

SENATE BILL NO. 18—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE AGING AND DISABILITY
SERVICES DIVISION OF THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES)

PREFILED NOVEMBER 15, 2018

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to persons with intellectual and developmental disabilities. (BDR 39-198)

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 services for persons with intellectual and developmental disabilities; revising the financial information that a provider of jobs and day training services is required to submit to be certified to provide such services; revising provision governing assistance provided to certain caregivers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a partnership, firm, corporation or association that wishes to provide jobs and day training services to persons with intellectual or developmental disabilities to be certified by the Aging and Disability Services Division of the Department of Health and Human Services. (NRS 435.225) Existing law requires such a partnership, firm, corporation or association, before being issued a certificate and annually thereafter as a condition of certification, to: (1) be on file and in good standing with the Secretary of State and organized according to Nevada law; and (2) submit to the Division an annual financial audit and certain additional documentation if the partnership, firm, corporation or association is a nonprofit organization. (NRS 435.227) This bill removes the requirements to submit an annual financial audit and the additional documentation if the partnership, firm, corporation or association is a nonprofit organization. Instead, this bill requires a partnership, firm, corporation or association that provides or wishes to be certified to provide such jobs and day training services to



submit any financial documents and statements requested by the Division for the purpose of evaluating the financial solvency of the partnership, firm, corporation or association.

Existing law makes it possible for certain relatives who care for a person who has been diagnosed with a profound or severe intellectual disability or with a developmental disability to receive assistance from the Aging and Disability Services Division to the extent that money is available for that purpose. (NRS 435.465) **Section 2** of this bill revises this provision to include only caregivers of a person who has been diagnosed with an intellectual disability.

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

Section 1. NRS 435.227 is hereby amended to read as follows:
435.227 Before being issued a certificate by the Division pursuant to NRS 435.225 and annually thereafter as a condition of certification, a partnership, firm, corporation or association, including, without limitation, a nonprofit organization, must:

1. Be on file and in good standing with the Secretary of State and organized pursuant to title 7 of NRS;

2. Submit to the Division ~~an annual audit of its financial statements that has been conducted by an independent certified public accountant; and~~

~~3. If it is a nonprofit organization, submit to the Division the most recent federal tax return of the nonprofit organization, including, without limitation, Form 990, or its successor form, and the Schedule L and Schedule R of such return, or the successor forms of such schedules, which include an itemization of:~~

~~(a) Any transaction during the federal tax year of the nonprofit organization in which an economic benefit is provided by the nonprofit organization to a director, officer or board member of the nonprofit organization, or any other person who has substantial influence over the nonprofit organization, and in which the value of the economic benefit provided by the nonprofit organization exceeds the value of the consideration received by the nonprofit organization;~~

~~(b) Any loans to or from the nonprofit organization which are received by or from a director, officer or board member of the nonprofit organization, a person who has substantial influence over the nonprofit organization or a family member of such director, officer, board member or person and which remain outstanding at the end of the federal tax year of the nonprofit organization;~~

~~(c) Any grants or other assistance from the organization during the federal tax year of the nonprofit organization which benefit a director, officer or board member of the nonprofit organization, a person who has substantial influence over the nonprofit organization~~



1 or a family member of such director, officer, board member or
2 person;

3 ~~—(d) Business transactions during the federal tax year of the~~
4 ~~nonprofit organization between the nonprofit organization and a~~
5 ~~director, officer or board member of the nonprofit organization, a~~
6 ~~person who has substantial influence over the nonprofit organization~~
7 ~~or a family member of such director, officer, board member or~~
8 ~~person which exceed, in the aggregate, \$100,000, or a single~~
9 ~~business transaction that exceeds \$10,000; and~~

10 ~~—(e) All related party transactions including, without limitation,~~
11 ~~the receipt of interest, royalties, annuities or rent, the sale or~~
12 ~~purchase of assets or services, the sharing of facilities, equipment or~~
13 ~~employees, and the transfer of cash or property.]~~ **any financial**
14 **documents and statements requested by the Division for the**
15 **purpose of evaluating the financial solvency of the partnership,**
16 **firm, corporation or association.**

17 **Sec. 2.** NRS 435.365 is hereby amended to read as follows:

18 435.365 1. To the extent that money is available for that
19 purpose, whenever a person with an intellectual disability ~~for a~~
20 ~~person with a developmental disability~~ is cared for by a parent or
21 other relative with whom the person lives, that parent or relative is
22 eligible to receive assistance on a monthly basis from the Division
23 for each such person who lives and is cared for in the home if the
24 Division finds that:

25 (a) The person with an intellectual disability ~~for the person with~~
26 ~~a developmental disability~~ has been diagnosed as having a
27 profound or severe intellectual disability ~~for developmental~~
28 ~~disability~~ or, if he or she is under 6 years of age, has developmental
29 delays that require support that is equivalent to the support required
30 by a person with a profound or severe intellectual disability ; ~~for a~~
31 ~~person with a profound or severe developmental disability;]~~

32 (b) The person with an intellectual disability ~~for the person with~~
33 ~~a developmental disability~~ is receiving adequate care; and

34 (c) The person with an intellectual disability ~~for the person with~~
35 ~~a developmental disability~~ and the parent or other relative with
36 whom the person lives is not reasonably able to pay for his or her
37 care and support.

38 ➤ The amount of the assistance must be established by legislative
39 appropriation for each fiscal year.

40 2. The Administrator shall adopt regulations:

41 (a) Which establish a procedure of application for assistance;

42 (b) For determining the eligibility of an applicant pursuant to
43 subsection 1; and

44 (c) For determining the amount of assistance to be provided to
45 an eligible applicant.



1 3. The Administrator shall establish a waiting list for applicants
2 who are eligible for assistance but who are denied assistance
3 because the legislative appropriation is insufficient to provide
4 assistance for all eligible applicants.

5 4. The decision of the Administrator regarding eligibility for
6 assistance or the amount of assistance to be provided is a final
7 administrative decision.

8 **Sec. 3.** This act becomes effective:

9 1. Upon passage and approval for the purpose of adopting any
10 regulations and performing any other preparatory administrative
11 tasks that are necessary to carry out the provisions of this act; and

12 2. On October 1, 2019, for all other purposes.

