

SENATE BILL NO. 462—COMMITTEE ON  
HUMAN RESOURCES AND EDUCATION

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

MARCH 29, 2005

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Referred to Committee on Human Resources and Education

SUMMARY—Repeals, reenacts, reorganizes and revises certain provisions relating to Department of Human Resources. (BDR 38-178)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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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; requiring certain appointed positions within the Department of Human Resources to be approved by the Director 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 Transitional and Supportive Services of the Department of Health and Human Services; reenacting certain penalties; 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.** Title 38 of NRS is hereby amended by adding  
2 thereto a new chapter to consist of the provisions set forth as  
3 sections 2 to 97, inclusive, of this act.

4     **Sec. 2.** *As used in this chapter, unless the context otherwise*  
5 *requires, the words and terms defined in sections 3 to 19,*  
6 *inclusive, of this act have the meanings ascribed to them in those*  
7 *sections.*

8     **Sec. 3.** *“Administrator” means the Administrator of the*  
9 *Division.*

10    **Sec. 4.** *“Board” means the State Board of Transitional and*  
11 *Supportive Services.*

12    **Sec. 5.** *“Children’s Health Insurance Program” means the*  
13 *program established pursuant to 42 U.S.C. §§ 1397aa to 1397jj,*  
14 *inclusive, to provide health insurance for uninsured children from*  
15 *low-income families in this State.*

16    **Sec. 6.** *“Department” means the Department of Health and*  
17 *Human Services.*

18    **Sec. 7.** *“Director” means the Director of the Department.*

19    **Sec. 8.** *“Division” means the Division of Transitional and*  
20 *Supportive Services of the Department.*

21    **Sec. 9.** *“Division of Health Care Financing and Policy”*  
22 *means the Division of Health Care Financing and Policy of the*  
23 *Department.*

24    **Sec. 10.** *“Food Stamp Assistance” means the program*  
25 *established to provide persons of low income with an opportunity*  
26 *to obtain a more nutritious diet through the issuance of coupons*  
27 *pursuant to the Food Stamp Act of 1977, 7 U.S.C. §§ 2011 et seq.,*  
28 *as amended.*

29    **Sec. 11.** *“Low-Income Home Energy Assistance” means the*  
30 *program established to assist persons of low income to meet the*  
31 *costs of heating and cooling their homes pursuant to the Low-*  
32 *Income Home Energy Assistance Act of 1981, 42 U.S.C. §§ 8621*  
33 *et seq., as amended.*

34    **Sec. 12.** *“Medicaid” has the meaning ascribed to it in*  
35 *NRS 439B.120.*

36    **Sec. 13.** *“Program for Child Care and Development” means*  
37 *the program established to provide assistance for the care and*  
38 *development of children pursuant to 42 U.S.C. §§ 9858 et seq.*

39    **Sec. 14.** *“Program for the Enforcement of Child Support”*  
40 *means the program established to locate absent parents, establish*  
41 *paternity and obtain child support pursuant to Part D of Title IV*



1 *of the Social Security Act, 42 U.S.C. §§ 651 et seq., and other*  
2 *provisions of that act relating to the enforcement of child support.*

3 **Sec. 15. 1. “Public assistance” includes:**

4 (a) *State Supplemental Assistance;*

5 (b) *Temporary Assistance for Needy Families;*

6 (c) *Medicaid;*

7 (d) *Food Stamp Assistance;*

8 (e) *Low-Income Home Energy Assistance;*

9 (f) *The Program for Child Care and Development;*

10 (g) *Benefits provided pursuant to any other public welfare*  
11 *program administered by the Division pursuant to such additional*  
12 *federal legislation as is not inconsistent with the purposes of this*  
13 *chapter; and*

14 (h) *Benefits provided pursuant to any other public welfare*  
15 *program administered by the Division of Health Care Financing*  
16 *and Policy of the Department pursuant to chapter 422 of NRS.*

17 **2. The term does not include the Children’s Health Insurance**  
18 **Program.**

19 **Sec. 16. “State Supplementary Assistance” means the**  
20 **program established to provide state assistance to aged or blind**  
21 **persons in connection with the Supplemental Security Income**  
22 **Program.**

23 **Sec. 17. “Supplemental Security Income Program” means**  
24 **the program established for aged, blind or disabled persons**  
25 **pursuant to Title XVI of the Social Security Act, 42 U.S.C. §§ 1381**  
26 **et seq., as amended.**

27 **Sec. 18. “Temporary Assistance for Needy Families” means**  
28 **the program established to provide temporary assistance for needy**  
29 **families pursuant to Title IV of the Social Security Act, 42 U.S.C.**  
30 **§§ 601 et seq., and other provisions of that act relating to**  
31 **temporary assistance for needy families.**

32 **Sec. 19. “Undivided estate” means all real and personal**  
33 **property and other assets included in the estate of a deceased**  
34 **recipient of Medicaid and any other real and personal property**  
35 **and other assets in or to which he had an interest or legal title**  
36 **immediately before or at the time of his death, to the extent of that**  
37 **interest or title. The term includes, without limitation, assets**  
38 **conveyed to a survivor, heir or assign of the deceased recipient**  
39 **through or as the result of any joint tenancy, tenancy in common,**  
40 **survivorship, life estate, living trust, annuity, declaration of**  
41 **homestead or other arrangement.**



1     **Sec. 20. 1.** *Notwithstanding any other provision of state or*  
2 *local law, a person or governmental entity that provides a state or*  
3 *local public benefit:*

4     *(a) Shall comply with the provisions of 8 U.S.C. § 1621*  
5 *regarding the eligibility of an alien for such a benefit.*

6     *(b) Is not required to pay any costs or other expenses relating*  
7 *to the provision of such a benefit after July 1, 1997, to an alien*  
8 *who, pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.*

9     **2.** *Compliance with the provisions of 8 U.S.C. § 1621 must*  
10 *not be construed to constitute any form of discrimination,*  
11 *distinction or restriction made, or any other action taken, on the*  
12 *basis of national origin.*

13     **3.** *As used in this section, "state or local public benefit" has*  
14 *the meaning ascribed to it in 8 U.S.C. § 1621.*

15     **Sec. 21.** *The State Board of Transitional and Supportive*  
16 *Services, consisting of seven members appointed by the Governor,*  
17 *is hereby created within the Division.*

18     **Sec. 22. 1.** *The Governor shall appoint members who have*  
19 *an interest in and a knowledge of the field of public welfare.*

20     **2.** *Members of the Board must be selected to give statewide*  
21 *representation, and not more than three members may be residents*  
22 *of the same county.*

23     **3.** *Members of the Board may be removed for failure to*  
24 *attend Board meetings.*

25     **Sec. 23. 1.** *The members of the Board shall meet at least*  
26 *twice each calendar year to consider any issues related to public*  
27 *assistance and other programs for which the Division is*  
28 *responsible that may be of importance to members of the general*  
29 *public, the Governor or the Division, at such places as the Board,*  
30 *the Chairman of the Board, the Administrator or the Director*  
31 *deems appropriate.*

32     **2.** *Four members of the Board constitute a quorum, and a*  
33 *quorum may exercise all the power and authority conferred on the*  
34 *Board.*

35     **3.** *The Board shall:*

36     *(a) At least 14 days before the date it holds a meeting, provide*  
37 *public notice of the date, time and location of the meeting, in*  
38 *addition to the notice required pursuant to NRS 241.020.*

39     *(b) Keep minutes of all meetings of the Board, which must*  
40 *include records of testimony and written comments presented to*  
41 *the Board, and file the minutes with the Division. The minutes*  
42 *must be maintained as public records.*

43     **Sec. 24. 1.** *At the first meeting after the adjournment of*  
44 *any regular session of the Legislature, the Board shall elect from*  
45 *its members a Chairman and Vice Chairman. The terms of the*



1 *offices of Chairman and Vice Chairman expire upon the election*  
2 *of a Chairman and Vice Chairman at the first meeting following*  
3 *the adjournment of the next regular session of the Legislature.*

4 2. *If a vacancy occurs in the office of Chairman, the Vice*  
5 *Chairman shall assume the duties of Chairman for the unexpired*  
6 *term. If a vacancy occurs in the office of Vice Chairman, the*  
7 *Board shall, at its next meeting, fill the vacancy for the unexpired*  
8 *term.*

9 3. *The Administrator shall act as the nonvoting recording*  
10 *Secretary.*

11 **Sec. 25.** 1. *For each day's attendance at each meeting of*  
12 *the Board, each member of the Board is entitled to receive a salary*  
13 *of not more than \$80 per day, as fixed by the Board.*

14 2. *While engaged in the business of the Board, each member*  
15 *and employee of the Board is entitled to receive the per diem*  
16 *allowance and travel expenses provided for state officers and*  
17 *employees generally.*

18 **Sec. 26.** 1. *The Board has only those powers and duties*  
19 *authorized by law.*

20 2. *The Board shall:*

21 (a) *Adopt regulations for its own management and*  
22 *government.*

23 (b) *Not later than 90 days after the date it holds a meeting,*  
24 *advise the Legislature, if it is in regular session, the Governor, the*  
25 *Director and the Division, based upon any testimony, written*  
26 *comments and other matters considered at the meeting, of any*  
27 *recommendations of the Board for legislation or other action*  
28 *relating to the administration of public assistance and other*  
29 *programs for which the Division is responsible.*

30 **Sec. 27.** *The Administrator must:*

31 1. *Be selected on the basis of his training, experience,*  
32 *capacity and interest in public welfare services.*

33 2. *Be a graduate in public or business administration from an*  
34 *accredited college or university.*

35 3. *Have not less than 3 years of demonstrated successful*  
36 *experience in public welfare administration, with responsibility for*  
37 *general direction and determination of a policy of a general*  
38 *assistance and social service program, or any equivalent*  
39 *combination of training and experience.*

40 4. *Possess qualities of leadership in the field of human*  
41 *welfare and health.*

42 **Sec. 28.** *The Administrator:*

43 1. *Shall serve as the Executive Officer of the Division.*

44 2. *Shall establish policies for the administration of the*  
45 *programs of the Division and shall administer all activities and*



1 *services of the Division in accordance with those policies and any*  
2 *regulations of the Administrator, subject to administrative*  
3 *supervision by the Director.*

4 *3. Is responsible for the management of the Division.*

5 **Sec. 29.** *The Administrator shall make:*

6 *1. Such reports, subject to approval by the Director, as will*  
7 *comply with the requirements of federal legislation and this*  
8 *chapter.*

9 *2. Reports to the Board.*

10 *3. A biennial report to the Director on the condition,*  
11 *operation and functioning of the Division.*

12 **Sec. 30.** *The Administrator:*

13 *1. Is responsible for and shall supervise the fiscal affairs and*  
14 *responsibilities of the Division, subject to administrative*  
15 *supervision by the Director.*

16 *2. Shall present the biennial budget of the Division to the*  
17 *Legislature in conjunction with the Budget Division of the*  
18 *Department of Administration.*

19 *3. Shall allocate, in the interest of efficiency and economy,*  
20 *the State's appropriation for the administration of each program*  
21 *for which the Division is responsible, subject to administrative*  
22 *supervision by the Director.*

23 **Sec. 31.** *The Administrator:*

24 *1. May establish, consolidate and abolish sections within the*  
25 *Division.*

26 *2. Shall organize the Division to comply with the*  
27 *requirements of this chapter and with the standards required by*  
28 *federal legislation, subject to approval by the Director.*

29 *3. Shall appoint the heads of the sections of the Division.*

30 *4. May employ such assistants and employees as may be*  
31 *necessary for the efficient operation of the Division.*

32 *5. Shall set standards of service.*

33 **Sec. 32.** *1. The Administrator or his designated*  
34 *representative may administer oaths and take testimony*  
35 *thereunder and issue subpoenas requiring the attendance of*  
36 *witnesses before the Division at a designated time and place and*  
37 *the production of books, papers and records relative to eligibility*  
38 *or continued eligibility for public assistance.*

39 *2. The Director or his designated representative may*  
40 *administer oaths and take testimony thereunder and issue*  
41 *subpoenas requiring the attendance of witnesses before the*  
42 *Department at a designated time and place and the production of*  
43 *books, papers and records relative to verification of treatment and*  
44 *payments to a provider of medical care, remedial care or other*  
45 *services pursuant to the State Plan for Medicaid.*



1       3. *If a witness fails to appear or refuses to give testimony or*  
2 *to produce books, papers and records as required by a subpoena*  
3 *issued pursuant to this section, the district court of the county in*  
4 *which the investigation is being conducted may compel the*  
5 *attendance of the witness, the giving of testimony and*  
6 *the production of books, papers and records as required by the*  
7 *subpoena.*

8       **Sec. 33.** *The Administrator may adopt such regulations as*  
9 *are necessary for the administration of this chapter and any*  
10 *program of the Division.*

11       **Sec. 34.** *1. Before adopting, amending or repealing any*  
12 *regulation for the administration of a program of public*  
13 *assistance or any other program for which the Division is*  
14 *responsible, the Administrator must give at least 30 days' notice of*  
15 *his intended action.*

16       2. *The notice of intent to act upon a regulation must:*

17       (a) *Include a statement of the need for and purpose of the*  
18 *proposed regulation, and either the terms or substance of the*  
19 *proposed regulation or a description of the subjects and issues*  
20 *involved, and of the time when, the place where and the manner in*  
21 *which, interested persons may present their views thereon.*

22       (b) *Include a statement identifying the entities that may be*  
23 *financially affected by the proposed regulation and the potential*  
24 *financial impact, if any, upon local government.*

25       (c) *State each address at which the text of the proposed*  
26 *regulation may be inspected and copied.*

27       (d) *Be mailed to all persons who have requested in writing that*  
28 *they be placed upon a mailing list, which must be kept by the*  
29 *Administrator for that purpose.*

30       3. *All interested persons must be afforded a reasonable*  
31 *opportunity to submit data, views or arguments upon a proposed*  
32 *regulation, orally or in writing. The Administrator shall consider*  
33 *fully all oral and written submissions relating to the proposed*  
34 *regulation.*

35       4. *The Administrator shall keep, retain and make available*  
36 *for public inspection written minutes of each public hearing held*  
37 *pursuant to this section in the manner provided in subsections 1*  
38 *and 2 of NRS 241.035.*

39       5. *The Administrator may record each public hearing held*  
40 *pursuant to this section and make those recordings available for*  
41 *public inspection in the manner provided in subsection 4 of*  
42 *NRS 241.035.*

43       6. *No objection to any regulation on the ground of*  
44 *noncompliance with the procedural requirements of this section*  
45 *may be made more than 2 years after its effective date.*





**Sec. 35. The Administrator shall:**

*1. Supply the Director with material on which to base proposed legislation.*

*2. Cooperate with the Federal Government and state governments for the more effective attainment of the purposes of this chapter.*

*3. Coordinate the activities of the Division with other agencies, both public and private, with related or similar activities.*

*4. Keep a complete and accurate record of all proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents pertaining to his office.*

*5. Inform the public in regard to the activities and operation of the Division, and provide other information which will acquaint the public with problems relating to welfare.*

*6. Conduct studies into the causes of the social problems with which the Division is concerned.*

*7. Provide leadership in the community in order that all welfare activities are pointed toward the single goal of improving the public welfare.*

*8. Invoke any legal, equitable or special procedures for the enforcement of his orders or the enforcement of the provisions of this chapter.*

*9. Exercise any other powers that are necessary and proper for the standardization of state work, to expedite business, to ensure fair consideration of applications for aid and to promote the efficiency of the service provided by the Division.*

**Sec. 36. The Administrator and the Division shall administer the provisions of this chapter, subject to administrative supervision by the Director.**

**Sec. 37. 1. Any gifts or grants of money which the Division is authorized to accept must be deposited in the State Treasury to the credit of the Division of Transitional and Supportive Services' Gift and Cooperative Account in the Department of Health and Human Services' Gift Fund.**

**2. Money in the Account must be used for welfare purposes only and expended in accordance with the terms of the gift or grant.**

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

**Sec. 38. 1. Money to carry out the provisions of this chapter, including, without limitation, any federal money allotted to the State of Nevada pursuant to the program to provide Temporary Assistance for Needy Families and the Program for**





1 *Child Care and Development, must be provided by appropriation*  
2 *by the Legislature from the State General Fund.*

3 2. *Disbursements for the purposes of this chapter must be*  
4 *made upon claims duly filed and allowed in the same manner as*  
5 *other money in the State Treasury is disbursed.*

6 **Sec. 39.** *Any federal money allotted to the State of Nevada*  
7 *for public assistance programs and other programs for which the*  
8 *Division is responsible and such other money as may be received*  
9 *by the State for such purposes must, except as otherwise provided*  
10 *in NRS 425.363, be deposited in the appropriate accounts of the*  
11 *Division in the State General Fund.*

12 **Sec. 40.** 1. *The State of Nevada assents to the purposes of*  
13 *the Act of Congress of the United States entitled the "Social*  
14 *Security Act," approved August 14, 1935, and assents to such*  
15 *additional federal legislation as is not inconsistent with the*  
16 *purposes of this chapter and NRS 432.010 to 432.085, inclusive,*  
17 *and sections 154 to 163, inclusive, of this act.*

18 2. *The State of Nevada further accepts, with the approval of*  
19 *the Governor, the appropriations of money by Congress in*  
20 *pursuance of the Social Security Act and authorizes the receipt of*  
21 *such money into the State Treasury for the use of the Department*  
22 *in accordance with this chapter, NRS 432.010 to 432.085,*  
23 *inclusive, sections 154 to 163, inclusive, of this act and the*  
24 *conditions imposed by the Social Security Act.*

25 3. *The State of Nevada may accept, with the approval of the*  
26 *Governor, any additional funds which may become or are made*  
27 *available for extension of programs and services administered by*  
28 *the Department under the provisions of the Social Security Act.*  
29 *Such money must be deposited in the State Treasury for the use of*  
30 *the Department in accordance with this chapter, NRS 432.010 to*  
31 *432.085, inclusive, sections 154 to 163, inclusive, of this act and*  
32 *the conditions and purposes under which granted by the Federal*  
33 *Government.*

34 **Sec. 41.** *If Congress passes any law increasing the*  
35 *participation of the Federal Government in a Nevada program for*  
36 *public assistance, whether relating to eligibility for assistance or*  
37 *otherwise:*

38 1. *The Director may accept, with the approval of the*  
39 *Governor, the increased benefits of such congressional legislation;*  
40 *and*

41 2. *The Administrator may adopt any regulations required by*  
42 *the Federal Government as a condition of acceptance.*

43 **Sec. 42.** *The Director shall have the power to sign and*  
44 *execute, in the name of the State, by "The Department of Health*



1 *and Human Services,” any contract or agreement with the Federal*  
2 *Government or its agencies.*

3 **Sec. 43. The Department shall:**

4 *1. Administer all public welfare programs of this State,*  
5 *including:*

6 *(a) State Supplementary Assistance;*

7 *(b) Temporary Assistance for Needy Families;*

8 *(c) Medicaid;*

9 *(d) Food Stamp Assistance;*

10 *(e) Low-Income Home Energy Assistance;*

11 *(f) The Program for Child Care and Development;*

12 *(g) The Program for the Enforcement of Child Support;*

13 *(h) The Children’s Health Insurance Program; and*

14 *(i) Other welfare activities and services provided for by the*  
15 *laws of this State.*

16 *2. Act as the single state agency of the State of Nevada and its*  
17 *political subdivisions in the administration of any federal money*  
18 *granted to the State of Nevada to aid in the furtherance of any of*  
19 *the services and activities set forth in subsection 1.*

20 *3. Cooperate with the Federal Government in adopting state*  
21 *plans, in all matters of mutual concern, including adoption of*  
22 *methods of administration found by the Federal Government to be*  
23 *necessary for the efficient operation of welfare programs, and in*  
24 *increasing the efficiency of welfare programs by prompt and*  
25 *judicious use of new federal grants which will assist the*  
26 *Department in carrying out the provisions of this chapter.*

27 *4. Observe and study the changing nature and extent of*  
28 *welfare needs and develop through tests and demonstrations*  
29 *effective ways of meeting those needs and employ or contract for*  
30 *personnel and services supported by legislative appropriations*  
31 *from the State General Fund or money from federal or other*  
32 *sources.*

33 *5. Enter into reciprocal agreements with other states relative*  
34 *to public assistance, welfare services and institutional care, when*  
35 *deemed necessary or convenient by the Director.*

36 *6. Make such agreements with the Federal Government as*  
37 *may be necessary to carry out the Supplemental Security Income*  
38 *Program.*

39 **Sec. 44. 1. The Director shall adopt each state plan**  
40 *required by the Federal Government, either directly or as a*  
41 *condition to the receipt of federal money, for the administration of*  
42 *any public assistance or other program for which the Division is*  
43 *responsible. Such a plan must set forth, regarding the particular*  
44 *program to which the plan applies:*

45 *(a) The requirements for eligibility;*



1     (b) *The nature and amounts of grants and other assistance*  
2 *which may be provided;*

3     (c) *The conditions imposed; and*

4     (d) *Such other provisions relating to the development and*  
5 *administration of the program as the Director deems necessary.*

6     2. *In developing and revising such a plan, the Director shall*  
7 *consider, among other things:*

8     (a) *The amount of money available from the Federal*  
9 *Government;*

10    (b) *The conditions attached to the acceptance of that money;*  
11 *and*

12    (c) *The limitations of legislative appropriations and*  
13 *authorizations,*

14    ↪ *for the particular program to which the plan applies.*

15    3. *The Division shall make available to members of the*  
16 *general public a summary of the State Plan for Temporary*  
17 *Assistance for Needy Families established pursuant to this section.*

18    4. *The Division shall comply with each state plan adopted*  
19 *pursuant to this section.*

20    **Sec. 45.** 1. *The Department shall provide public assistance*  
21 *pursuant to:*

22    (a) *The program established to provide Temporary Assistance*  
23 *for Needy Families;*

24    (b) *Medicaid; or*

25    (c) *Any program for which a grant has been provided to this*  
26 *State pursuant to 42 U.S.C. §§ 1397 et seq.,*

27    ↪ *to a qualified alien who complies with the requirements*  
28 *established by the Department pursuant to federal law and this*  
29 *chapter for the receipt of benefits pursuant to that program.*

30    2. *As used in this section, "qualified alien" has the meaning*  
31 *ascribed to it in 8 U.S.C. § 1641.*

32    **Sec. 46.** *The Attorney General and his deputies are the legal*  
33 *advisers for the Division.*

34    **Sec. 47.** 1. *Subject to the provisions of subsection 2, if an*  
35 *application for public assistance or claim for services is not acted*  
36 *upon by the Department within a reasonable time after the filing*  
37 *of the application or claim for services, or is denied in whole or in*  
38 *part, or if any grant of public assistance or claim for services is*  
39 *reduced, suspended or terminated, the applicant for or recipient of*  
40 *public assistance or services may appeal to the Department and*  
41 *may be represented in the appeal by counsel or by another*  
42 *representative of his choice.*

43    2. *Upon the initial decision to deny, reduce, suspend or*  
44 *terminate public assistance or services, the Department shall*  
45 *notify that applicant or recipient of its decision, the regulations*



1 *involved and his right to request a hearing within a certain period.*  
2 *If a request for a hearing is received within that period, the*  
3 *Department shall notify that person of the time, place and nature*  
4 *of the hearing. The Department shall provide an opportunity for a*  
5 *hearing of that appeal and shall review his case regarding all*  
6 *matters alleged in that appeal.*

7 *3. The Department is not required to grant a hearing*  
8 *pursuant to this section if the request for the hearing is based*  
9 *solely upon the provisions of a federal law or a law of this State*  
10 *that requires an automatic adjustment to the amount of public*  
11 *assistance or services that may be received by an applicant or*  
12 *recipient.*

13 **Sec. 48.** *1. At any hearing held pursuant to the provisions*  
14 *of subsection 2 of section 47 of this act, opportunity must be*  
15 *afforded all parties to respond and present evidence and argument*  
16 *on all issues involved.*

17 *2. Unless precluded by law, informal disposition may be made*  
18 *of any hearing by stipulation, agreed settlement, consent order or*  
19 *default.*

20 *3. The record of a hearing must include:*

21 *(a) All pleadings, motions and intermediate rulings.*

22 *(b) Evidence received or considered.*

23 *(c) Questions and offers of proof and objections, and rulings*  
24 *thereon.*

25 *(d) Any decision, opinion or report by the hearing officer*  
26 *presiding at the hearing.*

27 *4. Oral proceedings, or any part thereof, must be transcribed*  
28 *on request of any party seeking judicial review of the decision.*

29 *5. Findings of fact must be based exclusively on substantial*  
30 *evidence.*

31 *6. Any employee or other representative of the Department*  
32 *who investigated or made the initial decision to deny, modify or*  
33 *cancel a grant of public assistance or services shall not participate*  
34 *in the making of any decision made pursuant to the hearing.*

35 **Sec. 49.** *In any hearing held pursuant to the provisions of*  
36 *subsection 2 of section 47 of this act:*

37 *1. Irrelevant, immaterial or unduly repetitious evidence must*  
38 *be excluded. Unless it is privileged pursuant to chapter 49 of NRS,*  
39 *evidence, including, without limitation, hearsay, may be admitted*  
40 *if it is of a type commonly relied upon by reasonable and prudent*  
41 *persons in the conduct of their affairs. Objections to evidentiary*  
42 *offers may be made. Subject to the requirements of this subsection,*  
43 *if a hearing will be expedited and the interests of the parties will*  
44 *not be prejudiced substantially, any part of the evidence may be*  
45 *received in written form.*



2. *Documentary evidence may be received in the form of copies or excerpts. Upon request, parties must be given an opportunity to compare the copy with the original.*

3. *Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues whether or not the matter was covered in the direct examination, impeach any witness, regardless of which party first called him to testify, and rebut the evidence against him.*

**Sec. 50.** *Any person who is:*

1. *The subject of a hearing conducted under the authority of the Division; or*

2. *A witness at that hearing, and who is a person with a disability as defined in NRS 50.050, is entitled to the services of an interpreter at public expense, subject to the provisions of NRS 50.052 and 50.053. The interpreter must be qualified to engage in the practice of interpreting in this State pursuant to subsection 2 of NRS 656A.100 and must be appointed by the person who presides at the hearing.*

**Sec. 51.** 1. *A decision or order issued by a hearing officer must be in writing. A final decision must include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory or regulatory language, must be accompanied by a concise and explicit statement of the underlying facts supporting the findings. A copy of the decision or order must be delivered by certified mail to each party and to his attorney or other representative.*

2. *The Department or an applicant for or recipient of public assistance or services may, at any time within 90 days after the date on which the written notice of the decision is mailed, petition the district court of the judicial district in which the applicant for or recipient of public assistance or services resides to review the decision. The district court shall review the decision on the record of the case before the hearing officer. The decision and record must be certified as correct and filed with the clerk of the court by the Department.*

**Sec. 52.** 1. *Before the date set by the court for hearing, an application may be made to the court by motion, with notice to the opposing party and an opportunity for that party to respond, for leave to present additional evidence. If it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the Department, the court may order that the additional evidence be taken before the Department upon conditions determined by the court. The Department may modify*



1 *its findings and decision by reason of the additional evidence and*  
2 *shall file that evidence and any modifications, new findings or*  
3 *decisions with the reviewing court.*

4 2. *The review must be conducted by the court without a jury*  
5 *and must be confined to the record. In cases of alleged*  
6 *irregularities in procedure before the Department, not shown in*  
7 *the record, proof thereon may be taken in the court. The court, at*  
8 *the request of either party, shall hear oral argument and receive*  
9 *written briefs.*

10 3. *The court shall not substitute its judgment for that of the*  
11 *Department as to the weight of the evidence on questions of fact.*  
12 *The court may affirm the decision of the Department or remand*  
13 *the case for further proceedings. The court may reverse the*  
14 *decision and remand the case to the Department for further*  
15 *proceedings if substantial rights of the appellant have been*  
16 *prejudiced because the Department's findings, inferences,*  
17 *conclusions or decisions are:*

18 (a) *In violation of constitutional, regulatory or statutory*  
19 *provisions;*

20 (b) *In excess of the statutory authority of the Department;*

21 (c) *Made upon unlawful procedure;*

22 (d) *Affected by other error of law;*

23 (e) *Clearly erroneous in view of the reliable, probative and*  
24 *substantial evidence on the whole record; or*

25 (f) *Arbitrary or capricious or characterized by abuse of*  
26 *discretion or clearly unwarranted exercise of discretion.*

27 4. *An aggrieved party may obtain review of any final*  
28 *judgment of the district court by appeal to the Supreme Court. The*  
29 *appeal must be taken in the manner provided for civil cases.*

30 **Sec. 53.** *To ensure accuracy, uniformity and completeness in*  
31 *statistics and information, the Division may prescribe forms of*  
32 *reports and records to be kept by all persons, associations or*  
33 *institutions, subject to its supervision or investigation, and each*  
34 *such person, association or institution shall keep such records and*  
35 *render such reports in the form so prescribed.*

36 **Sec. 54.** *As a part of the health and welfare programs of this*  
37 *State, the Division may:*

38 1. *Conduct a family planning service, or contract for the*  
39 *provision of a family planning service, in any county of the State.*  
40 *Such service may include the dispensing of information and the*  
41 *distribution of literature on birth control and family planning*  
42 *methods.*

43 2. *Establish a policy of referral of welfare recipients for birth*  
44 *control.*



1     **Sec. 55. 1.** *As part of the health and welfare programs of*  
2 *this State, the Division or any other division designated by the*  
3 *Director may provide prenatal care to pregnant women who are*  
4 *indigent, or may contract for the provision of that care, at public*  
5 *or nonprofit hospitals in this State.*

6     2. *The Division or any other division designated by the*  
7 *Director shall provide to each person licensed to engage in social*  
8 *work pursuant to chapter 641B of NRS, each applicant for*  
9 *Medicaid and any other interested person, information concerning*  
10 *the prenatal care available pursuant to this section.*

11     3. *The Division or any other division designated by the*  
12 *Department shall adopt regulations setting forth criteria of*  
13 *eligibility and rates of payment for prenatal care provided*  
14 *pursuant to the provisions of this section, and such other*  
15 *provisions relating to the development and administration of the*  
16 *Program for Prenatal Care as the Director or the Administrator,*  
17 *as applicable, deems necessary.*

18     **Sec. 56. 1.** *To restrict the use or disclosure of any*  
19 *information concerning applicants for and recipients of public*  
20 *assistance or assistance pursuant to the Children's Health*  
21 *Insurance Program to purposes directly connected to the*  
22 *administration of this chapter, and to provide safeguards therefor,*  
23 *under the applicable provisions of the Social Security Act, the*  
24 *Division shall establish and enforce reasonable regulations*  
25 *governing the custody, use and preservation of any records, files*  
26 *and communications filed with the Division.*

27     2. *If, pursuant to a specific statute or a regulation of the*  
28 *Division, names and addresses of, or information concerning,*  
29 *applicants for and recipients of assistance, including, without*  
30 *limitation, assistance pursuant to the Children's Health Insurance*  
31 *Program, are furnished to or held by any other agency or*  
32 *department of government, such agency or department of*  
33 *government is bound by the regulations of the department*  
34 *prohibiting the publication of lists and records thereof or their use*  
35 *for purposes not directly connected with the administration of this*  
36 *chapter.*

37     3. *Except for purposes directly connected with the*  
38 *administration of this chapter, no person may publish, disclose or*  
39 *use, or permit or cause to be published, disclosed or used, any*  
40 *confidential information pertaining to a recipient of assistance,*  
41 *including, without limitation, a recipient of assistance pursuant to*  
42 *the Children's Health Insurance Program, under the provisions of*  
43 *this chapter.*

44     **Sec. 57.** *Assistance awarded pursuant to the provisions of*  
45 *this chapter is not transferable or assignable at law or in equity*





1 *and none of the money paid or payable under this chapter is*  
2 *subject to execution, levy, attachment, garnishment or other legal*  
3 *process, or to the operation of any bankruptcy or insolvency law.*

4 **Sec. 58.** *All assistance awarded pursuant to the provisions of*  
5 *this chapter is awarded and held subject to the provisions of any*  
6 *amending or repealing act that may be enacted, and no recipient*  
7 *has any claim for assistance or otherwise by reason of his*  
8 *assistance being affected in any way by an amending or repealing*  
9 *act.*

10 **Sec. 59. 1.** *When a recipient of Medicaid or a recipient of*  
11 *insurance provided pursuant to the Children's Health Insurance*  
12 *Program incurs an illness or injury for which medical services are*  
13 *payable by the Department and which is incurred under*  
14 *circumstances creating a legal liability in some person other than*  
15 *the recipient or a division of the Department to pay all or part of*  
16 *the costs of such services, the Department is subrogated to the*  
17 *right of the recipient to the extent of all such costs and may join or*  
18 *intervene in any action by the recipient or his successors in*  
19 *interest to enforce such legal liability.*

20 **2.** *If a recipient or his successors in interest fail or refuse to*  
21 *commence an action to enforce the legal liability, the Department*  
22 *may commence an independent action, after notice to the recipient*  
23 *or his successors in interest, to recover all costs to which it is*  
24 *entitled. In any such action by the Department, the recipient or his*  
25 *successors in interest may be joined as third-party defendants.*

26 **3.** *In any case where the Department is subrogated to the*  
27 *rights of the recipient or his successors in interest as provided in*  
28 *subsection 1, the Department has a lien upon the proceeds of any*  
29 *recovery from the persons liable, whether the proceeds of the*  
30 *recovery are by way of judgment, settlement or otherwise. Such a*  
31 *lien must be satisfied in full, unless reduced pursuant to*  
32 *subsection 5, at such time as:*

33 **(a)** *The proceeds of any recovery or settlement are distributed*  
34 *to or on behalf of the recipient, his successors in interest or his*  
35 *attorney; and*

36 **(b)** *A dismissal by any court of any action brought to enforce*  
37 *the legal liability established by subsection 1.*

38 **↪** *No such lien is enforceable unless written notice is first given to*  
39 *the person against whom the lien is asserted.*

40 **4.** *The recipient or his successors in interest shall notify the*  
41 *Department in writing before entering any settlement agreement*  
42 *or commencing any action to enforce the legal liability referred to*  
43 *in subsection 1. Except if extraordinary circumstances exist, a*  
44 *person who fails to comply with the provisions of this subsection*  
45 *shall be deemed to have waived any consideration by the Director*



1 *or his designated representative of a reduction of the amount of*  
2 *the lien pursuant to subsection 5 and shall pay to the Department*  
3 *all costs to which it is entitled and its court costs and attorney's*  
4 *fees.*

5 *5. If the Department receives notice pursuant to subsection 4,*  
6 *the Director or his designated representative may, in consideration*  
7 *of the legal services provided by an attorney to procure a recovery*  
8 *for the recipient, reduce the lien on the proceeds of any recovery.*

9 *6. The attorney of a recipient:*

10 *(a) Shall not condition the amount of attorney's fees or impose*  
11 *additional attorney's fees based on whether a reduction of the lien*  
12 *is authorized by the Director or his designated representative*  
13 *pursuant to subsection 5.*

14 *(b) Shall reduce the amount of the fees charged the recipient*  
15 *for services provided by the amount the attorney receives from the*  
16 *reduction of a lien authorized by the Director or his designated*  
17 *representative pursuant to subsection 5.*

18 **Sec. 60. The Director:**

19 *1. Shall administer the provisions of sections 61 to 64,*  
20 *inclusive, of this act;*

21 *2. May adopt such regulations as are necessary for the*  
22 *administration of those provisions; and*

23 *3. May invoke any legal, equitable or special procedures for*  
24 *the enforcement of those provisions.*

25 **Sec. 61. 1. Except as otherwise provided in this section and**  
26 **to the extent it is not prohibited by federal law and when**  
27 **circumstances allow, the Department shall recover benefits**  
28 **correctly paid for Medicaid from:**

29 *(a) The undivided estate of the person who received those*  
30 *benefits; and*

31 *(b) Any recipient of money or property from the undivided*  
32 *estate of the person who received those benefits.*

33 *2. The Department shall not recover benefits pursuant to*  
34 *subsection 1, except from a person who is neither a surviving*  
35 *spouse nor a child, until after the death of the surviving spouse, if*  
36 *any, and only at a time when the person who received the benefits*  
37 *has no surviving child who is under 21 years of age, blind or*  
38 *disabled.*

39 *3. Except as otherwise provided by federal law, if a transfer*  
40 *of real or personal property by a recipient of Medicaid is made for*  
41 *less than fair market value, the Department may pursue any*  
42 *remedy available pursuant to chapter 112 of NRS with respect to*  
43 *the transfer.*

44 *4. The amount of Medicaid paid to or on behalf of a person is*  
45 *a claim against the estate in any probate proceeding only at a time*



1 *when there is no surviving spouse or surviving child who is under*  
2 *21 years of age, blind or disabled.*

3 5. *The Director may elect not to file a claim against the estate*  
4 *of a recipient of Medicaid or his spouse if the Director determines*  
5 *that the filing of the claim will cause an undue hardship for the*  
6 *spouse or other survivors of the recipient. The Director shall adopt*  
7 *regulations defining the circumstances that constitute an undue*  
8 *hardship.*

9 6. *Any recovery of money obtained pursuant to this section*  
10 *must be applied first to the cost of recovering the money. Any*  
11 *remaining money must be divided among the Federal*  
12 *Government, the Department and the county in the proportion that*  
13 *the amount of assistance each contributed to the recipient bears to*  
14 *the total amount of the assistance contributed.*

15 7. *Any recovery by the Department from the undivided estate*  
16 *of a recipient pursuant to this section must be paid in cash to the*  
17 *extent of:*

18 (a) *The amount of Medicaid paid to or on behalf of the*  
19 *recipient after October 1, 1993; or*

20 (b) *The value of the remaining assets in the undivided estate,*  
21 *↪ whichever is less.*

22 **Sec. 62.** 1. *Except as otherwise provided in this section, the*  
23 *Department shall, to the extent that it is not prohibited by federal*  
24 *law, recover from a recipient of public assistance, the estate of the*  
25 *recipient, the undivided estate of a recipient of Medicaid or a*  
26 *person who signed the application for public assistance on behalf*  
27 *of the recipient an amount not to exceed the amount of public*  
28 *assistance incorrectly paid to the recipient, if the person who*  
29 *signed the application:*

30 (a) *Failed to report any required information to the*  
31 *Department that the person knew at the time he signed the*  
32 *application; or*

33 (b) *Failed to report to the Department within the period*  
34 *allowed by the Department any required information that the*  
35 *person obtained after he filed the application.*

36 2. *Except as otherwise provided in this section, a recipient of*  
37 *incorrectly paid public assistance, the undivided estate of a*  
38 *recipient of Medicaid or a person who signed the application for*  
39 *public benefits on behalf of the recipient shall reimburse the*  
40 *Department or appropriate state agency for the value of the*  
41 *incorrectly paid public assistance.*

42 3. *The Director or his designee may, to the extent that it is not*  
43 *prohibited by federal law, determine the amount of, and settle,*  
44 *adjust, compromise or deny, a claim against a recipient of public*  
45 *assistance, the estate of the recipient, the undivided estate of a*



1 *recipient of Medicaid or a person who signed the application for*  
2 *public assistance on behalf of the recipient.*

3 4. *The Director may, to the extent that it is not prohibited by*  
4 *federal law, waive the repayment of public assistance incorrectly*  
5 *paid to a recipient if the incorrect payment was not the result of an*  
6 *intentional misrepresentation or omission by the recipient and if*  
7 *repayment would cause an undue hardship to the recipient. The*  
8 *Director shall, by regulation, establish the terms and conditions of*  
9 *such a waiver, including, without limitation, the circumstances*  
10 *that constitute undue hardship.*

11 **Sec. 63.** 1. *The Department may, to the extent not*  
12 *prohibited by federal law, petition for the imposition of a lien*  
13 *pursuant to the provisions of NRS 108.850 against real or*  
14 *personal property of a recipient of Medicaid as follows:*

15 (a) *The Department may obtain a lien against a recipient's*  
16 *property, both real or personal, before or after his death in the*  
17 *amount of assistance paid or to be paid on his behalf if the court*  
18 *determines that assistance was incorrectly paid for the recipient.*

19 (b) *The Department may seek a lien against the real property*  
20 *of a recipient at any age before his death in the amount of*  
21 *assistance paid or to be paid for him if he is an inpatient in a*  
22 *nursing facility, intermediate care facility for the mentally*  
23 *retarded or other medical institution and the Department*  
24 *determines, after notice and opportunity for a hearing in*  
25 *accordance with applicable regulations, that the recipient cannot*  
26 *reasonably be expected to be discharged and return home.*

27 2. *No lien may be placed on a recipient's home pursuant to*  
28 *paragraph (b) of subsection 1 for assistance correctly paid if:*

29 (a) *His spouse;*

30 (b) *His child who is under 21 years of age, blind or disabled as*  
31 *determined in accordance with 42 U.S.C. § 1382c; or*

32 (c) *His brother or sister who is an owner or part owner of the*  
33 *home and who was residing in the home for at least 1 year*  
34 *immediately before the date the recipient was admitted to the*  
35 *medical institution,*

36 *↪ is lawfully residing in the home.*

37 3. *Upon the death of a recipient, the Department may seek a*  
38 *lien upon the recipient's undivided estate as defined in section 19*  
39 *of this act.*

40 4. *The Director shall release a lien pursuant to this section:*

41 (a) *Upon notice by the recipient or his representative to the*  
42 *Director that the recipient has been discharged from the medical*  
43 *institution and has returned home;*

44 (b) *If the lien was incorrectly determined; or*

45 (c) *Upon satisfaction of the claim of the Department.*



**Sec. 64. Each application for Medicaid must include:**

**1. A statement that any assistance paid to a recipient may be recovered in an action filed against the estate of the recipient or his spouse; and**

**2. A statement that any person who signs an application for Medicaid and fails to report to the Department:**

**(a) Any required information that he knew at the time he signed the application; or**

**(b) Within the period allowed by the Department, any required information that he obtained after he filed the application, ↵ may be personally liable for any money incorrectly paid to the recipient.**

**Sec. 65. 1. Except as otherwise provided in subsection 2, a person who has been convicted of a felony after August 22, 1996, an element of which is the possession, use or distribution of a controlled substance, is not eligible to receive any public assistance for which denial is required by 21 U.S.C. § 862a.**

**2. A person who has been convicted of a felony described in subsection 1 may be determined to be eligible for assistance if that person is participating in or has successfully completed a program for the treatment of the abuse of controlled substances that has been approved by the Division and:**

**(a) Demonstrates to the satisfaction of the Division that he has not possessed, used or distributed controlled substances since he began the program; or**

**(b) Is pregnant and a physician has certified in writing that the health and safety of the mother and the unborn child are dependent upon the receipt of benefits.**

**3. As used in this section, "controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).**

**Sec. 66. 1. The Division shall:**

**(a) Periodically evaluate recipients of public assistance pursuant to this chapter to identify recipients who are victims of domestic violence.**

**(b) Refer a recipient who it determines is a victim of domestic violence to appropriate counseling or other supportive services available in the community in which the recipient resides.**

**2. Except as otherwise provided in this subsection, the Division shall not disclose to any person other than the victim that a determination of domestic violence has been made pursuant to this section. The Division may disclose the information to the Secretary of Health and Human Services or his designee for the purposes of including that information in the Federal Parent Locator Service established pursuant to 42 U.S.C. § 653.**



1     **Sec. 67. 1.** *Except as otherwise provided in subsection 3, as*  
2 *a condition to the receipt of public assistance, a recipient must:*

3     (a) *Ensure that each dependent child for whom the recipient is*  
4 *receiving assistance has received the standard immunizations*  
5 *established for children by the regulations adopted pursuant to*  
6 *NRS 439.550.*

7     (b) *Within 6 months after the determination of his eligibility*  
8 *for public assistance, submit to the Division, in the manner*  
9 *specified in NRS 432A.230 and 432A.260 for admission to a child*  
10 *care facility, proof that each dependent child for whom the*  
11 *recipient is receiving assistance has received those standard*  
12 *immunizations.*

13     2. *The Division shall advise each recipient of the availability*  
14 *of those standard immunizations through clinics for the*  
15 *immunization of children held pursuant to NRS 439.535.*

16     3. *The Division shall waive the requirements of subsection 1*  
17 *if the failure to immunize a dependent child is because of a*  
18 *religious belief or medical condition and the recipient submits to*  
19 *the Division a written statement of that fact in the manner*  
20 *specified in NRS 432A.240 or 432A.250 for admission to a child*  
21 *care facility.*

22     4. *A head of a household that is receiving benefits pursuant*  
23 *to the program to provide Temporary Assistance for Needy*  
24 *Families who does not comply with the requirements of this*  
25 *section:*

26     (a) *Shall be deemed to have failed to comply with the terms of*  
27 *the plan for personal responsibility signed by the head of the*  
28 *household pursuant to section 81 of this act; and*

29     (b) *Is subject to the penalties prescribed by the Division*  
30 *pursuant to section 86 of this act for failing to comply with the*  
31 *terms of that plan.*

32     **Sec. 68. 1.** *As a condition to the receipt of public*  
33 *assistance, a recipient who has control or charge of a child who is*  
34 *not less than 7 years of age, but is less than 12 years of age, must*  
35 *comply with the provisions of NRS 392.040 with respect to that*  
36 *child.*

37     2. *If the head of a household that is receiving benefits*  
38 *pursuant to the program to provide Temporary Assistance for*  
39 *Needy Families has control or charge of a child who is not less*  
40 *than 7 years of age, but is less than 12 years of age, the head of*  
41 *the household shall take every reasonable action to ensure that the*  
42 *child is not at risk of failing to advance to the next grade level in*  
43 *school.*

44     3. *If the head of a household that is receiving benefits*  
45 *pursuant to the program to provide Temporary Assistance for*



1 *Needy Families has control or charge of a child who is not less*  
2 *than 7 years of age, but is less than 12 years of age and:*

3 *(a) The head of the household does not comply with the*  
4 *provisions of NRS 392.040 with respect to that child; or*

5 *(b) That child is at risk of failing to advance to the next grade*  
6 *level in school,*

7 *↳ the Division shall require the head of the household to review*  
8 *with the Division the personal responsibility plan signed by him*  
9 *pursuant to section 81 of this act and revise the plan as necessary*  
10 *to assist the head of the household in complying with the*  
11 *provisions of NRS 392.040 and helping the child to improve his*  
12 *academic performance.*

13 **Sec. 69.** *Notwithstanding any other provision of this chapter,*  
14 *the Division shall not, pursuant to this chapter, deny, reduce,*  
15 *discontinue or terminate any public assistance in violation of any*  
16 *requirement of federal law or condition to the receipt of federal*  
17 *money.*

18 **Sec. 70.** *1. Spouse for spouse and parents for minor*  
19 *children are liable for the support of an applicant for or recipient*  
20 *of public assistance.*

21 *2. The Division shall investigate the ability of responsible*  
22 *relatives to contribute to the support of an applicant for or*  
23 *recipient of public assistance and shall determine the amount of*  
24 *such support for which such relative is responsible.*

25 **Sec. 71.** *Written statements of information required from*  
26 *responsible relatives of applicants or recipients need not be under*  
27 *oath, but any person signing such statements who willfully states*  
28 *therein as true any material matter which he knows to be false is*  
29 *subject to all the penalties for perjury as provided by law.*

30 **Sec. 72.** *The Division shall advise the Attorney General of*  
31 *the failure of a responsible relative to contribute to the support of*  
32 *a recipient of public assistance as required by law. The Attorney*  
33 *General shall cause appropriate legal action to be taken to enforce*  
34 *such support and, in addition, may collect a reasonable fee which*  
35 *must be added to the costs of the action in any justice's court of*  
36 *the State, the expense of such fee and costs to be borne by the*  
37 *relative. Any fees collected by the Attorney General under the*  
38 *provisions of this section must be deposited in the State General*  
39 *Fund in the State Treasury.*

40 **Sec. 73.** *The liability of a relative to contribute to the support*  
41 *of a recipient of public assistance established by this chapter is not*  
42 *grounds for denying or discontinuing public assistance to any*  
43 *person, but by accepting such public assistance, the recipient*  
44 *thereof shall be deemed to consent to suit in his name by the*





1 *county against such responsible living relative or relatives and to*  
2 *secure an order for his support.*

3 **Sec. 74.** *As used in sections 74 to 94, inclusive, of this act,*  
4 *unless the context otherwise requires, the words and terms defined*  
5 *in sections 75 to 78, inclusive, of this act have the meanings*  
6 *ascribed to them in those sections.*

7 **Sec. 75.** *“Benefit” means any benefit provided by the*  
8 *Division pursuant to the Program.*

9 **Sec. 76.** *“Head of a household” means a member of a*  
10 *household who receives benefits on behalf of the household and is*  
11 *responsible for complying with the plan for personal responsibility*  
12 *required by section 81 of this act and the agreement of*  
13 *cooperation required by section 82 of this act.*

14 **Sec. 77.** *“Household” means an association of persons who:*  
15 *1. Live in the same home or dwelling;*  
16 *2. Are related by blood, adoption or marriage; and*  
17 *3. Are mutually dependent on each other for the basic*  
18 *necessities of life.*

19 **Sec. 78.** *“Program” means the program established to*  
20 *provide Temporary Assistance for Needy Families.*

21 **Sec. 79.** *The Administrator:*

22 *1. Shall adopt regulations for the administration of the*  
23 *Program;*

24 *2. Shall report to the Interim Finance Committee quarterly*  
25 *concerning the regulations adopted by the Division for the*  
26 *administration of the Program;*

27 *3. May contract with any state or private agency to provide*  
28 *any of the services of the Program; and*

29 *4. May receive a grant of money from the Federal*  
30 *Government or any other source to defray the costs of the*  
31 *Program.*

32 **Sec. 80.** *1. The Division shall make an assessment of the*  
33 *skills, prior work experience and employability of each member of*  
34 *the applicant’s household.*

35 *2. The assessment required pursuant to subsection 1 must*  
36 *include an evaluation of whether the members of the household*  
37 *need additional services, including, without limitation, job*  
38 *training, child care, treatment for the abuse of alcohol or drugs,*  
39 *mental health services or any other services.*

40 *3. The applicant must, as a condition to the receipt of those*  
41 *benefits, cooperate with the Division in making the assessment*  
42 *required pursuant to subsection 1.*

43 *4. If the assessment required pursuant to subsection 1*  
44 *indicates that a member of the household may require mental*  
45 *health services, the Division shall refer that member of the*



1 household to a person professionally qualified in the field of  
2 psychiatric mental health.

3 5. As used in this section, "person professionally qualified in  
4 the field of psychiatric mental health" has the meaning ascribed to  
5 it in NRS 433.209.

6 **Sec. 81.** 1. The Division shall, with the participation of the  
7 head of a household who is applying for benefits, establish a  
8 written plan for personal responsibility for the household. The  
9 plan for personal responsibility must be based on the assessment  
10 made pursuant to section 80 of this act and 42 U.S.C. § 608.

11 2. In addition to the requirements set forth in 42 U.S.C. §  
12 608, the plan required pursuant to subsection 1 must:

13 (a) Identify the role of each member of the household and his  
14 obligations pursuant to the plan;

15 (b) Be signed by the head of the household within 60 days after  
16 he is determined to be eligible for benefits; and

17 (c) Specify a date, not later than 24 months after the date the  
18 plan becomes effective, upon which the plan will expire.

19 3. The Division shall periodically review the plan required  
20 pursuant to subsection 1 to determine whether the needs of the  
21 household have changed. The Division may, with the participation  
22 of the head of the household, amend the plan as it deems  
23 appropriate.

24 4. If a member of the household is an unmarried parent who  
25 is less than 18 years of age, the plan required pursuant to  
26 subsection 1 must include a provision which:

27 (a) Requires the head of the household to ensure that the  
28 unmarried parent attends training to learn the skills necessary to  
29 care for the child; and

30 (b) Encourages the head of the household to ensure that the  
31 unmarried parent participates in a program which provides  
32 mentors for unmarried parents who are less than 18 years of age.

33 **Sec. 82.** 1. The Administrator shall establish by regulation  
34 an agreement of cooperation that must be signed by the head of a  
35 household as a condition to the receipt of benefits.

36 2. The agreement required pursuant to subsection 1 must  
37 include a statement of:

38 (a) The actions that the members of the household are  
39 expected to take as a condition to the receipt of benefits; and

40 (b) The penalties that may be imposed by the Division  
41 pursuant to section 86 of this act for failing to comply with the  
42 provisions of the agreement or the plan for personal responsibility  
43 signed by the head of the household pursuant to section 81 of this  
44 act.



1     **Sec. 83.** *Within 45 days after an applicant for benefits*  
2 *submits his application to the Division, the Division shall:*

3     1. *Approve the application and begin providing benefits to the*  
4 *applicant; or*

5     2. *Deny benefits to the applicant.*

6     **Sec. 84.** 1. *Subject to the provisions of 42 U.S.C. § 607(e),*  
7 *the Division shall require each head of a household who is not*  
8 *suffering from a hardship described in subsection 7 of section 88*  
9 *of this act to perform work:*

10     (a) *Within a reasonable time after the Division determines that*  
11 *the head of the household is capable of finding and performing*  
12 *work; or*

13     (b) *Not later than the date on which the head of the household*  
14 *has received benefits for 24 months, regardless of whether those*  
15 *months are consecutive or cumulative,*

16     ↪ *whichever occurs earlier.*

17     2. *A head of a household who does not comply with the*  
18 *requirements of this section:*

19     (a) *Shall be deemed to have failed to comply with the terms of*  
20 *the plan for personal responsibility signed by him pursuant to*  
21 *section 81 of this act; and*

22     (b) *Is subject to the penalties prescribed by the Division*  
23 *pursuant to section 86 of this act for the failure to comply with the*  
24 *terms of that plan.*

25     3. *The Administrator shall adopt regulations setting forth the*  
26 *activities that will constitute work for the purposes of this section.*

27     **Sec. 85.** 1. *Except as otherwise provided in this section, if*  
28 *the plan for personal responsibility signed by the head of a*  
29 *household pursuant to section 81 of this act includes a*  
30 *requirement that the head of the household complete a program of*  
31 *job training, the Division may exempt the head of the household*  
32 *from that requirement upon determining that:*

33     (a) *The head of the household:*

34         (1) *Is ill or physically incapacitated;*

35         (2) *Must care for an ill or incapacitated member of his*  
36 *household;*

37         (3) *Is receiving payments or is awaiting approval for the*  
38 *receipt of payments pursuant to the Supplemental Security Income*  
39 *Program;*

40         (4) *Is a single custodial parent of a child who is less than*  
41 *1 year of age;*

42         (5) *Is not a recipient of benefits but receives benefits on*  
43 *behalf of a member of his household who is a dependent;*

44         (6) *Is a person who is:*

45             (I) *Sixty years of age or older;*



(II) *The caretaker of a child; and*

(III) *A relative, other than a parent, of that child; or*

(7) *Is pregnant and has been deemed unable to work by her physician; or*

(b) *Any other good cause exists to exempt the head of the household from the requirement to complete the program of job training.*

2. *A head of a household may not claim the exemption prescribed in subparagraph (4) of paragraph (a) of subsection 1 for more than 12 months during his lifetime, regardless of whether those months are consecutive or cumulative.*

3. *The Division shall not exempt a head of a household pursuant to this section if the exemption would violate a requirement of federal law or a condition to the receipt of federal money.*

**Sec. 86.** 1. *Except as otherwise provided in this section:*

(a) *If the Division determines that the head of a household has not complied with the terms of the plan for personal responsibility signed by the head of the household pursuant to section 81 of this act or the agreement of cooperation signed by the head of the household pursuant to section 82 of this act, the Division shall notify him that if his failure to comply does not cease within 30 days after he is notified of the failure to comply, the benefits provided to his household will be reduced pursuant to paragraph (b).*

(b) *The Division shall adopt regulations establishing a schedule of progressive penalties pursuant to which the benefits to the household will be reduced or terminated because of the failure of the head of the household to comply with the terms of the plan.*

2. *The Division shall not reduce, discontinue or terminate any benefits pursuant to this section if the reduction, discontinuance or termination would violate a requirement of federal law or a condition to the receipt of federal money.*

**Sec. 87.** *The Division shall not provide benefits to a person who is prohibited from receiving benefits pursuant to 42 U.S.C. § 608(a).*

**Sec. 88.** 1. *Except as otherwise provided in subsection 2, a household that receives benefits for 24 months, regardless of whether those months are consecutive or cumulative, is prohibited from receiving additional benefits for 12 consecutive months unless the head of the household is suffering from a hardship.*

2. *The household may receive additional benefits for not more than 6 additional months, regardless of whether those months are consecutive or cumulative, if the Administrator determines that providing benefits to the household will*



1 *significantly increase the likelihood that the head of the household*  
2 *will become self-sufficient and will not need to apply for benefits*  
3 *in the future. A household that receives any additional*  
4 *benefits pursuant to this subsection is prohibited from receiving*  
5 *benefits for 12 consecutive months after the additional benefits*  
6 *cease to be provided unless the head of the household is suffering*  
7 *from a hardship.*

8 3. *The Division shall not provide benefits to a household if an*  
9 *adult member of that household has received benefits from this or*  
10 *any other state for 60 months, regardless of whether those months*  
11 *are consecutive or cumulative, unless the head of the household is*  
12 *suffering from a hardship.*

13 4. *Except as otherwise provided in subsections 5 and 6, a*  
14 *household that is receiving benefits beyond the period prescribed*  
15 *in subsection 1, 2 or 3 because the head of the household is*  
16 *suffering from a hardship may continue to receive benefits for as*  
17 *long as the head of the household suffers from the hardship. Once*  
18 *the head of the household no longer suffers from the hardship, the*  
19 *household is not eligible to receive benefits:*

20 (a) *For 12 consecutive months if the household has not*  
21 *received benefits from this or any other state for 60 months,*  
22 *regardless of whether those months are consecutive or cumulative;*  
23 *or*

24 (b) *During the lifetime of the head of the household if the*  
25 *household has received benefits from this or any other state for 60*  
26 *months, regardless of whether those months are consecutive or*  
27 *cumulative, unless the head of the household again suffers from a*  
28 *hardship.*

29 5. *A household that is receiving benefits pursuant to this*  
30 *section because the head of the household is suffering from a*  
31 *hardship described in paragraph (c) of subsection 7 may not*  
32 *receive benefits pursuant to this section solely because of that*  
33 *hardship for more than 12 months during the lifetime of the head*  
34 *of the household.*

35 6. *Notwithstanding any other provision of this section, if the*  
36 *Administrator determines that the denial or suspension of benefits*  
37 *provided to a household solely because the head of the household*  
38 *is deemed to be suffering from a hardship is necessary to ensure*  
39 *that this State does not exceed the limitation set forth in 42 U.S.C.*  
40 *§ 608(a)(7)(C), the Administrator may deny or suspend such*  
41 *benefits. The Administrator shall send written notice to a*  
42 *household whose benefits will be denied or suspended pursuant to*  
43 *this subsection.*



1       7. *For the purposes of this section, the head of a household*  
2 *shall be deemed to be suffering from a hardship if the Division*  
3 *determines that he:*

4       (a) *Is ill or physically or mentally incapacitated;*

5       (b) *Must care for an ill or incapacitated member of his*  
6 *household;*

7       (c) *Is a single custodial parent of a child who is less than 1*  
8 *year of age;*

9       (d) *Is not a recipient of benefits but receives benefits on behalf*  
10 *of a member of his household who is a dependent;*

11       (e) *Is an unmarried parent who:*

12           (1) *Is less than 18 years of age; and*

13           (2) *Complies with the requirements set forth in 42 U.S.C.*  
14 *§§ 608(a)(4) and 608(a)(5);*

15       (f) *Is a person who is:*

16           (1) *Sixty years of age or older;*

17           (2) *The caretaker of a child; and*

18           (3) *A relative, other than a parent, of that child; or*

19       (g) *Is suffering from any other condition or circumstance that*  
20 *the Administrator deems to be a hardship.*

21       **Sec. 89. 1.** *If the plan for personal responsibility signed by*  
22 *the head of a household pursuant to section 81 of this act includes*  
23 *a provision providing for the payment of transitional assistance to*  
24 *the head of the household, the Division may provide transitional*  
25 *assistance to the head of the household if the household becomes*  
26 *ineligible for benefits for one or more of the reasons described in*  
27 *42 U.S.C. § 608(a)(11). The Division shall not provide transitional*  
28 *assistance pursuant to this section for more than 12 consecutive*  
29 *months.*

30       2. *As used in this section, "transitional assistance" means:*

31       (a) *Assistance provided by the Division to low-income families*  
32 *to pay for the costs of child care; or*

33       (b) *Medicaid provided pursuant to the plan administered by*  
34 *the Department pursuant to NRS 422.271.*

35       **Sec. 90. 1.** *The Division may, within the limitations of*  
36 *available funding, provide for the payment by the Division of*  
37 *certain expenses on behalf of an applicant for benefits if the*  
38 *Division determines that the applicant is not in need of long-term*  
39 *benefits.*

40       2. *If the Division provides for the payment of expenses*  
41 *pursuant to subsection 1, the Division shall specify the expenses*  
42 *for which payment may be made.*

43       **Sec. 91. 1.** *The Division shall, within the limitations of*  
44 *available funding, establish a program which promotes the self-*  
45 *sufficiency of a natural father whose paternity is presumed*



1 *pursuant to NRS 126.051 or a noncustodial parent of a child for*  
2 *whom benefits are being received by a household.*

3 2. *If a natural father whose paternity is presumed pursuant to*  
4 *NRS 126.051 or a noncustodial parent of a child for whom*  
5 *benefits are being received by a household chooses to participate*  
6 *in the program established pursuant to subsection 1, the Division*  
7 *may, within the limitations of available funding, increase the*  
8 *amount of benefits provided to the head of the household on*  
9 *behalf of the child.*

10 **Sec. 92.** *The Division shall, through its regional offices,*  
11 *encourage public and private entities to provide employment*  
12 *opportunities for members of households that are receiving*  
13 *benefits.*

14 **Sec. 93.** 1. *The Chief of the Program for the Enforcement*  
15 *of Child Support of the Division or his designee may enforce a*  
16 *court order for the support of a child against the parents of a*  
17 *noncustodial parent of a child if:*

18 (a) *The custodial parent and noncustodial parent of the child*  
19 *are both less than 18 years of age; and*

20 (b) *The custodial parent of the child is a member of a*  
21 *household that is receiving benefits.*

22 2. *If the Chief or his designee enforces a court order against*  
23 *the parents of a noncustodial parent pursuant to subsection 1, the*  
24 *parents of the noncustodial parent are jointly and severally liable*  
25 *for the payments required pursuant to the order.*

26 **Sec. 94.** *Notwithstanding any other provision of this chapter,*  
27 *if the Division determines that:*

28 1. *The head of a household is a victim of domestic violence*  
29 *pursuant to section 66 of this act; and*

30 2. *Requiring the head of the household to comply with the*  
31 *requirements of this chapter or the regulations adopted pursuant*  
32 *thereto may endanger or threaten the physical safety of the head*  
33 *of the household,*

34 *the Division may waive those requirements for such a period as*  
35 *it deems appropriate.*

36 **Sec. 95.** 1. *The Department, through a division of the*  
37 *Department designated by the Director, shall establish and*  
38 *administer a program to provide supportive assistance to*  
39 *qualifying relatives of children who provide care for and obtain*  
40 *the legal guardianship of those children.*

41 2. *As a condition to the provision of any supportive assistance*  
42 *pursuant to this section:*

43 (a) *The child must:*

44 (1) *Have been placed in the care of his qualifying relative*  
45 *for not less than 6 months; and*





(2) If he is 14 years of age or older, consent to the legal guardianship; and

(b) The qualifying relative must:

(1) Reside in this State;

(2) Have attained such a minimum age as the Department specifies by regulation;

(3) Verify his relationship to the child; and

(4) File for and obtain court approval of the legal guardianship and comply with any requirements imposed by the court.

3. The supportive assistance provided pursuant to this section must include, within the limitations of available funding:

(a) Reimbursement of all or a portion of the legal fees incurred by the qualifying relative to establish the legal guardianship;

(b) Payments of not more than the amount that the Department would provide to a foster parent if the child had been placed in foster care;

(c) Assistance with:

(1) Child care;

(2) Respite care; and

(3) Transportation; and

(d) Any other assistance the Department deems appropriate.

4. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

5. As used in this section, unless the context otherwise requires, "qualifying relative" means a person specified in 45 C.F.R. § 233.90(c)(1)(v)(A).

**Sec. 96.** 1. Unless a different penalty is provided pursuant to NRS 422.361 to 422.369, inclusive, or 422.450 to 422.590, inclusive, a person who knowingly and designedly, by any false pretense, false or misleading statement, impersonation or misrepresentation, obtains or attempts to obtain monetary or any other public assistance, or money, property, medical or remedial care or any other service provided pursuant to the Children's Health Insurance Program, having a value of \$100 or more, whether by one act or a series of acts, with the intent to cheat, defraud or defeat the purposes of this chapter is guilty of a category E felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. For the purposes of subsection 1, whenever a recipient of Temporary Assistance for Needy Families pursuant to the provisions of this chapter receives an overpayment of benefits for the third time and the overpayments have resulted from a false



1 *statement or representation by the recipient or from the failure of*  
2 *the recipient to notify the Division of a change in his*  
3 *circumstances which would affect the amount of assistance he*  
4 *receives, a rebuttable presumption arises that the payment was*  
5 *fraudulently received.*

6 3. *For the purposes of subsection 1, "public assistance"*  
7 *includes any money, property, medical or remedial care or any*  
8 *other service provided pursuant to a state plan.*

9 **Sec. 97.** 1. *The Department of Employment, Training and*  
10 *Rehabilitation shall employ one or more Job Development*  
11 *Coordinators to promote the creation of jobs for persons who*  
12 *receive public assistance.*

13 2. *A Job Development Coordinator employed by the*  
14 *Department of Employment, Training and Rehabilitation*  
15 *pursuant to this section shall:*

16 (a) *Encourage public and private employers to hire persons*  
17 *who are recipients of public assistance; and*

18 (b) *Work with public and private employers to create jobs.*

19 3. *Job Development Coordinators employed by the*  
20 *Department of Employment, Training and Rehabilitation*  
21 *pursuant to this section are in the classified service of the State.*

22 **Sec. 98.** Chapter 422 of NRS is hereby amended by adding  
23 thereto the provisions set forth as sections 99 and 100 of this act.

24 **Sec. 99.** *"Administrator" means the Administrator of the*  
25 *Division.*

26 **Sec. 100.** *The purposes of the Division are:*

27 1. *To ensure that the Medicaid provided by this State and the*  
28 *insurance provided pursuant to the Children's Health Insurance*  
29 *Program in this State are provided in the manner that is most*  
30 *efficient to this State.*

31 2. *To evaluate alternative methods of providing Medicaid and*  
32 *providing insurance pursuant to the Children's Health Insurance*  
33 *Program.*

34 3. *To review Medicaid, the Children's Health Insurance*  
35 *Program and other health programs of this State to determine the*  
36 *maximum amount of money that is available from the Federal*  
37 *Government for such programs.*

38 4. *To promote access to quality health care for all residents of*  
39 *this State.*

40 5. *To restrain the growth of the cost of health care in this*  
41 *State.*

42 **Sec. 101.** NRS 422.001 is hereby amended to read as follows:

43 422.001 As used in this chapter, unless the context otherwise  
44 requires, the words and terms defined in NRS ~~422.010 to 422.055,~~



1 **422.021 to 422.054**, inclusive, **and section 99 of this act** have the  
2 meanings ascribed to them in those sections.

3 **Sec. 102.** NRS 422.030 is hereby amended to read as follows:

4 422.030 "Department" means the Department of **Health and**  
5 Human ~~[Resources.]~~ **Services.**

6 **Sec. 103.** NRS 422.041 is hereby amended to read as follows:

7 422.041 ~~["Division of Health Care Financing and Policy"]~~  
8 **"Division"** means the Division of Health Care Financing and Policy  
9 of the Department.

10 **Sec. 104.** NRS 422.050 is hereby amended to read as follows:

11 422.050 1. "Public assistance" includes:

- 12 (a) State Supplementary Assistance;  
13 (b) Temporary Assistance for Needy Families;  
14 (c) Medicaid;  
15 (d) Food Stamp Assistance;  
16 (e) Low-Income Home Energy Assistance;  
17 (f) The Program for Child Care and Development; and  
18 (g) Benefits provided pursuant to any other public welfare  
19 program administered by ~~[the Welfare Division or]~~ the Division ~~[of~~  
20 ~~Health Care Financing and Policy]~~ pursuant to such additional  
21 federal legislation as is not inconsistent with the purposes of this  
22 chapter.

23 2. The term does not include the Children's Health Insurance  
24 Program.

25 **Sec. 105.** NRS 422.151 is hereby amended to read as follows:

26 422.151 1. The Medical Care Advisory Group is hereby  
27 created within the Division ~~[of Health Care Financing and Policy.]~~

28 2. The function of the Medical Care Advisory Group is to:

- 29 (a) Advise the Division regarding the provision of services for  
30 the health and medical care of welfare recipients.  
31 (b) Participate, and increase the participation of welfare  
32 recipients, in the development of policy and the administration of  
33 programs by the Division.

34 **Sec. 106.** NRS 422.155 is hereby amended to read as follows:

35 422.155 1. The Director shall appoint a Chairman of the  
36 Medical Care Advisory Group from among its members.

37 2. The Administrator ~~[of the Division of Health Care Financing~~  
38 ~~and Policy]~~ or his designee shall serve as Secretary for the Medical  
39 Care Advisory Group.

40 3. The Medical Care Advisory Group:

- 41 (a) Shall meet at least once each calendar year.  
42 (b) May, upon the recommendation of the Chairman, form  
43 subcommittees for decisions and recommendations concerning  
44 specific problems within the scope of the functions of the Medical  
45 Care Advisory Group.



1     **Sec. 107.** NRS 422.2356 is hereby amended to read as  
2 follows:

3     422.2356 The Administrator:

4     1. Shall serve as the Executive Officer of the Division . ~~{of~~  
5 ~~Health Care Financing and Policy.}~~

6     2. Shall establish policies for the administration of the  
7 programs of the Division, and shall administer all activities and  
8 services of the Division in accordance with those policies and any  
9 regulations of the Administrator, subject to administrative  
10 supervision by the Director.

11     3. Is responsible for the management of the Division.

12     **Sec. 108.** NRS 422.2358 is hereby amended to read as  
13 follows:

14     422.2358 The Administrator shall make:

15     1. Such reports, subject to approval by the Director, as will  
16 comply with the requirements of federal legislation and this chapter.

17     2. A biennial report to the Director on the condition, operation  
18 and functioning of the Division . ~~{of Health Care Financing and~~  
19 ~~Policy.}~~

20     **Sec. 109.** NRS 422.2362 is hereby amended to read as  
21 follows:

22     422.2362 The Administrator:

23     1. Is responsible for and shall supervise the fiscal affairs and  
24 responsibilities of the Division , ~~{of Health Care Financing and~~  
25 ~~Policy,}~~ subject to administrative supervision by the Director.

26     2. Shall present the biennial budget of the Division to the  
27 Legislature in conjunction with the Budget Division of the  
28 Department of Administration.

29     3. Shall allocate, in the interest of efficiency and economy, the  
30 State's appropriation for the administration of each program for  
31 which the Division ~~{of Health Care Financing and Policy}~~ is  
32 responsible, subject to administrative supervision by the Director.

33     **Sec. 110.** NRS 422.2364 is hereby amended to read as  
34 follows:

35     422.2364 The Administrator:

36     1. May establish, consolidate and abolish sections within the  
37 Division . ~~{of Health Care Financing and Policy.}~~

38     2. Shall organize the Division to comply with the requirements  
39 of this chapter and with the standards required by federal legislation,  
40 subject to approval by the Director.

41     3. Shall appoint the heads of the sections of the Division.

42     4. May employ such assistants and employees as may be  
43 necessary ~~{to}~~ *for* the efficient operation of the Division.

44     5. Shall set standards of service.



1     **Sec. 111.** NRS 422.2366 is hereby amended to read as  
2 follows:

3     422.2366 1. The Administrator or his designated  
4 representative may administer oaths and take testimony thereunder  
5 and issue subpoenas requiring the attendance of witnesses before the  
6 Division ~~[of Health Care Financing and Policy]~~ at a designated time  
7 and place and the production of books, papers and records relative  
8 to:

9     (a) Eligibility or continued eligibility to provide medical care,  
10 remedial care or other services pursuant to the State Plan for  
11 Medicaid or the Children's Health Insurance Program; and

12     (b) Verification of treatment and payments to a provider of  
13 medical care, remedial care or other services pursuant to the State  
14 Plan for Medicaid or the Children's Health Insurance Program.

15     2. If a witness fails to appear or refuses to give testimony or to  
16 produce books, papers and records as required by the subpoena, the  
17 district court of the county in which the investigation is being  
18 conducted may compel the attendance of the witness, the giving of  
19 testimony and the production of books, papers and records as  
20 required by the subpoena.

21     **Sec. 112.** NRS 422.2368 is hereby amended to read as  
22 follows:

23     422.2368 The Administrator may adopt such regulations as are  
24 necessary for the administration of ~~[NRS 422.2352 to 422.2374,~~  
25 ~~inclusive, 422.301 to 422.306, inclusive, 422.3755 to 422.390,~~  
26 ~~inclusive, and 422.580.]~~ *this chapter.*

27     **Sec. 113.** NRS 422.2369 is hereby amended to read as  
28 follows:

29     422.2369 1. Before adopting, amending or repealing any  
30 regulation for the administration of a program of public assistance  
31 or any other program for which the Division ~~[of Health Care~~  
32 ~~Financing and Policy]~~ is responsible, the Administrator ~~[shall]~~ *must*  
33 give at least 30 days' notice of his intended action.

34     2. The notice of intent to act upon a regulation must:

35     (a) Include a statement of the need for and purpose of the  
36 proposed regulation, and either the terms or substance of the  
37 proposed regulation or a description of the subjects and issues  
38 involved, and of the time when, the place where ~~[ ]~~ and the manner  
39 in which, interested persons may present their views thereon.

40     (b) Include a statement identifying the entities that may be  
41 financially affected by the proposed regulation and the potential  
42 financial impact, if any, upon local government.

43     (c) State each address at which the text of the proposed  
44 regulation may be inspected and copied.



(d) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the Administrator for that purpose.

3. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing. The Administrator shall consider fully all oral and written submissions relating to the proposed regulation.

4. The Administrator shall keep, retain and make available for public inspection written minutes of each public hearing held pursuant to this section in the manner provided in subsections 1 and 2 of NRS 241.035.

5. The Administrator may record each public hearing held pursuant to this section and make those recordings available for public inspection in the manner provided in subsection 4 of NRS 241.035.

6. An objection to any regulation on the ground of noncompliance with the procedural requirements of this section may not be made more than 2 years after its effective date.

**Sec. 114.** NRS 422.2372 is hereby amended to read as follows:

422.2372 The Administrator shall:

1. Supply the Director with material on which to base proposed legislation.

2. Cooperate with the Federal Government and state governments for the more effective attainment of the purposes of this chapter.

3. Coordinate the activities of the Division ~~[of Health Care Financing and Policy]~~ with other agencies, both public and private, with related or similar activities.

4. Keep a complete and accurate record of all proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents pertaining to his office.

5. Inform the public in regard to the activities and operation of the Division, and provide other information which will acquaint the public with the financing of Medicaid programs.

6. Conduct studies into the causes of the social problems with which the Division is concerned.

7. Invoke any legal, equitable or special procedures for the enforcement of his orders or the enforcement of ~~[NRS 422.2352 to 422.2374, inclusive, 422.301 to 422.306, inclusive, 422.3755 to 422.390, inclusive, and 422.580.]~~ *the provisions of this chapter.*



8. Exercise any other powers that are necessary and proper for the standardization of state work, to expedite business ~~[ ]~~ and to promote the efficiency of the service provided by the Division.

**Sec. 115.** NRS 422.2374 is hereby amended to read as follows:

422.2374 1. The Administrator shall:

(a) Promptly comply with a request from the Unit for access to and free copies of any records or other information in the possession of the Division ~~[of Health Care Financing and Policy]~~ regarding a provider;

(b) Refer to the Unit all cases in which he suspects that a provider has committed an offense pursuant to NRS 422.540 to 422.570, inclusive; and

(c) Suspend or exclude a provider who he determines has committed an offense pursuant to NRS 422.540 to 422.570, inclusive, from participation as a provider or an employee of a provider, for a minimum of 3 years. A criminal action need not be brought against the provider before suspension or exclusion pursuant to this subsection.

2. As used in this section:

(a) "Provider" means a person who has applied to participate or who participates in the State Plan for Medicaid as the provider of goods or services.

(b) "Unit" means the Medicaid Fraud Control Unit established in the Office of the Attorney General pursuant to NRS 228.410.

**Sec. 116.** NRS 422.240 is hereby amended to read as follows:

422.240 1. Money to carry out the provisions of ~~[NRS 422.001 to 422.410, inclusive, and 422.580,]~~ **this chapter**, including, without limitation, any federal money allotted to the State of Nevada pursuant to the program to provide Temporary Assistance for Needy Families and the Program for Child Care and Development, must, except as otherwise provided in NRS 422.3755 to 422.379, inclusive, and 439.630, be provided by appropriation by the Legislature from the State General Fund.

2. Disbursements for the purposes of ~~[NRS 422.001 to 422.410, inclusive, and 422.580]~~ **this chapter** must, except as otherwise provided in NRS 422.3755 to 422.379, inclusive, and 439.630, be made upon claims duly filed and allowed in the same manner as other money in the State Treasury is disbursed.

**Sec. 117.** NRS 422.245 is hereby amended to read as follows:

422.245 Any federal money allotted to the State of Nevada for public assistance programs and other programs for which ~~[the Welfare Division or]~~ the Division ~~[of Health Care Financing and Policy]~~ is responsible and such other money as may be received by the State for such purposes must, except as otherwise provided in





1 NRS 425.363, be deposited in the appropriate accounts of ~~the~~  
2 ~~Welfare Division or~~ the Division ~~[of Health Care Financing and~~  
3 ~~Policy]~~ in the State General Fund.

4 **Sec. 118.** NRS 422.260 is hereby amended to read as follows:

5 422.260 1. The State of Nevada assents to the purposes of the  
6 Act of Congress of the United States entitled the "Social Security  
7 Act," approved August 14, 1935, and assents to such additional  
8 federal legislation as is not inconsistent with the purposes of this  
9 chapter and NRS 432.010 to 432.085, inclusive ~~[ ]~~, *and sections*  
10 *154 to 163, inclusive, of this act.*

11 2. The State of Nevada further accepts, with the approval of the  
12 Governor, the appropriations of money by Congress in pursuance of  
13 the Social Security Act and authorizes the receipt of such money  
14 into the State Treasury for the use of the Department in accordance  
15 with this chapter, NRS 432.010 to 432.085, inclusive, *and sections*  
16 *154 to 163, inclusive, of this act*, and the conditions imposed by the  
17 Social Security Act.

18 3. The State of Nevada may accept, with the approval of the  
19 Governor, any additional funds which may become or are made  
20 available for extension of programs and services administered by the  
21 Department under the provisions of the Social Security Act. Such  
22 money must be deposited in the State Treasury for the use of the  
23 Department in accordance with this chapter, NRS 432.010 to  
24 432.085, inclusive, *and sections 154 to 163, inclusive, of this act*,  
25 and the conditions and purposes under which granted by the Federal  
26 Government.

27 **Sec. 119.** NRS 422.265 is hereby amended to read as follows:

28 422.265 If Congress passes any law increasing the  
29 participation of the Federal Government in a Nevada program for  
30 public assistance, whether relating to eligibility for assistance or  
31 otherwise:

32 1. The Director may accept, with the approval of the Governor,  
33 the increased benefits of such congressional legislation; and

34 2. The ~~[State Welfare Administrator or the Administrator of the~~  
35 ~~Division of Health Care Financing and Policy]~~ *Administrator* may  
36 adopt any regulations required by the Federal Government as a  
37 condition of acceptance.

38 **Sec. 120.** NRS 422.267 is hereby amended to read as follows:

39 422.267 The Director shall have the power to sign and execute,  
40 in the name of the State, by "The Department of *Health and* Human  
41 ~~[Resources,]~~ *Services,*" any contract or agreement with the Federal  
42 Government or its agencies.



**Sec. 121.** NRS 422.270 is hereby amended to read as follows:  
422.270 The Department shall:

1. Administer all public welfare programs of this State, including:

- (a) State Supplementary Assistance;
- (b) Temporary Assistance for Needy Families;
- (c) Medicaid;
- (d) Food Stamp Assistance;
- (e) Low-Income Home Energy Assistance;
- (f) The Program for Child Care and Development;
- (g) The Program for the Enforcement of Child Support;
- (h) The Children's Health Insurance Program; and
- (i) Other welfare activities and services provided for by the laws of this State.

2. Act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the State of Nevada to aid in the furtherance of any of the services and activities set forth in subsection 1.

3. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of welfare programs, and in increasing the efficiency of welfare programs by prompt and judicious use of new federal grants which will assist the Department in carrying out the provisions of this chapter.

4. Observe and study the changing nature and extent of welfare needs and develop through tests and demonstrations effective ways of meeting those needs and employ or contract for personnel and services supported by legislative appropriations from the State General Fund or money from federal or other sources.

5. Enter into reciprocal agreements with other states relative to public assistance, welfare services and institutional care, when deemed necessary or convenient by the Director.

6. Make such agreements with the Federal Government as may be necessary to carry out the Supplemental Security Income Program.

*7. As used in this section, "Program for the Enforcement of Child Support" means the program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and any other provisions of that act relating to the enforcement of child support.*

**Sec. 122.** NRS 422.271 is hereby amended to read as follows:

422.271 1. The Director shall adopt each state plan required by the Federal Government, either directly or as a condition to the



1 receipt of federal money, for the administration of any public  
2 assistance or other program for which ~~[the Welfare Division or]~~ the  
3 Division ~~[of Health Care Financing and Policy]~~ is responsible. Such  
4 a plan must set forth, regarding the particular program to which the  
5 plan applies:

- 6 (a) The requirements for eligibility;
- 7 (b) The nature and amounts of grants and other assistance which  
8 may be provided;
- 9 (c) The conditions imposed; and
- 10 (d) Such other provisions relating to the development and  
11 administration of the program as the Director deems necessary.

12 2. In developing and revising such a plan, the Director shall  
13 consider, among other things:

14 (a) The amount of money available from the Federal  
15 Government;

16 (b) The conditions attached to the acceptance of that money; and

17 (c) The limitations of legislative appropriations and  
18 authorizations,

19 ➤ for the particular program to which the plan applies.

20 3. The ~~[Welfare Division shall make available to members of~~  
21 ~~the general public a summary of the State Plan for Temporary~~  
22 ~~Assistance for Needy Families established pursuant to this section.~~

23 ~~— 4. The Welfare Division and the Division of Health Care~~  
24 ~~Financing and Policy] Division~~ shall comply with each state plan  
25 adopted pursuant to this section.

26 **Sec. 123.** NRS 422.2715 is hereby amended to read as  
27 follows:

28 422.2715 1. Upon approval of the Interim Finance  
29 Committee, the Director, through the Division , ~~[of Health Care~~  
30 ~~Financing and Policy,]~~ shall establish a program for the provision of  
31 medical assistance to certain persons who are employed and have  
32 disabilities. The Director shall establish the program by:

33 (a) Amending the State Plan for Medicaid in the manner set  
34 forth in 42 U.S.C. § 1396a(a)(10)(A)(ii)(XIII);

35 (b) Amending the State Plan for Medicaid in the manner set  
36 forth in 42 U.S.C. § 1396a(a)(10)(A)(ii)(XV); or

37 (c) Obtaining a Medicaid waiver from the Federal Government  
38 to carry out the program.

39 2. The Director may require a person participating in a program  
40 established pursuant to subsection 1 to pay a premium or other cost-  
41 sharing charges in a manner that is consistent with federal law.

42 **Sec. 124.** NRS 422.273 is hereby amended to read as follows:

43 422.273 1. For any Medicaid managed care program  
44 established in the State of Nevada, the Department shall contract  
45 only with a health maintenance organization that has:



1 (a) Negotiated in good faith with a federally-qualified health  
2 center to provide health care services for the health maintenance  
3 organization;

4 (b) Negotiated in good faith with the University Medical Center  
5 of Southern Nevada to provide inpatient and ambulatory services to  
6 recipients of Medicaid; and

7 (c) Negotiated in good faith with the University of Nevada  
8 School of Medicine to provide health care services to recipients of  
9 Medicaid.

10 ➔ Nothing in this section shall be construed as exempting a  
11 federally-qualified health center, the University Medical Center of  
12 Southern Nevada or the University of Nevada School of Medicine  
13 from the requirements for contracting with the health maintenance  
14 organization.

15 2. During the development and implementation of any  
16 Medicaid managed care program, the Department shall cooperate  
17 with the University of Nevada School of Medicine by assisting in  
18 the provision of an adequate and diverse group of patients upon  
19 which the school may base its educational programs.

20 3. The University of Nevada School of Medicine may establish  
21 a nonprofit organization to assist in any research necessary for the  
22 development of a Medicaid managed care program, receive and  
23 accept gifts, grants and donations to support such a program and  
24 assist in establishing educational services about the program for  
25 recipients of Medicaid.

26 4. For the purpose of contracting with a Medicaid managed  
27 care program pursuant to this section, a health maintenance  
28 organization is exempt from the provisions of NRS 695C.123.

29 5. The provisions of this section apply to any managed care  
30 organization, including a health maintenance organization, that  
31 provides health care services to recipients of Medicaid under the  
32 State Plan for Medicaid or the Children's Health Insurance Program  
33 pursuant to a contract with the Division . ~~{of Health Care Financing~~  
34 ~~and Policy.}~~ Such a managed care organization or health  
35 maintenance organization is not required to establish a system for  
36 conducting external reviews of final adverse determinations in  
37 accordance with chapter 695B, 695C or 695G of NRS. This  
38 subsection does not exempt such a managed care organization or  
39 health maintenance organization for services provided pursuant to  
40 any other contract.

41 6. As used in this section, unless the context otherwise  
42 requires:

43 (a) "Federally-qualified health center" has the meaning ascribed  
44 to it in 42 U.S.C. § 1396d(1)(2)(B).



(b) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(c) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

**Sec. 125.** NRS 422.274 is hereby amended to read as follows:

422.274 1. The Director shall apply to the Federal Government for a Medicaid waiver to extend coverage for prescription drugs and other related services to persons 65 years of age or older who are not eligible for pharmacy benefits pursuant to Medicaid and whose incomes are not more than 200 percent of the federally designated level signifying poverty.

2. The Director shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a Medicaid waiver pursuant to this section, including, without limitation:

(a) Providing any necessary information requested by the Federal Government in a timely manner;

(b) Responding promptly and thoroughly to any questions or concerns of the Federal Government concerning the application; and

(c) Working with the Federal Government to amend any necessary provisions of the application to satisfy the requirements for approval of the application.

3. The Director may:

(a) Administer a program established pursuant to this section through the Division ; ~~of Health Care Financing and Policy;~~ or

(b) Hire a pharmacy benefits manager by contract to administer a program established pursuant to this section.

4. Not more than 10 percent of the money received by the Department to implement a program established pursuant to this section may be used for administrative expenses or other indirect costs.

5. The Director shall submit a quarterly report concerning a program established pursuant to this section to the Interim Finance Committee and the Legislative Committee on Health Care.

**Sec. 126.** NRS 422.2745 is hereby amended to read as follows:

422.2745 1. Except as otherwise provided in this subsection, the Director may apply to the Federal Government for a Medicaid waiver to extend coverage for prescription drugs and other related services to persons with disabilities who have been determined to be eligible for disability benefits from the federal social security system, who are not eligible for pharmacy benefits pursuant to Medicaid and whose incomes are not more than 200 percent of the federally designated level signifying poverty. The Director shall not apply for a waiver pursuant to this subsection unless the Director



1 and the Interim Finance Committee have determined that sufficient  
2 funds are available in this State to implement the waiver.

3 2. If the Federal Government approves a Medicaid waiver  
4 which the Director applied for pursuant to subsection 1, the Director  
5 shall adopt regulations to implement the waiver and establish a  
6 program in accordance with the waiver, including, without  
7 limitation, regulations setting forth criteria of eligibility, the services  
8 covered by the program, the amount of any copayment for which a  
9 person who receives services pursuant to the program is responsible  
10 and any limitation on the number of persons who may receive  
11 services pursuant to the program.

12 3. The Director may:

13 (a) Administer a program established pursuant to this section  
14 through the Division ; ~~{of Health Care Financing and Policy;}~~ or

15 (b) Hire a pharmacy benefits manager by contract to administer  
16 a program established pursuant to this section.

17 4. Not more than 10 percent of the money received by the  
18 Department to implement a program established pursuant to this  
19 section may be used for administrative expenses or other indirect  
20 costs.

21 5. The Director shall submit a quarterly report concerning:

22 (a) The progress of the Director toward applying for a waiver  
23 pursuant to subsection 1 and establishing a program in accordance  
24 with such a waiver that has been approved by the Federal  
25 Government; and

26 (b) Any program established pursuant to this section,  
27 ➔ to the Interim Finance Committee and the Legislative Committee  
28 on Health Care.

29 **Sec. 127.** NRS 422.275 is hereby amended to read as follows:

30 422.275 The Attorney General and his deputies are the legal  
31 advisers for ~~{the Welfare Division and}~~ the Division . ~~{of Health~~  
32 ~~Care Financing and Policy;}~~

33 **Sec. 128.** NRS 422.278 is hereby amended to read as follows:

34 422.278 Any person who is:

35 1. The subject of a hearing conducted under the authority of  
36 ~~{the Welfare Division or}~~ the Division ; ~~{of Health Care Financing~~  
37 ~~and Policy;}~~ or

38 2. A witness at that hearing,

39 ➔ and who is a person with a disability as defined in NRS 50.050, is  
40 entitled to the services of an interpreter at public expense, subject to  
41 the provisions of NRS 50.052 and 50.053. The interpreter must be  
42 qualified to engage in the practice of interpreting in this State  
43 pursuant to subsection 2 of NRS 656A.100 and must be appointed  
44 by the person who presides at the hearing.



**Sec. 129.** NRS 422.280 is hereby amended to read as follows:

422.280 To ensure accuracy, uniformity and completeness in statistics and information, ~~[the Welfare Division and]~~ the Division ~~[of Health Care Financing and Policy]~~ may prescribe forms of reports and records to be kept by all persons, associations or institutions, subject to its supervision or investigation, and each such person, association or institution shall keep such records and render such reports in the form so prescribed.

**Sec. 130.** NRS 422.284 is hereby amended to read as follows:

422.284 As a part of the health and welfare programs of this State, ~~[the Welfare Division or]~~ the Division ~~[of Health Care Financing and Policy]~~ may:

1. Conduct a family planning service, or contract for the provision of a family planning service, in any county of the State. Such service may include the dispensing of information and the distribution of literature on birth control and family planning methods.

2. Establish a policy of referral of welfare recipients for birth control.

**Sec. 131.** NRS 422.287 is hereby amended to read as follows:

422.287 1. As part of the health and welfare programs of this State, the Division ~~[of Health Care Financing and Policy]~~ or any other division designated by the Director may provide prenatal care to pregnant women who are indigent, or may contract for the provision of that care, at public or nonprofit hospitals in this State.

2. The Division ~~[of Health Care Financing and Policy]~~ or any other division designated by the Director shall provide to each person licensed to engage in social work pursuant to chapter 641B of NRS, each applicant for Medicaid and any other interested person, information concerning the prenatal care available pursuant to this section.

3. The Division ~~[of Health Care Financing and Policy]~~ or any other division designated by the Department shall adopt regulations setting forth criteria of eligibility and rates of payment for prenatal care provided pursuant to the provisions of this section, and such other provisions relating to the development and administration of the Program for Prenatal Care as the Director or the Administrator, ~~[of the Division of Health Care Financing and Policy,]~~ as applicable, deems necessary.

**Sec. 132.** NRS 422.290 is hereby amended to read as follows:

422.290 1. To restrict the use or disclosure of any information concerning applicants for and recipients of public assistance or assistance pursuant to the Children's Health Insurance *Program* to purposes directly connected to the administration of this chapter, and to provide safeguards therefor, under the applicable





1 provisions of the Social Security Act, ~~{the Welfare Division and}~~ the  
2 Division ~~{of Health Care Financing and Policy}~~ shall establish and  
3 enforce reasonable regulations governing the custody, use and  
4 preservation of any records, files and communications filed with  
5 ~~{the Welfare Division or}~~ the Division . ~~{of Health Care Financing~~  
6 ~~and Policy.}~~

7 2. If, pursuant to a specific statute or a regulation of ~~{the~~  
8 ~~Welfare Division or}~~ the Division , ~~{of Health Care Financing and~~  
9 ~~Policy.}~~ names and addresses of, or information concerning,  
10 applicants for and recipients of assistance, including, without  
11 limitation, assistance pursuant to the Children's Health Insurance  
12 Program, are furnished to or held by any other agency or department  
13 of government, such agency or department of government is bound  
14 by the regulations of the department prohibiting the publication of  
15 lists and records thereof or their use for purposes not directly  
16 connected with the administration of this chapter.

17 3. Except for purposes directly connected with the  
18 administration of this chapter, no person may publish, disclose or  
19 use, or permit or cause to be published, disclosed or used, any  
20 confidential information pertaining to a recipient of assistance,  
21 including, without limitation, a recipient of assistance pursuant to  
22 the Children's Health Insurance Program, under the provisions of  
23 this chapter.

24 **Sec. 133.** NRS 422.301 is hereby amended to read as follows:

25 422.301 The Administrator and the Division ~~{of Health Care~~  
26 ~~Financing and Policy}~~ shall administer the provisions of ~~{NRS~~  
27 ~~422.2352 to 422.2374, inclusive, 422.301 to 422.306, inclusive,~~  
28 ~~422.3755 to 422.390, inclusive, and 422.580.}~~ *this chapter*, subject  
29 to administrative supervision by the Director.

30 **Sec. 134.** NRS 422.302 is hereby amended to read as follows:

31 422.302 1. Any gifts or grants of money which the Division  
32 ~~{of Health Care Financing and Policy}~~ is authorized to accept must  
33 be deposited in the State Treasury to the credit of the Gift and  
34 Cooperative Account of the Division ~~{of Health Care Financing and~~  
35 ~~Policy}~~ which is hereby created in the Department of *Health and*  
36 Human ~~{Resources'}~~ *Services'* Gift Fund.

37 2. Money in the Account must be used for health care purposes  
38 only and expended in accordance with the terms of the gift or grant.

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

41 **Sec. 135.** NRS 422.303 is hereby amended to read as follows:

42 422.303 The Department, through the Division , ~~{of Health~~  
43 ~~Care Financing and Policy.}~~ may reimburse directly, under the State  
44 Plan for Medicaid, any registered nurse who is authorized pursuant  
45 to chapter 632 of NRS to perform additional acts in an emergency or



1 under other special conditions as prescribed by the State Board of  
2 Nursing, for such services rendered under the authorized scope of  
3 his practice to persons eligible to receive that assistance if another  
4 provider of health care would be reimbursed for providing those  
5 same services.

6 **Sec. 136.** NRS 422.304 is hereby amended to read as follows:

7 422.304 1. The Department, through the Division, ~~{of Health~~  
8 ~~Care Financing and Policy.}~~ shall pay, under the State Plan for  
9 Medicaid:

10 (a) A facility for hospice care licensed pursuant to chapter 449  
11 of NRS for the services for hospice care, including room and board,  
12 provided by that facility to a person who is eligible to receive  
13 Medicaid.

14 (b) A program for hospice care licensed pursuant to chapter 449  
15 of NRS for the services for hospice care provided by that program to  
16 a person who is eligible to receive Medicaid.

17 2. As used in this section:

18 (a) "Facility for hospice care" has the meaning ascribed to it in  
19 NRS 449.0033.

20 (b) "Hospice care" has the meaning ascribed to it in  
21 NRS 449.0115.

22 **Sec. 137.** NRS 422.3045 is hereby amended to read as  
23 follows:

24 422.3045 1. If the Division ~~{of Health Care Financing and~~  
25 ~~Policy.}~~ denies an application for the Children's Health Insurance  
26 Program, the Division shall provide written notice of the decision to  
27 the applicant. An applicant who disagrees with the denial of the  
28 application may request a review of the case and a hearing before an  
29 impartial hearing officer by filing a written request within 30 days  
30 after the date of the notice of the decision at the address specified in  
31 the notice.

32 2. The Division ~~{of Health Care Financing and Policy.}~~ shall  
33 adopt regulations regarding the review and hearing before an  
34 impartial hearing officer. The decision of the hearing officer must be  
35 in writing.

36 3. The applicant may at any time within 30 days after the date  
37 on which the written decision is mailed, petition the district court of  
38 the judicial district in which the applicant resides to review the  
39 decision. The district court shall review the decision on the record.  
40 The decision and record must be certified as correct and filed with  
41 the court by the Administrator . ~~{of the Division for Health Care~~  
42 ~~Financing and Policy.}~~

43 4. The review by the court must be in accordance with  
44 NRS 422.279.



**Sec. 138.** NRS 422.305 is hereby amended to read as follows:

422.305 1. Except as otherwise provided in subsection 2 and in NRS 228.410 and 422.2374, any information obtained by the Division ~~{of Health Care Financing and Policy}~~ in an investigation of a provider of services under the State Plan for Medicaid is confidential.

2. The information presented as evidence at a hearing:

(a) To enforce the provisions of NRS 422.450 to 422.590, inclusive; or

(b) To review an action by the Division ~~{of Health Care Financing and Policy}~~ against a provider of services under the State Plan for Medicaid,

↪ is not confidential, except for the identity of any recipient of the assistance.

**Sec. 139.** NRS 422.306 is hereby amended to read as follows:

422.306 1. Upon receipt of a request for a hearing from a provider of services under the State Plan for Medicaid, the Division ~~{of Health Care Financing and Policy}~~ shall appoint a hearing officer to conduct the hearing. Any employee or other representative of the Division ~~{of Health Care Financing and Policy}~~ who investigated or made the initial decision regarding the action taken against a provider of services may not be appointed as the hearing officer or participate in the making of any decision pursuant to the hearing.

2. The Division ~~{of Health Care Financing and Policy}~~ shall adopt regulations prescribing the procedures to be followed at the hearing.

3. The decision of the hearing officer is a final decision. Any party, including the Division , ~~{of Health Care Financing and Policy,}~~ who is aggrieved by the decision of the hearing officer may appeal that decision to the District Court in and for Carson City by filing a petition for judicial review within 30 days after receiving the decision of the hearing officer.

4. A petition for judicial review filed pursuant to this section must be served upon every party within 30 days after the filing of the petition for judicial review.

5. Unless otherwise provided by the court:

(a) Within 90 days after the service of the petition for judicial review, the Division ~~{of Health Care Financing and Policy}~~ shall transmit to the court the original or a certified copy of the entire record of the proceeding under review, including, without limitation, a transcript of the evidence resulting in the final decision of the hearing officer;

(b) The petitioner who is seeking judicial review pursuant to this section shall serve and file an opening brief within 40 days after the



1 Division ~~{of Health Care Financing and Policy}~~ gives written notice  
2 to the parties that the record of the proceeding under review has  
3 been filed with the court;

4 (c) The respondent shall serve and file an answering brief within  
5 30 days after service of the opening brief; and

6 (d) The petitioner may serve and file a reply brief within 30 days  
7 after service of the answering brief.

8 6. Within 7 days after the expiration of the time within which  
9 the petitioner may reply, any party may request a hearing. Unless a  
10 request for hearing has been filed, the matter shall be deemed  
11 submitted.

12 7. The review of the court must be confined to the record. The  
13 court shall not substitute its judgment for that of the hearing officer  
14 as to the weight of the evidence on questions of fact. The court may  
15 affirm the decision of the hearing officer or remand the case for  
16 further proceedings. The court may reverse or modify the decision if  
17 substantial rights of the appellant have been prejudiced because the  
18 administrative findings, inferences, conclusions or decisions are:

19 (a) In violation of constitutional or statutory provisions;

20 (b) In excess of the statutory authority of the Division ; ~~{of~~  
21 ~~Health Care Financing and Policy;}~~

22 (c) Made upon unlawful procedure;

23 (d) Affected by other error of law;

24 (e) Clearly erroneous in view of the reliable, probative and  
25 substantial evidence on the whole record; or

26 (f) Arbitrary or capricious or characterized by abuse of  
27 discretion or clearly unwarranted exercise of discretion.

28 **Sec. 140.** NRS 422.369 is hereby amended to read as follows:

29 422.369 A person authorized by the Division ~~{of Health Care~~  
30 ~~Financing and Policy}~~ to furnish the types of medical and remedial  
31 care for which assistance may be provided under the Plan, or an  
32 agent or employee of the authorized person, who, with the intent to  
33 defraud, furnishes such care upon presentation of a Medicaid card  
34 which he knows was obtained or retained in violation of any of the  
35 provisions of NRS 422.361 to 422.367, inclusive, or is forged,  
36 expired or revoked, is guilty of a category D felony and shall be  
37 punished as provided in NRS 193.130. In addition to any other  
38 penalty, the court shall order the person to pay restitution.

39 **Sec. 141.** NRS 422.3775 is hereby amended to read as  
40 follows:

41 422.3775 1. Each nursing facility that is licensed in this State  
42 shall pay a fee assessed by the Division ~~{of Health Care Financing~~  
43 ~~and Policy}~~ to increase the quality of nursing care in this State.

44 2. To determine the amount of the fee to assess pursuant to this  
45 section, the Division ~~{of Health Care Financing and Policy}~~ shall



1 establish a uniform rate per non-Medicare patient day that is  
2 equivalent to 6 percent of the total annual accrual basis gross  
3 revenue for services provided to patients of all nursing facilities  
4 licensed in this State. For the purposes of this subsection, total  
5 annual accrual basis gross revenue does not include charitable  
6 contributions received by a nursing facility.

7 3. The Division ~~{of Health Care Financing and Policy}~~ shall  
8 calculate the fee owed by each nursing facility by multiplying the  
9 total number of days of care provided to non-Medicare patients by  
10 the nursing facility, as provided to the Division pursuant to NRS  
11 422.378, by the uniform rate established pursuant to subsection 2.

12 4. A fee assessed pursuant to this section is due 30 days after  
13 the end of the month for which the fee was assessed.

14 5. The payment of a fee to the Division ~~{of Health Care~~  
15 ~~Financing and Policy}~~ pursuant to NRS 422.3755 to 422.379,  
16 inclusive, is an allowable cost for Medicaid reimbursement  
17 purposes.

18 **Sec. 142.** NRS 422.378 is hereby amended to read as follows:

19 422.378 1. Each nursing facility shall file with the Division  
20 ~~{of Health Care Financing and Policy}~~ each month a report setting  
21 forth the total number of days of care it provided to non-Medicare  
22 patients during the preceding month, the total gross revenue it  
23 earned as compensation for services provided to patients during the  
24 preceding month and any other information required by the  
25 Division.

26 2. Each nursing facility shall file with the Division ~~{of Health~~  
27 ~~Care Financing and Policy}~~ any information required and requested  
28 by the Division to carry out the provisions of NRS 422.3755 to  
29 422.379, inclusive.

30 **Sec. 143.** NRS 422.3785 is hereby amended to read as  
31 follows:

32 422.3785 1. There is hereby created in the State Treasury the  
33 Fund to Increase the Quality of Nursing Care, to be administered by  
34 the Division . ~~{of Health Care Financing and Policy.}~~

35 2. The Fund to Increase the Quality of Nursing Care must be a  
36 separate and continuing fund, and no money in the Fund reverts to  
37 the State General Fund at any time. The interest and income on the  
38 money in the Fund, after deducting any applicable charges, must be  
39 credited to the Fund.

40 3. Any money received by the Division ~~{of Health Care~~  
41 ~~Financing and Policy}~~ pursuant to NRS 422.3755 to 422.379,  
42 inclusive, must be deposited in the State Treasury for credit to the  
43 Fund to Increase the Quality of Nursing Care, and must be  
44 expended, to the extent authorized by federal law, to obtain federal



1 financial participation in the Medicaid Program, and in the manner  
2 set forth in subsection 4.

3 4. Expenditures from the Fund to Increase the Quality of  
4 Nursing Care must be used only:

5 (a) To increase the rates paid to nursing facilities for providing  
6 services pursuant to the Medicaid Program and may not be used to  
7 replace existing state expenditures paid to nursing facilities for  
8 providing services pursuant to the Medicaid Program; and

9 (b) To administer the provisions of NRS 422.3755 to 422.379,  
10 inclusive. The amount expended pursuant to this paragraph must not  
11 exceed 1 percent of the money received from the fees assessed  
12 pursuant to NRS 422.3755 to 422.379, inclusive, and must not  
13 exceed the amount authorized for expenditure by the Legislature for  
14 administrative expenses in a fiscal year.

15 5. If federal law or regulation prohibits the money in the Fund  
16 to Increase the Quality of Nursing Care from being used in the  
17 manner set forth in this section, the rates paid to nursing facilities  
18 for providing services pursuant to the Medicaid Program must be  
19 changed:

20 (a) Except as otherwise provided in paragraph (b), to the rates  
21 paid to such facilities on June 30, 2003; or

22 (b) If the Legislature or the Division ~~[of Health Care Financing~~  
23 ~~and Policy]~~ has on or after July 1, 2003, changed the rates paid to  
24 such facilities through a manner other than the use of expenditures  
25 from the Fund to Increase the Quality of Nursing Care, to the rates  
26 provided for by the Legislature or the Division . ~~[of Health Care~~  
27 ~~Financing and Policy.]~~

28 **Sec. 144.** NRS 422.379 is hereby amended to read as follows:

29 422.379 The Division ~~[of Health Care Financing and Policy]~~  
30 shall establish administrative penalties for the late payment by a  
31 nursing facility of a fee assessed pursuant to NRS 422.3755 to  
32 422.379, inclusive.

33 **Sec. 145.** NRS 422.382 is hereby amended to read as follows:

34 422.382 1. In a county whose population is 100,000 or more  
35 within which:

36 (a) A public hospital is located, the state or local government or  
37 other entity responsible for the public hospital shall transfer an  
38 amount equal to:

39 (1) Seventy percent of the total amount of disproportionate  
40 share payments distributed to all hospitals pursuant to NRS 422.387  
41 for a fiscal year, less \$1,050,000; or

42 (2) Sixty-eight and fifty-four one hundredths percent of the  
43 total amount of disproportionate share payments distributed to all  
44 hospitals pursuant to NRS 422.387 for a fiscal year,



1   ↳ whichever is less, to the Division . ~~{of Health Care Financing and~~  
2   ~~Policy.}~~

3   (b) A private hospital which receives a disproportionate share  
4   payment pursuant to paragraph (c) of subsection 2 of NRS 422.387  
5   is located, the county shall transfer 1.95 percent of the total amount  
6   of disproportionate share payments distributed to all hospitals  
7   pursuant to NRS 422.387 for a fiscal year, but not more than  
8   \$1,500,000, to the Division . ~~{of Health Care Financing and Policy.}~~

9   2. A county that transfers the amount required pursuant to  
10   paragraph (b) of subsection 1 to the Division ~~{of Health Care~~  
11   ~~Financing and Policy}~~ is discharged of the duty and is released from  
12   liability for providing medical treatment for indigent inpatients who  
13   are treated in the hospital in the county that receives a payment  
14   pursuant to paragraph (c) of subsection 2 of NRS 422.387.

15   3. The money transferred to the Division ~~{of Health Care~~  
16   ~~Financing and Policy}~~ pursuant to subsection 1 must not come from  
17   any source of funding that could result in any reduction in revenue  
18   to the State pursuant to 42 U.S.C. § 1396b(w).

19   4. Any money collected pursuant to subsection 1, including  
20   any interest or penalties imposed for a delinquent payment, must be  
21   deposited in the State Treasury for credit to the Intergovernmental  
22   Transfer Account in the State General Fund to be administered by  
23   the Division . ~~{of Health Care Financing and Policy.}~~

24   5. The interest and income earned on money in the  
25   Intergovernmental Transfer Account, after deducting any applicable  
26   charges, must be credited to the Account.

27   **Sec. 146.** NRS 422.385 is hereby amended to read as follows:

28   422.385 1. The allocations and payments required pursuant  
29   to subsections 1 to 5, inclusive, of NRS 422.387 must be made, to  
30   the extent allowed by the State Plan for Medicaid, from the  
31   Medicaid Budget Account.

32   2. Except as otherwise provided in subsection 3 and subsection  
33   6 of NRS 422.387, the money in the Intergovernmental Transfer  
34   Account must be transferred from that Account to the Medicaid  
35   Budget Account to the extent that money is available from the  
36   Federal Government for proposed expenditures, including  
37   expenditures for administrative costs. If the amount in the Account  
38   exceeds the amount authorized for expenditure by the Division ~~{of~~  
39   ~~Health Care Financing and Policy}~~ for the purposes specified in  
40   NRS 422.387, the Division ~~{of Health Care Financing and Policy}~~ is  
41   authorized to expend the additional revenue in accordance with the  
42   provisions of the State Plan for Medicaid.

43   3. If enough money is available to support Medicaid and to  
44   make the payments required by subsection 6 of NRS 422.387,





1 money in the Intergovernmental Transfer Account may be  
2 transferred:

3 (a) To an account established for the provision of health care  
4 services to uninsured children pursuant to a federal program in  
5 which at least 50 percent of the cost of such services is paid for by  
6 the Federal Government, including, without limitation, the  
7 Children's Health Insurance Program; or

8 (b) To carry out the provisions of NRS 439B.350 and 439B.360.

9 **Sec. 147.** NRS 422.387 is hereby amended to read as follows:

10 422.387 1. Before making the payments required or  
11 authorized by this section, the Division ~~{of Health-Care Financing~~  
12 ~~and-Policy}~~ shall allocate money for the administrative costs  
13 necessary to carry out the provisions of NRS 422.380 to 422.390,  
14 inclusive. The amount allocated for administrative costs must not  
15 exceed the amount authorized for expenditure by the Legislature for  
16 this purpose in a fiscal year. The Interim Finance Committee may  
17 adjust the amount allowed for administrative costs.

18 2. The State Plan for Medicaid must provide for the payment of  
19 the maximum amount of disproportionate share payments allowable  
20 under federal law and regulations. The State Plan for Medicaid must  
21 provide that for:

22 (a) All public hospitals in counties whose population is 400,000  
23 or more, the total annual disproportionate share payments are  
24 \$66,650,000 plus 90 percent of the total amount of disproportionate  
25 share payments distributed by the State in that fiscal year that  
26 exceeds \$76,000,000;

27 (b) All private hospitals in counties whose population is 400,000  
28 or more, the total annual disproportionate share payments are  
29 \$1,200,000 plus 2.5 percent of the total amount of disproportionate  
30 share payments distributed by the State in that fiscal year that  
31 exceeds \$76,000,000;

32 (c) All private hospitals in counties whose population is 100,000  
33 or more but less than 400,000, the total annual disproportionate  
34 share payments are \$4,800,000 plus 2.5 percent of the total amount  
35 of disproportionate share payments distributed by the State in that  
36 fiscal year that exceeds \$76,000,000;

37 (d) All public hospitals in counties whose population is less than  
38 100,000, the total annual disproportionate share payments are  
39 \$900,000 plus 2.5 percent of the total amount of disproportionate  
40 share payments distributed by the State in that fiscal year that  
41 exceeds \$76,000,000; and

42 (e) All private hospitals in counties whose population is less  
43 than 100,000, the total annual disproportionate share payments are  
44 \$2,450,000 plus 2.5 percent of the total amount of disproportionate



1 share payments distributed by the State in that fiscal year that  
2 exceeds \$76,000,000.

3 3. The State Plan for Medicaid must provide for a base  
4 payment in an amount determined pursuant to subsections 4 and 5.  
5 Any amount set forth in each paragraph of subsection 2 that remains  
6 after all base payments have been distributed must be distributed to  
7 the hospital within that paragraph with the highest uncompensated  
8 care percentage in an amount equal to either the amount remaining  
9 after all base payments have been distributed or the amount  
10 necessary to reduce the uncompensated care percentage of that  
11 hospital to the uncompensated care percentage of the hospital in that  
12 paragraph with the second highest uncompensated care percentage,  
13 whichever is less. Any amount set forth in subsection 2 that remains  
14 after the uncompensated care percentage of the hospital with the  
15 highest uncompensated care percentage in a paragraph has been  
16 reduced to equal the uncompensated care percentage of the hospital  
17 in that paragraph with the second highest uncompensated care  
18 percentage must be distributed equally to the two hospitals with the  
19 highest uncompensated care percentage in that paragraph until their  
20 uncompensated care percentages are equal to the uncompensated  
21 care percentage of the hospital with the third highest uncompensated  
22 care percentage in that paragraph. This process must be repeated  
23 until all available funds set forth in a paragraph of subsection 2 have  
24 been distributed.

25 4. Except as otherwise provided in subsection 5, the base  
26 payments for the purposes of subsection 3 are:

27 (a) For the University Medical Center of Southern Nevada,  
28 \$66,531,729;

29 (b) For Washoe Medical Center, \$4,800,000;

30 (c) For Carson-Tahoe Hospital, \$1,000,000;

31 (d) For Northeastern Nevada Regional Hospital, \$500,000;

32 (e) For Churchill Community Hospital, \$500,000;

33 (f) For Humboldt General Hospital, \$215,109;

34 (g) For William Bee Ririe Hospital, \$204,001;

35 (h) For Mt. Grant General Hospital, \$195,838;

36 (i) For South Lyon Medical Center, \$174,417; and

37 (j) For Nye Regional Medical Center, \$115,000,

38 ➤ or the successors in interest to such hospitals.

39 5. The Plan must be consistent with the provisions of NRS  
40 422.380 to 422.390, inclusive, and Title XIX of the Social Security  
41 Act, 42 U.S.C. §§ 1396 et seq., and the regulations adopted pursuant  
42 to those provisions. If the total amount available to the State for  
43 making disproportionate share payments is less than \$76,000,000,  
44 the Administrator:



(a) Shall adjust the amounts for each group of hospitals described in a paragraph of subsection 2 proportionally in accordance with the limits of federal law. If the amount available to hospitals in a group described in a paragraph of subsection 2 is less than the total amount of base payments specified in subsection 4, the Administrator shall reduce the base payments proportionally in accordance with the limits of federal law.

(b) Shall adopt a regulation specifying the amount of the reductions required by paragraph (a).

6. To the extent that money is available in the Intergovernmental Transfer Account, the Division ~~{of Health-Care Financing and Policy}~~ shall distribute \$50,000 from that Account each fiscal year to each public hospital which:

(a) Is located in a county that does not have any other hospitals; and

(b) Is not eligible for a payment pursuant to subsections 2, 3 and 4.

7. As used in this section:

(a) "Total revenue" is the amount of revenue a hospital receives for patient care and other services, net of any contractual allowances or bad debts.

(b) "Uncompensated care costs" means the total costs of a hospital incurred in providing care to uninsured patients, including, without limitation, patients covered by Medicaid or another governmental program for indigent patients, less any payments received by the hospital for that care.

(c) "Uncompensated care percentage" means the uncompensated care costs of a hospital divided by the total revenue for the hospital.

**Sec. 148.** NRS 422.390 is hereby amended to read as follows:

422.390 1. The Division ~~{of Health-Care Financing and Policy}~~ shall adopt regulations concerning:

(a) Procedures for the transfer to the Division ~~{of Health-Care Financing and Policy}~~ of the amount required pursuant to NRS 422.382.

(b) Provisions for the payment of a penalty and interest for a delinquent transfer.

(c) Provisions for the payment of interest by the Division ~~{of Health-Care Financing and Policy}~~ for late reimbursements to hospitals or other providers of medical care.

(d) Provisions for the calculation of the uncompensated care percentage for hospitals, including, without limitation, the procedures and methodology required to be used in calculating the percentage, and any required documentation of and reporting by a hospital relating to the calculation.



2. The Division ~~[of Health Care Financing and Policy]~~ shall report to the Interim Finance Committee quarterly concerning the provisions of NRS 422.380 to 422.390, inclusive.

**Sec. 149.** NRS 422.410 is hereby amended to read as follows:

422.410 1. Unless a different penalty is provided pursuant to NRS 422.361 to 422.369, inclusive, or 422.450 to 422.590, inclusive, a person who knowingly and designedly, by any false pretense, false or misleading statement, impersonation or misrepresentation, obtains or attempts to obtain monetary or any other public assistance, or money, property, medical or remedial care or any other service provided pursuant to the Children's Health Insurance Program, having a value of \$100 or more, whether by one act or a series of acts, with the intent to cheat, defraud or defeat the purposes of this chapter is guilty of a category E felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. For the purposes of subsection 1, whenever a recipient of Temporary Assistance for Needy Families pursuant to the provisions of this chapter *and sections 2 to 97, inclusive, of this act* receives an overpayment of benefits for the third time and the overpayments have resulted from a false statement or representation by the recipient or from the failure of the recipient to notify the ~~[Welfare]~~ Division *of Transitional and Supportive Services of the Department* of a change in his circumstances which would affect the amount of assistance he receives, a rebuttable presumption arises that the payment was fraudulently received.

3. For the purposes of subsection 1, "public assistance" includes any money, property, medical or remedial care or any other service provided pursuant to a state plan.

**Sec. 150.** NRS 427A.470 is hereby amended to read as follows:

427A.470 1. "Home" means residential living quarters located in this State. The quarters may consist of a single dwelling unit, or a unit which is an integral part of a larger complex such as a multidwelling or a multipurpose building, together with the land upon which the unit is built and any surrounding land, not to exceed 2 acres, and any outbuildings and facilities reasonably necessary for use of the unit as residential living quarters.

2. The term includes:

(a) A mobile or manufactured home.

(b) A home, mobile or manufactured home or dwelling that the claimant ~~[possesses]~~ *and spouse of the claimant possess* under a contract of sale, deed of trust, life estate, joint tenancy or tenancy in common.



(c) A residential facility for groups required to be licensed by the Health Division of the Department ~~{of Human Resources}~~ pursuant to NRS 449.001 to 449.240, inclusive.

(d) A dwelling within any housing project which has been established pursuant to chapter 315 of NRS and for which the housing authority makes payments in lieu of taxes.

3. The term does not include any part of the building or land which is not used as living quarters by the claimant and spouse and which produces income for the claimant or spouse, if the residential living quarters are part of a multipurpose building.

**Sec. 151.** NRS 427A.485 is hereby amended to read as follows:

427A.485 "Income" means adjusted gross income, as defined in the Internal Revenue Code, and includes:

1. Tax-free interest;
2. The untaxed portion of a pension , *individual retirement account* or annuity;
3. Railroad retirement benefits;
4. Veterans' pensions and compensation;
5. Payments received pursuant to the federal Social Security Act, including supplemental security income, but excluding hospital and medical insurance benefits for the aged and disabled;
6. Public welfare payments, including allowances for shelter;
7. Unemployment insurance benefits;
8. Payments for lost time;
9. Payments received from disability insurance;
10. Disability payments received pursuant to workers' compensation insurance;
11. Alimony;
12. Support payments;
13. Allowances received by dependents of servicemen;
14. The amount of recognized capital gains and losses excluded from adjusted gross income;
15. Life insurance proceeds in excess of \$5,000;
16. Bequests and inheritances; and
17. Gifts of cash of more than \$300 not between household members and such other kinds of cash received by a household as the Division specifies by regulation.

**Sec. 152.** NRS 427A.540 is hereby amended to read as follows:

427A.540 No claim may be accepted by the Division if the:

1. Claimant or spouse of the claimant owns real property, other than that claimed as a home, which has an assessed value of more than \$30,000;



2. Home of the claimant *and spouse of the claimant* has an assessed value of more than \$87,500; or

3. Liquid assets of the claimant *and spouse of the claimant* are more than \$150,000.

**Sec. 153.** Chapter 432 of NRS is hereby amended by adding thereto the provisions set forth as sections 154 to 163, inclusive, of this act.

**Sec. 154. 1. The purposes of the Division are to:**

(a) *Provide a comprehensive state system for the coordination and provision of services to children and families who need assistance relating to juvenile justice and the care, welfare and mental health of children.*

(b) *Aid in the preservation, rehabilitation and reunification of families.*

(c) *Ensure that children are placed in the least restrictive environment available which is appropriate to their needs.*

(d) *Coordinate and provide services for youth who are in need of residential care or in need of treatment, or both.*

**2. In accomplishing its purposes, the Division shall:**

(a) *Establish and coordinate a system for:*

(1) *The diagnosis and assessment of the needs of particular children and families, including those in need of multiple services;*

(2) *The referral of children and families to appropriate services; and*

(3) *The management and monitoring of cases in which children and families are referred to multiple services.*

(b) *Plan and coordinate the provision of services for the support of families to:*

(1) *Maintain the integrity of families;*

(2) *Ensure that children are not unnecessarily removed from their homes; and*

(3) *Ensure that families are reunited as soon as practicable after the removal of children from their homes.*

(c) *Ensure that a sufficient range of services is available to provide care and treatment to children and families in the least restrictive setting appropriate to their needs.*

(d) *Work closely with other governmental agencies and with public and private agencies providing the same or similar services.*

**3. The Division shall develop standards for carrying out programs aimed toward the prevention of delinquent acts of children and programs for the treatment of those brought to its attention. It shall assist in the development of programs for the predelinquent children whose behavior tends to lead them into contact with law enforcement agencies.**



1     4. *The Division shall develop and assist in carrying out*  
2 *programs for the diversion of juveniles out of the judicial system*  
3 *and programs for the aftercare of juveniles who have been*  
4 *released from state institutions, who have been brought before the*  
5 *juvenile court or family court or who have otherwise come into*  
6 *contact with law enforcement agencies. The Administrator shall*  
7 *observe and evaluate the success of those programs.*

8     **Sec. 155.** *The Division consists of an Administrator and:*

- 9     1. *The Nevada Youth Training Center Bureau;*  
10    2. *The Caliente Youth Center Bureau;*  
11    3. *The Northern Nevada Children's Home Bureau;*  
12    4. *The Southern Nevada Children's Home Bureau;*  
13    5. *The Bureau of Services for Child Care;*  
14    6. *The Youth Parole Bureau; and*

15    7. *Within the limits of legislative appropriation, such*  
16 *additional administrative sections as the Administrator determines*  
17 *are necessary to perform the functions of the Division.*

18     **Sec. 156.** *The Administrator must be appointed on the basis*  
19 *of his education, training, experience, demonstrated abilities and*  
20 *his interest in the provision of services to children and families*  
21 *and related programs.*

22     **Sec. 157.** 1. *The Administrator shall appoint, with the*  
23 *approval of the Director, a chief of each of the bureaus in the*  
24 *Division. The chiefs are designated respectively as:*

- 25     (a) *The Superintendent of the Nevada Youth Training Center;*  
26     (b) *The Superintendent of the Caliente Youth Center;*  
27     (c) *The Superintendent of the Northern Nevada Children's*  
28 *Home;*  
29     (d) *The Superintendent of the Southern Nevada Children's*  
30 *Home;*  
31     (e) *The Chief of the Bureau of Services for Child Care; and*  
32     (f) *The Chief of the Youth Parole Bureau.*

33     2. *The Administrator is responsible for the administration,*  
34 *through the Division, of the provisions of chapters 63, 423 and*  
35 *424 of NRS, NRS 127.220 to 127.310, inclusive, 432.010 to*  
36 *432.085, inclusive, sections 154 to 163, inclusive, of this act,*  
37 *and 433B.010 to 433B.350, inclusive, and all other provisions of*  
38 *law relating to the functions of the Division, but is not responsible*  
39 *for the professional activities of the components of the Division*  
40 *except as specifically provided by law.*

41     **Sec. 158.** 1. *The Superintendents of the Nevada Youth*  
42 *Training Center, the Caliente Youth Center and any other state*  
43 *facility for the detention of children that is operated pursuant to*  
44 *title 5 of NRS are in the unclassified service of the State unless*  
45 *federal law or regulation requires otherwise.*





1       2. *The Superintendent of the Northern Nevada Children's*  
2 *Home, the Superintendent of the Southern Nevada Children's*  
3 *Home, the Chief of the Bureau of Services for Child Care and the*  
4 *Chief of the Youth Parole Bureau are in the classified service of*  
5 *the State.*

6       **Sec. 159.** *The chief of each bureau of the Division shall:*

7       1. *Administer the provisions of law relating to his bureau,*  
8 *subject to the administrative supervision of the Administrator.*

9       2. *Except as otherwise provided in NRS 284.143, devote his*  
10 *entire time and attention to the business of his office and shall not*  
11 *pursue any other business or occupation or hold any other office*  
12 *of profit.*

13       **Sec. 160.** 1. *Except as otherwise provided in subsections 2*  
14 *and 3 and by specific statute:*

15       (a) *The Division shall:*

16       (1) *Establish and impose a schedule of fees for services*  
17 *rendered through each of its programs. The highest fee*  
18 *established for a service must approximate the cost of providing*  
19 *the service.*

20       (2) *Establish a scale proportionate to income so that*  
21 *families whose income is low can afford services preventive of*  
22 *greater expense to the family or the public afterward.*

23       (3) *Submit the schedule to the Director for approval before*  
24 *enforcement.*

25       (b) *The fees collected pursuant to the schedule must be*  
26 *deposited in the State Treasury to the credit of the State General*  
27 *Fund.*

28       (c) *The Administrator may waive any fee established pursuant*  
29 *to the schedule if he determines that the person required to pay*  
30 *that fee is financially unable to do so.*

31       2. *A schedule of fees established pursuant to this section does*  
32 *not apply to any services for which the Division receives payment*  
33 *pursuant to NRS 423.160 or 423.210.*

34       3. *Fees collected pursuant to this section for services provided*  
35 *to juveniles committed to the custody of the Division, the Nevada*  
36 *Youth Training Center, the Caliente Youth Center or any other*  
37 *state facility for the detention of children pursuant to title 5 of*  
38 *NRS must be deposited with the State Treasurer for credit to a*  
39 *separate account in the State General Fund for expenditure by the*  
40 *Administrator to carry out the powers and duties of the*  
41 *Administrator and the Division.*

42       **Sec. 161.** 1. *Except for gifts or grants specifically*  
43 *accounted for in another account, any gifts or grants of money*  
44 *which the Division is authorized to accept must be deposited in the*  
45 *State Treasury to the credit of the Division of Child and Family*



1 *Services' Gift and Cooperative Account in the Department of*  
2 *Health and Human Services' Gift Fund.*

3 2. *Money in the Account must be expended in accordance*  
4 *with the terms of the gift or grant.*

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

7 **Sec. 162.** 1. *The Department may issue a subpoena to*  
8 *compel the attendance of witnesses, the giving of testimony and*  
9 *the production of books and papers at an administrative hearing*  
10 *conducted pursuant to the provisions of 20 U.S.C. § 1415 on*  
11 *behalf of a party to that hearing. The subpoena must be signed by*  
12 *the Director or a person designated by the Director for this*  
13 *purpose. If a person fails to comply with a subpoena, the*  
14 *Department may apply to the district court for enforcement of the*  
15 *subpoena.*

16 2. *The District Court in and for Carson City or the county in*  
17 *which a hearing is being conducted for which such a subpoena*  
18 *was issued may, upon receipt of such an application, compel the*  
19 *attendance of witnesses, the giving of testimony and the*  
20 *production of books and papers as required by the subpoena.*

21 3. *In case of the refusal of any witness to attend or testify or*  
22 *produce any papers required by the subpoena, the person holding*  
23 *the hearing may report to the district court by petition, setting*  
24 *forth:*

25 (a) *That due notice has been given of the time and place of*  
26 *attendance of the witness or the production of the books and*  
27 *papers;*

28 (b) *That the witness has been subpoenaed in accordance with*  
29 *this section; and*

30 (c) *That the witness has failed or refused to attend or produce*  
31 *the papers required by subpoena before the person holding the*  
32 *hearing named in the subpoena, or has refused to answer*  
33 *questions propounded to him in the course of the hearing,*

34 *and asking an order of the court compelling the witness to*  
35 *attend and testify or produce the books or papers before the*  
36 *person.*

37 4. *The court, upon petition of the person holding the hearing,*  
38 *shall enter an order directing the witness to appear before the*  
39 *court at a time and place to be fixed by the court in the order, the*  
40 *time must not be more than 10 days after the date of the order, and*  
41 *then and there show cause why he has not attended or testified or*  
42 *produced the books or papers before the person holding the*  
43 *hearing. A certified copy of the order must be served upon the*  
44 *witness. If it appears to the court that the subpoena was regularly*  
45 *issued by the person holding the hearing, the court shall*



1 *thereupon enter an order that the witness appear before the person*  
2 *at the time and place fixed in the order and testify or produce the*  
3 *required books or papers, and upon failure to obey the order, the*  
4 *witness must be dealt with as for contempt of court.*

5 **Sec. 163.** *1. The Department, through the Division, is the*  
6 *sole state agency for the establishment of standards for the receipt*  
7 *of federal money in the field of juvenile development and for*  
8 *programs to prevent, combat and control delinquency. The*  
9 *Administrator, with the approval of the Director, may develop state*  
10 *plans, make reports to the Federal Government and comply with*  
11 *such other conditions as may be imposed by the Federal*  
12 *Government for the receipt of assistance for those programs. In*  
13 *developing and revising state plans, the Administrator shall*  
14 *consider, among other things, the amount of money available*  
15 *from the Federal Government for those programs and the*  
16 *conditions attached to that money, and the limitations of*  
17 *legislative appropriations for the programs.*

18 *2. The Administrator shall cause to be deposited with the*  
19 *State Treasurer all money allotted to this State by the Federal*  
20 *Government for the purposes described in this section and shall*  
21 *cause to be paid out of the State Treasury the money therein*  
22 *deposited for those purposes.*

23 **Sec. 164.** NRS 432.010 is hereby amended to read as follows:

24 432.010 As used in this chapter, except as otherwise defined by  
25 specific statute or unless the context otherwise requires:

26 1. "Administrator" means the Administrator of the Division.

27 2. "Agency which provides child welfare services" has the  
28 meaning ascribed to it in NRS 432B.030.

29 3. "Child" means a person less than 18 years of age ~~H~~ or , if in  
30 school, until graduation from high school.

31 4. *"Department" means the Department of Health and*  
32 *Human Services.*

33 5. *"Director" means the Director of the Department.*

34 6. "Division" means the Division of Child and Family Services  
35 of the Department. ~~{of Human Resources.~~

36 ~~—5.}~~ 7. "Maintenance" means general expenses for care such as  
37 board, shelter, clothing, transportation and other necessary or  
38 incidental expenses, or any of them, or monetary payments therefor.

39 ~~{6.}~~ 8. "Special services" means medical, hospital, psychiatric,  
40 surgical or dental services, or any combination thereof.

41 **Sec. 165.** NRS 432.0305 is hereby amended to read as  
42 follows:

43 432.0305 The Department , ~~{of Human Resources,}~~ through the  
44 Division, shall:



1       1. Observe and study the changing nature and extent of the  
2 need for child welfare services and develop through tests and  
3 demonstrations effective ways of meeting those needs.

4       2. Cooperate with the Federal Government in adopting state  
5 plans, in all matters of mutual concern, including the adoption of  
6 methods of administration found by the Federal Government to be  
7 necessary for the efficient operation of programs for child welfare,  
8 and in increasing the efficiency of those programs by prompt and  
9 judicious use of new federal grants which will assist the Division in  
10 carrying out the provisions of NRS 432.010 to 432.085, inclusive ~~and~~  
11 *, and sections 154 to 163, inclusive, of this act.* The Department  
12 shall consider any request for a change in the state plan submitted  
13 by an agency which provides child welfare services.

14       3. Enter into reciprocal agreements with other states relative to  
15 services for child welfare and institutional care, when deemed  
16 necessary or convenient by the Administrator. ~~{of the Division.}~~

17       4. Enter into agreements with an agency which provides child  
18 welfare services in a county whose population is 100,000 or more  
19 when deemed necessary or convenient by the Administrator. ~~{of the~~  
20 ~~Division.}~~

21       5. Accept money from and cooperate with the United States or  
22 any of its agencies in carrying out the provisions of NRS 432.010 to  
23 432.085, inclusive, *and sections 154 to 163, inclusive, of this act,*  
24 and of any federal acts pertaining to public child welfare and youth  
25 services, insofar as authorized by the Legislature.

26       **Sec. 166.** NRS 432.031 is hereby amended to read as follows:

27       432.031 1. The Department, ~~{of Human Resources,}~~ through  
28 the Division, shall act as the single state agency of the State of  
29 Nevada and its political subdivisions in the administration of any  
30 federal money granted to the State to aid in the furtherance of any  
31 services and activities for child welfare.

32       2. If the Congress of the United States passes any law  
33 increasing the participation of the Federal Government in a Nevada  
34 Program for Child Welfare, either as relates to eligibility for  
35 assistance or otherwise, the Director ~~{of the Department of Human~~  
36 ~~Resources}~~ is authorized to accept, with the approval of the  
37 Governor, the increased benefits of that legislation. The Division  
38 may adopt such standards as are required by the Congress of the  
39 United States as a condition to the acceptance of those benefits.

40       3. An agency which provides child welfare services in a county  
41 whose population is 100,000 or more shall enter into such  
42 agreements with the Division as are necessary to maximize the  
43 amount of money that this State may obtain from the Federal  
44 Government for the provision of child welfare services throughout  
45 this State.



1     **Sec. 167.** NRS 432.034 is hereby amended to read as follows:  
2     432.034 Written statements of information required from  
3 responsible relatives of applicants for or recipients of assistance  
4 pursuant to NRS 432.010 to 432.085, inclusive, *and sections 154 to*  
5 *163, inclusive, of this act* need not be under oath, but any person  
6 who signs such a statement and willfully states therein as true any  
7 material matter which he knows to be false is guilty of perjury  
8 which is a category D felony and shall be punished as provided in  
9 NRS 193.130.

10    **Sec. 168.** NRS 432.091 is hereby amended to read as follows:  
11    432.091 The provisions of NRS 432.010 to 432.085, inclusive,  
12 *and sections 154 to 163, inclusive, of this act* do not apply to the  
13 Program for Child Care and Development administered by  
14 the ~~[Welfare]~~ Division *of Transitional and Supportive Services* of  
15 the Department ~~[of Human Resources]~~ pursuant to ~~[chapter 422 of~~  
16 ~~NRS.] sections 2 to 97, inclusive, of this act.~~

17    **Sec. 169.** NRS 432.133 is hereby amended to read as follows:  
18    432.133 1. The Director ~~[of the Department of Human~~  
19 ~~Resources]~~ is responsible for administering the Children's Trust  
20 Account. He may delegate to the Administrator any of the duties  
21 involved in administering the Account.

22    2. The Director shall report to each regular session of the  
23 Legislature regarding the agencies or organizations that have been  
24 awarded money from the Children's Trust Account, the money  
25 credited to the Account, the interest and income on the money in the  
26 Account, any unexpended money in the Account ~~[.]~~ and the general  
27 expenses of administering the Account.

28    **Sec. 170.** NRS 432.135 is hereby amended to read as follows:  
29    432.135 1. The Committee for Protection of Children is  
30 hereby created within the Department ~~[of Human Resources.]~~

31    2. The Committee consists of the following seven members,  
32 with at least one member residing within a county whose population  
33 is less than 100,000:

34    (a) The Administrator;

35    (b) A superintendent of a county school district appointed by the  
36 Director ; ~~[of the Department of Human Resources;]~~

37    (c) A director of a local agency providing services for abused or  
38 neglected children appointed by the Director of the Department ; ~~[of~~  
39 ~~Human Resources;]~~

40    (d) A representative of a community organization involved with  
41 children, appointed by the Director ; ~~[of the Department of Human~~  
42 ~~Resources;]~~ and

43    (e) Three members of the general public with knowledge of or  
44 experience in services to prevent abuse or neglect of children,  
45 appointed by the Governor.



1     **Sec. 171.** NRS 432.137 is hereby amended to read as follows:  
2     432.137 1. The Committee for Protection of Children shall  
3 meet at least twice a year. Additional meetings may be called by the  
4 Director ~~[of the Department of Human Resources]~~ as he determines  
5 necessary.

6     2. The expenses for travel of those members who are not state  
7 employees and the cost of the meetings must be paid solely out of  
8 the money in the Children's Trust Account available for  
9 administrative expenses under subsection 2 of NRS 432.131.

10    **Sec. 172.** NRS 432A.026 is hereby amended to read as  
11 follows:

12     432A.026 "Department" means the Department of *Health and*  
13 Human ~~[Resources.]~~ *Services.*

14    **Sec. 173.** NRS 432A.035 is hereby amended to read as  
15 follows:

16     432A.035 The provisions of this chapter do not apply to  
17 the Program for Child Care and Development administered by the  
18 ~~[Welfare]~~ Division *of Transitional and Supportive Services* of the  
19 Department ~~[of Human Resources]~~ pursuant to ~~[chapter 422 of~~  
20 ~~NRS.]~~ *sections 2 to 97, inclusive, of this act.*

21    **Sec. 174.** NRS 432A.060 is hereby amended to read as  
22 follows:

23     432A.060 The Chief ~~[shall]~~ *must* be appointed , *with the*  
24 *consent of the Director,* on the basis of his education, training,  
25 experience and demonstrated abilities and his interest in child care  
26 services and programs.

27    **Sec. 175.** NRS 432A.110 is hereby amended to read as  
28 follows:

29     432A.110 1. All gifts of money which the Bureau is  
30 authorized to accept must be deposited in the State Treasury for  
31 credit to the Gift Account for Child Care Services in the Department  
32 of *Health and* Human ~~[Resources']~~ *Services'* Gift Fund. The money  
33 may be invested and reinvested and must be used in accordance with  
34 the conditions of the gift.

35     2. All claims must be approved by the Chief before they are  
36 paid.

37    **Sec. 176.** NRS 108.850 is hereby amended to read as follows:

38     108.850 1. A petition to the district court for the imposition  
39 of a lien as described and limited in NRS 422.29306 *and section 63*  
40 *of this act* to recover money owed to the Department of *Health and*  
41 Human ~~[Resources]~~ *Services* as a result of payment of benefits for  
42 Medicaid must set forth:

43     (a) The facts concerning the giving of assistance;

44     (b) The name and address of the person who is receiving or who  
45 received the benefits for Medicaid;



(c) A description of the property, sufficient for identification, and its estimated value;

(d) The names, ages, residences and relationship of all persons who are claiming an interest in the property or who are listed as having any interest in the property, so far as known to the petitioner; and

(e) An itemized list of the amount owed to the Department of *Health and Human Resources Services* as a result of payment of benefits for Medicaid.

2. No defect of form or in the statement of facts actually existing voids the petition for the lien.

**Sec. 177.** NRS 115.090 is hereby amended to read as follows:

115.090 Nothing in this chapter exempts any real or personal property from any statute of this State that authorizes the recovery of money owed to the Department of *Health and Human Resources Services* as a result of the payment of benefits from Medicaid through the imposition or foreclosure of a lien against the property of a recipient of Medicaid in the manner set forth in NRS 422.29302 to 422.29308, inclusive ~~[ ]~~ , and *sections 61 to 64, inclusive, of this act.*

**Sec. 178.** NRS 127.275 is hereby amended to read as follows:

127.275 1. Except as otherwise provided in this section:

(a) In a county whose population is less than 100,000, the Division shall, in accordance with ~~[NRS 232.464;]~~ *section 160 of this act;* and

(b) In a county whose population is 100,000 or more, the board of county commissioners of the county shall, by ordinance,

➔ charge reasonable fees for the services provided by an agency which provides child welfare services in placing, arranging the placement of or assisting in placing or arranging the placement of any child for adoption, and for conducting any investigation required by NRS 127.2805.

2. The fees charged for those services must vary based on criteria developed by the Division and board of county commissioners but must not exceed the usual and customary fees that child-placing agencies in the area where the services are provided, or in a similar geographic area, would charge for those services. The Division and board of county commissioners shall not discriminate between adoptions made through an agency and specific adoptions in setting their fees.

3. A fee must not be charged for services related to the adoption of a child with special needs.

4. An agency which provides child welfare services may waive or reduce any fee charged pursuant to this section if the agency which provides child welfare services determines that the adoptive





1 parents are not able to pay the fee or the needs of the child require a  
2 waiver or reduction of the fee.

3 5. Any money collected by an agency which provides child  
4 welfare services in a county whose population is less than 100,000  
5 pursuant to this section must be accounted for in the appropriate  
6 account of the Division and may be used only to pay for the costs of  
7 any adoptive or postadoptive services provided by any agency  
8 which provides child welfare services in a county whose population  
9 is less than 100,000.

10 6. Any money collected by an agency which provides child  
11 welfare services in a county whose population is 100,000 or more  
12 pursuant to this section must be deposited in the county treasury for  
13 the credit of the agency which provides child welfare services and  
14 may be used only to pay for the costs of any adoption or  
15 postadoptive services provided by the agency which provides child  
16 welfare services.

17 **Sec. 179.** NRS 164.400 is hereby amended to read as follows:

18 164.400 1. Except in connection with an application for  
19 benefits pursuant to chapter 422 of NRS ~~§~~ *or sections 2 to 97,*  
20 *inclusive, of this act,* a trustee may present a certification of trust to  
21 any person, in lieu of a copy of any trust instrument, to establish the  
22 existence or terms of the trust. The trustee may present the  
23 certification voluntarily or at the request of the person with whom  
24 he is dealing.

25 2. Such a certification must be in the form of an affidavit  
26 signed and acknowledged by all of the currently acting trustees of  
27 the trust.

28 **Sec. 180.** NRS 217.180 is hereby amended to read as follows:

29 217.180 1. In determining whether to make an order for  
30 compensation, the compensation officer shall consider the  
31 provocation, consent or any other behavior of the victim that  
32 directly or indirectly contributed to his injury or death, the prior case  
33 or social history, if any, of the victim, the need of the victim or his  
34 dependents for financial aid and other relevant matters.

35 2. If the applicant has received or is likely to receive an amount  
36 on account of his injury or the death of another from:

37 (a) The person who committed the crime that caused the  
38 victim's injury or from anyone paying on behalf of the offender;

39 (b) Insurance;

40 (c) The employer of the victim; or

41 (d) Another private or public source or program of assistance,  
42 ➔ the applicant shall report the amount received or that he is likely  
43 to receive to the compensation officer. Any of those sources that are  
44 obligated to pay an amount after the award of compensation shall  
45 pay the Board the amount of compensation that has been paid to the



1 applicant and pay the remainder of the amount due to the applicant.  
2 The compensation officer shall deduct the amounts that the  
3 applicant has received or is likely to receive from those sources  
4 from the applicant's total expenses.

5 3. An order for compensation may be made whether or not a  
6 person is prosecuted or convicted of an offense arising from the act  
7 on which the claim for compensation is based.

8 4. As used in this section, "public source or program of  
9 assistance" means:

10 (a) Public assistance, as defined in NRS 422.050 ~~[ ]~~ *and section*  
11 *15 of this act;*

12 (b) Social services provided by a social service agency, as  
13 defined in NRS 430A.080; or

14 (c) Other assistance provided by a public entity.

15 **Sec. 181.** NRS 232.290 is hereby amended to read as follows:

16 232.290 As used in NRS 232.290 to ~~[232.465,]~~ *232.357,*  
17 inclusive, unless the context requires otherwise:

18 1. "Department" means the Department of *Health and* Human  
19 ~~[Resources.]~~ *Services.*

20 2. "Director" means the Director of the Department.

21 **Sec. 182.** NRS 232.300 is hereby amended to read as follows:

22 232.300 1. The Department of *Health and* Human  
23 ~~[Resources.]~~ *Services* is hereby created.

24 2. The Department consists of a Director and the following  
25 divisions:

26 (a) Aging Services Division.

27 (b) Health Division.

28 (c) Division of Mental Health and Developmental Services.

29 (d) ~~[Welfare Division.]~~ *Division of Transitional and Supportive*  
30 *Services.*

31 (e) Division of Child and Family Services.

32 (f) Division of Health Care Financing and Policy.

33 3. The Department is the sole agency responsible for  
34 administering the provisions of law relating to its respective  
35 divisions.

36 **Sec. 183.** NRS 232.320 is hereby amended to read as follows:

37 232.320 1. Except as otherwise provided in subsection 2, the  
38 Director:

39 (a) Shall appoint, with the consent of the Governor,  
40 administrators of the divisions of the Department, who are  
41 respectively designated as follows:

42 (1) The Administrator of the Aging Services Division;

43 (2) The Administrator of the Health Division;

44 (3) The ~~[State Welfare Administrator.]~~ *Administrator of the*  
45 *Division of Transitional and Supportive Services;*



(4) The Administrator of the Division of Child and Family Services; and

(5) The Administrator of the Division of Health Care Financing and Policy.

(b) Shall administer, through the divisions of the Department and the Office of Disability Services, the provisions of chapters 63, 423, 424, 425, 426A, 427A, 432A to 442, inclusive, 446 to 450, inclusive, of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, 422.580, 426.205 to 426.295, inclusive, 432.010 to 432.139, inclusive, 444.003 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, *and sections 2 to 97, inclusive, and 154 to 163, inclusive, of this act*, and all other provisions of law relating to the functions of the divisions of the Department and the Office of Disability Services, but is not responsible for the clinical activities of the Health Division or the professional line activities of the other divisions or the Office of Disability Services.

(c) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(d) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information to him regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which he deems necessary for his performance of the duties imposed upon him pursuant to this section.



1 (e) Has such other powers and duties as are provided by law.

2 2. The Governor shall appoint the Administrator of the  
3 Division of Mental Health and Developmental Services.

4 **Sec. 184.** NRS 232.350 is hereby amended to read as follows:

5 232.350 Unless federal law or regulation requires otherwise:

6 1. The administrators of the divisions of the Department,  
7 except as otherwise provided in subsections 2 and 3, may each  
8 appoint , *with the consent of the Director*, a deputy and a chief  
9 assistant in the unclassified service of the State.

10 2. The Administrator of the Division of Child and Family  
11 Services of the Department shall appoint , *with the consent of the*  
12 *Director*, four deputies in the unclassified service of the State, one  
13 of whom is the Deputy Administrator for Youth Corrections who is  
14 responsible only for correctional services for youths for which the  
15 Division is responsible, including, without limitation, juvenile  
16 correctional institutions, parole of juveniles, administration of  
17 juvenile justice and programs for juvenile justice.

18 3. The Administrator of the Division of Health Care Financing  
19 and Policy of the Department may appoint , *with the consent of the*  
20 *Director*, two deputies in the unclassified service of the State.

21 **Sec. 185.** NRS 232.355 is hereby amended to read as follows:

22 232.355 1. Except for gifts or grants specifically accounted  
23 for in another fund, all gifts or grants of money or other property  
24 which the divisions of the Department ~~[of Human Resources]~~ are  
25 authorized to accept must be accounted for in the Department of  
26 *Health and Human [Resources'] Services'* Gift Fund, which is  
27 hereby created as a special revenue fund. The Fund is a continuing  
28 fund without reversion. The Department may establish such  
29 accounts in the Fund as are necessary to account properly for gifts  
30 received. All such money received by the divisions must be  
31 deposited in the State Treasury for credit to the Fund. The money in  
32 the Fund must be paid out on claims as other claims against the  
33 State are paid. Unless otherwise specifically provided by statute,  
34 claims against the Fund must be approved by the Director or his  
35 delegate.

36 2. Gifts of property other than money may be sold or  
37 exchanged when this is deemed by the head of the facility or agency  
38 responsible for the gift to be in the best interest of the facility or  
39 agency. The sale price must not be less than 90 percent of the value  
40 determined by a qualified appraiser appointed by the head of the  
41 facility or agency. All money received from the sale must be  
42 deposited in the State Treasury to the credit of the appropriate gift  
43 account in the Department of *Health and Human [Resources']*  
44 *Services'* Gift Fund. The money may be spent only for the purposes  
45 of the facility or agency named in the title of the account. The



1 property may not be sold or exchanged if to do so would violate the  
2 terms of the gift.

3 **Sec. 186.** NRS 439.272 is hereby amended to read as follows:

4 439.272 1. The Health Division shall appoint , *with the*  
5 *consent of the Director*, a State Dental Health Officer, who is in the  
6 unclassified service of the State. The State Dental Health Officer  
7 must:

8 (a) Be a resident of this State;

9 (b) Hold a current license to practice dentistry issued pursuant to  
10 chapter 631 of NRS; and

11 (c) Be appointed on the basis of his education, training and  
12 experience and his interest in public dental health and related  
13 programs.

14 2. The State Dental Health Officer shall:

15 (a) Determine the needs of the residents of this State for public  
16 dental health;

17 (b) Provide the Health Division with advice regarding public  
18 dental health;

19 (c) Make recommendations to the Health Division and the  
20 Legislature regarding programs in this State for public dental health;

21 (d) Supervise the activities of the State Public Health Dental  
22 Hygienist; and

23 (e) Seek such information and advice from a dental school of the  
24 University and Community College System of Nevada as necessary  
25 to carry out his duties.

26 3. Except as otherwise provided in this subsection, the State  
27 Dental Health Officer shall devote all of his time to the business of  
28 his office and shall not pursue any other business or vocation or  
29 hold any other office of profit. Notwithstanding the provisions of  
30 NRS 281.127 and 284.143, the State Dental Health Officer may  
31 engage in academic instruction, research and studies at a dental  
32 school of the University and Community College System of  
33 Nevada.

34 4. The Health Division may solicit and accept gifts and grants  
35 to pay the costs associated with the position of State Dental Health  
36 Officer.

37 **Sec. 187.** NRS 439.279 is hereby amended to read as follows:

38 439.279 1. The Health Division shall appoint , *with the*  
39 *consent of the Director*, a State Public Health Dental Hygienist,  
40 who is in the unclassified service of the State. The State Public  
41 Health Dental Hygienist must:

42 (a) Be a resident of this State;

43 (b) Hold a current license to practice dental hygiene issued  
44 pursuant to chapter 631 of NRS with a special endorsement issued  
45 pursuant to NRS 631.287; and



1 (c) Be appointed on the basis of his education, training and  
2 experience and his interest in public health dental hygiene and  
3 related programs.

4 2. The State Public Health Dental Hygienist:

5 (a) Shall assist the State Dental Health Officer in carrying out  
6 his duties; and

7 (b) May:

8 (1) Make recommendations to the Health Division regarding  
9 programs in this State for public health dental hygiene; and

10 (2) Perform any acts authorized pursuant to NRS 631.287.

11 3. Except as otherwise provided in this subsection, the State  
12 Public Health Dental Hygienist shall devote all of his time to the  
13 business of his office and shall not pursue any other business or  
14 vocation or hold any other office of profit. Notwithstanding the  
15 provisions of NRS 281.127 and 284.143, the State Public Health  
16 Dental Hygienist may engage in academic instruction, research and  
17 studies in a program of the University and Community College  
18 System of Nevada.

19 4. The Health Division may solicit and accept gifts and grants  
20 to pay the costs associated with the position of State Public Health  
21 Dental Hygienist.

22 **Sec. 188.** NRS 439A.086 is hereby amended to read as  
23 follows:

24 439A.086 The position of Chief Research and Statistical  
25 Analyst is hereby created in the Health Division of the Department.

26 *This position is in the classified service of the State.*

27 **Sec. 189.** NRS 483.800 is hereby amended to read as follows:

28 483.800 1. The following sources shall submit, within 30  
29 days after learning such information, to the Department the name,  
30 address, birth date, social security number, visual acuity and any  
31 other information which may be required by regulation of the  
32 Department, of persons who are blind or night-blind or whose vision  
33 is severely impaired and shall designate whether the person is blind,  
34 night-blind or has severely impaired vision:

35 (a) Hospitals, medical clinics and similar institutions which treat  
36 persons who are blind, night-blind or whose vision is severely  
37 impaired; and

38 (b) Agencies of the State and political subdivisions which  
39 provide special tax consideration for blindness.

40 2. When any source described in subsection 1 learns that vision  
41 has been restored to any person whose name appears in the registry  
42 established pursuant to subsection 3, the fact of restoration of vision  
43 must be reported to the registry within 30 days after learning of that  
44 fact.



3. The Department may establish a registry for the purposes of this section and adopt regulations governing reports to and operation of the registry.

4. The Department shall maintain a file of the names, addresses, birth dates and social security numbers of persons who are blind or night-blind or whose vision is severely impaired.

5. All information learned by the Department pursuant to this section is confidential and any person who, without the consent of the person concerned, reveals that information for purposes other than those specified in this section, or other than for administration of the Program for Supplemental Security Income, including State Supplementary Assistance pursuant to chapter 422 of NRS ~~or~~ *sections 2 to 97, inclusive, of this act*, or services to the blind pursuant to NRS 426.520 to 426.610, inclusive, is guilty of a misdemeanor.

**Sec. 190.** NRS 612.448 is hereby amended to read as follows:

612.448 1. In addition to any restrictions imposed pursuant to NRS 422.065 *and section 20 of this act*, benefits are not payable on the basis of services performed by an alien unless, at the time the services were performed, he was:

(a) Lawfully admitted for permanent residence in the United States;

(b) Lawfully present in the United States for the purpose of performing the services; or

(c) Otherwise permanently residing in the United States under color of law, including an alien who was lawfully present in the United States pursuant to section 207, 208 or 212(d)(5) of the Immigration and Nationality Act.

2. Any data or information required of persons applying for benefits to determine whether benefits are not payable to them because of their alien status must be uniformly required from all applicants for benefits.

3. In the case of any person whose application for benefits would otherwise be approved, a determination that benefits to that person are not payable because of his alien status may not be made except upon a preponderance of the evidence.

4. Any modification of any condition or any effective date for the denial of benefits based on services performed by an alien under the provisions of 26 U.S.C. § 3304(a)(14) which must be made by this State as a condition for full tax credit against the tax imposed by the Unemployment Compensation Amendments of 1976 (P.L. 94-566) must be adopted by regulation of the Administrator.

**Sec. 191.** 1. NRS 232.365, 232.367, 232.368, 232.369, 232.371, 232.373, 232.400, 232.410, 232.420, 232.430, 232.440,





1 232.450, 232.460, 232.464, 232.4645, 232.4647 and 232.465 are  
2 hereby repealed.

3 2. NRS 422.010, 422.049, 422.055, 422.070, 422.080, 422.110,  
4 422.120, 422.130, 422.140, 422.160, 422.180, 422.190, 422.200,  
5 422.210, 422.215, 422.222, 422.224, 422.230, 422.2352, 422.2931,  
6 422.29312, 422.29316, 422.29318, 422.2932, 422.29322,  
7 422.29324, 422.310, 422.330, 422.340, 422.350, 422.371, 422.3712,  
8 422.3714, 422.3716, 422.3718, 422.372, 422.3722, 422.3724,  
9 422.3726, 422.3728, 422.3732, 422.3734, 422.3736, 422.3738,  
10 422.374, 422.3742, 422.3744, 422.3746, 422.3748, 422.3752,  
11 422.3754, 422.392 and 422.600 are hereby repealed.

12 3. NRS 439A.087 and 439A.088 are hereby repealed.

13 **Sec. 192.** To the extent that the statutory provisions enacted by  
14 this act are substantially the same as the statutory provisions  
15 repealed by this act, the statutory provisions enacted by this act must  
16 be construed as being substituted in a continuing way for the  
17 statutory provisions repealed by this act.

18 **Sec. 193.** 1. To the extent that any statutory provision is  
19 repealed by this act, that repeal does not affect, modify or abrogate  
20 any right, remedy, duty, obligation, requirement, assessment, fine,  
21 forfeiture, penalty, liability, action, prosecution, proceeding,  
22 adjudication, disposition, order, judgment, regulation, contract, act  
23 or transaction that was in existence, had been instituted, imposed,  
24 taken, executed, entered or adopted, or had otherwise accrued or  
25 occurred before October 1, 2005.

26 2. To the extent that any statutory provision is repealed by this  
27 act, that repeal does not revive any other statutory provision that  
28 was repealed before October 1, 2005.

29 **Sec. 194.** The provisions of this act do not repeal or otherwise  
30 affect, modify or abrogate:

31 1. Any statute enacting a special, local or temporary law.

32 2. Any statute, ordinance or resolution making an  
33 appropriation.

34 3. Any statute, ordinance or resolution affecting any bond issue  
35 or by which any bond issue may have been authorized.

36 4. The running of any statute of limitations in force on  
37 October 1, 2005.

38 5. The continued existence or operation of any state or local  
39 department, agency or office legally established or held on or before  
40 October 1, 2005.

41 6. Any bond of any public officer.

42 7. Any taxes, fees, assessments or other charges legally  
43 incurred, imposed or collected before October 1, 2005.

44 8. Any regulation, ordinance or resolution that does not  
45 conflict with the provisions of this act.



1     **Sec. 195.** 1. Except as otherwise provided in this section, the  
2 provisions of this act do not repeal or otherwise affect, modify or  
3 abrogate any statute authorizing, ratifying, confirming, approving or  
4 accepting any compact or contract with the United States, another  
5 state, or any agency or instrumentality of the United States or  
6 another state.

7     2. The repeal of the provisions of NRS 232.365 to 232.373,  
8 inclusive, 232.400 to 232.465, inclusive, 422.010, 422.049, 422.055,  
9 422.070 to 422.140, inclusive, 422.160 to 422.230, inclusive,  
10 422.2931 to 422.29324, inclusive, 422.310 to 422.350, inclusive,  
11 422.371 to 422.3754, inclusive, and 422.392 is intended for the  
12 purposes of reenactment and codification only.

13     **Sec. 196.** 1. If any bill passed by the 73rd Session of the  
14 Nevada Legislature adds a new statutory provision to NRS 232.365  
15 to 232.373, inclusive, 232.400 to 232.465, inclusive, 422.010,  
16 422.049, 422.055, 422.070 to 422.140, inclusive, 422.160 to  
17 422.230, inclusive, 422.2931 to 422.29324, inclusive, 422.310  
18 to 422.350, inclusive, 422.371 to 422.3754, inclusive, 422.392 and  
19 422.600, the new statutory provision shall be deemed to be saved,  
20 and the new statutory provision remains in effect in accordance with  
21 the terms of the bill and must be incorporated into the provisions of  
22 title 38 of NRS, as amended by the provisions of this act. The  
23 Legislative Counsel shall codify the new statutory provision in the  
24 appropriate chapter in title 38 of NRS, as amended by the provisions  
25 of this act.

26     2. If any bill passed by the 73rd Session of the Nevada  
27 Legislature amends a statutory provision of NRS 232.365 to  
28 232.373, inclusive, 232.400 to 232.465, inclusive, 422.010, 422.049,  
29 422.055, 422.070 to 422.140, inclusive, 422.160 to 422.230,  
30 inclusive, 422.2931 to 422.29324, inclusive, 422.310 to 422.350,  
31 inclusive, 422.371 to 422.3754, inclusive, 422.392 and 422.600 that  
32 is repealed by the provisions of this act, the amendment shall be  
33 deemed to be saved, and the amendment remains in effect in  
34 accordance with the terms of the bill and must be incorporated into  
35 the provisions of title 38 of NRS, as amended by the provisions of  
36 this act. The Legislative Counsel shall codify the amendment in the  
37 appropriate chapter in title 38 of NRS, as amended by the provisions  
38 of this act.

39     **Sec. 197.** 1. The Legislative Counsel shall:

40     (a) In preparing the reprint and supplements to the Nevada  
41 Revised Statutes, appropriately change any references to a statutory  
42 provision of NRS 232.365 to 232.373, inclusive, 232.400 to  
43 232.465, inclusive, 422.010, 422.049, 422.055, 422.070 to 422.140,  
44 inclusive, 422.160 to 422.230, inclusive, 422.2931 to 422.29324,  
45 inclusive, 422.310 to 422.350, inclusive, 422.371 to 422.3754,



1 inclusive, 422.392 and 422.600 that is repealed by the provisions of  
2 this act to refer to the appropriate provision of title 38 of NRS, as  
3 amended by the provisions of this act.

4 (b) In preparing supplements to the Nevada Administrative  
5 Code, appropriately change any references to a statutory provision  
6 of NRS 232.365 to 232.373, inclusive, 232.400 to 232.465,  
7 inclusive, 422.010, 422.049, 422.055, 422.070 to 422.140, inclusive,  
8 422.160 to 422.230, inclusive, 422.2931 to 422.29324,  
9 inclusive, 422.310 to 422.350, inclusive, 422.371 to 422.3754,  
10 inclusive, 422.392 and 422.600 that is repealed by the provisions of  
11 this act to refer to the appropriate provision of title 38 of NRS, as  
12 amended by the provisions of this act.

13 (c) In preparing supplements to the Nevada Administrative  
14 Code, appropriately recodify any regulations in the Nevada  
15 Administrative Code so that those regulations correspond with the  
16 appropriate chapters of title 38 of NRS, as amended by the  
17 provisions of this act.

18 2. Any reference in a bill or resolution passed by the 73rd  
19 Session of the Nevada Legislature to a statutory provision of NRS  
20 232.365 to 232.373, inclusive, 232.400 to 232.465, inclusive,  
21 422.010, 422.049, 422.055, 422.070 to 422.140, inclusive, 422.160  
22 to 422.230, inclusive, 422.2931 to 422.29324, inclusive, 422.310 to  
23 422.350, inclusive, 422.371 to 422.3754, inclusive, 422.392 and  
24 422.600 that is repealed by the provisions of this act shall be  
25 deemed to refer to the appropriate provision of title 38 of NRS, as  
26 amended by the provisions of this act.

27 **Sec. 198.** 1. Any administrative regulations adopted by an  
28 officer or an agency whose name has been changed or whose  
29 responsibilities have been transferred pursuant to the provisions of  
30 this act to another officer or agency remain in force until amended  
31 by the officer or agency to which the responsibility for the adoption  
32 of the regulations has been transferred.

33 2. Any contracts or other agreements entered into by an officer  
34 or agency whose name has been changed or whose responsibilities  
35 have been transferred pursuant to the provisions of this act to  
36 another officer or agency are binding upon the officer or agency to  
37 which the responsibility for the administration of the provisions of  
38 the contract or other agreement has been transferred. Such contracts  
39 and other agreements may be enforced by the officer or agency to  
40 which the responsibility for the enforcement of the provisions of the  
41 contract or other agreement has been transferred.

42 3. Any action taken by an officer or agency whose name has  
43 been changed or whose responsibilities have been transferred  
44 pursuant to the provisions of this act to another officer or agency  
45 remains in effect as if taken by the officer or agency to which the



responsibility for the enforcement of such actions has been transferred.

**Sec. 199.** 1. The Legislative Counsel shall:

(a) In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer or agency.

(b) In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer or agency.

2. Any reference in a bill or resolution passed by the 73rd Session of the Nevada Legislature to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency shall be deemed to refer to the officer or agency to which the responsibility is transferred.

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## LEADLINES OF REPEALED SECTIONS

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**232.365 Definitions.**

**232.367 “Administrator” defined.**

**232.368 “Children’s Health Insurance Program” defined.**

**232.369 “Division” defined.**

**232.371 “Medicaid” defined.**

**232.373 Purposes.**

**232.400 Purposes; duties.**

**232.410 Definitions.**

**232.420 Bureaus; administrative sections.**

**232.430 Appointment and qualifications of Administrator.**

**232.440 Powers and duties of Administrator; designation of chiefs of bureaus.**

**232.450 Classifications of superintendents of youth centers and homes and chiefs of bureaus.**

**232.460 Duties of chiefs of bureaus; restrictions on other employment.**

**232.464 Fees.**

**232.4645 Gifts and grants.**

**232.4647 Issuance and enforcement of subpoenas for certain hearings.**



**232.465 Establishment of standards for receipt of federal money and programs concerning juveniles; development of state plans by Administrator.**

**422.010 "Board" defined.**

**422.049 "Program for the Enforcement of Child Support" defined.**

**422.055 "Welfare Division" 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.**

**422.160 Qualifications.**

**422.180 Executive Officer of Welfare Division; administration and management of Welfare Division.**

**422.190 Reports.**

**422.200 Fiscal duties.**

**422.210 Organization of Welfare Division; appointment of heads of sections; employees; standards of service.**

**422.215 Administration of oaths by State Welfare Administrator and Director of Department of Human Resources; testimony of witnesses; subpoenas.**

**422.222 Regulations: Authority to adopt.**

**422.224 Regulations: Procedure for adoption, amendment or repeal.**

**422.230 General and miscellaneous powers and duties.**

**422.2352 "Administrator" defined.**

**422.2931 Administrative duties.**

**422.29312 Gifts and grants of money: Deposit in Welfare Division's Gift and Cooperative Account; use.**

**422.29316 Eligibility for certain public assistance of person convicted of felony involving possession, use or distribution of controlled substance.**

**422.29318 Identification and referral of victims of domestic violence; restricted disclosure of determination.**

**422.2932 Recipients of public assistance: Immunization of dependent children.**

**422.29322 Recipients of public assistance: Attendance of children at school and assistance with their academic performance.**

**422.29324 Prohibition against denial, reduction, discontinuance or termination of public assistance in violation of federal requirements.**



**422.310 Liability of spouse for spouse or parent for minor child.**

**422.330 Written statement by responsible relative; perjury.**

**422.340 Enforcement of support by legal action.**

**422.350 Liability of relative not grounds for denying or discontinuing public assistance; acceptance of assistance constitutes consent by recipient to suit against responsible relative.**

**422.371 Definitions.**

**422.3712 "Benefit" defined.**

**422.3714 "Head of household" defined.**

**422.3716 "Household" defined.**

**422.3718 "Program" defined.**

**422.372 Powers and duties of State Welfare Administrator.**

**422.3722 Assessment of members of applicant's household required before provision of benefits; referrals for mental health services.**

**422.3724 Plan for personal responsibility of household: Establishment; contents; execution; expiration; review; amendment.**

**422.3726 Agreement of cooperation: Establishment; execution; contents.**

**422.3728 Period for action on application for benefits.**

**422.3732 Performance of work by head of household: Requirement; failure to comply; regulations.**

**422.3734 Exemption of head of household from requirement to complete program of job training; exceptions.**

**422.3736 Failure to comply with plan for personal responsibility or agreement of cooperation: Notification of head of household; reduction or termination of benefits; regulations.**

**422.3738 Compliance with federal prohibitions on receipt of benefits.**

**422.374 Limitations on periods for receipt of benefits; exceptions; denial or suspension of benefits to comply with federal limitation.**

**422.3742 Provision of transitional assistance to head of household.**

**422.3744 Payment of certain expenses of applicant determined not to be in need of long-term benefits.**

**422.3746 Program to promote self-sufficiency of certain parents: Establishment; participation.**

**422.3748 Encouragement of employment opportunities.**

**422.3752 Enforcement of court orders for support of children against parents of certain noncustodial parents.**



**422.3754 Waiver of requirements of chapter for certain victims of domestic violence.**

**422.392 Establishment and administration of program; qualifications for participation in program; assistance provided by program; adoption of regulations.**

**422.600 Job development coordinators: Employment by Department of Employment, Training and Rehabilitation; duties.**

**439A.087 Chief Research and Statistical Analyst: Appointment and qualifications.**

**439A.088 Chief Research and Statistical Analyst: Duties.**







