

SENATE BILL NO. 286—SENATORS CEGAVSKE,
HARDY; LEE, PARKS AND RAGGIO

MARCH 16, 2009

JOINT SPONSORS: ASSEMBLYMEN PARNELL AND SETTELMAYER

Referred to Committee on Health and Education

SUMMARY—Establishes provisions relating to early intervention services. (BDR 40-637)

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.

AN ACT relating to children; requiring the Health Division of the Department of Health and Human Services, within the limits of available money, to adopt a policy for the provision of early intervention services, including a schedule of fees for those services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Federal law authorizes states to provide early intervention services to infants
2 and toddlers with disabilities or who are at risk of experiencing substantial
3 developmental delays and provides grants to states that provide such services. (20
4 U.S.C. §§ 1431 et seq.) The Health Division of the Department of Health and
5 Human Services makes provision for early intervention services to infants and
6 toddlers in this State through its Bureau of Early Intervention Services. Existing
7 administrative regulations of the State Board of Health require the Health Division
8 to charge and collect fees for early intervention services provided to an infant or
9 toddler with a disability. Those fees may be developed on a sliding fee schedule.
10 (NAC 442.210) This bill requires the Health Division, within the limits of available
11 money, to adopt and implement a policy for the provision of early intervention
12 services to infants and toddlers with disabilities. This bill also requires the State
13 Board to establish fees for early intervention services, taking into account the
14 financial circumstances of each family. The Health Division is required to charge
15 and collect the fees in accordance with the schedule established by the State Board.



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. Within the limits of available money, the Health Division shall adopt and implement a policy for the provision of early intervention services to infants and toddlers with disabilities which is in compliance with the provisions of Part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1431 et seq.

2. The State Board of Health shall establish a schedule of fees for all early intervention services provided pursuant to this section. The schedule of fees:

(a) Must establish fees for early intervention services provided directly to an infant or toddler with a disability, including services identified in the individualized family service plan prepared for the family;

(b) Must not require a fee for indirect services provided by the Health Division or services for which a fee may not be charged pursuant to federal law, including, without limitation, for evaluations, assessments or the development of the individualized family service plan; and

(c) Must provide a graduated schedule of fees which accounts for the financial circumstances of each family receiving early intervention services, including, without limitation, the income, size and special circumstances of the family.

3. The Health Division shall charge and collect fees in accordance with the schedule of fees established pursuant to subsection 2. The schedule of fees must be posted at each location of the Health Division in which early intervention services are provided and on the Internet website maintained by the Health Division.

4. The Health Division may request that a family authorize the Health Division to bill the health insurer of the family to pay for services. The Health Division shall not discriminate against or otherwise reduce services provided to a family if the family declines to have its health insurer billed by the Health Division.

5. The State Board of Health may adopt regulations to carry out the provisions of this section.

6. The Legislative Auditor shall annually evaluate the early intervention services provided by the Health Division and report his findings to the Legislative Commission or the Audit Subcommittee of the Legislative Commission.

7. As used in this section:



* S B 2 8 6 *

- 1 (a) *“Early intervention services” has the meaning ascribed to*
- 2 *it in 20 U.S.C. § 1432.*
- 3 (b) *“Infant or toddler with a disability” has the meaning*
- 4 *ascribed to it in 20 U.S.C. § 1432.*

