

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

LCB File No. R017-12

May 24, 2012

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

AUTHORITY: §§1-11, NRS 427A.070.

A REGULATION relating to subsidized transportation by taxicab; revising provisions relating to the provision of subsidized transportation by taxicab for elderly persons and persons with permanent disabilities; and providing other matters properly relating thereto.

Section 1. Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *As used in NAC 706.858 to 706.870, inclusive, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Applicant” means a person who applies to participate in the Program.*

Sec. 4. *“Division” means the Aging and Disability Services Division of the Department of Health and Human Services.*

Sec. 5. *“Participant” means a person whose application to participate in the Program has been approved by the Division pursuant to NAC 706.861.*

Sec. 6. *“Program” means the program to subsidize transportation for elderly persons and persons with permanent disabilities created pursuant to NAC 706.858.*

Sec. 7. NAC 706.858 is hereby amended to read as follows:

706.858 A program to subsidize transportation for elderly persons and persons with permanent disabilities is hereby created. The money received by the ~~[Aging Services]~~ Division pursuant to subsection 5 of NRS 706.8825 will be used by the Division to reimburse holders of a certificate for the coupons which are purchased by ~~[eligible]~~ participants pursuant to the provisions of NAC 706.864 and used for transportation by taxicab.

Sec. 8. NAC 706.861 is hereby amended to read as follows:

706.861 1. A resident of this State who ~~[is:~~

~~—(a) At least 60 years of age; or~~

~~—(b) Permanently disabled by a physical or mental condition that materially limits or contributes to limiting his activities or functioning;~~

~~→ is] desires to participate in the Program must submit an application to the Division on a form prescribed by the Division. To the extent that money is available for that purpose, the Division will approve the application of a person who it determines is eligible to participate in the [program. Before he may purchase a coupon, he must register with the Aging Services Division and provide proof of his domicile, which may include proof of residency for voting, a bill from a utility, an affidavit of residency or any other form of proof approved by the Division.]~~
Program pursuant to subsection 2.

2. ~~[He must also provide proof of his:]~~ *To be eligible to participate in the Program, an applicant must demonstrate:*

(a) That he or she is at least 60 years of age or permanently disabled by a physical or mental condition that materially limits or contributes to limiting his or her activities or functioning by submitting the proof described in subsection 3;

(b) That he or she is a resident of this State by providing proof of his or her domicile, which may include proof of residency for voting, a bill from a utility, an affidavit of residency or any other form of proof approved by the Division; and

(c) That his or her annual gross income meets the requirements set forth in subsection 4.

3. To establish that he or she meets either requirement set forth in paragraph (a) of subsection 2, an applicant must submit proof of:

(a) Age, which may include any recognized form of identification containing a picture of the holder, a certificate of birth, baptism or marriage or any other form of proof approved by the ~~[Aging Services]~~ Division; or

(b) Disability, which may include:

(1) A certificate from a physician;

(2) A certificate from the Bureau of Services to Persons Who Are Blind or Visually Impaired or the Bureau of Vocational Rehabilitation of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation, the Nevada Association for the Handicapped or Opportunity Village; or

(3) Any other form of proof approved by the Division.

~~[3. Any eligible person who was a participant in the program but who has not purchased coupons for 2 years or more must register in the manner provided in this section before he may purchase coupons.]~~

4. An applicant must demonstrate that his or her annual gross income is not more than 400 percent of the federally designated level signifying poverty for the size of family applicable to the person, as determined by the United States Department of Health and Human Services and published annually in the Federal Register.

5. *For the purpose of determining the annual gross income of an applicant, the Division:*
- (a) Will calculate the monthly household income for the month in which an application is filed with the Division and multiply that number by 12; or*
 - (b) May, if the household income fluctuates from month to month:*
 - (1) Add the monthly household income over a period of at least 2 months;*
 - (2) Divide the sum calculated pursuant to subparagraph (1) by the number of months within the period described in subparagraph (1); and*
 - (3) Multiply the quotient calculated pursuant to subparagraph (2) by 12.*
6. *To determine the annual gross income of an applicant, any income received from a source identified in NAC 427A.408 must be subtracted from the total amount of income received by the applicant.*
7. *All income, except income excluded pursuant to subsection 6, must be verified, documented and counted in determining the eligibility or continued eligibility of an applicant or participant.*
8. *Except as otherwise provided in this subsection, the approval of an application by the Division to participate in the Program pursuant to this section is valid for 1 year, and the participant may reapply for participation in the Program by submitting an application in the same manner as the original application. A participant whose annual gross income increases such that the participant is no longer eligible to participate in the Program pursuant to subsection 4 must immediately notify the Division and return any unused coupons. Such a participant may reapply for the Program if he or she becomes eligible by submitting an application in the same manner as the original application.*

9. As used in this section, “household income” means the income received by an applicant and the spouse of the applicant, if applicable.

Sec. 9. NAC 706.864 is hereby amended to read as follows:

706.864 1. ~~[Coupons]~~ *The Division will make available for purchase by participants coupon booklets containing 20 coupons in denominations of \$1 ~~[may be purchased by eligible participants for 50 cents a coupon.]~~ or 4 coupons in denominations of \$5.*

2. *A participant whose annual gross income is:*

(a) Less than or equal to 125 percent of the federally designated level signifying poverty may purchase not more than five booklets per month at a cost of \$10 per booklet.

(b) Greater than 125 percent but less than or equal to 200 percent of the federally designated level signifying poverty may purchase not more than four booklets per month at a cost of \$10 per booklet.

(c) Greater than 200 percent but less than or equal to 300 percent of the federally designated level signifying poverty may purchase not more than three booklets per month at a cost of \$10 per booklet.

(d) Greater than 300 percent but less than or equal to 400 percent of the federally designated level signifying poverty may purchase not more than three booklets per month at a cost of \$15 per booklet.

3. A coupon may be used to purchase service by a taxicab in the same manner as currency of the United States.

~~[3.]~~ 4. Certificate holders and their drivers shall accept the coupons in the same manner as currency of the United States.

~~[4.]~~ 5. The ~~[Aging Services]~~ Division will reimburse a participating holder of a certificate ~~[\$1]~~ *in the amount of the denomination of a coupon* for each authentic coupon submitted to the Division by the holder.

~~[5.]~~ 6. A coupon is not refundable and is void after the date of expiration printed on it.

7. *The Division may increase or decrease the number of coupon booklets that are made available for purchase per month by a participant in each income category set forth in subsection 2, depending on the amount of money available for that purpose.*

8. *Before purchasing a coupon booklet, a participant must:*

(a) Report to the Division any changes in his or her income since his or her application was approved; and

(b) If his or her income has changed since his or her application was approved, submit verification of his or her current income to the Division.

9. *The Division may allow a participant to purchase more coupon booklets than the participant is otherwise authorized to purchase pursuant to subsection 2 if the Division determines that the participant has a qualifying hardship. The Division may determine that a participant has a qualifying hardship if the participant submits documentation satisfactory to the Division that:*

(a) The cost of travel to medical appointments for the participant is causing a hardship; or

(b) The participant has any other hardship that the Division determines is a qualifying hardship.

Sec. 10. NAC 706.870 is hereby amended to read as follows:

706.870 1. Any ~~[eligible]~~ participant who:

(a) Obtains coupons by means of a false statement; ~~[or]~~

(b) *Fails to report a change in his or her income pursuant to subsection 8 of NAC 706.864;*

or

(c) Transfers or sells coupons to any other person,

↳ may not purchase additional coupons for 1 year after the time of the infraction.

2. A taxicab driver shall not:

(a) Accept coupons upon which the signatures do not match.

(b) Present any coupon to his employer for payment which was not given to him by ~~an~~
~~eligible~~ a participant in exchange for transportation.

(c) Fail to endorse his name and permit number on the reverse of any coupon presented to his employer for payment.

Sec. 11. NAC 706.867 is hereby repealed.

TEXT OF REPEALED SECTION

706.867 Distribution of coupons. (NRS 427A.070)

1. Coupons are available for purchase by eligible participants from the Aging Services Division.

2. The Division shall determine for each distribution of coupon books the number of coupon books which may be purchased at one time.