

SENATE BILL NO. 382—SENATOR CEGAVSKE

MARCH 21, 2011

Referred to Committee on Health and Human Services

SUMMARY—Establishes provisions relating to early intervention services for infants and toddlers with disabilities. (BDR 40-630)

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

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

AN ACT relating to children with disabilities; designating the Health Division of the Department of Health and Human Services as the agency to cooperate with the federal authorities to administer early intervention services; requiring the Health Division to provide certain early intervention services to infants and toddlers with disabilities and their families through certain private providers; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Federal law authorizes states to provide early intervention services to infants
2 and toddlers with disabilities or who are at risk of experiencing substantial
3 developmental delays and provides grants to states that provide such services. (20
4 U.S.C. §§ 1431 et seq.) The Health Division of the Department of Health and
5 Human Services makes provision for early intervention services for infants and
6 toddlers with disabilities and their families in this State through its Bureau of Early
7 Intervention Services and through other providers of early intervention services.
8 **Section 5** of this bill designates the Health Division as the agency in this State to
9 cooperate with the Federal Government for the provision of early intervention
10 services to infants and toddlers with disabilities and their families. **Section 6** of this
11 bill amends existing provisions relating to early intervention services to reflect the
12 terms defined in the federal law.

13 **Section 7** of this bill requires the Health Division to provide early intervention
14 services to infants and toddlers with disabilities and their families using private
15 providers deemed qualified by the Health Division. **Section 7** also authorizes the
16 parent or guardian of an infant or toddler with a disability to choose whether he or
17 she wants services provided directly through the Health Division or through a
18 contracted provider.



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

1 **Section 1.** Chapter 442 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2.** *As used in NRS 442.750 and sections 2 to 5, inclusive,*
5 *of this act, unless the context otherwise requires, the words and*
6 *terms defined in sections 3 and 4 of this act have the meanings*
7 *ascribed to them in those sections.*

8 **Sec. 3.** *“Early intervention services” has the meaning*
9 *ascribed to it in 20 U.S.C. § 1432.*

10 **Sec. 4.** *“Infant or toddler with a disability” has the meaning*
11 *ascribed to it in 20 U.S.C. § 1432.*

12 **Sec. 5. 1.** *The Department, through the Health Division, is*
13 *hereby designated as the agency of this State to cooperate with the*
14 *federal authorities in the administration of Part C of the*
15 *Individuals with Disabilities Education Act, 20 U.S.C. §§ 1431 et*
16 *seq., which relates to the provision of early intervention services to*
17 *infants and toddlers with disabilities and their families.*

18 **2.** *The Department may provide early intervention services to*
19 *infants and toddlers with disabilities and their families through*
20 *the direct provision of services by the Health Division and through*
21 *the use of other providers of early intervention services that the*
22 *Department determines are qualified to provide those services.*

23 **Sec. 6.** NRS 442.750 is hereby amended to read as follows:

24 442.750 1. The Health Division shall ensure that the
25 personnel employed by the Health Division who provide early
26 intervention services to ~~[children]~~ *infants and toddlers* with
27 *disabilities who have* autism and the persons with whom the Health
28 Division contracts to provide early intervention services to
29 ~~[children]~~ *infants and toddlers* with *disabilities who have* autism
30 possess the knowledge and skills necessary to serve ~~[children with~~
31 ~~autism.]~~ *those infants and toddlers*, including, without limitation:

32 (a) The screening of ~~[a-child]~~ *an infant or toddler* for autism at
33 the age levels and frequency recommended by the American
34 Academy of Pediatrics, or its successor organization;

35 (b) The procedure for evaluating ~~[children]~~ *infants and toddlers*
36 who demonstrate behaviors which are consistent with autism;

37 (c) The procedure for enrolling ~~[a-child]~~ *an infant or toddler*
38 *with a disability* in early intervention services upon determining that
39 ~~[the-child]~~ *he or she* has autism;



1 (d) Methods of providing support to ~~[children]~~ *infants and*
2 *toddlers* with *disabilities who have* autism and their families; and

3 (e) The procedure for developing an individualized family
4 service plan in accordance with Part C of the Individuals with
5 Disabilities Education Act, 20 U.S.C. §§ 1431 et seq., or other
6 appropriate plan for the ~~[child]~~ *infant or toddler*.

7 2. The Health Division shall ensure that the personnel
8 employed by the Health Division to provide early intervention
9 services to ~~[children]~~ *infants and toddlers* with *disabilities who*
10 *have* autism and the persons with whom the Health Division
11 contracts to provide early intervention services to ~~[children]~~ *infants*
12 *and toddlers* with *disabilities who have* autism:

13 (a) Possess the knowledge and understanding of the scientific
14 research and support for the methods and approaches for serving
15 ~~[children]~~ *infants and toddlers* with *disabilities who have* autism
16 and the ability to recognize the difference between an approach or
17 method that is scientifically validated and one that is not;

18 (b) Possess the knowledge to accurately describe to parents and
19 guardians the research supporting the methods and approaches,
20 including, without limitation, the knowledge necessary to provide an
21 explanation that a method or approach is experimental if it is not
22 supported by scientific evidence;

23 (c) Immediately notify a parent or legal guardian if ~~[a child]~~ *an*
24 *infant or toddler* is identified as being at risk for a diagnosis of
25 autism and refer the parent or legal guardian to the appropriate
26 professionals for further evaluation and simultaneously refer the
27 parent or legal guardian to any appropriate early intervention
28 services and strategies; and

29 (d) Provide the parent or legal guardian with information on
30 evidence-based treatments and interventions that may assist ~~[the~~
31 ~~child]~~ in the ~~[child's]~~ development and advancement ~~[.]~~ *of the*
32 *infant or toddler*.

33 3. The Health Division shall ensure that the personnel
34 employed by the Health Division who provide early intervention
35 screenings to ~~[children]~~ *infants and toddlers* and the persons with
36 whom the Health Division contracts to provide early intervention
37 screenings to ~~[children]~~ *infants and toddlers* perform screenings of
38 ~~[children]~~ *infants and toddlers* for autism at the age levels and
39 frequency recommended by the American Academy of Pediatrics, or
40 its successor organization.

41 **Sec. 7.** The Health Division of the Department of Health and
42 Human Services shall, to the extent that there are persons who the
43 Department determines are qualified to provide early intervention
44 services to infants and toddlers with disabilities and their families in
45 a manner that fulfills the goals and objectives of the program



1 administered pursuant to section 5 of this act and who are willing to
2 provide such services, enter into contracts with such persons for the
3 provision of early intervention services. The parent or legal guardian
4 of an infant or toddler with a disability who is eligible to receive
5 early intervention services may choose to receive services directly
6 through the Health Division or through any other provider with
7 whom the Health Division has entered into a contract.

8 **Sec. 8.** This act becomes effective on July 1, 2011.

