

Senate Bill No. 424–Senator Ohrenschall

CHAPTER.....

AN ACT relating to mental health; requiring the establishment of a system to categorize recipients of community-based living arrangement services by the scope of services needed; requiring the establishment of procedures for the appeal of decisions relating to eligibility for or authorization of community-based living arrangement services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to adopt regulations that specify the circumstances under which a consumer is eligible to receive mental health services from the Division, including care, treatment, treatment to competency and training. (NRS 433.3315) This bill requires those regulations to prescribe a system to categorize recipients of community-based living arrangement services by the scope of services needed by the recipients. This bill also requires the Division to adopt regulations to establish procedures by which a recipient of community-based living arrangement services may appeal a decision of the Division concerning eligibility for or authorization of services.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. NRS 433.3315 is hereby amended to read as follows:

433.3315 The Division shall adopt regulations:

1. To define the term “consumer” for the purposes of chapters 433 to 433C, inclusive, of NRS.

2. To specify the circumstances under which a consumer is eligible to receive services from the Division pursuant to chapters 433 to 433C, inclusive, of NRS, including, but not limited to, care, treatment, treatment to competency and training. Regulations adopted pursuant to this subsection must ~~specify~~:

(a) Prescribe a system to categorize a recipient of community-based living arrangement services by the scope of services needed by the recipient; and

(b) Specify that a consumer is eligible to receive services only if the consumer:

~~{(a)}~~ ***(1)*** Has a documented diagnosis of a mental disorder based on the most recent edition of the Diagnostic and Statistical Manual



of Mental Disorders published by the American Psychiatric Association; and

~~[(b)]~~ (2) Except as otherwise provided in the regulations adopted pursuant to subsection 3, is not eligible to receive services through another public or private entity.

3. To specify the circumstances under which the provisions of *subparagraph (2) of* paragraph (b) of subsection 2 do not apply, including, without limitation, when the copay or other payment required to obtain services through another public or private entity is prohibitively high.

4. To establish policies and procedures for the referral of each consumer who needs services that the Division is unable to provide to the most appropriate organization or resource who is able to provide the needed services to that consumer.

5. To establish procedures by which a recipient of community-based living arrangement services with which the Division has entered into a contract may appeal a decision of the Division concerning eligibility for or authorization of services.

6. As used in this section, "community-based living arrangement services" has the meaning ascribed to it in NRS 433.605.

Sec. 2. This act becomes effective:

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

2. On January 1, 2020, for all other purposes.

