

SENATE BILL NO. 377—SENATOR HARDY

MARCH 19, 2007

Referred to Committee on Human Resources and Education

SUMMARY—Enacts provisions relating to early intervention services for infants and toddlers with disabilities. (BDR 40-12)

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 health; enacting provisions relating to early intervention services for infants and toddlers with disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Individuals with Disabilities Education Act provides money to states for the education of children with disabilities. (20 U.S.C. §§ 1400 et seq.) Part C of that Act provides money for the provision of services to help infants and toddlers, ages birth through 2 years, who have disabilities or delays in development. (20 U.S.C. §§ 1431 et seq.)

Section 1 of this bill designates the Office of the Director of the Department of Health and Human Services as the state agency to cooperate with the Federal Government in the administration of Part C in this State. In administering the program to provide early intervention services to eligible infants and toddlers, the Office of the Director is authorized to contract with private persons and organizations to provide those services. **Section 3** of this bill requires the Office of the Director to enter into contracts with private providers who are willing and able to provide those services in an amount equal to the amount of money awarded to private providers in Fiscal Year 2006-2007, plus at least 20 percent of the money budgeted for expenditure by the Office of the Director for providing those services to eligible infants and toddlers in each fiscal year of the 2007-2009 biennium. In addition, in Fiscal Year 2008-2009, the Office of the Director is required to enter into contracts with private providers who are willing and able to provide the early intervention services in an amount equal to the money budgeted for expenditure by the Office of the Director for providing those services to infants and toddlers who initially enter the program on or after July 1, 2008. **Section 4** of this bill requires the Office of the Director to contract with an independent consultant to evaluate the private providers who enter into contracts pursuant to this bill.



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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Office of the Director is hereby designated as the agency of this State to cooperate with the duly constituted federal authorities in the administration of Part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1431 et seq., which relates to early intervention services for infants and toddlers with disabilities, and is authorized to receive and expend all money made available to the Department and the Office of the Director by the Federal Government, the State or its political subdivisions, or from any other source for the purposes provided in this section.

2. The Office of the Director is hereby designated as the agency of this State to administer a program to provide early intervention services to an infant or toddler with a disability, and to supervise the administration of those services which are not administered directly by the Office of the Director.

3. The Office of the Director may award one or more contracts to any person that the Director determines to be capable of providing services in a manner that fulfills the goals and objectives of the program.

4. The Office of the Director may charge and collect fees for early intervention services provided to an infant or toddler with a disability pursuant to the program in the manner authorized by 34 C.F.R. Part 303.

5. The Director may adopt regulations necessary for the administration of the program, including, without limitation, regulations requiring the submission of periodic reports by persons awarded contracts pursuant to subsection 3.

6. The Director shall not delegate the duties assigned to the Director or the Office of the Director pursuant to this section to any other person, division, bureau or office within the Department.

7. As used in this section:

(a) "Early intervention services" has the meaning ascribed to it in 20 U.S.C. § 1432.

(b) "Infant or toddler with a disability" has the meaning ascribed to it in 20 U.S.C. § 1432.

(c) "Office of the Director" means the Office of the Director of the Department.

Sec. 2. NRS 442.005 is hereby amended to read as follows:

442.005 ~~The~~ *Except as otherwise provided in section 1 of this act, the* State Health Officer and the Health Division shall



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1 administer the provisions of this chapter in accordance with the
2 regulations of the State Board of Health and subject to
3 administrative supervision by the Director.

4 **Sec. 3.** 1. For the Fiscal Year 2007-2008, the Office of the
5 Director shall, to the extent that there are persons who have been
6 determined capable by the Director to provide early intervention
7 services to infants and toddlers with disabilities in a manner that
8 fulfills the goals and objectives of the program administered
9 pursuant to section 1 of this act and who are willing to provide such
10 services, enter into contracts with such persons in a total amount
11 equal to the amount of money budgeted for private providers during
12 the Fiscal Year 2006-2007, plus at least 20 percent of the money
13 budgeted for expenditure by the Office of the Director during the
14 Fiscal Year 2007-2008, other than for the costs of administration
15 relating to the program, for providing early intervention services to
16 infants and toddlers with disabilities pursuant to the program.

17 2. For the Fiscal Year 2008-2009, the Office of the Director
18 shall, to the extent that there are persons who have been determined
19 capable by the Director to provide early intervention services to
20 infants and toddlers with disabilities in a manner that fulfills the
21 goals and objectives of the program administered pursuant to section
22 1 of this act and who are willing to provide such services, enter into
23 contracts with such persons in a total amount equal to the amount of
24 money budgeted for private providers during the Fiscal Year
25 2006-2007, plus at least 20 percent of the money budgeted for
26 expenditure by the Office of the Director during the Fiscal Year
27 2008-2009, other than for the costs of administration relating to the
28 program, for providing early intervention services to infants and
29 toddlers with disabilities pursuant to the program.

30 3. For the Fiscal Year 2008-2009, the Office of the Director
31 shall, to the extent that there are persons who have been determined
32 capable by the Director to provide early intervention services to
33 infants and toddlers with disabilities in a manner that fulfills the
34 goals and objectives of the program administered pursuant to section
35 1 of this act and who are willing to provide such services, enter into
36 contracts with such persons in an amount equal to the money
37 budgeted for expenditure by the Office of the Director during the
38 Fiscal Year 2008-2009, other than for the costs of administration
39 relating to the program, for providing early intervention services to
40 infants and toddlers with disabilities for whom services from the
41 program are initially requested on or after July 1, 2008.

42 4. Notwithstanding the provisions of NRS 353.220, the
43 Department is not required to obtain approval of the Interim Finance
44 Committee for revisions to its work program for Budget Account
45 101-3208 as the result of attrition and the elimination of vacant



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positions to use money authorized for expenditure for personnel costs to pay for early intervention services provided by persons who contract with the Office of the Director pursuant to subsection 1, 2 or 3.

5. Beginning with the fiscal year that begins on July 1, 2007, the Director of the Department shall, at the end of each quarter of each fiscal year of the 2007-2009 biennium, submit to the Interim Finance Committee a report on the activities of the Office of the Director related to carrying out this section.

6. On or before September 1, 2008, the Director of the Department shall submit to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature a report on the activities of the Office of the Director related to carrying out this section.

7. As used in this section:

(a) "Department" means the Department of Health and Human Services.

(b) "Early intervention services" has the meaning ascribed to it in 20 U.S.C. § 1432.

(c) "Infant or toddler with a disability" has the meaning ascribed to it in 20 U.S.C. § 1432.

(d) "Office of the Director" means the Office of the Director of the Department.

Sec. 4. 1. The Director of the Department of Health and Human Services shall, on or before July 1, 2008, contract with an independent and qualified consultant to evaluate the services provided by persons who have entered into a contract with the Office of the Director to provide services to infants and toddlers with disabilities pursuant to sections 1 and 3 of this act.

2. The evaluation must consider, without limitation:

(a) The quality of services provided by persons who have entered into contracts with the Office of the Director;

(b) The number of infants or toddlers with disabilities that such persons served;

(c) The level of satisfaction reported by families of infants and toddlers with disabilities who have received services from such persons;

(d) The amount of money allocated to each person who provided services and the cost, as determined in half-hour and one-hour increments, of providing those services; and

(e) The administrative costs of the Office of the Director relating to the program administered pursuant to section 1 of this act.

3. The Office of the Director shall, on or before December 31, 2008:

(a) Make public a copy of the evaluation; and



- 1 (b) Submit a copy of the evaluation to the Director of the
- 2 Legislative Counsel Bureau, for transmission to the next regular
- 3 session of the Legislature, and any other interested persons deemed
- 4 appropriate by the Director of the Department.
- 5 **Sec. 5.** This act becomes effective on July 1, 2007.

