

SENATE BILL NO. 43—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 16, 2022

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes relating to services for aging
persons and persons with disabilities. (BDR 38-219)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 aging and disability services; revising the qualifications of the members of the Nevada Commission on Aging; requiring certain updates to the strategic plan for persons with disabilities as the Aging and Disability Services Division of the Department of Health and Human Services determines to be necessary; revising the duties of the Nevada Commission on Services for Persons with Disabilities; revising certain titles; revising a certain plan for the provision of services to persons who are deaf, hard of hearing or speech impaired; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) creates the Nevada Commission on Aging within the Aging and Disability Services Division of the Department of Health and Human Services; (2) requires the membership of the Commission to include two members of the governing body of a county and two members of the governing body of a city; and (3) requires the Commission to perform certain duties relating to the needs of and programs for aging persons. (NRS 427A.032, 427A.038) **Section 1** of this bill authorizes the Governor to appoint any officer or employee of a county or city government, as applicable, to those positions on the Commission.

Assembly Bill No. 513 of the 2001 Legislative Session appropriated money to the Department of Human Resources (now the Department of Health and Human Services) to develop a plan to: (1) ensure the availability of services for persons



with disabilities; (2) support the ability of persons with disabilities to lead independent lives; (3) continue efforts to provide community-based services to persons with disabilities; and (4) ensure persons with disabilities receive the services they are entitled to pursuant to state or federal law. (Chapter 541, Statutes of Nevada 2001, at page 2705) Existing law requires the Division to report the progress of carrying out the plan and authorizes the Nevada Commission on Services for Persons with Disabilities to carry out the plan. (NRS 427A.040, 427A.1217) **Section 2** of this bill requires the Division, as it determines necessary, to update the parts of this plan applicable to the Division. **Sections 2 and 3** of this bill update references to the plan.

Existing federal law requires: (1) each state to establish a Statewide Independent Living Council consisting of persons with disabilities, providers of services to such persons and other related persons; and (2) the chairperson of the Council and directors of centers for independent living to jointly develop a state plan for independent living, which must include various provisions to promote independent living for persons with disabilities. (29 U.S.C. §§ 796c, 796d) Existing law requires the Nevada Commission on Services for Persons with Disabilities to seek ways to avoid unnecessary duplication of services to persons with disabilities and establish priorities for the Division based on the needs of persons with disabilities. (NRS 427A.1217) **Section 3** of this bill requires the Commission to: (1) coordinate with the Statewide Independent Living Council to seek ways to avoid unnecessary duplication of services; and (2) establish priorities for the Division in conjunction with the state plan for independent living.

Existing law establishes: (1) the Office of the Community Advocate for Elder Rights within the Division; and (2) the position of Community Advocate for Elder Rights to perform the functions of the Office, which include advocating for issues relating to aging persons and certain other duties to assist such persons. (NRS 427A.300, 427A.310) **Sections 4 and 5** of this bill shorten the name of the Office and the title of the Community Advocate.

Existing law creates the Nevada Commission for Persons Who Are Deaf and Hard of Hearing and prescribes various powers and duties of the Commission relating to services and programs for persons who are deaf, hard of hearing or speech impaired. Existing law authorizes the Commission to create and annually review a 5-year strategic plan consisting of short-term and long-term goals for services provided by or on behalf of the Division. (NRS 427A.750) **Section 6** of this bill abolishes that 5-year strategic plan and instead authorizes the Commission to develop a statewide plan to provide services to persons who are deaf, hard of hearing or speech impaired.

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

Section 1. NRS 427A.032 is hereby amended to read as follows:

427A.032 1. The Nevada Commission on Aging, consisting of 11 voting members and four or more nonvoting members, is hereby created within the Aging and Disability Services Division of the Department.

2. The Governor shall appoint as voting members of the Commission:



(a) Two persons who are ~~members of the governing body~~
officers or employees of a county ~~[-] government.~~

(b) Two persons who are ~~members of the governing body~~
officers or employees of a city ~~[-] government.~~

(c) Seven persons who have experience with or an interest in
and knowledge of the problems of and services for the aging.

↳ At least six persons appointed as voting members must be 55
years of age or older.

3. The following persons shall serve as nonvoting members of
the Commission:

(a) The Director of the Department, who shall serve as Chair of
the Commission.

(b) The Administrator of the Aging and Disability Services
Division.

(c) One member of the Senate and one member of the Assembly
appointed by the Legislative Commission with appropriate regard
for their experience with and knowledge of matters relating to older
persons.

(d) Such other representatives of state government as may be
designated by the Governor.

4. The members designated in paragraphs (a) and (b) of
subsection 3 may designate alternates within their respective offices
to attend any meeting of the Commission in their place.

5. After the initial terms, the Governor shall appoint each
voting member of the Commission to a term of 2 years. No member
may serve after the expiration of his or her term unless the member
is appointed to serve another term. No person may be appointed to
serve a full term as a voting member more than twice. No person
who serves as a voting member for more than 1 year of a term to
which another person was appointed may be appointed to serve a
full term more than once.

6. The position of a member of the Commission is vacated
upon his or her loss of any of the qualifications required for the
appointment and in that event the vacancy must be filled for the
unexpired term in the manner provided for the original appointment.

7. The Governor may remove a member appointed by the
Governor to the Commission for malfeasance in office or neglect of
duty. Absence from two consecutive meetings of the Commission
constitutes good and sufficient cause for removal of a member by
the Governor.

Sec. 2. NRS 427A.040 is hereby amended to read as follows:
427A.040 1. The Division shall, consistent with the priorities
established by the Commission pursuant to NRS 427A.038:

(a) Serve as a clearinghouse for information related to problems
of the aged and aging.



(b) Assist the Director in all matters pertaining to problems of the aged and aging.

(c) Develop plans, conduct and arrange for research and demonstration programs in the field of aging.

(d) Provide technical assistance and consultation to political subdivisions with respect to programs for the aged and aging.

(e) Prepare, publish and disseminate educational materials dealing with the welfare of older persons.

(f) Gather statistics in the field of aging which other federal and state agencies are not collecting.

(g) Stimulate more effective use of existing resources and available services for the aged and aging.

(h) Develop and coordinate efforts to carry out a comprehensive State Plan for Providing Services to Meet the Needs of Older Persons. In developing and revising the State Plan, the Division shall consider, among other things, the amount of money available from the Federal Government for services to aging persons and the conditions attached to the acceptance of such money, and the limitations of legislative appropriations for services to aging persons.

(i) Coordinate all state and federal funding of service programs to the aging in the State.

2. The Division shall:

(a) Provide access to information about services or programs for persons with disabilities that are available in this State.

(b) Work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies in:

(1) Developing and improving policies of this State concerning programs or services for persons with disabilities, including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

(2) Making recommendations concerning new policies or services that may benefit persons with disabilities.

(c) Serve as a liaison between state governmental agencies that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities.

(d) Serve as a liaison between local governmental agencies in this State that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities. To inform local governmental agencies in this State of services and programs of other local governmental



agencies in this State for persons with disabilities pursuant to this subsection, the Division shall:

(1) Provide technical assistance to local governmental agencies, including, without limitation, assistance in establishing an electronic network that connects the Division to each of the local governmental agencies that provides services or programs to persons with disabilities;

(2) Work with counties and other local governmental entities in this State that do not provide services or programs to persons with disabilities to establish such services or programs; and

(3) Assist local governmental agencies in this State to locate sources of funding from the Federal Government and other private and public sources to establish or enhance services or programs for persons with disabilities.

(e) Administer the following programs in this State that provide services for persons with disabilities:

(1) The program established pursuant to NRS 427A.791, 427A.793 and 427A.795 to provide services for persons with physical disabilities;

(2) The programs established pursuant to NRS 427A.800, 427A.850 and 427A.860 to provide services to persons with traumatic brain injuries;

(3) The program established pursuant to NRS 427A.610 to provide hearing aids to children who are hard of hearing;

(4) The program established pursuant to NRS 427A.797 to provide devices for telecommunication to persons who are deaf and persons with impaired speech or hearing;

(5) Any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation acting as the designated state unit, as that term is defined in 34 C.F.R. § 385.4, or the designated state entity, as that term is defined in 45 C.F.R. § 1329.4, as applicable; and

(6) Any state program established pursuant to the Assistive Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

(f) Provide information to persons with disabilities on matters relating to the availability of housing for persons with disabilities and identify sources of funding for new housing opportunities for persons with disabilities.

(g) Before establishing policies or making decisions that will affect the lives of persons with disabilities, consult with persons with disabilities and members of the public in this State through the use of surveys, focus groups, hearings or councils of persons with disabilities to receive:



(1) Meaningful input from persons with disabilities regarding the extent to which such persons are receiving services, including, without limitation, services described in their individual service plans, and their satisfaction with those services; and

(2) Public input regarding the development, implementation and review of any programs or services for persons with disabilities.

(h) *Develop and, as the Division determines necessary, update the parts of the strategic plan for persons with disabilities described in chapter 541, Statutes of Nevada 2001, that apply to the Division.*

(i) Publish and make available to governmental entities and the general public a biennial report which:

(1) Provides a strategy for the expanding or restructuring of services in the community for persons with disabilities that is consistent with the need for such expansion or restructuring;

(2) Reports the progress of the Division in carrying out the strategic ~~{planning goals}~~ *plan* for persons with disabilities ~~identified pursuant to chapter 541, Statutes of Nevada 2001;~~ *described in paragraph (h);*

(3) Documents significant problems affecting persons with disabilities when accessing public services, if the Division is aware of any such problems;

(4) Provides a summary and analysis of the status of the practice of sign language interpreting and the practice of realtime captioning, including, without limitation, the number of persons engaged in the practice of sign language interpreting in a primary or secondary educational setting in each professional classification established by NRS 656A.100 or the regulations adopted pursuant to NRS 656A.110 and the number of persons engaged in the practice of realtime captioning in a primary or secondary educational setting; and

(5) Recommends strategies and, if determined necessary by the Division, legislation for improving the ability of the State to provide services to persons with disabilities and advocate for the rights of persons with disabilities.

3. The Division shall confer with the Department as the sole state agency in the State responsible for administering the provisions of this chapter and chapter 435 of NRS.

4. The Division shall administer the provisions of chapters 435 and 656A of NRS.

5. The Division may contract with any appropriate public or private agency, organization or institution, in order to carry out the provisions of this chapter and chapter 435 of NRS.

Sec. 3. NRS 427A.1217 is hereby amended to read as follows:

427A.1217 1. The Commission shall:



(a) Determine and evaluate the needs of persons with disabilities in this State;

(b) Seek ways to avoid unnecessary duplication of services for persons with disabilities by public and private organizations in this State ~~{}~~ *by coordinating recommendations with the Statewide Independent Living Council established pursuant to 29 U.S.C. § 796d;*

(c) Establish priorities for the work of the Division according to the most pressing needs of persons with disabilities as determined by the Commission ~~{}~~ *and in conjunction with the state plan for independent living developed pursuant to 29 U.S.C. § 796c;* and

(d) Promote programs that provide community-based services necessary to enable a person with a disability, to the fullest extent possible, to remain in his or her home and be an integral part of his or her family and community.

2. The Commission may:

(a) Review and make recommendations regarding plans for services for persons with disabilities;

(b) Gather and disseminate information relating to persons with disabilities;

(c) Conduct hearings, conferences and special studies on the problems of persons with disabilities and on programs that serve persons with disabilities;

(d) Evaluate existing programs for persons with disabilities, recommend changes in those programs and propose new programs that would more effectively and economically serve the needs of persons with disabilities;

(e) Evaluate any proposed legislation that would affect persons with disabilities;

(f) Carry out the provisions of the ~~{Strategic Plan for Persons with Disabilities developed by the Department pursuant to paragraph (c) of subsection 1 of section 1 of chapter 541, Statutes of Nevada 2001;}~~ *strategic plan for persons with disabilities updated pursuant to paragraph (h) of subsection 2 of NRS 427A.040;*

(g) Recommend to the Legislature any appropriate legislation concerning persons with disabilities; and

(h) Coordinate and assist the efforts of public and private organizations that serve the needs of persons with disabilities, especially in the areas of education, employment, health, housing, welfare and recreation.

Sec. 4. NRS 427A.300 is hereby amended to read as follows:

427A.300 1. The Office of the Community Advocate ~~{for Elder Rights}~~ is hereby created within the Division.

2. The Administrator shall appoint the Community Advocate . ~~{for Elder Rights.}~~ The person so appointed:



(a) Must be qualified by training and experience to perform the duties and functions of the office; and

(b) Is in the classified service of the State.

Sec. 5. NRS 427A.310 is hereby amended to read as follows:

427A.310 1. The Community Advocate ~~for Elder Rights~~ shall provide assistance to persons who are 60 years of age or older and do not reside in facilities for long-term care. The assistance must include at least the:

(a) Coordination of resources and services available to aging persons within their respective communities, including the services provided through a program established pursuant to NRS 427A.250 or 427A.255;

(b) Dissemination of information to aging persons on issues of national and local interest, including information regarding the services of the Community Advocate ~~for Elder Rights~~ and the existence of groups of aging persons with similar interests and concerns; and

(c) Advocacy of issues relating to aging persons.

2. The Administrator may direct the Community Advocate ~~for Elder Rights~~ to provide assistance to a person who:

(a) Is less than 60 years of age; and

(b) Does not reside in a facility for long-term care.

Sec. 6. NRS 427A.750 is hereby amended to read as follows:

427A.750 1. The Nevada Commission for Persons Who Are Deaf and Hard of Hearing is hereby created within the Division. The Commission consists of 11 members appointed by the Governor. The Governor shall consider recommendations made by the Nevada Commission on Services for Persons with Disabilities and appoint to the Nevada Commission for Persons Who Are Deaf and Hard of Hearing:

(a) One nonvoting member who is employed by the State and who participates in the administration of the programs of this State that provide services to persons who are deaf, hard of hearing or speech-impaired;

(b) One member who is a member of the Nevada Association of the Deaf, or, if it ceases to exist, one member who represents an organization which has a membership of persons who are deaf, hard of hearing or speech-impaired;

(c) One member who has experience with and knowledge of services for persons who are deaf, hard of hearing or speech-impaired;

(d) One nonvoting member who is the Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, who represents the telecommunications industry;



(e) One member who is a user of telecommunications relay services or the services of persons engaged in the practice of sign language interpreting or the practice of realtime captioning;

(f) One member who is a parent of a child who is deaf, hard of hearing or speech-impaired;

(g) One member who represents educators in this State and has knowledge concerning the provision of communication services to persons who are deaf, hard of hearing or speech impaired in elementary, secondary and postsecondary schools and the laws concerning the provision of those services;

(h) One member who represents an advocacy organization whose membership consists of persons who are deaf, hard of hearing or speech-impaired;

(i) One member who is deaf or hard of hearing;

(j) One member who specializes in issues relating to the employment of persons with disabilities; and

(k) One member who is the parent or guardian of a child who is less than 6 years of age and is deaf or hard of hearing.

2. After the initial term, the term of each member is 3 years. A member may be reappointed.

3. If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

4. The Commission shall:

(a) At its first meeting and annually thereafter, elect a Chair from among its voting members; and

(b) Meet at the call of the Governor or the Chair or a majority of its voting members as is necessary to carry out its responsibilities.

5. A majority of the voting members of the Commission constitutes a quorum for the transaction of business, and a majority of the voting members of a quorum present at any meeting is sufficient for any official action taken by the Commission.

6. Members of the Commission serve without compensation, except that each member is entitled, while engaged in the business of the Commission, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

7. A member of the Commission who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the person may prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Commission to make up the time



1 he or she is absent from work to carry out his or her duties as a
2 member of the Commission or use annual vacation or compensatory
3 time for the absence.

4 8. The Commission may:

5 (a) Make recommendations to any state agency, including,
6 without limitation, the Division, concerning the establishment and
7 operation of programs for persons who are deaf, hard of hearing or
8 speech impaired to ensure equal access to state programs and
9 activities.

10 (b) Recommend to the Governor any proposed legislation
11 concerning persons who are deaf, hard of hearing or speech
12 impaired.

13 (c) Collect information concerning persons who are deaf, hard
14 of hearing or speech impaired.

15 (d) ~~{Create and annually review a 5 year strategic plan~~
16 ~~consisting of short term and long term goals for services provided~~
17 ~~by or on behalf of the Division.}~~ **Develop a statewide plan to**
18 **provide services to persons who are deaf, hard of hearing or**
19 **speech impaired.** In ~~{creating and reviewing}~~ **developing** any such
20 plan, the Commission must solicit input from various persons,
21 including, without limitation, persons who are deaf, hard of hearing
22 or speech impaired.

23 (e) Review the goals, policies, programs and services of state
24 agencies, including, without limitation, the Division, that serve
25 persons who are deaf, hard of hearing or speech impaired and advise
26 such agencies regarding such goals, policies, programs and services,
27 including, without limitation, the outcomes of services provided to
28 persons who are deaf, hard of hearing or speech impaired and the
29 requirements imposed on providers.

30 (f) Based on information collected by the Department of
31 Education, advise the Department of Education on research and
32 methods to ensure the availability of language and communication
33 services for children who are deaf, hard of hearing or
34 speech-impaired.

35 (g) Consult with the personnel of any state agency, including,
36 without limitation, the Division, concerning any matter relevant to
37 the duties of the Commission. A state agency shall make available
38 to the Commission any officer or employee of the agency with
39 which the Commission wishes to consult pursuant to this paragraph.

40 9. The Commission shall:

41 (a) Make recommendations to the Division concerning the
42 practice of sign language interpreting and the practice of realtime
43 captioning, including, without limitation, the adoption of regulations
44 to carry out the provisions of chapter 656A of NRS.



(b) Make recommendations to the Division concerning all programs and activities funded by the surcharge imposed pursuant to subsection 3 of NRS 427A.797.

(c) Provide persons who are deaf, hard of hearing or speech impaired with information concerning services and resources that promote equality for such persons in education, employment and socialization and referrals for such services and resources;

(d) Review the procedures and practices of state and local governmental entities to ensure that persons who are deaf, hard of hearing or speech impaired have equal access to resources and services provided by those governmental entities; and

(e) Make recommendations to state and local governmental entities concerning:

(1) Compliance with laws and regulations concerning persons who are deaf, hard of hearing or speech impaired, including, without limitation, the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;

(2) Improving the health, safety, welfare and comfort of persons who are deaf, hard of hearing or speech impaired; and

(3) Integrating services and programs for persons who are deaf, hard of hearing or speech impaired and improving cooperation among state and local governmental entities that provide such services.

10. As used in this section:

(a) “Practice of sign language interpreting” has the meaning ascribed to it in NRS 656A.060.

(b) “Practice of realtime captioning” has the meaning ascribed to it in NRS 656A.062.

(c) “Telecommunications relay services” has the meaning ascribed to it in 47 C.F.R. § 64.601.

Sec. 7. This act becomes effective upon passage and approval.

