

CHAPTER.....

AN ACT relating to the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; abolishing the positions of Chief of the Bureau of Services to the Blind and Visually Impaired and Chief of the Bureau of Vocational Rehabilitation and transferring the powers and duties of those positions to the Administrator of the Rehabilitation Division; clarifying that the Division is the designated state unit for certain state programs for independent living established pursuant to federal law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Rehabilitation Division in the Department of Employment, Training and Rehabilitation, which is managed by an Administrator. (NRS 232.910, 232.945) The Rehabilitation Division consists of two bureaus which are the Bureau of Services to the Blind and Visually Impaired and the Bureau of Vocational Rehabilitation. (NRS 232.940) Those bureaus are each administered by a Chief, who is appointed by the Administrator of the Rehabilitation Division. (NRS 232.950, 426.520-426.610, Chapter 615 of NRS)

This bill abolishes the positions of Chief of the Bureau of Services to the Blind and Visually Impaired and Chief of the Bureau of Vocational Rehabilitation and transfers the powers and duties of those positions to the Administrator of the Rehabilitation Division.

Existing law creates the Office of Disability Services within the Department of Human Resources and directs the Office to administer certain programs that provide services for persons with disabilities including any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq. (NRS 426.235)

This bill clarifies that the Rehabilitation Division of the Department of Employment, Training and Rehabilitation is the designated state unit for any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq.

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

Section 1. NRS 232.945 is hereby amended to read as follows:
232.945 **1.** The Director shall appoint an Administrator of the Rehabilitation Division of the Department. The Administrator:

~~{1-}~~ **(a)** Is in the unclassified service of the State unless federal law or regulation requires otherwise, and serves at the pleasure of the Director.

~~{2-}~~ **(b)** Shall administer the provisions of law set forth in ~~{subsection 4-}~~ **paragraph (d)**, subject to the administrative supervision of the Director.

~~{3-}~~ **(c)** Except as otherwise provided in NRS 284.143, shall devote his entire time and attention to the business of his office and

shall not pursue any other business or occupation or hold any other office of profit.

~~{4.}~~ (d) Is responsible for the administration, through the bureaus of the Rehabilitation Division, of the provisions of *this section*, NRS 232.940 , ~~{and 232.950 and this section, NRS}~~ 426.520 to 426.610, inclusive, and *sections 4 and 5 of this act, and chapter 615 of NRS* , and all other provisions of law relating to the functions of the Rehabilitation Division . ~~{and its bureaus , but is not responsible for the professional line activities of the bureaus except as otherwise provided by specific statute.}~~

~~{5.}~~ (e) Is responsible for the preparation of a consolidated state plan for the Bureau of Services to the Blind and Visually Impaired, the Bureau of Vocational Rehabilitation and any other program administered by the Rehabilitation Division that he considers appropriate to incorporate into the consolidated state plan before submission to the Federal Government. This subsection does not apply if any federal regulation exists that prohibits a consolidated plan.

~~{6.}~~ (f) In developing and revising state plans pursuant to ~~{subsection 5.}~~ *paragraph (e)*, shall consider, without limitation:

~~{a.}~~ (1) The amount of money available from the Federal Government for the programs of the Rehabilitation Division;

~~{b.}~~ (2) The conditions attached to the acceptance of that money; and

~~{c.}~~ (3) The limitations of legislative appropriations for the programs.

~~{7.}~~ (g) *May make such expenditures and investigations, require such reports and take such other actions as he deems necessary or suitable to carry out the functions of the Rehabilitation Division.*

(h) May employ, within the limits of legislative appropriations, such staff as is necessary to the performance of the duties of the Rehabilitation Division.

(i) *Shall determine the organization and methods of procedure for the Rehabilitation Division in accordance with the provisions of this section, NRS 232.940, 426.520 to 426.610, inclusive, and sections 4 and 5 of this act, and chapter 615 of NRS, and all other provisions of law relating to the functions of the Rehabilitation Division.*

(j) *May adopt, amend or rescind such rules and regulations as he deems necessary or suitable to carry out the provisions of this section, NRS 232.940, 426.520 to 426.610, inclusive, and sections 4 and 5 of this act, and chapter 615 of NRS, and all other provisions of law relating to the functions of the Rehabilitation Division.*

2. The Rehabilitation Division shall serve as the designated state unit with respect to state programs for independent living established pursuant to 29 U.S.C. §§ 796 et seq. As used in this subsection, "designated state unit" has the meaning ascribed to it in 34 C.F.R. § 364.4.

Sec. 2. NRS 218.53796 is hereby amended to read as follows:

218.53796 1. There is hereby established an advisory committee to the Committee consisting of:

(a) The Superintendent of Public Instruction;

(b) The Administrator of the Aging Services Division of the Department of Human Resources;

(c) ~~[[The Chief]]~~ *An officer or employee* of the Bureau of Vocational Rehabilitation of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation ~~[[~~ *—(d) The Chief* ~~]]~~ *, appointed by the Administrator of that Division;*

(d) An officer or employee of the Bureau of Services to the Blind and Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation ~~[[~~ *, appointed by the Administrator of that Division;* and

(e) Any persons appointed by the Chairman of the Committee pursuant to subsection 2.

2. The Chairman of the Committee shall appoint representatives from local advocacy and provider groups to serve on the advisory committee, as the Chairman deems necessary.

3. ~~[[Each]]~~ *A* member of the advisory committee described in paragraph (a) ~~[[, (b), (c) or (d)]]~~ *or (b)* of subsection 1 may designate a representative to serve in his place on the advisory committee or to replace him at a meeting of the Committee or the advisory committee. *The Administrator of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation may designate a representative to serve in the place of a member of the advisory committee described in paragraph (c) or (d) of subsection 1 or to replace such a member at a meeting of the Committee or the advisory committee.*

4. Each member of the advisory committee who is not an officer or employee of the State serves without compensation and is not entitled to receive a per diem allowance or travel expenses.

5. Each member of the advisory committee who is an officer or employee of the State must be relieved from his duties without loss of his regular compensation so that he may attend meetings of the Committee or the advisory committee and is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, which must be paid by the state agency that employs him.

Sec. 3. Chapter 426 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. *As used in NRS 426.520 to 426.610, inclusive, and sections 4 and 5 of this act, the words and terms defined in NRS 426.520 and section 5 of this act have the meanings ascribed to them in those sections.*

Sec. 5. *“Administrator” means the Administrator of the Division.*

Sec. 6. NRS 426.235 is hereby amended to read as follows:

426.235 The Office of Disability Services is hereby created within the Department. The Office shall:

1. Provide access to information about services or programs for persons with disabilities that are available in this State.

2. Work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies in:

(a) Developing and improving policies of this State concerning programs or services for persons with disabilities, including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

(b) Making recommendations concerning new policies or services that may benefit persons with disabilities.

3. Serve as a liaison between state governmental agencies that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities.

4. Serve as a liaison between local governmental agencies in this State that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities. To inform local governmental agencies in this State of services and programs of other local governmental agencies in this State for persons with disabilities pursuant to this subsection, the Office shall:

(a) Provide technical assistance to local governmental agencies, including, without limitation, assistance in establishing an electronic network that connects the Office to each of the local governmental agencies that provides services or programs to persons with disabilities;

(b) Work with counties and other local governmental entities in this State that do not provide services or programs to persons with disabilities to establish such services or programs; and

(c) Assist local governmental agencies in this State to locate sources of funding from the Federal Government and other private

and public sources to establish or enhance services or programs for persons with disabilities.

5. Administer the following programs in this State that provide services for persons with disabilities:

(a) The program established pursuant to NRS 426.265, 426.275 and 426.285 to provide financial assistance to persons with physical disabilities;

(b) The programs established pursuant to chapter 426A of NRS to obtain information concerning traumatic brain injuries and provide services to persons with traumatic brain injuries;

(c) The program established pursuant to NRS 426.295 to provide devices for telecommunication to deaf persons and persons with impaired speech or hearing;

(d) Any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.;

(e) Any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq. ~~§§~~, *with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation acting as the designated state unit, as that term is defined in 34 C.F.R. § 364.4;* and

(f) Any state program established pursuant to the Assistive Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

6. Provide information to persons with disabilities on matters relating to the availability of housing for persons with disabilities and identify sources of funding for new housing opportunities for persons with disabilities.

7. Ensure that state and local governmental agencies comply with the provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

8. Before establishing policies or making decisions that will affect the lives of persons with disabilities, consult with persons with disabilities and members of the public in this State through the use of surveys, focus groups, hearings or councils of persons with disabilities to receive:

(a) Meaningful input from persons with disabilities regarding the extent to which such persons are receiving services, including, without limitation, services described in their individual service plans, and their satisfaction with those services; and

(b) Public input regarding the development, implementation and review of any programs or services for persons with disabilities.

9. Publish a biennial report which:

(a) Reviews the current and projected capacity of:

(1) Services available to persons with disabilities pursuant to the State Plan for Medicaid;

(2) Waivers to the State Plan for Medicaid for the provision of home and community-based services in this State;

(3) Services available to persons with disabilities from counties and other local governmental entities in this State; and

(4) Any other services available to persons with disabilities from any governmental or nonprofit agency;

(b) Identifies the costs of existing and new services in the community for persons with disabilities;

(c) Provides a strategy for the expanding or restructuring of services in the community for persons with disabilities that is consistent with the need for such expansion or restructuring;

(d) Recommends plans to provide services or programs for persons with disabilities by using the data from any waiting lists of persons seeking such services or programs;

(e) Reports the outcomes of persons with disabilities who have received services for persons with disabilities in this State; and

(f) Reports the progress of the Office in carrying out the strategic planning goals for persons with disabilities identified pursuant to chapter 541, Statutes of Nevada 2001.

10. Provide on or before January 15 of each year a report to the Governor and on or before January 15 of each odd-numbered year a report to the Legislature, including, without limitation:

(a) A summary of the activities of the Office for the preceding fiscal year or 2 preceding fiscal years, if the report is provided to the Legislature;

(b) Documentation of significant problems affecting persons with disabilities when accessing public services, if the Office is aware of any such problems;

(c) A summary and analysis of the trends in the systems of care and services available for persons with disabilities; and

(d) Recommendations for improving the ability of the State of Nevada to provide services to persons with disabilities and advocate for the rights of persons with disabilities.

Sec. 7. NRS 426.520 is hereby amended to read as follows:

426.520 ~~[As used in NRS 426.520 to 426.610, inclusive, "blind"]~~ **"Blind** person" means a person described in NRS 426.041 and any person who by reason of loss or impairment of eyesight is unable to provide himself with the necessities of life, and who has not sufficient income of his own to maintain himself.

Sec. 8. NRS 426.550 is hereby amended to read as follows:

426.550 1. The Bureau shall be headed by ~~[a Chief who is experienced in work for the blind. Preference shall be given to qualified blind persons in filling the position of Chief.]~~ **the Administrator.**

2. The Bureau shall:

(a) Assist blind persons in achieving physical and psychological orientation, inform blind persons of available services, stimulate and assist the blind in achieving social and economic independence, and do all things which will ameliorate the condition of the blind.

(b) Provide intensive programs of case finding, education, training, job findings and placement, physical restoration, and such other services and equipment as may assist in rendering blind persons more self-supporting and socially independent.

3. The Bureau may:

(a) Provide for treatment or operations to prevent blindness or restore vision to applicants for or recipients of services to the blind who request and make written application for such treatment or operation; and

(b) Pay for all necessary expenses incurred in connection with the diagnosis and treatment provided under paragraph (a). Necessary expenses shall include the costs of guide service, maintenance while the patient is away from his home, transportation to the eye physician or hospital and return to his home, and the cost of nursing home care when such care is necessary.

Sec. 9. NRS 426.555 is hereby amended to read as follows:

426.555 Subject to the approval of the Director, the ~~{Chief}~~ *Administrator* or his designated representative shall prepare reports for the Federal Government pursuant to the Vocational Rehabilitation Act Amendments of 1965 , ~~{4}~~ Title 29 *of* U.S.C., as amended , ~~{D}~~ any future amendments thereof and the regulations promulgated thereunder.

Sec. 10. NRS 426.567 is hereby amended to read as follows:

426.567 1. All gifts of money which the Bureau is authorized to accept must be deposited in the State Treasury for credit to the State Grant and Gift Account for the Blind in the Department of Employment, Training and Rehabilitation's Gift Fund.

2. The State Grant and Gift Account must be used for the purposes specified by the donor or for the purpose of carrying out the provisions of this chapter and other programs or laws administered by the Bureau.

3. All claims must be approved by the ~~{Chief}~~ *Administrator* before they are paid.

Sec. 11. NRS 426.570 is hereby amended to read as follows:

426.570 1. All employees of the Bureau ~~{shall be}~~ *are* directly responsible to the ~~{Chief}~~ *Administrator*.

2. Such employees ~~{shall}~~ *must* consist of persons skilled in assisting blind persons to achieve social and economic independence.

Sec. 12. NRS 426.675 is hereby amended to read as follows:

426.675 1. The Business Enterprise Account for the Blind is hereby created within the State General Fund and must be managed by the ~~[Chief.]~~ *Administrator of the Division.*

2. Money received by the Bureau under the provisions of NRS 426.670, except commissions assigned to licensed vending stand operators, must:

(a) Be deposited in the Business Enterprise Account for the Blind.

(b) Except as otherwise provided in subsection 4, remain in the Account and not revert to the State General Fund.

(c) Be used for:

(1) Purchasing, maintaining or replacing vending stands or the equipment therein;

(2) Maintaining a stock of equipment, parts, accessories and merchandise used or planned for use in the Vending Stand Program; and

(3) Other purposes, consistent with NRS 426.640, as may be provided by regulation.

3. Purchases made pursuant to paragraph (c) of subsection 2 are exempt from the provisions of the State Purchasing Act at the discretion of the Chief of the Purchasing Division of the Department of Administration or his designated representative, but the Bureau shall:

(a) Maintain current inventory records of all equipment, parts, accessories and merchandise charged to the Business Enterprise Account for the Blind;

(b) Conduct a periodic physical count of all such equipment, parts, accessories and merchandise; and

(c) Reconcile the results of the periodic physical count with the inventory records and cash balance in the Account.

4. If the Business Enterprise Account for the Blind is dissolved, any money remaining therein reverts to the State General Fund.

5. Money from any source which may lawfully be used for the Vending Stand Program may be transferred or deposited by the Bureau to the Business Enterprise Account for the Blind.

6. The interest and income earned on the money in the Business Enterprise Account for the Blind, after deducting any applicable charges, must be credited to the Account.

Sec. 13. NRS 615.180 is hereby amended to read as follows:

615.180 1. The ~~[Chief]~~ *Administrator* shall:

(a) Subject to the approval of the Director, adopt rules and regulations necessary to carry out the purposes of this chapter;

(b) Establish appropriate administrative units within the Bureau;

(c) ~~[Subject to the approval of the Administrator, appoint]~~ **Appoint** such personnel as is necessary for the proper and efficient performance of the functions of the Bureau;

(d) Prescribe the duties of the personnel of the Bureau;

(e) Prepare and submit to the Governor, through the Director, before September 1 of each even-numbered year for the biennium ending June 30 of such year, reports of activities and expenditures and estimates of sums required to carry out the purposes of this chapter;

(f) Make certification for the disbursement of money available for carrying out the purposes of this chapter; and

(g) Take such other action as may be necessary or appropriate to cooperate with public and private agencies and otherwise to carry out the purposes of this chapter.

2. The ~~[Chief]~~ **Administrator** may delegate to any officer or employee of the Bureau such of his powers and duties as he finds necessary to carry out the purposes of this chapter.

Sec. 14. NRS 615.260 is hereby amended to read as follows:

615.260 1. All gifts of money which the Bureau is authorized to accept must be deposited in the State Treasury for credit to the Rehabilitation Gift Account in the Department of Employment, Training and Rehabilitation's Gift Fund. The money may be invested and reinvested and must be used in accordance with the conditions of the gift.

2. All claims must be approved by the ~~[Chief]~~ **Administrator** before they are paid.

Sec. 15. NRS 232.950, 426.051, 615.035 and 615.160 are hereby repealed.

Sec. 16. 1. This act becomes effective on July 1, 2005.

2. Section 2 of this act expires by limitation on June 30, 2007.

