

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

**LCB File No. R028-14**

***JOBS AND DAY TRAINING SERVICES***  
***(Replace current NAC 435.200-435.350)***

***NAC 435.XXX Policy and scope. (NRS 435.XXX)***

- 1. It is the policy of the Division to establish standards for Jobs and Day Training services provided to persons with a diagnosis of intellectual disability or person with related conditions within the community that will ensure their basic and specialized needs are fulfilled.***
- 2. NAC 435.XXX to 435.XXX, inclusive, reflect the desire of the Division to ensure that Jobs and Day Training services are provided in accordance with best practices for care, protection, supervision, guidance and training.***
- 3. NAC 435.XXX to 435.XXX, inclusive, do not preclude any person who is seeking Jobs and Day Training services, or any person or agency which is making a referral or will be paying for such services, from requiring higher standards or additional services not in conflict with NAC 435.XXX to 435.XXX, inclusive, as a condition of the provision of Jobs and Day Training services, referral or payment of a specified rate.***

***NAC 435.XXX Definitions (NRS 435. XXX) As used in NAC 435, XXX to 435.XXX inclusive, unless the context otherwise requires, the words and terms defined in NAC 435.XXX to 435.XXX, inclusive, have the meanings ascribed to them in those sections.***

***NAC 435.XXX “Certificate” defined. (NRS 435.172) “Certificate” has the meaning ascribed to it in NRS 435.172.***

***NAC 435.XXX “Division” defined. (NRS 435.007) “Division” has the meaning ascribed to it in NRS 435.007.***

***NAC 435.XXX “Guardian” defined. (NRS 435.220) “Guardian” means a person who has qualified as the guardian of a person with intellectual disability or a person with a related condition pursuant to testamentary or judicial appointment.***

***NAC 435.XXX “Intellectual disability” defined. (NRS.433.174) “Intellectual disability” has the meaning ascribed to it in NRS 433.174***

***NAC.435.XXX “Person with related conditions” defined. “Person with related conditions” has the meaning ascribed to it in NRS.433.211.***

***NAC 435.XXX “Nonprofit organization” defined. (NRS 435.179) “Nonprofit organization” has the meaning ascribed to it in NRS 435.179.***

*NAC 435.XXX “Parent” defined. (NRS 435.220) “Parent” means the natural or adoptive parent of a person with intellectual disability or a person with a related condition who is less than 18 years of age.*

*NAC 435.XXX “Person” defined. (NRS 435.220) “Person” has the meaning ascribed to it in NRS 435.007.*

*NAC 435.XXX “Provider of Jobs and Day Training Services” defined. (NRS 435.220) “Provider of Jobs and Day Training services” means a natural person who, or a partnership, firm, corporation, association, state or local government or agency thereof that has been certified by the Division.*

*NAC 435.XXX “Provisional certificate” defined. (NRS 435.220) “Provisional certificate” means a temporary certificate issued by the Division to a new provider pending the issuance of a certificate pursuant to the successful completion of the initial quality assurance review.*

*NAC 435 XXX “Probationary certificate” defined. (NRS 435.220) “Probationary certificate” means a temporary certificate issued by the Division following completion of a quality assurance review, which could result in one or more sanctions. The “probationary certificate” is time limited. The issuance of a probationary certificate constitutes grounds for revocation of current certificate.*

*NAC 435.XXXX “Quality Assurance Review” defined. (NRS 435.220) “Quality Assurance Review” means a review of the provision of Jobs and Day Training services by the holder of a provisional certificate or a certified provider of Jobs and Day Training services pursuant to NAC 435.XXX.*

*NAC 435.XXX “Regional Center” defined. (NRS 433.220) “Regional Center” means an agency of the Division which provides services for persons with intellectual disability and persons with related conditions for a designated geographic location in the State and includes any of the following:*

- 1. The Desert Regional Center;*
- 2. The Sierra Regional Center; and*
- 3. The Rural Regional Center.*

*NAC 435.XXX “Jobs and Day Training services” defined (NRS 435.176) “Jobs and Day Training services” has the meaning ascribed to it in NRS 435.176.*

*NAC 435.XXX Certificate required for payment from Division. (NRS 435.220, 435.225) A provider of Jobs and Day Training services must have a certificate to be eligible to receive payment from the Division for the provision of Jobs and Day Training services.*

*NAC 435.XXX Provisional certificate: Submission and contents of application. (NRS 435.220) A completed application for a provisional certificate must be submitted to the Division, on a form furnished by the Division, and must include, without limitation:*

- 1. For an individual provider of Jobs and Day Training services who is a natural person:*

- (a) *The applicant must be 18 years of age or older;*
  - (b) *Three or more positive, professional references;*
  - (c) *A Business Associate Agreement which is signed by the provider and which states that the provider agrees to maintain the confidentiality of any person who receives Jobs and Day Training services;*
  - (d) *A copy of the state business license and registration with the State of Nevada Secretary of State, as applicable or written verification of exemption and also a local business license, as applicable;*
  - (e) *Proof that the applicant has successfully completed a classroom course in cardiopulmonary resuscitation according to the guidelines of the American Red Cross or American Heart Association;*
  - (f) *Proof that the applicant is currently certified in standard first aid through a classroom course from:*
    - (1) *The American Red Cross;*
    - (2) *The American Heart Association; or*
    - (3) *An equivalent course in standard first aid, if the applicant submits proof that such course meets or exceeds the requirements of the American Red Cross or the American Heart Association;*
  - (g) *Proof of qualification of meeting criteria of a Qualified Intellectual Disability Professional (QIDP), as set forth in 42CFR 8 483.340, unless waived by the Regional Center;*
  - (h) *Proof that the applicant of Jobs and Day Training Services have a State and Federal Bureau of Investigation (FBI) criminal history clearance;*
  - (i) *Proof that the applicant has clearance from the Office of Inspector General Exclusionary List;*
  - (j) *Proof that liability insurance is maintained in accordance with the requirements of State of Nevada Risk Management Regulations;*
  - (k) *Proof of Workers' Compensation Insurance or Affidavit of Rejection in accordance with Nevada State Law;*
  - (l) *Proof that the applicant has sufficient working capital to ensure that the applicant would be financially capable of providing Jobs and Day Training services for a period of at least three months without receiving compensation; and*
  - (m) *Any other information required by the Division.*
2. *For a provider of Jobs and Day Training services that is a for-profit or non-profit organization consisting of a partnership, firm, corporation, association, state or local government or agency thereof:*
- (a) *The applicant must be 18 years of age or older;*
  - (b) *Three or more positive, professional reference checks for the organization;*
  - (c) *A copy of the organization's Tax ID number;*
  - (d) *A Business Associate Agreement which is signed by the provider and which states that the provider agrees to maintain the confidentiality of any person who receives Jobs and Day Training services;*
  - (e) *A copy of the state business license and registration with the State of Nevada Secretary of State, a local business license or verification of exemption, as applicable;*

- (f) *Proof that liability insurance is maintained in accordance with the requirements of Nevada Risk Management Regulations;*
- (g) *Proof of Worker's Compensation Insurance Coverage for all employees of Jobs and Day Training Services in accordance with Nevada State Law;*
- (h) *A copy of the bylaws, articles of incorporation, articles of association, articles of organization, partnership agreement, constitution and any other substantially equivalent documents of the organization, and any amendments thereto;*
- (i) *A list of the members of the governing body of the organization including terms;*
- (j) *If the applicant is an association or a corporation:*
  - (1) *The name, title and principal business address of each officer and member of its governing body and/or an affidavit that the organization is nonsectarian and a nonprofit organization under the Internal Revenue Code of 1954, as amended, 26 U.S.C. § 501 (3) (c);*
  - (2) *The signature of the chief executive officer or an authorized representative; and*
  - (3) *If the applicant is a corporation, the name and address of each person holding more than 10 percent of its stock;*
- (k) *Proof that at least one supervisor, administrator or manager of the provider satisfies the same or similar criteria of a Qualified Intellectual Disability Professional (QIDP), as set forth in 42 C.F.R. § 483.430, unless waived by the Regional Center;*
- (l) *For Officers and Chief Operating Personnel and others who have responsibilities to oversee the provision of individual service:*
  - (1) *Three of more positive, professional letters of reference;*
  - (2) *Proof of a State and Federal Bureau of Investigation (FBI) criminal history clearance;*
  - (3) *Proof of clearance from the Office of Inspector General Exclusionary List;*
- (m) *Jobs and Day Training services providers that serve individuals in a facility-based setting shall provide proof that it has obtained an annual fire inspection by the local fire department for each locality;*
- (n) *Proof that the organization has a current certificate authorizing Special Minimum Wage rate under Section 14 (c) of the Fair Labor Standard Act. This certificate authorizes the employment of workers with disabilities in accordance with the requirements of 29 CFR Part 525, as applicable;*
- (o) *Proof that the applicant has sufficient working capital to ensure that the provider is financially capable of providing Jobs and Day Training services for a period of at least three months without compensation;*
- (p) *Proof of liability insurance is maintained in accordance with the requirements of State of Nevada Risk Management Regulations;*
- (q) *Copies of any policies and procedures of the organization relating to the provision of Jobs and Day Training services; and*
- (r) *Such other information as may be required by the Division.*

*NAC 435.XXX Provisional certificate: Incomplete application. (NRS.435.220)*

*1. The Division will review each application for a provisional certificate to determine whether the application is complete.*

2. *If the Division determines that an application for a provisional certificate is incomplete, the Division will notify the applicant that the application is incomplete and may require the applicant to submit any necessary information or documentation to complete the application. An applicant shall submit the additional information or documentation not later than 30 calendar days after receipt of the notification provided by the Division. The Division may deny the application if the applicant does not submit the required information or documentation in accordance with this subsection. If the application is denied pursuant to this subsection, the applicant may not resubmit an application for a provisional certificate for at least twelve (12) months after the receipt of notification of the denial of the application required pursuant to NAC.435.XXX.*

*NAC 435.XXX Provisional certificate: Establishment of screening panel for applicant; training of applicant; issuance; validity. (NRS 435.220)*

1. *After the Division has determined that an application for a provisional certificate is complete and meets Developmental Services Standards for the provision of jobs and day training services the Division will establish a screening panel composed of employees of the Division to interview the applicant.*
2. *Upon successful completion of the interview, the Division will, as applicable, schedule an inspection of physical location for the provision of jobs and day training.*
3. *Upon approval of the physical site(s), the Division will schedule training.*
4. *Upon successful completion of the training required and receipt of State and FBI criminal clearance, the Division will issue a provisional certificate to the applicant.*
5. *A provisional certificate is valid until the holder of the certificate completes the initial quality assurance review required pursuant to NAC.435.XXX.*

*NAC 435.XXX Provisional certificate: Grounds for denial of application; notice of denial. (NRS.435.220)*

1. *Each of the following acts and omissions constitutes a ground for denial of an application for a provisional certificate:*
  - (a) *Failure to submit a complete application for a provisional certificate within the time required pursuant to NAC 435.XXX;*
  - (b) *The applicant has misrepresented or failed to disclose any material fact in his application or in the or in any financial record or other document requested by the Division;*
  - (c) *The applicant has been convicted of a crime relevant to any aspect of the provision of Jobs and Day Training Services as per Medicaid Chapter 2100;*
  - (d) *The applicant does not meet established standards and qualifications as a provider of Jobs and Day Training Services;*
  - (e) *The physical site does not meet standards.*
2. *If an application is denied, the Division will give the applicant a written notice of the denial. If the application is denied pursuant to this subsection, the applicant may not resubmit an application for a provisional certificate for at least twelve (12) months after the receipt of notification of the denial of the application required pursuant to NAC.435.XXX.*

*NAC 435.XXX Certificate: Determination of compliance with standards for provision of Jobs and Day Training services; issuance (NRS 435.220)*

- 1. If the holder of a provisional certificate wishes to obtain a certificate, the holder must comply with the standards for the provision of Jobs and Day Training services established by the Division pursuant to chapter 435 of NRS and NAC XXX to XXX, inclusive. The Division will determine whether the holder of a provisional certificate has complied with such standards after conducting a quality assurance review.*
- 2. If the Division determines that the holder of a provisional certificate has complied with the standards for the provision of Jobs and Day Training services, the Division will issue a certificate to the holder of the provisional certificate.*
- 3. The Division may issue a certificate to a provider of Jobs and Day Training services for any period not to exceed 3 years.*

*NAC 435.XXX Certificate: Renewal. (NRS.435.220) Upon expiration of a certificate the Division may renew the certificate of the provider of Jobs and Day Training services for any period not to exceed 3 years after the Division conducts a quality assurance review and determines that the provider is in compliance with the standards of the Division concerning the provision of Jobs and Day Training services set forth in chapter 435 of NRS and NAC 435.XXX to 435.XXX, inclusive. The current certificate remains in effect pending completion of the re-certification quality assurance review and validation process.*

*NAC 435.XXX Standards for provision of quality care. (NRS 435.220) A provider of Jobs and Day Training services must comply with the following standards for the provision of quality care concerning Jobs and Day Training services:*

- 1. Compliance with any state or federal statute or regulations and policies required for the Division to receive state or federal funding concerning the provision of Jobs and Day Training services, including, without limitation, any standards of care set forth in:
  - (a) The State Plan for Medicaid;*
  - (b) The Nevada Medicaid Services Manual; and*
  - (c) The Home and Community-Based Waiver Services for Persons with Intellectual Disabilities and Related Conditions granted pursuant to 42 U.S.C. § 1396n by the Secretary of the United States Department of Health and Human Services;**
- 2. Compliance with any state or federal requirements concerning fiscal management, reporting and employment law;*
- 3. Compliance with the policies and procedures of the Division and Regional Centers and compliance with the Developmental Services standards for Jobs and Day Training;*
- 4. Conformance to the delivery of services required pursuant to any individual support plan developed with the person who receives Jobs and Day Training services, including maintaining adequate staff ratios to meet the person's needs.*
- 5. Assurance of the health and welfare of persons receiving Jobs and Day Training services.*
- 6. Establishment of procedures for internal quality assurance.*
- 7. Division approval of any additional facility site(s), remodeling or expansions, prior to service delivery;*
- 8. Ensure prompt communication to the Regional Center of any changes in Chief Operating Personnel or ownership.*
- 9. Cooperation with any Division or Regional Center investigation.*

*NAC 435.XXX Gifts, request and grants (NRS 435.220, 435.270)*

- 1. A JDT provider must report the source of any gift, bequest, grant or income other than funding by the Division and the Federal Government and payment on behalf of a person served.*
- 2. A JDT provider may use such income to augment the stipend paid by the Division in order to provide supplemental services to its persons served.*

*NAC 435.XXX Contractual Agreements (NRS.435.220, 435.310)*

- 1. A provider of Jobs and Day Training services certified pursuant to NAC 435.XXX to 435.XXX, inclusive, may enter into contracts with authorized county and school officials and public and private agencies to give support and training to person with intellectual disabilities and persons with related conditions who would also qualify for support or training programs offered by the public schools or by county welfare programs.*
- 2. At least 10 days before entering into such a contract, the JDT provider must provide the Division with a statement of its intent to enter into the contract.*

*NAC 435.XXX Quality Assurance Review: Conducted by Division or Regional Center; determination of deficiency; imposition and appeal of sanctions. (NRS 435.220)*

- 1. The Division or Regional Center will conduct a quality assurance review to determine whether the holder of a provisional certificate or a certified provider of Jobs and Day Training services is in compliance with the standards of the Division or Regional Center concerning the provision of Jobs and Day Training services set forth in chapter 435 of NRS and NAC 435.XXX to 435.XXX, inclusive.*
- 2. In conducting a quality assurance review, the Division or Regional Center may:*
  - (a) Obtain any information or otherwise review any aspect of the delivery system of Jobs and Day Training services, including, without limitation:*
    - (1) Any policies and procedures of the provider of Jobs and Day Training services;*
    - (2) Personnel or clinical records, as required by the Division and maintained by the provider of Jobs and Day Training services;*
    - (3) Any documentation regarding any administrative or personnel matters directly related to health and welfare of people served;*
    - (4) Any financial information concerning the provider of Jobs and Day Training services or the persons receiving Jobs and Day Training services; and*
    - (5) Any information concerning the quality of supports provided to persons receiving Jobs and Day Training services;*
    - (6) All records of payroll for individuals served, including the computation for determining the rate of pay;*
    - (7) Verifications that the person served and/or guardian has been informed verbally and in writing of his rights and policies of the Provider of Jobs and Day services;*
  - (b) Conduct interviews and/or solicit feedback with persons receiving Jobs and Day Training services, members of the staff of any providers of Jobs and Day Training services, and members of the family, guardians, friends, advocates or other involved service agencies of persons receiving Jobs and Day Training services; and*

- (c) *Observe the services provided and conduct environmental quality assurance reviews for persons receiving Jobs and Day Training services.*
3. *The Division or Regional Center may conduct a quality assurance review at any time.*

*NAC 435. XXX Establishment of policies by organization (NRS 435.220) If the provider of Jobs and Day Training services is an organization, it shall, in conformance with NAC 435.XXX to 435.XXX, inclusive, establish policies concerning the provision of Jobs and Day Training services and the welfare of the persons it serves which meets Division and Regional Center standards.*

*NAC 435.XXX Authorization For Payment of Services (NRS 435.220)*

1. *Any individual who has an authorized level of service may receive funding from the Jobs and Day Training budget account, within designated legislative limits.*
2. *Jobs and Day Training Service providers may bill for services for each authorized individual present for services per day.*
3. *Unless the needs of an individual, as determined by the Division, require otherwise, each Jobs and Day Training Provider shall provide service during at least 6 hours a day, including lunch and a period for rest.*
4. *Organizational providers who are non-profit organizations are qualified for 5 days per year for staff development.*
5. *Jobs and Day Training provider may not receive Division funding for individuals who would otherwise qualify for support or training under programs offered to persons diagnosed with intellectual disability or related conditions in the school district in which the individual lives or by the county where in the individual lives.*

*NAC 435.XXX Establishment of Staffing Ratios (NRS 435.220)*

1. *The Jobs and Day Training Provider will provide each authorized participant with a required level of supervision in accordance with the authorized service agreement to ensure health and welfare needs per ISP recommendations.*

*NAC 435.XXX Planning, implementing and monitoring provision of services. (NRS 435.220)*

1. *A provider of Jobs and Day Training services shall provide evidence of sufficient oversight services to ensure: adequate support plan development; staff training; implementation of plans; coordination of services; and monitoring of supports provided to individuals receiving Jobs and Day Training services.*
2. *A provider of Jobs and Day Training services shall make arrangements for obtaining specialized services (Employment Specialist, Nurse, Behavior Specialist or other specially trained persons) to assist in program development, planning, carrying out and monitoring the provision of Jobs and Day Training services.*
  - (a) *The need for such services must be determined initially by an individual support team and be reviewed by the team on a regular basis, and no less than least annually.*
  - (b) *Evidence of the use of such services and professional qualifications/credentials, criminal clearance check, acknowledgement of receiving and understanding policies and procedures of the organization, and evidence of professional liability insurance must be on file with the provider of Jobs and Day Training services.*



*NAC 435.XXX Financial planning, records and reports. (NRS 435.220) A provider of Jobs and Day Training services shall:*

- 1. Have a financial plan which ensures that there will be sufficient resources to meet the costs for training and support of the persons receiving Jobs and Day Training services from the provider;*
- 2. Maintain adequate financial records; and*
- 3. Submit to the Division any financial report:*
  - (a) Which the Division requests in writing; and*
  - (b) The need for which is explained by the Division.*
- 4. Maintain adequate financial reports which demonstrate compliance with the Fair Labor Standard Act.*

*NAC 435.XXX Evaluation and Assessment of service needs. (NRS 435.220)*

- 1. A provider of Jobs and Day training services may not provide Jobs and Day Training services to a person until they have adequately evaluated and determined their ability and capacity to meet the support needs of the person, accept as otherwise specified in subsection 4.*
- 2. The evaluation must include an interim habilitation plan to support the health and welfare needs of the person.*
- 3. Within the first thirty days of Jobs and Day Training Services, the provider will complete an assessment of interests, skills and level of supervision needed for the development of the habilitation plans.*
- 4. In an urgent situation, a provider of Jobs and Day Training services may accept a person for the provision of Jobs and Day Training services for a period of not more than five (5) working days prior to completion of the assessment, if the Division approves the acceptance of the person under such urgent circumstances.*

*NAC 435.XXX Written service agreement for provision of services. (NRS 435.220) A provider of Jobs and Day Training services shall enter into a written service agreement for the provision of Jobs and Day Training services with the Division for each person in accordance with the individual support plan and as agreed to by the person and/or their guardian. An annual review of service provision is required.*

*NAC 435.XXX Medication Administration Prohibition. (NRS 435.220)*

- 1. Except as provided in subsection 2, no employee of a provider of Jobs and Day Training services may administer medication to any individual under contract with the Division.*
- 2. This prohibition does not apply to any employee or subcontractor who is authorized to administer medications pursuant to their professional licensure.*

*NAC 435.XXX Maintenance of records. (NRS 435.220) A provider of Jobs and Day Training services shall keep a separate record regarding each person for whom Jobs and Day Training services are provided. Each record must include information needed for providing services, substantiate billing, for planning and for periodic reevaluation of the needs of the person. The record must be available for review by the person who is receiving the Jobs and Day Training services, the provider and the Division.*

*NAC 435.XXX Retention of records. (NRS 435.220)*

- 1. A provider of Jobs and Day Training services must retain the original records of each person who receives Jobs and Day Training services from the provider pursuant to NAC 435.XXX, or photographic reproductions of such records, for at least 6 years after termination of the provision of the Jobs and Day Training services.*
- 2. Administrative and fiscal records must be retained by the provider which includes, but is not limited to, attendance records, annual fire inspection, special wage and hour time studies and determination of rate pay to the individual served, according to Regional Center and Medicaid policy.*
- 3. All such records must be complete, current and readily available for review by representatives of the Division.*

*NAC 435.XXX Rights of person receiving services; resolution of complaints. (NRS 435.220)*

- 1. A person has the right to file a complaint against a provider of Jobs and Day Training services with the Regional Center.*
- 2. If the Regional Center is unable to resolve the complaint to the satisfaction of the complainant, the complainant may forward the complaint to the Division Administrator or designee. The Administrator shall review the complaint and render a decision concerning the complaint within 30 calendar days after receipt of the complaint.*
- 3. The decision of the Administrator is the final decision.*

*NAC 435.XXX Purposes of administrative sanctions. (NRS 449.037) The purposes of administrative sanctions are to:*

- 1. Safeguard the rights, interests and well being of individuals, including the protection of individuals served from actual or potential harm resulting from deficiencies;*
- 2. Encourage and assist providers of Jobs and Day Training Services to comply with the requirements of the Division, including those imposed by federal law;*
- 3. Promote the efficient use of resources to ensure appropriate supports and services for individuals receiving supported living services.*

*NAC 435.XXX Administrative Sanctions*

- 1. The Division or Regional Center may impose sanctions upon a provider of Jobs and Day Training services for:
  - (a) Any aspect of the provision of Jobs and Day Training services which poses a probable risk of harm to the health or welfare of a person receiving Jobs and Day Training services;*
  - (b) Lack of personnel sufficient in number or qualifications to meet contracted ratios and provide proper supports and services for the number of people receiving Jobs and Day Training services;*
  - (c) Any refusal to participate in any aspect of a quality assurance review; or*
  - (d) The failure or refusal of the provider to implement or sustain any corrective actions requested and/or imposed by the Division or a Regional Center to correct a deficiency;*
  - (e) Failure to comply or participate with any Division or Regional Center investigation.**
- 2. For any sanction imposed pursuant to subsection 1, the Division may, without limitation:
  - (a) Require the provider of Jobs and Day Training services to:**

- (1) *Participate in training concerning the provision of Jobs and Day Training services;*
  - (2) *Comply with additional measures of accountability concerning the provision of Jobs and Day Training services;*
  - (3) *Comply with additional measures of review by the Division or Regional Center; or*
  - (4) *Comply with additional performance requirements concerning the provision of Jobs and Day Training services;*
  - (b) *Subject the provider to the recapture or reduction of payments for failure to provide or document services, falsification of documents, or when the state must pay for services and supports as a result of provider negligence;*
  - (c) *Terminate, prohibit, reduce or limit any contracts that the Division or a Regional Center has with a provider of Jobs and Day Training services;*
  - (d) *Suspend or reduce a contractual payment owed to a provider of Jobs and Day Training services in whole or part for a specific time or amount;*
  - (e) *Deny, suspend or revoke the current certificate to provide Jobs and Day Training services or issue a time-limited, probationary certificate; or*
  - (f) *Immediately terminate the current certificate to provide Jobs and Day Training services per NAC 435.XXX.*
3. *A provider of Jobs and Day Training services may appeal any sanction imposed pursuant to this section by submitting to the Division a written request of appeal within 15 calendar days after the date of receipt of the notification of any sanction imposed by the Division or a Regional Center. The Division will review the findings and submit a written decision within 30 calendar days after receipt of the written request of appeal. The decision of the Division is a final decision.*

*NAC. 435.XXX Grounds for revocation of a certificate. (NRS 435.220) Each of the following acts and omissions constitutes a ground for revocation of either a provisional certificate or certificate:*

1. *Abuse, neglect, exploitation, or coercion of a person receiving jobs and day training services;*
2. *A misrepresentation of or failure to disclose any material fact in the application for the provisional certificate or certificate or in any financial record or other document requested by the Division.*
3. *A lack of personnel in sufficient number or qualifications to provide proper training and support for the persons receiving Jobs and Day Training services.*
4. *The failure to conduct required background checks to include State and FBI criminal clearance checks and Office of Inspector General Exclusionary List status checks on employees, independent contractors, interns, and volunteers and/or retain employment or services of those convicted of disqualifying offenses.*
5. *A provider of Jobs and Day Training services has any deficiency concerning the provision of Jobs and Day Training services that may cause imminent risk of harm to the health or welfare of persons receiving Jobs and Day Training service.*
6. *A violation of any requirement set forth in NAC 435.XXX to 435.XXX, inclusive.*
7. *An accumulation or pattern of minor violations of the provisions of NAC 435.XXX to 435.XXX, inclusive, if the violations taken as a whole endanger the health or welfare of any person who is receiving Jobs and Day Training services.*

8. *The failure or refusal to cooperate fully with all reviews, investigations or inspections by the Division;*
9. *The failure or refusal to return an adequate plan of correction within 15 days after receipt by the provider of Jobs and Day Training Services of a statement of deficiencies;*
10. *The failure or refusal of the provider to implement or sustain any actions requested by the Division or a Regional Center to correct a deficiency identified during any review, investigation or inspection by the Division;*
11. *Any fraudulent activity by a provider of Jobs and Day Training services or a member of the staff of the provider, including, without limitation, any fraudulent billing, violations of wage and hour laws, falsification of records or misuse of the funds of a person who is receiving Jobs and Day Training services .*
12. *Misappropriation of the property of a person receiving Jobs and Day Training Services;*
13. *Failure to comply with any obligations set forth in the contract with the person who is receiving Jobs and Day Training services and the Division.*
14. *Demonstration of harassing, coercive, intimidating, insulting, abusive language, or disruptive behavior that undermines the integrity of professional relationships with Regional Center employees, other providers of service, family members and/or people supported.*
15. *Failure to comply with any policies and procedures of the Division.*
16. *Failure to comply or participate with any Division or Regional Center investigation.*

*NAC 435.XXX Notice of intent to revoke certificate. (NRS 435.XXX) The Division will give a provider of Jobs and Day Training services written notice of any intended action to revoke the certificate of the provider. The notice will be sent by certified mail to the address on file for the provider at least 30 calendar days before the action is taken.*

*NAC 435.XXX Termination of services pending revocation of certificate. (NRS.435.XXX) If a revocation of the certificate of a provider of Jobs and Day Training services is pending and the Division determines that the grounds for the revocation place any person at a probable risk of harm, the Division may immediately terminate the provision of Jobs and Day Training services by the provider.*

*NAC 435.XXX Revocation of certificate: Request for hearing; appeal. (NRS.435.XXX0*

1. *To be afforded a hearing on an intended revocation of a certificate, the provider of Jobs and Day Training services must, within 15 working days after receiving notice of the intent to revoke, file with the Division a written request for a hearing.*
2. *When a decision to revoke a certificate is rendered by the Division, the provider of Jobs and Day Training services may appeal that decision to the Administrator or designee if the provider files with the Division a written notice of appeal within 15 working days after the notice of the decision.*
3. *The Administrator or designee will consider an appeal and render the decision on the appeal within 30 calendar days after a notice of the appeal is filed with the Division.*

## TEXT OF REPEALED SECTIONS

NAC 435.200 Original application. (NRS 435.220, 435.230)

1. An original application is an application from a center which was not funded from the Community Training Center Account during the preceding state fiscal year.
2. Original applications for community training centers must be submitted on or before April 1 to be considered for aid during the next state fiscal year.

NAC 435.205 Contents of application. (NRS 435.220, 435.230)

1. To qualify for funding, a center must file an application with the Division annually on or before April 1 at the office of the Coordinator of the Community Training Centers. The following information must be provided on the forms indicated, which will be furnished by the Division:

- (a) The name and address of the center on form CTC-1.
- (b) The names, addresses and qualifications of administrative personnel on form CTC-2.
- (c) An outline of the educational and vocational training or habilitation program to be offered, on forms CTC-3 and CTC-4.
- (d) The number of enrollees expected for the coming state fiscal year on form CTC-1.
- (e) A complete and detailed financial statement for the operations for the coming state fiscal year, including salaries, operations, transportation, equipment and other sources of income and expenses, on form CTC-5.

2. An applicant also must provide the following information:

(a) An affidavit that the center is nonsectarian and a nonprofit organization under the Internal Revenue Code of 1954, as amended, 26 U.S.C. § 501(c)(3), on form CTC-1.

(b) Proof of insurance coverage. Except as otherwise provided in this paragraph, the insurance must provide coverage for a minimum liability of \$1,000,000 per occurrence of bodily injury or equivalent coverage. The insurance must be current and the center shall, each year, verify this coverage to the Division on form CTC-1. A center may request, and the Division may grant, a reduction in the minimum insurance coverage required pursuant to this paragraph on the basis of financial hardship.

(c) Proof of employer's liability coverage under the State Industrial Insurance System or other similar coverage on form CTC-1.

(d) An authorized signature of the applicant on form CTC-1b.

(e) The name of the sponsoring organization on form CTC-1.

(f) An affidavit stating that the ratio of the staff to the enrollees does not exceed:

(1) One to 8 for regular programs for adults;

(2) One to 5 for prework habilitation programs for adults; or

(3) The ratio to be established for each enrollee for intensive training programs for adults, unless a smaller proportion of enrollees is required by the Division. The ratio must be based on the programmatic needs of the enrollees and be approved by the Division.

(g) A signed subcontract for the provision of services pursuant to 42 U.S.C. §§ 1397 to 1397f, inclusive.

(h) The total number of members of the staff, persons enrolled and days of care and training that the center provided during the previous state fiscal year, on form CTC-1.

(i) The total number of enrollees at the center who have been certified by the Division as eligible for funding, and the days of care and training that the center provided during the previous state fiscal year to such enrollees, on form CTC-1.

(j) A financial statement showing all income received by the center during the previous state fiscal year, and the sources of that income, on form CTC-6.

NAC 435.210 Proof of compliance with local fire regulations. (NRS 435.220, 435.230) Each center shall provide annually, in the form of a letter and on form CTC-1, proof that it has met the requirements imposed under the local fire regulations for community training centers in its locality.

NAC 435.215 Fees. (NRS 435.220, 435.230)

1. Each center that receives money and charges fees for its program shall charge on a sliding scale which indicates a potential payment of zero per month.

2. The scale must be based on the ability of the enrollee to pay.

3. On all applications, the center must file with the Division the fee being charged on form CTC-4.

NAC 435.220 Certificate authorizing special minimum wages. (NRS 435.220, 435.230)

1. Each center which provides programs for adults and is engaged in interstate commerce must have a certificate authorizing special minimum wages for handicapped workers, as provided for in the Fair Labor Standards Act, 29 U.S.C. § 214, and regulations adopted pursuant thereto, 29 C.F.R. Part 525. Each other center that provides programs for adults must have a subminimum wage certificate issued by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation.

2. A copy of the application for the certificate made pursuant to subsection 1 or a copy of the certificate must be attached to form CTC-1 of the original application and to each application for renewal.

NAC 435.225 Application for renewal. (NRS 435.220, 435.230)

1. An application for renewal is an application received from a center which was funded from the Community Training Center Account during the preceding state fiscal year. Applications for renewal for community training centers must be submitted on or before April 1 of each year.

2. To qualify for renewal of funding, a center must file an application for renewal with the Division at the office of the Coordinator of the Community Training Centers which includes the information required for an original application filed pursuant to NAC 435.205.

NAC 435.230 Rejection of applications. (NRS 435.220, 435.240) If an application is rejected by the Administrator, he or she will, within 10 days after the date of filing, give the applicant written notice of the rejection.

NAC 435.235 Posting of certificate. (NRS 435.220, 435.230) Each center which receives a certification of qualification shall post the certificate conspicuously on the premises of the center.

NAC 435.240 Counting of enrollees. (NRS 435.220, 435.290)

1. Except as otherwise provided in NRS 435.300, an enrollee who has been attending a program of a school during the school year and intends to return to that program is not eligible to be counted for aid to a community training center.

2. An enrollee who has been in a program of a school and has been terminated from it and is above the age of 17 is eligible to be counted as any other enrollee.

NAC 435.245 Eligibility based on attendance and provision of services. (NRS 435.220, 435.290)

1. Any certified enrollee who participates in a program sponsored by the community training center may be counted for each day attended for funding from the Community Training Center Account, within the limits of legislative appropriations.

2. A center is entitled to receive money, within the limits of legislative appropriations, for a certified enrollee who attends the program only part-time because of the programmatic needs of the enrollee for the hours of service provided him or her by the center. Prior approval must be obtained from the Division's representative.

3. An enrollee is eligible for funding, within the limits of legislative appropriations, for special and follow-along services if the center arranges for and provides the required services for the enrollee.

NAC 435.250 Eligibility based on retardation. (NRS 435.220, 435.230, 435.290)

1. Except as otherwise provided in subsection 2, the Division will consider a person eligible to receive support from the Community Training Center Account if:

(a) The person's:

(1) General intellectual functioning is more than two standard deviations below the mean or average of tests on general intelligence certified by the American Association on Mental Retardation;

(2) Condition originated during his or her developmental period; and

(3) Condition is associated with an impairment in his or her adaptive behavior; and

(b) The person is a consumer of the Division.

2. A person enrolling in a center is not eligible to receive support from the Account if he or she obtains a score of 71 or above on standardized individual tests on intelligence unless the person:

(a) Shows significant developmental delays which are documented by the Division; and

(b) Is specifically approved for funding by the Administrator in writing.

NAC 435.255 Evaluations for eligibility. (NRS 435.220, 435.230)

1. The evaluation of applicants for enrollment in a center must be reviewed by:

(a) A member of the staff of the community training center who will be working directly with the applicant; and

(b) A representative of the Division.

2. A person who is a consumer of the Division may be certified as eligible for funding for regular, intensive training or a prework program if a treatment plan specifies the goals and objectives of the training or program.

NAC 435.260 Aid for enrollees eligible for aid in school district. (NRS 435.220, 435.300)  
No center may receive aid for enrollees who would otherwise qualify for care or training under programs offered to persons with mental or functional retardation in the school district in which the enrollee lives or by the county where the enrollee lives. This restriction does not preclude aid from being given on behalf of enrollees who are receiving vocational education at any center in conjunction with a school's special education program.

NAC 435.265 Certification of enrollees for eligibility. (NRS 435.220, 435.230, 435.290)

1. The certification of enrollees as eligible for funding is the responsibility of the Division. Certification will be granted only for consumers of the Division.
2. For each eligible enrollee, the center shall maintain at the center a file of the pertinent documentary records used for certification.
3. The Division will:
  - (a) Notify the center in writing of the receipt of all forms for certification; and
  - (b) Provide money to the center, within the limits of legislative appropriations, on the basis of the number of enrollees certified and the services actually provided.
4. No money will be paid from the Community Training Center Account before certification of the enrollee. Enrollees certified by the completion of the month may be funded for that month.

NAC 435.270 Payment and use of money. (NRS 435.220, 435.290)

1. A full-time member of the staff who provides at least 75 percent of his or her total time each month with a center in direct service to its enrollees is eligible to be fully paid for his or her total service from the Community Training Center Account. A member of the staff who provides a lesser portion of his or her time in direct service to the enrollees is eligible to be paid from the Account a portion based on the percentage which his or her direct service to enrollees is of his or her total service. A part-time member of the staff who is scheduled so that he or she spends 75 percent or more of his or her time with the center in direct service to enrollees may be counted toward meeting the ratio of staff to enrollees appropriate to the center's programs for each day of his or her service. As used in this subsection, "direct service" means:
  - (a) The treatment, training or supervision of an enrollee by an employee.
  - (b) The testing or evaluation of an enrollee.
  - (c) The development of a treatment plan or goals or the provision of services for an enrollee by a professional employee.
2. A letter of request for money to start a center from an applicant who has received approval from the Commission on Mental Health and Developmental Services to establish a new center must detail proposed expenditures.
3. Except as otherwise provided in this subsection, money allocated to a center from the Community Training Center Account must be used to provide salaries and related benefits or costs for members of the staff who provide direct care, including industrial insurance, premiums for medical and dental benefits, retirement and Social Security. Of the total amount granted to a center, a maximum of 20 percent may be allocated to other costs of operating, including rent, utilities, equipment, supplies and salaries for members of the staff who do not provide direct care.
4. All money allocated to centers from the Community Training Center Account must be expended in the state fiscal year for which it was received.
5. The Division may require an independent audit of any center at the Division's expense.



NAC 435.275 Gifts, bequests and grants. (NRS 435.220, 435.280)

1. A center must report the source of any gift, bequest, grant or income other than funding by the Division and the Federal Government and payment on behalf of an enrollee on form CTC-8A.

2. A community training center may use such income to augment the stipend paid by the Division in order to provide supplemental services to its enrollees.

NAC 435.280 Deposit of money. (NRS 435.220, 435.230) Grantees shall deposit all money received from the Community Training Center Account into a bank, maintain a comprehensive bookkeeping system for reporting financial activities, and provide the bank's name and the account number to the Division on form CTC-5.

NAC 435.285 Contractual agreements. (NRS 435.220, 435.310)

1. Centers with a certificate of qualification may enter into contracts with authorized state, county and school officials to give care and training to enrollees who would also qualify for care or training programs offered by the public schools or by county welfare programs.

2. At least 10 days before entering into such a contract, the center must provide the Division with a statement of its intent to enter into the contract.

NAC 435.290 Personnel policy. (NRS 435.220, 435.230)

1. Each center shall develop and maintain a personnel policy which includes:

(a) A description of the organizational structure of the center showing the lines of authority.

(b) A description of the benefits relating to vacations, sick leave and maternity leave, including an explanation of how each relates to the other and whether the center will pay for these benefits.

(c) A description of available medical benefits.

(d) The procedure and criteria used to evaluate employees.

(e) The procedure used to dismiss an employee and the process available to the employee for appeal.

(f) The procedure used to inform all employees of:

(1) The rights assured to consumers of the Division pursuant to NRS 433.464 to 433.534, inclusive;

(2) The Division's policy on reporting abuse and neglect; and

(3) The center's policy on reporting abuse and neglect.

2. Each center shall have on file a signed statement from each employee declaring that the employee is familiar with the policies and procedures established by the center pursuant to subsection 1.

NAC 435.295 Required hours of service. (NRS 435.220, 435.230) Unless the needs of an enrollee, as determined by the Division, require otherwise, each center shall provide service during at least 6 hours a day, including lunch and a period for rest. Each center is eligible to receive payment for not less than 229 days a year, including 5 days per year for programs for development of the staff.

NAC 435.305 Progress reports and review of consumers. (NRS 435.220, 435.230)

1. Each center shall provide written progress reports and participate in the quarterly and annual review of each consumer.
2. Each report must be reviewed quarterly by the appropriate member of the staff of the Division and revised accordingly.

NAC 435.310 Preservation of enrollee's rights and human dignity. (NRS 435.220, 435.230)

1. An enrollee must be guaranteed protection from participation in research without the informed and express written consent of the adult enrollee or, if appropriate, a parent or guardian. Participation in research involving an enrollee may only occur after approval of the researcher by the Commission on Mental Health and Developmental Services and the Committee for Human Rights which is established by the Division to ensure the preservation of the enrollee's rights and human dignity.
2. An enrollee must be provided with a policy that outlines the working conditions of the center and the rights and benefits of the enrollee. The file of each enrollee must contain a verification that he or she has been informed verbally and in writing of that policy.
3. The provisions of NRS 433.464 to 433.534, inclusive, apply to an enrollee and guarantee the same rights as if he or she were a consumer of a facility of the Division.

NAC 435.315 Annual review of enrollee. (NRS 435.220, 435.230) An annual review of each enrollee is required.

NAC 435.320 Summary report of progress upon withdrawal or termination of enrollee. (NRS 435.220, 435.230) When an enrollee withdraws or is terminated from a center, a written summary report of his or her progress must be provided to the case manager of the Division.

NAC 435.335 Contents of records. (NRS 435.220, 435.230) The records of a center must contain:

1. The source of enrollment and referral of an enrollee and an appropriate release for information, testing and emergency medical care;
2. Individual programs for enrollees, including:
  - (a) Behavioral goals;
  - (b) Methods of reaching goals, including the specific activities to be initiated by a member of the staff of the center to assist the enrollee to achieve each goal, and the schedule or frequency of such activities;
  - (c) Notes showing the correlation between the activities planned and the actual activities performed to achieve each goal;
  - (d) Observational data recorded at least once a month;
  - (e) The name of the person responsible for the program;
  - (f) Notes on progress for each goal; and
  - (g) Reports on termination for enrollees leaving the program;
3. A signed, dated copy of any subcontract between the Division and the center for services pursuant to 42 U.S.C. §§ 1397 to 1397f, inclusive;
4. The attendance of the enrollees;
5. Documentation of certification for the center;

6. All records of payroll for enrollees, including the computations for determining the rate of pay;
7. Verification that the enrollee has been informed verbally and in writing of his or her rights and the policies of the center concerning consumers; and
8. The name, address and qualifications of all members of the staff of the center.

NAC 435.340 Confidentiality of records. (NRS 435.220, 435.230) The center must maintain the enrollee's records in a manner which ensures confidentiality. Information may only be released to persons with authority to examine the information or others who have been designated in a signed release.

NAC 435.345 Monthly, quarterly and annual reporting. (NRS 435.220, 435.230)

1. A center must use the accrual basis of accounting, accumulating by addition all previous expenditures in current totals, in reporting and disbursing money. Reports must be submitted on the forms provided by the Division and by the dates specified by the Division. Funding may be delayed pending receipt or approval of the new or renewal applications or monthly billing forms.
2. For each month, the center must submit a Client Service Report, form CTC-7.
3. For each quarter, the center must submit:
  - (a) Community Training Center Report of Staff and Salary Expenses, form CTC-2.
  - (b) Quarterly Disbursement of Community Training Center Funds, form CTC-8.

NAC 435.350 Withholding of money. (NRS 435.220, 435.230)

1. If, at any time, a center fails to comply with the provisions of NRS 435.130 to 435.320, inclusive, or NAC 435.200 to 435.350, inclusive, the center may be notified in writing and, subject to subsection 2, money may be withheld until all items in question are in order.
2. A center may appeal any proposed withholding of money in the same manner as provided for revocation or denial of a certificate of qualification. Money will not be withheld until a final decision on the appeal is rendered.