

**PROPOSED REGULATION OF THE
AGING AND DISABILITY SERVICES DIVISION OF THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

LCB File No. R013-12

May 15, 2012

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

AUTHORITY: §§1-10, NRS 427A.872.

A REGULATION relating to autism spectrum disorders; establishing provisions relating to the measurement of outcomes and the assessment and evaluation of certain persons with autism spectrum disorders; and providing other matters properly relating thereto.

Section 1. Chapter 427A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 9, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Autism spectrum disorder” has the meaning ascribed to it in NRS 427A.875.*

Sec. 4. *“Norm-referenced instrument” means an instrument that is administered to a reference group and allows for a comparison of the trait of a person to whom the instrument is administered to traits of the reference group.*

Sec. 5. *“Public agency providing autism services” means the State or a local government or an agency thereof that provides, either directly or through a grant, contract or other agreement, assessments, interventions and diagnoses of persons with autism spectrum*

disorders or who are suspected of having autism spectrum disorders through the age of 21 years.

Sec. 6. 1. *Except as otherwise provided in subsection 2, when determining whether a person is a person with autism spectrum disorder pursuant to NRS 427A.872, a public agency providing autism services shall:*

(a) Use the module of the Autism Diagnostic Observation Schedule, adopted by reference in subsection 3, that is appropriate to the person;

(b) Use a diagnostic tool approved by the Division that includes a formal interview with the parents of the person or, if found to be appropriate by the professional making the determination, a different relative or caregiver of the person; and

(c) Ensure that any professional making the determination is fully trained in the use of the Autism Diagnostic Observation Schedule and the diagnostic tool.

2. *If a public agency providing autism services wishes to use a diagnostic tool other than the tools listed in subsection 1 to determine whether a person is a person with autism spectrum disorder, the public agency providing autism services must obtain a waiver from the Division before using the alternative diagnostic tool. The Division may grant such a waiver if the public agency providing autism services demonstrates that the alternative diagnostic tool includes, without limitation:*

(a) Direct observation of the person by the professional conducting the assessment;

(b) A review of the person's developmental history; and

(c) Components to:

(1) Determine the person's cognitive level;

(2) Measure the person's adaptive, social and emotional behavior; and

(3) Assess the person's receptive and expressive language levels.

3. The most recently published version of the Autism Diagnostic Observation Schedule by Western Psychological Services is hereby adopted by reference and is effective unless, within 30 days after its publication, the Administrator gives written notice that all or part of the revisions to the Autism Diagnostic Observation Schedule are not suitable for this State. If the Administrator gives notice pursuant to this subsection, any part deemed unsuitable is not effective in this State beginning 30 days after the notice is published. This publication is available by mail from Western Psychological Services, 625 Alaska Avenue, Torrance, California 90503-5124, or at the Internet address <http://www.wpspublish.com/>.

Sec. 7. 1. *A public agency providing autism services shall conduct an assessment, as described in subsection, 3 of a person with autism spectrum disorder or who is suspected of having autism spectrum disorder:*

(a) Before providing services to the person or, if a diagnosis of autism spectrum disorder is made after the public agency providing autism services begins to provide services to the person, after the diagnosis is made.

(b) Except as otherwise provided in subsection 2, at the time the person ceases to receive services from the public agency providing autism services.

2. The requirements of paragraph (b) of subsection 1 do not apply if the person with autism spectrum disorder began receiving early intervention services from the Health Division of the Department not more than 90 days before the person reached the age of 3 years.

3. An assessment conducted pursuant to this section must include, without limitation, an assessment of the:

(a) Physical health of the person, including, without limitation, the vision and hearing of the person;

(b) Cognitive ability of the person using a norm-referenced instrument;

(c) Receptive and expressive language levels of the person using a norm-referenced instrument; and

(d) Adaptive behavior of the person in multiple settings using a standardized measure of adaptive behavior.

4. As used in this section, “early intervention services” has the meaning ascribed to it in 20 U.S.C. § 1432.

Sec. 8. 1. *On or before August 31 of each year, in addition to the information required to be reported pursuant to NRS 442.760, the Health Division of the Department shall report to the Aging and Disability Services Division data concerning each person with autism spectrum disorder who receives services through a program operated by the Health Division or through a grant, contract or other agreement with the Health Division. Such data must include, without limitation, as appropriate to the age of the person:*

(a) Generalized imitation skills of the person;

(b) Ability of the person to visually discriminate;

(c) Ability of the person to follow a two-step instruction;

(d) Ability of the person to express wants and needs;

(e) Ability of the person to play appropriately with at least five toys;

(f) Cognitive level of the person;

(g) Adaptive, social and emotional behavior of the person; and

(h) Receptive and expressive language levels of the person at intake and, if available, when services ceased.

2. In addition to the data reported pursuant to subsection 1, the Health Division shall include in the report submitted to the Aging and Disability Services Division the number of persons who:

(a) Are determined to be persons with autism spectrum disorders through the use of the Autism Diagnostic Observation Schedule as one of the tools required to be used when making a determination pursuant to section 6 of this regulation; and

(b) Receive services through a program operated by the Health Division or through a grant, contract or other agreement with the Health Division.

Sec. 9. 1. *On or before August 31 of each year, in addition to the information required to be reported pursuant to NRS 615.205, the Department of Employment, Training and Rehabilitation shall report to the Division data about each person with autism spectrum disorder receiving vocational rehabilitation services through the Department. To the extent applicable, such information must include, without limitation, the:*

(a) Types of support or training needed by the person to obtain employment or remain employed;

(b) Amount of money spent on support or training for the person by the Department since August 31 of the previous year;

(c) Number of hours worked by the person since August 31 of the previous year;

(d) Average hourly rate of compensation received by the person since August 31 of the previous year;

(e) Number of times the person has returned to the Department for supplemental vocational rehabilitation services;

(f) Date on which the person began working and the job title of the position;

(g) Date on which the person stopped receiving vocational rehabilitation services; and

(h) Reason for which the person stopped receiving vocational rehabilitation services.

2. As used in this section, “vocational rehabilitation services” has the meaning ascribed to it in NRS 615.140.

Sec. 10. Notwithstanding the provisions of sections 8 and 9 of this regulation to the contrary, the Health Division of the Department of Health and Human Services and the Department of Employment, Training and Rehabilitation are not required to satisfy the requirements of sections 8 and 9 of this regulation until August 31, 2013.