

ASSEMBLY BILL NO. 20—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE REHABILITATION DIVISION
OF THE DEPARTMENT OF EMPLOYMENT,
TRAINING AND REHABILITATION)

PREFILED NOVEMBER 16, 2016

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to services to assist persons with disabilities in obtaining employment. (BDR 38-225)

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 persons with disabilities; revising provisions concerning the duties and employees of the Bureau of Services to Persons Who Are Blind or Visually Impaired and the Bureau of Vocational Rehabilitation of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; prohibiting, under certain circumstances, the solicitation, disclosure, receipt or use of information concerning persons receiving services from the Division; authorizing the Division to adopt, amend and repeal certain policies; authorizing the denial of services to persons who are blind under certain circumstances; removing the designation of the Division as the designated state unit for the purpose of certain federal regulations governing vocational rehabilitation; prescribing the purposes for which certain money may be used; providing penalties; and providing other matters properly relating thereto.



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Legislative Counsel's Digest:

Existing law establishes programs under which: (1) the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation provides services to assist persons who are blind in obtaining employment; and (2) the Bureau of Vocational Rehabilitation of the Division provides similar services to individuals with disabilities. (NRS 426.518-426.610, chapter 615 of NRS) **Sections 2 and 24** of this bill revise the purposes of those programs.

Existing federal law defines the term "competitive integrated employment" to mean full-time or part-time work, including self-employment: (1) for which a person receives certain minimum compensation; (2) that allows the employee to interact with persons who are not disabled; and (3) that provides opportunities for advancement similar to those provided to employees who are not disabled. (29 U.S.C. § 705) **Sections 3 and 21** of this bill define that term to have the same meaning in state law. **Sections 5, 29 and 41** of this bill define the term "vocational rehabilitation services" to mean any goods and services necessary to prepare a person who is blind or an individual with a disability, as appropriate, to engage in competitive integrated employment or to determine the rehabilitation potential of such a person. **Sections 8 and 26-28** of this bill amend the definitions of certain related terms. **Sections 9 and 33-35** of this bill revise which entities perform certain duties relating to vocational rehabilitation services.

Federal regulations require the state unit responsible for administering vocational rehabilitation services to develop and maintain written policies covering the nature and scope of each such service and the criteria under which each service is provided. (34 C.F.R. § 361.50) **Sections 6 and 22** of this bill authorize the Division to adopt, amend and repeal such policies at a public meeting. **Section 17** of this bill provides that the adoption, amendment and repeal of such policies is not subject to the standard rulemaking process.

Section 10 of this bill requires the Bureau of Services to Persons Who Are Blind or Visually Impaired to provide vocational rehabilitation services to any person who is blind, including any such person who is eligible to receive such services under an agreement with the Federal Government, another state, certain territories or an Indian tribe. **Sections 30-32** of this bill make similar revisions concerning the duties of the Bureau of Vocational Rehabilitation.

Existing law requires the Division to direct the Bureau of Services to Persons Who Are Blind or Visually Impaired to adopt administrative regulations to enforce provisions of law concerning the provision of services for persons who are blind. (NRS 426.560) **Section 11** of this bill makes slight revisions concerning those regulations.

Sections 12 and 23 of this bill require the Bureau of Services to Persons Who Are Blind or Visually Impaired and the Bureau of Vocational Rehabilitation to employ persons skilled in the vocational rehabilitation of persons who are blind or individuals with disabilities, as appropriate, to allow such persons or individuals to engage in competitive integrated employment.

Sections 13 and 40 of this bill: (1) expressly provide that the unauthorized receipt, use or disclosure of information concerning persons who apply for or receive services for persons who are blind or individuals with disabilities is a misdemeanor; and (2) revise the circumstances under which the receipt, use or disclosure of such information is authorized.

Section 14 of this bill allows the denial of services for persons who are blind to persons who are ineligible to receive those services under federal law or for which the person is required by federal regulations to use comparable services and benefits paid for by another public or private entity. **Sections 15 and 39** of this bill make nonsubstantive revisions concerning appeals of actions, determinations or omissions made by the Bureau of Services to Persons Who Are Blind or Visually



Impaired and the Bureau of Vocational Rehabilitation. **Section 16** of this bill removes the designation of the Division as the state unit for carrying out certain programs for independent living prescribed in federal law.

Sections 19, 32, 36, 37, 42 and 43 of this bill remove the authority of the Bureau of Vocational Rehabilitation to: (1) establish or construct rehabilitation facilities and workshops; and (2) provide for the establishment, supervision, management and control of small business enterprises to be operated by persons with severe disabilities. **Section 38** of this bill expands the purposes for which money in the Rehabilitation Gift Account in the Department of Employment, Training and Rehabilitation's Gift Fund may be used.

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

Section 1. Chapter 426 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *The purposes of NRS 426.518 to 426.610, inclusive, and sections 2 to 6, inclusive, of this act are to:*

1. Provide vocational rehabilitation services to persons who are blind so that they may prepare for and engage in competitive integrated employment;

2. Promote vocational rehabilitation services and related activities which will assist persons who are blind to reach their fullest potential; and

3. Encourage and develop facilities and other resources needed by persons who are blind to engage in competitive integrated employment.

Sec. 3. *"Competitive integrated employment" has the meaning ascribed to it in 29 U.S.C. § 705.*

Sec. 4. *"Substantial impediment to employment" means that a loss or impairment of eyesight, in light of attendant medical, psychological, vocational, cultural, social or environmental factors, hampers a person's occupational performance by preventing the person from obtaining, retaining or preparing for competitive integrated employment consistent with the capabilities and abilities of the person.*

Sec. 5. *"Vocational rehabilitation services" means any goods and services necessary to prepare a person who is blind to engage in competitive integrated employment or to determine the rehabilitation potential of the person.*

Sec. 6. *1. To the extent required by 34 C.F.R. § 361.50, the Division may adopt, amend and repeal policies concerning the nature and scope of vocational rehabilitation services provided to persons who are blind.*



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2. Any adoption, amendment or repeal of a policy pursuant to subsection 1 must occur at a public meeting held in compliance with the provisions set forth in chapter 241 of NRS concerning open meetings.

Sec. 7. NRS 426.518 is hereby amended to read as follows:

426.518 As used in NRS 426.518 to 426.610, inclusive, *and sections 2 to 6, inclusive, of this act*, the words and terms defined in NRS 426.519 and 426.520 *and sections 3, 4, and 5 of this act* have the meanings ascribed to them in those sections.

Sec. 8. NRS 426.520 is hereby amended to read as follows:

426.520 "Person who is blind" means a person *who*:

1. *Is* described in NRS 426.082 ~~and any person who by reason of~~ ; and

2. *Has a* loss or impairment of eyesight ~~is unable to provide himself or herself with the necessities of life, and who has not sufficient income of his or her own to maintain himself or herself.~~ *which constitutes a substantial impediment to employment for which vocational rehabilitation services:*

(a) *May reasonably be expected to prepare the person to engage in competitive integrated employment which is consistent with the abilities of the person; or*

(b) *Are necessary to determine the rehabilitation potential of the person.*

Sec. 9. NRS 426.531 is hereby amended to read as follows:

426.531 The Department , *through the Director*, shall administer the provisions of NRS 426.518 to 426.610, inclusive, *and sections 2 to 6, inclusive, of this act* as the sole agency in the State for such purpose.

Sec. 10. NRS 426.550 is hereby amended to read as follows:

426.550 1. The Bureau must be headed by the Administrator.

2. The Bureau shall:

(a) Assist persons who are blind in achieving physical and psychological orientation ~~and~~ *and* inform persons who are blind of available services ~~to stimulate and~~ *to* assist persons who are blind in achieving ~~social and economic independence, and do all things which will ameliorate the condition of persons who are blind.~~ *their vocational goals.*

(b) Provide intensive programs of ~~case finding~~ education, training, job ~~findings and placement~~ *development*, physical restoration ~~and~~ and such other services and equipment as may ~~assist in rendering~~ *prepare* persons who are blind ~~more self-supporting and socially independent.~~ *to engage in competitive integrated employment.*

(c) *Provide vocational rehabilitation services directly or through other governmental entities or persons to any person who*



1 *is blind, including any person who is blind who is eligible under*
2 *the terms of an agreement or arrangement with the Federal*
3 *Government, another state or an Indian tribe.*

4 3. The Bureau may:

5 (a) Provide for treatment or operations to prevent blindness or
6 restore vision to ~~{applicants for or}~~ recipients of services to persons
7 who are blind who request *and are eligible for such services under*
8 *federal law* and make written application for such treatment or
9 ~~{operation;}~~ *operations;* and

10 (b) Pay for ~~{all}~~ necessary expenses incurred in connection with
11 the diagnosis and treatment provided under paragraph (a).
12 ~~{Necessary expenses must include the costs of guide service,~~
13 ~~maintenance while the patient is away from his or her home,~~
14 ~~transportation to the eye physician or hospital and return to his or~~
15 ~~her home, and the cost of nursing home care when such care is~~
16 ~~necessary.}~~

17 4. *As used in this section, "state" includes, without limitation,*
18 *the District of Columbia, Puerto Rico, the United States Virgin*
19 *Islands and Guam.*

20 **Sec. 11.** NRS 426.560 is hereby amended to read as follows:

21 426.560 1. Subject to the approval of the Department, the
22 Division shall direct the Bureau to ~~{make}~~ *adopt* administrative
23 regulations to enforce the provisions of this chapter related to
24 services for persons who are blind, which regulations must not
25 conflict with the provisions of this chapter.

26 2. The regulations must recognize that the *vocational* needs
27 and problems of persons who are blind are ~~{special}~~ *unique* to them
28 and may differ materially from the *vocational* needs and problems
29 of other persons.

30 **Sec. 12.** NRS 426.570 is hereby amended to read as follows:

31 426.570 1. All employees of the Bureau are directly
32 responsible to the Administrator.

33 2. Such employees must consist of persons skilled in ~~{assisting}~~
34 *the vocational rehabilitation of* persons who are blind to ~~{achieve~~
35 ~~social and economic independence.}~~ *allow such persons to engage*
36 *in competitive integrated employment.*

37 **Sec. 13.** NRS 426.573 is hereby amended to read as follows:

38 426.573 1. *Except as otherwise provided in subsection 2, a*
39 *person shall not solicit, disclose, receive or make use of, or*
40 *authorize, knowingly permit, participate in or acquiesce in the use*
41 *of any list of, or names of, or any information concerning persons*
42 *who are blind applying for or receiving any services directly or*
43 *indirectly derived from the records, papers, files or*
44 *communications of the Bureau, or acquired in the course of the*
45 *performance of its official duties.*



2. Information with respect to any individual applying for or receiving services for persons who are blind ~~shall not~~ *may* be *received, used or* disclosed by the Bureau or any of its employees to any person, association or body ~~unless~~ :

(a) *If such receipt, use or* disclosure is related directly to carrying out the provisions of NRS 426.518 to 426.610, inclusive, *and sections 2 to 6, inclusive, of this act;*

(b) *As required by statute, regulation or court order;*

(c) *To protect an applicant, recipient or other person if the applicant or recipient poses a threat to his or her own safety or the safety of others; or* ~~upon~~

(d) *Upon* written permission of the applicant or recipient.

3. *A person who violates the provisions of this section is guilty of a misdemeanor.*

Sec. 14. NRS 426.600 is hereby amended to read as follows:

426.600 ~~No~~

1. *Unless comparable services and benefits must be used pursuant to 34 C.F.R. § 361.53, no* person who is blind who may benefit from services authorized under NRS 426.518 to 426.610, inclusive, *and sections 2 to 6, inclusive, of this act and is eligible to receive such services under federal law* may be denied such services except the services for which a determination of economic need is required ~~pursuant to the State Plan for Services to Persons Who Are Blind.~~ *by the policies adopted pursuant to section 6 of this act.*

2. *As used in this section, "comparable services and benefits" has the meaning ascribed to it in 34 C.F.R. § 361.5.*

Sec. 15. NRS 426.610 is hereby amended to read as follows:

426.610 1. ~~An applicant for or recipient of~~ *A person who is blind applying for or receiving* services ~~for persons who are blind~~ *from the Bureau* who is aggrieved by an act, determination or omission of the Bureau is entitled, in accordance with regulations, to a fair hearing before a hearing officer.

2. A person *who is blind who is* aggrieved by the decision of a hearing officer is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS.

Sec. 16. NRS 232.945 is hereby amended to read as follows:

232.945 ~~++~~ The Director shall appoint an Administrator of the Rehabilitation Division of the Department. The Administrator:

~~(a)~~ 1. Is in the unclassified service of the State unless federal law or regulation requires otherwise, and serves at the pleasure of the Director.

~~(b)~~ 2. Shall administer the provisions of law set forth in ~~paragraph (d)~~ *subsection 4*, subject to the administrative supervision of the Director.



~~3.~~ **3.** Except as otherwise provided in NRS 284.143, shall devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.

~~4.~~ **4.** Is responsible for the administration, through the bureaus of the Rehabilitation Division, of the provisions of this section, NRS 232.940, 426.518 to 426.610, inclusive, *and sections 2 to 6, inclusive, of this act* and chapter 615 of NRS, and all other provisions of law relating to the functions of the Rehabilitation Division.

~~5.~~ **5.** Is responsible for the preparation of a consolidated state plan for the Bureau of Services to Persons Who Are Blind or Visually Impaired, the Bureau of Vocational Rehabilitation and any other program administered by the Rehabilitation Division that the Administrator considers appropriate to incorporate into the consolidated state plan before submission to the Federal Government. This subsection does not apply if any federal regulation exists that prohibits a consolidated plan.

~~6.~~ **6.** In developing and revising state plans pursuant to ~~paragraph (e),~~ *subsection 5*, shall consider, without limitation:

~~(1)~~ **(a)** The amount of money available from the Federal Government for the programs of the Rehabilitation Division;

~~(2)~~ **(b)** The conditions attached to the acceptance of that money; and

~~(3)~~ **(c)** The limitations of legislative appropriations for the programs.

~~7.~~ **7.** May make such expenditures and investigations, require such reports and take such other actions as the Administrator deems necessary or suitable to carry out the functions of the Rehabilitation Division.

~~8.~~ **8.** May employ, within the limits of legislative appropriations, such staff as is necessary to the performance of the duties of the Rehabilitation Division.

~~9.~~ **9.** Shall determine the organization and methods of procedure for the Rehabilitation Division in accordance with the provisions of this section, NRS 232.940, 426.518 to 426.610, inclusive, *and sections 2 to 6, inclusive, of this act* and chapter 615 of NRS, and all other provisions of law relating to the functions of the Rehabilitation Division.

~~10.~~ **10.** May adopt, amend or rescind such rules and regulations as the Administrator deems necessary or suitable to carry out the provisions of this section, NRS 232.940, 426.518 to 426.610, inclusive, *and sections 2 to 6, inclusive, of this act* and chapter 615 of NRS, and all other provisions of law relating to the functions of the Rehabilitation Division.



~~{2. The Rehabilitation Division shall serve as the designated state unit with respect to state programs for independent living established pursuant to 29 U.S.C. §§ 796 et seq. As used in this subsection, "designated state unit" has the meaning ascribed to it in 34 C.F.R. § 364.4.}~~

Sec. 17. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(n) The Silver State Health Insurance Exchange.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security



1 Division of the Department of Employment, Training and
2 Rehabilitation;

3 (b) Chapters 616A to 617, inclusive, of NRS for the
4 determination of contested claims;

5 (c) Chapter 91 of NRS for the judicial review of decisions of the
6 Administrator of the Securities Division of the Office of the
7 Secretary of State; and

8 (d) NRS 90.800 for the use of summary orders in contested
9 cases,

10 ➔ prevail over the general provisions of this chapter.

11 4. The provisions of NRS 233B.122, 233B.124, 233B.125 and
12 233B.126 do not apply to the Department of Health and Human
13 Services in the adjudication of contested cases involving the
14 issuance of letters of approval for health facilities and agencies.

15 5. The provisions of this chapter do not apply to:

16 (a) Any order for immediate action, including, but not limited to,
17 quarantine and the treatment or cleansing of infected or infested
18 animals, objects or premises, made under the authority of the State
19 Board of Agriculture, the State Board of Health, or any other agency
20 of this State in the discharge of a responsibility for the preservation
21 of human or animal health or for insect or pest control;

22 (b) An extraordinary regulation of the State Board of Pharmacy
23 adopted pursuant to NRS 453.2184;

24 (c) A regulation adopted by the State Board of Education
25 pursuant to NRS 388.255 or 394.1694; ~~for~~

26 (d) The judicial review of decisions of the Public Utilities
27 Commission of Nevada ~~for~~; or

28 *(e) The adoption, amendment or repeal of policies by the*
29 *Rehabilitation Division of the Department of Employment,*
30 *Training and Rehabilitation pursuant to section 6 or 22 of this act.*

31 6. The State Board of Parole Commissioners is subject to the
32 provisions of this chapter for the purpose of adopting regulations but
33 not with respect to any contested case.

34 **Sec. 18.** NRS 483.800 is hereby amended to read as follows:

35 483.800 1. The following sources shall submit, within 30
36 days after learning such information, to the Department the name,
37 address, birth date, social security number, visual acuity and any
38 other information which may be required by regulation of the
39 Department, of persons who are blind or night-blind or whose vision
40 is severely impaired and shall designate whether the person is blind,
41 night-blind or has severely impaired vision:

42 (a) Hospitals, medical clinics and similar institutions which treat
43 persons who are blind, night-blind or whose vision is severely
44 impaired; and



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(b) Agencies of the State and political subdivisions which provide special tax consideration for blindness.

2. When any source described in subsection 1 learns that vision has been restored to any person whose name appears in the registry established pursuant to subsection 3, the fact of restoration of vision must be reported to the registry within 30 days after learning of that fact.

3. The Department may establish a registry for the purposes of this section and adopt regulations governing reports to and operation of the registry.

4. The Department shall maintain a file of the names, addresses, birth dates and social security numbers of persons who are blind or night-blind or whose vision is severely impaired.

5. Except as otherwise provided in NRS 239.0115, all information learned by the Department pursuant to this section is confidential and any person who, without the consent of the person concerned, reveals that information for purposes other than those specified in this section, or other than for administration of the Program for Supplemental Security Income, including State Supplementary Assistance pursuant to chapter 422 or 422A of NRS, or services to persons who are blind pursuant to NRS 426.518 to 426.610, inclusive, *and sections 2 to 6, inclusive, of this act*, is guilty of a misdemeanor.

Sec. 19. NRS 608.255 is hereby amended to read as follows:

608.255 For the purposes of this chapter and any other statutory or constitutional provision governing the minimum wage paid to an employee, the following relationships do not constitute employment relationships and are therefore not subject to those provisions:

1. ~~{The relationship between a rehabilitation facility or workshop established by the Department of Employment, Training and Rehabilitation pursuant to chapter 615 of NRS and an individual with a disability who is participating in a training or rehabilitative program of such a facility or workshop.~~

~~2.~~ The relationship between a provider of jobs and day training services which is recognized as exempt pursuant to the provisions of 26 U.S.C. § 501(c)(3) and which has been issued a certificate by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 435.130 to 435.310, inclusive, and a person with an intellectual disability or a person with a related condition participating in a jobs and day training services program.

~~3.~~ 2. The relationship between a principal and an independent contractor.



1 **Sec. 20.** Chapter 615 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 21, 22 and 23, of this act.

3 **Sec. 21.** *“Competitive integrated employment” has the*
4 *meaning ascribed to it in 29 U.S.C. § 705.*

5 **Sec. 22. 1.** *To the extent required by 34 C.F.R. § 361.50,*
6 *the Division may adopt, amend and repeal policies concerning the*
7 *nature and scope of vocational rehabilitation services provided to*
8 *individuals with disabilities.*

9 **2.** *Any adoption, amendment or repeal of a policy pursuant to*
10 *subsection 1 must occur at a public meeting held in compliance*
11 *with the provisions set forth in chapter 241 of NRS concerning*
12 *open meetings.*

13 **Sec. 23. 1.** *All employees of the Bureau are directly*
14 *responsible to the Administrator.*

15 **2.** *Such employees must consist of persons skilled in the*
16 *vocational rehabilitation of individuals with disabilities to allow*
17 *such individuals to engage in competitive integrated employment.*

18 **Sec. 24.** NRS 615.010 is hereby amended to read as follows:
19 615.010 1. The purposes of this chapter are to:

20 (a) ~~{Rehabilitate}~~ *Provide vocational rehabilitation services to*
21 *individuals with disabilities so that they may prepare for and engage*
22 *in {gainful occupations;} competitive integrated employment;*

23 (b) ~~{Provide individuals with physical and mental disabilities~~
24 ~~with a program of services which will result in greater opportunities~~
25 ~~for them to enter more fully into the life of the community;~~

26 ~~—(c)}~~ *Promote vocational rehabilitation services and related*
27 *activities which will assist individuals with disabilities to reach their*
28 *fullest potential; and*

29 ~~{(d)}~~ (c) *Encourage and develop facilities and other resources*
30 *needed by individuals with disabilities {+} to engage in competitive*
31 *integrated employment.*

32 **2.** The provisions of this chapter shall be liberally construed to
33 effect its stated purposes.

34 **Sec. 25.** NRS 615.020 is hereby amended to read as follows:

35 615.020 As used in this chapter the words and terms defined in
36 NRS 615.023 to 615.140, inclusive, *and section 21 of this act,*
37 unless the context otherwise requires, have the meanings ascribed to
38 them in those sections.

39 **Sec. 26.** NRS 615.110 is hereby amended to read as follows:

40 615.110 “Individual with a disability” means:

41 1. Any individual who has a physical or mental disability
42 which constitutes a substantial ~~{handicap}~~ *impediment* to
43 employment ~~{but which is of such a nature that}~~ *for which*
44 vocational rehabilitation services may reasonably be expected to
45 ~~{render}~~ *prepare* the individual ~~{fit}~~ to engage in ~~{a gainful~~



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1 ~~occupation, including a gainful occupation~~ *competitive integrated*
2 *employment* which is ~~more~~ consistent with the capacities and
3 abilities of the individual.

4 2. Any individual who has a physical or mental disability
5 which constitutes a substantial ~~handicap~~ *impediment* to
6 employment for ~~whom~~ *which* vocational rehabilitation services are
7 necessary ~~for the purposes of the determination of~~ *to determine*
8 *the* rehabilitation potential ~~of the individual.~~

9 **Sec. 27.** NRS 615.120 is hereby amended to read as follows:

10 615.120 "Physical or mental disability" means ~~an~~ *an ongoing*
11 physical or mental condition which materially limits, contributes to
12 limiting or, if not corrected, will probably result in limiting an
13 individual's ~~activities~~ *physical* or *mental* functioning. ~~It includes~~
14 ~~behavioral disorders characterized by deviant social behavior or~~
15 ~~impaired ability to carry out normal relationships with family and~~
16 ~~community which may result from vocational, educational, cultural,~~
17 ~~social, environmental or other factors.~~

18 **Sec. 28.** NRS 615.130 is hereby amended to read as follows:

19 615.130 "Substantial ~~handicap~~ *impediment* to employment"
20 means that a physical or mental disability (in the light of attendant
21 medical, psychological, vocational, cultural, social or environmental
22 factors) ~~impedes~~ *hampers* an individual's occupational
23 performance, by preventing the individual's obtaining, retaining or
24 preparing for ~~a gainful occupation~~ *competitive integrated*
25 *employment* consistent with the capacities and abilities of the
26 individual.

27 **Sec. 29.** NRS 615.140 is hereby amended to read as follows:

28 615.140 "Vocational rehabilitation services" means any goods
29 and services necessary to ~~render~~ *prepare* an individual with a
30 disability ~~fit~~ to engage in ~~a gainful occupation,~~ *competitive*
31 *integrated employment* or to determine the rehabilitation potential
32 of the individual.

33 **Sec. 30.** NRS 615.170 is hereby amended to read as follows:

34 615.170 1. Vocational rehabilitation services shall be
35 provided directly or through public or private resources to any
36 individual with a disability, including any individual with a
37 disability who is eligible under the terms of an agreement or an
38 arrangement with another state, ~~or with~~ the Federal Government
39 ~~or an Indian tribe.~~

40 2. *As used in this section, "state" includes, without limitation,*
41 *the District of Columbia, Puerto Rico, the United States Virgin*
42 *Islands and Guam.*

43 **Sec. 31.** NRS 615.190 is hereby amended to read as follows:

44 615.190 The Bureau shall:



1 1. Take action necessary or appropriate to carry out the
2 purposes of this chapter; ~~and~~

3 2. Cooperate with other departments, agencies and institutions,
4 both public and private, in providing for the vocational
5 rehabilitation of individuals with disabilities, in studying the
6 problems involved therein, and in planning, establishing, developing
7 and providing such programs, facilities and services as may be
8 necessary or desirable ~~H~~; and

9 *3. Provide intensive programs of education, training, job*
10 *development, physical restoration and such other services and*
11 *equipment as may prepare individuals with disabilities to engage*
12 *in competitive integrated employment.*

13 **Sec. 32.** NRS 615.200 is hereby amended to read as follows:

14 615.200 The Bureau may:

15 1. Enter into reciprocal agreements with other states, which, for
16 this purpose, may include the District of Columbia, Puerto Rico, the
17 United States Virgin Islands and Guam, *or Indian tribes* to provide
18 for the vocational rehabilitation of individuals within the states *or*
19 *who are members of the Indian tribes* concerned;

20 2. ~~Establish or construct rehabilitation facilities and~~
21 ~~workshops and make grants to, or contracts or other arrangements~~
22 ~~with, public and other nonprofit organizations for the establishment~~
23 ~~of workshops and rehabilitation facilities;~~

24 ~~3.~~ Operate facilities for carrying out the purposes of this
25 chapter;

26 ~~4.~~ and

27 3. In matters relating to vocational rehabilitation:

28 (a) Conduct research, studies, investigations and demonstrations
29 and make reports;

30 (b) Provide training and instruction, including, without
31 limitation, the establishment and maintenance of such research
32 fellowships and traineeships with such stipends and allowances as
33 may be deemed necessary;

34 (c) Disseminate information; and

35 (d) Render technical assistance. ~~4.~~ and

36 ~~5. Provide for the establishment, supervision, management and~~
37 ~~control of small business enterprises to be operated by persons with~~
38 ~~severe disabilities where their operation will be improved through~~
39 ~~the management and supervision of the Bureau.]~~

40 **Sec. 33.** NRS 615.205 is hereby amended to read as follows:

41 615.205 1. The ~~Department~~ *Division* shall report annually
42 to the Aging and Disability Services Division of the Department of
43 Health and Human Services information relating to persons with
44 autism spectrum disorders who receive vocational rehabilitation
45 services. The information must:



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(a) Be submitted in the form required by the Aging and Disability Services Division;

(b) Include the information required by the Aging and Disability Services Division pursuant to NRS 427A.872;

(c) Include the total number of persons with autism spectrum disorders who are receiving vocational rehabilitation services from the Division;

(d) Include information concerning the types of vocational rehabilitation services provided to persons with autism spectrum disorders, the effectiveness of those services and the reasons for the ineffectiveness of those services, if applicable; and

(e) Include information concerning the technical assistance and training provided to personnel of the Division who work with persons with autism spectrum disorders to improve the effectiveness of vocational rehabilitation services.

2. A person with autism spectrum disorder who is designated as a person with more than one physical or mental impairment or disability must be included as a person with autism spectrum disorder for the purposes of reporting information pursuant to this section.

Sec. 34. NRS 615.220 is hereby amended to read as follows:

615.220 1. To facilitate the making of disability determinations in this state, the Department through the Division, on behalf of the State of Nevada, may enter into an agreement or agreements with the United States Government, by and through the Secretary of ~~Health and Human Services,~~ **Education**, or any other federal agency, for the making of disability determinations, receiving and expending federal money for the making of such determinations, and performing other acts and functions necessary to effectuate the provisions of any Act of Congress, and all applicable federal regulations adopted pursuant thereto.

2. The Department, by and through the Division, shall make the disability determinations required by the provisions of any Act of Congress, and the State Treasurer shall disburse the money required for the making of such determinations upon claims by the Director in the same manner as other claims against the State are paid.

Sec. 35. NRS 615.230 is hereby amended to read as follows:

615.230 1. The Department through the ~~Bureau~~ **Division** may make agreements, arrangements or plans to:

(a) Cooperate with the Federal Government in carrying out the purposes of this chapter or of any federal statutes pertaining to vocational rehabilitation and to this end may adopt such methods of administration as are found by the Federal Government to be



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1 necessary for the proper and efficient operation of such agreements,
2 arrangements or plans for vocational rehabilitation; and

3 (b) Comply with such conditions as may be necessary to secure
4 benefits under those federal statutes.

5 2. Upon designation by the Governor, in addition to those
6 provided in subsection 1, the Department through the ~~Bureau~~
7 **Division** may perform functions and services for the Federal
8 Government relating to persons under a physical or mental
9 disability.

10 **Sec. 36.** NRS 615.250 is hereby amended to read as follows:

11 615.250 1. The State Treasurer is designated as custodian of
12 all money received from the Federal Government for carrying out
13 the purposes of this chapter or any agreements, arrangements or
14 plans authorized thereby.

15 2. The State Treasurer shall make disbursements from that
16 money and from all state money available for the purposes of this
17 chapter upon certification by the designated official of the Bureau.

18 ~~3. All money earned by the rehabilitation facilities of the~~
19 ~~Bureau from contracts to provide work to train persons with~~
20 ~~disabilities must be deposited in the Account for Rehabilitation~~
21 ~~Facilities in the State General Fund.~~

22 ~~4. The interest and income earned on the money in the~~
23 ~~Account, after deducting any applicable charges, must be credited to~~
24 ~~the Account.~~

25 **Sec. 37.** NRS 615.255 is hereby amended to read as follows:

26 615.255 1. There is hereby created the Rehabilitation
27 Division Revolving Account in an amount not to exceed \$90,000.
28 The money in the Revolving Account may be used for the payment
29 of claims of:

30 (a) Applicants for or recipients of services from:

31 (1) The Bureau of Vocational Rehabilitation ; ~~including,~~
32 ~~without limitation, the rehabilitation facilities described in~~
33 ~~subsection 2 of NRS 615.200;~~ and

34 (2) The Bureau of Services to Persons Who Are Blind or
35 Visually Impaired, including, without limitation, the Vending Stand
36 Program for Persons Who Are Blind authorized by NRS 426.630 to
37 426.720, inclusive.

38 (b) Vendors providing services to those applicants or recipients
39 under procedures established by the Division.

40 2. The money in the Revolving Account must be deposited in a
41 bank or credit union qualified to receive deposits of public money.
42 The bank or credit union shall secure the deposit with a depository
43 bond satisfactory to the State Board of Examiners, unless it is
44 otherwise secured by the Federal Deposit Insurance Corporation, the



1 National Credit Union Share Insurance Fund or a private insurer
2 approved pursuant to NRS 678.755.

3 3. After expenditure of money from the Revolving Account,
4 the Administrator shall present a claim to the State Board of
5 Examiners. When approved by the State Board of Examiners, the
6 State Controller shall draw his or her warrant in the amount of the
7 claim in favor of the Rehabilitation Division Revolving Account, to
8 be paid to the order of the Administrator, and the State Treasurer
9 shall pay it.

10 4. Money in the Rehabilitation Division Revolving Account
11 does not revert to the State General Fund at the end of the fiscal
12 year, but remains in the Revolving Account.

13 5. Purchases paid for from the Rehabilitation Division
14 Revolving Account for the purposes authorized by subsection 1 may
15 be exempt from the provisions of the State Purchasing Act at the
16 discretion of the Administrator of the Purchasing Division of the
17 Department of Administration or the designated representative of
18 the Administrator.

19 **Sec. 38.** NRS 615.260 is hereby amended to read as follows:

20 615.260 1. All gifts of money which the Bureau is authorized
21 to accept must be deposited in the State Treasury for credit to the
22 Rehabilitation Gift Account in the Department of Employment,
23 Training and Rehabilitation's Gift Fund. The money may be
24 invested and reinvested and must be used in accordance with the
25 conditions of the gift ~~H~~ *or to carry out the provisions of this*
26 *chapter and other programs or laws administered by the Bureau.*

27 2. All claims must be approved by the Administrator before
28 they are paid.

29 **Sec. 39.** NRS 615.280 is hereby amended to read as follows:

30 615.280 1. ~~{Any person}~~ *An individual with a disability*
31 applying for or receiving vocational rehabilitation *services from the*
32 *Bureau* who is aggrieved by any ~~{action or inaction}~~ *act,*
33 *determination or omission* of the Bureau ~~{or the Administrator with~~
34 ~~respect to the person}~~ is entitled, in accordance with regulations, to a
35 fair hearing before a hearing officer.

36 2. ~~{A person}~~ *An individual with a disability who is* aggrieved
37 by the decision of a hearing officer is entitled to judicial review of
38 the decision in the manner provided by chapter 233B of NRS.

39 **Sec. 40.** NRS 615.290 is hereby amended to read as follows:

40 615.290 ~~{It is unlawful, except for purposes directly connected~~
41 ~~with the administration of the vocational rehabilitation program or~~
42 ~~any other arrangements, agreements or plans pursuant to this~~
43 ~~chapter, and in accordance with regulations of the Bureau, for any}~~

44 1. *Except as otherwise provided in subsection 2, a person* ~~{to}~~
45 *shall not* solicit, disclose, receive or make use of, or authorize,



1 knowingly permit, participate in or acquiesce in the use of any list
2 of, or names of, or any information concerning, persons applying for
3 or receiving any services under this chapter, directly or indirectly
4 derived from the records, papers, files or communications of the
5 Bureau, or acquired in the course of the performance of its official
6 duties.

7 *2. Information with respect to any individual applying for or*
8 *receiving services under this chapter may be received, used or*
9 *disclosed by the Bureau or any of its employees to any person,*
10 *association or body:*

11 *(a) If such receipt, use or disclosure is related directly to*
12 *carrying out the provisions of this chapter;*

13 *(b) As required by statute, regulation or court order;*

14 *(c) To protect an applicant, recipient or other person if the*
15 *applicant or recipient poses a threat to his or her own safety or the*
16 *safety of others; or*

17 *(d) Upon written permission of the applicant or recipient.*

18 *3. A person who violates the provisions of this section is*
19 *guilty of a misdemeanor.*

20 **Sec. 41.** NRS 616A.360 is hereby amended to read as follows:

21 616A.360 "Vocational rehabilitation services" ~~has the~~
22 ~~meaning ascribed to it in NRS 615.140.~~ *means any goods or*
23 *services necessary to prepare an individual with a disability to*
24 *engage in competitive integrated employment, as defined in 29*
25 *U.S.C. § 705, or to determine the rehabilitation potential of the*
26 *individual.*

27 **Sec. 42.** NRS 616B.621 is hereby amended to read as follows:

28 616B.621 1. In case of injury, coverage by industrial
29 insurance must be provided for trainees while enrolled in a
30 rehabilitation facility ~~operated~~ by the Rehabilitation Division of
31 the Department of Employment, Training and Rehabilitation, related
32 to evaluation, treatment, training, surgical apparatuses or
33 medications.

34 2. The Director of the Department of Employment, Training
35 and Rehabilitation shall make payments to the insurer on all trainees
36 *who are* enrolled in a rehabilitation facility ~~operated~~ by the
37 Rehabilitation Division of the Department of Employment, Training
38 and Rehabilitation in this State at the rate approved by the
39 Commissioner and based on a wage of \$200 per month per trainee.

40 ~~{3. Payments must be made from the Account for~~
41 ~~Rehabilitation Facilities of the Rehabilitation Division of the~~
42 ~~Department of Employment, Training and Rehabilitation.}~~

43 **Sec. 43.** NRS 615.040, 615.080, 615.090, 615.100, 615.175
44 and 616A.200 are hereby repealed.

45 **Sec. 44.** This act becomes effective on July 1, 2017.



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LEADLINES OF REPEALED SECTIONS

615.040 “Construct” defined.

615.080 “Establishment of a rehabilitation facility” defined.

615.090 “Establishment of a workshop” defined.

615.100 “Gainful occupation” defined.

615.175 Organizations that operate certain rehabilitation facilities or workshops: Requirements; audits; submission of tax information.

616A.200 “Employee”: Trainees in facility operated by Rehabilitation Division of Department of Employment, Training and Rehabilitation.

