

Informational Statement

LCB File R144-16

The following statement is submitted for adopted amendments to the Nevada Administrative Code (NAC) Chapter 435.

1. A clear and concise explanation of the need for the adopted regulation.

The adoption of these regulations is necessary to revise provisions related to providers of Supported Living Arrangements. Aging and Disability Services (ADSD) is changing regulations governing Supported Living Arrangements (SLA) covering NAC 435.3305-435.339. The major changes to this section of NAC include changing regulations involving background checks of employees or independent contractors, ensuring that all SLA providers are certified by the ADSD, codifying the standards of care that are expected from SLA providers, sanctions that may be applied to SLA providers who fail to meet standards, and lastly, makes changes to certain medications that may be administered by staff in the home. Further, changes were made to replace the terms “mental retardation” to “intellectual disability”, and the term “related conditions” to “developmental disability”. The latter is to follow AB224 which passed during the 2017 Legislative Session.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested person may obtain a copy of the summary.

Interested person(s) were sent copies of the proposed regulations, notice of public workshop, and notice of intent via U.S. mail and/ or email upon request or by interest in the subject of Supported Living Arrangements (SLA) and its services. In addition to notices, Copies of all documents can also be obtained from any public library listed below:

Elko County Library
720 Court Street
Elko, NV 89801

Esmeralda County Library
Corner of Crook and 4th Street
Goldfield, NV 89013-0484

Eureka Branch Library
210 South Monroe Street
Eureka, NV 89316-0283

Henderson District Public Library
280 South Water Street
Henderson, NV 89105

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445-3095

Lander County Library
625 South Broad Street
Battle Mountain, NV 89820-0141

Lincoln County Library
93 Maine Street
Pioche, NV 89043-0330

Lyon County Library
20 Nevin Way
Yerington, NV 89447-2399

Mineral County Library
110 1st Street
Hawthorne, NV 89415-1390

Pahrump Library District
701 East Street
Pahrump, NV 89041-0578

Pershing County Library
1125 Central Avenue
Lovelock, NV 89419-0781

Storey County Library
95 South R Street
Virginia City, NV 89440-0014

Tonopah Public Library
167 Central Street
Tonopah, NV 89049-0449

Washoe County Library
301 South Center Street
Reno, NV 89505-2151

White Pine County Library
950 Campton Street
Ely, NV 89301-1965

A public workshop hosted by Aging and Disability Services was held on November 9, 2017 via videoconference at the Rural Regional Center in Carson City, NV. The purpose of this workshop was to discuss and solicit comment in consideration of revised language to Nevada Administrative Code, Chapter 435.

Following the public workshop, Aging and Disability Services (ADSD) provided notice of a hearing held on March 20, 2018. Hearing was called to order and facilitated by ADSD's Jennifer Frischmann, Quality Assurance Manager of Carson City, NV. This meeting included public comment and reading of the approved revisions.

Copies of notice items were available:

http://adsd.nv.gov/Meetings/Meeting_Notices/

<https://www.leg.state.nv.us/App/Calendar/A/>

<https://notice.nv.gov/>

Summary of the public response received at the Public Workshop related to Supported Living Arrangements is as follows:

The discussion took off with a question from Michael Goodwin. He has a question on Section 20 paragraph H of the proposed revision which states that applicant should be financially capable of providing jobs and day training for a period of at least three months. He asked if the implication is that the State will not be paying Provider 3 months. It was clarified that this provision applies only to new applicant and not to existing and approved Provider. Further clarification will be sought and will be communicated to everyone.

He expressed his concern that it is a big burden to carry if the State will not pay for three months considering that the Providers are already putting in money upfront for trainings, background checks among others.

The last clarification he asked was about the appeal. He asked if there is any type of outlet for agency to do internal investigation to at least make the resolution and investigation transparent. It was explained that appeals go directly to the ADSD Administrator and further clarification on this section will also be shared.

The summary is posted at: http://adsd.nv.gov/Meetings/Meeting_Notices/ Any other persons interested in obtaining a copy of the summary may also e-mail, call, or mail in a request to the:

Aging and Disability Services Division
3416 Goni Rd. Ste D-132
Carson City, NV 89706

Jennifer Frischmann: Phone: 775-687-0528; Email: jfrischmann@adsd.nv.gov

Summary of the public response received at the Public Hearing related to Supported Living Arrangements is as follows:

No public comment related to Supported Living Arrangements was made at the Public Hearing.

3. The number of persons who:

- (a) Attended workshop:** November 9, 2017: 12
- (b) Testified at workshop:** November 9, 2017: 2
- (c) Submitted to the agency written comments:** 2
- (d) Attended the Public Hearing for Adoption:** March 20, 2018: 21
- (e) Testified at Public Hearing for Adoption:** 1
- (f) Submitted to the agency written comments:** 3

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.

Name	Agency	Phone Number	Email Address
Lisa Martin	HSI	X	lisa@hsireno.com
Mark Malady	HSI	X	markmalady@hsireno.com
Michael Goodwin	HBLC	X	Unknown
Unknown	HBLC	X	X
Keith Hughes	Opportunity Village	X	X
Unknown	New Vista	X	X
Judith Koller	A-Team	X	X
Tracy Brown	Opportunity Village	X	X
Amanda Shipp	X	X	X
Unknown	X	X	X
Regina Daniel	A-Team	X	X
Ophelia Simmons	A-Team	X	X
Ashley Inwood	RRC	775-687-0917	ainwood@adsd.nv.gov
Brenda Robinson	REM NV	(702)326-3321	Brenda.robinson@thementornetwork.com
Katie Hurst	Dungarvin	(775)750-9785	khurst@dungarvin.com
Kimberly Diskin	Dungarvin	(702)526-4919	kdiskin@dungarvin.com
Marc Christensen	Chrysalis	(801)360-4672	Marc@gochrysalis.com
Krystal Ayers	Chrysalis	(775)232-0658	Krystal.ayers@gochrysalis.com
Jessica Tuakalau	Mt. Olive Care	(775)348-4989	jtuakalau@mtolivecarerenv.com
Krista Swihart	Disability Resources	(775)329-1126	kswihart@disabilityresourcesnv.org
Maryanne Hawkins	Dungarvin	(775)530-9562	mhawkins@gungarvin.com
Jasmin Fisher	ADSD	(916-307-8805	jfisher@adsd.nv.gov
	Alpha Productions	(775)359-4498	mikem@alphaproduction.org
Michael McMahon	Tech		rg
KT Greene	X	X	Unknown
Stephanie Denn	SRC	(775)688-1930	sdenn@adsd.nv.gov
Debbi Thomas	SRC	(775)688-1930	dthomas@adsd.nv.gov
Unknown	REM	(775)841-3111	Unknown
X= information not given Unknown=Illegible			

5. A description of how comment was solicited from affected business, a summary of their response, and an explanation how other interested person(s) may obtain a copy of the summary.

A Small Business Impact Survey was sent to all Aging and Disability Services Division Certified Supported Living Arrangement providers along with a copy of the proposed regulation changes, in July 2017. Copies were made available through request to the Aging and Disability Services Division and are available online at adsd.nv.gov.

The questions on the survey were:

- 1) How many employees are currently employed by your business?
- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?
- 5) Do you anticipate any indirect beneficial effects upon your business?

Summary of Comments Received by Supported Living Arrangement Providers¹ (28 responses were received out of 40 small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	Will the regulation(s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
No= 15 Yes= 1 No Response/ Unknown=12	No= 11 Yes= 5 No Response/ Unknown= 12	No=14 Yes= 2 No Response/ Unknown= 12	No= 15 Yes=1 No Response/ Unknown= 12
Comments: None Received	Comments: None Received	Comments: None Received	Comments: None Received

¹ Surveys that indicated they employed 150 or more employees were not included in these results.

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Carson City, NV 89706

Jennifer Frischmann: Phone: 775-687-0528; Email: jfrischmann@adsd.nv.gov

6. If the regulation was adopted without changing any part of the proposed regulation, summary of the reasons for adopting the regulation without change.

Regulations being proposed contain changes from original written document.

7. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects; and

(b) Both immediate and long-term effects.

Small Business:

It is estimated that there would be no adverse or beneficial economic effects on small businesses.

Also, there would be no immediate or long-term economic effects on small businesses after adopting this regulation.

Public:

There is no estimated adverse or beneficial economic effect on the public.

There would be no immediate or long-term economic effects on the public after adopting this regulation.

8. The estimated cost to the agency for enforcement of the adopted regulation.

At this time, it is estimated that there would be no additional cost to the agency to enforce the proposed regulations. It is anticipated that there will not be any increase in workload caused by the changes to the certification process. Further, it is estimated that the other

provisions in the proposed regulations would not result in an additional cost to the agency.

9. **A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

This regulation does not overlap or duplicate any federal regulation.

10. **If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

There are no federal regulations that apply.

11. **If the regulation provides a new fee or increases an existing fee, the total annual amount of the agency expects to collect and the manner in which the money will be used.**

This regulation does not have a new fee, or increase in existing fees; therefore, there is no impact.