

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

LCB File No. R019-12

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

TBI Regulations

NAC 427A.XXX “Administrator” defined. “Administrator” means the Administrator of the Division.

NAC 427A.XXX “Applicant” defined. “Applicant” means a person who requests a determination of eligibility for services.

NAC 427A.XXX “Contractor” defined. “Contractor” means any person, governmental agency, private agency or organization with which the Division enters into a contract.

NAC 427A.XXX “Division” defined. “Division” means the Aging and Disability Services Division of the Department of Health and Human Services.

NAC 427A.XXX “Recipient” defined. “Recipient” means a person who receives services for traumatic brain injury.

NAC 427A.XXX Duties of the Division.

- 1. The Division will:
 - a. Ensure the provision of services pursuant to NRS 427A.850, either directly or through one or more Contractors.*
 - b. Conduct an administrative review on an annual basis; and*
 - c. Ensure that all relevant issues are considered during the administrative review.**
- 2. The administrative review will evaluate:
 - a. The Contractor’s facility to ensure it is accessible to persons with disabilities;*
 - b. Client case files for compliance with prescribed policies and procedures;*
 - c. Client satisfaction with the services provided;*
 - d. Program impacts on the independence of those receiving services;*
 - e. Performance against stated program objectives; and*
 - f. Service delivery for compliance with prescribed policies and procedures.**

NAC 427A.XXX Reporting information related to persons with traumatic brain injury to the Division.

- 1. Information submitted to the Health Division pursuant to NRS 450B.238 satisfies the reporting requirements of the program.*

NAC 427A.XXX Eligibility.

- 1. In order to be eligible for services, a Recipient must:*
 - a. Be a resident of the State;*
 - b. Be diagnosed as a person with a traumatic brain injury pursuant to NRS 427A.800;*
 - c. Require assistance in one or more of the areas described in NRS 427A.850;*
 - d. Exhaust all other resources, including public or private health insurance, available to pay for the services authorized; and,*
 - e. Meet criteria established by the Division for suitability as a Recipient of services.*

NAC 427A.XXX Order of priority for disbursement of financial assistance.

- 1. Individuals applying for services and deemed eligible will be served in the order they applied for services. If an Applicant is not ready to begin services at the time services are available, services will be offered to the next eligible person, but the Applicant will retain their position on the program waiting list, should they desire to continue pursuing services.*

NAC 427A.XXX Contracts for services: (Criteria)

Any Contractor under contract with the Division for the provision of traumatic brain injury services shall:

- 1. Establish and maintain accreditation with the Commission on Accreditation of Rehabilitation Facilities (CARF), if the Contractor is to provide rehabilitation services under the program;*
- 2. Employ persons who have a personal or professional knowledge of traumatic brain injury and an understanding of services needed;*
- 3. Determine a Recipient's eligibility;*
- 4. Provide services according to their contract and within the scope of NRS 427A.850; and,*
- 5. Provide referrals to other services as appropriate to the needs of Recipients.*

NAC 427A.XXX Monitoring and evaluation of program.

- 1. The Division will monitor the management and the financial records of the Contractor and shall evaluate the Contractor's efficiency in administering the provisions of the contract.*
- 2. The Contractor shall submit to the Division:*
 - a. Reports as prescribed by the Division summarizing the activities of the services provided to persons with traumatic brain injuries; and,*
 - b. Such other reports as the Division requests.*

NAC 427A.XXX Appeal of decision of Contractor.

1. *A Recipient who disagrees with a decision of the Contractor may, within 15 working days after he receives notice of the decision, file an appeal with the Contractor. The Contractor:*
 - (a) *May require the Applicant or Recipient to submit, in writing, evidence to support the appeal; and*
 - (b) *Shall render his decision in writing within 30 days after he receives the appeal.*
2. *The Recipient may appeal the decision of the Contractor to the Administrator by filing a notice of appeal within 15 working days after he receives notice of the decision of the Contractor. The Administrator:*
 - (a) *Will review the decision in an informal procedure;*
 - (b) *May require the Applicant, Recipient or Contractor to submit, in writing, additional evidence to support the appeal or the decision; and*
 - (c) *Will render his decision in writing within 30 days after he receives the notice of the appeal.*
3. *The decision of the Administrator is a final decision for the purposes of judicial review.*

NAC 427A.XXX Care provided to a Recipient may be terminated if the Recipient:

1. *Fails to provide documents needed;*
2. *Willfully defrauds the program;*
3. *Fails to comply with the service requirements set forth by the Division; or,*
4. *Voluntarily withdraws from the program.*