

SENATE BILL NO. 220—COMMITTEE ON
HUMAN RESOURCES AND EDUCATION

(ON BEHALF OF THE OFFICE OF DISABILITY SERVICES)

MARCH 6, 2007

Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions relating to programs and services for persons with disabilities. (BDR 38-594)

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

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

AN ACT relating to public welfare; revising various reporting requirements regarding programs and services for persons with disabilities; transferring to the Office of Disability Services within the Department of Health and Human Services the duty to maintain and make available a list of certain interpreters; revising provisions governing personal assistance for persons with severe functional disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that various reports regarding the programs and services for persons with disabilities and persons with traumatic brain injuries be submitted to various persons and governmental entities in this State. (NRS 426.235, 426.729, 426A.040, 426A.060, 426A.070) **Sections 1 and 3-5** of this bill eliminate the requirements for these separate reports and require the Office of Disability Services within the Department of Health and Human Services to publish a single report concerning persons with disabilities and make the report available to governmental entities and the general public.

Existing law prescribes requirements for programs of personal assistance for persons with severe functional disabilities. (NRS 426.721-426.731) This law revises the definition of "severe functional disability" for purposes of the programs to include traumatic brain injury.

Sections 1 and 6 of this bill transfer from the Bureau of Vocational Rehabilitation in the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to the Office of Disability Services the duty to maintain and make available a list of persons who are qualified to engage in the practice of



* S B 2 2 0 *

17 interpreting in this State to serve as interpreters for persons who are deaf or hard of
18 hearing. (NRS 426.235, 615.200)

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

1 **Section 1.** NRS 426.235 is hereby amended to read as follows:
2 426.235 The Office of Disability Services is hereby created
3 within the Department. The Office shall:
4 1. Provide access to information about services or programs for
5 persons with disabilities that are available in this State.
6 2. Work with persons with disabilities, persons interested in
7 matters relating to persons with disabilities and state and local
8 governmental agencies in:
9 (a) Developing and improving policies of this State concerning
10 programs or services for persons with disabilities, including, without
11 limitation, policies concerning the manner in which complaints
12 relating to services provided pursuant to specific programs should
13 be addressed; and
14 (b) Making recommendations concerning new policies or
15 services that may benefit persons with disabilities.
16 3. Serve as a liaison between state governmental agencies that
17 provide services or programs to persons with disabilities to facilitate
18 communication and the coordination of information and any other
19 matters relating to services or programs for persons with disabilities.
20 4. Serve as a liaison between local governmental agencies in
21 this State that provide services or programs to persons with
22 disabilities to facilitate communication and the coordination of
23 information and any other matters relating to services or programs
24 for persons with disabilities. To inform local governmental agencies
25 in this State of services and programs of other local governmental
26 agencies in this State for persons with disabilities pursuant to this
27 subsection, the Office shall:
28 (a) Provide technical assistance to local governmental agencies,
29 including, without limitation, assistance in establishing an electronic
30 network that connects the Office to each of the local governmental
31 agencies that provides services or programs to persons with
32 disabilities;
33 (b) Work with counties and other local governmental entities in
34 this State that do not provide services or programs to persons with
35 disabilities to establish such services or programs; and
36 (c) Assist local governmental agencies in this State to locate
37 sources of funding from the Federal Government and other private
38 and public sources to establish or enhance services or programs for
39 persons with disabilities.



* S B 2 2 0 *

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

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

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

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

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

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

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

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

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

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

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

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

9. Publish *and make available to governmental entities and the general public* a biennial report which:

(a) ~~Reviews the current and projected capacity of:~~
~~(1) Services available to persons with disabilities pursuant to the State Plan for Medicaid;~~



* S B 2 2 0 *

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

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

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

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

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

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

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

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

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

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

~~—— (b) Documentation of];~~

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

~~[(e) A summary and analysis of the trends in the systems of care and services available for persons with disabilities;]~~ and

(d) ~~[(Recommendations)]~~ *Recommends strategies and, if determined necessary by the Office, legislation* for improving the ability of the State ~~[of Nevada]~~ to provide services to persons with disabilities and advocate for the rights of persons with disabilities.

10. Maintain a list of persons who are qualified to engage in the practice of interpreting in this State pursuant to NRS 656A.100 to serve as interpreters for persons who are deaf or hard of hearing and make the list available to any person upon request without charge.

Sec. 2. NRS 426.726 is hereby amended to read as follows:

426.726 “Severe functional disability” means ~~[any]~~ :

1. Any physical or mental condition pursuant to which a person is unable, without substantial assistance from another person, to eat, bathe and toilet.



1 **2. A traumatic brain injury.**

2 **Sec. 3.** NRS 426.729 is hereby amended to read as follows:

3 426.729 The Director of the Department of Health and Human
4 Services, in consultation with the Advisory Committee, shall:

5 1. Determine the amount of state funding necessary each
6 biennium to carry out NRS 426.728.

7 2. Ensure that the amount of funding determined to be
8 necessary pursuant to subsection 1 is included in the budgetary
9 request of the appropriate department or agency for the biennium,
10 and that the budgetary request includes funding for any increase in
11 the number of cases handled by the state personal assistance
12 programs.

13 3. Establish a program to govern the services provided to carry
14 out NRS 426.728, within the limitations of any conditions upon the
15 receipt of state or federal funding, including:

16 (a) Minimum standards for the provision of minimum essential
17 personal assistance, including, to the extent authorized by state and
18 federal law, the provision of services in accordance with
19 NRS 629.091;

20 (b) Minimum qualifications and training requirements for
21 providers of minimum essential personal assistance;

22 (c) Standards for the financial operation of providers of
23 minimum essential personal assistance;

24 (d) The development of an individual service plan for the
25 provision of minimum essential personal assistance to each
26 recipient;

27 (e) Procedures to appeal the denial or modification of an
28 individual service plan for the provision of minimum essential
29 personal assistance and to resolve any disputes regarding the
30 contents of such a plan;

31 (f) Continuous monitoring of the adequacy and effectiveness of
32 the provision of minimum essential personal assistance to each
33 recipient;

34 (g) Mandatory requirements and procedures for reporting the
35 abuse, neglect or exploitation of a recipient;

36 (h) The receipt of meaningful input from recipients, including
37 surveys of recipients, regarding the extent to which recipients are
38 receiving the services described in their individual service plans and
39 their satisfaction with those services; and

40 (i) Continuing procedures for soliciting public input regarding
41 the development, implementation and review of the program.

42 4. Review and modify the program established pursuant to
43 subsection 3 as appropriate to provide recipients with as much
44 independence and control over the provision of minimum essential
45 personal assistance as is feasible.



* S B 2 2 0 *

5. Submit to each regular session of the Legislature and make available to members of the public any recommendations for legislation to carry out NRS 426.728 and to carry out or improve the program established pursuant to subsection 3.

~~[6. Submit to each regular session of the Legislature a report regarding the expenditure of any money received to carry out NRS 426.721 to 426.731, inclusive, that must include information regarding:~~

~~—(a) The fiscal and other effects of services provided to carry out NRS 426.728;~~

~~—(b) The results of the program established pursuant to subsection 3; and~~

~~—(c) The percentage change in the number of residents of this State with severe functional disabilities who are able to avoid or leave institutional care as a result of the receipt of minimum essential personal assistance through community-based services.]~~

Sec. 4. NRS 426A.060 is hereby amended to read as follows:

426A.060 1. The Advisory Committee on Traumatic Brain Injuries, consisting of 11 members, is hereby created.

2. The Director of the Department shall appoint to the Committee:

(a) One member who is an employee of the Office.

(b) One member who is an employee of the Division of Health Care Financing and Policy of the Department and participates in the administration of the state program providing Medicaid.

(c) One member who is a licensed insurer in this State.

(d) One member who represents the interests of educators in this State.

(e) One member who is a person professionally qualified in the field of psychiatric mental health.

(f) Two members who are employees of private providers of rehabilitative health care located in this State.

(g) One member who represents persons who operate community-based programs for head injuries in this State.

(h) One member who represents hospitals in this State.

(i) Two members who represent the recipients of health care in this State.

3. After the initial appointments, each member of the Committee serves a term of 3 years.

4. The Committee shall elect one of its members to serve as Chairman.

5. Members of the Committee:

(a) Serve without compensation; and

(b) If provided for in the budget of the Department, while engaged in the business of the Committee, are entitled to receive the



* S B 2 2 0 *

1 per diem allowance and travel expenses provided for state officers
2 and employees generally.

3 6. The Committee may:

4 (a) Make recommendations to the Director of the Department
5 and the Office relating to the establishment and operation of any
6 program for persons with traumatic brain injuries.

7 (b) Make recommendations to the Director of the Department
8 and the Office concerning proposed legislation relating to traumatic
9 brain injuries.

10 (c) Collect information relating to traumatic brain injuries.

11 (d) Apply for grants.

12 (e) Accept and expend any money made available to the
13 Committee by gift, grant, donation or bequest.

14 7. ~~[The Committee shall prepare a report of its activities and~~
15 ~~recommendations each year and submit a copy to the:~~

16 ~~—(a) Director of the Department;~~

17 ~~—(b) Office;~~

18 ~~—(c) Legislative Committee on Health Care; and~~

19 ~~—(d) Legislative Commission.~~

20 ~~—8.]~~ As used in this section:

21 (a) "Person professionally qualified in the field of psychiatric
22 mental health" has the meaning ascribed to it in NRS 433.209.

23 (b) "Provider of health care" has the meaning ascribed to it in
24 NRS 629.031.

25 **Sec. 5.** NRS 426A.070 is hereby amended to read as follows:

26 426A.070 1. The Office shall establish a Program for Persons
27 With Traumatic Brain Injuries.

28 2. The Program may, subject to legislative appropriation,
29 provide:

30 (a) The following services to persons with traumatic brain
31 injuries:

32 (1) Treatment during the day on an outpatient basis;

33 (2) Care provided in a facility operated and maintained to
34 furnish food, shelter, assistance and limited supervision;

35 (3) Care provided in the home;

36 (4) Instruction in the skills required for independent living;

37 (5) Placement for jobs; and

38 (6) Counseling and treatment for the abuse of drugs or
39 alcohol.

40 (b) Support services for families of persons with traumatic brain
41 injuries.

42 (c) For the dissemination of information for the prevention of
43 traumatic brain injuries.



* S B 2 2 0 *

~~[3. The Office shall evaluate the Program and submit a report containing the evaluation and any recommended legislation to each regular session of the Legislature.]~~

Sec. 6. NRS 615.200 is hereby amended to read as follows:

615.200 The Bureau may:

1. Enter into reciprocal agreements with other states, which, for this purpose, may include the District of Columbia, Puerto Rico, the *United States* Virgin Islands and Guam, to provide for the vocational rehabilitation of individuals within the states concerned;

2. Establish or construct rehabilitation facilities and workshops and make grants to, or contracts or other arrangements with, public and other nonprofit organizations for the establishment of workshops and rehabilitation facilities;

3. Operate facilities for carrying out the purposes of this chapter;

4. In matters relating to vocational rehabilitation:

(a) Conduct research, studies, investigations and demonstrations and make reports;

(b) Provide training and instruction, including, without limitation, the establishment and maintenance of such research fellowships and traineeships with such stipends and allowances as may be deemed necessary;

(c) Disseminate information; and

(d) Render technical assistance; *and*

5. Provide for the establishment, supervision, management and control of small business enterprises to be operated by severely handicapped persons where their operation will be improved through the management and supervision of the Bureau. ~~[; and~~

~~—6. Maintain a list of persons who are qualified to engage in the practice of interpreting in this State pursuant to NRS 656A.100 to serve as interpreters for handicapped persons and shall make any such list available without charge to persons who request it.]~~

Sec. 7. NRS 426A.040 is hereby repealed.

TEXT OF REPEALED SECTION

426A.040 Annual report to Legislative Commission. Each year the Department shall prepare and submit to the Legislative Commission a statistical report which summarizes and interprets the information obtained pursuant to NRS 426A.020.

