

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

LCB File No. R027-14

Effective October 24, 2014

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

AUTHORITY: §§1-4, 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.

Legislative Counsel's Digest:

Under existing law, the Administrator of the Aging and Disability Services Division of the Department of Health and Human Services is required to adopt regulations establishing a program to subsidize the transportation by taxicab of elderly persons and persons with permanent disabilities. (NRS 427A.070)

Existing regulations provide that money received by the Division to administer the program will be used to reimburse holders of a certificate of public convenience and necessity for coupons which are purchased by participants and used for transportation by taxicab. (NAC 706.858) Existing regulations also set forth: (1) the denominations and quantities of coupons that a qualified participant may purchase; (2) the annual gross income requirements a participant must meet to qualify; and (3) prohibitions on the misuse of coupons. (NAC 706.864, 706.870)

Sections 1, 3 and 4 of this regulation provide for the Division to issue methods of currency exchange other than coupons to administer the program. **Section 2** of this regulation requires the Division to administer the program based upon guidelines identified by the United States Department of Health and Human Services and relating to the federally designated level signifying poverty. **Section 3** also eliminates provisions that specify the denomination and quantities of coupons a participant may purchase based upon income and authorizes the Division to adjust the number and price of coupons or other methods of currency exchange based upon the money available for the program and the number of persons eligible for or participating in the program.

Section 1. 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 Division pursuant to subsection ~~5~~ 7 of NRS 706.8825 will be used by the Division to reimburse holders of a certificate for the coupons *or other methods of currency exchange made available by the Division* which are purchased by participants pursuant to the provisions of NAC 706.864 and used for transportation by taxicab.

Sec. 2. NAC 706.861 is hereby amended to read as follows:

706.861 1. A resident of this State who 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 pursuant to subsection 2.

2. 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 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.

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. *The Division will administer the program based upon the guidelines identified by the United States Department of Health and Human Services for the determination of income and other factors relating to the federally designated level signifying poverty.*

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.†~~ 6. All income, except income excluded pursuant to subsection ~~†6.†~~ 5, must be verified, documented and counted in determining the eligibility or continued eligibility of an applicant or participant.

~~†8.†~~ 7. 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.†~~ 8. As used in this section, “household income” means the income received by an applicant and the spouse of the applicant, if applicable.

Sec. 3. NAC 706.864 is hereby amended to read as follows:

706.864 1. The Division will make available for purchase by participants ~~†coupon booklets containing 20 coupons in denominations of \$1 or 4 coupons in denominations of \$5.†~~

coupons or other methods of currency exchange, including, without limitation, cards for electronic benefits transfer.

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 two booklets per month at a cost of \$10 per booklet.†~~

The Division will consider the limits of money available for the purpose of the program and the number of persons eligible for or participating in the program and may adjust the purchase price or quantity of available coupons or other methods of currency exchange as a result thereof.

3. A coupon *or other method of currency exchange made available by the Division* may be used to purchase service by a taxicab in the same manner as currency of the United States.

4. Certificate holders and their drivers shall accept the coupons *or other methods of currency exchange made available by the Division* in the same manner as currency of the United States.

5. The Division will reimburse a participating holder of a certificate ~~in the amount of the denomination of a coupon~~ for each authentic coupon *or other method of currency exchange made available by the Division* submitted to the Division by the holder.

6. A coupon *or other method of currency exchange made available by the Division* 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. 4. NAC 706.870 is hereby amended to read as follows:

706.870 1. Any participant who:

(a) Obtains coupons *or other methods of currency exchange made available by the Division* by means of a false statement; *or*

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

~~—(e)]~~ Transfers or sells coupons *or other methods of currency exchange made available by the Division* to any other person,

↪ may not purchase additional coupons *or other methods of currency exchange made available by the Division* for 1 year after the time of the infraction.

2. A taxicab driver shall not:

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

~~—(b)]~~ Present any coupon *or other method of currency exchange made available by the Division* to the taxicab driver's employer for payment which was not given to him or her by a participant in exchange for transportation.

~~[(e)]~~ (b) Fail to endorse the taxicab driver's name and permit number on the reverse of any coupon *or other method of currency exchange made available by the Division, if applicable,* presented to his or her employer for payment.

NOTICE OF ADOPTION OF PROPOSED REGULATIONS
LCB File No. R027-14

The Aging and Disability Services Division of the Department of Health and Human Services adopted regulations assigned LCB File No. R027-14 which pertain to Chapter 427A of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

- 1. Statement of need for and purpose of the proposed regulation.**
Current regulations require a four-tier system of qualifications, which is too constraining to address program and client needs. The new regulations retain all of the qualification requirements except for the four-tier system, which will allow better use of the resources. Additionally, the new regulations allow for electronic delivery of program benefits. Finally, these regulations allow the program to be adjusted to meet any budgetary restraints. All of these changes are to provide the ability to use the existing resources from the Taxi Authority to provide services to the most vulnerable people in Clark County.
- 2. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.**
A public workshop was held on May 19, 2014, in conjunction with a Commission on Aging Meeting. There was no public response to the changes in the regulations. A public hearing was held on June 24, 2014, in Clark County. There was no public response to the changes in the regulations. A copy of the notice of the hearing, along with an explanatory letter, was sent to all recipients of the Taxi Assistance Program coupons. Six people who were recipients attended the hearing. None had any comments about the change in regulations. There were 11 written responses.
- 3. The number of persons who: (a) attended each hearing; (b) testified at each hearing; and (c) submitted to the agency written statements.**
Twenty-one people attended the public workshop, with no testimony. Ten people attended the public hearing, with no testimony. There were 11 written comments.
- 4. For each of the people who testified and/or submitted written statements (attach additional pages if necessary): Please see attached.**

 - Name
 - Telephone number
 - Business address
 - Business telephone number
 - Electronic mail address; and
 - Name of entity or organization represented.

5. **A description of how comment was solicited from affected businesses, a summary of their response a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**
Please see the attached Small Business Impact Statement. There is no impact to small businesses. A copy of the report can be obtained by making a request to Aging and Disability Services, Taxi Assistance Program, 1860 East Sahara, Las Vegas NV 89104 or calling 702-486-3545.
6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**
There were no comments from the public requesting a change in the regulations as proposed by Aging and Disability Services Division and written by the Legislative Counsel Bureau.
7. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
 - a. **Both adverse and beneficial effects:**
 - b. **Both immediate and long-term effects:**

There will be no economic effects from these changes to the regulations. The state budget will not be affected, and the amount of money from the Taxi Authority that is used to provide the services will remain the same. These changes will result in increased efficiency in the use of the existing resources. This will be an immediate and a long-term effect.
8. **The estimated cost to the agency for enforcement of the adopted regulation.**
The cost to the agency will not increase as a result of the change in the regulations.
9. **A description of any regulation of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulations, the name of the regulating agency.**
Not applicable.
10. **If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**
Not applicable. This program applies only to Clark County Nevada.
11. **If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**
No new fees or increases in existing fees are included in this regulation.

Prepared by Sally Ramm, Elder Rights Attorney, Aging and Disability Services Division
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RESPONSES TO PROPOSED CHANGES IN NAC R027-14
AGING AND DISABILITY SERVICES DIVISION

Information Statement, #4 Written statements received from:

Mrs. Rosenberg (no additional information)
Helena Halpern
400 North Manor Avenue, #214
Henderson NV 89015

Lynn Landsman (no additional information)

Priscilla Boerum
588 Decidedly Street
Henderson NV 89015-6933

Violet Gregory
Unit 1143
3125 No. Buffalo Drive
Las Vegas NV 89128-7832

Helena Halpern
400 North Major Ave. #214
Henderson NV (zip illegible)

(Signature illegible – no additional information)

(No signature or other information)

Esther Lynn
4746 Woodridge Road
Las Vegas NV 89121
(702) 458-1613

Shaetonna Jackson (no additional information)

Robert J. Piantosi
1111 North Lamb Blvd., Space 164
Las Vegas NV 89110-1345