

SENATE BILL NO. 423—COMMITTEE ON FINANCE

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions concerning assistance to certain older persons and persons with physical disabilities. (BDR 38-1167)

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 assistance to certain persons; revising provisions concerning intermediary service organizations; revising provisions concerning financial assistance for certain persons with physical disabilities; eliminating the Senior Citizens Property Tax Assistance Program; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, an intermediary service organization is authorized to
2 provide certain services for the benefit of a person with a disability if the
3 organization holds a certificate issued by the Aging and Disability Services
4 Division of the Department of Health and Human Services. (NRS 427A.701-
5 427A.745) The Division may deny an application for such a certificate or suspend
6 or revoke a previously issued certificate for various reasons, including the
7 conviction of the applicant or certificate holder for certain crimes involving the
8 abuse, neglect, exploitation or isolation of an older person or a vulnerable person.
9 (NRS 427A.741) **Section 2** of this bill expands the grounds for denial, suspension
10 or revocation of such a certificate to include the conviction of the applicant or
11 certificate holder for conspiracy to commit certain crimes involving the abuse,
12 exploitation or isolation of an older person or a vulnerable person.

13 Existing law requires the Division to establish a program to provide financial
14 assistance to persons with physical disabilities to obtain such essential personal care
15 as is necessary to enable the persons to live in a noninstitutional or unsupervised
16 residential setting. (NRS 427A.793) **Section 3** of this bill revises these provisions
17 to instead require the Division to establish a program to provide services to such
18 persons.



19 Existing law entitles a person who is at least 62 years of age and meets certain
20 income and other requirements to obtain a refund of a portion of the property taxes
21 accrued against a home that he or she owns and maintains as a primary residence. A
22 person who is otherwise qualified, but maintains his or her primary residence in a
23 rented home, may also qualify for such a refund. This program is generally referred
24 to as the Senior Citizens Property Tax Assistance Program. (NRS 427A.450-
25 427A.600) **Section 10** of this bill eliminates the Senior Citizens Property Tax
26 Assistance Program.

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

1 **Section 1.** NRS 427A.040 is hereby amended to read as
2 follows:

3 427A.040 1. The Division shall, consistent with the priorities
4 established by the Commission pursuant to NRS 427A.038:

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

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

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

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

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

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

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

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

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

29 2. The Division shall:

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

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



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

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

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

12 (d) Serve as a liaison between local governmental agencies in
13 this State that provide services or programs to persons with
14 disabilities to facilitate communication and the coordination of
15 information and any other matters relating to services or programs
16 for persons with disabilities. To inform local governmental agencies
17 in this State of services and programs of other local governmental
18 agencies in this State for persons with disabilities pursuant to this
19 subsection, the Division shall:

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

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

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

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

34 (1) The program established pursuant to NRS 427A.791,
35 427A.793 and 427A.795 to provide ~~financial assistance to~~ **services**
36 **for** persons with physical disabilities;

37 (2) The programs established pursuant to NRS 427A.800 to
38 427A.860, inclusive, to obtain information concerning traumatic
39 brain injuries and provide services to persons with traumatic brain
40 injuries;

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

44 (4) Any state program for independent living established
45 pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation



1 Division of the Department of Employment, Training and
2 Rehabilitation acting as the designated state unit, as that term is
3 defined in 34 C.F.R. § 364.4; and

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

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

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

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

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

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

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

26 (2) Reports the progress of the Division in carrying out the
27 strategic planning goals for persons with disabilities identified
28 pursuant to chapter 541, Statutes of Nevada 2001;

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

32 (4) Provides a summary and analysis of the status of the
33 practice of interpreting and the practice of realtime captioning,
34 including, without limitation, the number of persons engaged in the
35 practice of interpreting in an educational setting in each professional
36 classification established pursuant to NRS 656A.100 and the
37 number of persons engaged in the practice of realtime captioning in
38 an educational setting; and

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

43 3. The Division shall confer with the Department as the sole
44 state agency in the State responsible for administering the provisions
45 of this chapter.



1 4. The Division shall administer the provisions of chapter
2 656A of NRS.

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

6 **Sec. 2.** NRS 427A.741 is hereby amended to read as follows:

7 427A.741 In addition to the grounds listed in NRS 427A.719,
8 the Division may deny a certificate to operate an intermediary
9 service organization to an applicant or may suspend or revoke the
10 certificate of a holder of a certificate to operate an intermediary
11 service organization if:

12 1. The applicant or holder of a certificate has been convicted
13 of:

14 (a) Murder, voluntary manslaughter or mayhem;

15 (b) Assault with intent to kill or to commit sexual assault or
16 mayhem;

17 (c) Sexual assault, statutory sexual seduction, incest, lewdness,
18 indecent exposure or any other sexually related crime;

19 (d) Abuse or neglect of a child or contributory delinquency;

20 (e) A violation of any federal or state law regulating the
21 possession, distribution or use of any controlled substance or any
22 dangerous drug as defined in chapter 454 of NRS, within the past 7
23 years;

24 (f) A violation of any provision of NRS ~~[200.50955—or]~~
25 200.5099 ~~[;]~~ *or 200.50995;*

26 (g) Any offense involving fraud, theft, embezzlement, burglary,
27 robbery, fraudulent conversion or misappropriation of property,
28 within the immediately preceding 7 years; or

29 (h) Any other felony involving the use of a firearm or other
30 deadly weapon, within the immediately preceding 7 years; or

31 2. The holder of a certificate has continued to employ a person
32 who has been convicted of a crime listed in subsection 1.

33 **Sec. 3.** NRS 427A.793 is hereby amended to read as follows:

34 427A.793 1. The Division shall establish a program to
35 provide ~~[financial assistance to]~~ *services for* persons with physical
36 disabilities for such essential personal care required pursuant to
37 NRS 427A.795 as is necessary to enable them to live in a
38 noninstitutional or unsupervised residential setting.

39 2. The Division shall adopt regulations:

40 (a) Establishing the procedures for applying for ~~[assistance]~~
41 *services* for essential personal care;

42 (b) Prescribing the criteria for determining the eligibility of an
43 applicant;

44 (c) Prescribing the nature ~~[and the amounts of assistance]~~ *of the*
45 *services* which may be provided and the conditions imposed; and



1 (d) Prescribing such other provisions as the Division considers
2 necessary to administer the program.

3 3. The decision of the Division regarding the eligibility of an
4 applicant is a final decision for the purposes of judicial review.

5 **Sec. 4.** NRS 427A.795 is hereby amended to read as follows:

6 427A.795 The essential personal care for which the Division
7 may provide ~~[assistance to]~~ *services for* a person with a physical
8 disability pursuant to NRS 427A.793 must include assisting the
9 person with the physical disability in:

- 10 1. The elimination of wastes from the body.
- 11 2. Dressing and undressing.
- 12 3. Bathing and grooming.
- 13 4. The preparation and eating of meals.
- 14 5. Getting in and out of bed.
- 15 6. Repositioning while asleep.
- 16 7. The use of prostheses and other medical equipment.
- 17 8. Moving about.

18 **Sec. 5.** NRS 439.640 is hereby amended to read as follows:

19 439.640 "Household income" ~~[has the meaning ascribed to it in~~
20 ~~NRS 427A.480.]~~ *means the income received by a senior citizen*
21 *and the spouse of the senior citizen.*

22 **Sec. 6.** NRS 439.645 is hereby amended to read as follows:

23 439.645 "Income" ~~[has the meaning ascribed to it in NRS~~
24 ~~427A.485.]~~ *means adjusted gross income, as defined in the*
25 *Internal Revenue Code. The term includes, without limitation:*

- 26 1. *Tax-free interest;*
- 27 2. *The untaxed portion of a pension, individual retirement*
28 *account or annuity;*
- 29 3. *Railroad retirement benefits;*
- 30 4. *Veterans' pensions and compensation;*
- 31 5. *Payments received pursuant to the federal Social Security*
32 *Act, including supplemental security income, but excluding*
33 *hospital and medical insurance benefits for persons who are aged*
34 *or disabled;*
- 35 6. *Public welfare payments, including allowances for shelter;*
- 36 7. *Unemployment insurance benefits;*
- 37 8. *Payments for lost time;*
- 38 9. *Payments received from disability insurance;*
- 39 10. *Disability payments received pursuant to workers'*
40 *compensation insurance;*
- 41 11. *Alimony;*
- 42 12. *Support payments;*
- 43 13. *Allowances received by dependents of servicemen or*
44 *servicewomen;*



1 **14. The amount of recognized capital gains and losses**
2 **excluded from adjusted gross income;**

3 **15. Life insurance proceeds in excess of \$5,000;**

4 **16. Bequests and inheritances; and**

5 **17. Gifts of cash of more than \$300 not between household**
6 **members and such other kinds of cash received by a household as**
7 **the Department specifies by regulation.**

8 **Sec. 7.** NRS 439.660 is hereby amended to read as follows:

9 439.660 The Department shall, in cooperation with the various
10 counties in this State:

11 1. Combine all possible administrative procedures required for
12 determining those persons who are eligible for assistance pursuant
13 to NRS ~~[427A.450 to 427A.600, inclusive, and]~~ 439.635 to 439.690,
14 inclusive;

15 2. Coordinate the collection of information required to carry
16 out those provisions in a manner that requires persons requesting
17 assistance to furnish information in as few reports as possible; and

18 3. Design forms that may be used jointly by the Department
19 and the various counties in this State to carry out the provisions of
20 NRS ~~[427A.450 to 427A.600, inclusive, and]~~ 439.635 to 439.690,
21 inclusive.

22 **Sec. 8.** NRS 439.715 is hereby amended to read as follows:

23 439.715 "Household income" has the meaning ascribed to it in
24 NRS ~~[427A.480.]~~ **439.640.**

25 **Sec. 9.** NRS 439.725 is hereby amended to read as follows:

26 439.725 "Income" has the meaning ascribed to it in NRS
27 ~~[427A.485.]~~ **439.645.**

28 **Sec. 10.** NRS 427A.450, 427A.455, 427A.460, 427A.465,
29 427A.470, 427A.475, 427A.480, 427A.485, 427A.490, 427A.495,
30 427A.500, 427A.505, 427A.510, 427A.515, 427A.520, 427A.522,
31 427A.525, 427A.530, 427A.535, 427A.540, 427A.545, 427A.550,
32 427A.555, 427A.560, 427A.565, 427A.570, 427A.575, 427A.580,
33 427A.585, 427A.590, 427A.595 and 427A.600 are hereby repealed.

34 **Sec. 11.** This act becomes effective on July 1, 2011.

LEADLINES OF REPEALED SECTIONS

- 427A.450** Legislative findings and declaration.
- 427A.455** Definitions.
- 427A.460** "Claim" defined.
- 427A.465** "Claimant" defined.
- 427A.470** "Home" defined.



- 427A.475 “Household” defined.
- 427A.480 “Household income” defined.
- 427A.485 “Income” defined.
- 427A.490 “Lot” defined.
- 427A.495 “Property taxes accrued” defined.
- 427A.500 “Rent” defined.
- 427A.505 “Senior citizen” defined.
- 427A.510 Determination of which member of household is claimant.
- 427A.515 Homeowner’s refund: Entitlement; limitation.
- 427A.520 Renter’s refund: Entitlement; limitation.
- 427A.522 Calculation of homeowner’s refund and renter’s refund.
- 427A.525 Rent deemed to constitute accrued property tax.
- 427A.530 Filing of claims with county assessor; processing of claim.
- 427A.535 Action by Division on claim.
- 427A.540 Disallowance of claim.
- 427A.545 Eligibility unaffected by receipt of other assistance if claim for exemption filed; assessed valuation reduced by amount of exemption.
- 427A.550 Division may expend money from Senior Citizens’ Property Tax Assistance Account for audit of claims processed by county assessor.
- 427A.555 Multiple claims prohibited.
- 427A.560 Survival of right to assistance on death of claimant.
- 427A.565 Revocation of grant of assistance for improper claim; restitution.
- 427A.570 Claim to be disallowed and refund to be repaid with penalty if property acquired to obtain benefits.
- 427A.575 Excessive or fraudulent claim; penalty.
- 427A.580 Penalty for false statement or use of fraudulent device.
- 427A.585 Administrative and judicial review.
- 427A.590 Administration by Division; regulations.
- 427A.595 Senior Citizens’ Property Tax Assistance Account: Purposes; use.
- 427A.600 Disclosure of personal or confidential information prohibited.

