

**LCB File No. R128-99**

**PROPOSED REGULATION OF THE REHABILITATION DIVISION  
OF THE DEPARTMENT OF EMPLOYMENT, TRAINING  
AND REHABILITATION**

**PROPOSED CHANGES TO NAC 615.070 AND 615.150**

**[H]** = information to be removed  
*italicized* = information to be added

**Authority: NRS 615, Financial Assistance to Physically Disabled Individuals**

**NAC 615.070 is hereby amended to read as follows:**

**NAC 615.070 Eligibility for assistance; provision of care by division.**

1. To be eligible for financial assistance pursuant to this chapter, a person must:
  - (a) Be a resident of the state;
  - (b) Be physically disabled as diagnosed by a licensed physician;
  - (c) Require assistance in one or more of the areas described in NAC 615.090;
  - (d) Use all other resources in the community that provide essential personal care or financial assistance for essential personal care before requesting financial assistance pursuant to this chapter;
  - (e) Except as otherwise provided in subsection 2, require no more than 28 hours of essential personal care each week from this program to live independently;
  - (f) Be capable of supervising the attendant who provides the care, except that in extraordinary circumstances the review team may designate a responsible person to supervise the attendant on behalf of the otherwise eligible person;
  - (g) Be capable of participating in a plan for independent living; and

(h) Be financially eligible pursuant to the provisions of NAC 615.150.

2. In addition to the hours of essential personal care provided pursuant to paragraph (e) of subsection 1, the division may, based upon its budget and its determination of need:

(a) Provide emergency care to a recipient if his disability is exacerbated or he has a short-term illness that is not related to his disability.

(b) Provide 120 hours or less per year of respite care to relieve a family member who provides care for a person with a severe disability.

*(c) Allocate unused attendant care hours to clients with emergency needs or to individuals on the program waiting list who have respite needs.*

3. The provisions of this section do not prohibit the ~~[division]~~ *Office of Community Based Services (OCBS)* from providing ~~[28]~~ *35* hours or less of essential personal care each week for a person who is also receiving services from another program.

**NAC 615.150 is hereby amended as follows:**

**615.150 Determination of financial eligibility; percentage of costs paid by recipient; payment of costs by contractor.**

1. In determining the financial eligibility of an applicant, the gross monthly income of the applicant, ~~[and]~~ the applicant's spouse, *or in the case of a dependent child or adult who has no income and is financially supported by the family, the family's gross income* must be counted.

From the total must be deducted:

(a) Any amount paid directly by the applicant which is not reimbursed by any other source:

(1) For medicine prescribed for him by a physician;

(2) To a doctor, ~~[or]~~ hospital *or other medical facility* for medical care for the care for the applicant; and

(3) For special equipment, *services* to help him do what a person who is not disabled can do; *and*

*(4) The cost of any health insurance premiums and copayments* ~~[and~~

~~—(b) For each dependent, \$100]~~

2. Except as otherwise provided in subsection 3, a recipient must pay for essential personal care ~~[as follows:~~

	<del>Adjusted Gross</del>	<del>Percentage of Costs</del>
	<del>Monthly Income</del>	<del>Paid by Recipient</del>
Level 1	<del>\$0 — \$1200</del>	<del>0%</del>
Level 2	<del>\$1201 — \$1400</del>	<del>10%</del>
Level 3	<del>\$1401 — \$1600</del>	<del>20%</del>
Level 4	<del>\$1601 — \$2000</del>	<del>30%</del>
Level 5	<del>\$2001 — \$4000</del>	<del>50%</del>
Level 7	<del>More than \$4000</del>	<del>100%]</del>

*per the co-payment formula established by OCBS based upon the poverty rate as published annually in the Federal Register.*

3. If there are compelling and urgent circumstances *or hardship*, the contractor, with the approval of the ~~[administrator]~~ *chief*, may pay 100 percent of the cost of the essential personal

care of a recipient.