

SENATE BILL NO. 349—SENATOR DENIS

MARCH 18, 2013

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the coordination of services provided to persons with sensory disabilities. (BDR 38-878)

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 persons with disabilities; providing, in skeleton form, for the integration of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation into the Aging and Disability Services Division of the Department of Health and Human Services; renaming the Aging and Disability Services Division as the Aging, Disability and Rehabilitation Services Division; establishing an Advisory Board on Persons with Sensory Disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, all rehabilitation services for persons with disabilities are
2 consolidated under the Bureau of Vocational Rehabilitation, which is part of the
3 Rehabilitation Division of the Department of Employment, Training and
4 Rehabilitation. (NRS 232.910, 232.940; chapter 615 of NRS) The Rehabilitation
5 Division also administers the Bureau of Services to Persons Who Are Blind or
6 Visually Impaired. (NRS 232.945) Pursuant to federal law, to be eligible for certain
7 federal funding for rehabilitation services, a state must submit and obtain approval
8 for a state plan which meets federal requirements. (29 U.S.C. §§ 720 et. seq.) Those
9 requirements include a requirement that the state designate a sole state agency in
10 the state plan as the single agency to administer the plan for rehabilitation services
11 for all persons with disabilities. (29 U.S.C. § 721(a)(2)) The only relevant
12 exception to this requirement is that rehabilitation services for persons who are
13 blind may be handled by a separate agency. (29 U.S.C. § 721(a)(2)(A)(i))

14 **Sections 5-15** of this bill provide, in skeleton form, for the removal of all
15 responsibilities relating to rehabilitation services for persons with a disability and
16 the state plan for those services from the Department of Employment, Training and
17 Rehabilitation and the integration of those responsibilities into the existing



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responsibilities of the Aging and Disability Services Division of the Department of Health and Human Services. **Sections 10 and 11** of this bill merge the Rehabilitation Division with the Aging and Disability Services Division to form the Aging, Disability and Rehabilitation Services Division. **Section 15** of this bill requires the Director of the Department of Health and Human Services to obtain federal approval of a new state plan or a modification to the existing state plan for rehabilitation services for all persons with disabilities that transfers the designation as the sole state agency administering the plan to the new Aging, Disability and Rehabilitation Services Division. **Section 16** of this bill provides that the provisions of this bill do not take effect until the permission has been sought from and granted by the Commissioner of the Rehabilitation Services Administration of the United States Department of Education to make the newly-formed Aging, Disability and Rehabilitation Services Division the designated state unit that is primarily concerned with vocational rehabilitation of individuals with disabilities.

Section 3 of this bill newly creates an Advisory Board on Persons with Sensory Disabilities, made up of 9 members appointed by the Governor. Three members must be representatives of advocacy groups which advocate for or on behalf of persons with sensory disabilities, two members must be representatives of entities which provide services to persons with sensory disabilities, two members must be persons with one or more sensory disabilities and two members must be parents of persons who have one or more sensory disabilities. **Section 4** of this bill requires the Advisory Board to: (1) interact with the staff of the Aging, Disability and Rehabilitation Services Division to increase collaboration between the staff and the sensory disabled community; (2) advise the Division concerning issues relating to providing services and opportunities to persons with sensory disabilities; and (3) periodically review the regulations, policies and procedures of the Division relating to services for persons with sensory disabilities and make certain recommendations to the Division.

A full drafting of this bill would be considerable in length. Moving the responsibilities for the vocational rehabilitation of persons with a disability from a division in one department to a division in a different department will require various sections in chapter 232, 426 and 615 of NRS to be repealed, then newly enacted in chapter 427A of NRS, with some revisions necessary to provide for changes in responsibilities and authority and the renaming of various divisions, bureaus and other entities. Additional sections in chapters 232, 426, 427A and 615 of NRS would also need to be revised to reflect various changes. Sections that might require repeal, reenactment or revisions include, without limitation, NRS 232.900 to 232.920, inclusive, 232.940 to 232.960, inclusive, 426.061, 426.071 to 426.099, inclusive, 426.510 to 426.720, inclusive, 426.790 to 426.820, inclusive, 427A.010 to 427A.021, inclusive, 427A.027, 427A.040 to 427A.060, inclusive, 427A.080, 427A.110, 615.023, 615.031, 615.050, 615.065, 615.140, 615.150, 615.205, 615.255 and 615.260.

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

Section 1. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *“Sensory disability” means an impairment of one or more of the senses, including, without limitation, hearing or vision.*



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1 **Sec. 3. 1. There is hereby created an Advisory Board on**
2 ***Persons With Sensory Disabilities. The Governor shall appoint to***
3 ***the Advisory Board nine members who reside in various***
4 ***geographical areas of this State and of which:***

5 ***(a) Three members must be representatives of advocacy groups***
6 ***which advocate for or on behalf of persons with sensory***
7 ***disabilities;***

8 ***(b) Two members must be representatives of entities which***
9 ***provide services to persons with sensory disabilities;***

10 ***(c) Two members must be persons with one or more sensory***
11 ***disabilities; and***

12 ***(d) Two members must be parents of persons who have one or***
13 ***more sensory disabilities and who are not older than 17 years of***
14 ***age.***

15 **2. Each member appointed to the Advisory Board pursuant to**
16 ***subsection 1 serves for a term of 3 years. A person may be***
17 ***reappointed to serve for not more than 3 terms.***

18 **3. Members of the Advisory Board must serve in that capacity**
19 ***without compensation, except that necessary travel and per diem***
20 ***expenses may be reimbursed, not to exceed the amounts provided***
21 ***for state officers and employees generally, to the extent that money***
22 ***is made available for that purpose.***

23 **4. The Advisory Board may apply for any available grants**
24 ***and accept and use any gifts, grants or donations to aid the***
25 ***Advisory Board in carrying out its duties.***

26 **Sec. 4. The Advisory Board on Persons With Sensory**
27 ***Disabilities shall:***

28 ***1. Interact with the staff of the Division to increase***
29 ***communication and collaboration between the staff and the***
30 ***sensory disabled community;***

31 ***2. Advise the Division concerning issues relating to providing***
32 ***services and opportunities to persons with sensory disabilities, with***
33 ***particular emphasis on training for life skills; and***

34 ***3. Periodically review the regulations, policies and***
35 ***procedures relating to services for persons with sensory disabilities***
36 ***and make recommendations to the Division for revisions thereto.***

37 **Sec. 5. NRS 426.061 is hereby amended to read as follows:**

38 426.061 "Department" means the Department of ~~Employment,~~
39 ~~Training and Rehabilitation.~~ ***Health and Human Services.***

40 **Sec. 6. NRS 426.071 is hereby amended to read as follows:**

41 426.071 "Division" means the ***Aging, Disability and***
42 ***Rehabilitation Services*** Division of the Department.



1 **Sec. 7.** NRS 427A.021 is hereby amended to read as follows:
2 427A.021 “Administrator” means the Administrator of the
3 Aging , ~~and~~ Disability *and Rehabilitation* Services Division of the
4 Department.

5 **Sec. 8.** NRS 427A.027 is hereby amended to read as follows:
6 427A.027 “Division” means the Aging , ~~and~~ Disability *and*
7 *Rehabilitation* Services Division of the Department.

8 **Sec. 9.** NRS 427A.050 is hereby amended to read as follows:
9 427A.050 The Department, through the Division, shall ~~act~~ :

10 1. *Act* as the single state agency of the State of Nevada and its
11 political subdivisions in the administration of any federal funds
12 granted to the State pursuant to the Older Americans Act of 1965
13 (42 U.S.C. §§ 3001-3053) as amended from time to time.

14 2. *Serve as the designated state unit with respect to state*
15 *programs for independent living established pursuant to 29 U.S.C.*
16 *§§ 796 et seq. As used in this subsection, “designated state unit”*
17 *has the meaning ascribed to it in 34 C.F.R. § 364.4.*

18 **Sec. 10.** NRS 232.300 is hereby amended to read as follows:

19 232.300 1. The Department of Health and Human Services is
20 hereby created.

21 2. The Department consists of a Director and the following
22 divisions:

23 (a) Aging , ~~and~~ Disability *and Rehabilitation* Services
24 Division.

25 (b) Health Division.

26 (c) Division of Mental Health and Developmental Services.

27 (d) Division of Welfare and Supportive Services.

28 (e) Division of Child and Family Services.

29 (f) Division of Health Care Financing and Policy.

30 3. The Department is the sole agency responsible for
31 administering the provisions of law relating to its respective
32 divisions.

33 **Sec. 11.** NRS 232.910 is hereby amended to read as follows:

34 232.910 1. The Department of Employment, Training and
35 Rehabilitation is hereby created. The purpose of the Department is
36 to plan, coordinate and carry out various services and activities
37 designed to achieve and support employment and economic
38 independence for residents of this State who are disadvantaged,
39 displaced or disabled.

40 2. The Department consists of a Director and the following
41 divisions:

42 (a) Employment Security Division; *and*

43 (b) ~~Rehabilitation Division; and~~

44 ~~—(c)—~~ Such other divisions as the Director may establish.



3. The Nevada Equal Rights Commission and the Board for the Education and Counseling of Displaced Homemakers are within the Department.

Sec. 12. NRS 615.023 is hereby amended to read as follows:

615.023 "Administrator" means the Administrator of the *Aging, Disability and Rehabilitation Services* Division of the Department.

Sec. 13. NRS 615.050 is hereby amended to read as follows:

615.050 "Department" means the Department of ~~Employment, Training and Rehabilitation.~~ *Health and Human Services.*

Sec. 14. NRS 615.065 is hereby amended to read as follows:

615.065 "Division" means the *Aging, Disability and Rehabilitation Services* Division of the Department.

Sec. 15. The Director of the Department of Health and Human Services or his or her designee shall, not later than July 1, 2013, seek approval from the Commissioner of the Rehabilitation Services Administration of the United States Department of Education to change the designated state unit for the purposes of state plans submitted pursuant to 29 U.S.C. §§ 721 and 796c from the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to the Aging, Disability and Rehabilitation Services Division of the Department of Health and Human Services as provided in the amendatory provisions of this act.

Sec. 16. This act becomes effective upon approval being obtained by the Director of the Department of Health and Human Services pursuant to section 15 of this act to change the designated state unit for the purposes of state plans submitted pursuant to 29 U.S.C. §§ 721 and 796c from the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to the Aging, Disability and Rehabilitation Services Division of the Department of Health and Human Services.

