

ASSEMBLY BILL NO. 307—ASSEMBLYMEN SPIEGEL, OHRENSCHALL;
BENITEZ-THOMPSON, BUSTAMANTE ADAMS, CARLTON,
DIAZ, JOINER, OSCARSON AND SWANK

MARCH 16, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to services for children with intellectual disabilities and children with related conditions. (BDR 39-803)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 mental health; revising provisions concerning certain support, education and care for children with intellectual disabilities and children with related conditions required to be provided by counties; providing for the establishment of a pilot program to provide certain wrap-around services to children with intellectual disabilities and children with related conditions who reside in certain larger counties; requiring the Department of Health and Human Services to take any actions necessary to use money from the State Plan for Medicaid to pay for the pilot program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each board of county commissioners to make provisions for the support, education and care of the children with intellectual disabilities and children with related conditions who reside in their respective counties. (NRS 435.010) **Section 1** of this bill requires the services that the board of county commissioners is required to provide to children with intellectual disabilities and children with related conditions to include preventive services that allow such children to remain at home, respite care for the primary caregivers of such children, and food and lodging expenses for such children who reside in a residential facility for groups.

Section 2 of this bill requires the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department, to the extent that money is available for that



purpose, to establish a pilot program to provide wrap-around services to children with intellectual disabilities and children with related conditions who reside in a county whose population is 100,000 or more (currently Clark and Washoe Counties). The Director of the Department is required to amend the State Plan for Medicaid if needed and obtain any necessary Medicaid waiver necessary to use money received pursuant to the State Plan for Medicaid to pay for the pilot program. **Section 2** requires the wrap-around services provided through the pilot program to include preventive services to allow a child to remain at home, respite care for the primary caregiver of a child, and food and lodging expenses for a child who resides in a residential facility for groups. Finally, **section 2** provides that the cost of providing wrap-around services must not exceed the cost of placing the child in residential treatment outside this State. The pilot program will expire on July 1, 2019, unless extended before that date.

Section 3 requires the Division of Health Care Financing and Policy and the Aging and Disability Services Division to submit a report on or before April 30, 2016, and every 6 months thereafter until July 1, 2019, to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session, concerning the status and results of the pilot program. **Section 3** of this bill requires the board of county commissioners of each county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to submit a report on or before April 30, 2016, and every 6 months until July 1, 2019, to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session, describing the manner in which the board makes provisions for the required support, education and care of the children with intellectual disabilities and children with related conditions who reside in the county.

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

Section 1. NRS 435.010 is hereby amended to read as follows:
435.010 1. The boards of county commissioners of the various counties shall make provision for the support, education and care of the children with intellectual disabilities and children with related conditions of their respective counties. *Such support, education and care must include, without limitation:*

(a) Preventive services that allow such children to remain in their homes;

(b) Respite care for the primary caregivers of such children; and

(c) Food and lodging expenses for such children who reside in a residential facility for groups.

2. For that purpose, they are empowered to make all necessary contracts and agreements to carry out the provisions of this section and NRS 435.020 and 435.030. Any such contract or agreement may be made with any responsible person or facility in or without the State of Nevada.

3. The provisions of this section and NRS 435.020 and 435.030 supplement the services which other political subdivisions or



1 agencies of the State are required by law to provide, and do not
2 supersede or relieve the responsibilities of such political
3 subdivisions or agencies.

4 **Sec. 2.** 1. To the extent that money is available for that
5 purpose, the Division of Health Care Financing and Policy of the
6 Department of Health and Human Services and the Aging and
7 Disability Services Division of the Department shall establish a pilot
8 program to provide wrap-around services to children with
9 intellectual disabilities and children with related conditions who
10 reside in a county whose population is 100,000 or more.

11 2. The wrap-around services provided by the pilot program
12 must include, without limitation:

13 (a) Preventive services that allow a child with intellectual
14 disabilities or a child with a related condition to remain in his or her
15 home;

16 (b) Respite care for the primary caregiver of such a child; and

17 (c) Food and lodging expenses for such a child who resides in a
18 residential facility for groups.

19 3. Other wrap-around services that the pilot program may
20 provide include, without limitation:

21 (a) Day habilitation;

22 (b) Residential support services;

23 (c) Consultation, training and intervention to improve behavior;

24 (d) Counseling;

25 (e) Nutrition counseling;

26 (f) Nursing services;

27 (g) Assistance with acquisition of life skills and community
28 participation that is provided in the residence of a child with an
29 intellectual disability or a child with a related condition;

30 (h) Nonmedical transportation;

31 (i) Career planning;

32 (j) Supported employment; and

33 (k) Prevocational services.

34 4. The cost of providing supplemental services to a child with
35 an intellectual disability or a child with a related condition through
36 the program created pursuant to subsection 1 must not be greater
37 than the cost of placing the child in residential treatment outside this
38 State.

39 5. The Director of the Department of Health and Human
40 Services shall make any amendments to the State Plan for Medicaid
41 authorized by Federal law and obtain any Medicaid waivers from
42 the Federal Government necessary to use money received pursuant
43 to the State Plan for Medicaid to pay for the pilot program described
44 in subsection 1.

45 6. As used in this section:



(a) "Children with related conditions" means children who have a severe, chronic disability which:

(1) Is attributable to:

(I) Cerebral palsy or epilepsy; or

(II) Any other condition, other than mental illness, found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of a child with an intellectual disability and requires treatment or services similar to those required by a child with an intellectual disability;

(2) Is likely to continue indefinitely; and

(3) Results in substantial functional limitations in three or more of the following areas of major life activity:

(I) Taking care of oneself;

(II) Understanding and use of language;

(III) Learning;

(IV) Mobility;

(V) Self-direction; and

(VI) Capacity for independent living.

(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

(c) "Wrap-around services" means supplemental services provided to a child with an intellectual disability or a child with a related condition, or the family of such a child, that are not covered by Medicaid in the absence of a waiver from federal law or regulations.

Sec. 3. On or before April 30, 2016, and every 6 months thereafter:

1. The Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session. The report must include, without limitation, a description of the status and results of the pilot program established pursuant to section 2 of this act and recommendations for legislation to facilitate the improvement or expansion of the pilot program.

2. The board of county commissioners of each county whose population is less than 100,000 shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session. The report must include, without limitation, a description of the actions the county is taking to comply with the requirements of NRS 435.010.



1 **Sec. 4.** 1. This act becomes effective on July 1, 2015.
2 2. Sections 2 and 3 of this act expire by limitation on
3 July 1, 2019.

