

Informational Statement

LCB File R145-16

The following statement is submitted for adopted amendments to the Nevada Administrative Code (NAC) Chapter 435.

1. A clear and concise explanation of the need for the adopted regulation.

The adoption of these regulations is necessary to revise provisions related to providers of Jobs and Day Training. Aging and Disability Services (ADSD) is changing regulations governing Jobs and Day Training as required by existing law (NRS 435.220). This regulation repeals existing regulations that provide for the regulation of community-based training centers (NAC 435.200-435.350) and instead sets forth the requirements governing the provision of jobs and day training services. The Nevada Legislature repealed the provisions of Chapter 435 of NRS which previously governed the regulation of community-based training centers for the care and training of persons with intellectual disabilities and instead authorized the certification and regulation of jobs and day training services for that purpose.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested person may obtain a copy of the summary.

Interested person(s) were sent copies of the proposed regulations, notice of public workshop, and notice of intent via U.S. mail and/ or email upon request or by interest in the subject of Jobs and Day Training (JDT), and its services. In addition to notices, Copies of all documents can also be obtained from any public library listed below:

Elko County Library
720 Court Street
Elko, NV 89801

Esmeralda County Library
Corner of Crook and 4th Street
Goldfield, NV 89013-0484

Eureka Branch Library
210 South Monroe Street
Eureka, NV 89316-0283

Henderson District Public Library
280 South Water Street
Henderson, NV 89105

Humboldt County Library
85 East 5th Street

Lander County Library
625 South Broad Street

Winnemucca, NV 89445-3095

Battle Mountain, NV 89820-0141

Lincoln County Library
93 Maine Street
Pioche, NV 89043-0330

Lyon County Library
20 Nevin Way
Yerington, NV 89447-2399

Mineral County Library
110 1st Street
Hawthorne, NV 89415-1390

Pahrump Library District
701 East Street
Pahrump, NV 89041-0578

Pershing County Library
1125 Central Avenue
Lovelock, NV 89419-0781

Storey County Library
95 South R Street
Virginia City, NV 89440-0014

Tonopah Public Library
167 Central Street
Tonopah, NV 89049-0449

Washoe County Library
301 South Center Street
Reno, NV 89505-2151

White Pine County Library
950 Campton Street
Ely, NV 89301-1965

A public workshop hosted by Aging and Disability Services was held on November 9, 2017 via videoconference at the Rural Regional Center in Carson City, NV. The purpose of this workshop was to discuss and solicit comment in consideration of revised language to Nevada Administrative Code, Chapter 435.

Following the public workshop, Aging and Disability Services (ADSD) provided notice of a hearing held on March 20, 2018. Hearing was called to order and facilitated by ADSD's Jennifer Frischmann, Quality Assurance Manager of Carson City, NV. This meeting included public comment and reading of the approved revisions.

Copies of notice items were available:

http://adsd.nv.gov/Meetings/Meeting_Notices/

<https://www.leg.state.nv.us/App/Calendar/A/>

<https://notice.nv.gov/>

Summary of the public response received at the Public Workshop related to Jobs and Day Training is as follows:

Tracy Brown of Opportunity Village (OVI) gave a background statement about their agency and has the following comments on the revisions:

- a. Section 7. - Non-Profit Organization. She wanted to make sure that jobs like the ones offered by OVI are protected under the JDT regulation as there has been abuses in the past. She expressed that provisions specific to non-project should be clear so to safeguard these provision from abuses.
- b. Section 20.d – Proof that applicant is currently certified in standard first aid. Clarification is needed on who are considered as applicant, how many people do that and is it specific to organization or oversight.
- c. Section 20.2.e.1 – The name, title and principal business address of each officer and member of its governing body. Clarification needed on if they can use the form they sent annually to the Secretary of State.
- d. Section 20.2.e.h – For each officer or other person who oversee the provision of JDT Services ... Clarification needed on who are considered as officer and other? Does this include members of the board, administrative staff and oversight staff?
- e. Section 26.9.b – Division approval for remodeling or expanding any existing physical sites at which jobs and day training services are provided. She explained that OVI is always updating their facility, so clarification is needed on to what degree of remodel or expanding would they need approval and is it only applicable to OVI facility or does it include construction in the community where OVI is contracted with.
- f. Section 27.1. – A Provider of jobs and day training services must report to Division the source of any gift, bequest, grant or income other than funding by the Division... Clarification is needed on the scope of provision, level of detail needed and frequency or reporting considering that a large portion of OVI's funding comes from these sources.
- g. Section 28. – At least 10 days before entering into a contract, a provider of JDT Services must provide the Division with the statement of its intent to enter into the contract. Again, clarification is needed on what is the scope of the provision. Does it pertain to JDT and individual contract, person to provider or business contract?
- h. Section 31.1. – A provider of JDT services is eligible to receive payment from the Division for the provisions of jobs and training services to each person who is receiving jobs and day training services for each day the person is present for JDT Services. She expressed that OVI is open to more detail conversation regarding the topic of funding. Part of the comment is whether this provision allows a person to choose whether to work JDT half of the day and seek employment for the other half.
- i. Section 31.4 – A provider of JDT Services is not eligible to receive payment from the Division for providing JDT services to persons with intellectual disabilities and person with related conditions who would otherwise qualify for care or training programs offered by the public schools or county welfare

program. She expressed that this provision is in direct conflict with NRS 435-310 which states that OVI can provide services. A scenario of a 20-year old, who qualifies for JDT and opted not to go to school but rather work with a JDT, can this be funded?

- j. Section 32.1.c. – Coordination of provisions of jobs and training services between multiple providers of JDT to the same person Clarification is needed on how to do the coordination without involving the Division.
- k. Section 35.1. – A Provider of JDT services may not provide JDT services to a person until there has been an evaluation of the capacity of the provider to meet the needs of the person for support. Clarification on the timeframe is needed and what happens to the case of some individuals who do not have an open case with the Division but comes to OVI under scholarship or other funding.

The last person to comment was a parent of an individual who goes to OVI. There is still confusion on how these revisions will help at the same time provisions are lacking as it does not provide information on where they can seek services who will take Medicaid.

It was explained that the JDT part of NAC revision was done to update regulations and make these regulations congruent with the current services. The language was also updated.

A discussion regarding the Home and Community Based Waiver services ensued. The waiver is due for renewal and so several town hall sessions will be held in the future to evaluate the current services offered. Also, an outside agency will be sought to consult how to improve services being offered in Nevada.

The summary is posted at: http://adsd.nv.gov/Meetings/Meeting_Notices/ Any other persons interested in obtaining a copy of the summary may also e-mail, call, or mail in a request to the:

Aging and Disability Services Division
3416 Goni Rd. Ste D-132
Carson City, NV 89706

Jennifer Frischmann: Phone: 775-687-0528; Email: jfrischmann@adsd.nv.gov

Summary of the public response received at the Public Hearing related to Jobs and Day Training is as follows:

Tracy Brown of Opportunity Village (OVI) submitted the same written public comment as provided at the public workshop outlined above.

The summary is posted at: http://adsd.nv.gov/Meetings/Meeting_Notices/ Any other persons interested in obtaining a copy of the summary may also e-mail, call, or mail in a request to the:

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3. The number of persons who:

- (a) Attended workshop:** November 9, 2017: 12
- (b) Testified at workshop:** November 9, 2017: 2
- (c) Submitted to the agency written comments:** 2
- (d) Attended the Public Hearing for Adoption:** March 20, 2018: 21
- (e) Testified at Public Hearing for Adoption:** 1
- (f) Submitted to the agency written comments:** 3

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.

Name	Agency	Phone Number	Email Address
Lisa Martin	HSI	X	lisa@hsireno.com
Mark Malady	HSI	X	markmalady@hsireno.com
Michael Goodwin	HBLC	X	Unknown
Unknown	HBLC	X	X
Keith Hughes	Opportunity Village	X	X
Unknown	New Vista	X	X
Judith Koller	A-Team	X	X
Tracy Brown	Opportunity Village	X	X
Amanda Shipp	X	X	X
Unknown	X	X	X
Regina Daniel	A-Team	X	X
Ophelia Simmons	A-Team	X	X
Ashley Inwood	RRC	775-687-0917	ainwood@adsd.nv.gov
Brenda Robinson	REM NV	(702)326-3321	Brenda.robinson@thementornetwork.com
Katie Hurst	Dungarvin	(775)750-9785	khurst@dungarvin.com
Kimberly Diskin	Dungarvin	(702)526-4919	kdiskin@dungarvin.com
Marc Christensen	Chrysalis	(801)360-4672	Marc@gochrysalis.com
Krystal Ayers	Chrysalis	(775)232-0658	Krystal.ayers@gochrysalis.com
Jessica Tuakalau	Mt. Olive Care	(775)348-4989	jtuakalau@mtolivecarerenv.com
Krista Swihart	Disability Resources	(775)329-1126	kswihart@disabilityresourcesnv.org
Maryanne Hawkins	Dungarvin	(775)530-9562	mhawkins@gungarvin.com
Jasmin Fisher	ADSD	(916-307-8805	jfisher@adsd.nv.gov
	Alpha Productions	(775)359-4498	mikem@alphaproduction.o

Michael McMahon	Tech		rg
KT Greene	X	X	Unknown
Stephanie Denn	SRC	(775)688-1930	sdenn@adsd.nv.gov
Debbi Thomas	SRC	(775)688-1930	dthomas@adsd.nv.gov
Unknown	REM	(775)841-3111	Unknown

X= information not given Unknown=Illegible

5. A description of how comment was solicited from affected business, a summary of their response, and an explanation how other interested person(s) may obtain a copy of the summary.

A Small Business Impact Survey was sent to all Aging and Disability Services Division Certified Jobs and Day Training providers along with a copy of the proposed regulation changes, in July 2017. Copies were made available through request to the Aging and Disability Services Division and are available online at adsd.nv.gov.

The questions on the survey were:

- 1) How many employees are currently employed by your business?
- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?
- 5) Do you anticipate any indirect beneficial effects upon your business?

Summary of Comments Received by Jobs and Day Training Providers			
(23 responses were received out of 95 small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	Will the regulation(s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
No= 4	No= 5	No= 6	No= 5
Yes= 4	Yes= 3	Yes= 2	Yes=3
No Response/	No Response/	No Response/	No Response/
Unknown=15	Unknown= 15	Unknown= 15	Unknown= 15

Comments: None Received	Comments: None Received	Comments: None Received	Comments: None Received

¹ Surveys that indicated they employed 150 or more employees were not included in these results.

The summary is posted at: http://adsd.nv.gov/Meetings/Meeting_Notices/ Any other persons interested in obtaining a copy of the summary may also e-mail, call, or mail in a request to the:

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Carson City, NV 89706

Jennifer Frischmann: Phone: 775-687-0528; Email: jfrischmann@adsd.nv.gov

6. If the regulation was adopted without changing any part of the proposed regulation, summary of the reasons for adopting the regulation without change.

Regulations being proposed contain changes from original written document.

7. The estimated economic effect of the adopted regulation on the business 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; and**
- (b) Both immediate and long-term effects.**

Small Business:

It is estimated that there would be no adverse or beneficial economic effects on small businesses.

Also, there would be no immediate or long-term economic effects on small businesses after adopting this regulation.

Public:

There is no estimated adverse or beneficial economic effect on the public.

There would be no immediate or long-term economic effects on the public after adopting this regulation.

8. The estimated cost to the agency for enforcement of the adopted regulation.

At this time, it is estimated that there would be no additional cost to the agency to enforce the proposed regulations. It is anticipated that there will not be any increase in workload caused by the changes to the certification process. Further, it is estimated that the other provisions in the proposed regulations would not result in an additional cost to the agency.

9. A description of any regulations 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 regulation, the name of the regulating federal agency.

This regulation does not overlap or duplicate any federal regulation.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are no federal regulations that apply.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount of the agency expects to collect and the manner in which the money will be used.

This regulation does not have a new fee, or increase in existing fees; therefore, there is no impact.