

## Amendment No. 91

Senate Amendment to Senate Bill No. 274 (BDR 39-1082)

**Proposed by:** Senate Committee on Health and Human Services**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

EWR/RBL



Date: 4/8/2013

S.B. No. 274—Revises provisions relating to contracts and agreements of the Department of Health and Human Services. (BDR 39-1082)



SENATE BILL NO. 274—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

MARCH 15, 2013

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to contracts and agreements of the Department of Health and Human Services. (BDR 39-1082)

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 ~~mental health;~~ the Department of Health and Human Services; revising provisions governing contracts and agreements entered into by the Division of Mental Health and Developmental Services ~~, and~~ the Division of Child and Family Services ~~, the Division of Welfare and Supportive Services, the Aging and Disability Services Division and the Health Division~~ of the Department of Health and Human Services with private nonprofit corporations; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the Division of Mental Health and Developmental Services and the Division of Child and Family Services of the Department of Health and Human Services to cooperate and execute contracts or agreements with certain governmental or private entities. These contracts or agreements may include a requirement that the Division of Mental Health and Developmental Services or the Division of Child and Family Services provide services for payment. (NRS 433.354, 433B.220) Sections 3, 4 and 5 authorize the Division of Welfare and Supportive Services, the Aging and Disability Services Division and the Health Division of the Department to execute similar contracts or agreements. This bill authorizes such contracts or agreements to provide that the ~~Division of Mental Health and Developmental Services or the Division of Child and Family Services, as applicable,~~ division that executed the contract or agreement will provide staff, services and resources without payment to further the contract or agreement.

This bill also authorizes such a contract or agreement entered into with a private nonprofit corporation to include provisions authorizing: (1) the ~~Division of Mental Health and Developmental Services or the Division of Child and Family Services, as applicable,~~ division that executed the contract or agreement to conduct certain activities to ensure the welfare of its consumers and to share confidential information about consumers served under the contract or agreement; and (2) the private nonprofit corporation to assign rights and obligations under the contract or agreement to the ~~Division of Mental Health and Developmental Services or the Division of Child and Family Services, as applicable,~~ division. This bill further clarifies that entering into such a contract or agreement does not waive any immunity from liability or limitation on liability that is provided by law.

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

**Section 1.** NRS 433.354 is hereby amended to read as follows:

433.354 *1. For the purposes of chapters 433 to 436, inclusive, of NRS, the Department through the Division may cooperate, financially or otherwise, and execute contracts or agreements with the Federal Government, any federal department or agency, any other state department or agency, a county, a city, a public district or any political subdivision of this state, a public or private corporation, an individual or a group of individuals. Such contracts or agreements may include provisions whereby the Division will ~~render~~ provide staff, services ~~or other resources, or any combination thereof, without payment, to further the purposes of the contract or agreement. If the contract or agreement includes a provision whereby the Division is paid for the provision of staff, services or other resources,~~ the payment ~~for which~~ will be reimbursed directly to the Division's budget. Cooperation pursuant to this section does not of itself relieve any person, department, agency or political subdivision of any responsibility or liability existing under any provision of law.*

*2. If the Administrator or the Administrator's designee enters into a contract or agreement pursuant to subsection 1 with a private nonprofit corporation, the contract or agreement may allow:*

*(a) The Division to enter and inspect any premises that are related to services provided under the contract or agreement and to inspect any records that are related to services provided under the contract or agreement to ensure the welfare of any consumer served by the private nonprofit corporation under the contract or agreement;*

*(b) The Division and the private nonprofit corporation to share confidential information concerning any consumer served by the private nonprofit corporation under the contract or agreement; and*

*(c) The private nonprofit corporation to assign rights and obligations of the private nonprofit corporation under the contract or agreement to the Division.*

*3. The State, Department and Division do not waive any immunity from liability or limitation on liability provided by law by entering into a contract or agreement pursuant to this section and any such contract or agreement must include a provision to that effect.*

**Sec. 2.** NRS 433B.220 is hereby amended to read as follows:

433B.220 *1. For the purposes of this chapter, the Department through the Division may cooperate, financially or otherwise, and execute contracts or agreements with the Federal Government, any federal department or agency, any other state department or agency, a county, a city, a public district or any political subdivision of this state, a public or private corporation, an individual or a group of individuals. Such a contract or agreement may include provisions whereby the Division will ~~render~~ provide staff, services ~~or other resources, or any combination thereof, without payment, to further the purposes of the contract or agreement. If the contract or agreement includes a provision whereby the Division is paid for the provision of staff, services or other resources,~~ the payment ~~for which~~ will be reimbursed directly to the Division's budget. Cooperation pursuant to this section does not of itself relieve any person, department, agency or political subdivision of any responsibility or liability existing under any provision of law.*

2. If the Administrator or the Administrator's designee enters into a contract or agreement pursuant to subsection 1 with a private nonprofit corporation, the contract or agreement may allow:

(a) The Division to enter and inspect any premises which are related to services provided under the contract or agreement and to inspect any records which are related to services provided under the contract or agreement to ensure the welfare of any consumer served by the private nonprofit corporation under the contract or agreement;

(b) The Division and the private nonprofit corporation to share confidential information concerning any consumer served by the private nonprofit corporation under the contract or agreement; and

(c) The private nonprofit corporation to assign rights and obligations of the private nonprofit corporation under the contract or agreement to the Division.

3. The State, Department and Division do not waive any immunity from liability or limitation on liability provided by law by entering into a contract or agreement pursuant to this section and any such contract or agreement must include a provision to that effect.

Sec. 3. Chapter 422A of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purposes of this chapter, the Department through the Division may cooperate, financially or otherwise, and execute contracts or agreements with the Federal Government, any federal department or agency, any other state department or agency, a county, a city, a public district or any political subdivision of this State, a public or private corporation, an individual or a group of individuals. Such a contract or agreement may include provisions whereby the Division will provide staff, services or other resources, or any combination thereof, without payment, to further the purposes of the contract or agreement. If the contract or agreement includes a provision whereby the Division is paid for the provision of staff, services or other resources, the payment will be reimbursed directly to the Division's budget. Cooperation pursuant to this section does not of itself relieve any person, department, agency or political subdivision of any responsibility or liability existing under any provision of law.

2. If the Administrator or the Administrator's designee enters into a contract or agreement pursuant to subsection 1 with a private nonprofit corporation, the contract or agreement may allow:

(a) The Division to enter and inspect any premises which are related to services provided under the contract or agreement and to inspect any records which are related to services provided under the contract or agreement to ensure the welfare of any consumer served by the private nonprofit corporation under the contract or agreement;

(b) The Division and the private nonprofit corporation to share confidential information concerning any consumer served by the private nonprofit corporation under the contract or agreement; and

(c) The private nonprofit corporation to assign rights and obligations of the private nonprofit corporation under the contract or agreement to the Division.

3. The State, the Department and the Division do not waive any immunity from liability or limitation on liability provided by law by entering into a contract or agreement pursuant to this section and any such contract or agreement must include a provision to that effect.

Sec. 4. Chapter 427A of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purposes of this chapter, the Department through the Division may cooperate, financially or otherwise, and execute contracts or agreements

1 with the Federal Government, any federal department or agency, any other state  
2 department or agency, a county, a city, a public district or any political  
3 subdivision of this State, a public or private corporation, an individual or a group  
4 of individuals. Such a contract or agreement may include provisions whereby the  
5 Division will provide staff, services or other resources, or any combination  
6 thereof, without payment, to further the purposes of the contract or agreement. If  
7 the contract or agreement includes a provision whereby the Division is paid for  
8 the provision of staff, services or other resources, the payment will be reimbursed  
9 directly to the Division's budget. Cooperation pursuant to this section does not of  
10 itself relieve any person, department, agency or political subdivision of any  
11 responsibility or liability existing under any provision of law.

12 2. If the Administrator or the Administrator's designee enters into a  
13 contract or agreement pursuant to subsection 1 with a private nonprofit  
14 corporation, the contract or agreement may allow:

15 (a) The Division to enter and inspect any premises which are related to  
16 services provided under the contract or agreement and to inspect any records  
17 which are related to services provided under the contract or agreement to ensure  
18 the welfare of any consumer served by the private nonprofit corporation under  
19 the contract or agreement;

20 (b) The Division and the private nonprofit corporation to share confidential  
21 information concerning any consumer served by the private nonprofit  
22 corporation under the contract or agreement; and

23 (c) The private nonprofit corporation to assign rights and obligations of the  
24 private nonprofit corporation under the contract or agreement to the Division.

25 3. The State, the Department and the Division do not waive any immunity  
26 from liability or limitation on liability provided by law by entering into a contract  
27 or agreement pursuant to this section and any such contract or agreement must  
28 include a provision to that effect.

29 Sec. 5. Chapter 439 of NRS is hereby amended by adding thereto a new  
30 section to read as follows:

31 1. For the purposes of this chapter, the Department through the Health  
32 Division may cooperate, financially or otherwise, and execute contracts or  
33 agreements with the Federal Government, any federal department or agency, any  
34 other state department or agency, a county, a city, a public district or any political  
35 subdivision of this State, a public or private corporation, an individual or a group  
36 of individuals. Such a contract or agreement may include provisions whereby the  
37 Health Division will provide staff, services or other resources, or any  
38 combination thereof, without payment, to further the purposes of the contract or  
39 agreement. If the contract or agreement includes a provision whereby the Health  
40 Division is paid for the provision of staff, services or other resources, the payment  
41 will be reimbursed directly to the Health Division's budget. Cooperation pursuant  
42 to this section does not of itself relieve any person, department, agency or  
43 political subdivision of any responsibility or liability existing under any provision  
44 of law.

45 2. If the Administrator or the Administrator's designee enters into a  
46 contract or agreement pursuant to subsection 1 with a private nonprofit  
47 corporation, the contract or agreement may allow:

48 (a) The Health Division to enter and inspect any premises which are related  
49 to services provided under the contract or agreement and to inspect any records  
50 which are related to services provided under the contract or agreement to ensure  
51 the welfare of any consumer served by the private nonprofit corporation under  
52 the contract or agreement;

1 (b) The Health Division and the private nonprofit corporation to share  
2 confidential information concerning any consumer served by the private  
3 nonprofit corporation under the contract or agreement; and

4 (c) The private nonprofit corporation to assign rights and obligations of the  
5 private nonprofit corporation under the contract or agreement to the Health  
6 Division.

7 3. The State, the Department and the Health Division do not waive any  
8 immunity from liability or limitation on liability provided by law by entering into  
9 a contract or agreement pursuant to this section and any such contract or  
10 agreement must include a provision to that effect.

11 ~~[Sec. 3.]~~ **Sec. 6.** This act becomes effective upon passage and approval.