

CHAPTER.....

AN ACT relating to assistance to certain persons; revising provisions concerning intermediary service organizations; revising provisions concerning financial assistance for certain persons with physical disabilities; eliminating the Senior Citizens Property Tax Assistance Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an intermediary service organization is authorized to provide certain services for the benefit of a person with a disability if the organization holds a certificate issued by the Aging and Disability Services Division of the Department of Health and Human Services. (NRS 427A.701-427A.745) The Division may deny an application for such a certificate or suspend or revoke a previously issued certificate for various reasons, including the conviction of the applicant or certificate holder for certain crimes involving the abuse, neglect, exploitation or isolation of an older person or a vulnerable person. (NRS 427A.741) **Section 2** of this bill expands the grounds for denial, suspension or revocation of such a certificate to include the conviction of the applicant or certificate holder for conspiracy to commit certain crimes involving the abuse, exploitation or isolation of an older person or a vulnerable person.

Existing law requires the Division to establish a program to provide financial assistance to persons with physical disabilities to obtain such essential personal care as is necessary to enable the persons to live in a noninstitutional or unsupervised residential setting. (NRS 427A.793) **Section 3** of this bill revises these provisions to instead require the Division to establish a program to provide services to such persons.

Existing law entitles a person who is at least 62 years of age and meets certain income and other requirements to obtain a refund of a portion of the property taxes accrued against a home that he or she owns and maintains as a primary residence. A person who is otherwise qualified, but maintains his or her primary residence in a rented home, may also qualify for such a refund. This program is generally referred to as the Senior Citizens Property Tax Assistance Program. (NRS 427A.450-427A.600) **Section 10** of this bill eliminates the Senior Citizens Property Tax Assistance Program.

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

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

Section 1. NRS 427A.040 is hereby amended to read as follows:

427A.040 1. The Division shall, consistent with the priorities established by the Commission pursuant to NRS 427A.038:

(a) Serve as a clearinghouse for information related to problems of the aged and aging.



(b) Assist the Director in all matters pertaining to problems of the aged and aging.

(c) Develop plans, conduct and arrange for research and demonstration programs in the field of aging.

(d) Provide technical assistance and consultation to political subdivisions with respect to programs for the aged and aging.

(e) Prepare, publish and disseminate educational materials dealing with the welfare of older persons.

(f) Gather statistics in the field of aging which other federal and state agencies are not collecting.

(g) Stimulate more effective use of existing resources and available services for the aged and aging.

(h) Develop and coordinate efforts to carry out a comprehensive State Plan for Providing Services to Meet the Needs of Older Persons. In developing and revising the State Plan, the Division shall consider, among other things, the amount of money available from the Federal Government for services to aging persons and the conditions attached to the acceptance of such money, and the limitations of legislative appropriations for services to aging persons.

(i) Coordinate all state and federal funding of service programs to the aging in the State.

2. The Division shall:

(a) Provide access to information about services or programs for persons with disabilities that are available in this State.

(b) Work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies in:

(1) Developing and improving policies of this State concerning programs or services for persons with disabilities, including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

(2) Making recommendations concerning new policies or services that may benefit persons with disabilities.

(c) Serve as a liaison between state governmental agencies that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities.

(d) Serve as a liaison between local governmental agencies in this State that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs



for persons with disabilities. To inform local governmental agencies in this State of services and programs of other local governmental agencies in this State for persons with disabilities pursuant to this subsection, the Division shall:

(1) Provide technical assistance to local governmental agencies, including, without limitation, assistance in establishing an electronic network that connects the Division to each of the local governmental agencies that provides services or programs to persons with disabilities;

(2) Work with counties and other local governmental entities in this State that do not provide services or programs to persons with disabilities to establish such services or programs; and

(3) Assist local governmental agencies in this State to locate sources of funding from the Federal Government and other private and public sources to establish or enhance services or programs for persons with disabilities.

(e) Administer the following programs in this State that provide services for persons with disabilities:

(1) The program established pursuant to NRS 427A.791, 427A.793 and 427A.795 to provide ~~financial assistance to~~ **services** for persons with physical disabilities;

(2) The programs established pursuant to NRS 427A.800 to 427A.860, inclusive, to obtain information concerning traumatic brain injuries and provide services to persons with traumatic brain injuries;

(3) The program established pursuant to NRS 427A.797 to provide devices for telecommunication to persons who are deaf and persons with impaired speech or hearing;

(4) 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

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

(f) 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.

(g) 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:

(1) 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

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

(h) Publish and make available to governmental entities and the general public a biennial report which:

(1) 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;

(2) Reports the progress of the Division in carrying out the strategic planning goals for persons with disabilities identified pursuant to chapter 541, Statutes of Nevada 2001;

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

(4) Provides a summary and analysis of the status of the practice of interpreting and the practice of realtime captioning, including, without limitation, the number of persons engaged in the practice of interpreting in an educational setting in each professional classification established pursuant to NRS 656A.100 and the number of persons engaged in the practice of realtime captioning in an educational setting; and

(5) Recommends strategies and, if determined necessary by the Division, legislation for improving the ability of the State to provide services to persons with disabilities and advocate for the rights of persons with disabilities.

3. The Division shall confer with the Department as the sole state agency in the State responsible for administering the provisions of this chapter.

4. The Division shall administer the provisions of chapter 656A of NRS.

5. The Division may contract with any appropriate public or private agency, organization or institution, in order to carry out the provisions of this chapter.

Sec. 2. NRS 427A.741 is hereby amended to read as follows:

427A.741 In addition to the grounds listed in NRS 427A.719, the Division may deny a certificate to operate an intermediary service organization to an applicant or may suspend or revoke the



certificate of a holder of a certificate to operate an intermediary service organization if:

1. The applicant or holder of a certificate has been convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Assault with intent to kill or to commit sexual assault or mayhem;
- (c) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
- (d) Abuse or neglect of a child or contributory delinquency;
- (e) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the past 7 years;
- (f) A violation of any provision of NRS ~~{200.50955-or}~~ 200.5099 ~~{-}~~ **or 200.50995;**
- (g) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years; or
- (h) Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years; or

2. The holder of a certificate has continued to employ a person who has been convicted of a crime listed in subsection 1.

Sec. 3. NRS 427A.793 is hereby amended to read as follows:

427A.793 1. The Division shall establish a program to provide ~~{financial assistance-to}~~ **services for** persons with physical disabilities for such essential personal care required pursuant to NRS 427A.795 as is necessary to enable them to live in a noninstitutional or unsupervised residential setting.

2. The Division shall adopt regulations:

- (a) Establishing the procedures for applying for ~~{assistance}~~ **services** for essential personal care;
- (b) Prescribing the criteria for determining the eligibility of an applicant;
- (c) Prescribing the nature ~~{and the amounts of assistance}~~ **of the services** which may be provided and the conditions imposed; and
- (d) Prescribing such other provisions as the Division considers necessary to administer the program.

3. The decision of the Division regarding the eligibility of an applicant is a final decision for the purposes of judicial review.

Sec. 4. NRS 427A.795 is hereby amended to read as follows:

427A.795 The essential personal care for which the Division may provide ~~{assistance-to}~~ **services for** a person with a physical



disability pursuant to NRS 427A.793 must include assisting the person with the physical disability in:

1. The elimination of wastes from the body.
2. Dressing and undressing.
3. Bathing and grooming.
4. The preparation and eating of meals.
5. Getting in and out of bed.
6. Repositioning while asleep.
7. The use of prostheses and other medical equipment.
8. Moving about.

Sec. 5. NRS 439.640 is hereby amended to read as follows:

439.640 "Household income" ~~has the meaning ascribed to it in NRS 427A.480.~~ *means the income received by a senior citizen and the spouse of the senior citizen.*

Sec. 6. NRS 439.645 is hereby amended to read as follows:

439.645 "Income" ~~has the meaning ascribed to it in NRS 427A.485.~~ *means adjusted gross income, as defined in the Internal Revenue Code. The term includes, without limitation:*

1. *Tax-free interest;*
2. *The untaxed portion of a pension, individual retirement account or annuity;*
3. *Railroad retirement benefits;*
4. *Veterans' pensions and compensation;*
5. *Payments received pursuant to the federal Social Security Act, including supplemental security income, but excluding hospital and medical insurance benefits for persons who are aged or disabled;*
6. *Public welfare payments, including allowances for shelter;*
7. *Unemployment insurance benefits;*
8. *Payments for lost time;*
9. *Payments received from disability insurance;*
10. *Disability payments received pursuant to workers' compensation insurance;*
11. *Alimony;*
12. *Support payments;*
13. *Allowances received by dependents of servicemen or servicewomen;*
14. *The amount of recognized capital gains and losses excluded from adjusted gross income;*
15. *Life insurance proceeds in excess of \$5,000;*
16. *Bequests and inheritances; and*



17. Gifts of cash of more than \$300 not between household members and such other kinds of cash received by a household as the Department specifies by regulation.

Sec. 7. NRS 439.660 is hereby amended to read as follows:

439.660 The Department shall, in cooperation with the various counties in this State:

1. Combine all possible administrative procedures required for determining those persons who are eligible for assistance pursuant to NRS ~~[427A.450 to 427A.600, inclusive, and]~~ 439.635 to 439.690, inclusive;

2. Coordinate the collection of information required to carry out those provisions in a manner that requires persons requesting assistance to furnish information in as few reports as possible; and

3. Design forms that may be used jointly by the Department and the various counties in this State to carry out the provisions of NRS ~~[427A.450 to 427A.600, inclusive, and]~~ 439.635 to 439.690, inclusive.

Sec. 8. NRS 439.715 is hereby amended to read as follows:

439.715 "Household income" has the meaning ascribed to it in NRS ~~[427A.480.]~~ **439.640.**

Sec. 9. NRS 439.725 is hereby amended to read as follows:

439.725 "Income" has the meaning ascribed to it in NRS ~~[427A.485.]~~ **439.645.**

Sec. 10. NRS 427A.450, 427A.455, 427A.460, 427A.465, 427A.470, 427A.475, 427A.480, 427A.485, 427A.490, 427A.495, 427A.500, 427A.505, 427A.510, 427A.515, 427A.520, 427A.522, 427A.525, 427A.530, 427A.535, 427A.540, 427A.545, 427A.550, 427A.555, 427A.560, 427A.565, 427A.570, 427A.575, 427A.580, 427A.585, 427A.590, 427A.595 and 427A.600 are hereby repealed.

Sec. 11. This act becomes effective on July 1, 2011.

