

SENATE BILL NO. 23—COMMITTEE ON HEALTH AND EDUCATION

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

PREFILED DECEMBER 5, 2008

Referred to Committee on Health and Education

SUMMARY—Revises provisions governing certain organizational matters within the Department of Health and Human Services. (BDR 18-328)

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 the Department of Health and Human Services; transferring from the Governor to the Director of the Department the authority to appoint the Administrator of the Division of Mental Health and Developmental Services; providing greater flexibility in the appointment of administrative personnel; repealing certain provisions relating to the designation of deputy administrative officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires that the Governor appoint the Administrator of the
2 Division of Mental Health and Developmental Services of the Department of
3 Health and Human Services from a list of persons nominated by the Commission
4 on Mental Health and Developmental Services. (NRS 232.320, 433.244) **Section 1**
5 of this bill transfers the authority to appoint the Administrator from the Governor to
6 the Director of the Department. **Section 2** of this bill eliminates the requirement
7 that the Administrator be appointed from a list of persons nominated by the
8 Commission. **Section 2** also removes a provision authorizing the Department of
9 Personnel to prescribe qualifications for the job of Administrator. (NRS 433.244)
10 **Section 3** of this bill provides for the Administrator to serve at the pleasure of the
11 Director instead of the Governor. (NRS 433.254) **Sections 3 and 4** of this bill also
12 provide, respectively, greater flexibility in the appointment of administrative
13 personnel to the Administrators of the Division of Mental Health and



Developmental Services and the Division of Child and Family Services of the Department. (NRS 433.254, 433B.130)

Section 5 of this bill repeals certain provisions authorizing the appointment of deputy administrative officers within certain divisions of the Department. (NRS 433.274, 433B.180)

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

Section 1. NRS 232.320 is hereby amended to read as follows:
232.320 1. ~~{Except as otherwise provided in subsection 3,~~
~~the}~~ *The* Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging Services Division;

(2) The Administrator of the Health Division;

(3) The Administrator of the Division of Welfare 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 ~~{~~; *and*

(6) The Administrator of the Division of Mental Health and Developmental Services.

(b) Shall administer, through the divisions of the Department and the Office of Disability Services, the provisions of chapters 63, 424, 425, 426A, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, 422.580, 426.205 to 426.345, inclusive, 432.010 to 432.133, inclusive, 444.003 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, 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.

(e) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or his designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than:

~~(a) [The Administrator of the Division of Mental Health and Developmental Services who is appointed pursuant to subsection 3;~~

~~—(b)]~~ The Executive Director of the Nevada Indian Commission who is appointed pursuant to NRS 233A.055; and

~~[(c)]~~ (b) The State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

~~[3. The Governor shall appoint the Administrator of the Division of Mental Health and Developmental Services.]~~

Sec. 2. NRS 433.244 is hereby amended to read as follows:

433.244 1. The Administrator must ~~†~~

~~—(a) Have training]~~ **have:**

(a) **Training** and demonstrated administrative qualities of leadership in any one of the professional fields of psychiatry, medicine, psychology, social work, education or administration ~~†~~

~~—(b) Be appointed, from a list of three persons nominated by the Commission, on the basis of merit as measured by administrative] ;~~

and



(b) *Administrative* training or experience in programs relating to mental health, including care, treatment or training, or any combination thereof, of persons with mental illness or mental retardation and persons with related conditions.

~~[(c) Have additional qualifications which are in accordance with criteria prescribed by the Department of Personnel.]~~

2. The Administrator is in the unclassified service of the State.

Sec. 3. NRS 433.254 is hereby amended to read as follows:

433.254 1. The Administrator serves at the pleasure of the ~~{Governor}~~ *Director of the Department* and shall:

(a) Serve as the Executive Officer of the Division;

(b) Administer the Division in accordance with the policies established by the Commission;

(c) Make an annual report to the Director of the Department on the condition and operation of the Division, and such other reports as the Director may prescribe; and

(d) Employ, within the limits of available money, the assistants and employees necessary to the efficient operation of the Division.

2. The Administrator ~~{shall appoint}~~ *may:*

(a) *Appoint* the administrative personnel necessary to operate the programs of the Division . ~~{including an Associate Administrator for Mental Retardation. The Commission must approve the credentials, training and experience of deputy administrators and heads of enumerated institutions. He shall delegate}~~

(b) *Delegate* to the administrative officers the power to appoint medical, technical, clerical and operational staff necessary for the operation of the facilities of the Division.

3. If the Administrator finds that it is necessary or desirable that any employee reside at a facility operated by the Division or receive meals at such a facility, perquisites granted or charges for services rendered to that person are at the discretion of the ~~{Governor.}~~ *Director of the Department.*

4. The Administrator may accept persons referred to the Division for treatment pursuant to the provisions of NRS 458.290 to 458.350, inclusive.

Sec. 4. NRS 433B.130 is hereby amended to read as follows:

433B.130 1. The Administrator shall ~~{:~~

~~—(a) Administer,}~~ *administer*, in accordance with the policies established by the Commission, the programs of the Division for the mental health of children.

~~[(b) Appoint]~~

2. *The Administrator may:*

(a) *Appoint* the administrative personnel necessary to operate the programs of the Division for the mental health of children. ~~{The~~



~~Commission must approve the credentials, training and experience of deputy administrators and administrative officers appointed for this purpose.~~

~~—(c)—~~

(b) Delegate to the administrative officers the power to appoint medical, technical, clerical and operational staff necessary for the operation of any division facilities.

~~[2.] 3.~~ If the Administrator finds that it is necessary or desirable that any employee reside at a facility operated by the Division or receive meals at such a facility, perquisites granted or charges for services rendered to that person are at the discretion of the ~~Governor.~~

~~—3.] Director of the Department.~~

4. The Administrator may accept children referred to the Division for treatment pursuant to the provisions of NRS 458.290 to 458.350, inclusive.

~~[4.] 5.~~ The Administrator may enter into agreements with the Administrator of the Division of Mental Health and Developmental Services of the Department for the care and treatment of clients of the Division of Child and Family Services at any facility operated by the Division of Mental Health and Developmental Services.

Sec. 5. NRS 433.274 and 433B.180 are hereby repealed.

TEXT OF REPEALED SECTIONS

433.274 Deputy administrative officer. An administrative officer, with the approval of the Administrator, may designate an employee to act as his deputy. In case of the absence or inability of the administrative officer for any cause to discharge the duties of his office, those duties devolve upon his deputy.

433B.180 Deputy administrative officer. An administrative officer, with the approval of the Administrator, may designate an employee to act as his deputy. In case of the absence or inability of the administrative officer for any cause to discharge the duties of his office, those duties devolve upon his deputy.

