

CHAPTER.....

AN ACT relating to public assistance; revising provisions governing assistance provided to parents and relatives caring for certain persons with mental retardation or related conditions or children with certain developmental delays; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides assistance to parents and relatives caring for certain persons with mental retardation or related conditions or, if the person being cared for is under 6 years of age, similar developmental delays if certain other criteria relating to income and the quality of care are met. (NRS 435.365) This bill provides that such assistance is available only to the extent that money is available for that purpose and requires the Division of Mental Health and Developmental Services of the Department of Health and Human Services to establish a waiting list for eligible applicants who are not provided assistance because of a shortage of money.

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 435.365 is hereby amended to read as follows:
435.365 1. ~~Whenever~~ ***To the extent that money is available for that purpose, whenever*** a person with mental retardation or a related condition is cared for by a parent or other relative with whom the person lives, that parent or relative is eligible to receive assistance on a monthly basis from the Division for each such person who lives and is cared for in the home if the Division finds that:

(a) The person with mental retardation or a related condition has been diagnosed as having profound or severe mental retardation or, if he or she is under 6 years of age, has developmental delays that require support that is equivalent to the support required by a person with profound or severe mental retardation or a related condition;

(b) The person with mental retardation or a related condition is receiving adequate care; and

(c) The person with mental retardation or a related condition and the parent or other relative with whom the person lives is not reasonably able to pay for his or her care and support.

↪ The amount of the assistance must be established by legislative appropriation for each fiscal year.

2. The Division shall adopt regulations:

(a) Which establish a procedure of application for assistance;



(b) For determining the eligibility of an applicant pursuant to subsection 1; and

(c) For determining the amount of assistance to be provided to an eligible applicant.

3. *The Division shall establish a waiting list for applicants who are eligible for assistance but who are denied assistance because the legislative appropriation is insufficient to provide assistance for all eligible applicants.*

4. The decision of the Division regarding eligibility for assistance or the amount of assistance to be provided is a final administrative decision.

Sec. 2. This act becomes effective on July 1, 2011.

