~~The provisions of this subsection do not require a meeting of the~~
22 ~~commission to be closed to the public.~~

23 **Sec. 21.** NRS 433A.420 is hereby amended to read as follows:

24 433A.420 The medical director of a division facility may order the
25 transfer to a hospital of the Department of Veterans Affairs or other facility
26 of the United States Government any admitted client eligible for treatment
27 therein. If the client in any manner objects to the transfer, the medical
28 director of the facility shall enter the objection and a written justification of
29 the transfer in the client's record and forward a notice of the objection to
30 the administrator. ~~}, and the commission shall review the transfer pursuant~~
31 ~~to subsections 2 and 3 of NRS 433.534.~~

32 **Sec. 22.** NRS 433A.430 is hereby amended to read as follows:

33 433A.430 1. Whenever the administrator determines that division
34 facilities within the state are inadequate for the care of any mentally ill
35 person, he may designate two physicians, licensed under the provisions of
36 chapter 630 of NRS, and familiar with the field of psychiatry, to examine
37 that person. If the two physicians concur with the opinion of the
38 administrator, the administrator may contract with appropriate
39 corresponding authorities in any other state of the United States having
40 adequate facilities for such purposes for the reception, detention, care or
41 treatment of that person, but if the person in any manner objects to the
42 transfer, the procedures in subsection 3 of NRS 433.484 and ~~{subsections 2~~
43 ~~and 3}~~ **subsection 2** of NRS 433.534 must be followed. The two physicians
44 so designated are entitled to a reasonable fee for their services which must
45 be paid by the county of the person's last known residence.

46 2. Money to carry out the provisions of this section must be provided
47 by direct legislative appropriation.



1 **Sec. 23.** NRS 433B.130 is hereby amended to read as follows:

2 433B.130 1. The administrator shall:

3 (a) Administer ~~in accordance with the policies established by the~~
4 ~~commission;~~ the programs of the division for the mental health of
5 children.

6 (b) Appoint the administrative personnel necessary to operate the
7 programs of the division for the mental health of children. The
8 ~~commission~~ *director of the department* must approve the credentials,
9 training and experience of deputy administrators and administrative
10 officers appointed for this purpose.

11 (c) Delegate to the administrative officers the power to appoint medical,
12 technical, clerical and operational staff necessary for the operation of any
13 division facilities.

14 2. If the administrator finds that it is necessary or desirable that any
15 employee reside at a facility operated by the division or receive meals at
16 such a facility, perquisites granted or charges for services rendered to that
17 person are at the discretion of the governor.

18 3. The administrator may accept children referred to the division for
19 treatment pursuant to the provisions of NRS 458.290 to 458.350, inclusive.

20 4. The administrator may enter into agreements with the administrator
21 of the division of mental health and developmental services of the
22 department for the care and treatment of clients of the division of child and
23 family services at any facility operated by the division of mental health and
24 developmental services.

25 **Sec. 24.** NRS 433B.250 is hereby amended to read as follows:

26 433B.250 1. The division shall establish a fee schedule for services
27 rendered through any program supported by the state pursuant to the
28 provisions of this chapter. The schedule must be submitted to the
29 ~~commission and the~~ director of the department for ~~joint~~ approval before
30 enforcement. The fees collected by facilities operated by the division
31 pursuant to this schedule must be deposited in the state treasury to the
32 credit of the state general fund, except as otherwise provided in NRS
33 433B.220 for fees collected pursuant to contract or agreement.

34 2. For a facility providing services for the treatment of mentally ill
35 children, the fee established must approximate the cost of providing the
36 service, but if a client, or the parent or legal guardian of the client, is
37 unable to pay in full the fee established pursuant to this section, the
38 division may collect any amount the client, parent or legal guardian is able
39 to pay.

40 **Sec. 25.** NRS 435.240 is hereby amended to read as follows:

41 435.240 1. All applications for a certificate of qualification ~~which~~
42 ~~have been approved by the administrator~~ must be reviewed by the
43 ~~commission~~ *administrator* for approval or rejection.

44 2. If an application is rejected by the administrator, he shall notify the
45 applicant in writing of the rejection, setting out the reasons therefor.

46 3. ~~Within 30 days after the administrator mails the notice of rejection~~
47 ~~of the application, the applicant may appeal the rejection to the~~
48 ~~commission. The commission shall review the application and the reasons~~
49 ~~for its denial and may receive evidence, documentary or testimonial, to aid~~



1 ~~it in its decision. Thereafter, the commission shall issue its decision~~
2 ~~rejecting the application or remanding the application to the administrator~~
3 ~~for approval.~~ The decision of the ~~commission~~ **administrator** is a final ~~and~~
4 **decision for the purposes of judicial review.**

5 4. No new applicants may be certified if the certification brings the
6 average support per enrollee below the amount specified in the budget for
7 the community training center account as approved by the most recent
8 session of the legislature for those centers that are already certified.

9 **Sec. 26.** NRS 435.250 is hereby amended to read as follows:

10 435.250 1. After approval of the application, the division shall issue
11 a certificate of qualification to centers which meet the requirements of
12 NRS 435.130 to 435.320, inclusive, and the standards set by the division.

13 2. The division may revoke the certificate of qualification of a center
14 at any time ~~when~~ **if** it fails to meet the requirements of NRS 435.130 to
15 435.320, inclusive, or the standards set by the division.

16 ~~3. An appeal may be taken from any such revocation in the same~~
17 ~~manner as appeals are taken from a rejection of an application under NRS~~
18 ~~435.240. The decision of the commission is final as to such appeals.~~

19 **Sec. 27.** NRS 435.260 is hereby amended to read as follows:

20 435.260 Money for the purpose of aiding training centers in the
21 community which have received certificates of qualification from the
22 division must be provided by legislative appropriation. The division is
23 authorized to make grants from the appropriation to aid qualifying centers .
24 ~~if the commission also approves the grants.~~

25 **Sec. 28.** NRS 435.290 is hereby amended to read as follows:

26 435.290 1. A center holding a certificate of qualification from the
27 division is entitled to aid from the community training center account in the
28 amount, within the limits of legislative appropriations, specified in the
29 budget for the community training center account as approved by the most
30 recent session of the legislature:

31 (a) Per enrollee;

32 (b) For centers entitled to the minimal allotment, if the center maintains
33 five or more enrollees and its staff and operating expenses are equal to or
34 greater than the amount allocated; or

35 (c) For centers entitled to the minimal allotment on a pro rata basis per
36 enrollee, if the center maintains four or fewer enrollees and its staff and
37 operating expenses are equal to or greater than the amount allocated,
38 whichever is greater.

39 2. The division ~~is, upon approval of the commission,~~
40 from the community training center account to help in establishing new
41 centers. This aid in the aggregate must not exceed one-fourth of the money
42 available in the account for the year in which it is given.

43 **Sec. 29.** NRS 435.350 is hereby amended to read as follows:

44 435.350 1. Each mentally retarded person or person with a related
45 condition admitted to a division facility is entitled to all rights enumerated
46 in NRS 433.482, 433.484 and 433.545 to 433.551, inclusive.

47 2. The administrator shall designate a person or persons to be
48 responsible for establishment of regulations relating to denial of rights of



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1 mentally retarded persons and persons with related conditions. The person
2 designated shall file the regulations with the administrator.

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

8 4. Upon receipt of notice of a denial of rights as provided in subsection
9 3, the administrator's designee or designees shall cause a full report to be
10 prepared which sets forth in detail the factual circumstances surrounding
11 the denial. A copy of the report must be sent to the administrator . ~~and the~~

12 ~~commission.~~

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

15 **Sec. 30.** NRS 436.125 is hereby amended to read as follows:

16 436.125 The division shall ~~[- subject to the supervision of the~~
17 ~~commission.]~~ administer this chapter ~~[- The commission shall]~~ **and** adopt
18 guidelines for county programs and regulations necessary thereto, but these
19 standards and regulations must be adopted only after consultation with and
20 approval of the county director of each program being so administered.
21 These standards and regulations must support and maximize local
22 responsibility for and control of county programs within the framework of
23 general guidelines.

24 **Sec. 31.** NRS 439.610 is hereby amended to read as follows:

25 439.610 1. The board of trustees of the trust fund for public health is
26 hereby created.

27 2. The board consists of ~~[[[9~~ **9** members composed of:

28 (a) The administrator or his designee.

29 (b) The state health officer or his designee.

30 (c) ~~[[The chairman of the Nevada commission on aging or his designee.~~

31 ~~-(d)] The chairman of the state board of health or his designee.~~

32 ~~[(e) The chairman of the advisory board on maternal and child health or~~
33 ~~his designee.~~

34 ~~-(f)]~~ **(d)** The superintendent of schools of the school district in this state
35 that has the highest number of enrolled pupils or his designee.

36 ~~[(g)]~~ **(e)** The county health officers of the two most populous counties in
37 this state.

38 ~~[(h)]~~ **(f)** One member appointed by the Nevada Association of Counties,
39 or its successor, who serves as a county health officer in a rural area of this
40 state.

41 ~~[(i)]~~ **(g)** A representative of the University of Nevada School of
42 Medicine appointed by the Dean of the School of Medicine.

43 ~~[(j)]~~ **(h)** One member appointed by the governor who possesses
44 knowledge, skill and experience in providing health care services.

45 3. The term of a member of the board who is appointed pursuant to
46 paragraph ~~[(h), (i) or (j)]~~ **(f), (g) or (h)** of subsection 2 is 4 years.

47 4. The board shall annually elect a chairman from among its members.

48 The board shall meet at least quarterly. A majority of the members



1 constitutes a quorum, and a majority of those present must concur in any
2 decision.

3 5. Each member of the board serves without compensation. While
4 engaged in the business of the board, each member is entitled to receive the
5 per diem allowance and travel expenses provided for state officers and
6 employees generally. The per diem allowance and travel expenses of:

7 (a) A member of the board who is an officer or employee of this state or
8 a local government thereof must be paid by the state agency or the local
9 government.

10 (b) Any other member of the board must be paid from the interest and
11 income earned on the money in the trust fund.

12 6. Each member of the board who is an officer or employee of this
13 state or a local government must be relieved from his duties without loss of
14 his regular compensation so that he may perform his duties relating to the
15 board in the most timely manner practicable. A state agency or local
16 government shall not require an officer or employee who is a member of
17 the board to:

18 (a) Make up the time he is absent from work to fulfill his obligations as
19 a member of the board; or

20 (b) Take annual leave or compensatory time for the absence.

21 7. The health division shall provide such administrative support to the
22 board as is required to carry out the duties of the board.

23 **Sec. 32.** NRS 442.003 is hereby amended to read as follows:

24 442.003 As used in this chapter, unless the context requires otherwise:

25 1. ~~“Advisory board” means the advisory board on maternal and child~~
26 ~~health.~~

27 ~~—2—~~ “Department” means the department of human resources.

28 ~~13—~~ 2. “Director” means the director of the department of human
29 resources.

30 ~~14—~~ 3. “Fetal alcohol syndrome” includes fetal alcohol effects.

31 ~~15—~~ 4. “Health division” means the health division of the department
32 of human resources.

33 ~~16—~~ 5. “Obstetric center” has the meaning ascribed to it in NRS
34 449.0155.

35 ~~17—~~ 6. “Provider of health care or other services” means:

36 (a) A person who has been certified as a counselor or an administrator
37 of an alcohol and drug abuse program pursuant to chapter 458 of NRS;

38 (b) A physician or a physician’s assistant who is licensed pursuant to
39 chapter 630 of NRS and who practices in the area of obstetrics and
40 gynecology, family practice, internal medicine, pediatrics or psychiatry;

41 (c) A licensed nurse;

42 (d) A licensed psychologist;

43 (e) A licensed marriage and family therapist;

44 (f) A licensed social worker; or

45 (g) A holder of a certificate of registration as a pharmacist.

46 **Sec. 33.** NRS 442.385 is hereby amended to read as follows:

47 442.385 ~~11—~~ The health division shall develop and carry out a
48 program of public education to increase public awareness about the
49 dangers of fetal alcohol syndrome and other adverse effects on a fetus that



1 may result from the consumption of alcohol during pregnancy. The
2 program must include, without limitation:

3 ~~1(a)~~ 1. Educational messages that are directed toward the general
4 public and specific geographical areas and groups of persons in this state
5 that are identified pursuant to subsection 1 of NRS 442.420 as having
6 women who are at a high risk of consuming alcohol during pregnancy.

7 ~~1(b)~~ 2. Providing training materials to school personnel to assist them
8 in identifying pupils who may be suffering from fetal alcohol syndrome
9 and offering to provide the parents of those pupils with a referral for
10 diagnostic services and treatment.

11 ~~1(e)~~ 3. If a toll-free telephone service is otherwise provided by the
12 health division, the use of that telephone service for providing information
13 relating to programs for the treatment of substance abuse, providers of
14 health care or other services and other available resources, and referrals to
15 those programs, if appropriate. The telephone number must be disclosed in
16 the educational messages provided pursuant to this section.

17 ~~2. The subcommittee shall periodically evaluate the program to~~
18 ~~determine its effectiveness.~~

19 **Sec. 34.** NRS 442.390 is hereby amended to read as follows:

20 442.390 ~~1.~~ The University of Nevada School of Medicine shall
21 develop guidelines to assist a provider of health care or other services in
22 identifying:

23 ~~1(a)~~ 1. Pregnant women who are at a high risk of consuming alcohol
24 during pregnancy; and

25 ~~1(b)~~ 2. Children who are suffering from fetal alcohol syndrome.

26 ~~2. The subcommittee shall review, amend, adopt and distribute the~~
27 ~~guidelines developed by the University of Nevada School of Medicine~~
28 ~~pursuant to subsection 1.~~

29 **Sec. 35.** NRS 442.425 is hereby amended to read as follows:

30 442.425 1. The health division may apply for and accept gifts, grants
31 and contributions from any public or private source to carry out its duties
32 pursuant to the provisions of NRS ~~442.350~~ 442.385 to 442.425, inclusive.

33 2. The health division shall account separately for the money received
34 from those gifts, grants or contributions. The administrator of the health
35 division shall administer the account, and all claims against the account
36 must be approved by the administrator before they are paid.

37 3. The money in the account must be used only to carry out the
38 provisions of NRS ~~442.350~~ 442.385 to 442.425, inclusive.

39 4. The subcommittee may make recommendations to the administrator
40 of the health division concerning the use of the money in the account. The
41 administrator shall consider the recommendations of the subcommittee.

42 **Sec. 36.** NRS 232.303, 232.306, 422.010, 422.070, 422.080, 422.110,
43 422.120, 422.130, 422.140, 427A.023, 427A.032, 427A.034, 427A.036,
44 427A.038, 433.047, 433.314, 433.316, 433.324, 433.325, 433.327,
45 442.133, 442.135, 442.137, 442.350, 442.355, 442.360, 442.365, 442.370,
46 442.375 and 442.380 are hereby repealed.

47 **Sec. 37.** This act becomes effective on July 1, 2002.



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LEADLINES OF REPEALED SECTIONS

- 232.303 Commission on mental health and developmental services: Creation; composition; chairman; terms of members; vacancies.
- 232.306 Commission on mental health and developmental services: Meetings; quorum; salary; expenses; restrictions on ownership of or employment by certain enterprises.
- 422.010 “Board” defined.
- 422.070 Creation; appointment of members.
- 422.080 Qualifications and removal of members.
- 422.110 Meetings; quorum; notice of meetings; minutes.
- 422.120 Officers.
- 422.130 Compensation of members and employees.
- 422.140 Powers and duties.
- 427A.023 “Commission” defined.
- 427A.032 Creation; appointment and terms of members; vacancies; removal.
- 427A.034 Meetings; quorum; regulations; subcommittees and advisory committees.
- 427A.036 Compensation of members and former members; payment of expenses; expenditures.
- 427A.038 Powers and duties.
- 433.047 “Commission” defined.
- 433.314 Duties.
- 433.316 Powers.
- 433.324 Regulations.
- 433.325 Inspection of facility.
- 433.327 Right of certain employees of department to submit information or requests to commission or appear before commission.
- 442.133 Advisory board on maternal and child health: Creation; membership; terms; compensation.
- 442.135 Advisory board on maternal and child health: Meetings; election of officers; appointment of subcommittees.
- 442.137 Advisory board on maternal and child health: Purpose and objectives.
- 442.350 “Subcommittee” defined.
- 442.355 Advisory subcommittee on fetal alcohol syndrome of advisory board on maternal and child health: Creation; membership; expert assistance.
- 442.360 Subcommittee: Election of officers; terms and reappointment of members; vacancies.
- 442.365 Subcommittee: Meetings; quorum; staff.
- 442.370 Subcommittee: Compensation of members; rights of members employed by state or local government.



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- 442.375 Subcommittee: Identification of and annual report on methods to prevent and collect information regarding syndrome.**
442.380 Advisory board and subcommittee: General duties.

