

Assembly Bill No. 224–Assemblyman Carrillo

CHAPTER.....

AN ACT relating to disabilities; replacing the term “related conditions” with the term “developmental disability” for certain purposes; prohibiting a provider of jobs and day training services from entering into certain contracts or arrangements except under certain conditions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Various provisions of existing law govern the care and services provided to persons with intellectual disabilities and persons with related conditions. (Chapters 433, 433A, 433C and 435 of NRS) For the purposes of these provisions, a “person with related conditions” is generally defined to mean a person with a condition “closely related to an intellectual disability” and requiring “treatment or services similar to those required by a person with an intellectual disability.” (NRS 433.211) For the purposes of the provisions referred to above, this bill generally replaces references to the term “related conditions” with the term “developmental disability.” Such a disability is defined in **sections 1 and 17** of this bill as autism, cerebral palsy, epilepsy or any other neurological condition diagnosed by a qualified professional that: (1) is manifested before the age of 22 years and is likely to continue indefinitely; (2) substantially limits certain major life activities; and (3) results in a lifelong or protracted need for individually planned and coordinated services, support or other assistance.

Existing federal law prohibits certain entities from compensating a person who is less than 25 years of age at a rate less than the federal minimum wage unless certain conditions are met. (29 U.S.C. § 794g) Existing law permits a person or organization to provide jobs and day training services to persons with intellectual disabilities and persons with related conditions. (NRS 435.130-435.310) Such a provider may contract with county and school officials and public and private agencies for the provision of such services. (NRS 435.310) **Section 45** of this bill prohibits any such contract that provides for the employment of a person under 25 years of age unless the person is paid at least the state minimum wage, except under the conditions prescribed in federal law under which such a person may be compensated at less than the federal minimum wage. **Section 15.5** of this bill codifies those conditions into state law.

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. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

“Developmental disability” has the meaning ascribed to it in NRS 435.007.



Sec. 2. NRS 433.005 is hereby amended to read as follows:

433.005 As used in chapters 433 to 433C, inclusive, of NRS, unless the context otherwise requires, or except as otherwise defined by specific statute, the words and terms defined in NRS 433.014 to 433.227, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 433.314 is hereby amended to read as follows:

433.314 The Commission shall:

1. Establish policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual *disabilities, persons with developmental disabilities* , ~~{and persons with related conditions,}~~ persons with substance use disorders or persons with co-occurring disorders, including services to prevent mental illness, intellectual *disabilities, developmental disabilities* , ~~{and related conditions,}~~ substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;

2. Set policies for the care and treatment of persons with mental illness, persons with intellectual *disabilities, persons with developmental disabilities* , ~~{and persons with related conditions,}~~ persons with substance use disorders or persons with co-occurring disorders provided by all state agencies;

3. Review the programs and finances of the Division; and

4. Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature on the quality of the care and treatment provided for persons with mental illness, persons with intellectual *disabilities, persons with developmental disabilities* , ~~{and persons with related conditions,}~~ persons with substance use disorders or persons with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment.

Sec. 4. NRS 433.316 is hereby amended to read as follows:

433.316 The Commission may:

1. Collect and disseminate information pertaining to mental health, intellectual *disabilities, developmental disabilities* , ~~{and related conditions,}~~ substance use disorders and co-occurring disorders.

2. Request legislation pertaining to mental health, intellectual *disabilities, developmental disabilities* , ~~{and related conditions,}~~ substance use disorders and co-occurring disorders.

3. Review findings of investigations of complaints about the care of any person in a public facility for the treatment of persons with mental illness, persons with intellectual *disabilities, persons*



with developmental disabilities , ~~and persons with related conditions,~~ persons with substance use disorders or persons with co-occurring disorders.

4. Accept, as authorized by the Legislature, gifts and grants of money and property.

5. Take appropriate steps to increase the availability of and to enhance the quality of the care and treatment of persons with mental illness, persons with intellectual *disabilities, persons with developmental* disabilities , ~~and persons with related conditions,~~ persons with substance use disorders or persons with co-occurring disorders provided through private nonprofit organizations, governmental entities, hospitals and clinics.

6. Promote programs for the treatment of persons with mental illness, persons with intellectual *disabilities, persons with developmental* disabilities , ~~and persons with related conditions,~~ persons with substance use disorders or persons with co-occurring disorders and participate in and promote the development of facilities for training persons to provide services for persons with mental illness, persons with intellectual *disabilities, persons with developmental* disabilities , ~~and persons with related conditions,~~ persons with substance use disorders or persons with co-occurring disorders.

7. Create a plan to coordinate the services for the treatment of persons with mental illness, persons with intellectual *disabilities, persons with developmental* disabilities , ~~and persons with related conditions,~~ persons with substance use disorders or persons with co-occurring disorders provided in this State and to provide continuity in the care and treatment provided.

8. Establish and maintain an appropriate program which provides information to the general public concerning mental illness, intellectual *disabilities, developmental* disabilities , ~~and related conditions,~~ substance use disorders and co-occurring disorders and consider ways to involve the general public in the decisions concerning the policy on mental illness, intellectual *disabilities, developmental* disabilities , ~~and related conditions,~~ substance use disorders and co-occurring disorders.

9. Compile statistics on mental illness and study the cause, pathology and prevention of that illness.

10. Establish programs to prevent or postpone the commitment of residents of this State to facilities for the treatment of persons with mental illness, persons with intellectual *disabilities, persons with developmental* disabilities , ~~and persons with related~~



~~conditions,}~~ persons with substance use disorders or persons with co-occurring disorders.

11. Evaluate the future needs of this State concerning the treatment of mental illness, intellectual *disabilities, developmental disabilities* , ~~{and related conditions,}~~ substance use disorders and co-occurring disorders and develop ways to improve the treatment already provided.

12. Take any other action necessary to promote mental health in this State.

Sec. 5. NRS 433.318 is hereby amended to read as follows:

433.318 1. The Commission may appoint a subcommittee or an advisory committee composed of members who have experience and knowledge of matters relating to persons with mental illness, persons with intellectual *disabilities, persons with developmental disabilities* , ~~{and persons with related conditions,}~~ persons with substance use disorders or persons with co-occurring disorders and who, to the extent practicable, represent the ethnic and geographic diversity of this State.

2. A subcommittee or advisory committee appointed pursuant to this section shall consider specific issues and advise the Commission on matters related to the duties of the Commission.

3. The members of a subcommittee or advisory committee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee or advisory committee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

Sec. 6. NRS 433.325 is hereby amended to read as follows:

433.325 The Commission or its designated agent may inspect any state facility providing services for persons with mental illness, persons with intellectual *disabilities, persons with developmental disabilities* , ~~{and persons with related conditions,}~~ persons with substance use disorders or persons with co-occurring disorders to determine if the facility is in compliance with the provisions of this title and any regulations adopted pursuant thereto.

Secs. 7 and 8. (Deleted by amendment.)

Sec. 9. NRS 433C.110 is hereby amended to read as follows:

433C.110 The Legislature declares that the purposes of this chapter are:

1. To encourage and provide financial assistance to counties in the establishment and development of mental health services, including services to persons with intellectual *disabilities and*



persons with developmental disabilities , ~~and persons with related conditions.~~ through locally controlled community mental health programs.

2. To promote the improvement and, if necessary, the expansion of already existing services which help to conserve the mental health of the people of Nevada. It is the intent of this chapter that services to individuals be rendered only upon voluntary application.

Sec. 10. NRS 433C.170 is hereby amended to read as follows:
433C.170 The county board shall:

1. Review and evaluate communities' needs, services, facilities and special problems in the fields of mental health , ~~and~~ intellectual *disabilities and developmental* disabilities . ~~and related conditions.~~

2. Advise the governing body as to programs of community mental health services and facilities and services to persons with intellectual *disabilities and persons with developmental* disabilities ~~and persons with related conditions.~~ and, when requested by the governing body, make recommendation regarding the appointment of a county director.

3. After adoption of a program, continue to act in an advisory capacity to the county director.

Sec. 11. NRS 433C.190 is hereby amended to read as follows:
433C.190 The county director shall:

1. Serve as chief executive officer of the county program and be accountable to the county board.

2. Exercise administrative responsibility and authority over the county program and facilities furnished, operated or supported in connection therewith, and over services to persons with intellectual *disabilities or persons with developmental* disabilities , ~~and persons with related conditions.~~ except as administrative responsibility is otherwise provided for in this title.

3. Recommend to the governing body, after consultation with the county board, the providing of services, establishment of facilities, contracting for services or facilities and other matters necessary or desirable to accomplish the purposes of this chapter.

4. Submit an annual report to the governing body reporting all activities of the program, including a financial accounting of expenditures and a forecast of anticipated needs for the ensuing year.

5. Carry on such studies as may be appropriate for the discharge of his or her duties, including the control and prevention



of psychiatric disorders and the treatment of intellectual *disabilities and developmental* disabilities. ~~and related conditions.~~

Sec. 12. NRS 433C.260 is hereby amended to read as follows:

433C.260 Expenditures made by counties for county programs, including services to persons with intellectual *disabilities or persons with developmental* disabilities, ~~and persons with related conditions,~~ pursuant to this chapter ~~;~~ must be reimbursed by the State pursuant to NRS 433C.270 to 433C.350, inclusive.

Sec. 13. NRS 433C.270 is hereby amended to read as follows:

433C.270 1. A service operated within a county program must be directed to at least one of the following mental health areas:

(a) Mental illness;

(b) Intellectual *disabilities*;

(c) Developmental disabilities; ~~and related conditions;~~

~~(e)~~ *(d)* Organic brain and other neurological impairment;

~~(d)~~ *(e)* Alcoholism; and

~~(e)~~ *(f)* Drug abuse.

2. A service is any of the following:

(a) Diagnostic service;

(b) Emergency service;

(c) Inpatient service;

(d) Outpatient or partial hospitalization service;

(e) Residential, sheltered or protective care service;

(f) Habilitation or rehabilitation service;

(g) Prevention, consultation, collaboration, education or information service; and

(h) Any other service approved by the Division.

Sec. 14. NRS 433C.300 is hereby amended to read as follows:

433C.300 1. Money provided by direct legislative appropriation for purposes of reimbursement as provided by NRS 433C.260 to 433C.290, inclusive, must be allotted to the governing body as follows:

(a) The State shall pay to each county a sum equal to 90 percent of the total proposed expenditures as reflected by the plan of proposed expenditures submitted pursuant to NRS 433C.280 if the county has complied with the provisions of paragraph (b).

(b) Before payment under this subsection, the governing body of a county must submit evidence to the Administrator that 10 percent of the total proposed expenditures have been raised and budgeted by the county for the establishment or maintenance of a county program.

2. All state and federal moneys appropriated or authorized for the promotion of mental health or for services to persons with



intellectual *disabilities or persons with developmental* disabilities ~~and persons with related conditions~~ in the State of Nevada must be disbursed through the Division in accordance with the provisions of this chapter and rules and regulations adopted in accordance therewith.

Sec. 15. NRS 433C.340 is hereby amended to read as follows:

433C.340 Fees for mental health services, including services to persons with intellectual *disabilities or persons with developmental* disabilities , ~~and persons with related conditions,~~ rendered pursuant to an approved county plan must be charged in accordance with ability to pay, but not in excess of actual cost.

Sec. 15.5. Chapter 435 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a provider of jobs and day training services certified pursuant to this section and NRS 435.130 to 435.310, inclusive, may enter into a contract or other arrangement with any person or governmental entity to provide for the employment of a person under 25 years of age under which the person will be paid less than the state minimum wage if the person was employed on July 22, 2016, by an entity that holds a valid certificate pursuant to 29 U.S.C. § 214(c) or, before beginning such employment, the person has:

(a) Received preemployment transition services available under the provisions of 29 U.S.C. § 733 or transition services under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

(b) Received career counseling, information and referrals to federal and state programs and other resources in the geographic area in which the person resides that offer services and supports that are designed to enable the person to attain competitive integrated employment and meet the requirements of subsection 2; and

(c) Applied for vocational rehabilitation services under the provisions of 29 U.S.C. §§ 720 to 751, inclusive, and been found:

(1) Ineligible for such services; or

(2) Eligible for such services and:

(I) Has an individualized plan for employment pursuant to 29 U.S.C. § 722;

(II) Has been working, with appropriate supports and services, toward an employment outcome specified in that plan without success; and

(III) The person's vocational rehabilitation case has been closed.



2. *Counseling, information, referrals, services and supports provided pursuant to paragraph (b) of subsection 1 must not be provided to a person for the purpose of obtaining employment compensated at less than the state minimum wage.*

3. *A provider of jobs and day training services certified pursuant to this section and NRS 435.130 to 435.310, inclusive, shall not enter into a contract or other arrangement described in subsection 1 with a local educational agency.*

4. *Except as otherwise provided in subsection 5, if a provider of jobs and day training services certified pursuant to this section and NRS 435.130 to 435.310, inclusive, enters into a contract or other arrangement described in subsection 1:*

(a) *The Division shall, at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment, provide the person employed pursuant to the arrangement with career counseling, information and referrals as described in paragraph (b) of subsection 1 in a manner that facilitates independent decisions and informed choice; and*

(b) *The employer of the person shall, at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment, inform the person of opportunities in the geographic area in which the person resides to receive training concerning self-advocacy, self-determination and peer mentoring that is provided by a person or entity that does not have a financial interest in the employment outcome of the person.*

5. *If a provider of jobs and day training services certified pursuant to this section and NRS 435.130 to 435.310, inclusive, enters into a contract or other arrangement described in subsection 1 with a business with fewer than 15 employees, the business may satisfy the requirements of subsection 4 by referring a person employed pursuant to the arrangement to the Division for the services described in that subsection at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment.*

6. *The Division, in consultation with the Department of Education, shall adopt regulations prescribing the manner in which compliance with the requirements of subsections 1 and 4 may be documented.*

7. *An employer who employs a person pursuant to a contract or other arrangement described in subsection 1 shall:*



(a) Before the employment begins, verify that the person meets the requirements of subsection 1 by reviewing the documentation prescribed for that purpose pursuant to subsection 6;

(b) For the duration of the employment:

(1) Verify that the person has received the services required by subsection 4 by reviewing the documentation prescribed for that purpose pursuant to subsection 6; and

(2) Maintain on file a copy of the documentation reviewed pursuant to subparagraph (1) and paragraph (a).

8. The Division may inspect the documentation maintained pursuant to subparagraph (2) of paragraph (b) of subsection 7 as necessary to ensure compliance with the requirements of this section.

9. As used in this section:

(a) "Competitive integrated employment" has the meaning ascribed to it in 29 U.S.C. § 705.

(b) "Local educational agency" has the meaning ascribed to it in 20 U.S.C. § 1401(19).

Sec. 16. NRS 435.005 is hereby amended to read as follows:

435.005 Unless specifically excluded by law, the provisions of this chapter apply to all facilities within the Division offering services to persons with intellectual *disabilities or persons with developmental* disabilities. ~~and persons with related conditions.~~

Sec. 17. NRS 435.007 is hereby amended to read as follows:

435.007 As used in this chapter, unless the context otherwise requires:

1. "Administrative officer" means a person with overall executive and administrative responsibility for those state or nonstate intellectual *and developmental* disability centers designated by the Administrator.

2. "Administrator" means the Administrator of the Division.

3. "Child" means any person under the age of 18 years who may be eligible for intellectual *disability services or developmental* disability services. ~~for services for a related condition.~~

4. "Department" means the Department of Health and Human Services.

5. *"Developmental disability" means autism, cerebral palsy, epilepsy or any other neurological condition diagnosed by a qualified professional that:*

(a) Is manifested before the person affected attains the age of 22 years;

(b) Is likely to continue indefinitely;



(c) Results in substantial functional limitations, as measured by a qualified professional, in three or more of the following areas of major life activity:

- (1) Taking care of oneself;*
- (2) Understanding and use of language;*
- (3) Learning;*
- (4) Mobility;*
- (5) Self-direction; and*
- (6) Capacity for independent living; and*

(d) Results in the person affected requiring a combination of individually planned and coordinated services, support or other assistance that is lifelong or has an extended duration.

6. "Director of the Department" means the administrative head of the Department.

~~16-1~~ 7. "Division" means the Aging and Disability Services Division of the Department.

~~17-1~~ 8. "Division facility" means any unit or subunit operated by the Division for the care, treatment and training of consumers.

~~18-1~~ 9. "Intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

~~19-1~~ 10. "Intellectual *and developmental* disability center" means an organized program for providing appropriate services and treatment to persons with intellectual disabilities and persons with ~~related conditions.~~ *developmental disabilities*. An intellectual *and developmental* disability center may include facilities for residential treatment and training.

~~10-1~~ 11. "Medical director" means the chief medical officer of any program of the Division for persons with intellectual *disabilities or developmental* disabilities . ~~and persons with other related conditions.~~

~~11-1~~ 12. "Mental illness" has the meaning ascribed to it in NRS 433.164.

~~12-1~~ 13. "Parent" means the parent of a child. The term does not include the parent of a person who has attained the age of 18 years.

~~13-1~~ 14. "Person" includes a child and any other consumer with an intellectual *disability and a child or any other consumer with a developmental* disability ~~for a related condition~~ who has attained the age of 18 years.

~~14-1~~ 15. "Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.



~~15. “Persons with related conditions” means persons who have a severe, chronic disability which:~~

~~— (a) Is attributable to:~~

~~— (1) Cerebral palsy or epilepsy; or~~

~~— (2) 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 person with an intellectual disability and requires treatment or services similar to those required by a person with an intellectual disability;~~

~~— (b) Is manifested before the person affected attains the age of 22 years;~~

~~— (c) Is likely to continue indefinitely; and~~

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

~~— (1) Taking care of oneself;~~

~~— (2) Understanding and use of language;~~

~~— (3) Learning;~~

~~— (4) Mobility;~~

~~— (5) Self direction; and~~

~~— (6) Capacity for independent living.]~~

16. “Residential facility for groups” means a structure similar to a private residence which will house a small number of persons in a homelike atmosphere.

17. “Training” means a program of services directed primarily toward enhancing the health, welfare and development of persons with intellectual *disabilities or persons with developmental disabilities* ~~[and persons with related conditions]~~ through the process of providing those experiences that will enable the person to:

(a) Develop his or her physical, intellectual, social and emotional capacities to the fullest extent;

(b) Live in an environment that is conducive to personal dignity; and

(c) Continue development of those skills, habits and attitudes essential to adaptation in contemporary society.

18. “Treatment” means any combination of procedures or activities, of whatever level of intensity and whatever duration, ranging from occasional counseling sessions to full-time admission to a residential facility.

Sec. 18. NRS 435.009 is hereby amended to read as follows:

435.009 It is the policy of this State that persons with intellectual *disabilities and persons with developmental disabilities* : ~~[and persons with related conditions:]~~



1. Receive services in a considerate and respectful manner;
2. Are recognized as individuals before recognizing the disabilities of the persons; and
3. Are to be referred to using language which is commonly viewed as respectful and which refers to the person before referring to his or her disability.

Sec. 19. 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 developmental* disabilities ~~{and children with related conditions}~~ of their respective counties.

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

Sec. 20. NRS 435.020 is hereby amended to read as follows:

435.020 All children with intellectual *disabilities and children with developmental* disabilities ~~{and children with related conditions}~~ are entitled to benefits under this section and NRS 435.010 and 435.030:

1. Who are unable to pay for their support and care;
2. Whose parents, relatives or guardians are unable to pay for their support and care; and
3. If division facilities are to be utilized, whom the Division recognizes as proper subjects for services within such division facilities.

Sec. 21. NRS 435.030 is hereby amended to read as follows:

435.030 1. A parent, relative, guardian or nearest friend of any child with an intellectual *disability or any child with a developmental* disability ~~{or any child with a related condition}~~ who is a resident of this State may file with the board of county commissioners of the proper county an application under oath stating:

- (a) That the child meets the criteria set forth in NRS 435.020;
- and



(b) That the child requires services not otherwise required by law to be provided to the child by any other county, political subdivision or agency of this or any other state.

2. If the board of county commissioners is satisfied that the statements made in the application are true, the board shall issue a certificate to that effect.

3. The board of county commissioners shall make necessary arrangements for the transportation of a child with an intellectual *disability or a child with a developmental* disability ~~for a child with a related condition~~ to any responsible person or facility to be utilized pursuant to contract or agreement as designated in NRS 435.010 at the expense of the county.

4. A certificate of the board of county commissioners, when produced, shall be the authority of any responsible person or facility in or without the State of Nevada under contract with the board of county commissioners to receive any such child.

Sec. 22. NRS 435.035 is hereby amended to read as follows:

435.035 1. To the extent that money is available for that purpose, 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 establish a pilot program to provide intensive care coordination services to children with intellectual *disabilities or children with developmental* disabilities ~~and children with related conditions~~ who are also diagnosed as having behavioral health needs and who reside in a county whose population is 100,000 or more.

2. The intensive care coordination services provided by the pilot program must include, without limitation:

(a) Medically necessary habilitation or rehabilitation and psychiatric or behavioral therapy provided using evidence-based practices to a child with intellectual *disabilities or a child with developmental* disabilities ~~for a child with a related condition~~ who is also diagnosed as having behavioral health needs;

(b) Support for the family of such a child, including, without limitation, respite care for the primary caregiver of the child;

(c) Coordination of all services provided to such a child and his or her family;

(d) Food and lodging expenses for such a child who is receiving supported living arrangement services and does not reside with his or her parent or guardian;

(e) Assistance with acquisition of life skills and community participation that is provided in the residence of a child with an intellectual *disability or a child with a developmental* disability ~~for~~



~~a child with a related condition~~ who has also been diagnosed as having behavioral health needs;

- (f) Nonmedical transportation;
- (g) Career planning;
- (h) Supported employment; and
- (i) Prevocational services.

3. The Division of Health Care Financing and Policy and the Aging and Disability Services Division shall:

(a) Design and utilize a system to collect and analyze data concerning the evidence-based practices used pursuant to paragraph (a) of subsection 2;

(b) On or before July 1, 2017, obtain an independent evaluation of the effectiveness of the pilot program; and

(c) Collaborate with each person or governmental entity that provides services pursuant to the pilot program to obtain grants for the purpose of carrying out the pilot program. The Division of Health Care Financing and Policy, the Aging and Disability Services Division and any other governmental entity that provides services pursuant to the pilot program may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the pilot program.

4. The Director of the Department of Health and Human Services shall make any amendments to the State Plan for Medicaid authorized by Federal law and obtain any Medicaid waivers from the Federal Government necessary to use money received pursuant to the State Plan for Medicaid to pay for any part of the pilot program described in subsection 1 for which such money is authorized to be used by federal law or by the waiver.

5. 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)~~ "Intensive care coordination services" means the delivery of comprehensive services provided to a child with an intellectual *disability or a child with a developmental* disability ~~for a child with a related condition that~~ who is also diagnosed as having behavioral health needs, or the family of such a child, that are coordinated by a single entity and delivered in an individualized and culturally appropriate manner.

~~(d)~~ (b) "Supported living arrangement services" means flexible, individualized services provided in a ~~residential setting,~~ *homelike environment*, for compensation, to a child with an intellectual *disability or a child with a developmental* disability ~~for a person with a related condition~~ who is also diagnosed as having behavioral health needs that are designed and coordinated to assist the person in maximizing the child's independence, including, without limitation, training and habilitation services.

Sec. 23. NRS 435.060 is hereby amended to read as follows:

435.060 The Division may operate a residential facility for groups to care for and maintain persons with intellectual *disabilities or persons with developmental* disabilities ~~and persons with related conditions~~ until they can live in a more normal situation.

Sec. 24. NRS 435.077 is hereby amended to read as follows:

435.077 1. The Administrator shall adopt regulations for the transfer of persons with intellectual *disabilities or persons with developmental* disabilities ~~and persons with related conditions~~ from one facility to another facility operated by the Division.

2. Subject to the provisions of subsection 3, when the Administrator or his or her designee determines that it is in the best interest of the person, the Administrator or his or her designee may discharge, or place on convalescent leave, any person with an intellectual *disability or a person with a developmental* disability ~~for person with a related condition~~ in a facility operated by the Division.

3. When a person with an intellectual *disability or a person with a developmental* disability ~~for a person with a related condition~~ is committed to a division facility by court order, the



committing court must be given 10 days' notice before the discharge of that person.

Sec. 25. NRS 435.081 is hereby amended to read as follows:

435.081 1. The Administrator or the Administrator's designee may receive a person *of this State* with an intellectual *disability or a person of this State with a developmental* disability ~~for a person with a related condition of this State~~ for services in a facility operated by the Division if:

(a) The person is a person with an intellectual *disability or a person with a developmental* disability ~~for is a person with a related condition~~ and is in need of institutional training and treatment;

(b) Space is available which is designed and equipped to provide appropriate care for the person;

(c) The facility has or can provide an appropriate program of training and treatment for the person; and

(d) There is written evidence that no less restrictive alternative is available in the person's community.

2. A person with an intellectual *disability or a person with a developmental* disability ~~for a person with a related condition~~ may be accepted at a division facility for emergency evaluation when the evaluation is requested by a court. A person must not be retained pursuant to this subsection for more than 10 working days.

3. A court may order that a person with an intellectual *disability or a person with a developmental* disability ~~for a person with a related condition~~ be admitted to a division facility if it finds that admission is necessary because of the death or sudden disability of the parent or guardian of the person. The person must not be retained pursuant to this subsection for more than 45 days. Before the expiration of the 45-day period, the Division shall report to the court its recommendations for placement or treatment of the person. If less restrictive alternatives are not available, the person may be admitted to the facility using the procedures for voluntary or involuntary admission, as appropriate.

4. A child may be received, cared for and examined at a division facility for persons with intellectual *disabilities or persons with developmental* disabilities ~~for persons with related conditions~~ for not more than 10 working days without admission, if the examination is ordered by a court having jurisdiction of the minor in accordance with the provisions of NRS 62E.280 and subsection 1 of NRS 432B.560. At the end of the 10 days, the Administrator or the Administrator's designee shall report the result of the examination to the court and shall detain the child until the further order of the court, but not to exceed 7 days after the Administrator's report.



5. The parent or guardian of a person believed to be a person with an intellectual *disability or a person with a developmental disability* ~~for a person with a related condition~~ may apply to the administrative officer of a division facility to have the person evaluated by personnel of the Division who are experienced in the diagnosis of intellectual *disabilities and developmental disabilities* . ~~and related conditions.~~ The administrative officer may accept the person for evaluation without admission.

6. If, after the completion of an examination or evaluation pursuant to subsection 4 or 5, the administrative officer finds that the person meets the criteria set forth in subsection 1, the person may be admitted to the facility using the procedures for voluntary or involuntary admission, as appropriate.

7. If, at any time, the parent or guardian of a person admitted to a division facility on a voluntary basis, or the person himself or herself if the person has attained the age of 18 years, requests in writing that the person be discharged, the administrative officer shall discharge the person. If the administrative officer finds that discharge from the facility is not in the person's best interests, the administrative officer may initiate proceedings for involuntary admission, but the person must be discharged pending those proceedings.

Sec. 26. NRS 435.085 is hereby amended to read as follows:

435.085 The administrative officer of a division facility may authorize the transfer of a person with an intellectual *disability or a person with a developmental disability* ~~for a person with a related condition~~ to a general hospital for necessary diagnostic, medical or surgical services not available within the Division. All expenses incurred under this section must be paid as follows:

1. In the case of a person with an intellectual *disability or person with a developmental disability* who is judicially committed , ~~for a person with a related condition who is judicially committed,~~ the expenses must be paid by the person's parents or guardian to the extent of their reasonable financial ability as determined by the Administrator, and the remainder, if any, is a charge upon the county of the last known residence of the person with an intellectual *disability or the person with a developmental disability* ; ~~for the person with a related condition;~~

2. In the case of a person with an intellectual *disability or a person with a developmental disability* ~~for a person with a related condition~~ admitted to a division facility pursuant to NRS 435.010, 435.020 and 435.030, the expenses are a charge upon the county



from which a certificate was issued pursuant to subsection 2 of NRS 435.030; and

3. In the case of a person with an intellectual *disability or a person with a developmental* disability ~~for a person with a related condition~~ admitted to a division facility upon voluntary application as provided in NRS 435.081, the expenses must be paid by the parents or guardian to the extent of their reasonable financial ability as determined by the Administrator, and for the remainder, if any, the Administrator shall explore all reasonable alternative sources of payment.

Sec. 27. NRS 435.090 is hereby amended to read as follows:

435.090 1. When any child with an intellectual *disability or any child with a developmental* disability ~~for a child with a related condition~~ is committed to a division facility by a court of competent jurisdiction, the court shall examine the parent, parents or guardian of the child regarding the ability of the parent, parents or guardian or the estate of the child to contribute to the care, support and maintenance of the child while residing in the facility.

2. If the court determines that the parent, parents or guardian of the child is able to contribute, it shall enter an order prescribing the amount to be contributed.

3. If the court determines that the estate of the child is able to contribute, it shall enter an order requiring that a guardian of the estate of the child be appointed, if there is none, and that the guardian of the estate contribute the amount prescribed by the court from the estate.

4. If the parent, parents or guardian fail or refuse to comply with the order of the court, the Division is entitled to recover from the parent, parents or guardian, by appropriate legal action, all sums due together with interest.

Sec. 28. NRS 435.100 is hereby amended to read as follows:

435.100 1. When any person with an intellectual *disability or any person with a developmental* disability ~~for a person with a related condition~~ is transferred from one care facility operated by the Division to another care facility operated by the Division, the parent, parents or guardian shall continue to contribute the amount for the care, support and maintenance of the person as may have previously been ordered by the court of competent jurisdiction committing the person.

2. If no such order was entered by the committing court, the Division may petition the court for an order requiring the parent, parents or guardian to contribute.



3. Any order for contribution entered under the provisions of subsection 2 must be entered in the same manner and has the same effect as an order for contribution entered under the provisions of NRS 435.090.

Sec. 29. NRS 435.110 is hereby amended to read as follows:

435.110 1. When any child with an intellectual *disability or any child with a developmental* disability ~~for a child with a related condition~~ is admitted to a facility operated by the Division at the request of a parent, parents or guardian, the parent, parents or guardian shall enter into an agreement with the Division providing for the contribution of an amount for the care, support and maintenance of the child as determined by the Division to be reasonable. In determining the amount, the Division shall give consideration to the ability of the parent, parents or guardian to make such a contribution, and may excuse the making of any contribution.

2. If the parent, parents or guardian fail or refuse to perform under the terms of the agreement, the Division is entitled to recover from the parent, parents or guardian, by appropriate legal action, all sums due together with interest.

3. If the Division determines that the parent, parents or guardian do not have the ability to contribute an amount sufficient to pay for the care, support and maintenance of the child, but that the estate of the child is able to contribute, the Division may make application to a court of competent jurisdiction for the appointment of a guardian of the estate of the child, if there is none, and for an order requiring the guardian to contribute an amount as determined by the court.

Sec. 30. NRS 435.115 is hereby amended to read as follows:

435.115 The Administrator shall establish a fee schedule, in consultation with the State Association for Retarded Citizens and subject to the approval of the Board and the Director of the Department, for services rendered to persons with intellectual *disabilities and persons with developmental* disabilities ~~and persons with related conditions~~ by the Division.

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 435.121 is hereby amended to read as follows:

435.121 1. There are two types of admissions of persons with intellectual *disabilities or persons with developmental* disabilities ~~for persons with related conditions~~ to an intellectual *and developmental* disability center:

- (a) Voluntary admission.
- (b) Involuntary admission.



2. An application for admission of a person with an intellectual *disability or a person with a developmental* disability ~~for a person with a related condition~~ to an intellectual *and developmental* disability center must be made on a form approved by the Division and the Attorney General. The clerk of each district court in the State shall make the forms available to any person upon request.

Sec. 33. NRS 435.122 is hereby amended to read as follows:

435.122 1. Any person with an intellectual *disability or any person with a developmental* disability ~~for a person with a related condition~~ may apply to any intellectual *and developmental* disability center for admission as a voluntary consumer. The person's parent or guardian or another responsible person may submit the application on his or her behalf.

2. If the person or a responsible party on behalf of the person objects to voluntary admission, the procedure for involuntary admission may be followed.

Sec. 34. NRS 435.123 is hereby amended to read as follows:

435.123 Whenever a person is alleged to be a person with an intellectual *disability or a person with a developmental* disability ~~for a person with a related condition~~ and is alleged to be a clear and present danger to himself or herself or others, the person's parent or guardian or another responsible person may initiate proceedings for his or her involuntary admission to an intellectual *and developmental* disability center by petitioning the district court of the county where the person resides. The petition must be accompanied by a certificate signed by a physician or licensed psychologist experienced in the diagnosis of intellectual *disabilities or developmental* disabilities, ~~and related conditions~~ stating that he or she has examined the person within the preceding 30 days and has concluded that the person is a person with an intellectual *disability or a person with a developmental* disability, ~~for is a person with a related condition.~~ has demonstrated that the person is a clear and present danger to himself or herself or to others and is in need of institutional training and treatment.

Sec. 35. NRS 435.124 is hereby amended to read as follows:

435.124 Immediately after receiving the petition, the clerk of the district court shall transmit the petition to the district judge, who shall:

1. Determine whether appropriate space and programs are available for the person at the intellectual *and developmental* disability center to which it is proposed that the person be admitted; and



2. If appropriate space and programs are available, set a time and place for a hearing on the petition.

↳ The hearing must be held within 7 calendar days after the date when the petition was filed. The clerk of the court shall give notice of the hearing to the person who is the subject of the petition, the person's attorney, if known, the petitioner and the administrative officer of the intellectual *and developmental* disability center to which it is proposed that the person be admitted.

Sec. 36. NRS 435.125 is hereby amended to read as follows:

435.125 1. After the petition is filed, the court may cause a physician or licensed psychologist promptly to examine the person who is the subject of the petition or request an evaluation from the intellectual *and developmental* disability center to which it is proposed the person be admitted. Any physician or licensed psychologist requested by the court to conduct such an examination must be experienced in the diagnosis of intellectual *disabilities and developmental* disabilities . ~~{and related conditions.}~~ The examination or evaluation must indicate whether the person is or is not a person with an intellectual *disability or a person with a developmental* disability ~~{or a person with a related condition}~~ and whether the person is or is not in need of institutional training and treatment.

2. The court may allow the person alleged to be a person with an intellectual *disability or a person with a developmental* disability ~~{or a person with a related condition}~~ to remain at his or her place of residence pending any ordered examination and to return upon completion of the examination. One or more of the person's relatives or friends may accompany the person to the place of examination.

Sec. 37. NRS 435.126 is hereby amended to read as follows:

435.126 1. The person alleged to be a person with an intellectual *disability or a person with a developmental* disability , ~~{or a person with a related condition.}~~ or any relative or friend acting on the person's behalf, is entitled to retain counsel to represent him or her in any proceeding before the district court relating to his or her involuntary admission to an intellectual *and developmental* disability center.

2. If counsel has not been retained, the court, before proceeding, shall advise the person and the person's guardian, or closest living relative if such a relative can be located, of the person's right to have counsel.



3. If the person fails or refuses to secure counsel, the court shall appoint counsel to represent the person. If the person is indigent, the counsel appointed may be the public defender.

4. Any counsel appointed by the court is entitled to fair and reasonable compensation for his or her services. The compensation must be charged against the property of the person for whom the counsel was appointed. If the person is indigent, the compensation must be charged against the county in which the person alleged to be a person with an intellectual *disability or a person with a developmental* disability ~~for a person with a related condition~~ last resided.

Sec. 38. NRS 435.127 is hereby amended to read as follows:

435.127 In proceedings for involuntary admission of a person to an intellectual *and developmental* disability center:

1. The court shall hear and consider all relevant evidence, including the certificate, signed by a physician or licensed psychologist, which accompanied the petition and the testimony of persons who conducted examinations or evaluations ordered by the court after the petition was filed.

2. The person must be present and has the right to testify, unless the physician or licensed psychologist who signed the certificate, or who examined the person as ordered by the court, is present and testifies that the person is so severely disabled that he or she is unable to be present.

3. The person may obtain independent evaluation and expert opinion at his or her own expense, and may summon other witnesses.

Sec. 39. NRS 435.128 is hereby amended to read as follows:

435.128 1. Upon completion of the proceedings for involuntary admission of a person to an intellectual *and developmental* disability center, if the court finds:

(a) That the person is a person with an intellectual *disability or a person with a developmental* disability, ~~for a person with a related condition,~~ has demonstrated that the person is a clear and present danger to himself or herself or others and is in need of institutional training and treatment;

(b) That appropriate space and programs are available at the intellectual *and developmental* disability center to which it is proposed that the person be admitted; and

(c) That there is no less restrictive alternative to admission to an intellectual *and developmental* disability center which would be consistent with the best interests of the person,



↳ the court shall by written order certify that the person is eligible for involuntary admission to an intellectual *and developmental* disability center.

2. A certificate of eligibility for involuntary admission expires 12 months after the date of issuance if the consumer has not been discharged earlier by the procedure provided in NRS 435.129. At the end of the 12-month period, the administrative officer of the intellectual *and developmental* disability center may petition the court to renew the certificate for an additional period of not more than 12 months. Each petition for renewal must set forth the specific reasons why further treatment is required. A certificate may be renewed more than once.

Sec. 40. NRS 435.129 is hereby amended to read as follows:

435.129 1. If the administrative officer of an intellectual *and developmental* disability center finds that a consumer is no longer in need of the services offered at the center, the administrative officer shall discharge that consumer.

2. A written notice of the discharge must be given to the consumer and the consumer's representatives at least 10 days before the discharge.

3. If the consumer was admitted involuntarily, the Administrator shall, at least 10 days before the discharge, notify the district court which issued the certificate of eligibility for the person's admission.

Sec. 41. NRS 435.130 is hereby amended to read as follows:

435.130 The intent of the Legislature in the enactment of NRS 435.130 to 435.310, inclusive, *and section 15.5 of this act* is to aid persons with intellectual *disabilities and persons with developmental* disabilities ~~{and persons with related conditions}~~ who are not served by existing programs in receiving high quality care and training in an effort to help them become useful citizens.

Sec. 41.5. NRS 435.140 is hereby amended to read as follows:

435.140 As used in NRS 435.130 to 435.310, inclusive, *and section 15.5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 435.172, 435.176 and 435.179 have the meanings ascribed to them in those sections.

Sec. 42. NRS 435.176 is hereby amended to read as follows:

435.176 "Jobs and day training services" means individualized services for day habilitation, prevocational, employment and supported employment:

1. Which are provided:

(a) For compensation;

(b) In a division facility or in the community; and



(c) To a person with an intellectual *disability or a person with a developmental* disability ~~for a person with a related condition~~ who is served by the Division; and

2. Which are designed to assist the person in:

(a) Learning or maintaining skills;

(b) Succeeding in paid or unpaid employment;

(c) Increasing self-sufficiency, including, without limitation, training and habilitation services; and

(d) Contributing to the person's community.

Sec. 43. NRS 435.220 is hereby amended to read as follows:

435.220 1. The Administrator shall adopt regulations governing jobs and day training services, including, without limitation, regulations that set forth:

(a) Standards for the provision of quality care and training by providers of jobs and day training services;

(b) The requirements for the issuance and renewal of a certificate; and

(c) The rights of consumers of jobs and day training services, including, without limitation, the right of a consumer to file a complaint and the procedure for filing the complaint.

2. The Division may enter into such agreements with public and private agencies as it deems necessary for the provision of jobs and day training services. Any such agreements must include a provision stating that employment is the preferred service option for all adults of working age.

3. For the purpose of entering into an agreement described in subsection 2, if the qualifications of more than one agency are equal, the Division shall give preference to the agency that will provide persons with intellectual *disabilities or persons with developmental* disabilities ~~for persons with related conditions~~ with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that:

(a) Is comparable to employment of persons without intellectual *disabilities or persons without developmental* disabilities ; ~~and persons without related conditions;~~ and

(b) Pays at or above the minimum wage prescribed by regulation of the Labor Commissioner pursuant to NRS 608.250.

Sec. 44. NRS 435.225 is hereby amended to read as follows:

435.225 1. A partnership, firm, corporation or association, including, without limitation, a nonprofit organization, or a state or local government or agency thereof shall not provide jobs and day



training services in this State without first obtaining a certificate from the Division.

2. A natural person other than a person who is employed by an entity listed in subsection 1 shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

3. For the purpose of issuing a certificate pursuant to this section, if the qualifications of more than one applicant are equal, the Division shall give preference to the natural person who, or the nonprofit organization, state or local government or agency thereof that, will provide persons with intellectual *disabilities or persons with developmental* disabilities ~~for persons with related conditions~~ with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that:

(a) Is comparable to employment of persons without intellectual *disabilities or persons without developmental* disabilities ; ~~and persons without related conditions;~~ and

(b) Pays at or above the minimum wage prescribed by regulation of the Labor Commissioner pursuant to NRS 608.250.

4. Each application for the issuance or renewal of a certificate issued pursuant to this section must include a provision stating that employment is the preferred service option for all adults of working age.

Sec. 45. NRS 435.310 is hereby amended to read as follows:

435.310 A provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, ~~may enter~~ *and section 15.5 of this act:*

*1. Except as otherwise provided in subsection 2, may enter into contracts with authorized county and school officials and public and private agencies to give care and training to persons with intellectual *disabilities or persons with developmental* disabilities ~~and persons with related conditions~~ who would also qualify for care or training programs offered by the public schools or by county welfare programs.*

2. Except as otherwise provided in section 15.5 of this act, shall not enter into a contract or other arrangement with any person or governmental entity to provide for the employment of a person under 25 years of age where the person will be paid less than the state minimum wage.

Sec. 46. NRS 435.3315 is hereby amended to read as follows:

435.3315 “Supported living arrangement services” means flexible, individualized services provided in the home, for



compensation, to a person with an intellectual *disability or a person with a developmental* disability ~~for a person with a related condition~~ who is served by the Division that are designed and coordinated to assist the person in maximizing the person's independence, including, without limitation, training and habilitation services.

Sec. 47. NRS 435.340 is hereby amended to read as follows:

435.340 Neither voluntary admission nor judicial commitment nor any other procedure provided in this chapter may be construed as depriving a person with an intellectual *disability or a person with a developmental* disability ~~for a person with a related condition~~ of the person's full civil and legal rights by any method other than a separate judicial proceeding resulting in a determination of incompetency wherein the civil and legal rights forfeited and the legal disabilities imposed are specifically stated.

Sec. 48. NRS 435.350 is hereby amended to read as follows:

435.350 1. Each person with an intellectual *disability and each person with a developmental* disability ~~and each person with a related condition~~ admitted to a division facility is entitled to all rights enumerated in NRS 435.006, 435.565 and 435.570.

2. The Administrator shall designate a person or persons to be responsible for establishment of regulations relating to denial of rights of persons with an intellectual *disability or persons with a developmental* disability . ~~and persons with related conditions.~~ The person designated shall file the regulations with the Administrator.

3. Consumers' rights specified in NRS 433.482, 433.484, 435.565 and 435.570 may be denied only for cause. Any denial of such rights must be entered in the consumer's treatment record, and notice of the denial must be forwarded to the Administrator's designee or designees as provided in subsection 2. Failure to report denial of rights by an employee may be grounds for dismissal.

4. Upon receipt of notice of a denial of rights as provided in subsection 3, the Administrator's designee or designees shall cause a full report to be prepared which sets forth in detail the factual circumstances surrounding the denial. A copy of the report must be sent to the Administrator and the Commission on Behavioral Health.

5. The Commission on Behavioral Health has such powers and duties with respect to reports of denial of rights as are enumerated for the Commission on Behavioral Health in subsection 3 of NRS 435.610.



Sec. 49. NRS 435.360 is hereby amended to read as follows:

435.360 1. The relatives of a consumer with an intellectual *disability or a consumer with a developmental* disability ~~for a consumer with a related condition~~ who is 18 years of age or older are not responsible for the costs of the consumer's care and treatment within a division facility.

2. The consumer or the consumer's estate, when able, may be required to contribute a reasonable amount toward the costs of the consumer's care and treatment. Otherwise, the full costs of the services must be borne by the State.

Sec. 50. NRS 435.365 is hereby amended to read as follows:

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

(a) The person with an intellectual *disability or the person with a developmental* disability ~~for a related condition~~ has been diagnosed as having a profound or severe intellectual *disability or developmental* disability or, if he or she is under 6 years of age, has developmental delays that require support that is equivalent to the support required by a person with a profound or severe intellectual *disability or a person with a profound or severe developmental* disability ; ~~for a related condition;~~

(b) The person with an intellectual *disability or the person with a developmental* disability ~~for a related condition~~ is receiving adequate care; and

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

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

2. The Administrator shall adopt regulations:

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

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

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

3. The Administrator shall establish a waiting list for applicants who are eligible for assistance but who are denied assistance



because the legislative appropriation is insufficient to provide assistance for all eligible applicants.

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

Sec. 51. NRS 435.370 is hereby amended to read as follows:

435.370 The Division may make such rules and regulations and enter such agreements with public and private agencies as are deemed necessary to implement residential placement-foster family care programs for persons with intellectual *disabilities or persons with developmental* disabilities . ~~{and persons with related conditions.}~~

Sec. 52. NRS 435.375 is hereby amended to read as follows:

435.375 1. The Division shall enter into a cooperative agreement with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to provide long-term support to persons with intellectual *disabilities or persons with developmental* disabilities , ~~{and persons with related conditions.}~~ including, without limitation, jobs and day training services and supported living arrangement services. The agreement must include a provision stating that employment is the preferred service option for all adults of working age.

2. The Administrator may adopt regulations governing the provision of services to persons with intellectual *disabilities or persons with developmental* disabilities ~~{and persons with related conditions}~~ who are unable or unwilling to be employed.

Sec. 53. NRS 435.380 is hereby amended to read as follows:

435.380 1. All gifts or grants of money which the Division is authorized to accept must be spent in accordance with the provisions of the gift or grant. In the absence of those provisions, the Division must spend the money for the purpose approved by the Interim Finance Committee.

2. All such money must be deposited in the State Treasury to the credit of the Intellectual *and Developmental* Disability Gift Account in the Department of Health and Human Services' Gift Fund.

3. All claims must be approved by the Administrator before they are paid.

Sec. 54. NRS 435.390 is hereby amended to read as follows:

435.390 1. The administrative officer of any division facility where persons with intellectual *disabilities or persons with developmental* disabilities ~~{or persons with related conditions}~~ reside may establish a canteen operated for the benefit of consumers



and employees of the facility. The administrative officer shall keep a record of transactions in the operation of the canteen.

2. Each canteen must be self-supporting. No money provided by the State may be used for its operation.

3. The respective administrative officers shall deposit the money used for the operation of the canteen in one or more banks or credit unions of reputable standing, except that an appropriate sum may be maintained as petty cash at each canteen.

Sec. 55. NRS 435.400 is hereby amended to read as follows:

435.400 1. The division facilities providing services for persons with intellectual *disabilities or persons with developmental disabilities* ~~and persons with related conditions~~ are designated as:

- (a) Desert Regional Center;
- (b) Sierra Regional Center; and
- (c) Rural Regional Center.

2. Division facilities established after July 1, 1981, must be named by the Administrator, subject to the approval of the Director of the Department.

Sec. 56. NRS 435.411 is hereby amended to read as follows:

435.411 The administrative officer of a facility of the Division must:

1. Be selected on the basis of training and demonstrated administrative qualities of leadership in any one of the fields of psychiatry, medicine, psychology, social work, education or administration.

2. Be appointed on the basis of merit as measured by administrative training or experience in programs relating to intellectual *disabilities and developmental disabilities*, including care and treatment of persons with intellectual *disabilities and persons with developmental disabilities* . ~~and persons with related conditions.~~

Sec. 57. NRS 435.425 is hereby amended to read as follows:

435.425 1. The Division shall carry out a vocational and educational program for the certification of intellectual *and developmental* disability technicians, including forensic technicians employed by the Division, or other employees of the Division who perform similar duties, but are classified differently. The program must be carried out in cooperation with the Nevada System of Higher Education.

2. An intellectual *and developmental* disability technician is responsible to the director of the service in which his or her duties are performed. The director of a service may be a licensed physician, dentist, podiatric physician, psychiatrist, psychologist,



rehabilitation therapist, social worker, registered nurse or other professionally qualified person. This section does not authorize an intellectual *and developmental* disability technician to perform duties which require the specialized knowledge and skill of a professionally qualified person.

3. The Administrator shall adopt regulations to carry out the provisions of this section.

4. As used in this section, "intellectual *and developmental* disability technician" means an employee of the Division who, for compensation or personal profit, carries out procedures and techniques which involve cause and effect and which are used in the care, treatment and rehabilitation of persons with intellectual *disabilities or persons with developmental* disabilities ~~and persons with related conditions;~~ and who has direct responsibility for:

(a) Administering or carrying out specific therapeutic procedures, techniques or treatments, excluding medical interventions, to enable consumers to make optimal use of their therapeutic regime, their social and personal resources, and their residential care; or

(b) The application of interpersonal and technical skills in the observation and recognition of symptoms and reactions of consumers, for the accurate recording of such symptoms and reactions, and for carrying out treatments authorized by members of the interdisciplinary team that determines the treatment of the consumers.

Sec. 58. NRS 435.430 is hereby amended to read as follows:

435.430 1. The Administrator shall adopt regulations:

(a) For the care and treatment of persons with intellectual *disabilities and persons with developmental* disabilities ~~and persons with related conditions;~~ by all state agencies and facilities, and their referral to private facilities;

(b) To ensure continuity in the care and treatment provided to persons with intellectual *disabilities and persons with developmental* disabilities ~~and persons with related conditions;~~ in this State; and

(c) Necessary for the proper and efficient operation of the facilities of the Division.

2. The Administrator may adopt regulations to promote programs relating to intellectual *disabilities or developmental* disabilities. ~~and related conditions.~~

Sec. 59. NRS 435.445 is hereby amended to read as follows:

435.445 The Division or its designated agent may inspect any division facility providing services for persons with intellectual



disabilities or persons with developmental disabilities ~~and persons with related conditions~~ to determine if the facility is in compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 60. NRS 435.455 is hereby amended to read as follows:

435.455 The Division may, by contract with general hospitals or other institutions having adequate facilities in the State of Nevada, provide for inpatient care of persons with intellectual *disabilities or persons with developmental* disabilities . ~~and persons with related conditions.~~

Sec. 61. NRS 435.460 is hereby amended to read as follows:

435.460 The Division may contract with appropriate persons professionally qualified in the field of psychiatric mental health to provide inpatient and outpatient care for persons with intellectual *disabilities or persons with developmental* disabilities ~~and persons with related conditions~~ when it appears that they can be treated best in that manner.

Sec. 62. NRS 435.470 is hereby amended to read as follows:

435.470 Nothing in this chapter precludes the involuntary court-ordered admission of a person with an intellectual *disability or a person with a developmental* disability ~~or person with a related condition~~ to a private institution where such admission is authorized by law.

Sec. 63. NRS 435.490 is hereby amended to read as follows:

435.490 1. Upon approval of the Director of the Department, the Administrator may accept:

(a) Donations of money and gifts of real or personal property; and

(b) Grants of money from the Federal Government,

↳ for use in public or private programs that provide services to persons in this State with intellectual *disabilities or persons with developmental* disabilities . ~~and persons with related conditions.~~

2. The Administrator shall disburse any donations, gifts and grants received pursuant to this section to programs that provide services to persons with intellectual *disabilities or persons with developmental* disabilities ~~and persons with related conditions~~ in a manner that supports the plan to coordinate services created by the Commission on Behavioral Health pursuant to subsection 7 of NRS 433.316. In the absence of a plan to coordinate services, the Administrator shall make disbursements to programs that will maximize the benefit provided to persons with intellectual *disabilities or persons with developmental* disabilities ~~and persons~~



~~with related conditions~~ in consideration of the nature and value of the donation, gift or grant.

3. Within limits of legislative appropriations or other available money, the Administrator may enter into a contract for services related to the evaluation and recommendation of recipients for the disbursements required by this section.

Sec. 64. NRS 435.495 is hereby amended to read as follows:

435.495 1. The Division shall establish a fee schedule for services rendered through any program supported by the State pursuant to the provisions of this chapter. The schedule must be submitted to the Commission on Behavioral Health and the Director of the Department for joint approval before enforcement. The fees collected by facilities operated by the Division pursuant to this schedule must be deposited in the State Treasury to the credit of the State General Fund, except as otherwise provided in NRS 435.465 for fees collected pursuant to contract or agreement and in NRS 435.120 for fees collected for services to consumers with intellectual *disabilities or consumers with developmental* disabilities. ~~and related conditions.~~

2. For a facility providing services for the treatment of persons with intellectual *disabilities or persons with developmental* disabilities, ~~and persons with related conditions.~~ the fee established must approximate the cost of providing the service, but if a consumer is unable to pay in full the fee established pursuant to this section, the Division may collect any amount the consumer is able to pay.

Sec. 65. NRS 435.505 is hereby amended to read as follows:

435.505 An intellectual *and developmental* disability center revolving account up to the amount of \$5,000 is hereby created for each division intellectual *and developmental* disability center, and may be used for the payment of *bills of the* intellectual *and developmental* disability center ~~bills~~ requiring immediate payment and for no other purposes. The respective administrative officers shall deposit the money for the respective revolving accounts in one or more banks or credit unions of reputable standing. Payments made from each account must be promptly reimbursed from appropriated money of the respective intellectual *and developmental* disability centers on claims as other claims against the State are paid.

Sec. 66. NRS 435.515 is hereby amended to read as follows:

435.515 1. For the purpose of facilitating the return of nonresident consumers to the state in which they have legal residence, the Administrator may enter into reciprocal agreements,



consistent with the provisions of this chapter, with the proper boards, commissioners or officers of other states for the mutual exchange of consumers confined in, admitted or committed to an intellectual *or developmental* disability facility in one state whose legal residence is in the other, and may give written permission for the return and admission to a division facility of any resident of this State when such permission is conformable to the provisions of this chapter governing admissions to a division facility.

2. The county clerk and board of county commissioners of each county, upon receiving notice from the Administrator that an application for the return of an alleged resident of this State has been received, shall promptly investigate and report to the Administrator their findings as to the legal residence of the consumer.

Sec. 67. NRS 435.535 is hereby amended to read as follows:

435.535 “Administrative officer” means a person with overall executive and administrative responsibility for a facility that provides services relating to intellectual *disabilities or developmental* disabilities ~~and related conditions~~ and that is operated by any public or private entity.

Sec. 68. NRS 435.575 is hereby amended to read as follows:

435.575 1. An individualized written plan of intellectual *disability services or developmental* disability services ~~for plan of services for a related condition~~ must be developed, *as applicable*, for each consumer of each facility. The plan must:

(a) Provide for the least restrictive treatment procedure that may reasonably be expected to benefit the consumer; and

(b) Be developed with the input and participation of:

(1) The consumer, to the extent that he or she is able to provide input and participate; and

(2) To the extent that the consumer is unable to provide input and participate, the parent or guardian of the consumer if the consumer is under 18 years of age and is not legally emancipated, or the legal guardian of a consumer who has been adjudicated mentally incompetent.

2. The plan must be kept current and must be modified, with the input and participation of the consumer, the parent or guardian of the consumer or the legal guardian of the consumer, as appropriate, when indicated. The plan must be thoroughly reviewed at least once every 3 months.

3. The person in charge of implementing the plan of services must be designated in the plan.



Sec. 69. NRS 435.645 is hereby amended to read as follows:

435.645 1. An employee of a public or private facility offering services for persons with intellectual *disabilities or persons with developmental* disabilities ~~{and persons with related conditions}~~ or any other person, except a consumer, who:

(a) Has reason to believe that a consumer of the Division or of a private facility offering services for consumers with intellectual *disabilities or consumers with developmental* disabilities ~~{and consumers with related conditions}~~ has been or is being abused or neglected and fails to report it;

(b) Brings intoxicating beverages or a controlled substance into any division facility occupied by consumers unless specifically authorized to do so by the administrative officer or a staff physician of the facility;

(c) Is under the influence of liquor or a controlled substance while employed in contact with consumers, unless in accordance with a lawfully issued prescription;

(d) Enters into any transaction with a consumer involving the transfer of money or property for personal use or gain at the expense of the consumer; or

(e) Contrives the escape, elopement or absence of a consumer,
→ is guilty of a misdemeanor, in addition to any other penalties provided by law.

2. In addition to any other penalties provided by law, an employee of a public or private facility offering services for persons with intellectual *disabilities or persons with developmental* disabilities ~~{and persons with related conditions}~~ or any other person, except a consumer, who willfully abuses or neglects a consumer:

(a) For a first violation that does not result in substantial bodily harm to the consumer, is guilty of a gross misdemeanor.

(b) For a first violation that results in substantial bodily harm to the consumer, is guilty of a category B felony.

(c) For a second or subsequent violation, is guilty of a category B felony.

→ A person convicted of a category B felony pursuant to this section shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

3. A person who is convicted pursuant to this section is ineligible for 5 years for appointment to or employment in a position



in the state service and, if the person is an officer or employee of the State, the person forfeits his or her office or position.

4. A conviction pursuant to this section is, when applicable, grounds for disciplinary action against the person so convicted and the facility where the violation occurred. The Division may recommend to the appropriate agency or board the suspension or revocation of the professional license, registration, certificate or permit of a person convicted pursuant to this section.

5. For the purposes of this section:

(a) "Abuse" means any willful and unjustified infliction of pain, injury or mental anguish upon a consumer, including, but not limited to:

(1) The rape, sexual assault or sexual exploitation of the consumer;

(2) The use of any type of aversive intervention;

(3) Except as otherwise provided in NRS 433.5486, a violation of NRS 433.549; and

(4) The use of physical, chemical or mechanical restraints or the use of seclusion in violation of federal law.

↳ Any act which meets the standard of practice for care and treatment does not constitute abuse.

(b) "Consumer" includes any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in a public or private institution or facility offering services for persons with intellectual *disabilities or persons with developmental* disabilities. ~~{and persons with related conditions.}~~

(c) "Neglect" means any omission to act which causes injury to a consumer or which places the consumer at risk of injury, including, but not limited to, the failure to follow:

(1) An appropriate plan of treatment to which the consumer has consented; and

(2) The policies of the facility for the care and treatment of consumers.

↳ Any omission to act which meets the standard of practice for care and treatment does not constitute neglect.

(d) "Standard of practice" means the skill and care ordinarily exercised by prudent professional personnel engaged in health care.

Sec. 70. NRS 435.655 is hereby amended to read as follows:

435.655 1. When a person is admitted to a division facility or hospital under one of the various forms of admission prescribed by law, the parent or legal guardian of a person with an intellectual *disability or a person with a developmental* disability ~~{or person with a related condition}~~ who is a minor or the husband or wife of a



person with an intellectual *disability or a person with a developmental* disability, ~~for person with a related condition,~~ if of sufficient ability, and the estate of the person with an intellectual *disability or the person with a developmental* disability, ~~for person with a related condition,~~ if the estate is sufficient for the purpose, shall pay the cost of the maintenance for the person with an intellectual *disability or the person with a developmental* disability, ~~for person with a related condition,~~ including treatment and surgical operations, in any hospital in which the person is hospitalized under the provisions of this chapter:

(a) To the administrative officer if the person is admitted to a division facility; or

(b) In all other cases, to the hospital rendering the service.

2. If a person or an estate liable for the care, maintenance and support of a committed person neglects or refuses to pay the administrative officer or the hospital rendering the service, the State is entitled to recover, by appropriate legal action, all money owed to a division facility or which the State has paid to a hospital for the care of a committed person, plus interest at the rate established pursuant to NRS 99.040.

Sec. 71. NRS 435.700 is hereby amended to read as follows:

435.700 1. A public or private facility offering services for persons with intellectual *disabilities or persons with developmental* disabilities ~~and persons with related conditions~~ may return a prescription drug that is dispensed to a patient of the facility, but will not be used by that patient, to the dispensing pharmacy for the purpose of reissuing the drug to fill other prescriptions for patients in that facility or for the purpose of transferring the drug to a nonprofit pharmacy designated by the State Board of Pharmacy pursuant to NRS 639.2676 if:

(a) The drug is not a controlled substance;

(b) The drug is dispensed in a unit dose, in individually sealed doses or in a bottle that is sealed by the manufacturer of the drug;

(c) The drug is returned unopened and sealed in the original manufacturer's packaging or bottle;

(d) The usefulness of the drug has not expired;

(e) The packaging or bottle contains the expiration date of the usefulness of the drug; and

(f) The name of the patient for whom the drug was originally prescribed, the prescription number and any other identifying marks are obliterated from the packaging or bottle before the return of the drug.



2. A dispensing pharmacy to which a drug is returned pursuant to this section may:

(a) Reissue the drug to fill other prescriptions for patients in the same facility if the registered pharmacist of the pharmacy determines that the drug is suitable for that purpose in accordance with standards adopted by the State Board of Pharmacy pursuant to subsection 5; or

(b) Transfer the drug to a nonprofit pharmacy designated by the State Board of Pharmacy pursuant to NRS 639.2676.

3. No drug that is returned to a dispensing pharmacy pursuant to this section may be used to fill other prescriptions more than one time.

4. A facility offering services for persons with intellectual *disabilities or persons with developmental* disabilities ~~and persons with related conditions~~ shall adopt written procedures for returning drugs to a dispensing pharmacy pursuant to this section. The procedures must:

(a) Provide appropriate safeguards for ensuring that the drugs are not compromised or illegally diverted during their return.

(b) Require the maintenance and retention of such records relating to the return of such drugs as are required by the State Board of Pharmacy.

(c) Be approved by the State Board of Pharmacy.

5. The State Board of Pharmacy shall adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation, requirements for:

(a) Returning and reissuing such drugs pursuant to the provisions of this section.

(b) Transferring drugs to a nonprofit pharmacy pursuant to the provisions of this section and NRS 639.2676.

(c) Maintaining records relating to the return and the use of such drugs to fill other prescriptions.

Sec. 72. (Deleted by amendment.)

Sec. 73. NRS 220.125 is hereby amended to read as follows:

220.125 1. The Legislative Counsel shall, to the extent practicable, ensure that persons with physical, mental or cognitive disabilities are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her disability.

2. Words and terms that are preferred for use in Nevada Revised Statutes include, without limitation, “persons with disabilities,” “persons with mental illness,” *“persons with*



developmental disabilities,” “persons with intellectual disabilities” and other words and terms that are structured in a similar manner.

3. Words and terms that are not preferred for use in Nevada Revised Statutes include, without limitation, “disabled,” “handicapped,” “mentally disabled,” “mentally ill,” “mentally retarded” and other words and terms that tend to equate the disability with the person.

Sec. 74. 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 section 15.5 of this act*, and a person with an intellectual *disability or a person with a developmental* disability ~~for a person with a related condition~~ participating in a jobs and day training services program.

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

4. As used in this section, “developmental disability” has the meaning ascribed to it in NRS 435.007.

Sec. 75. In preparing supplements to the Nevada Administrative Code, the Legislative Counsel shall make such changes as necessary so that references in chapters 433 and 435 of the Nevada Administrative Code to “mental retardation,” “related conditions” and related terms are replaced with references to “developmental disabilities” and related terms.

Sec. 76. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 77. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.



Sec. 78. NRS 433.211 is hereby repealed.

Sec. 79. 1. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.

2. Section 22 of this act expires by limitation on June 30, 2019.



