

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

**LCB File No. R019-12**

May 10, 2012

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

AUTHORITY: §§1-8 and 10-15, NRS 427A.860; §9, NRS 427A.810 and 427A.860.

A REGULATION relating to traumatic brain injuries; establishing the Program for Persons With Traumatic Brain Injuries; establishing procedures for the provision of services to persons with traumatic brain injuries through the Program; allowing the Aging and Disability Services Division of the Department of Health and Human Services to contract for services under the Program; establishing procedures for the reporting of certain information relating to persons with traumatic brain injuries; 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 15, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 15, inclusive, of this regulation, 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 for services through the Program.*

**Sec. 4.** *“Contractor” means any person or governmental entity with which the Division enters into a contract to provide services for the Program.*

**Sec. 5.** *“Program” means the Program for Persons With Traumatic Brain Injuries established pursuant to section 7 of this regulation.*

**Sec. 6.** *“Recipient” means a person who receives services for a traumatic brain injury through the Program.*

**Sec. 7. 1.** *The Program for Persons With Traumatic Brain Injuries is hereby established.*

*2. The Division will provide services for traumatic brain injuries through the Program either directly or through one or more contractors.*

**Sec. 8. 1.** *The Division will conduct a review of the Program on an annual basis.*

*2. When conducting a review pursuant to subsection 1, the Division will evaluate:*

*(a) The facility of each contractor to determine whether the facility is accessible to persons with disabilities;*

*(b) A sample of the case files of recipients to determine whether the case files are maintained in compliance with all applicable policies and procedures of the Division;*

*(c) The satisfaction of a sample of the recipients with the services received;*

*(d) The impact of the Program on the independence of recipients;*

*(e) The effectiveness of the Program; and*

*(f) The delivery of services to recipients by each contractor to determine whether services were delivered in compliance with all applicable policies and procedures of the Division and the contract with the Division.*

**Sec. 9.** *The chief administrative officer of each hospital in this State shall ensure that the hospital submits to the Health Division of the Department the quarterly reports required pursuant to NAC 450B.768. Submission of the quarterly reports satisfies the requirements of NRS 427A.820.*

**Sec. 10.** *A person who wishes to participate in the Program must submit an application on a form prescribed by the Division to the Division or to a contractor designated by the Division. The application must require an applicant to demonstrate that the applicant:*

- 1. Is a resident of this State;*
- 2. Has been diagnosed with a traumatic brain injury;*
- 3. Requires assistance in one or more of the areas described in NRS 427A.850;*
- 4. Has exhausted all other resources available to pay for the services offered through the Program, including, without limitation, public and private health insurance; and*
- 5. Meets any other requirements of the Division to establish that the applicant is suitable to be a recipient.*

**Sec. 11.** *The Division or the contractor will maintain a list of applicants who have been approved to participate in the Program in the order in which their applications are approved. The Division or the contractor will provide services to each such applicant in the order in which the name of the applicant appears on the list. If an applicant is not prepared to accept services when offered, the services will be offered to the next applicant on the list. In such a case, the applicant who does not accept services may elect whether to retain his or her position on the list or be removed from the list.*

**Sec. 12.** *1. Any contract entered into between the Division and a contractor will contain provisions that require the contractor to:*

- (a) If the contractor provides rehabilitation services under the Program, establish and maintain accreditation with CARF International, or its successor organization;*

*(b) Maintain employees who have personal or professional knowledge of traumatic brain injuries and an understanding of the services required by a person with a traumatic brain injury; and*

*(c) Determine whether an applicant is eligible for services pursuant to section 10 of this regulation.*

*2. The contractor shall:*

*(a) Provide services in accordance with the contract entered into with the Division and within the scope of NRS 427A.850; and*

*(b) Provide referrals to recipients as necessary for other services that are not provided by the contractor.*

**Sec. 13.** *1. The Division will monitor the management and financial records of each contractor and will evaluate the effectiveness of each contractor in carrying out its duties established in its contract with the Division.*

*2. Each contractor shall submit to the Division:*

*(a) Reports summarizing the services provided through the Program to persons with traumatic brain injuries at the times and on the forms specified by the Division; and*

*(b) Any other reports requested by the Division.*

**Sec. 14.** *1. An applicant or recipient who disagrees with a decision of a contractor relating to eligibility for services or the services provided through the Program may, within 15 working days after the applicant or recipient receives notice of the decision, file an appeal with the contractor.*

*2. The contractor:*

*(a) May require the applicant or recipient to submit, in writing, evidence to support the appeal; and*

*(b) Shall render a decision in writing within 30 days after it receives the appeal.*

*3. An applicant or recipient may appeal the decision of a contractor pursuant to subsection 2 to the Administrator by filing a notice of appeal within 15 working days after the applicant or recipient receives notice of the decision.*

*4. The Administrator:*

*(a) Will review the decision in an informal proceeding;*

*(b) May require the applicant, recipient or contractor to submit, in writing, additional evidence to support the appeal or the decision, as applicable; and*

*(c) Will render his or her decision in writing within 30 days after receiving the notice of the appeal.*

*5. The decision of the Administrator is a final decision for the purposes of judicial review.*

**Sec. 15.** *Services provided to a recipient may be terminated if the recipient:*

*1. Fails to provide any documents needed to evaluate his or her eligibility for services through the Program or in the recipient's plan of care;*

*2. Willfully defrauds the Program;*

*3. Fails to comply with any provision of sections 2 to 15, inclusive, of this regulation; or*

*4. Voluntarily withdraws from the Program.*