

CHAPTER.....

AN ACT relating to State Government; combining the Office of Disability Services of the Department of Health and Human Services and other disability programs with the Aging Services Division of the Department; renaming the Aging Services Division as the Aging and Disability Services Division; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, the Office of Disability Services is an office within the Department of Health and Human Services, with responsibilities over various programs and services that benefit persons with disabilities. (NRS 426.205-426.345, 426A.070, chapter 656A of NRS) **Section 1** of this bill changes the name of the Aging Services Division of the Department to the Aging and Disability Services Division, and **section 2** of this bill moves the Office of Disability Services into the Division. (NRS 232.300, 232.320) **Sections 10-51 and 63** of this bill transfer the administration of various programs and services for persons with disabilities to the Division, and **sections 52-58** of this bill transfer the administration of various programs relating to persons with traumatic brain injuries to the Division. **Sections 70-85** of this bill transfer certain responsibilities regarding interpreters and realtime captioning providers from the Office to the Division.

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

Section 1. NRS 232.300 is hereby amended to read as follows:
232.300 1. The Department of Health and Human Services is hereby created.

2. The Department consists of a Director and the following divisions:

- (a) Aging *and Disability* Services Division.
- (b) Health Division.
- (c) Division of Mental Health and Developmental Services.
- (d) Division of Welfare and Supportive Services.
- (e) Division of Child and Family Services.
- (f) Division of Health Care Financing and Policy.

3. The Department is the sole agency responsible for administering the provisions of law relating to its respective divisions.

Sec. 2. NRS 232.320 is hereby amended to read as follows:
232.320 1. Except as otherwise provided in subsection 3, the Director:



(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

- (1) The Administrator of the Aging *and Disability* Services Division;
- (2) The Administrator of the Health Division;
- (3) The Administrator of the Division of Welfare and Supportive Services;
- (4) The Administrator of the Division of Child and Family Services; and
- (5) The Administrator of the Division of Health Care Financing and Policy.

(b) Shall administer, through the divisions of the Department , ~~[and the Office of Disability Services,]~~ the provisions of chapters 63, 424, 425, ~~[426A,]~~ 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, 422.580, ~~[426.205 to 426.345, inclusive,]~~ 432.010 to 432.133, inclusive, 444.003 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department , ~~[and the Office of Disability Services,]~~ but is not responsible for the clinical activities of the Health Division or the professional line activities of the other divisions . ~~[or the Office of Disability Services.]~~

(c) *Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.*

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

- (1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;
- (2) Set forth priorities for the provision of those services;
- (3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;
- (4) Identify the sources of funding for services provided by the Department and the allocation of that funding;



(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

~~(d)~~ (e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information to him regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which he deems necessary for his performance of the duties imposed upon him pursuant to this section.

~~(e)~~ (f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or his designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than:

(a) The Administrator of the Division of Mental Health and Developmental Services who is appointed pursuant to subsection 3;

(b) The Executive Director of the Nevada Indian Commission who is appointed pursuant to NRS 233A.055; and

(c) The State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

3. The Governor shall appoint the Administrator of the Division of Mental Health and Developmental Services.

Sec. 3. NRS 232.920 is hereby amended to read as follows:

232.920 The Director:

1. Shall:

(a) Organize the Department into divisions and other operating units as needed to achieve the purposes of the Department;

(b) Upon request, provide the Director of the Department of Administration with a list of organizations and agencies in this State whose primary purpose is the training and employment of persons with disabilities; and

(c) Except as otherwise provided by a specific statute, direct the divisions to share information in their records with agencies of local governments which are responsible for the collection of debts or obligations if the confidentiality of the information is otherwise maintained under the terms and conditions required by law.

2. Is responsible for the administration, through the divisions of the Department, of the provisions of NRS ~~[426.005]~~ 426.010 to



426.720, inclusive, 426.740, 426.790 and 426.800, and chapters 612 and 615 of NRS, and all other provisions of law relating to the functions of the Department and its divisions, but is not responsible for the professional line activities of the divisions or other operating units except as otherwise provided by specific statute.

3. May employ, within the limits of legislative appropriations, such staff as is necessary for the performance of the duties of the Department.

Sec. 4. NRS 50.050 is hereby amended to read as follows:

50.050 1. As used in NRS 50.050 to 50.053, inclusive, unless the context requires otherwise:

(a) "Interpreter" means a:

- (1) Registered interpreter;
- (2) Registered legal interpreter; or
- (3) Person who is appointed as an interpreter pursuant to

subsection 2 of NRS 50.0515.

(b) "Person with a communications disability" means a person who, because he is deaf or has a physical speaking impairment, cannot readily understand or communicate in the English language or cannot understand the proceedings.

(c) "Registered interpreter" means a person registered with the ~~Office of~~ *Aging and Disability Services Division* of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting.

(d) "Registered legal interpreter" means a person registered with the ~~Office of~~ *Aging and Disability Services Division* of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in a legal setting.

2. In all judicial proceedings in which a person with a communications disability appears as a witness, the court, magistrate or other person presiding over the proceedings shall appoint an interpreter to interpret the proceedings to that person and to interpret the testimony of that person to the court, magistrate or other person presiding.

3. The court, magistrate or other person presiding over the proceedings shall fix a reasonable compensation for the services and expenses of the interpreter appointed pursuant to this section. If the judicial proceeding is civil in nature, the compensation of the interpreter may be taxed as costs and must not be charged as a public expense.

4. Claims against a county, municipality, this State or any agency thereof for the compensation of an interpreter in a criminal proceeding or other proceeding for which an interpreter must be



provided at public expense must be paid in the same manner as other claims against the respective entities are paid. Payment may be made only upon the certificate of the judge, magistrate or other person presiding over the proceedings that the interpreter has performed the services required and incurred the expenses claimed.

Sec. 5. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records and Technology Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department, ↪ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him.



(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with federal and state repositories to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS ~~[426.335 and]~~ 449.179 ~~[;]~~ *and section 46 of this act*; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof has a legitimate need to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

➔ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.



(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

↳ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

↳ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has his fingerprints submitted pursuant to NRS ~~[426.335,]~~ 449.176, ~~[or]~~ 449.179 ~~[.]~~ *or section 46 of this act.*

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the



Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2, and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 6. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:



(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging *and Disability* Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging *and Disability* Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging *and Disability* Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging *and Disability* Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect,



exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in ~~[NRS 426.218.]~~ *section 11 of this act.*

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging *and Disability* Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging *and Disability* Services Division of the Department



of Health and Human Services, must be forwarded to the Aging *and Disability* Services Division within 90 days after the completion of the report, and a copy of any final report of an investigation must be forwarded to the Unit for the Investigation and Prosecution of Crimes within 90 days after completion of the report.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging *and Disability* Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 7. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the ~~Office of~~ *Aging and Disability Services Division* of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(6) Requiring teachers and other educational personnel to be registered with the ~~Office of~~ *Aging and Disability Services*



Division pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(I) Provide instruction or other educational services; and
(II) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(7) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(I) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(II) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

(8) Requiring an applicant for a special qualifications license to:

(I) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(II) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the master's degree or doctoral degree held by the applicant.

(9) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the master's degree or doctoral degree held by that person.

(10) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(I) Holds a graduate degree from an accredited college or university in the field for which he will be providing instruction;

(II) Is not licensed to teach public school in another state;

(III) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(IV) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of his employment as a teacher with a school district or charter school.



↳ An applicant for licensure pursuant to this subparagraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(11) If the Commission approves the Passport to Teaching certification from the American Board for Certification of Teacher Excellence as an alternative route to licensure, providing for the issuance and renewal of a special qualifications license to an applicant who:

(I) Holds a Passport to Teaching certification from the American Board for Certification of Teacher Excellence;

(II) Passes each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; and

(III) Agrees to participate in a program of mentoring prescribed by the Commission for the first year of his employment as a teacher with a school district or charter school.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

3. A person who is licensed pursuant to subparagraph (7), (10) or (11) of paragraph (a) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if he is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 8. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:



(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the ~~{Office of}~~ **Aging and Disability Services Division** of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(6) Requiring teachers and other educational personnel to be registered with the ~~{Office of}~~ **Aging and Disability Services Division** pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(I) Provide instruction or other educational services; and

(II) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(7) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(I) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(II) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

(8) Requiring an applicant for a special qualifications license to:

(I) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or



(II) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the master's degree or doctoral degree held by the applicant.

(9) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the master's degree or doctoral degree held by that person.

(10) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(I) Holds a graduate degree from an accredited college or university in the field for which he will be providing instruction;

(II) Is not licensed to teach public school in another state;

(III) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(IV) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of his employment as a teacher with a school district or charter school.

➔ An applicant for licensure pursuant to this subparagraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

3. A person who is licensed pursuant to subparagraph (7) or (10) of paragraph (a) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if he is employed as a teacher by the board of trustees of a school district or



the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 9. NRS 426.727 is hereby amended to read as follows:

426.727 "State personal assistance program" means a program established pursuant to NRS 422.396, ~~[426.275 or]~~ 427A.250 ~~[.]~~ *or section 26 of this act.*

Sec. 10. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 58, inclusive, of this act.

Sec. 11. *"Intermediary service organization" means a nongovernmental entity that provides services authorized pursuant to section 29 of this act for a person who has a disability or other responsible person.*

Sec. 12. *1. The Committee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities is hereby created in the Division. The Committee consists of 11 members appointed by the Administrator. The Administrator shall appoint to the Committee:*

(a) One member who is employed by the Division and who participates in the administration of the program of this State that provides services to persons with communications disabilities which affect their ability to communicate;

(b) One person who is a member of the Nevada Association of the Deaf;

(c) One member who is professionally qualified in the field of deafness;

(d) The Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, a member who represents the telecommunications industry;

(e) One member who is a consumer of telecommunications relay services;

(f) One member who is a consumer of Communication Access Realtime Translation or realtime captioning;

(g) One member who is a consumer of services provided by a person engaged in the practice of interpreting;

(h) One nonvoting member who is registered with the Division pursuant to NRS 656A.100 to engage in the practice of interpreting in a community setting and holds a certificate issued by the Registry of Interpreters for the Deaf, Inc., or its successor organization;



(i) One nonvoting member who is registered with the Division pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting and has completed the Educational Interpreter Performance Assessment administered by the Boys Town National Research Hospital, or its successor organization, and received a rating of his level of proficiency in providing interpreting services at level 4 or 5;

(j) One nonvoting member who is registered with the Division pursuant to NRS 656A.400 to engage in the practice of realtime captioning; and

(k) One member who represents educators in this State and has knowledge concerning the provision of communication services to persons with communications disabilities in elementary, secondary and postsecondary schools and the laws concerning the provision of those services.

2. After the initial term, the term of each member is 3 years. A member may be reappointed.

3. If a vacancy occurs during the term of a member, the Administrator shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

4. The Committee shall:

(a) At its first meeting and annually thereafter, elect a Chairman from among its voting members; and

(b) Meet at the call of the Administrator, the Chairman or a majority of its members as is necessary to carry out its responsibilities.

5. A majority of the voting members of the Committee constitutes a quorum for the transaction of business, and a majority of the voting members of a quorum present at any meeting is sufficient for any official action taken by the Committee.

6. Members of the Committee serve without compensation, except that each member is entitled, while engaged in the business of the Committee, to the per diem allowance and travel expenses provided for state officers and employees generally.

7. A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Committee to make up the time



he is absent from work to carry out his duties as a member of the Committee or use annual vacation or compensatory time for the absence.

8. The Committee may:

(a) Make recommendations to the Administrator concerning the establishment and operation of programs for persons with communications disabilities which affect their ability to communicate;

(b) Recommend to the Administrator any proposed legislation concerning persons with communications disabilities which affect their ability to communicate; and

(c) Collect information concerning persons with communications disabilities which affect their ability to communicate.

9. The Committee shall make recommendations to the Administrator concerning the practice of interpreting and the practice of realtime captioning, including, without limitation, the adoption of regulations to carry out the provisions of chapter 656A of NRS.

10. As used in this section:

(a) "Practice of interpreting" has the meaning ascribed to it in NRS 656A.060.

(b) "Practice of realtime captioning" has the meaning ascribed to it in NRS 656A.062.

(c) "Telecommunications relay services" has the meaning ascribed to it in 47 C.F.R. § 64.601.

Sec. 13. 1. *Except as otherwise provided in subsection 2 and notwithstanding any other provision of law:*

(a) A person with a physical disability who, by reason of the physical disability, is unable to write may use a signature stamp to affix his signature to a document or writing any time that a signature is required by law; and

(b) A person, government, governmental agency and political subdivision of a government must treat each signature affixed by a person described in paragraph (a) through the use of a signature stamp in the same manner as it treats a signature made in writing.

2. The provisions of subsection 1 do not apply to a document or writing with respect to which the requirement that the document or writing must be signed is accompanied by an additional qualifying requirement unless each additional qualifying requirement is satisfied.

3. The Division shall develop standards regarding signature stamps for persons with physical disabilities who, by reason of



their physical disabilities, are unable to write, including, without limitation, standards pertaining to:

- (a) The development of a signature stamp;*
- (b) The use of a signature stamp;*
- (c) The verification of a signature stamp; and*
- (d) Any other aspect of the use or verification of signature stamps that the Division determines to be necessary.*

4. The Division shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations:

(a) To carry out the standards developed by the Division pursuant to subsection 3; and

(b) Concerning the extent to which a person who uses a signature stamp and a person, government, governmental agency and political subdivision of a government which treats a signature stamp as the signature of a person pursuant to this section may incur liability related to the use or treatment of the signature stamp.

5. As used in this section, "signature stamp" means a stamp which contains the impression of:

- (a) The actual signature of a person with a physical disability;*
- (b) A mark or symbol which is adopted by the person with the physical disability; or*
- (c) A signature of the name of a person with a physical disability which is made by another person and which is adopted by the person with the physical disability.*

Sec. 14. *As used in sections 14 to 24, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 15 to 18, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 15. *"Advisory Board" means the Interagency Advisory Board on Transition Services created by section 19 of this act.*

Sec. 16. *"Committee" means the Strategic Plan for People with Disabilities Accountability Committee established by the Director of the Department as required by Executive Order of the Office of the Governor and in response to the long-term strategic plan concerning persons with disabilities developed by the Department pursuant to paragraph (c) of subsection 1 of section 1 of chapter 541, Statutes of Nevada 2001, at page 2705.*

Sec. 17. *"State Rehabilitation Council" means the State Rehabilitation Council established pursuant to 29 U.S.C. §§ 725 et seq.*



Sec. 18. *“Transition services” means a coordinated set of activities which:*

1. Is designed within a process that is outcome-oriented and which promotes movement of pupils from school to postschool activities, including, without limitation, postsecondary education, vocational training, supported employment, integrated employment, continuing and adult education, adult services, independent living and community participation;

2. Is based on the preferences and interests of the pupil, taking into account the pupil’s needs;

3. Includes, without limitation:

(a) Instruction;

(b) Related services, including, without limitation, vocational and rehabilitative services;

(c) Community experiences;

(d) The development of employment objectives and other objectives for living as an adult after the completion of school; and

(e) If appropriate, the acquisition of daily living skills and functional vocational evaluation; and

4. Includes an individual plan for employment for a pupil with a disability who is receiving special education services or other related services, if the individual plan for employment is developed:

(a) In coordination with the plan for the individualized education prepared by the school district pursuant to NRS 395.020, including, without limitation, the goals, objectives and services identified in the plan; and

(b) In accordance with the plans, policies, procedures and terms of an interlocal agreement between the school district of the pupil and the Rehabilitation Division of the Department of Employment, Training and Rehabilitation.

↳ The term includes special education if provided as specially designed instruction or related services and if required to assist a pupil with a disability to benefit from special education.

Sec. 19. *1. The Interagency Advisory Board on Transition Services is hereby created in the Division.*

2. The Advisory Board consists of the following members:

(a) The Administrator of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation;

(b) The Superintendent of Public Instruction;



(c) A representative of the Division of Child and Family Services of the Department, appointed by the Administrator of the Division of Child and Family Services;

(d) A representative of the Division of Mental Health and Developmental Services of the Department, appointed by the Administrator of the Division of Mental Health and Developmental Services;

(e) A member of the Committee, appointed by the Governor;

(f) A member of the Governor's Workforce Investment Board of the Department of Employment, Training and Rehabilitation, appointed by the Governor;

(g) A representative of the Nevada Disability Advocacy and Law Center, or its successor organization, appointed by the Governor;

(h) A representative of the Nevada P.E.P., Inc., or its successor organization, appointed by the Governor;

(i) A representative of a community-based organization which provides services to persons with physical, cognitive, sensory and mental health disabilities, appointed by the Governor;

(j) A representative of the Nevada System of Higher Education or an entity which provides postsecondary education, vocational training, supported employment services, integrated employment services or continuing and adult education, appointed by the Governor;

(k) A representative of a program of education, including, without limitation, a program of special or vocational education, in a school district in a county whose population is 400,000 or more, appointed by the Governor from a list of persons provided to the Governor by the superintendents of schools in such counties;

(l) A representative of a program of education, including, without limitation, a program of special or vocational education in a school district in a county whose population is 100,000 or more but less than 400,000, appointed by the Governor from a list of persons provided to the Governor by the superintendents of schools in such counties;

(m) A representative of a program of education, including, without limitation, a program of special or vocational education, in a school district in a county whose population is less than 100,000, appointed by the Governor from a list of persons provided to the Governor by the superintendents of schools in such counties;

(n) A person with a disability who has transitioned from a secondary school into the workforce, postsecondary education,



vocational training, supported employment, integrated employment, continuing or adult education, adult services, independent living or community participation, appointed by the Governor; and

(o) A parent of a person with a disability who is not younger than 14 years of age or older than 25 years of age, appointed by the Governor.

3. Each member of the Advisory Board who is an officer or employee of the State of Nevada or a local government or agency thereof or a representative of a private entity may designate a representative to serve in his place on the Advisory Board or to replace him at a meeting of the Advisory Board if the person designated has the appropriate knowledge and authority to represent the State of Nevada, local government or agency thereof or private entity, as applicable, and has been approved by the appointing authority.

4. Each appointing authority of a member of the Advisory Board shall:

(a) Solicit recommendations for the appointment of members to the Advisory Board from the Committee; and

(b) Appoint to the Advisory Board persons who represent a broad range of persons with disabilities and entities serving persons with disabilities.

Sec. 20. *1. The term of each member is 4 years. A member may be reappointed.*

2. A vacancy occurring in the membership of the Advisory Board must be filled in the same manner as the original appointment.

Sec. 21. *1. The Advisory Board shall:*

(a) At its first meeting and annually thereafter, elect a Chairman and Vice Chairman from among its voting members; and

(b) Meet throughout each year at the times and places specified by a call of the Chairman or a majority of the members of the Advisory Board.

2. The Administrator of the Division or his designee shall act as the nonvoting recording Secretary.

3. The Advisory Board shall prescribe regulations for its own management and government.

4. A majority of the voting members of the Advisory Board constitutes a quorum for the transaction of business, and a majority of the voting members of a quorum present at any



meeting is sufficient for any official action taken by the Advisory Board.

Sec. 22. *1. Members of the Advisory Board serve without compensation, except that each member of the Advisory Board is entitled, while engaged in the business of the Advisory Board, to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses provided to a member of the Advisory Board who is an officer or employee of the State of Nevada or a political subdivision of this State must be paid by the state agency or political subdivision which employs him.*

2. Each member of the Advisory Board who is an officer or employee of the State of Nevada or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Advisory Board and perform any work necessary to carry out the duties of the Advisory Board in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Advisory Board to make up the time that he is absent from work to carry out his duties as a member of the Advisory Board or to use annual vacation or compensatory time for the absence.

Sec. 23. *The Advisory Board may:*

1. Study and comment on issues related to transition services for persons with disabilities in this State, including, without limitation:

(a) The implementation of recommendations concerning transition services of the Committee and of the State Rehabilitation Council;

(b) Programs for the provision of transition services to persons with disabilities in this State;

(c) Methods to enhance such programs and to ensure that persons with disabilities are receiving transition services in the most appropriate settings;

(d) Federal and state laws concerning transition services for persons with disabilities;

(e) The availability of useful information and data relating to transition services as needed for the State of Nevada to make decisions effectively, plan budgets and monitor costs and outcomes of transition services provided to persons with disabilities;

(f) Methods to increase the availability of such information and data;



(g) Compliance with federal requirements which affect persons who are receiving transition services;

(h) The extent to which transition services in this State are provided in compliance with:

(1) The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.; and

(2) The Strategic Plan for People with Disabilities developed by the Department pursuant to paragraph (c) of subsection 1 of section 1 of chapter 541, Statutes of Nevada 2001, at page 2705; and

(i) Any other matters that, in the determination of the Advisory Board, affect persons with disabilities who are receiving transition services;

2. Hold a statewide annual meeting to gather information and develop recommendations concerning transition services for persons with disabilities; and

3. Promote the planning, coordination, delivery and evaluation of transition services offered by the State or a local government or agency thereof or any private entity in this State.

Sec. 24. *1. On or before July 1 of each year, the Advisory Board shall submit an annual report concerning the provision of transition services to persons with disabilities in this State to:*

(a) The Governor;

(b) The Director of the Legislative Counsel Bureau for transmittal to the Legislature;

(c) The Committee;

(d) The State Rehabilitation Council;

(e) The State Board of Education; and

(f) The Department of Education for transmittal to persons within the Department who are working on issues concerning special education.

2. The annual report must include, without limitation:

(a) A list of the members of the Advisory Board;

(b) The dates, agendas and minutes of each of the meetings of the Advisory Board;

(c) Information concerning the activities, findings and recommendations of the Advisory Board;

(d) A status report concerning transition services from:

(1) The Committee; and

(2) The State Rehabilitation Council;

(e) A summary of the availability and status of transition services in this State and the need for transition services in this State;



(f) Recommendations for legislation relating to transition services;

(g) Recommendations to agencies and officers of the Executive Branch of the State Government relating to transition services; and

(h) Recommendations to providers of community-based services who provide services to persons with disabilities relating to transition services.

Sec. 25. *As used in sections 25, 26 and 27 of this act, unless the context otherwise requires, "person with a physical disability" means a person with a physical disability that substantially limits his ability to participate and contribute independently in the community in which he lives.*

Sec. 26. *1. The Division shall establish a program to provide financial assistance to persons with physical disabilities for such essential personal care required pursuant to section 27 of this act as is necessary to enable them to live in a noninstitutional or unsupervised residential setting.*

2. The Division shall adopt regulations:

(a) Establishing the procedures for applying for assistance for essential personal care;

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

(c) Prescribing the nature and the amounts of assistance which may be provided and the conditions imposed; and

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

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

Sec. 27. *The essential personal care for which the Division may provide assistance to a person with a physical disability pursuant to section 26 of this act must include assisting the person with the physical disability in:*

1. The elimination of wastes from the body.

2. Dressing and undressing.

3. Bathing and grooming.

4. The preparation and eating of meals.

5. Getting in and out of bed.

6. Repositioning while asleep.

7. The use of prostheses and other medical equipment.

8. Moving about.



Sec. 28. 1. The Division shall develop and administer a program whereby:

(a) Any person who is a customer of a telephone company which provides service through a local exchange or a customer of a company that provides wireless phone service and who is certified by the Division to be deaf or to have severely impaired speech or hearing may obtain a device for telecommunication capable of serving the needs of such persons at no charge to the customer beyond the rate for basic service; and

(b) Any person who is deaf or has severely impaired speech or hearing may communicate by telephone, including, without limitation, a wireless phone, with other persons through a dual-party relay system.

↳ The program must be approved by the Public Utilities Commission of Nevada.

2. A surcharge is hereby imposed on each access line of each customer to the local exchange of any telephone company providing such lines in this State and on each personal wireless access line of each customer of any company that provides wireless phone services in this State which is sufficient to:

(a) Cover the costs of the program;

(b) Fund the centers for persons who are deaf or hard of hearing operated by this State; and

(c) Cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800.

↳ The Commission shall establish by regulation the amount to be charged. Those companies shall collect the surcharge from their customers and transfer the money collected to the Commission pursuant to regulations adopted by the Commission.

3. The Account for Services for Persons With Impaired Speech or Hearing is hereby created within the State General Fund and must be administered by the Division. Any money collected from the surcharge imposed pursuant to subsection 2 must be deposited in the State Treasury for credit to the Account. The money in the Account may be used only:

(a) For the purchase, maintenance, repair and distribution of the devices for telecommunication, including the distribution of devices to state agencies and nonprofit organizations;

(b) To establish and maintain the dual-party relay system;

(c) To reimburse telephone companies and companies that provide wireless phone services for the expenses incurred in



collecting and transferring to the Commission the surcharge imposed by the Commission;

(d) For the general administration of the program developed and administered pursuant to subsection 1;

(e) To train persons in the use of the devices;

(f) To fund the centers for persons who are deaf or hard of hearing operated by this State; and

(g) To cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800.

4. For the purposes of this section:

(a) "Device for telecommunication" means a device which is used to send messages through the telephone system, including, without limitation, the wireless phone system, which visually displays or prints messages received and which is compatible with the system of telecommunication with which it is being used.

(b) "Dual-party relay system" means a system whereby persons who have impaired speech or hearing, and who have been furnished with devices for telecommunication, may relay communications through third parties to persons who do not have access to such devices.

Sec. 29. 1. *An intermediary service organization that is certified pursuant to sections 29 to 51, inclusive, of this act may provide services for a person with a disability or other responsible person relating to personal assistance received by the person with a disability. The services that may be provided by an intermediary service organization include, without limitation:*

(a) Obtaining a criminal background check of a personal assistant selected by the person with a disability or other responsible person to provide nonmedical services and any medical services authorized pursuant to NRS 629.091;

(b) Providing payroll services to pay the personal assistant and determine any tax liability;

(c) Providing services relating to financial management; and

(d) Providing any other services relating to the employment of a personal assistant and any other financial assistance relating to the personal assistance for the person with a disability.

2. As used in this section:

(a) "Other responsible person" means:

(1) A parent or guardian of, or any other person legally responsible for, a person with a disability who is under the age of 18 years; or



(2) *A parent, spouse, guardian or adult child of a person with a disability who suffers from a cognitive impairment.*

(b) *“Personal assistance” means the provision of any goods or services to help a person with a disability maintain his independence, personal hygiene and safety, including, without limitation, the provision of services by a personal assistant.*

(c) *“Personal assistant” means a person who, for compensation and under the direction of a person with a disability or other responsible person, performs services for a person with a disability to help him maintain his independence, personal hygiene and safety.*

Sec. 30. *1. A person shall not operate or maintain in this State an intermediary service organization without first obtaining a certificate therefor as provided in sections 29 to 51, inclusive, of this act.*

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 31. *Any person wishing to obtain a certificate pursuant to the provisions of sections 29 to 51, inclusive, of this act must file with the Division an application on a form prescribed, prepared and furnished by the Division, containing:*

1. The name of the applicant and, if a natural person, whether the applicant has attained the age of 21 years.

2. The location of the intermediary service organization.

3. The name of the person in charge of the intermediary service organization.

4. Such other information as may be required by the Division for the proper administration and enforcement of sections 29 to 51, inclusive, of this act.

5. Evidence satisfactory to the Division that the applicant is of reputable and responsible character. If the applicant is a firm, association, organization, partnership, business trust, corporation or company, similar evidence must be submitted as to the members thereof, and the person in charge of the intermediary service organization for which application is made.

6. Evidence satisfactory to the Division of the ability of the applicant to comply with the provisions of sections 29 to 51, inclusive, of this act and the standards and regulations adopted by the Division.

Sec. 32. *An application for the issuance of a certificate to operate an intermediary service organization pursuant to section 31 of this act must include the social security number of the applicant.*



Sec. 33. 1. *An applicant for the issuance or renewal of a certificate as an intermediary service organization must submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate; or

(b) A separate form prescribed by the Division.

3. A certificate as an intermediary service organization may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 34. *Each application for a certificate must be accompanied by such fee as may be determined by regulation of the Division. The Division may, by regulation, allow or require payment of a fee for a certificate in installments and may fix the amount of each payment and the date on which the payment is due.*

Sec. 35. 1. *The Division shall issue the certificate to the applicant if, after investigation, the Division finds that the:*

(a) Applicant is in full compliance with the provisions of sections 29 to 51, inclusive, of this act; and

(b) Applicant is in substantial compliance with the standards and regulations adopted by the Division.

2. A certificate applies only to the person to whom it is issued and is not transferable.



Sec. 36. *Each certificate issued by the Division pursuant to sections 29 to 51, inclusive, of this act must be in the form prescribed by the Division and must contain:*

- 1. The name of the person or persons authorized to operate the intermediary service organization;*
- 2. The location of the intermediary service organization; and*
- 3. The services offered by the intermediary service organization.*

Sec. 37. *1. Each certificate issued pursuant to sections 29 to 51, inclusive, of this act expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to section 34 of this act unless the Division finds, after an investigation, that the intermediary service organization has not satisfactorily complied with the provisions of sections 29 to 51, inclusive, of this act or the standards and regulations adopted by the Division.*

2. Each reapplication for an intermediary service organization must include, without limitation, a statement that the organization is in compliance with the provisions of sections 46 to 49, inclusive, of this act.

Sec. 38. *The Division may deny an application for a certificate or may suspend or revoke any certificate issued under the provisions of sections 29 to 51, inclusive, of this act upon any of the following grounds:*

1. Violation by the applicant or the holder of a certificate of any of the provisions of sections 29 to 51, inclusive, of this act or of any other law of this State or of the standards, rules and regulations adopted thereunder.

2. Aiding, abetting or permitting the commission of any illegal act.

3. Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the operation of an intermediary service organization.

4. Conduct or practice detrimental to the health or safety of a person under contract with or employees of the intermediary service organization.

Sec. 39. *1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate to operate an intermediary service organization, the Division shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date on which the*



court order was issued unless the Division receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a certificate to operate an intermediary service organization that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 40. *1. The Division may cancel the certificate of an intermediary service organization and issue a provisional certificate, effective for a period determined by the Division, to the intermediary service organization if the intermediary service organization:*

(a) Is in operation at the time of the adoption of standards and regulations pursuant to the provisions of sections 29 to 51, inclusive, of this act and the Division determines that the intermediary service organization requires a reasonable time under the particular circumstances within which to comply with the standards and regulations; or

(b) Has failed to comply with the standards or regulations and the Division determines that the intermediary service organization is in the process of making the necessary changes or has agreed to make the changes within a reasonable time.

2. The provisions of subsection 1 do not require the issuance of a certificate or prevent the Division from refusing to renew or from revoking or suspending any certificate if the Division deems such action necessary for the health and safety of a person for whom the intermediary service organization provides services.

Sec. 41. *1. Money received from the certification of intermediary service organizations:*

(a) Must be forwarded to the State Treasurer for deposit in the State Treasury;

(b) Must be accounted for separately in the State General Fund; and

(c) May only be used to carry out the provisions of sections 29 to 51, inclusive, of this act.

2. The Division shall enforce the provisions of sections 29 to 51, inclusive, of this act and may incur any necessary expenses not



in excess of money appropriated for that purpose by the State or received from the Federal Government.

Sec. 42. *The Division may:*

1. Upon receipt of an application for a certificate, conduct an investigation into the qualifications of personnel, methods of operation and policies and purposes of any person proposing to engage in the operation of an intermediary service organization.

2. Upon receipt of a complaint against an intermediary service organization, except for a complaint concerning the cost of services, conduct an investigation into the qualifications of personnel, methods of operation and policies, procedures and records of that intermediary service organization or any other intermediary service organization which may have information pertinent to the complaint.

3. Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of sections 29 to 51, inclusive, of this act.

Sec. 43. *1. If an intermediary service organization violates any provision related to its certification, including, without limitation, any provision of sections 29 to 51, inclusive, of this act, or any condition, standard or regulation adopted by the Division, the Division, in accordance with the regulations adopted pursuant to section 44 of this act, may, as it deems appropriate:*

(a) Prohibit the intermediary service organization from providing services pursuant to section 29 of this act until it determines that the intermediary service organization has corrected the violation;

(b) Impose an administrative penalty of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(c) Appoint temporary management to oversee the operation of the intermediary service organization and to ensure the health and safety of the persons for whom the intermediary service organization performs services, until:

(1) It determines that the intermediary service organization has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the intermediary service organization fails to pay any administrative penalty imposed pursuant to paragraph (b) of subsection 1, the Division may:



(a) Suspend the certificate of the intermediary service organization until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any intermediary service organization that violates any provision of sections 29 to 51, inclusive, of this act, or any condition, standard or regulation adopted by the Division, to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the persons for whom the intermediary service organization performs services in accordance with applicable federal standards.

Sec. 44. *The Division shall adopt regulations establishing the criteria for the imposition of each sanction prescribed by section 43 of this act. These regulations must:*

1. Prescribe the circumstances and manner in which each sanction applies;

2. Minimize the time between identification of a violation and the imposition of a sanction;

3. Provide for the imposition of incrementally more severe sanctions for repeated or uncorrected violations; and

4. Provide for less severe sanctions for lesser violations of applicable state statutes, conditions, standards or regulations.

Sec. 45. *1. When the Division intends to deny, suspend or revoke a certificate or impose any sanction prescribed by section 43 of this act, the Division shall give reasonable notice to the holder of the certificate by certified mail. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. Notice is not required if the Division finds that the public health requires immediate action. In that case, the Division may order a summary suspension of a certificate or impose any sanction prescribed by section 43 of this act, pending proceedings for revocation or other action.*

2. If a person wants to contest the action of the Division, he must file an appeal pursuant to regulations adopted by the Division.

3. Upon receiving notice of an appeal, the Division shall hold a hearing pursuant to regulations adopted by the Division.

4. The Division shall adopt such regulations as are necessary to carry out the provisions of this section.



Sec. 46. 1. Except as otherwise provided in subsection 2, within 10 days after hiring an employee or entering into a contract with an independent contractor, the holder of a certificate to operate an intermediary service organization shall:

(a) Obtain a written statement from the employee or independent contractor stating whether he has been convicted of any crime listed in subsection 1 of section 49 of this act;

(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);

(c) Obtain from the employee or independent contractor two sets of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(d) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (c).

2. The holder of a certificate to operate an intermediary service organization is not required to obtain the information described in subsection 1 from an employee or independent contractor who provides proof that an investigation of his criminal history has been conducted by the Central Repository for Nevada Records of Criminal History within the immediately preceding 6 months and the investigation did not indicate that the employee or independent contractor had been convicted of any crime set forth in subsection 1 of section 49 of this act.

3. The holder of a certificate to operate an intermediary service organization shall ensure that the criminal history of each employee or independent contractor who works at or for the intermediary service organization is investigated at least once every 5 years. The holder of the certificate shall:

(a) If the intermediary service organization does not have the fingerprints of the employee or independent contractor on file, obtain two sets of fingerprints from the employee or independent contractor;

(b) Obtain written authorization from the employee or independent contractor to forward the fingerprints on file or obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History.



4. Upon receiving fingerprints submitted pursuant to this section, the Central Repository for Nevada Records of Criminal History shall determine whether the employee or independent contractor has been convicted of a crime listed in subsection 1 of section 49 of this act and immediately inform the Division and the holder of a certificate to operate the intermediary service organization for which the person works whether the employee or independent contractor has been convicted of such a crime.

5. The Central Repository for Nevada Records of Criminal History may impose a fee upon an intermediary service organization that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The intermediary service organization may recover from the employee or independent contractor not more than one-half of the fee imposed by the Central Repository. If the intermediary service organization requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments.

Sec. 47. Each intermediary service organization shall maintain accurate records of the information concerning its employees and independent contractors collected pursuant to section 46 of this act and shall maintain a copy of the fingerprints submitted to the Central Repository for Nevada Records of Criminal History and proof that it submitted two sets of fingerprints to the Central Repository for its report. These records must be made available for inspection by the Division at any reasonable time, and copies thereof must be furnished to the Division upon request.

Sec. 48. 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to section 46 of this act, or evidence from any other source, that an employee or independent contractor of an intermediary service organization has been convicted of a crime listed in subsection 1 of section 49 of this act, the holder of a certificate to operate the intermediary service organization shall terminate the employment or contract of that person after allowing him time to correct the information pursuant to subsection 2.

2. If an employee or independent contractor believes that the information provided by the Central Repository is incorrect, he may immediately inform the intermediary service organization. An intermediary service organization that is so informed shall give the employee or independent contractor a reasonable amount of time



of not less than 30 days to correct the information received from the Central Repository before terminating the employment or contract of the person pursuant to subsection 1.

3. An intermediary service organization that has complied with section 46 of this act may not be held civilly or criminally liable based solely upon the ground that the intermediary service organization allowed an employee or independent contractor to work:

(a) Before it received the information concerning the employee or independent contractor from the Central Repository;

(b) During any period required pursuant to subsection 2 to allow the employee or independent contractor to correct that information;

(c) Based on the information received from the Central Repository, if the information received from the Central Repository was inaccurate; or

(d) Any combination thereof.

↪ An intermediary service organization may be held liable for any other conduct determined to be negligent or unlawful.

Sec. 49. *In addition to the grounds listed in section 38 of this act, the Division may deny a certificate to operate an intermediary service organization to an applicant or may suspend or revoke the certificate of a holder of a certificate to operate an intermediary service organization if:*

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

(a) Murder, voluntary manslaughter or mayhem;

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

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

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

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

(f) A violation of any provision of NRS 200.50955 or 200.5099;

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

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



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

Sec. 50. 1. *The Division may bring an action in the name of the State to enjoin any person from operating or maintaining an intermediary service organization within the meaning of sections 29 to 51, inclusive, of this act:*

(a) *Without first obtaining a certificate therefor; or*

(b) *After his certificate has been revoked or suspended by the Division.*

2. *It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain the intermediary service organization without a certificate.*

Sec. 51. *The district attorney of the county in which an intermediary service organization operates shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provision of sections 29 to 51, inclusive, of this act.*

Sec. 52. *As used in sections 52 to 58, inclusive, of this act, "traumatic brain injury" means a sudden shock or damage to the brain or its coverings which is not of a degenerative nature and produces an altered state of consciousness or temporarily or permanently impairs the mental, cognitive, behavioral or physical functioning of the brain. The term does not include:*

1. *A cerebral vascular accident;*

2. *An aneurism; or*

3. *A congenital defect.*

Sec. 53. *The Division shall:*

1. *Establish and maintain a system for the reporting of information relating to persons with traumatic brain injuries; and*

2. *Adopt regulations which prescribe the information which must be reported to the Division and the procedure for reporting that information.*

Sec. 54. 1. *The chief administrative officer of each hospital in this State shall submit to the Division the information required by the regulations adopted pursuant to section 53 of this act.*

2. *Any person who violates this section is guilty of a misdemeanor.*

Sec. 55. *A person who provides information to the Division pursuant to section 53 of this act may not be held liable in a civil or criminal action for disclosing confidential information unless he has done so in bad faith or with malicious purpose.*

Sec. 56. 1. *The Advisory Committee on Traumatic Brain Injuries, consisting of 11 members, is hereby created.*



2. *The Administrator of the Division shall appoint to the Committee:*

- (a) *One member who is an employee of the Division.*
- (b) *One member who is an employee of the Division of Health Care Financing and Policy of the Department and participates in the administration of the state program providing Medicaid.*
- (c) *One member who is a licensed insurer in this State.*
- (d) *One member who represents the interests of educators in this State.*
- (e) *One member who is a person professionally qualified in the field of psychiatric mental health.*
- (f) *Two members who are employees of private providers of rehabilitative health care located in this State.*
- (g) *One member who represents persons who operate community-based programs for head injuries in this State.*
- (h) *One member who represents hospitals in this State.*
- (i) *Two members who represent the recipients of health care in this State.*

3. *After the initial appointments, each member of the Committee serves a term of 3 years.*

4. *The Committee shall elect one of its members to serve as Chairman.*

5. *Members of the Committee:*

- (a) *Serve without compensation; and*
- (b) *If provided for in the budget of the Division, while engaged in the business of the Committee, are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

6. *The Committee may:*

- (a) *Make recommendations to the Administrator of the Division relating to the establishment and operation of any program for persons with traumatic brain injuries.*
- (b) *Make recommendations to the Administrator of the Division concerning proposed legislation relating to traumatic brain injuries.*
- (c) *Collect information relating to traumatic brain injuries.*
- (d) *Apply for grants.*
- (e) *Accept and expend any money made available to the Committee by gift, grant, donation or bequest.*

7. *As used in this section:*

- (a) *“Person professionally qualified in the field of psychiatric mental health” has the meaning ascribed to it in NRS 433.209.*



(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 57. *1. The Division shall establish a Program for Persons With Traumatic Brain Injuries.*

2. The Program may, subject to legislative appropriation, provide:

(a) The following services to persons with traumatic brain injuries:

- (1) Treatment during the day on an outpatient basis;*
- (2) Care provided in a facility operated and maintained to furnish food, shelter, assistance and limited supervision;*
- (3) Care provided in the home;*
- (4) Instruction in the skills required for independent living;*
- (5) Placement for jobs; and*
- (6) Counseling and treatment for the abuse of drugs or alcohol.*

(b) Support services for families of persons with traumatic brain injuries.

(c) For the dissemination of information for the prevention of traumatic brain injuries.

Sec. 58. *The Division shall adopt regulations concerning the care of persons with traumatic brain injuries. The Division shall, in adopting the regulations, consider the criteria established by the Commission on Accreditation of Rehabilitation Facilities or its successor for the care of such persons.*

Sec. 59. NRS 427A.010 is hereby amended to read as follows:
427A.010 The Legislature finds and declares that ~~[the]~~ :

1. The older people of our state are entitled to receive, and it is the joint and several duty and responsibility of the state and local governments to provide, within the limits of available resources, assistance to secure equal opportunity to the full and free enjoyment of the following objectives:

~~[1-]~~ *(a) An adequate income in retirement.*

~~[2-]~~ *(b) The best possible physical and mental health which science can make available and without regard to economic status.*

~~[3-]~~ *(c) Suitable housing, independently selected, designed and located with reference to special needs and available at costs which older citizens can afford.*

~~[4-]~~ *(d) Full restorative services for those who require institutional care.*

~~[5-]~~ *(e) Opportunity for employment with no discriminatory personnel practices because of age.*

~~[6-]~~ *(f) Retirement in health, honor and dignity.*



~~[7.]~~ (g) Pursuit of meaningful activity within the widest range of civic, cultural and recreational opportunities.

~~[8.]~~ (h) Efficient community services which provide social assistance in a coordinated manner and which are readily available when needed.

~~[9.]~~ (i) Immediate benefit from proven research knowledge which can sustain and improve health and happiness.

~~[10.]~~ (j) Freedom, independence and the free exercise of individual initiative in planning and managing their own lives.

~~[11.]~~ (k) The benefit of balanced nutrition.

~~[12.]~~ (l) Adequate day care center services.

2. Persons with visual, aural, cognitive or physical disabilities are entitled to receive, and it is the joint and several duty and responsibility of the State and local governments to provide, within the limits of available resources, assistance to secure equal opportunity to the full and free enjoyment of and access to:

(a) Full participation in the social and economic life of the State;

(b) Opportunities for remunerative employment;

(c) The same rights as persons without disabilities to the full and free use of the streets, highways, sidewalks, public buildings, public facilities and other public places;

(d) Freedom and independence in planning and managing their lives, including, without limitation, the ability to exercise individual initiative;

(e) Suitable housing that is independently selected, designed and located with consideration of the special needs of persons with disabilities, and that is affordable to persons with disabilities;

(f) The best possible physical and mental health, without regard to economic status;

(g) Necessary health, personal assistance and independent living services that are designed to enable persons with disabilities to avoid receiving institutional care, or to transition from an institutional setting back to their communities;

(h) Respite for family members of persons with disabilities from their duties as primary caregivers; and

(i) Meaningful participation in a wide range of civic, cultural and recreational opportunities.

Sec. 60. NRS 427A.020 is hereby amended to read as follows:

427A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 427A.021 to 427A.0295, inclusive, *and section 11 of this act* have the meanings ascribed to them in those sections.



Sec. 61. NRS 427A.021 is hereby amended to read as follows:
427A.021 “Administrator” means the Chief of the Aging *and Disability* Services Division of the Department.

Sec. 62. NRS 427A.027 is hereby amended to read as follows:
427A.027 “Division” means the Aging *and Disability* Services Division of the Department.

Sec. 63. NRS 427A.040 is hereby amended to read as follows:
427A.040 1. The Division shall, consistent with the priorities established by the Commission pursuant to NRS 427A.038:

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

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

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

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

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

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

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

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

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

~~[(j) Confer with the Department as the sole state agency in the State responsible for administering the provisions of this chapter.]~~

2. *The Division shall:*

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

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

(1) Developing and improving policies of this State concerning programs or services for persons with disabilities,



including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

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

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

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

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

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

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

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

(1) The program established pursuant to sections 25, 26 and 27 of this act to provide financial assistance to persons with physical disabilities;

(2) The programs established pursuant to sections 52 to 58, inclusive, of this act to obtain information concerning traumatic brain injuries and provide services to persons with traumatic brain injuries;

(3) The program established pursuant to section 28 of this act to provide devices for telecommunication to persons who are deaf and persons with impaired speech or hearing;



(4) Any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation acting as the designated state unit, as that term is defined in 34 C.F.R. § 364.4; and

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

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

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

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

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

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

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

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

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

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

(5) Recommends strategies and, if determined necessary by the Division, legislation for improving the ability of the State to



provide services to persons with disabilities and advocate for the rights of persons with disabilities.

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

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

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

Sec. 64. NRS 427A.060 is hereby amended to read as follows:

427A.060 The Administrator shall be appointed on the basis of his education, training, experience and demonstrated abilities and of his interest in the problems of the aged and aging ~~and~~ *and persons with disabilities.*

Sec. 65. NRS 427A.080 is hereby amended to read as follows:

427A.080 The Department through the Division may make agreements, arrangements or plans to:

1. Cooperate with the Federal Government in carrying out the purposes of this chapter or of any federal statutes pertaining to the problems of the aged and aging *and persons with disabilities* and to this end may adopt such methods of administration as are found by the Federal Government to be necessary for the proper and efficient operation of those agreements, arrangements or plans; and

2. Comply with such conditions as may be necessary to secure benefits under those federal statutes.

Sec. 66. NRS 427A.110 is hereby amended to read as follows:

427A.110 1. Except as otherwise provided in NRS 427A.270, all gifts of money which the Division is authorized to accept must be deposited in the State Treasury for credit to the Aging *and Disability* Services Division's Gift Account in the Department of Health and Human Services' Gift Fund. The money may be invested and reinvested and must be used in accordance with the conditions of the gift.

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

Sec. 67. NRS 427A.175 is hereby amended to read as follows:

427A.175 1. Within 1 year after an older patient sustains damage to his property as a result of any act or failure to act by a facility for intermediate care, a facility for skilled nursing, a residential facility for groups, an agency to provide personal care services in the home, an intermediary service organization or an agency to provide nursing in the home in protecting the property,



the older patient may file a verified complaint with the Division setting forth the details of the damage.

2. Upon receiving a verified complaint pursuant to subsection 1, the Administrator shall investigate the complaint and attempt to settle the matter through arbitration, mediation or negotiation.

3. If a settlement is not reached pursuant to subsection 2, the facility, agency, organization or older patient may request a hearing before the Specialist for the Rights of Elderly Persons. If requested, the Specialist for the Rights of Elderly Persons shall conduct a hearing to determine whether the facility, agency or organization is liable for damages to the patient. If the Specialist for the Rights of Elderly Persons determines that the facility, agency or organization is liable for damages to the patient, he shall order the amount of the surety bond pursuant to NRS 449.065 or the substitute for the surety bond necessary to pay for the damages pursuant to NRS 449.067 to be released to the Division. The Division shall pay any such amount to the older patient or the estate of the older patient.

4. The Division shall create a separate account for money to be collected and distributed pursuant to this section.

5. As used in this section:

(a) "Agency to provide nursing in the home" has the meaning ascribed to it in NRS 449.0015;

(b) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021;

(c) "Facility for intermediate care" has the meaning ascribed to it in NRS 449.0038;

(d) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039;

~~(e) "Intermediary Service Organization" has the meaning ascribed to it in NRS 426.218;~~

~~(f)~~ "Older patient" has the meaning ascribed to it in NRS 449.063; and

~~(g)~~ (f) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.

Sec. 68. NRS 449.0021 is hereby amended to read as follows:

449.0021 1. "Agency to provide personal care services in the home" means any person, other than a natural person, which provides in the home, through its employees or by contractual arrangement with other persons, nonmedical services related to personal care to elderly persons or persons with disabilities to assist those persons with activities of daily living, including, without limitation:



- (a) The elimination of wastes from the body;
- (b) Dressing and undressing;
- (c) Bathing;
- (d) Grooming;
- (e) The preparation and eating of meals;
- (f) Laundry;
- (g) Shopping;
- (h) Cleaning;
- (i) Transportation; and
- (j) Any other minor needs related to the maintenance of personal hygiene.

2. The term does not include:

(a) An independent contractor who provides nonmedical services specified by subsection 1 without the assistance of employees;

(b) An organized group of persons composed of the family or friends of a person needing personal care services that employs or contracts with persons to provide services specified by subsection 1 for the person if:

(1) The organization of the group of persons is set forth in a written document that is made available for review by the Health Division upon request; and

(2) The personal care services are provided to only one person or one family who resides in the same residence; or

(c) An intermediary service organization.

3. As used in this section, "intermediary service organization" has the meaning ascribed to it in ~~NRS 426.218.~~ *section 11 of this act.*

Sec. 69. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug abuse counselor, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment



of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in ~~[NRS 426.218.]~~ *section 11 of this act.*

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section, "agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

Sec. 70. Chapter 656A of NRS is hereby amended by adding thereto a new section to read as follows:

"Division" means the Aging and Disability Services Division of the Department of Health and Human Services.



Sec. 71. NRS 656A.020 is hereby amended to read as follows:

656A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 656A.023 to 656A.065, inclusive, *and section 70 of this act* have the meanings ascribed to them in those sections.

Sec. 72. NRS 656A.030 is hereby amended to read as follows:

656A.030 “Interpreter” means a person who is registered with the ~~{Office}~~ *Division* to engage in the practice of interpreting in this State pursuant to NRS 656A.100.

Sec. 73. NRS 656A.065 is hereby amended to read as follows:

656A.065 “Realtime captioning provider” means a person who is registered with the ~~{Office}~~ *Division* to engage in the practice of realtime captioning in this State pursuant to NRS 656A.400.

Sec. 74. NRS 656A.080 is hereby amended to read as follows:

656A.080 The ~~{Office}~~ *Division* shall:

1. Establish a registry of persons who are registered with the ~~{Office}~~ *Division* to engage in the practice of interpreting or the practice of realtime captioning. The registry must include, without limitation:

(a) The name of the person and any other information prescribed by the ~~{Office;}~~ *Division;* and

(b) If the person is registered to engage in the practice of interpreting, each professional classification in which he is registered to practice;

2. Make the registry available on an Internet website maintained by the ~~{Office;}~~ *Division;* and

3. Provide a copy of the registry without charge to any person upon request.

Sec. 75. NRS 656A.082 is hereby amended to read as follows:

656A.082 The ~~{Office}~~ *Division* shall, by regulation:

1. Prescribe for each professional classification of interpreters:

(a) The level of education and professional training, experience and certification required to engage in the practice of interpreting in that classification.

(b) The authorized scope of practice, including, without limitation, any condition, restriction or other limitation imposed on a person who practices in that classification.

2. Establish ethical standards for persons who engage in the practice of interpreting, including, without limitation, standards for maintaining confidential communications between an interpreter and a person who receives his services.



Sec. 76. NRS 656A.084 is hereby amended to read as follows:
656A.084 The ~~Office~~ **Division** shall, by regulation:

1. Prescribe the level of education and professional training, experience and certification required to engage in the practice of realtime captioning.

2. Establish ethical standards for persons who engage in the practice of realtime captioning, including, without limitation, standards for maintaining confidential communications between a realtime captioning provider and a person who receives his services.

Sec. 77. NRS 656A.086 is hereby amended to read as follows:

656A.086 1. A person who is dissatisfied with the services provided by a person who engages in the practice of interpreting or the practice of realtime captioning or becomes aware that any one or more of the grounds for initiating disciplinary action may exist as to a person who engages in the practice of interpreting or the practice of realtime captioning may file a complaint with the ~~Office~~ **Division**.

2. The ~~Office~~ **Division** shall establish procedures for investigating and resolving a complaint filed pursuant to this section.

Sec. 78. NRS 656A.088 is hereby amended to read as follows:

656A.088 Any money received by the ~~Office~~ **Division** pursuant to this chapter must be:

1. Deposited with the State Treasurer for credit to the Account for Services for Persons With Impaired Speech or Hearing created by ~~NRS 426.295;~~ **section 28 of this act;** and

2. Used by the ~~Office~~ **Division** to pay the costs incurred by the ~~Office~~ **Division** in carrying out the provisions of this chapter.

Sec. 79. NRS 656A.090 is hereby amended to read as follows:

656A.090 The ~~Office~~ **Division** shall adopt regulations to carry out the provisions of this chapter.

Sec. 80. NRS 656A.100 is hereby amended to read as follows:

656A.100 1. A person who wishes to engage in the practice of interpreting in this State must submit to the ~~Office~~ **Division:**

(a) Proof that he is at least 18 years of age;

(b) An application in the form prescribed by the ~~Office~~ **Division;**

(c) Proof that the applicant has complied with the requirements for education, training, experience and certification required for each professional classification of the practice of interpreting pursuant to this section or prescribed by a regulation of the ~~Office~~ **Division** pursuant to NRS 656A.082;



(d) If the applicant wishes to practice interpreting in a community setting as an apprentice level interpreter, proof:

(1) That the applicant possesses intermediate interpreting skills;

(2) Of current participation in a program of mentoring or an agreement to participate in a program of mentoring with an interpreter in a community setting other than an apprentice level interpreter; and

(3) Of ongoing participation in a training program for the professional development of interpreters;

(e) If the applicant wishes to practice interpreting in a community setting as a skilled interpreter, proof:

(1) That the applicant is certified as an interpreter by a nationally recognized public or private organization which is approved by the **{Office} Division** or possesses the skills necessary to practice interpreting at a skilled level in a community setting; and

(2) Of ongoing participation in a training program for the professional development of interpreters;

(f) If the applicant wishes to practice interpreting in a community setting as an advanced certified interpreter, proof:

(1) That the applicant is certified as an interpreter at an advanced level by a nationally recognized public or private organization which is approved by the **{Office} Division** or possesses the skills necessary to practice interpreting at an advanced level in a community setting; and

(2) Of ongoing participation in a training program for the professional development of interpreters;

(g) If the applicant wishes to practice interpreting in an educational setting as an apprentice level interpreter, proof:

(1) That the applicant has completed the Educational Interpreter Performance Assessment administered by a public or private organization which is approved by the **{Office} Division** and received a rating of his level of proficiency in providing interpreting services at least at level 3.0;

(2) Of current participation in a program of mentoring or an agreement to participate in a program of mentoring with an interpreter in an educational setting other than an apprentice level interpreter; and

(3) Of an individualized plan for professional development as an interpreter which includes, without limitation, specific goals for his professional development as an interpreter;

(h) If the applicant wishes to practice interpreting in an educational setting as an intermediate interpreter, proof:



(1) That the applicant has completed the Educational Interpreter Performance Assessment administered by a public or private organization which is approved by the ~~{Office}~~ *Division* and received a rating of his level of proficiency in providing interpreting services at least at level 3.1; and

(2) Of an individualized plan for professional development as an interpreter which includes, without limitation, specific goals for his professional development as an interpreter;

(i) If the applicant wishes to practice interpreting in an educational setting as an advanced interpreter, proof:

(1) That the applicant has completed the Educational Interpreter Performance Assessment administered by a public or private organization which is approved by the ~~{Office}~~ *Division* and received a rating of his level of proficiency in providing interpreting services at least at level 4.0;

(2) That the applicant possesses at least 4 years of experience practicing as an interpreter in a classroom; and

(3) Of an individualized plan for professional development as an interpreter which includes, without limitation, specific goals for his professional development as an interpreter;

(j) If the applicant wishes to obtain a supplemental registration specifically to practice interpreting in a legal setting or medical setting in addition to obtaining registration pursuant to paragraphs (d) to (i), inclusive, any information or evidence as prescribed by a regulation of the ~~{Office}~~ *Division* pursuant to NRS 656A.084; and

(k) Any other information or evidence the ~~{Office}~~ *Division* may require to determine whether the applicant has complied with the requirements to engage in the practice of interpreting.

2. The ~~{Office}~~ *Division* may, for good cause shown, waive any requirement set forth in subsection 1.

3. An applicant must identify each professional classification of the practice of interpreting for which he requests registration.

4. The ~~{Office}~~ *Division* shall:

(a) Register each applicant who complies with the applicable provisions of this section as an interpreter described in the applicable paragraph of subsection 1; and

(b) Issue to the applicant proof of registration.

Sec. 81. NRS 656A.400 is hereby amended to read as follows:

656A.400 1. A person who wishes to engage in the practice of realtime captioning in this State must submit to the ~~{Office:}~~ *Division*:

(a) Proof that he is at least 18 years of age;



(b) An application in the form prescribed by the **[Office;] Division;**

(c) Proof that the applicant has complied with the requirements for education, training, experience and certification required for the practice of realtime captioning as prescribed by a regulation of the **[Office] Division** pursuant to NRS 656A.084; and

(d) Any other information or evidence the **[Office] Division** may require to determine whether the applicant has complied with the requirements to engage in the practice of realtime captioning.

2. The **[Office] Division** shall register each applicant who complies with the provisions of this section and issue to the applicant proof of registration.

Sec. 82. NRS 656A.500 is hereby amended to read as follows:

656A.500 The following acts, among others, constitute cause for disciplinary action:

1. Engaging in behavior that is contrary to the ethical standards set forth in the regulations of the **[Office.] Division.**

2. Violation by an interpreter or realtime captioning provider of any of the provisions of this chapter or of any other law of this State or of the standards and other regulations adopted thereunder.

3. Aiding, abetting or permitting the commission of any illegal act.

4. Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada while discharging duties as an interpreter or realtime captioning provider.

5. Engaging in the practice of interpreting or the practice of realtime captioning without the skills required to meet the communication needs of the recipient of the service.

6. Engaging in unprofessional conduct as defined by the **[Office] Division** by regulation.

Sec. 83. NRS 656A.510 is hereby amended to read as follows:

656A.510 1. If an interpreter or realtime captioning provider has committed any act set forth in NRS 656A.500, the **[Office] Division** may:

(a) Suspend or revoke the registration of the interpreter or realtime captioning provider;

(b) Refuse to renew the registration of the interpreter or realtime captioning provider;

(c) Impose upon the interpreter or realtime captioning provider a fine of not more than \$5,000 for each violation of this chapter;

(d) Require the interpreter or realtime captioning provider to pay restitution; or



(e) Take such other disciplinary action as the ~~{Office}~~ *Division* deems appropriate.

2. The ~~{Office}~~ *Division* may adopt regulations setting forth a schedule of fines for the purposes of paragraph (c) of subsection 1.

3. The ~~{Office}~~ *Division* shall adopt regulations setting forth a schedule of penalties for engaging in unprofessional conduct. The schedule of penalties must not exceed the penalties set forth in this section.

Sec. 84. NRS 656A.520 is hereby amended to read as follows:

656A.520 1. When a complaint is filed with the ~~{Office,}~~ *Division*, it must be considered by a person designated by the ~~{Office,}~~ *Division*. If it appears to the person designated by the ~~{Office}~~ *Division* that further proceedings are warranted, the person shall report the results of his investigation together with his recommendation to the ~~{Office}~~ *Division* in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint.

2. The ~~{Office}~~ *Division* shall promptly make a determination with respect to each complaint reported to it by the person designated by the ~~{Office}~~ *Division* and shall dismiss the complaint or proceed with disciplinary action pursuant to chapter 622A of NRS.

Sec. 85. NRS 656A.800 is hereby amended to read as follows:

656A.800 1. Except as otherwise provided by specific statute, it is unlawful for a person to:

(a) Engage in the practice of interpreting in this State;

(b) Hold himself out as certified or qualified to engage in the practice of interpreting in this State; or

(c) Use in connection with his name any title, words, letters or other designation intended to imply or designate that he is an interpreter,

↳ unless he is registered with the ~~{Office}~~ *Division* pursuant to NRS 656A.100.

2. It is unlawful for a person to:

(a) Engage in the practice of realtime captioning in this State;

(b) Hold himself out as certified or qualified to engage in the practice of realtime captioning in this State; or

(c) Use in connection with his name any title, words, letters or other designation intended to imply or designate that he is a realtime captioning provider,

↳ unless he is registered with the ~~{Office}~~ *Division* pursuant to NRS 656A.400.



3. A person who violates the provisions of subsection 1 or 2:
 - (a) Is guilty of a misdemeanor; and
 - (b) May be assessed a civil penalty of not more than \$5,000.
4. An action for the enforcement of a civil penalty assessed pursuant to this section may be brought in any court of competent jurisdiction by the district attorney of the appropriate county or the Attorney General.

5. Any civil penalty recovered pursuant to this section must be deposited with the State Treasurer for credit to the Account for Services for Persons with Impaired Speech or Hearing created by ~~NRS 426.295.~~ *section 28 of this act.*

6. The ~~Office~~ *Division* shall report a violation of a provision of subsection 1 or 2 to the district attorney of the county in which the violation occurred or the Attorney General.

Sec. 86. NRS 704.040 is hereby amended to read as follows:

704.040 1. Every public utility shall furnish reasonably adequate service and facilities. Subject to the provisions of subsection 3, the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, must be just and reasonable.

2. Every unjust and unreasonable charge for service of a public utility is unlawful.

3. Except as otherwise provided in NRS 704.68861 to 704.68887, inclusive:

(a) A competitive supplier is exempt from any provision of this chapter governing the rates, prices, terms and conditions of any telecommunication service.

(b) A small-scale provider of last resort is subject to the provisions of this chapter, ~~NRS 426.295 and~~ chapter 707 of NRS ~~[-]~~ *and section 28 of this act.*

4. All telecommunication providers which offer the same or similar service must be subject to fair and impartial regulation, to promote adequate, economical and efficient service.

5. To maintain the availability of telephone service in accordance with the regulations adopted pursuant to NRS 704.6873, the Commission shall provide for the levy and collection of a uniform and equitable assessment, in an amount determined by the Commission, from all persons furnishing intrastate telecommunication service or the functional equivalent of such service through any form of telephony technology, unless the levy and collection of the assessment with regard to a particular form of technology is prohibited by federal law. Assessments levied and collected pursuant to this subsection must be maintained in a



separate fund established by the Commission. The Commission shall contract with an independent administrator to administer the fund pursuant to open competitive bidding procedures established by the Commission. The independent administrator shall collect the assessments levied and distribute them from the fund pursuant to a plan which has been approved by the Commission. Money in the fund must be used for the sole purpose of maintaining the availability of telephone service.

Sec. 87. The amendatory provisions of this act do not affect the current term of appointment of any person who is a member on the effective date of this act of the Committee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities or of the Advisory Committee on Traumatic Brain Injuries.

Sec. 88. On July 1, 2009, an intermediary service organization that is certified pursuant to NRS 426.301 to 426.345, inclusive, on or before June 30, 2009, becomes an intermediary service organization that is certified pursuant to sections 29 to 51, inclusive, of this act.

Sec. 89. Any balance in the Account for Services for Persons With Impaired Speech or Hearing created pursuant to NRS 426.295 that remains on June 30, 2009, must be transferred on July 1, 2009, to the Account created pursuant to section 28 of this act.

Sec. 90. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer,



agency or other entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 91. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 92. NRS 426.005, 426.205, 426.215, 426.218, 426.225, 426.235, 426.245, 426.255, 426.257, 426.258, 426.2585, 426.259, 426.2595, 426.261, 426.2615, 426.262, 426.2625, 426.263, 426.2635, 426.264, 426.265, 426.275, 426.285, 426.295, 426.301, 426.303, 426.305, 426.307, 426.309, 426.311, 426.315, 426.317, 426.319, 426.321, 426.323, 426.325, 426.327, 426.328, 426.329, 426.331, 426.333, 426.335, 426.337, 426.339, 426.341, 426.343, 426.345, 426A.010, 426A.020, 426A.030, 426A.050, 426A.060, 426A.070, 426A.080 and 656A.037 are hereby repealed.

Sec. 93. 1. This section and sections 1 to 7, inclusive, and 9 to 92, inclusive, of this act become effective on July 1, 2009.

2. Section 7 of this act expires by limitation on June 30, 2011.

3. Section 8 of this act becomes effective on July 1, 2011.

4. Sections 14 to 24, inclusive, of this act expire by limitation on June 30, 2013.

5. Sections 32, 33 and 39 of this act are effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.

