

**Amendment No. 490**

Senate Amendment to Senate Bill No. 462 First Reprint

(BDR 38-178)

**Proposed by:** Senator Cegavske**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
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Amend the bill as a whole by adding a new section designated sec. 185.8, following sec. 185.7, to read as follows:

“**Sec. 185.8.** NRS 439.150 is hereby amended to read as follows:

439.150 1. The State Board of Health is hereby declared to be supreme in all nonadministrative health matters. It has general supervision over all matters, except for administrative matters, relating to the preservation of the health and lives of citizens of this State and over the work of the State Health Officer and all district, county and city health departments, boards of health and health officers.

2. The Department of Human Resources is hereby designated as the agency of this State to cooperate with the federal authorities in the administration of those parts of the Social Security Act which relate to the general promotion of Public Health. It may receive and expend all money made

YMG/LH

Date: 4/25/2005

S.B. No. 462 —Repeals, reenacts, reorganizes and revises provisions relating to Department of Human Resources and Department of Employment, Training and Rehabilitation.



available to the Health Division by the Federal Government, the State of Nevada or its political subdivisions, or from any other source, for the purposes provided in this chapter. In developing and revising any state plan in connection with federal assistance for health programs, the Department shall consider, without limitation, the amount of money available from the Federal Government for those programs, the conditions attached to the acceptance of that money and the limitations of legislative appropriations for those programs.

3. Except as otherwise provided in NRS ~~[458.025 and]~~ 576.128, the State Board of Health may set reasonable fees for the:

- (a) Licensing, registering, certifying, inspecting or granting of permits for any facility, establishment or service regulated by the Health Division;
- (b) Programs and services of the Health Division;
- (c) Review of plans; and
- (d) Certification and licensing of personnel.

↪ Fees set pursuant to this subsection must be calculated to produce for that period the revenue from the fees projected in the budget approved for the Health Division by the Legislature.”.

Amend the bill as a whole by renumbering sections 189 and 190 as sections 208 and 209 and adding new sections designated sections 189 through 207, following sec. 188.5, to read as follows:

“**Sec. 189.** NRS 449.00455 is hereby amended to read as follows:

449.00455 “Facility for the treatment of abuse of alcohol or drugs” means any public or private establishment which provides residential treatment, including mental and physical restoration, of abusers of alcohol or drugs and which is certified by the ~~[Health]~~ Division *of Mental Health and Developmental Services of the Department of Human Resources* pursuant to subsection 4 of NRS

458.025. It does not include a medical facility or services offered by volunteers or voluntary organizations.

**Sec. 190.** NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, unless the context requires otherwise:

1. “Administrator” means the Administrator of the ~~[Health]~~ Division.
2. “Alcohol and drug abuse program” means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.
3. “Alcohol and drug abuser” means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects his ability to function socially or economically.
4. “Alcoholic” means any person who habitually uses alcoholic beverages to the extent that he endangers the health, safety or welfare of himself or any other person or group of persons.
5. ~~["Board" means the State Board of Health.~~
- ~~—6.]~~ “Civil protective custody” means a custodial placement of a person to protect his health or safety. Civil protective custody does not have any criminal implication.
- ~~[7.]~~ 6. “Detoxification technician” means a person who is certified by the ~~[Health]~~ Division to provide screening for the safe withdrawal from alcohol and other drugs.
7. ***“Division” means the Division of Mental Health and Developmental Services of the Department of Human Resources.***
8. “Facility” means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.

~~[9. “Health Division” means the Health Division of the Department of Human Resources.]~~

**Sec. 191.** NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, unless the context requires otherwise:

1. “Administrator” means the Administrator of the ~~[Health]~~ Division.

2. “Alcohol and drug abuse program” means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.

3. “Alcohol and drug abuser” means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects his ability to function socially or economically.

4. “Alcoholic” means any person who habitually uses alcoholic beverages to the extent that he endangers the health, safety or welfare of himself or any other person or group of persons.

5. ~~["Board" means the State Board of Health.~~

~~—6.]~~ “Civil protective custody” means a custodial placement of a person to protect his health or safety. Civil protective custody does not have any criminal implication.

**6. “Division” means the Division of Mental Health and Developmental Services of the Department of Human Resources.**

7. “Facility” means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.

~~[8. “Health Division” means the Health Division of the Department of Human Resources.]~~

**Sec. 192.** NRS 458.025 is hereby amended to read as follows:

458.025 The ~~[Health]~~ Division:

1. Shall formulate and operate a comprehensive state plan for alcohol and drug abuse programs which must include:

(a) A survey of the need for prevention and treatment of alcohol and drug abuse, including a survey of the facilities needed to provide services and a plan for the development and distribution of services and programs throughout this State.

(b) A plan for programs to educate the public in the problems of the abuse of alcohol and other drugs.

(c) A survey of the need for persons who have professional training in fields of health and other persons involved in the prevention of alcohol and drug abuse and in the treatment and recovery of alcohol and drug abusers, and a plan to provide the necessary treatment.

↪ In developing and revising the state plan, the ~~[Health]~~ Division shall consider, without limitation, the amount of money available from the Federal Government for alcohol and drug abuse programs and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for alcohol and drug abuse programs.

2. Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of alcohol and drug abuse programs in this State.

3. Must be consulted in the planning of projects and advised of all applications for grants from within this State which are concerned with alcohol and drug abuse programs, and shall review the applications and advise the applicants concerning the applications.

4. Shall certify or deny certification of detoxification technicians or any facilities or programs on the basis of the standards established by the ~~[Board]~~ **Division** pursuant to this section, and publish a list of certified detoxification technicians, facilities and programs. Any detoxification technicians,

facilities or programs which are not certified are ineligible to receive state and federal money for alcohol and drug abuse programs. The ~~[Board]~~ **Division** shall adopt regulations. The regulations:

(a) Must prescribe the requirements for continuing education for persons certified as detoxification technicians; and

(b) May prescribe the fees for the certification of detoxification technicians, facilities or programs. A fee prescribed pursuant to this paragraph must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the ~~[Health]~~ Division of issuing the certificate.

5. Upon request from a facility which is self-supported, may certify the facility, its programs and detoxification technicians and add them to the list described in subsection 4.

**Sec. 193.** NRS 458.025 is hereby amended to read as follows:

458.025 The ~~[Health]~~ Division:

1. Shall formulate and operate a comprehensive state plan for alcohol and drug abuse programs which must include:

(a) A survey of the need for prevention and treatment of alcohol and drug abuse, including a survey of the facilities needed to provide services and a plan for the development and distribution of services and programs throughout this State.

(b) A plan for programs to educate the public in the problems of the abuse of alcohol and other drugs.

(c) A survey of the need for persons who have professional training in fields of health and other persons involved in the prevention of alcohol and drug abuse and in the treatment and recovery of alcohol and drug abusers, and a plan to provide the necessary treatment.

↪ In developing and revising the state plan, the ~~[Health]~~ Division shall consider, without limitation, the amount of money available from the Federal Government for alcohol and drug abuse programs and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for alcohol and drug abuse programs.

2. Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of alcohol and drug abuse programs in this State.

3. Must be consulted in the planning of projects and advised of all applications for grants from within this State which are concerned with alcohol and drug abuse programs, and shall review the applications and advise the applicants concerning the applications.

4. Shall certify or deny certification of any facilities or programs on the basis of the standards established by the ~~[Board]~~ **Division** pursuant to this section, and publish a list of certified facilities and programs. Any facilities or programs which are not certified are ineligible to receive state and federal money for alcohol and drug abuse programs. The ~~[Board]~~ **Division** shall adopt regulations which may prescribe the fees for the certification of facilities or programs. A fee prescribed pursuant to this subsection must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the ~~[Health]~~ Division of issuing the certificate.

5. Upon request from a facility which is self-supported, may certify the facility and its programs and add them to the list described in subsection 4.

**Sec. 194.** NRS 458.026 is hereby amended to read as follows:

458.026 1. An applicant for the issuance or renewal of his certification as a detoxification technician must submit to the ~~[Health]~~ Division the statement prescribed by the Welfare Division of

the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~Health~~ Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certification; or

(b) A separate form prescribed by the ~~Health~~ Division.

3. The certification of a person as a detoxification technician may not be issued or renewed by the ~~Health~~ Division if the applicant:

(a) Fails to complete or submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Administrator shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

**Sec. 195.** NRS 458.027 is hereby amended to read as follows:

458.027 1. If the ~~Health~~ Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses,



certificates and permits issued to a person who has been certified as a detoxification technician, the ~~Health~~ Division shall deem the certification to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~Health~~ Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person who has been certified stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~Health~~ Division shall reinstate the certification of a person as a detoxification technician that has been suspended by a district court pursuant to NRS 425.540 if the ~~Health~~ Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certification was suspended stating that the person whose certification was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

**Sec. 196.** NRS 458.031 is hereby amended to read as follows:

458.031 The ~~Health~~ Division shall administer the provisions of NRS 458.010 to 458.350, inclusive, as the sole agency of the State of Nevada for that purpose.

**Sec. 197.** NRS 458.035 is hereby amended to read as follows:

458.035 The ~~Health~~ Division may contract with any appropriate public or private agency, organization or institution to carry out the provisions of NRS 458.010 to 458.350, inclusive.

**Sec. 198.** NRS 458.055 is hereby amended to read as follows:

458.055 1. To preserve the confidentiality of any information concerning persons applying for or receiving any services pursuant to NRS 458.010 to 458.350, inclusive, the ~~Health~~ Division may

establish and enforce rules governing the confidential nature, custody, use and preservation of the records, files and communications filed with the ~~[Health]~~ Division.

2. Wherever information concerning persons applying for and receiving any services pursuant to NRS 458.010 to 458.350, inclusive, is furnished to or held by any other government agency or a public or private institution, the use of that information by the agency or institution is subject to the rules established by the ~~[Health]~~ Division pursuant to subsection 1.

3. Except as otherwise provided in NRS 442.300 to 442.330, inclusive, and 449.705 and chapter 629 of NRS and except for purposes directly connected with the administration of NRS 458.010 to 458.350, inclusive, a person shall not disclose, use or authorize the disclosure of any confidential information concerning a person receiving services pursuant to NRS 458.010 to 458.350, inclusive.

**Sec. 199.** NRS 458.080 is hereby amended to read as follows:

458.080 The ~~[Health]~~ Division may, by contracting with organized groups, render partial financial assistance in the operation of facilities established by these groups. Each such contract must contain a provision allowing for an audit of all accounts, books and other financial records of the organization with which the agency contracts.

**Sec. 200.** NRS 458.097 is hereby amended to read as follows:

458.097 1. Money received by the ~~[Health]~~ Division pursuant to NRS 369.174 must be used to increase services for the prevention of alcohol and drug abuse and alcoholism and for the detoxification and rehabilitation of alcohol and drug abusers. In allocating the money for the increase of services, the ~~[Health]~~ Division shall give priority to:

(a) The areas where there exists a shortage of services for the treatment of alcoholism and alcohol abuse. The ~~[Health]~~ Division shall determine the areas of shortage on the basis of data

available from state and local agencies, data contained in the comprehensive state plan for alcohol and drug abuse programs, and other appropriate data.

(b) The needs of counties to provide:

(1) Civil protective custody, pursuant to NRS 458.270, for persons who are found in public places while under the influence of alcohol; and

(2) Secure detoxification units or other appropriate facilities for persons who are arrested or taken into custody while under the influence of a controlled substance.

(c) Alcohol and drug abuse programs that are primarily directed toward the prevention of such abuse.

2. As used in this section, "secure detoxification unit" has the meaning ascribed to it in NRS 458.175.

**Sec. 201.** NRS 458.100 is hereby amended to read as follows:

458.100 1. All gifts or grants of money for an alcohol and drug abuse program which the ~~Health~~ Division is authorized to accept must be deposited in the State Treasury for credit to the State Grant and Gift Account for Alcohol and Drug Abuse which is hereby created in the Department of Human Resources' Gift Fund.

2. Money in the Account must be used to carry out the provisions of NRS 458.010 to 458.350, inclusive.

3. All claims must be approved by the Administrator before they are paid.

**Sec. 202.** NRS 458.103 is hereby amended to read as follows:

458.103 The ~~Health~~ Division may accept:

1. Money appropriated and made available by any act of Congress for any alcohol and drug abuse program administered by the ~~[Health]~~ Division as provided by law.

2. Money appropriated and made available by the State of Nevada or by a county, a city, a public district or any political subdivision of this State for any alcohol and drug abuse program administered by the ~~[Health]~~ Division as provided by law.

**Sec. 203.** NRS 458.104 is hereby amended to read as follows:

458.104 1. If the Administrator determines that current claims exceed the amount of money available to the ~~[Health]~~ Division because of a delay in the receipt of money from federal grants, he may request from the Director of the Department of Administration a temporary advance from the State General Fund for the payment of authorized expenses.

2. The Director of the Department of Administration shall notify the State Controller and the Fiscal Analysis Division of the Legislative Counsel Bureau of his approval of a request made pursuant to subsection 1. The State Controller shall draw his warrant upon receipt of the approval by the Director of the Department of Administration.

3. An advance from the State General Fund:

(a) Must be approved by the Director of the Department of Administration for use pursuant to NRS 458.080; and

(b) Is limited to 25 percent of the revenue expected to be received in the current fiscal year from any source other than legislative appropriation.

4. Any money which is temporarily advanced from the State General Fund to the ~~[Health]~~ Division pursuant to this section must be repaid by August 31 following the end of the fiscal year during which the money was advanced.

**Sec. 204.** NRS 458.105 is hereby amended to read as follows:

458.105 The ~~Health~~ Division may fix and collect reasonable fees for the sale of miscellaneous printed materials pertaining to alcohol and drug abuse which are purchased or prepared by the ~~Health~~ Division. The fees must be deposited in the State Treasury to the credit of the General Fund.

**Sec. 205.** NRS 458.110 is hereby amended to read as follows:

458.110 In addition to the activities set forth in NRS 458.025 to 458.115, inclusive, the ~~Health~~ Division may engage in any activity necessary to effectuate the purposes of NRS 458.010 to 458.350, inclusive.

**Sec. 206.** NRS 458.125 is hereby amended to read as follows:

458.125 1. The ~~Health~~ Division shall prepare requests for proposals for the provision by facilities of:

- (a) Residential treatment of adolescents who engage in substance abuse;
- (b) Outpatient treatment of adolescents who engage in substance abuse;
- (c) Comprehensive evaluations of adolescents with problems relating to substance abuse or mental illness, or both; and
- (d) Transitional housing for adolescents who engage in substance abuse.

2. Upon accepting a proposal submitted in accordance with this section, the ~~Health~~ Division may advance not more than 8 percent of the amount of the proposal to the facility that submitted the proposal to help defray the costs of starting the provision of the services, including, without limitation, the cost of beds, equipment and rental space for expansion.

3. The ~~Health~~ Division shall establish such requirements for the requests for proposals as it determines necessary.

4. The ~~Health~~ Division shall hire, to the extent of legislative authorization, such staff as it determines necessary to carry out the provisions of this section and NRS 458.131.

**Sec. 207.** NRS 458.131 is hereby amended to read as follows:

458.131 The ~~Health~~ Division shall, on or before September 1 of each odd-numbered year, submit to the Director of the Department of Human Resources a report covering the biennium ending on June 30 of that year. The report must include:

1. The name of each facility that received money pursuant to NRS 458.125 during the biennium, and the amount of money that each facility received for each type of service provided;
2. If a facility received money pursuant to NRS 458.125 during the biennium to help defray the costs of starting the provision of services, the name of the facility, the amount of money received and an accounting of how the money was used;
3. The number of adolescents who received any of the services described in NRS 458.125 from those facilities during the biennium, and the number of adolescents who were receiving those services as of the end of the biennium; and
4. As of the end of the biennium:
  - (a) The number of adolescents on waiting lists to receive the services described in NRS 458.125; and
  - (b) An estimate of the number of other adolescents in this State who are in need of the services described in NRS 458.125.”.

Amend the bill as a whole by deleting sec. 190.5, renumbering sections 191 through 199 as sections 210 through 218 and adding a new section designated sec. 219, following sec. 199, to read as follows:

**“Sec. 219.** 1. This section and sections 1 to 190, inclusive, 192 and 194 to 218, inclusive, of this act become effective on October 1, 2005.

2. Sections 190, 192, 194 and 195 of this act expire by limitation on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.

3. Sections 191 and 193 of this act become effective on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public welfare; repealing, reenacting, reorganizing and revising certain provisions relating to the Welfare Division, the Division of Health Care Financing and Policy and the Division of Child and Family Services of the Department of Human Resources; revising certain provisions relating to property tax assistance for senior citizens; revising certain provisions relating to the Chief Research and Statistical Analyst of the Health Division of the Department of Human Resources; providing that the Director of the Department or his designee is responsible for appointing and removing certain employees of the Department; repealing certain provisions which require the

Department of Employment, Training and Rehabilitation to employ job development coordinators to promote employment for persons who receive public assistance; repealing certain provisions concerning community service block grants; transferring certain duties of the Health Division of the Department of Human Resources concerning services for the abuse of alcohol or drugs to the Division of Mental Health and Developmental Services of the Department; changing the name of the Department of Human Resources to the Department of Health and Human Services; changing the name of the Welfare Division of the Department of Human Resources to the Division of Welfare and Supportive Services of the Department of Health and Human Services; reenacting certain penalties; and providing other matters properly relating thereto.”.