

**PROPOSED REGULATION OF THE BUREAU OF
SERVICES TO THE BLIND AND VISUALLY IMPAIRED OF THE
REHABILITATION DIVISION OF THE DEPARTMENT OF
EMPLOYMENT, TRAINING AND REHABILITATION**

LCB File No. R073-06

May 16, 2006

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

AUTHORITY: §§1-5, NRS 426.560; §§6-13, NRS 426.560 and 426.610.

A REGULATION relating to blind persons; establishing procedures for resolving disputes concerning services for blind persons; and providing other matters properly relating thereto.

Section 1. Chapter 426 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 13, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Administrator” means the Administrator of the Division.*

Sec. 4. *“Bureau” has the meaning ascribed to it in NRS 426.045.*

Sec. 5. *“Division” has the meaning ascribed to it in NRS 426.071.*

Sec. 6. *1. A person applying for or receiving services for blind persons who is aggrieved by a decision of the Bureau may, not later than 60 days after he receives notice of the decision of the Bureau, submit a written request to the Administrator or his designee for a hearing conducted pursuant to NRS 426.610. The Administrator or his designee may, upon good cause*

shown, allow a person to file a request for a hearing more than 60 days after he receives notice of the decision.

2. In addition to, or in lieu of, submitting a request for a hearing pursuant to subsection 1, a person who is aggrieved by a decision of the Bureau may, not later than 30 days after he receives notice of the decision of the Bureau, submit a written request to the Administrator or his designee to resolve the dispute by using alternate means of dispute resolution in accordance with the Client Assistance Program as specified in 29 U.S.C. § 732(g)(3)(A) or by mediation pursuant to 29 U.S.C. § 722(c).

3. The provisions of this section do not prohibit a person applying for or receiving services for the blind who is aggrieved by a decision of the Bureau from engaging in informal discussions with the Administrator or his designee concerning the dispute or reaching a settlement of the dispute.

Sec. 7. 1. *The Administrator or his designee shall, after receiving a request for a hearing pursuant to subsection 1 of section 6 of this regulation, immediately submit the request to the Hearings Division of the Department of Administration for assignment of a hearing officer.*

2. The hearing officer shall, after the Administrator or his designee receives a request for a hearing pursuant to subsection 1 of section 6 of this regulation, conduct a hearing at a time and place that is acceptable to the parties.

3. With the approval of the hearing officer, the parties may agree in writing to continue the hearing.

Sec. 8. *The hearing officer may require each party to submit, at least 5 days before the hearing, a statement that includes:*

- 1. The facts of the dispute;*
- 2. The issues of law presented in the dispute;*
- 3. A list of the names of the witnesses who may testify at the hearing; and*
- 4. A list of exhibits that the party intends to use at the hearing.*

Sec. 9. The aggrieved party may be represented at the hearing by an attorney or any other person designated by the aggrieved party.

Sec. 10. The hearing officer is not bound by the technical rules of evidence. Decisions concerning the admissibility of evidence must be made in accordance with the provisions of NRS 233B.123.

Sec. 11. Each party may present his case, examine and cross-examine witnesses, and rebut evidence. The aggrieved party shall present his case first, followed by the case of the Bureau, followed by such rebuttal evidence as the hearing officer may allow.

Sec. 12. 1. Not later than 30 days after the hearing, the hearing officer shall issue a written decision in accordance with the requirements of chapter 233B of NRS.

2. The decision of the hearing officer is a final decision for the purposes of judicial review, and any appeal of the decision must be filed within the period established by paragraph (c) of subsection 2 of NRS 233B.130.

Sec. 13. Upon the request of a party, the Bureau will provide a transcript of the oral proceedings of the hearing. The Bureau may require payment of the cost to provide the transcript.