

## Amendment No. 137

Senate Amendment to Senate Bill No. 79 (BDR 38-327)

**Proposed by:** Senate Committee on Health and Education**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

SLP/KCR



Date: 4/13/2009

S.B. No. 79—Revises provisions governing various commissions, boards and committees relating to health. (BDR 38-327)



## SENATE BILL NO. 79—COMMITTEE ON HEALTH AND EDUCATION

(ON BEHALF OF THE DEPARTMENT OF  
HEALTH AND HUMAN SERVICES)

PREFILED DECEMBER 15, 2008

Referred to Committee on Health and Education

SUMMARY—Revises provisions governing various commissions, boards and committees relating to health. (BDR 38-327)

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

~

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

AN ACT relating to health; creating the Nevada Commission on Services for Persons with Disabilities and ~~providing~~ prescribing its duties; restructuring certain committees into subcommittees of the Commission; revising provisions relating to the Commission on Mental Health and Developmental Services; authorizing the State Board of Health to appoint the members of the Advisory Committee in the Office of Minority Health of the Department of Health and Human Services, the Advisory Board on Maternal and Child Health and the Committee on Emergency Medical Services; repealing provisions creating and governing the ~~Committee on Co-Occurring Disorders, the~~ Task Force on Prostate Cancer and the Task Force on Cervical Cancer; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Sections 3-7** of this bill create the Nevada Commission on Services for Persons with Disabilities within the Office of Disability Services in the Department of Health and Human Services. The duties of the Commission include determining and evaluating the needs of persons with disabilities in this State, promoting programs and services for such persons and recommending appropriate legislation concerning such persons. **Section 9** of this bill restructures the Committee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities into a subcommittee of the Commission. (NRS 426.255) Similarly, **section 12** of this bill restructures the Advisory Committee on Personal Assistance for Persons with Severe Functional Disabilities into a subcommittee of the Commission. (NRS 426.731)

**Sections 15-21 of this bill amend provisions relating to the Commission on Mental Health and Developmental Services to include co-occurring disorders in the scope of powers and duties of the Commission and to require the Commission to create a subcommittee on the mental health of children. (NRS 433.314-433.327)**

Under existing law, the members of the Advisory Committee in the Office of Minority Health of the Department of Health and Human Services, the Advisory Board on Maternal

and Child Health and the Committee on Emergency Medical Services are appointed by the Governor. (NRS 232.482, 442.133, 450B.151) Sections 14, ~~16 and 17~~ 24 and 25 of this bill require the State Board of Health to appoint those members. Section ~~16~~ 24 also provides that the legislative members of the Advisory Board on Maternal and Child Health are nonvoting members. Section 25 further amends the membership of the Committee on Emergency Medical Services to include an ex-officio member who is a representative of a committee or group which focuses on the provision of emergency medical services to children.

Section ~~18~~ 26 of this bill repeals provisions creating and governing the ~~Committee on Co-Occurring Disorders, the~~ Task Force on Prostate Cancer and the Task Force on Cervical Cancer. (NRS ~~429.526, 429.527, 429.528,~~ 457.300-457.390)

Section ~~19~~ 27 of this bill provides that a person who, on July 1, 2009, is a member of a committee or board that is restructured, or the appointing authority for which is revised, by the provisions of this act may continue to serve until the expiration of his term.

---

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

**Section 1.** Chapter 426 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

**Sec. 2.** *“Nevada Commission on Services for Persons with Disabilities” means the Nevada Commission on Services for Persons with Disabilities created by section 4 of this act.*

**Sec. 3.** *As used in sections 3 to 7, inclusive, of this act, unless the context otherwise requires, “Commission” means the Nevada Commission on Services for Persons with Disabilities created by section 4 of this act.*

**Sec. 4. 1.** *The Nevada Commission on Services for Persons with Disabilities, consisting of 11 voting members and 2 or more nonvoting members, is hereby created within the Office.*

**2.** *The Director of the Department shall appoint as voting members of the Commission 11 persons who have experience with or an interest in and knowledge of the problems of and services for persons with disabilities. The majority of the voting members of the Commission must be persons with disabilities or the parents or family members of persons with disabilities.*

**3.** *The Director of the Department and the Chief of the Office shall serve as nonvoting, ex officio members of the Commission and each may designate an alternate within his office to attend any meeting of the Commission in his place.*

**4.** *The Director of the Department may appoint as nonvoting members of the Commission such other representatives of State Government as the Director deems appropriate.*

**5.** *After the initial term of an appointed member, the term of an appointed member is 3 years. An appointed member may be reappointed for an additional term of 3 years. An appointed member may not serve more than two terms. A vacancy on the Commission must be filled in the same manner as the original appointment. An appointed member who serves for more than 1 year of a term to which another person was appointed may be appointed to serve only one additional full term as an appointed member.*

**6.** *The Director of the Department may remove an appointed member of the Commission for malfeasance in office or neglect of duty. Absence from two consecutive meetings of the Commission constitutes good and sufficient cause for removal of an appointed member by the Director.*

**Sec. 5. 1.** *The Commission shall, at its first meeting and annually thereafter, elect a Chairman from among its voting members.*

2. The Commission shall meet at least quarterly and at the times and places specified by a call of the Director of the Department, the Chairman or a majority of the voting members of the Commission.

3. A majority of the voting members of the Commission constitutes a quorum for the transaction of all business.

4. The Commission shall establish rules for its own governance.

5. Except as otherwise provided in NRS 426.255, 426.731 and 426A.060, the Chairman may appoint subcommittees and advisory committees composed of the members of the Commission, former members of the Commission and members of the general public who have experience with or knowledge of matters relating to persons with disabilities, to consider specific problems or other matters that are related to and within the scope of the functions of the Commission. A subcommittee or advisory committee appointed pursuant to this subsection must not contain more than five members. To the extent practicable, the members of such a subcommittee or advisory committee must be representative of the various geographic areas and ethnic groups of this State.

Sec. 6. 1. Each voting member of the Commission is entitled to receive a salary of not more than \$80 per day, as fixed by the Commission, while engaged in the business of the Commission, if funding is available for this purpose.

2. While engaged in the business of the Commission, each appointed member of the Commission, each person appointed to serve on a subcommittee or advisory committee of the Commission, and each employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, if funding is available for this purpose.

3. The Commission may expend in accordance with law all money made available for its use.

Sec. 7. 1. The Commission shall:

(a) Determine and evaluate the needs of persons with disabilities in this State;

(b) Seek ways to avoid unnecessary duplication of services for persons with disabilities by public and private organizations in this State;

(c) Establish priorities for the work of the Office according to the most pressing needs of persons with disabilities as determined by the Commission; and

(d) Promote programs that provide community-based services necessary to enable a person with a disability, to the fullest extent possible, to remain in his home and be an integral part of his family and community.

2. The Commission may:

(a) Review and make recommendations regarding plans for services for persons with disabilities;

(b) Gather and disseminate information relating to persons with disabilities;

(c) Conduct hearings, conferences and special studies on the problems of persons with disabilities and on programs that serve persons with disabilities;

(d) Evaluate existing programs for persons with disabilities, recommend changes in those programs and propose new programs that would more effectively and economically serve the needs of persons with disabilities;

(e) Evaluate any proposed legislation that would affect persons with disabilities;

(f) Carry out the provisions of the Strategic Plan for Persons with Disabilities developed by the Department pursuant to paragraph (c) of subsection 1 of section 1 of chapter 541, Statutes of Nevada 2001.

(g) Recommend to the Legislature any appropriate legislation concerning persons with disabilities; and

~~(e)~~ *(h) Coordinate and assist the efforts of public and private organizations that serve the needs of persons with disabilities, especially in the areas of education, employment, health, housing, welfare and recreation.*

**Sec. 8.** NRS 426.205 is hereby amended to read as follows:

426.205 As used in NRS 426.205 to 426.345, inclusive, *and sections 3 to 7, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 426.215, 426.218 and 426.225 have the meanings ascribed to them in those sections.

**Sec. 9.** NRS 426.255 is hereby amended to read as follows:

426.255 1. The ~~{Committee}~~ *Subcommittee* on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities *of the Nevada Commission on Services for Persons with Disabilities* is hereby created. ~~{in the Office. The Committee}~~ *The Subcommittee* consists of 11 ~~{people}~~ *persons* appointed by the Director of the Department. The Director shall *consider recommendations made by the Nevada Commission on Services for Persons with Disabilities and* appoint to the ~~{Committee}~~ *Subcommittee*:

(a) One member who is employed by the Department and who participates in the administration of the program of this State which provides services to persons with communications disabilities which affect their ability to communicate;

(b) One person who is a member of the Nevada Association of the Deaf;

(c) One member who is professionally qualified in the field of deafness;

(d) The Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, a member who represents the telecommunications industry;

(e) One member who is a consumer of telecommunications relay services;

(f) One member who is a consumer of Communication Access Realtime Translation or realtime captioning;

(g) One member who is a consumer of services provided by a person engaged in the practice of interpreting;

(h) One nonvoting member who is registered with the Office pursuant to NRS 656A.100 to engage in the practice of interpreting in a community setting and holds a certificate issued by the Registry of Interpreters for the Deaf, Inc., or its successor organization;

(i) One nonvoting member who is registered with the Office pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting and has completed the Educational Interpreter Performance Assessment administered by the Boys Town National Research Hospital, or its successor organization, and received a rating of his level of proficiency in providing interpreting services at level 4 or 5;

(j) One nonvoting member who is registered with the Office pursuant to NRS 656A.400 to engage in the practice of realtime captioning; and

(k) One member who represents educators in this State and has knowledge concerning the provision of communication services to persons with communications disabilities in elementary, secondary and postsecondary schools and the laws concerning the provision of those services.

2. After the initial term, the term of each member is 3 years. A member may be reappointed.

3. If a vacancy occurs during the term of a member, the Director of the Department shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

4. The ~~{Committee}~~ *Subcommittee* shall:

(a) At its first meeting and annually thereafter, elect a Chairman from among its voting members; and

(b) Meet at the call of the Director of the Department, *the Chairman of the Nevada Commission on Services for Persons with Disabilities*, the Chairman of the *Subcommittee* or a majority of its members as is necessary to carry out its responsibilities.

5. A majority of the voting members of the ~~{Committee}~~ *Subcommittee* constitutes a quorum for the transaction of business, and a majority of the voting members of a quorum present at any meeting is sufficient for any official action taken by the ~~{Committee}~~ *Subcommittee*.

6. Members of the ~~{Committee}~~ *Subcommittee* serve without compensation, except that each member is entitled, while engaged in the business of the ~~{Committee}~~ *Subcommittee*, to the per diem allowance and travel expenses provided for state officers and employees generally ~~{ } if funding is available for this purpose.~~

7. A member of the ~~{Committee}~~ *Subcommittee* who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the ~~{Committee}~~ *Subcommittee* and perform any work necessary to carry out the duties of the ~~{Committee}~~ *Subcommittee* in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the ~~{Committee}~~ *Subcommittee* to make up the time he is absent from work to carry out his duties as a member of the ~~{Committee}~~ *Subcommittee* or use annual vacation or compensatory time for the absence.

8. The ~~{Committee}~~ *Subcommittee* may:

(a) Make recommendations to the ~~{Director of the Department and the Office}~~ *Nevada Commission on Services for Persons with Disabilities* concerning the establishment and operation of programs for persons with communications disabilities which affect their ability to communicate;

(b) Recommend to the ~~{Director of the Department and the Office}~~ *Nevada Commission on Services for Persons with Disabilities* any proposed legislation concerning persons with communications disabilities which affect their ability to communicate; and

(c) Collect information concerning persons with communications disabilities which affect their ability to communicate.

9. The ~~{Committee}~~ *Subcommittee* shall make recommendations to the ~~{Office}~~ *Nevada Commission on Services for Persons with Disabilities* concerning the practice of interpreting and the practice of realtime captioning, including, without limitation, the adoption of regulations to carry out the provisions of chapter 656A of NRS.

10. As used in this section:

(a) “*Nevada Commission on Services for Persons with Disabilities*” means *the Nevada Commission on Services for Persons with Disabilities created by section 4 of this act.*

(b) “Practice of interpreting” has the meaning ascribed to it in NRS 656A.060.

~~{(b)}~~ (c) “Practice of realtime captioning” has the meaning ascribed to it in NRS 656A.062.

~~{(c)}~~ (d) “Telecommunications relay services” has the meaning ascribed to it in 47 C.F.R. § 64.601.

**Sec. 10.** NRS 426.721 is hereby amended to read as follows:

426.721 As used in NRS 426.721 to 426.731, inclusive, *and section 2 of this act*, unless the context otherwise requires, the words and terms defined in NRS ~~{426.722}~~ *426.723* to 426.727, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

1       **Sec. 11.** NRS 426.729 is hereby amended to read as follows:

2       426.729 The Director of the Department of Health and Human Services, in  
3 consultation with the ~~[Advisory Committee,]~~ *Nevada Commission on Services for*  
4 *Persons with Disabilities* shall:

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

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

11       3. Establish a program to govern the services provided to carry out NRS  
12 426.728, within the limitations of any conditions upon the receipt of state or federal  
13 funding, including:

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

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

19       (c) Standards for the financial operation of providers of minimum essential  
20 personal assistance;

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

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

26       (f) Continuous monitoring of the adequacy and effectiveness of the provision  
27 of minimum essential personal assistance to each recipient;

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

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

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

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

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

43       **Sec. 12.** NRS 426.731 is hereby amended to read as follows:

44       426.731 1. The ~~[Advisory Committee]~~ *Subcommittee* on Personal  
45 Assistance for Persons with Severe Functional Disabilities *of the Nevada*  
46 *Commission on Services for Persons with Disabilities* is hereby created. ~~[In the~~  
47 ~~Department of Health and Human Services.]~~

48       2. The ~~[Governor]~~ *Nevada Commission on Services for Persons with*  
49 *Disabilities* shall:

50       (a) Solicit recommendations for the appointment of members to the ~~[Advisory~~  
51 ~~Committee]~~ *Subcommittee* from organizations that are representative of a broad  
52 range of persons with disabilities and organizations interested in the provision of  
53 personal services to persons with functional disabilities.



(b) Appoint to the ~~[Advisory Committee]~~ *Subcommittee* such members as ~~the~~ *the Nevada Commission on Services for Persons with Disabilities* deems appropriate to represent a broad range of persons with disabilities from diverse backgrounds, including, without limitation, one or more persons who are representative of:

(1) ~~[The Nevada Commission on Aging and seniors]~~ *Seniors* with disabilities.

(2) The statewide independent living council established in this State pursuant to 29 U.S.C. § 796d.

(3) The state council on developmental disabilities established in this State pursuant to section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.

(4) Centers for independent living established in this State.

(5) Providers of personal services to persons with disabilities, including providers who receive state funding for that purpose.

(6) Persons with disabilities who receive personal assistance services.

3. The majority of the members of the ~~[Advisory Committee]~~ *Subcommittee* must be persons with disabilities.

4. After the initial term, the term of each member is 2 years.

5. Members of the ~~[Advisory Committee]~~ *Subcommittee* serve without compensation . ~~[, except that each member is entitled, while engaged in the business of the Advisory Committee, to the per diem allowance and travel expenses provided for state employees generally.]~~

6. A majority of the members of the ~~[Advisory Committee]~~ *Subcommittee* constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the ~~[Advisory Committee.] Subcommittee.~~

7. The ~~[Advisory Committee]~~ *Subcommittee* shall:

(a) At its first meeting and annually thereafter, elect a Chairman from among its members.

(b) Meet at the call of the Director of the Department of Health and Human Services, *the Chairman of the Nevada Commission on Services for Persons with Disabilities*, the Chairman *of the Subcommittee* or a majority of its members quarterly or as is necessary ~~[, within the budget of the Advisory Committee, to provide the Director of the Department of Health and Human Services with appropriate assistance]~~ to carry out the provisions of NRS 426.728.

**Sec. 13.** NRS 426A.060 is hereby amended to read as follows:

426A.060 1. The ~~[Advisory Committee]~~ *Subcommittee* on Traumatic Brain Injuries ~~[,] of the Nevada Commission on Services for Persons with Disabilities~~, consisting of 11 members, is hereby created.

2. The *Nevada Commission on Services for Persons with Disabilities may make recommendations to the Director of the Department for the appointment of persons to the Subcommittee. The* Director of the Department shall appoint to the ~~[Committee.] Subcommittee:~~

(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}~~ *Subcommittee* serves a term of 3 years.

4. The ~~{Committee}~~ *Subcommittee* shall elect one of its members to serve as Chairman.

5. Members of the ~~{Committee}~~ *Subcommittee*:

(a) Serve without compensation; and

(b) If provided for in the budget of the Department, while engaged in the business of the ~~{Committee}~~ *Subcommittee*, are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. The ~~{Committee}~~ *Subcommittee* may:

(a) Make recommendations to the ~~{Director of the Department and the Office}~~ *Nevada Commission on Services for Persons with Disabilities* relating to the establishment and operation of any program for persons with traumatic brain injuries.

(b) Make recommendations to the ~~{Director of the Department and the Office}~~ *Nevada Commission on Services for Persons with Disabilities* concerning proposed legislation relating to traumatic brain injuries.

(c) Collect information relating to traumatic brain injuries.

(d) Apply for grants.

(e) Accept and expend any money made available to the ~~{Committee}~~ *Subcommittee* by gift, grant, donation or bequest.

7. As used in this section:

(a) *“Nevada Commission on Services for Persons with Disabilities” means the Nevada Commission on Services for Persons with Disabilities created by section 4 of this act.*

(b) *“Person professionally qualified in the field of psychiatric mental health” has the meaning ascribed to it in NRS 433.209.*

~~{(b)}~~ (c) *“Provider of health care” has the meaning ascribed to it in NRS 629.031.*

**Sec. 14.** NRS 232.482 is hereby amended to read as follows:

232.482 1. There is hereby created in the Office an Advisory Committee consisting of nine members appointed by the ~~{Governor}~~ *State Board of Health*.

2. When appointing a member to the Advisory Committee, consideration must be given to whether the members appointed to the Advisory Committee reflect the ethnic and geographical diversity of this State.

3. The term of each member of the Advisory Committee is 2 years. A member may be reappointed for an additional term of 2 years in the same manner as the original appointment. A vacancy occurring in the membership of the Advisory Committee must be filled in the same manner as the original appointment.

4. At its first meeting and annually thereafter, the Advisory Committee shall elect a Chairman from among its members.

**Sec. 15.** Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 and 17 of this act.

**Sec. 16.** 1. The Commission shall appoint a subcommittee on the mental health of children to review the findings and recommendations of each mental health consortium submitted pursuant to NRS 433B.335 and to create a statewide plan for the provision of mental health services to children.

2. The members of the subcommittee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

Sec. 17. 1. The Commission may appoint a subcommittee or an advisory committee composed of members who have experience and knowledge of matters relating to persons with mental illness, mental retardation or co-occurring disorders and related conditions and who, to the extent practicable, represent the ethnic and geographic diversity of this State.

2. A subcommittee or advisory committee appointed pursuant to this section shall consider specific issues and advise the Commission on matters related to the duties of the Commission.

3. The members of a subcommittee or advisory committee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee or advisory committee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

Sec. 18. NRS 433.314 is hereby amended to read as follows:

433.314 The Commission shall:

1. Establish policies to ensure adequate development and administration of services for persons with mental illness, ~~or~~ mental retardation or co-occurring disorders and persons with related conditions, including services to prevent mental illness, ~~and~~ mental retardation and co-occurring disorders and related conditions, and services provided without admission to a facility or institution;

2. Set policies for the care and treatment of persons with mental illness, ~~or~~ mental retardation or co-occurring disorders and persons with related conditions provided by all state agencies;

3. Review the programs and finances of the Division; and

4. Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature on the quality of the care and treatment provided for persons with mental illness, ~~or~~ mental retardation or co-occurring disorders and persons with related conditions in this State and on any progress made toward improving the quality of that care and treatment.

Sec. 19. NRS 433.316 is hereby amended to read as follows:

433.316 The Commission may:

1. Collect and disseminate information pertaining to mental health, ~~and~~ mental retardation and co-occurring disorders and related conditions.

2. Request legislation pertaining to mental health, ~~and~~ mental retardation and co-occurring disorders and related conditions.

3. Investigate complaints about the care of any person in a public facility for the treatment of persons with mental illness, ~~or~~ mental retardation or co-occurring disorders and persons with related conditions.

4. Accept, as authorized by the Legislature, gifts and grants of money and property.

5. Take appropriate steps to increase the availability of and to enhance the quality of the care and treatment of persons with mental illness, ~~or~~ mental retardation or co-occurring disorders and persons with related conditions provided through state agencies, hospitals and clinics.

6. Promote programs for the treatment of persons with mental illness, ~~or~~ mental retardation or co-occurring disorders and persons with related conditions and participate in and promote the development of facilities for training persons to

1 provide services for persons with mental illness, ~~for~~ mental retardation or co-  
2 occurring disorders and persons with related conditions.

3 7. Create a plan to coordinate the services for the treatment of persons with  
4 mental illness, ~~for~~ mental retardation or co-occurring disorders and persons with  
5 related conditions provided in this State and to provide continuity in the care and  
6 treatment provided.

7 8. Establish and maintain an appropriate program which provides information  
8 to the general public concerning mental illness, ~~and~~ mental retardation and co-  
9 occurring disorders and related conditions and consider ways to involve the  
10 general public in the decisions concerning the policy on mental illness, ~~and~~  
11 mental retardation and co-occurring disorders and related conditions.

12 9. Compile statistics on mental illness and study the cause, pathology and  
13 prevention of that illness.

14 10. Establish programs to prevent or postpone the commitment of residents of  
15 this State to facilities for the treatment of persons with mental illness, ~~for~~ mental  
16 retardation or co-occurring disorders and persons with related conditions.

17 11. Evaluate the future needs of this State concerning the treatment of mental  
18 illness, ~~and~~ mental retardation and co-occurring disorders and related conditions  
19 and develop ways to improve the treatment already provided.

20 12. Take any other action necessary to promote mental health in this State.

21 **Sec. 20. NRS 433.324 is hereby amended to read as follows:**

22 433.324 1. The Commission shall adopt regulations:

23 (a) For the care and treatment of persons with mental illness, ~~for~~ mental  
24 retardation or co-occurring disorders and persons with related conditions by all  
25 state agencies and facilities, and their referral to private facilities;

26 (b) To ensure continuity in the care and treatment provided to persons with  
27 mental illness, ~~for~~ mental retardation or co-occurring disorders and persons with  
28 related conditions in this State; and

29 (c) Necessary for the proper and efficient operation of the facilities of the  
30 Division.

31 2. The Commission may adopt regulations to promote programs relating to  
32 mental health, ~~and~~ mental retardation and co-occurring disorders and related  
33 conditions.

34 **Sec. 21. NRS 433.325 is hereby amended to read as follows:**

35 433.325 The Commission or its designated agent may inspect any state  
36 facility providing services for persons with mental illness, ~~for~~ mental retardation  
37 or co-occurring disorders and persons with related conditions to determine if the  
38 facility is in compliance with the provisions of this title and any regulations adopted  
39 pursuant to those provisions.

40 ~~Sec. 15.~~ **Sec. 22. NRS 433B.335 is hereby amended to read as follows:**

41 433B.335 1. On or before July 1 of each year, each mental health  
42 consortium established pursuant to NRS 433B.333 shall prepare a recommended  
43 plan for the provision of mental health services to children with emotional  
44 disturbance in the jurisdiction of the consortium.

45 2. In preparing the recommended plan, each mental health consortium must  
46 be guided by the following principles:

47 (a) The system of mental health services set forth in the plan should be  
48 centered on children with emotional disturbance and their families, with the needs  
49 and strengths of those children and their families dictating the types and mix of  
50 services provided.

51 (b) The families of children with emotional disturbance, including, without  
52 limitation, foster parents, should be active participants in all aspects of planning,  
53 selecting and delivering mental health services at the local level.

(c) The system of mental health services should be community-based and flexible, with accountability and the focus of the services at the local level.

(d) The system of mental health services should provide timely access to a comprehensive array of cost-effective mental health services.

(e) Children and their families who are in need of mental health services should be identified as early as possible through screening, assessment processes, treatment and systems of support.

(f) Comprehensive mental health services should be made available in the least restrictive but clinically appropriate environment.

(g) The family of a child with an emotional disturbance should be eligible to receive mental health services from the system.

(h) Mental health services should be provided to children with emotional disturbance in a sensitive manner that is responsive to cultural and gender-based differences and the special needs of the children.

3. The plan prepared pursuant to this section must include:

(a) An assessment of the need for mental health services in the jurisdiction of the consortium;

(b) A description of the types of services to be offered to children with emotional disturbance based on the amount of money available to pay the costs of such mental health services within the jurisdiction of the consortium;

(c) Criteria for eligibility for those services;

(d) A description of the manner in which those services may be obtained by eligible children;

(e) The manner in which the costs for those services will be allocated;

(f) The mechanisms to manage the money provided for those services;

(g) Documentation of the number of children with emotional disturbance who are not currently being provided services, the costs to provide services to those children, the obstacles to providing services to those children and recommendations for removing those obstacles;

(h) Methods for obtaining additional money and services for children with emotional disturbance from private and public entities; and

(i) The manner in which family members of eligible children and other persons may be involved in the treatment of the children.

4. On or before July 15 of each year, each mental health consortium shall submit the recommended plan prepared pursuant to this section to the ~~{Department}~~ **Commission**. If the ~~{Department}~~ **Commission** disapproves the plan, the ~~{Department}~~ **Commission** shall submit the plan to the consortium for revision and resubmission to the ~~{Department}~~ **Commission**.

**Sec. 23. NRS 439.528 is hereby amended to read as follows:**

439.528 The Committee shall:

1. Study and review issues relating to persons with co-occurring disorders.

2. Develop a policy statement confirming the commitment of this State to treatment for persons with co-occurring disorders and the expectations of this State concerning such treatment.

3. Review and recommend strategies for improving the treatment provided to persons with co-occurring disorders, including, without limitation, reducing administrative barriers to such treatment and supporting the provision of coordinated and integrated services relating to mental health, substance abuse and criminal justice to persons with co-occurring disorders.

4. Develop recommendations concerning the licensing and certification of treatment programs for persons with co-occurring disorders, including, without limitation, the standards that should be required of such programs to increase their effectiveness.

5. Develop recommendations concerning the creation of incentives for the development of treatment programs for persons with co-occurring disorders.

6. Evaluate the utilization of existing resources in this State for the treatment of persons with co-occurring disorders and develop recommendations concerning innovative funding alternatives to promote and support mental health courts, the prevention of co-occurring disorders and the coordination of integrated services in the mental health, substance abuse and criminal justice systems.

7. Identify and recommend practices and procedures to improve the effectiveness and quality of care provided in both the public and private sector to persons with co-occurring disorders.

8. Examine and develop recommendations concerning training and technical assistance that are available through the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services and other entities to support the development and implementation of a comprehensive system of care for persons with co-occurring disorders.

9. Submit on or before January 31 of each odd-numbered year a report to the Commission on Mental Health and Developmental Services and the Director of the Legislative Counsel Bureau for distribution to the regular session of the Legislature. The report must include, without limitation, a summary of the work of the Committee and recommendations for any necessary legislation concerning issues relating to persons with co-occurring disorders.

~~Sec. 16.~~ **Sec. 24.** NRS 442.133 is hereby amended to read as follows:  
442.133 1. The Advisory Board on Maternal and Child Health is hereby created.

2. The Advisory Board consists of:

(a) Nine members to be appointed by the ~~Governor~~ *State Board of Health* from a list of persons provided by the Administrator of the Health Division;

(b) One *nonvoting member who is a* member of the Senate appointed by the Legislative Commission; and

(c) One *nonvoting member who is a* member of the Assembly appointed by the Legislative Commission.

3. The members who are:

(a) Appointed by the ~~Governor~~ *State Board of Health* serve terms of 2 years.

(b) Legislators serve terms that begin on the third Monday in January of odd-numbered years and end the third Monday in January of the next odd-numbered year.

Any member of the Advisory Board may be reappointed.

4. Except during a regular or special session of the Legislature, each Legislator who is a member of the Advisory Board is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the Advisory Board or is otherwise engaged in the work of the Advisory Board and the per diem allowance and travel expenses provided for state officers and employees generally. The salaries, per diem and travel expenses of the legislative members must be paid from the Legislative Fund. Each nonlegislative member of the Advisory Board serves without compensation but is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses must be paid from the Account for Maternal and Child Health Services.

~~Sec. 17.~~ **Sec. 25.** NRS 450B.151 is hereby amended to read as follows:

450B.151 1. The Committee on Emergency Medical Services, consisting of nine members appointed by the ~~Governor~~ *State Board of Health*, is hereby created.

2. Upon request of the ~~{Governor}~~ *State Board of Health*, employee associations that represent persons that provide emergency medical services, including, without limitation, physicians and nurses that provide emergency medical services, emergency medical technicians, ambulance attendants, firefighters, fire chiefs and employees of rural hospitals, shall submit to the ~~{Governor}~~ *State Board of Health* written nominations for appointments to the Committee.

3. After considering the nominations submitted pursuant to subsection 2, the ~~{Governor}~~ *State Board of Health* shall appoint to the Committee:

(a) One member who is a physician licensed pursuant to chapter 630 or 633 of NRS and who has experience providing emergency medical services;

(b) One member who is a registered nurse and who has experience providing emergency medical services;

(c) One member who is a volunteer firefighter;

(d) One member who is employed by a fire-fighting agency at which some of the firefighters are employed and some serve as volunteers;

(e) One member who is employed by an urban fire-fighting agency;

(f) One member who is employed by or serves as a volunteer with a medical facility that is located in a rural area and that provides emergency medical services;

(g) One member who is employed by an organization that provides emergency medical services in an air ambulance and whose duties are closely related to such emergency medical services;

(h) One member who is employed by a privately owned entity that provides emergency medical services; and

(i) One member who is employed by an operator of a service which is:

(1) Provided for the benefit of the employees of an industry who become sick or are injured at the industrial site; and

(2) Staffed by employees who are licensed attendants and perform emergency medical services primarily for the industry.

4. In addition to the members set forth in subsection 3, the following persons are ex officio members of the Committee:

(a) An employee of the Health Division, appointed by the Administrator of the Health Division, whose duties relate to administration and enforcement of the provisions of this chapter;

(b) The county health officer appointed pursuant to NRS 439.290 in each county whose population is 100,000 or more, or his designee; ~~and~~

(c) A physician who is a member of a committee which consists of directors of trauma centers in this State and who is nominated by that committee. ~~H~~; and

(d) A representative of a committee or group which focuses on the provision of emergency medical services to children in this State and who is nominated by that committee or group.

5. The term of each member appointed by the ~~{Governor}~~ *State Board of Health* is 2 years. ~~{and such a}~~ A member may not serve more than two consecutive terms. ~~H~~ but may serve more than two terms if there is a break in service of not less than 2 years.

6. The ~~{Governor}~~ *State Board of Health* shall not appoint to the Committee two persons who are employed by or volunteer with the same organization, except the ~~{Governor}~~ *State Board of Health* may appoint a person who is employed by or volunteers with the same organization of which a member who serves ex officio is an employee.

7. Each member of the Committee shall appoint an alternate to serve in his place if he is temporarily unable to perform the duties required of him pursuant to NRS 450B.151 to 450B.154, inclusive.

8. A position on the Committee that becomes vacant before the end of the term of the member must be filled in the same manner ~~[prescribed by this section for the remainder of the term.]~~ as the original appointment.

~~[Sec. 18.]~~ **Sec. 26.** NRS 426.722, ~~[429.526, 429.527, 429.528,]~~ 457.300, 457.310, 457.320, 457.330, 457.340, 457.350, 457.360, 457.370, 457.380 and 457.390 are hereby repealed.

~~[Sec. 19.]~~ **Sec. 27.** 1. Notwithstanding the provisions of NRS 426.255, as amended by section 9 of this act, a member of the Committee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities who is serving on July 1, 2009, may continue to serve as a member of the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities created pursuant to that section until the expiration of his current term. If a position on the Subcommittee becomes vacant on or after July 1, 2009, the vacancy must be filled in the manner provided in NRS 426.255.

2. Notwithstanding the provisions of NRS 426.731, as amended by section 12 of this act, a member of the Advisory Committee on Personal Assistance for Persons with Severe Functional Disabilities who is serving on July 1, 2009, may continue to serve as a member of the Subcommittee on Personal Assistance for Persons with Severe Functional Disabilities created pursuant to that section until the expiration of his current term. If a position on the Subcommittee becomes vacant on or after July 1, 2009, the vacancy must be filled in the manner provided in NRS 426.731.

3. Notwithstanding the amendatory provisions of this act, a member of the:

(a) Advisory Committee in the Office of Minority Health of the Department of Health and Human Services created pursuant to NRS 232.482 as amended by section 14 of this act;

(b) Advisory Board on Maternal and Child Health created pursuant to NRS 442.133, as amended by section ~~[14]~~ 24 of this act; or

(c) Committee on Emergency Medical Services created pursuant to NRS 450B.151, as amended by section ~~[17]~~ 25 of this act,

who is serving on July 1, 2009, may continue to serve until the expiration of his term. If the position of a member becomes vacant on or after July 1, 2009, the vacancy must be filled in the manner provided by law.

~~[Sec. 20.]~~ **Sec. 28.** The Legislative Counsel shall, in preparing:

1. The reprint and supplement to the Nevada Revised Statutes with respect to any section which is not amended by this act or adopted or amended by another act, appropriately change any references to an officer, agency or other entity whose name is changed or whose duties are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity. If any internal reference is made to a section repealed by this act, the Legislative Counsel shall delete the reference and replace it by reference to the superseding section, if any.

2. Supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose duties are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

~~[Sec. 21.]~~ **Sec. 29.** This act becomes effective on July 1, 2009.



---

---

**LEADLINES OF REPEALED SECTIONS**

---

---

- 426.722 “Advisory Committee” defined.**  
~~[ 439.526 “Co-occurring disorders” defined.~~  
~~439.527 Creation; appointment and qualifications of members; election of Chairman and Vice Chairman; terms of members; vacancies; compensation of members; members holding public office or employed by governmental entity; meetings; quorum.~~  
~~439.528 Duties.]~~
- 457.300 “Task Force” defined.**  
**457.310 Creation; membership; vacancies; annual report.**  
**457.320 Chairman; meetings; quorum; terms and compensation of members.**  
**457.330 General duties.**  
**457.340 Administrative support by Director of Department of Health and Human Services.**  
**457.350 “Task Force” defined.**  
**457.360 Creation; membership; vacancies; annual report.**  
**457.370 Chairman; meetings; quorum; terms and compensation of members.**  
**457.380 General duties.**  
**457.390 Administrative support by Director of Department of Health and Human Services.**