

ASSEMBLY BILL NO. 53—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE AGING AND
DISABILITY SERVICES DIVISION)

PREFILED DECEMBER 20, 2012

Referred to Committee on Health and Human Services

SUMMARY—Revises certain provisions relating to the review and reporting of traumatic brain injuries. (BDR 38-308)

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 public welfare; revising reporting requirements concerning traumatic brain injuries; abolishing the Subcommittee on Traumatic Brain Injuries of the Nevada Commission on Services for Persons with Disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, hospitals are required to report detailed information
- 2 concerning all traumatic injuries to the Health Division of the Department of Health
- 3 and Human Services. (NRS 450B.238; NAC 450B.766, 450B.768) Existing law
- 4 requires hospitals to report information concerning traumatic brain injuries to the
- 5 Aging and Disability Services Division of the Department. (NRS 427A.820)
- 6 **Section 4** of this bill repeals provisions requiring information concerning traumatic
- 7 brain injuries to be reported to the Aging and Disability Services Division. **Section**
- 8 **4** also abolishes the Subcommittee on Traumatic Brain Injuries of the Nevada
- 9 Commission on Services for Persons with Disabilities.

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

- 1 **Section 1.** NRS 427A.040 is hereby amended to read as
- 2 follows:
- 3 427A.040 1. The Division shall, consistent with the priorities
- 4 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



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

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

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

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

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

19 (1) The program established pursuant to NRS 427A.791,
20 427A.793 and 427A.795 to provide services for persons with
21 physical disabilities;

22 (2) The programs established pursuant to NRS 427A.800 ~~to~~
23 ~~, 427A.850 and 427A.860 [inclusive.] to obtain information~~
24 ~~concerning traumatic brain injuries and~~ provide services to persons
25 with traumatic brain injuries;

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

29 (4) Any state program for independent living established
30 pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation
31 Division of the Department of Employment, Training and
32 Rehabilitation acting as the designated state unit, as that term is
33 defined in 34 C.F.R. § 364.4; and

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

36 (f) Provide information to persons with disabilities on matters
37 relating to the availability of housing for persons with disabilities
38 and identify sources of funding for new housing opportunities for
39 persons with disabilities.

40 (g) Before establishing policies or making decisions that will
41 affect the lives of persons with disabilities, consult with persons
42 with disabilities and members of the public in this State through the
43 use of surveys, focus groups, hearings or councils of persons with
44 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.1213 is hereby amended to read as follows:

427A.1213 1. The Commission shall, at its first meeting and annually thereafter, elect a Chair 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, the Chair 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 426.731 ~~§~~ and 427A.750, ~~and 427A.840,~~ the Chair 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. 3. NRS 427A.800 is hereby amended to read as follows:

427A.800 As used in ~~NRS 427A.800 to 427A.860, inclusive,~~ *this section and NRS 427A.850 and 427A.860*, “traumatic brain injury” means a sudden shock or damage to the brain or its coverings which is not of a degenerative nature and produces an altered state of consciousness or temporarily or permanently impairs the mental, cognitive, behavioral or physical functioning of the brain. The term does not include:

1. A cerebral vascular accident;
2. An aneurism; or
3. A congenital defect.

Sec. 4. NRS 427A.810, 427A.820, 427A.830 and 427A.840 are hereby repealed.

Sec. 5. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

427A.810 Duties of Division.

427A.820 Hospitals required to report information relating to persons with traumatic brain injuries to Division; penalty.

427A.830 Liability for disclosure of information in bad faith or with malicious purpose.

427A.840 Subcommittee on Traumatic Brain Injuries: Creation; appointment of members; terms; Chair; service without compensation; payment of per diem; powers.

