
ASSEMBLY BILL NO. 488—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Ways and Means

SUMMARY—Revises provisions relating to the transfer of duties and consolidation of certain governmental agencies. (BDR 18-1136)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

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

AN ACT relating to governmental administration; consolidating the Health Division and the Division of Mental Health and Developmental Services of the Department of Health and Human Services into the Division of Public and Behavioral Health of the Department; transferring the powers and duties concerning certain services to children with autism spectrum disorders from the Health Division to the Aging and Disability Services Division of the Department; transferring the authority for developmental services in the Division of Mental Health and Developmental Services to the Aging and Disability Services Division; providing for the appointment of a Chief Medical Officer in certain circumstances; requiring the directors of certain facilities to report to the Chief Medical Officer and to operate under his or her oversight; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Health Division and the Division of Mental Health and
2 Developmental Services are two separate divisions within the Department of Health
3 and Human Services. (NRS 232.300) This bill consolidates those two divisions into
4 the Division of Public and Behavioral Health of the Department of Health and
5 Human Services. Existing law requires the Director of the Department of Health
6 and Human Services to appoint the Administrator of the Health Division and the
7 Administrator of the Division of Mental Health and Developmental Services.



* A B 4 8 8 *

8 (NRS 232.320) **Sections 2, 3 and 12** of this bill: (1) eliminate the position of
9 Administrator of the Health Division and provide instead for an Administrator of
10 the Division of Public and Behavioral Health; (2) set forth the qualifications of the
11 Administrator; (3) require the Administrator, with the consent of the Director of the
12 Department, to appoint four deputies; and (4) authorize the Administrator to
13 delegate his or her powers, duties and functions to a deputy.

14 Existing law creates the position of State Health Officer within the Health
15 Division of the Department of Health and Human Services and requires the State
16 Health Officer to enforce all laws and regulations pertaining to the public health
17 and to investigate matters relating to the health and life of the people of this State.
18 (NRS 439.090, 439.130) **Section 64** of this bill provides that the State Health
19 Officer serves as Chief Medical Officer unless the Director of the Department
20 determines that the appointment of a Chief Medical Officer is in the best interests
21 of this State. **Sections 63 and 65** of this bill establish the qualifications and duties
22 of the Chief Medical Officer. **Section 13** of this bill provides that the medical
23 director or other person in charge of certain facilities relating to mental health is
24 subject to the oversight of the Chief Medical Officer and is required to report any
25 information concerning the facility to the Chief Medical Officer upon his or her
26 request.

27 This bill also transfers: (1) the powers and duties concerning certain services to
28 children with autism spectrum disorders from the Health Division to the Aging and
29 Disability Services Division of the Department of Health and Human Services; and
30 (2) the authority for developmental services from the Division of Mental Health
31 and Developmental Services to the Aging and Disability Services Division.

32 **Section 142** of this bill provides, in part, for the Legislative Counsel to
33 substitute appropriately throughout NRS any names changed by this bill, so that
34 this bill does not need to include every section of NRS in which a name needs to be
35 changed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 232.300 is hereby amended to read as follows:

2 232.300 1. The Department of Health and Human Services is
3 hereby created.

4 2. The Department consists of a Director and the following
5 divisions:

6 (a) Aging and Disability Services Division.

7 (b) ~~Health Division.~~

8 ~~(c) Division of Mental Health and Developmental Services.~~

9 ~~(d) Public and Behavioral Health.~~

10 (c) Division of Welfare and Supportive Services.

11 ~~(e)~~ (d) Division of Child and Family Services.

12 ~~(f)~~ (e) Division of Health Care Financing and Policy.

13 3. The Department is the sole agency responsible for
14 administering the provisions of law relating to its respective
15 divisions.

16 **Sec. 2.** NRS 232.320 is hereby amended to read as follows:

17 232.320 1. The Director:



1 (a) Shall appoint, with the consent of the Governor,
2 administrators of the divisions of the Department, who are
3 respectively designated as follows:

4 (1) The Administrator of the Aging and Disability Services
5 Division;

6 ~~(2) The Administrator of the Health Division;~~

7 ~~— (3) The Administrator of the Division of Welfare and~~
8 Supportive Services;

9 ~~(4) (3) The Administrator of the Division of Child and~~
10 Family Services;

11 ~~(5) (4) The Administrator of the Division of Health Care~~
12 Financing and Policy; and

13 ~~(6) (5) The Administrator of the Division of Mental Health~~
14 ~~and Developmental Services.] Public and Behavioral Health.~~

15 (b) Shall administer, through the divisions of the Department,
16 the provisions of chapters 63, 424, 425, 427A, 432A to 442,
17 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS
18 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive,
19 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626,
20 inclusive, 444.003 to 444.430, inclusive, and 445A.010 to
21 445A.055, inclusive, and all other provisions of law relating to the
22 functions of the divisions of the Department, but is not responsible
23 for the clinical activities of the ~~Health] Division of Public and~~
24 ~~Behavioral Health~~ or the professional line activities of the other
25 divisions.

26 (c) Shall administer any state program for persons with
27 developmental disabilities established pursuant to the
28 Developmental Disabilities Assistance and Bill of Rights Act of
29 2000, 42 U.S.C. §§ 15001 et seq.

30 (d) Shall, after considering advice from agencies of local
31 governments and nonprofit organizations which provide social
32 services, adopt a master plan for the provision of human services in
33 this State. The Director shall revise the plan biennially and deliver a
34 copy of the plan to the Governor and the Legislature at the
35 beginning of each regular session. The plan must:

36 (1) Identify and assess the plans and programs of the
37 Department for the provision of human services, and any
38 duplication of those services by federal, state and local agencies;

39 (2) Set forth priorities for the provision of those services;

40 (3) Provide for communication and the coordination of those
41 services among nonprofit organizations, agencies of local
42 government, the State and the Federal Government;

43 (4) Identify the sources of funding for services provided by
44 the Department and the allocation of that funding;



1 (5) Set forth sufficient information to assist the Department
2 in providing those services and in the planning and budgeting for the
3 future provision of those services; and

4 (6) Contain any other information necessary for the
5 Department to communicate effectively with the Federal
6 Government concerning demographic trends, formulas for the
7 distribution of federal money and any need for the modification of
8 programs administered by the Department.

9 (e) May, by regulation, require nonprofit organizations and state
10 and local governmental agencies to provide information regarding
11 the programs of those organizations and agencies, excluding
12 detailed information relating to their budgets and payrolls, which the
13 Director deems necessary for the performance of the duties imposed
14 upon him or her pursuant to this section.

15 (f) Has such other powers and duties as are provided by law.

16 2. Notwithstanding any other provision of law, the Director, or
17 the Director's designee, is responsible for appointing and removing
18 subordinate officers and employees of the Department, other than:

19 (a) The Executive Director of the Nevada Indian Commission
20 who is appointed pursuant to NRS 233A.055; and

21 (b) The State Public Defender of the Office of State Public
22 Defender who is appointed pursuant to NRS 180.010.

23 **Sec. 3.** NRS 232.350 is hereby amended to read as follows:

24 232.350 Unless federal law or regulation requires otherwise:

25 1. The administrators of the divisions of the Department,
26 except as otherwise provided in subsections 2 ~~and 3,~~ **3 and 4,**
27 may each appoint, with the consent of the Director, a deputy and a
28 chief assistant in the unclassified service of the State.

29 2. The Administrator of the Division of Child and Family
30 Services of the Department shall appoint, with the consent of the
31 Director, four deputies in the unclassified service of the State, one of
32 whom is the Deputy Administrator for Youth Corrections who is
33 responsible only for correctional services for youths for which the
34 Division is responsible, including, without limitation, juvenile
35 correctional institutions, parole of juveniles, administration of
36 juvenile justice and programs for juvenile justice.

37 3. The Administrator of the Division of Health Care Financing
38 and Policy of the Department may appoint, with the consent of the
39 Director, two deputies in the unclassified service of the State.

40 ***4. The Administrator of the Division of Public and***
41 ***Behavioral Health shall appoint, with the consent of the Director,***
42 ***four deputies in the unclassified service of the State.***

43 **Sec. 4.** NRS 232.361 is hereby amended to read as follows:

44 232.361 1. There is hereby created in the Department a
45 Commission on ~~{Mental Health and Developmental Services}~~



1 **Public and Behavioral Health** consisting of 10 members appointed
2 by the Governor, at least 3 of whom have training or experience in
3 dealing with mental retardation.

4 2. The Governor shall appoint:

5 (a) A psychiatrist licensed to practice medicine in this State,
6 from a list of three candidates submitted by the Nevada Psychiatric
7 Association;

8 (b) A psychologist licensed to practice in this State and
9 experienced in clinical practice, from a list of four candidates
10 submitted by the Nevada State Psychological Association, two of
11 whom must be from northern Nevada and two of whom must be
12 from southern Nevada;

13 (c) A physician, other than a psychiatrist, licensed to practice
14 medicine in this State and who has experience in dealing with
15 mental retardation, from a list of three candidates submitted by the
16 Nevada State Medical Association;

17 (d) A social worker who has a master's degree and has
18 experience in dealing with mental illness or mental retardation, or
19 both;

20 (e) A registered nurse licensed to practice in this State who has
21 experience in dealing with mental illness or mental retardation, or
22 both, from a list of three candidates submitted by the Nevada Nurses
23 Association;

24 (f) A marriage and family therapist licensed to practice in this
25 State, from a list of three candidates submitted by the Nevada
26 Association for Marriage and Family Therapy;

27 (g) A person who has knowledge and experience in the
28 prevention of alcohol and drug abuse and the treatment and recovery
29 of alcohol and drug abusers through a program or service provided
30 pursuant to chapter 458 of NRS, from a list of three candidates
31 submitted by the Division of ~~Mental Health and Developmental~~
32 ~~Services~~ **Public and Behavioral Health** of the Department;

33 (h) A current or former recipient of mental health services
34 provided by the State or any agency thereof;

35 (i) A representative of the general public who has a special
36 interest in the field of mental health; and

37 (j) A representative of the general public who has a special
38 interest in the field of mental retardation.

39 3. The Governor shall appoint the Chair of the Commission
40 from among its members.

41 4. After the initial terms, each member shall serve a term of 4
42 years. If a vacancy occurs during a member's term, the Governor
43 shall appoint a person qualified under this section to replace that
44 member for the remainder of the unexpired term.



1 **Sec. 5.** NRS 178.3983 is hereby amended to read as follows:
2 178.3983 “Division” means the Division of ~~{Mental Health and~~
3 ~~Developmental Services}~~ **Public and Behavioral Health** of the
4 Department of Health and Human Services.

5 **Sec. 6.** Chapter 278 of NRS is hereby amended by adding
6 thereto a new section to read as follows:

7 ***“Division” means the Division of Public and Behavioral***
8 ***Health of the Department of Health and Human Services.***

9 **Sec. 7.** NRS 278.0238 is hereby amended to read as follows:
10 278.0238 As used in NRS 278.0238 to 278.02388, inclusive,
11 ***and section 6 of this act***, unless the context otherwise requires, the
12 words and terms defined in NRS 278.02381 to 278.02385, inclusive,
13 ***and section 6 of this act*** have the meanings ascribed to them in
14 those sections.

15 **Sec. 8.** NRS 353.349 is hereby amended to read as follows:

16 353.349 1. If the Administrator of the ~~{Health}~~
17 **Public and Behavioral Health** of the Department of Health and
18 Human Services determines that current claims exceed the amount
19 of money available because revenue from billed services has not
20 been collected or because of a delay in the receipt of money from
21 federal grants, the Administrator may request from the Director of
22 the Department of Administration a temporary advance from the
23 State General Fund for the payment of authorized expenses.

24 2. The Director of the Department of Administration shall
25 notify the State Controller and the Fiscal Analysis Division of the
26 Legislative Counsel Bureau of the Director’s approval of a request
27 made pursuant to subsection 1. The State Controller shall draw his
28 or her warrant upon receipt of the approval by the Director of the
29 Department of Administration.

30 3. An advance from the State General Fund:

31 (a) May be approved by the Director of the Department of
32 Administration for the following budget accounts of the ~~{Health}~~
33 Division of **Public and Behavioral Health** of the Department of
34 Health and Human Services:

- 35 (1) Consumer Health Protection;
36 (2) Bureau of Laboratory and Research;
37 (3) Community Health Services;
38 (4) Women, Infants and Children;
39 (5) Bureau of Health Facilities; and
40 (6) Radiological Health.

41 (b) Is limited to 25 percent of the revenues expected to be
42 received in the current fiscal year from any source other than
43 legislative appropriation.

44 4. Any money which is temporarily advanced from the State
45 General Fund to an account pursuant to subsection 3 must be repaid



1 by August 31 following the end of the immediately preceding fiscal
2 year.

3 **Sec. 9.** NRS 353.351 is hereby amended to read as follows:

4 353.351 1. If the Administrator of the *Aging and Disability*
5 *Services* Division ~~{of Mental Health and Developmental Services}~~
6 of the Department of Health and Human Services determines that
7 current claims exceed the amount of money available because
8 revenue from billed services has not been collected, the
9 Administrator may request from the Director of the Department of
10 Administration a temporary advance from the State General Fund
11 for the payment of authorized expenses.

12 2. The Director of the Department of Administration shall
13 notify the State Controller and the Fiscal Analysis Division of the
14 Legislative Counsel Bureau of the Director's approval of a request
15 made pursuant to subsection 1. The State Controller shall draw his
16 or her warrant upon receipt of the approval by the Director of the
17 Department of Administration.

18 3. An advance from the State General Fund:

19 (a) May be approved by the Director of the Department of
20 Administration for the following budget accounts of the *Aging and*
21 *Disability Services* Division ~~{of Mental Health and Developmental~~
22 ~~Services}~~ of the Department of Health and Human Services:

- 23 (1) Rural Regional Center;
24 (2) Desert Regional Center; and
25 (3) Sierra Regional Center.

26 (b) Is limited to 25 percent of the revenues expected to be
27 received in the current fiscal year from any source other than
28 legislative appropriation.

29 4. Any money which is temporarily advanced from the State
30 General Fund to an account pursuant to subsection 3 must be repaid
31 by August 31 following the end of the immediately preceding fiscal
32 year.

33 **Sec. 10.** NRS 432A.0273 is hereby amended to read as
34 follows:

35 432A.0273 ~~{“Health”~~ “ Division” means the ~~{Health}~~ Division
36 *of Public and Behavioral Health* of the Department.

37 **Sec. 11.** Chapter 433 of NRS is hereby amended by adding
38 thereto the provisions set forth as sections 12 and 13 of this act.

39 **Sec. 12. 1.** *The Administrator may delegate to a deputy of*
40 *the Division the exercise or discharge in the name of the*
41 *Administrator of any power, duty or function vested in or imposed*
42 *upon the Administrator.*

43 **2.** *The official act of any such person acting in the name of*
44 *the Administrator and by his or her authority shall be deemed an*
45 *official act of the Administrator.*



1 **Sec. 13.** *The medical director or other person in charge of*
2 *any division facility or any other facility or center established*
3 *pursuant to this chapter and chapters 433A, 433B and 436 of*
4 *NRS:*

5 1. *Is subject to the oversight of the Chief Medical Officer;*
6 *and*

7 2. *Shall report to the Chief Medical Officer any information*
8 *concerning the facility or center upon the request of the Chief*
9 *Medical Officer.*

10 **Sec. 14.** NRS 433.003 is hereby amended to read as follows:

11 433.003 The Legislature hereby declares that it is the intent of
12 this ~~title:~~ *chapter and chapters 433A, 433B and 436 of NRS:*

13 1. To eliminate the forfeiture of any civil and legal rights of
14 any person and the imposition of any legal disability on any person,
15 based on an allegation of mental illness ~~for mental retardation~~ or a
16 related condition, by any method other than a separate judicial
17 proceeding resulting in a determination of incompetency, wherein
18 the civil and legal rights forfeited and the legal disabilities imposed
19 are specifically stated; and

20 2. To charge the Division of ~~Mental and Developmental~~
21 ~~Services,~~ *Public and Behavioral Health*, and the Division of Child
22 and Family Services, of the Department with recognizing their duty
23 to act in the best interests of their respective consumers by placing
24 them in the least restrictive environment.

25 **Sec. 15.** NRS 433.005 is hereby amended to read as follows:

26 433.005 As used in this ~~title:~~ *chapter and chapters 433A,*
27 *433B and 436 of NRS*, unless the context otherwise requires, or
28 except as otherwise defined by specific statute, the words and terms
29 defined in NRS 433.014 to 433.227, inclusive, have the meanings
30 ascribed to them in those sections.

31 **Sec. 16.** NRS 433.014 is hereby amended to read as follows:

32 433.014 “Administrative officer” means a person with overall
33 executive and administrative responsibility for those state or
34 nonstate mental health ~~for mental retardation facilities~~ *centers*
35 designated by the Administrator.

36 **Sec. 17.** NRS 433.047 is hereby amended to read as follows:

37 433.047 “Commission” means the Commission on ~~Mental~~
38 ~~Health and Developmental Services,~~ *Public and Behavioral*
39 *Health.*

40 **Sec. 18.** NRS 433.084 is hereby amended to read as follows:

41 433.084 “Division” means the Division of ~~Mental Health and~~
42 ~~Developmental Services~~ *Public and Behavioral Health* of the
43 Department.



1 **Sec. 19.** NRS 433.134 is hereby amended to read as follows:
2 433.134 “Medical director” means the ~~chief~~ medical officer
3 *in charge* of any division mental health ~~for mental retardation~~
4 program.

5 **Sec. 20.** NRS 433.233 is hereby amended to read as follows:
6 433.233 1. The division facilities providing mental health
7 services are designated as:

- 8 (a) Northern Nevada Adult Mental Health Services;
- 9 (b) Southern Nevada Adult Mental Health Services;
- 10 (c) Rural clinics; and
- 11 (d) Lakes Crossing Center.

12 2. ~~The division facilities providing services for persons with~~
13 ~~mental retardation and persons with related conditions are~~
14 ~~designated as:~~

- 15 ~~—(a) Desert Regional Center;~~
- 16 ~~—(b) Sierra Regional Center; and~~
- 17 ~~—(c) Rural Regional Center.~~

18 ~~3.~~ Division facilities established after July 1, 1981, must be
19 named by the Administrator, subject to the approval of the Director
20 of the Department.

21 **Sec. 21.** NRS 433.244 is hereby amended to read as follows:

22 433.244 1. The Administrator must : ~~have:~~

23 (a) *Have:*

24 (1) Training and demonstrated administrative qualities of
25 leadership in any one of the professional fields of psychiatry,
26 medicine, psychology, social work, ~~education~~ *public health* or
27 administration; and

28 ~~(b)~~ (2) Administrative training or experience in programs
29 relating to mental health, including care, treatment or training, or
30 any combination thereof, of persons with mental illness ~~for mental~~
31 ~~retardation~~ and persons with related conditions ~~;~~ *or*

32 (b) *Have not less than 2 years’ experience, or the equivalent,*
33 *in a responsible administrative position in:*

34 (1) *A full-time county or city health facility or department;*
35 *or*

36 (2) *A major health program at a state or national level.*

37 2. The Administrator is in the unclassified service of the State.

38 **Sec. 22.** NRS 433.314 is hereby amended to read as follows:

39 433.314 The Commission shall:

40 1. Establish policies to ensure adequate development and
41 administration of services for persons with mental illness ~~for mental~~
42 ~~retardation~~ or co-occurring disorders and persons with related
43 conditions, including services to prevent mental illness ~~for mental~~
44 ~~retardation~~ and co-occurring disorders and related conditions, and
45 services provided without admission to a facility or institution;



1 2. Set policies for the care and treatment of persons with
2 mental illness ~~{, mental retardation}~~ or co-occurring disorders and
3 persons with related conditions provided by all state agencies;

4 3. Review the programs and finances of the Division; and

5 4. Report at the beginning of each year to the Governor and at
6 the beginning of each odd-numbered year to the Legislature on the
7 quality of the care and treatment provided for persons with mental
8 illness ~~{, mental retardation}~~ or co-occurring disorders and persons
9 with related conditions in this State and on any progress made
10 toward improving the quality of that care and treatment.

11 **Sec. 23.** NRS 433.316 is hereby amended to read as follows:

12 433.316 The Commission may:

13 1. Collect and disseminate information pertaining to mental
14 health ~~{, mental retardation}~~ and co-occurring disorders and related
15 conditions.

16 2. Request legislation pertaining to mental health ~~{, mental
17 retardation}~~ and co-occurring disorders and related conditions.

18 3. Investigate complaints about the care of any person in a
19 public facility for the treatment of persons with mental illness ~~{,
20 mental retardation}~~ or co-occurring disorders and persons with
21 related conditions.

22 4. Accept, as authorized by the Legislature, gifts and grants of
23 money and property.

24 5. Take appropriate steps to increase the availability of and to
25 enhance the quality of the care and treatment of persons with mental
26 illness ~~{, mental retardation}~~ or co-occurring disorders and persons
27 with related conditions provided through state agencies, hospitals
28 and clinics.

29 6. Promote programs for the treatment of persons with mental
30 illness ~~{, mental retardation}~~ or co-occurring disorders and persons
31 with related conditions and participate in and promote the
32 development of facilities for training persons to provide services for
33 persons with mental illness ~~{, mental retardation}~~ or co-occurring
34 disorders and persons with related conditions.

35 7. Create a plan to coordinate the services for the treatment of
36 persons with mental illness ~~{, mental retardation}~~ or co-occurring
37 disorders and persons with related conditions provided in this State
38 and to provide continuity in the care and treatment provided.

39 8. Establish and maintain an appropriate program which
40 provides information to the general public concerning mental illness
41 ~~{, mental retardation}~~ and co-occurring disorders and related
42 conditions and consider ways to involve the general public in the
43 decisions concerning the policy on mental illness ~~{, mental
44 retardation}~~ and co-occurring disorders and related conditions.



1 9. Compile statistics on mental illness and study the cause,
2 pathology and prevention of that illness.

3 10. Establish programs to prevent or postpone the commitment
4 of residents of this State to facilities for the treatment of persons
5 with mental illness ~~[-, mental retardation]~~ or co-occurring disorders
6 and persons with related conditions.

7 11. Evaluate the future needs of this State concerning the
8 treatment of mental illness ~~[-, mental retardation]~~ and co-occurring
9 disorders and related conditions and develop ways to improve the
10 treatment already provided.

11 12. Take any other action necessary to promote mental health
12 in this State.

13 **Sec. 24.** NRS 433.318 is hereby amended to read as follows:

14 433.318 1. The Commission may appoint a subcommittee or
15 an advisory committee composed of members who have experience
16 and knowledge of matters relating to persons with mental illness ~~[-,~~
17 ~~mental retardation]~~ or co-occurring disorders and related conditions
18 and who, to the extent practicable, represent the ethnic and
19 geographic diversity of this State.

20 2. A subcommittee or advisory committee appointed pursuant
21 to this section shall consider specific issues and advise the
22 Commission on matters related to the duties of the Commission.

23 3. The members of a subcommittee or advisory committee
24 appointed pursuant to this section serve at the pleasure of the
25 Commission. The members serve without compensation, except that
26 each member is entitled, while engaged in the business of the
27 subcommittee or advisory committee, to the per diem allowance and
28 travel expenses provided for state officers and employees generally
29 if funding is available for this purpose.

30 **Sec. 25.** NRS 433.324 is hereby amended to read as follows:

31 433.324 1. The Commission shall adopt regulations:

32 (a) For the care and treatment of persons with mental illness ~~[-,~~
33 ~~mental retardation]~~ or co-occurring disorders and persons with
34 related conditions by all state agencies and facilities, and their
35 referral to private facilities;

36 (b) To ensure continuity in the care and treatment provided to
37 persons with mental illness ~~[-, mental retardation]~~ or co-occurring
38 disorders and persons with related conditions in this State; and

39 (c) Necessary for the proper and efficient operation of the
40 facilities of the Division.

41 2. The Commission may adopt regulations to promote
42 programs relating to mental health ~~[-, mental retardation]~~ and
43 co-occurring disorders and related conditions.



1 **Sec. 26.** NRS 433.325 is hereby amended to read as follows:

2 433.325 The Commission or its designated agent may inspect
3 any state facility providing services for persons with mental illness
4 ~~[, mental retardation]~~ or co-occurring disorders and persons with
5 related conditions to determine if the facility is in compliance with
6 the provisions of this ~~[title]~~ *chapter and chapters 433A, 433B and*
7 *436 of NRS* and any regulations adopted pursuant ~~[to those~~
8 ~~provisions.] thereto.~~

9 **Sec. 27.** NRS 433.3315 is hereby amended to read as follows:

10 433.3315 The Division shall adopt regulations:

11 1. To define the term "consumer" for the purposes of this
12 ~~[title.] chapter and chapters 433A, 433B and 436 of NRS.~~

13 2. To specify the circumstances under which a consumer is
14 eligible to receive services from the Division pursuant to this ~~[title,]~~
15 *chapter and chapters 433A, 433B and 436 of NRS*, including, but
16 not limited to, care, treatment, treatment to competency and training.
17 Regulations adopted pursuant to this subsection must specify that a
18 consumer is eligible to receive services only if the consumer:

19 (a) Has a documented diagnosis of a mental disorder based on
20 the most recent edition of the Diagnostic and Statistical Manual of
21 Mental Disorders published by the American Psychiatric
22 Association; and

23 (b) Except as otherwise provided in the regulations adopted
24 pursuant to subsection 3, is not eligible to receive services through
25 another public or private entity.

26 3. To specify the circumstances under which the provisions of
27 paragraph (b) of subsection 2 do not apply, including, without
28 limitation, when the copay or other payment required to obtain
29 services through another public or private entity is prohibitively
30 high.

31 4. To establish policies and procedures for the referral of each
32 consumer who needs services that the Division is unable to provide
33 to the most appropriate organization or resource who is able to
34 provide the needed services to that consumer.

35 **Sec. 28.** NRS 433.334 is hereby amended to read as follows:

36 433.334 The Division may, by contract with general hospitals
37 or other institutions having adequate facilities in the State of
38 Nevada, provide for inpatient care of consumers with mental illness
39 ~~[or mental retardation]~~ and consumers with related conditions.

40 **Sec. 29.** NRS 433.354 is hereby amended to read as follows:

41 433.354 For the purposes of *this chapter and* chapters ~~[433 to~~
42 ~~436, inclusive.] 433A, 433B and 436~~ of NRS, the Department
43 through the Division may cooperate, financially or otherwise, and
44 execute contracts or agreements with the Federal Government, any
45 federal department or agency, any other state department or agency,



1 a county, a city, a public district or any political subdivision of this
2 state, a public or private corporation, an individual or a group of
3 individuals. Such contracts or agreements may include provisions
4 whereby the Division will render services, the payment for which
5 will be reimbursed directly to the Division's budget. Cooperation
6 pursuant to this section does not of itself relieve any person,
7 department, agency or political subdivision of any responsibility or
8 liability existing under any provision of law.

9 **Sec. 30.** NRS 433.364 is hereby amended to read as follows:

10 433.364 Nothing in this ~~title~~ *chapter and chapters 433A,*
11 *433B and 436 of NRS* precludes the involuntary court-ordered
12 admission of a person with mental illness to a private institution
13 where such admission is authorized by law.

14 **Sec. 31.** NRS 433.394 is hereby amended to read as follows:

15 433.394 For the purposes of this ~~title~~ *chapter and chapters*
16 *433A, 433B and 436 of NRS*, the Department may accept:

- 17 1. Moneys appropriated and made available by any act of the
18 Congress of the United States;
- 19 2. Moneys and contributions made available by a county, a
20 city, a public district or any political subdivision of this state; and
- 21 3. Moneys and contributions made available by a public or
22 private corporation, a private foundation, an individual or a group of
23 individuals.

24 **Sec. 32.** NRS 433.395 is hereby amended to read as follows:

25 433.395 1. Upon approval of the Director of the Department,
26 the Administrator may accept:

27 (a) Donations of money and gifts of real or personal property;
28 and

29 (b) Grants of money from the Federal Government,

30 ↪ for use in public or private programs that provide services to
31 persons in this State with mental illness ~~for mental retardation~~ and
32 persons with related conditions.

33 2. The Administrator shall disburse any donations, gifts and
34 grants received pursuant to this section to programs that provide
35 services to persons with mental illness ~~for mental retardation~~ and
36 persons with related conditions in a manner that supports the plan to
37 coordinate services created by the Commission pursuant to
38 subsection 7 of NRS 433.316. In the absence of a plan to coordinate
39 services, the Administrator shall make disbursements to programs
40 that will maximize the benefit provided to persons with mental
41 illness ~~for mental retardation~~ and persons with related conditions in
42 consideration of the nature and value of the donation, gift or grant.

43 3. Within limits of legislative appropriations or other available
44 money, the Administrator may enter into a contract for services



1 related to the evaluation and recommendation of recipients for the
2 disbursements required by this section.

3 **Sec. 33.** NRS 433.404 is hereby amended to read as follows:

4 433.404 1. The Division shall establish a fee schedule for
5 services rendered through any program supported by the State
6 pursuant to the provisions of *this chapter and* chapters ~~433 to 436,~~
7 ~~inclusive,~~ *433A, 433B and 436* of NRS. The schedule must be
8 submitted to the Commission and the Director of the Department for
9 joint approval before enforcement. The fees collected by facilities
10 operated by the Division pursuant to this schedule must be deposited
11 in the State Treasury to the credit of the State General Fund, except
12 as otherwise provided in NRS 433.354 for fees collected pursuant to
13 contract or agreement. ~~and in NRS 435.120 for fees collected for~~
14 ~~services to consumers with mental retardation and related~~
15 ~~conditions.~~

16 2. For a facility providing services for the treatment of persons
17 with mental illness ~~for mental retardation~~ and persons with related
18 conditions, the fee established must approximate the cost of
19 providing the service, but if a consumer is unable to pay in full the
20 fee established pursuant to this section, the Division may collect any
21 amount the consumer is able to pay.

22 **Sec. 34.** NRS 433.424 is hereby amended to read as follows:

23 433.424 A mental health ~~and mental retardation~~ center
24 revolving account up to the amount of \$5,000 is hereby created for
25 each division mental health ~~and mental retardation~~ center, and may
26 be used for the payment of mental health ~~for mental retardation~~
27 center bills requiring immediate payment and for no other purposes.
28 The respective administrative officers shall deposit the money for
29 the respective revolving accounts in one or more banks or credit
30 unions of reputable standing. Payments made from each account
31 must be promptly reimbursed from appropriated money of the
32 respective mental health ~~for mental retardation~~ centers on claims as
33 other claims against the State are paid.

34 **Sec. 35.** NRS 433.434 is hereby amended to read as follows:

35 433.434 For purposes of this ~~title,~~ *chapter and chapters*
36 *433A, 433B and 436 of NRS*, the residence of a person is:

37 1. The domicile of such person;

38 2. If the domicile of the person cannot be ascertained, the place
39 where the person was last employed; or

40 3. If the domicile of the person cannot be ascertained and he or
41 she is not or was not employed, the place where the person made his
42 or her home or headquarters.

43 **Sec. 36.** NRS 433.444 is hereby amended to read as follows:

44 433.444 1. For the purpose of facilitating the return of
45 nonresident consumers to the state in which they have legal



1 residence, the Administrator may enter into reciprocal agreements,
2 consistent with the provisions of this ~~{title,}~~ *chapter and chapters*
3 *433A, 433B and 436 of NRS*, with the proper boards,
4 commissioners or officers of other states for the mutual exchange of
5 consumers confined in, admitted or committed to a mental health ~~{or~~
6 ~~mental-retardation}~~ facility in one state whose legal residence is in
7 the other, and may give written permission for the return and
8 admission to a division facility of any resident of this state when
9 such permission is conformable to the provisions of this ~~{title}~~
10 *chapter and chapters 433A, 433B and 436 of NRS* governing
11 admissions to a division facility.

12 2. The county clerk and board of county commissioners of
13 each county, upon receiving notice from the Administrator that an
14 application for the return of an alleged resident of this state has been
15 received, shall promptly investigate and report to the Administrator
16 their findings as to the legal residence of the consumer.

17 **Sec. 37.** NRS 433.458 is hereby amended to read as follows:

18 433.458 "Administrative officer" means a person with overall
19 executive and administrative responsibility for a facility that
20 provides services relating to mental health ~~{or-mental-retardation}~~
21 and related conditions and that is operated by any public or private
22 entity.

23 **Sec. 38.** NRS 433.464 is hereby amended to read as follows:

24 433.464 ~~{This title does}~~ *The provisions of this chapter and*
25 *chapters 433A, 433B and 436 of NRS do* not limit the right of any
26 person detained hereunder to a writ of habeas corpus upon a proper
27 application made at any time by such person or any other person on
28 his or her behalf.

29 **Sec. 39.** NRS 433.494 is hereby amended to read as follows:

30 433.494 1. An individualized written plan of mental health
31 ~~{or-mental-retardation}~~ services or plan of services for a related
32 condition must be developed for each consumer of each facility. The
33 plan must:

34 (a) Provide for the least restrictive treatment procedure that may
35 reasonably be expected to benefit the consumer; and

36 (b) Be developed with the input and participation of:

37 (1) The consumer, to the extent that he or she is able to
38 provide input and participate; and

39 (2) To the extent that the consumer is unable to provide input
40 and participate, the parent or guardian of the consumer if the
41 consumer is under 18 years of age and is not legally emancipated, or
42 the legal guardian of a consumer who has been adjudicated mentally
43 incompetent.

44 2. The plan must be kept current and must be modified, with
45 the input and participation of the consumer, the parent or guardian



1 of the consumer or the legal guardian of the consumer, as
2 appropriate, when indicated. The plan must be thoroughly reviewed
3 at least once every 3 months.

4 3. The person in charge of implementing the plan of services
5 must be designated in the plan.

6 **Sec. 40.** NRS 433A.010 is hereby amended to read as follows:

7 433A.010 The provisions of this chapter apply to all mental
8 health centers of the Division of ~~{Mental Health and Developmental~~
9 ~~Services}~~ **Public and Behavioral Health** of the Department and of
10 the Division of Child and Family Services of the Department. Such
11 provisions apply to private institutions and facilities offering mental
12 health services only when specified in the context.

13 **Sec. 41.** NRS 433A.012 is hereby amended to read as follows:

14 433A.012 “Administrative officer” means a person with
15 overall executive and administrative responsibility for those state or
16 nonstate facilities for mental health ~~{or mental retardation}~~
17 designated by the Administrator.

18 **Sec. 42.** NRS 433A.015 is hereby amended to read as follows:

19 433A.015 “Division” means:

20 1. Except as otherwise provided in subsection 2, the Division
21 of ~~{Mental Health and Developmental Services}~~ **Public and**
22 **Behavioral Health** of the Department.

23 2. Regarding the provision of services for the mental health of
24 children pursuant to chapter 433B of NRS, the Division of Child
25 and Family Services of the Department.

26 **Sec. 43.** NRS 433A.017 is hereby amended to read as follows:

27 433A.017 “Medical director” means the ~~{chief}~~ medical officer
28 **in charge** of any program of the Division of ~~{Mental Health and~~
29 ~~Developmental Services}~~ **Public and Behavioral Health** of the
30 Department.

31 **Sec. 44.** NRS 433A.020 is hereby amended to read as follows:

32 433A.020 The administrative officer of a facility of the
33 Division must:

34 1. Be selected on the basis of training and demonstrated
35 administrative qualities of leadership in any one of the fields of
36 psychiatry, medicine, psychology, social work, ~~{education}~~ **public**
37 **health** or administration.

38 2. Be appointed on the basis of merit as measured by
39 administrative training or experience in programs relating to mental
40 health, including care and treatment of persons with mental illness
41 ~~{or mental retardation}~~ and persons with related conditions.

42 3. Have additional qualifications which are in accordance with
43 criteria prescribed by the Division of Human Resource Management
44 of the Department of Administration.



1 **Sec. 45.** NRS 433A.030 is hereby amended to read as follows:

2 433A.030 The administrative officers have the following
3 powers and duties, subject to the administrative supervision of the
4 Administrator:

5 1. To exercise general supervision of and establish regulations
6 for the government of the facilities designated by the Administrator;

7 2. To be responsible for and supervise the fiscal affairs and
8 responsibilities of the facilities designated by the Administrator;

9 3. To appoint such medical, technical, clerical and operational
10 staff as the execution of his or her duties, the care and treatment of
11 consumers and the maintenance and operation of the facilities
12 designated by the Administrator may require;

13 4. To make reports to the Administrator, and to supply the
14 Administrator with material on which to base proposed legislation;

15 5. To keep complete and accurate records of all proceedings,
16 record and file all bonds and contracts, and assume responsibility for
17 the custody and preservation of all papers and documents pertaining
18 to his or her office;

19 6. To inform the public in regard to the activities and operation
20 of the facilities;

21 7. To invoke any legal, equitable or special procedures for the
22 enforcement of his or her orders or the enforcement of the
23 provisions of this ~~title~~ *chapter and chapters 433, 433B and 436 of*
24 *NRS* and other statutes governing the facilities;

25 8. To submit an annual report to the Administrator on the
26 condition, operation, functioning and anticipated needs of the
27 facilities; and

28 9. To assume responsibility for the nonmedical care and
29 treatment of consumers if that responsibility has not been delegated.

30 **Sec. 46.** NRS 433B.130 is hereby amended to read as follows:

31 433B.130 1. The Administrator shall:

32 (a) Administer, in accordance with the policies established by
33 the Commission, the programs of the Division for the mental health
34 of children.

35 (b) Establish appropriate policies to ensure that children in
36 division facilities have timely access to clinically appropriate
37 psychotropic medication that are consistent with the provisions of
38 NRS 432B.197 and NRS 432B.4681 to 432B.469, inclusive, and the
39 policies adopted pursuant thereto.

40 2. The Administrator may:

41 (a) Appoint the administrative personnel necessary to operate
42 the programs of the Division for the mental health of children.

43 (b) Delegate to the administrative officers the power to appoint
44 medical, technical, clerical and operational staff necessary for the
45 operation of any division facilities.



1 3. If the Administrator finds that it is necessary or desirable
2 that any employee reside at a facility operated by the Division or
3 receive meals at such a facility, perquisites granted or charges for
4 services rendered to that person are at the discretion of the Director
5 of the Department.

6 4. The Administrator may accept children referred to the
7 Division for treatment pursuant to the provisions of NRS 458.290 to
8 458.350, inclusive.

9 5. The Administrator may enter into agreements with the
10 Administrator of the Division of ~~Mental Health and Developmental~~
11 ~~Services~~ **Public and Behavioral Health** of the Department for the
12 care and treatment of consumers of the Division of Child and
13 Family Services at any facility operated by the Division of ~~Mental~~
14 ~~Health and Developmental Services.~~ **Public and Behavioral**
15 **Health.**

16 **Sec. 47.** NRS 433B.190 is hereby amended to read as follows:

17 433B.190 1. The Division shall adopt regulations to:

18 (a) Provide for a more detailed definition of abuse of a
19 consumer, consistent with the general definition given in
20 NRS 433B.340;

21 (b) Provide for a more detailed definition of neglect of a
22 consumer, consistent with the general definition given in NRS
23 433B.340; and

24 (c) Establish policies and procedures for reporting the abuse or
25 neglect of a consumer.

26 2. The regulations adopted pursuant to this section must, to the
27 extent possible and appropriate, be consistent with the regulations
28 adopted by the Division of ~~Mental Health and Developmental~~
29 ~~Services~~ **Public and Behavioral Health** of the Department
30 pursuant to NRS 433.331.

31 **Sec. 48.** Chapter 435 of NRS is hereby amended by adding
32 thereto the provisions set forth as sections 49 to 59, inclusive, of this
33 act.

34 **Sec. 49. 1. The division facilities providing services for**
35 **persons with intellectual disabilities and persons with related**
36 **conditions are designated as:**

37 (a) **Desert Regional Center;**

38 (b) **Sierra Regional Center; and**

39 (c) **Rural Regional Center.**

40 2. **Division facilities established after July 1, 1981, must be**
41 **named by the Administrator, subject to the approval of the**
42 **Director of the Department.**

43 **Sec. 50. 1. The Division shall adopt regulations:**



1 (a) For the care and treatment of persons with intellectual
2 disabilities and persons with related conditions by all state
3 agencies and facilities, and their referral to private facilities;

4 (b) To ensure continuity in the care and treatment provided to
5 persons with intellectual disabilities and persons with related
6 conditions in this State; and

7 (c) Necessary for the proper and efficient operation of the
8 facilities of the Division.

9 2. The Division may adopt regulations to promote programs
10 relating to intellectual disabilities and related conditions.

11 **Sec. 51.** The Division or its designated agent may inspect any
12 division facility providing services for persons with intellectual
13 disabilities and persons with related conditions to determine if the
14 facility is in compliance with the provisions of this chapter and
15 any regulations adopted pursuant thereto.

16 **Sec. 52.** The Division may, by contract with general hospitals
17 or other institutions having adequate facilities in the State of
18 Nevada, provide for inpatient care of persons with intellectual
19 disabilities and persons with related conditions.

20 **Sec. 53.** The Division may contract with appropriate persons
21 professionally qualified in the field of psychiatric mental health to
22 provide inpatient and outpatient care for persons with intellectual
23 disabilities and persons with related conditions when it appears
24 that they can be treated best in that manner.

25 **Sec. 54.** The Division shall adopt regulations:

26 1. To define the term "consumer" for the purposes of this
27 chapter.

28 2. To specify the circumstances under which a consumer is
29 eligible to receive services from the Division pursuant to this
30 chapter, including, but not limited to, care, treatment and training.
31 Regulations adopted pursuant to this subsection must specify that
32 a consumer is eligible to receive services only if the consumer:

33 (a) Has a documented diagnosis of a mental disorder based on
34 the most recent edition of the Diagnostic and Statistical Manual of
35 Mental Disorders published by the American Psychiatric
36 Association; and

37 (b) Except as otherwise provided in the regulations adopted
38 pursuant to subsection 3, is not eligible to receive services through
39 another public or private entity.

40 3. To specify the circumstances under which the provisions of
41 paragraph (b) of subsection 2 do not apply, including, without
42 limitation, when the copay or other payment required to obtain
43 services through another public or private entity is prohibitively
44 high.



1 4. *To establish policies and procedures for the referral of*
2 *each consumer who needs services that the Division is unable to*
3 *provide to the most appropriate organization or resource who is*
4 *able to provide the needed services to that consumer.*

5 **Sec. 55.** *For the purposes of this chapter, the Department*
6 *may accept:*

7 1. *Money appropriated and made available by any act of the*
8 *Congress of the United States;*

9 2. *Money and contributions made available by a county, a*
10 *city, a public district or any political subdivision of this State; and*

11 3. *Money and contributions made available by a public or*
12 *private corporation, a private foundation, an individual or a group*
13 *of individuals.*

14 **Sec. 56.** *For the purposes of this chapter, the residence of a*
15 *person is:*

16 1. *The domicile of such person;*

17 2. *If the domicile of the person cannot be ascertained, the*
18 *place where the person was last employed; or*

19 3. *If the domicile of the person cannot be ascertained and he*
20 *or she is not or was not employed, the place where the person*
21 *made his or her home or headquarters.*

22 **Sec. 57.** 1. *For the purpose of facilitating the return of*
23 *nonresident consumers to the state in which they have legal*
24 *residence, the Administrator may enter into reciprocal*
25 *agreements, consistent with the provisions of this chapter, with the*
26 *proper boards, commissioners or officers of other states for the*
27 *mutual exchange of consumers confined in, admitted or*
28 *committed to an intellectual disability facility in one state whose*
29 *legal residence is in the other, and may give written permission for*
30 *the return and admission to a division facility of any resident of*
31 *this State when such permission is conformable to the provisions*
32 *of this chapter governing admissions to a division facility.*

33 2. *The county clerk and board of county commissioners of*
34 *each county, upon receiving notice from the Administrator that an*
35 *application for the return of an alleged resident of this State has*
36 *been received, shall promptly investigate and report to the*
37 *Administrator their findings as to the legal residence of the*
38 *consumer.*

39 **Sec. 58.** *This chapter does not limit the right of any person*
40 *detained hereunder to a writ of habeas corpus upon a proper*
41 *application made at any time by such person or any other person*
42 *on his or her behalf.*

43 **Sec. 59.** *The administrative officers have the following*
44 *powers and duties, subject to the administrative supervision of the*
45 *Administrator:*



1 1. *To exercise general supervision of and establish*
2 *regulations for the government of the facilities designated by the*
3 *Administrator;*

4 2. *To be responsible for and supervise the fiscal affairs and*
5 *responsibilities of the facilities designated by the Administrator;*

6 3. *To appoint such medical, technical, clerical and*
7 *operational staff as the execution of his or her duties, the care and*
8 *treatment of consumers and the maintenance and operation of the*
9 *facilities designated by the Administrator may require;*

10 4. *To make reports to the Administrator, and to supply the*
11 *Administrator with material on which to base proposed legislation;*

12 5. *To keep complete and accurate records of all proceedings,*
13 *record and file all bonds and contracts, and assume responsibility*
14 *for the custody and preservation of all papers and documents*
15 *pertaining to his or her office;*

16 6. *To inform the public in regard to the activities and*
17 *operation of the facilities;*

18 7. *To invoke any legal, equitable or special procedures for the*
19 *enforcement of his or her orders or the enforcement of the*
20 *provisions of this chapter and other statutes governing*
21 *the facilities;*

22 8. *To submit an annual report to the Administrator on the*
23 *condition, operation, functioning and anticipated needs of the*
24 *facilities; and*

25 9. *To assume responsibility for the nonmedical care and*
26 *treatment of consumers if that responsibility has not been*
27 *delegated.*

28 **Sec. 60.** NRS 435.007 is hereby amended to read as follows:

29 435.007 As used in this chapter, unless the context otherwise
30 requires:

31 1. *“Administrative officer” means a person with overall*
32 *executive and administrative responsibility for those state or*
33 *nonstate intellectual disability centers designated by the*
34 *Administrator.*

35 2. *“Administrator” means the Administrator of the Division.*

36 3. *“Child” means any person under the age of 18 years who*
37 *may be eligible for mental retardation services or services for a*
38 *related condition.*

39 ~~12~~ 4. *“Department” means the Department of Health and*
40 *Human Services.*

41 5. *“Division” means the Aging and Disability Services*
42 *Division of the Department.*

43 6. *“Division facility” means any unit or subunit operated by*
44 *the Division for the care, treatment and training of consumers.*



1 7. *“Intellectual disability” means significantly subaverage*
2 *general intellectual functioning existing concurrently with deficits*
3 *in adaptive behavior and manifested during the developmental*
4 *period.*

5 8. *“Intellectual disability center” means an organized*
6 *program for providing appropriate services and treatment to*
7 *persons with intellectual disabilities and persons with related*
8 *conditions. An intellectual disability center may include facilities*
9 *for residential treatment and training.*

10 9. “Parent” means the parent of a child. The term does not
11 include the parent of a person who has attained the age of 18 years.

12 ~~13~~ 10. “Person” includes a child and any other consumer with
13 mental retardation or a related condition who has attained the age of
14 18 years.

15 ~~14~~ 11. *“Persons with related conditions” means persons*
16 *who have a severe, chronic disability which:*

17 (a) *Is attributable to:*

18 (1) *Cerebral palsy or epilepsy; or*

19 (2) *Any other condition, other than mental illness, found to*
20 *be closely related to an intellectual disability because the condition*
21 *results in impairment of general intellectual functioning or*
22 *adaptive behavior similar to that of a person with an intellectual*
23 *disability and requires treatment or services similar to those*
24 *required by a person with an intellectual disability;*

25 (b) *Is manifested before the person affected attains the age of*
26 *22 years;*

27 (c) *Is likely to continue indefinitely; and*

28 (d) *Results in substantial functional limitations in three or*
29 *more of the following areas of major life activity:*

30 (1) *Taking care of oneself;*

31 (2) *Understanding and use of language;*

32 (3) *Learning;*

33 (4) *Mobility;*

34 (5) *Self-direction; and*

35 (6) *Capacity for independent living.*

36 12. “Residential facility for groups” means a structure similar
37 to a private residence which will house a small number of persons in
38 a homelike atmosphere.

39 13. *“Training” means a program of services directed*
40 *primarily toward enhancing the health, welfare and development*
41 *of persons with intellectual disabilities and persons with related*
42 *conditions through the process of providing those experiences that*
43 *will enable the person to:*

44 (a) *Develop his or her physical, intellectual, social and*
45 *emotional capacities to the fullest extent;*



1 (b) *Live in an environment that is conducive to personal*
2 *dignity; and*

3 (c) *Continue development of those skills, habits and attitudes*
4 *essential to adaptation in contemporary society.*

5 14. *“Treatment” means any combination of procedures or*
6 *activities, of whatever level of intensity and whatever duration,*
7 *ranging from occasional counseling sessions to full-time*
8 *admission to a residential facility.*

9 **Sec. 61.** NRS 435.350 is hereby amended to read as follows:

10 435.350 1. Each person with mental retardation and each
11 person with a related condition admitted to a division facility is
12 entitled to all rights enumerated in NRS 433.482, 433.484 and
13 433.545 to 433.551, inclusive.

14 2. The Administrator shall designate a person or persons to be
15 responsible for establishment of regulations relating to denial of
16 rights of persons with mental retardation and persons with related
17 conditions. The person designated shall file the regulations with the
18 Administrator.

19 3. Consumers’ rights specified in NRS 433.482 and 433.484
20 may be denied only for cause. Any denial of such rights must be
21 entered in the consumer’s treatment record, and notice of the denial
22 must be forwarded to the Administrator’s designee or designees as
23 provided in subsection 2. Failure to report denial of rights by an
24 employee may be grounds for dismissal.

25 4. Upon receipt of notice of a denial of rights as provided in
26 subsection 3, the Administrator’s designee or designees shall cause
27 a full report to be prepared which sets forth in detail the factual
28 circumstances surrounding the denial. A copy of the report must be
29 sent to the Administrator and the Commission.

30 5. The ~~Commission~~ *Division* has such powers and duties with
31 respect to reports of denial of rights as are enumerated *for the*
32 *Commission on Public and Behavioral Health* in subsection 3 of
33 NRS 433.534.

34 **Sec. 62.** Chapter 439 of NRS is hereby amended by adding
35 thereto the provisions set forth as sections 63, 64 and 65 of this act.

36 **Sec. 63.** *If appointed by the Director pursuant to subsection*
37 *2 of section 64 of this act, the Chief Medical Officer must:*

38 1. *Be a citizen of the United States;*

39 2. *Have not less than 5 years’ experience in health care in a*
40 *managerial or supervisory capacity; and*

41 3. *Be:*

42 (a) *Licensed in good standing or eligible for a license as a*
43 *physician or administrative physician in Nevada;*



1 (b) Licensed in good standing or eligible for a license as a
2 physician or administrative physician in the District of Columbia
3 or in any state or territory of the United States; or

4 (c) A physician or administrative physician who has a master's
5 degree or doctoral degree in public health or a related field.

6 **Sec. 64. 1.** *The State Health Officer shall serve as the Chief*
7 *Medical Officer and the duties of the Chief Medical Officer shall*
8 *be deemed to be included within the duties of the State Health*
9 *Officer unless the Director determines, in cooperation with the*
10 *Administrator, that the appointment of a Chief Medical Officer is*
11 *in the best interests of this State.*

12 2. *If the Director determines that the appointment of a Chief*
13 *Medical Officer is in the best interests of this State, the Director*
14 *shall appoint a Chief Medical Officer within 6 months after*
15 *making such a determination, except that if a qualified applicant*
16 *does not accept the position within that period, the Director shall*
17 *continue his or her efforts to fill the position until a qualified*
18 *person accepts the appointment.*

19 3. *The Chief Medical Officer is in the unclassified service of*
20 *the State and serves at the pleasure of the Director.*

21 **Sec. 65.** *The Chief Medical Officer shall:*

22 1. *Oversee the operation of facilities and centers established*
23 *pursuant to title 39 of NRS.*

24 2. *Direct the work of subordinates and may authorize them to*
25 *act in his or her place and stead.*

26 3. *Perform such other duties as the Director may, from time*
27 *to time, prescribe.*

28 *↳ If the Chief Medical Officer is not licensed to practice medicine*
29 *in this State, he or she shall not, in carrying out the duties of the*
30 *Chief Medical Officer, engage in the practice of medicine.*

31 **Sec. 66.** NRS 439.005 is hereby amended to read as follows:

32 439.005 As used in this chapter, unless the context requires
33 otherwise:

34 1. "Administrator" means the Administrator of the ~~Health~~
35 Division.

36 2. "Department" means the Department of Health and Human
37 Services.

38 3. "Director" means the Director of the Department.

39 4. ***"Division" means the Division of Public and Behavioral***
40 ***Health of the Department.***

41 5. "Health authority" means the officers and agents of the
42 ~~Health~~ Division or the officers and agents of the local boards of
43 health.

44 ~~{5. "Health Division" means the Health Division of the~~
45 ~~Department.}~~



1 6. “Individually identifiable health information” has the
2 meaning ascribed to it in 45 C.F.R. § 160.103.

3 **Sec. 67.** NRS 439.010 is hereby amended to read as follows:

4 439.010 Except as otherwise provided in NRS 439.581 to
5 439.595, inclusive, the provisions of this chapter must be
6 administered by the Administrator and the ~~Health~~ Division, subject
7 to administrative supervision by the Director.

8 **Sec. 68.** NRS 439.015 is hereby amended to read as follows:

9 439.015 The Department, through the ~~Health~~ Division, may
10 accept and direct the disbursement of money appropriated by any
11 Act of Congress and apportioned or allocated to the State of Nevada
12 for health purposes. This federal money must be deposited in the
13 State Treasury for credit to the State ~~Health~~ Division *of Public
14 and Behavioral Health* Federal Account within the State General
15 Fund.

16 **Sec. 69.** NRS 439.090 is hereby amended to read as follows:

17 439.090 1. The State Health Officer must:

18 (a) Be a citizen of the United States;

19 (b) Have not less than 5 years’ experience in population-based
20 health care; and

21 (c) Be:

22 (1) Licensed in good standing or eligible for a license as a
23 physician or administrative physician in Nevada;

24 (2) Licensed in good standing or eligible for a license as a
25 physician or administrative physician in the District of Columbia or
26 in any state or territory of the United States; or

27 (3) A physician or administrative physician who has a
28 master’s degree or doctoral degree in public health or a related field.

29 2. ~~The Administrator must have 2 years’ experience, or the
30 equivalent, in a responsible administrative position in:~~

31 ~~—(a) A full time county or city health facility or department; or~~

32 ~~—(b) A major health program at a state or national level.~~

33 ~~3.]~~ As used in this section, “population-based health care”
34 means the use of various approaches to medical care for specific
35 groups or populations based upon common demographic
36 characteristics, risk factors or diseases.

37 **Sec. 70.** NRS 439.130 is hereby amended to read as follows:

38 439.130 1. The State Health Officer shall:

39 (a) Enforce all laws and regulations pertaining to the public
40 health.

41 (b) Investigate causes of disease, epidemics, source of mortality,
42 nuisances affecting the public health, and all other matters related to
43 the health and life of the people, and to this end the State Health
44 Officer may enter upon and inspect any public or private property in
45 the State.



1 (c) Direct the work of subordinates and may authorize them to
2 act in his or her place and stead.

3 (d) Except as otherwise provided in subsection 5 of NRS
4 439.970, perform the duties prescribed in NRS 439.950 to 439.983,
5 inclusive.

6 (e) Perform such other duties as the Director may, from time to
7 time, prescribe.

8 ➔ If the State Health Officer is not licensed to practice medicine in
9 this State, he or she shall not, in carrying out the duties of the State
10 Health Officer, engage in the practice of medicine.

11 2. The Administrator shall direct the work of the ~~Health~~
12 Division, administer the Division and perform such other duties as
13 the Director may, from time to time, prescribe.

14 **Sec. 71.** NRS 439.150 is hereby amended to read as follows:

15 439.150 1. The State Board of Health is hereby declared to
16 be supreme in all nonadministrative health matters. It has general
17 supervision over all matters, except for administrative matters and
18 as otherwise provided in NRS 439.950 to 439.983, inclusive,
19 relating to the preservation of the health and lives of citizens of this
20 State and over the work of the State Health Officer and all district,
21 county and city health departments, boards of health and health
22 officers.

23 2. The Department is hereby designated as the agency of this
24 State to cooperate with the federal authorities in the administration
25 of those parts of the Social Security Act which relate to the general
26 promotion of public health. It may receive and expend all money
27 made available to the ~~Health~~ Division by the Federal Government,
28 the State of Nevada or its political subdivisions, or from any other
29 source, for the purposes provided in this chapter. In developing and
30 revising any state plan in connection with federal assistance for
31 health programs, the Department shall consider, without limitation,
32 the amount of money available from the Federal Government for
33 those programs, the conditions attached to the acceptance of that
34 money and the limitations of legislative appropriations for those
35 programs.

36 3. Except as otherwise provided in NRS 576.128, the State
37 Board of Health may set reasonable fees for the:

38 (a) Licensing, registering, certifying, inspecting or granting of
39 permits for any facility, establishment or service regulated by the
40 ~~Health~~ Division;

41 (b) Programs and services of the ~~Health~~ Division;

42 (c) Review of plans; and

43 (d) Certification and licensing of personnel.



1 ↪ Fees set pursuant to this subsection must be calculated to produce
2 for that period the revenue from the fees projected in the budget
3 approved for the ~~Health~~ Division by the Legislature.

4 **Sec. 72.** NRS 439.2794 is hereby amended to read as follows:

5 439.2794 1. The ~~Health~~ Division may:

6 (a) Enter into contracts for any services necessary to carry out or
7 assist the ~~Health~~ Division in carrying out the provisions of NRS
8 439.271 to 439.2794, inclusive, with public or private entities that
9 have the appropriate expertise to provide such services;

10 (b) Apply for and accept any gift, donation, bequest, grant or
11 other source of money to carry out the provisions of NRS 439.271
12 to 439.2794, inclusive;

13 (c) Apply for any waiver from the Federal Government that may
14 be necessary to maximize the amount of money this State may
15 obtain from the Federal Government to carry out the provisions of
16 NRS 439.271 to 439.2794, inclusive; and

17 (d) Adopt regulations as necessary to carry out and administer
18 the Program.

19 2. Any money that is accepted by the ~~Health~~ Division
20 pursuant to subsection 1 must be deposited in the State Treasury and
21 accounted for separately in the State General Fund.

22 3. The Administrator shall administer the account created
23 pursuant to subsection 2. Money in the account does not lapse to the
24 State General Fund at the end of the fiscal year. The interest and
25 income earned on the money in the account must be credited to the
26 account. Any claims against the account must be paid as other
27 claims against the State are paid.

28 **Sec. 73.** NRS 439.340 is hereby amended to read as follows:

29 439.340 The county board of health shall be subject to the
30 supervision of the ~~Health~~ Division, and shall make such reports to
31 the ~~Health~~ Division as the State Board of Health may require.

32 **Sec. 74.** NRS 439.4905 is hereby amended to read as follows:

33 439.4905 1. Unless an exemption is approved pursuant to
34 subsection 3, each county shall pay an assessment to the ~~Health~~
35 Division, in an amount determined by the ~~Health~~ Division, for the
36 costs of services provided in that county by the ~~Health~~ Division or
37 by the State Health Officer, including, without limitation, services
38 provided pursuant to this chapter and chapters 441A, 444, 446 and
39 583 of NRS and the regulations adopted pursuant to those chapters,
40 regardless of whether the county has a local health authority.

41 2. Each county shall pay the assessment to the ~~Health~~
42 Division in quarterly installments that are due on the first day of the
43 first month of each calendar quarter.

44 3. A county may submit a proposal to the Governor for the
45 county to carry out the services that would otherwise be provided by



1 the ~~Health~~ Division or the State Health Officer pursuant to this
2 chapter and chapters 441A, 444, 446 and 583 of NRS and the
3 regulations adopted pursuant to those chapters. If the Governor
4 approves the proposal, the Governor shall submit a recommendation
5 to the Interim Finance Committee to exempt the county from the
6 assessment required pursuant to subsection 1. The Interim Finance
7 Committee, upon receiving the recommendation from the Governor,
8 shall consider the proposal and determine whether to approve the
9 exemption. In considering whether to approve the exemption, the
10 Interim Finance Committee shall consider, among other things,
11 the best interests of the State, the effect of the exemption and the
12 intent of the Legislature in requiring the assessment to be paid by
13 each county.

14 4. An exemption that is approved by the Interim Finance
15 Committee pursuant to subsection 3 must not become effective until
16 at least 6 months after that approval.

17 5. A county that receives approval pursuant to subsection 3 to
18 carry out the services that would otherwise be provided by the
19 ~~Health~~ Division or the State Health Officer pursuant to this chapter
20 and chapters 441A, 444, 446 and 583 of NRS and the regulations
21 adopted pursuant to those chapters shall carry out those services in
22 the manner set forth in those chapters and regulations.

23 6. The ~~Health~~ Division may adopt such regulations as
24 necessary to carry out the provisions of this section.

25 **Sec. 75.** NRS 439.494 is hereby amended to read as follows:

26 439.494 1. The ~~Health~~ Division may:

27 (a) Enter into contracts for any service necessary to carry out the
28 provisions of NRS 439.491 to 439.494, inclusive; and

29 (b) Apply for and accept gifts, grants, donations and bequests
30 from any source to carry out the provisions of NRS 439.491 to
31 439.494, inclusive.

32 2. Any money collected pursuant to subsection 1 and any
33 money appropriated to carry out the provisions of NRS 439.491 to
34 439.494, inclusive:

35 (a) Must be deposited in the State Treasury and accounted for
36 separately in the State General Fund; and

37 (b) Except as otherwise provided by the terms of a specific gift,
38 grant, donation or bequest, must only be expended to carry out the
39 provisions of NRS 439.491 to 439.494, inclusive.

40 3. The Administrator shall administer the account. Any interest
41 or income earned on the money in the account must be credited to
42 the account.

43 4. Any claims against the account must be paid as other claims
44 against the State are paid.



1 **Sec. 76.** NRS 439.507 is hereby amended to read as follows:

2 439.507 1. The ~~Health~~ Division may:

3 (a) Within the limitations of available funding, enter into
4 contracts for any services necessary to carry out or assist the
5 ~~Health~~ Division in carrying out NRS 439.501 to 439.507,
6 inclusive, with public or private entities that have the appropriate
7 expertise to provide such services;

8 (b) Apply for and accept any gift, donation, bequest, grant or
9 other source of money to carry out the provisions of NRS 439.501
10 to 439.507, inclusive; and

11 (c) Apply for any waiver from the Federal Government that may
12 be necessary to maximize the amount of money this state may
13 obtain from the Federal Government to carry out the provisions of
14 NRS 439.501 to 439.507, inclusive.

15 2. Any money that is appropriated to carry out the provisions
16 of NRS 439.501 to 439.507, inclusive:

17 (a) Must be deposited in the State Treasury and accounted for
18 separately in the State General Fund; and

19 (b) May only be used to carry out those provisions.

20 3. The Administrator shall administer the account. Any interest
21 or income earned on the money in the account must be credited to
22 the account. Any claims against the account must be paid as other
23 claims against the State are paid.

24 **Sec. 77.** NRS 439.527 is hereby amended to read as follows:

25 439.527 1. There is hereby created the Committee on Co-
26 Occurring Disorders. The Committee consists of:

27 (a) The Administrator, ~~[of the Division of Mental Health and~~
28 ~~Developmental Services of the Department.]~~ who is an ex officio
29 member of the Committee; and

30 (b) Fourteen members appointed by the Governor.

31 2. The Governor shall appoint to the Committee:

32 (a) One member who is a psychiatrist licensed to practice
33 medicine in this State and certified by the American Board of
34 Psychiatry and Neurology;

35 (b) One member who is a physician licensed pursuant to chapter
36 630 or 633 of NRS who is certified as an addictionologist by the
37 American Society of Addiction Medicine;

38 (c) One member who is a psychologist licensed to practice in
39 this State;

40 (d) One member who is licensed as a marriage and family
41 therapist in this State;

42 (e) One member who is licensed as a clinical social worker in
43 this State;

44 (f) One member who is a district judge in this State;



- 1 (g) One member who is a representative of the Nevada System
2 of Higher Education;
- 3 (h) One member who is a representative of a state or local
4 criminal justice agency;
- 5 (i) One member who is a representative of a hospital or mental
6 health facility in this State;
- 7 (j) One member who is a member of the Nevada Mental Health
8 Planning Advisory Council;
- 9 (k) One member who is a representative of a program relating to
10 mental health and the treatment of the abuse of alcohol or drugs in
11 this State;
- 12 (l) One member who is a policy analyst in the field of mental
13 health, substance abuse or criminal justice;
- 14 (m) One member who is a representative of persons who have
15 used services relating to mental health, substance abuse or criminal
16 justice in this State; and
- 17 (n) One member who is an immediate family member of a
18 person who has used services relating to mental health, substance
19 abuse or criminal justice in this State.
- 20 3. The members of the Committee shall elect a Chair and Vice
21 Chair by a majority vote. After the initial election, the Chair and
22 Vice Chair shall hold office for a term of 1 year beginning on
23 October 1 of each year. If a vacancy occurs in the office of the
24 Chair, the members of the Committee shall elect a Chair from
25 among its members for the remainder of the unexpired term.
- 26 4. After the initial terms, each member of the Committee who
27 is appointed serves for a term of 4 years. A member may be
28 reappointed.
- 29 5. A vacancy on the Committee must be filled in the same
30 manner as the original appointment.
- 31 6. Each member of the Committee:
- 32 (a) Serves without compensation; and
- 33 (b) While engaged in the business of the Committee, is entitled
34 to receive the per diem allowance and travel expenses provided for
35 state officers and employees generally.
- 36 7. Each member of the Committee who is an officer or
37 employee of the State or a local government must be relieved from
38 his or her duties without loss of his or her regular compensation to
39 prepare for and attend meetings of the Committee and perform any
40 work necessary to carry out the duties of the Committee in the most
41 timely manner practicable. A state agency or local government shall
42 not require an officer or employee who is a member of the
43 Committee to make up the time the member is absent from work to
44 carry out his or her duties as a member, and shall not require the



1 member to take annual vacation or compensatory time for the
2 absence.

3 8. The members of the Committee shall meet at least quarterly
4 and at the times and places specified by a call of the Chair or a
5 majority of the members of the Committee.

6 9. Eight members of the Committee constitute a quorum. The
7 affirmative vote of a majority of the Committee members present is
8 sufficient for any action of the Committee.

9 **Sec. 78.** NRS 439.570 is hereby amended to read as follows:

10 439.570 1. When the health authority deems it necessary,
11 the health authority shall report cases of violation of any of the
12 provisions of this chapter or of provisions of law requiring the
13 immunization of children in public schools, private schools and
14 child care facilities, to the district attorney of the county, with a
15 statement of the facts and circumstances. When any such case is
16 reported to the district attorney by the health authority, the district
17 attorney shall forthwith initiate and promptly follow up the
18 necessary court proceedings against the person or corporation
19 responsible for the alleged violation of law.

20 2. Upon request of the ~~Health~~ Division, the Attorney General
21 shall assist in the enforcement of the provisions of this chapter and
22 provisions of law requiring the immunization of children in public
23 schools, private schools and child care facilities.

24 **Sec. 79.** NRS 439.580 is hereby amended to read as follows:

25 439.580 1. Any local health officer or a deputy of a local
26 health officer who neglects or fails to enforce the provisions of this
27 chapter in his or her jurisdiction, or neglects or refuses to perform
28 any of the duties imposed upon him or her by this chapter or by the
29 instructions and directions of the ~~Health~~ Division shall be
30 punished by a fine of not more than \$250.

31 2. Each person who violates any of the provisions of this
32 chapter or refuses or neglects to obey any lawful order, rule or
33 regulation of the:

34 (a) State Board of Health or violates any rule or regulation
35 approved by the State Board of Health pursuant to NRS 439.350,
36 439.366, 439.410 and 439.460; or

37 (b) Director adopted pursuant to NRS 439.538 or 439.581 to
38 439.595, inclusive,

39 ↪ is guilty of a misdemeanor.

40 **Sec. 80.** NRS 439.885 is hereby amended to read as follows:

41 439.885 1. If a medical facility:

42 (a) Commits a violation of any provision of NRS 439.800 to
43 439.890, inclusive, or for any violation for which an administrative
44 sanction pursuant to NRS 449.163 would otherwise be applicable;
45 and



1 (b) Of its own volition, reports the violation to the
2 Administrator,
3 ↪ such a violation must not be used as the basis for imposing an
4 administrative sanction pursuant to NRS 449.163.

5 2. If a medical facility commits a violation of any provision of
6 NRS 439.800 to 439.890, inclusive, and does not, of its own
7 volition, report the violation to the Administrator, the ~~Health~~
8 Division may, in accordance with the provisions of subsection 3,
9 impose an administrative sanction:

10 (a) For failure to report a sentinel event, in an amount not to
11 exceed \$100 per day for each day after the date on which the
12 sentinel event was required to be reported pursuant to NRS 439.835;

13 (b) For failure to adopt and implement a patient safety plan
14 pursuant to NRS 439.865, in an amount not to exceed \$1,000 for
15 each month in which a patient safety plan was not in effect; and

16 (c) For failure to establish a patient safety committee or failure
17 of such a committee to meet pursuant to the requirements of NRS
18 439.875, in an amount not to exceed \$2,000 for each violation of
19 that section.

20 3. Before the ~~Health~~ Division imposes an administrative
21 sanction pursuant to subsection 2, the ~~Health~~ Division shall
22 provide the medical facility with reasonable notice. The notice must
23 contain the legal authority, jurisdiction and reasons for the action to
24 be taken. If a medical facility wants to contest the action, the facility
25 may file an appeal pursuant to the regulations of the State Board of
26 Health adopted pursuant to NRS 449.165 and 449.170. Upon
27 receiving notice of an appeal, the ~~Health~~ Division shall hold a
28 hearing in accordance with those regulations.

29 4. An administrative sanction collected pursuant to this section
30 must be accounted for separately and used by the ~~Health~~ Division
31 to provide training and education to employees of the ~~Health~~
32 Division, employees of medical facilities and members of the
33 general public regarding issues relating to the provision of quality
34 and safe health care.

35 **Sec. 81.** Chapter 439A of NRS is hereby amended by adding
36 thereto a new section to read as follows:

37 *"Division" means the Division of Public and Behavioral*
38 *Health of the Department.*

39 **Sec. 82.** NRS 439A.100 is hereby amended to read as follows:
40 439A.100 1. Except as otherwise provided in this section, in
41 a county whose population is less than 100,000, no person may
42 undertake any proposed expenditure for new construction by or on
43 behalf of a health facility in excess of the greater of \$2,000,000 or
44 such an amount as the Department may specify by regulation, which
45 under generally accepted accounting principles consistently applied



1 is a capital expenditure, without first applying for and obtaining the
2 written approval of the Director. The ~~Health~~ Division *of Public*
3 *and Behavioral Health* of the Department shall not issue a new
4 license or alter an existing license for such a project unless the
5 Director has issued such an approval.

6 2. The provisions of subsection 1 do not apply to:

7 (a) Any capital expenditure for:

- 8 (1) The acquisition of land;
- 9 (2) The construction of a facility for parking;
- 10 (3) The maintenance of a health facility;
- 11 (4) The renovation of a health facility to comply with
12 standards for safety, licensure, certification or accreditation;
- 13 (5) The installation of a system to conserve energy;
- 14 (6) The installation of a system for data processing or
15 communication; or
- 16 (7) Any other project which, in the opinion of the Director,
17 does not relate directly to the provision of any health service;

18 (b) Any project for the development of a health facility that has
19 received legislative approval and authorization; or

20 (c) A project for the construction of a hospital in an
21 unincorporated town if:

- 22 (1) The population of the unincorporated town is more than
23 24,000;
- 24 (2) No other hospital exists in the town;
- 25 (3) No other hospital has been approved for construction or
26 qualified for an exemption from approval for construction in the
27 town pursuant to this section; and
- 28 (4) The unincorporated town is at least a 45-minute drive
29 from the nearest center for the treatment of trauma that is licensed
30 by the ~~Health~~ Division *of Public and Behavioral Health* of the
31 Department.

32 ↪ Upon determining that a project satisfies the requirements for an
33 exemption pursuant to this subsection, the Director shall issue a
34 certificate which states that the project is exempt from the
35 requirements of this section.

36 3. In reviewing an application for approval, the Director shall:

37 (a) Comparatively assess applications for similar projects
38 affecting the same geographic area; and

39 (b) Base his or her decision on criteria established by the
40 Director by regulation. The criteria must include:

- 41 (1) The need for and the appropriateness of the project in the
42 area to be served;
- 43 (2) The financial feasibility of the project;
- 44 (3) The effect of the project on the cost of health care; and



1 (4) The extent to which the project is consistent with the
2 purposes set forth in NRS 439A.020 and the priorities set forth in
3 NRS 439A.081.

4 4. The Department may by regulation require additional
5 approval for a proposed change to a project which has previously
6 been approved if the proposal would result in a change in the
7 location of the project or a substantial increase in the cost of the
8 project.

9 5. The decision of the Director is a final decision for the
10 purposes of judicial review.

11 6. As used in this section, "hospital" has the meaning ascribed
12 to it in NRS 449.012.

13 **Sec. 83.** NRS 439A.130 is hereby amended to read as follows:

14 439A.130 As used in NRS 439A.130 to 439A.185, inclusive,
15 *and section 81 of this act*, the words and terms defined in NRS
16 439A.135 to 439A.165, inclusive, *and section 81 of this act* have
17 the meanings ascribed to them in those sections.

18 **Sec. 84.** NRS 439A.135 is hereby amended to read as follows:

19 439A.135 "Administrator" means the Administrator of the
20 ~~Health~~ Division.

21 **Sec. 85.** NRS 439B.410 is hereby amended to read as follows:

22 439B.410 1. Except as otherwise provided in subsection 4,
23 each hospital in this State has an obligation to provide emergency
24 services and care, including care provided by physicians and nurses,
25 and to admit a patient where appropriate, regardless of the financial
26 status of the patient.

27 2. Except as otherwise provided in subsection 4, it is unlawful
28 for a hospital or a physician working in a hospital emergency room
29 to:

30 (a) Refuse to accept or treat a patient in need of emergency
31 services and care; or

32 (b) Except when medically necessary in the judgment of the
33 attending physician:

34 (I) Transfer a patient to another hospital or health facility
35 unless, as documented in the patient's records:

36 (I) A determination has been made that the patient is
37 medically fit for transfer;

38 (II) Consent to the transfer has been given by the
39 receiving physician, hospital or health facility;

40 (III) The patient has been provided with an explanation of
41 the need for the transfer; and

42 (IV) Consent to the transfer has been given by the patient
43 or the patient's legal representative; or



1 (2) Provide a patient with orders for testing at another
2 hospital or health facility when the hospital from which the orders
3 are issued is capable of providing that testing.

4 3. A physician, hospital or other health facility which treats a
5 patient as a result of a violation of subsection 2 by a hospital or a
6 physician working in the hospital is entitled to recover from that
7 hospital an amount equal to three times the charges for the treatment
8 provided that was billed by the physician, hospital or other health
9 facility which provided the treatment, plus reasonable attorney's
10 fees and costs.

11 4. This section does not prohibit the transfer of a patient from
12 one hospital to another:

13 (a) When the patient is covered by an insurance policy or other
14 contractual arrangement which provides for payment at the
15 receiving hospital;

16 (b) After the county responsible for payment for the care of an
17 indigent patient has exhausted the money which may be
18 appropriated for that purpose pursuant to NRS 428.050, 428.285 and
19 450.425; or

20 (c) When the hospital cannot provide the services needed by the
21 patient.

22 ➔ No transfer may be made pursuant to this subsection until the
23 patient's condition has been stabilized to a degree that allows the
24 transfer without an additional risk to the patient.

25 5. As used in this section:

26 (a) "Emergency services and care" means medical screening,
27 examination and evaluation by a physician or, to the extent
28 permitted by a specific statute, by a person under the supervision of
29 a physician, to determine if an emergency medical condition or
30 active labor exists and, if it does, the care, treatment and surgery by
31 a physician necessary to relieve or eliminate the emergency medical
32 condition or active labor, within the capability of the hospital. As
33 used in this paragraph:

34 (1) "Active labor" means, in relation to childbirth, labor that
35 occurs when:

36 (I) There is inadequate time before delivery to transfer the
37 patient safely to another hospital; or

38 (II) A transfer may pose a threat to the health and safety
39 of the patient or the unborn child.

40 (2) "Emergency medical condition" means the presence of
41 acute symptoms of sufficient severity, including severe pain, such
42 that the absence of immediate medical attention could reasonably be
43 expected to result in:

44 (I) Placing the health of the patient in serious jeopardy;

45 (II) Serious impairment of bodily functions; or



1 (III) Serious dysfunction of any bodily organ or part.
2 (b) "Medically fit" means that the condition of the patient has
3 been sufficiently stabilized so that the patient may be safely
4 transported to another hospital, or is such that, in the determination
5 of the attending physician, the transfer of the patient constitutes an
6 acceptable risk. Such a determination must be based upon the
7 condition of the patient, the expected benefits, if any, to the patient
8 resulting from the transfer and whether the risks to the patient's
9 health are outweighed by the expected benefits, and must be
10 documented in the patient's records before the transfer.

11 6. If an allegation of a violation of the provisions of subsection
12 2 is made against a hospital licensed pursuant to the provisions of
13 chapter 449 of NRS, the ~~Health~~ *Division of Public and*
14 *Behavioral Health* of the Department shall conduct an investigation
15 of the alleged violation. Such a violation, in addition to any criminal
16 penalties that may be imposed, constitutes grounds for the denial,
17 suspension or revocation of such a license, or for the imposition of
18 any sanction prescribed by NRS 449.163.

19 7. If an allegation of a violation of the provisions of subsection
20 2 is made against:

21 (a) A physician licensed to practice medicine pursuant to the
22 provisions of chapter 630 of NRS, the Board of Medical Examiners
23 shall conduct an investigation of the alleged violation. Such a
24 violation, in addition to any criminal penalties that may be imposed,
25 constitutes grounds for initiating disciplinary action or denying
26 licensure pursuant to the provisions of subsection 3 of
27 NRS 630.3065.

28 (b) An osteopathic physician licensed to practice osteopathic
29 medicine pursuant to the provisions of chapter 633 of NRS, the
30 State Board of Osteopathic Medicine shall conduct an investigation
31 of the alleged violation. Such a violation, in addition to any criminal
32 penalties that may be imposed, constitutes grounds for initiating
33 disciplinary action pursuant to the provisions of subsection 1 of
34 NRS 633.131.

35 **Sec. 86.** NRS 440.110 is hereby amended to read as follows:
36 440.110 The Administrator of the ~~Health~~ *Division of Public*
37 *and Behavioral Health* of the Department of Health and Human
38 Services is the State Registrar of Vital Statistics.

39 **Sec. 87.** NRS 441A.140 is hereby amended to read as follows:
40 441A.140 The ~~Health~~ *Division of Public and Behavioral*
41 *Health of the Department of Health and Human Services* may
42 receive any financial aid made available by any grant or other
43 source and shall use the aid, in cooperation with the health authority,
44 to carry out the provisions of this chapter.



1 **Sec. 88.** Chapter 442 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 89 and 90 of this act.

3 **Sec. 89.** *As used in this section and NRS 442.740, 442.750*
4 *and 442.770 and section 90 of this act, unless the context*
5 *otherwise requires, the words and terms defined in NRS 442.740*
6 *and section 90 of this act, have the meanings ascribed to them in*
7 *those sections.*

8 **Sec. 90.** *“Division” means the Aging and Disability Services*
9 *Division of the Department of Health and Human Services.*

10 **Sec. 91.** NRS 442.003 is hereby amended to read as follows:
11 442.003 As used in ~~{this chapter,}~~ *NRS 442.003 to 442.700,*
12 *inclusive,* unless the context requires otherwise:

13 1. “Advisory Board” means the Advisory Board on Maternal
14 and Child Health.

15 2. “Department” means the Department of Health and Human
16 Services.

17 3. “Director” means the Director of the Department.

18 4. *“Division” means the Division of Public and Behavioral*
19 *Health of the Department.*

20 5. “Fetal alcohol syndrome” includes fetal alcohol effects.

21 ~~{5. “Health Division” means the Health Division of the~~
22 ~~Department.}~~

23 6. “Laboratory” has the meaning ascribed to it in
24 NRS 652.040.

25 7. “Obstetric center” has the meaning ascribed to it in
26 NRS 449.0155.

27 8. “Provider of health care or other services” means:

28 (a) A clinical alcohol and drug abuse counselor who is licensed,
29 or an alcohol and drug abuse counselor who is licensed or certified,
30 pursuant to chapter 641C of NRS;

31 (b) A physician or a physician assistant who is licensed pursuant
32 to chapter 630 or 633 of NRS and who practices in the area of
33 obstetrics and gynecology, family practice, internal medicine,
34 pediatrics or psychiatry;

35 (c) A licensed nurse;

36 (d) A licensed psychologist;

37 (e) A licensed marriage and family therapist;

38 (f) A licensed clinical professional counselor;

39 (g) A licensed social worker;

40 (h) A licensed dietitian; or

41 (i) The holder of a certificate of registration as a pharmacist.

42 **Sec. 92.** NRS 442.005 is hereby amended to read as follows:

43 442.005 The State Health Officer and the ~~{Health}~~ Division
44 shall administer the provisions of ~~{this chapter,}~~ *NRS 442.003 to*
45 *442.700, inclusive,* in accordance with the regulations of the State



1 Board of Health and subject to administrative supervision by the
2 Director.

3 **Sec. 93.** NRS 442.009 is hereby amended to read as follows:

4 442.009 1. Except as otherwise provided in this section, if the
5 State Board of Health requires the ~~{Health}~~ Division to provide for
6 the services of a laboratory to determine the presence of certain
7 preventable or inheritable disorders in an infant pursuant to NRS
8 442.008, the ~~{Health}~~ Division shall contract with a laboratory in the
9 following order of priority:

- 10 (a) The State Public Health Laboratory;
11 (b) Any other qualified laboratory located within this State; or
12 (c) Any qualified laboratory located outside of this State.

13 2. The ~~{Health}~~ Division shall not contract with a laboratory in
14 a lower category of priority unless the ~~{Health}~~ Division determines
15 that:

16 (a) A laboratory in a higher category of priority is not capable of
17 performing all the tests required to determine the presence of certain
18 preventable or inheritable disorders in an infant pursuant to NRS
19 442.008; or

20 (b) The cost to the ~~{Health}~~ Division to contract with a
21 laboratory in a higher category of priority is not financially
22 reasonable or exceeds the amount of money available for that
23 purpose.

24 3. For the purpose of determining the category of priority of a
25 laboratory only, the ~~{Health}~~ Division is not required to comply with
26 any requirement of competitive bidding or other restriction imposed
27 on the procedure for awarding a contract.

28 **Sec. 94.** NRS 442.120 is hereby amended to read as follows:

29 442.120 The Department is hereby designated as the agency of
30 this State to cooperate, through the ~~{Health}~~ Division, with the duly
31 constituted federal authorities in the administration of those parts of
32 the Social Security Act which relate to the maternal and child health
33 services and the care and treatment of children with special health
34 care needs, and is authorized to receive and expend all funds made
35 available to the Department by the Federal Government, the State or
36 its political subdivisions, or from any other source for the purposes
37 provided in ~~{this chapter}~~ *NRS 442.003 to 442.700, inclusive.*

38 **Sec. 95.** NRS 442.160 is hereby amended to read as follows:

39 442.160 1. The Administrator of the ~~{Health}~~ Division is the
40 administrative officer of the ~~{Health}~~ Division with respect to the
41 administration and enforcement of:

42 (a) The provisions of NRS 442.130 to 442.170, inclusive;

43 (b) The plan formulated and adopted for the purposes of NRS
44 442.130 to 442.170, inclusive; and



1 (c) All regulations necessary thereto and adopted by the State
2 Board of Health.

3 2. The Administrator shall administer and enforce all
4 regulations adopted by the State Board of Health for the efficient
5 operation of the plan formulated by the State Board of Health and
6 the ~~Health~~ Division for the purposes of NRS 442.130 to 442.170,
7 inclusive.

8 3. The Administrator shall:

9 (a) Maintain his or her office in Carson City, Nevada, or
10 elsewhere in the State as directed by the Director.

11 (b) Keep in his or her office all records, reports, papers, books
12 and documents pertaining to the subjects of NRS 442.130 to
13 442.170, inclusive.

14 (c) If directed by the terms of the plan or by the Director,
15 provide such medical, surgical or other services as are necessary to
16 carry out the provisions of the plan and of NRS 442.130 to 442.170,
17 inclusive.

18 4. The Administrator, with the assistance of the State Health
19 Officer, shall make such reports, in such form and containing such
20 information concerning the subjects of NRS 442.130 to 442.170,
21 inclusive, as required by the Secretary of Health and Human
22 Services.

23 5. The Administrator shall, in accordance with the rules and
24 regulations of the Secretary of Health and Human Services and of
25 the Secretary of the Treasury, requisition and cause to be deposited
26 with the State Treasurer all money allotted to this State by the
27 Federal Government for the purposes of NRS 442.130 to 442.170,
28 inclusive. The Administrator shall cause to be paid out of the State
29 Treasury the money deposited for the purposes of NRS 442.130 to
30 442.170, inclusive.

31 **Sec. 96.** NRS 442.210 is hereby amended to read as follows:

32 442.210 1. The Administrator of the ~~Health~~ Division shall
33 administer and enforce the provisions of NRS 442.180 to 442.220,
34 inclusive, and of the plan or plans formulated and adopted for the
35 purposes of NRS 442.180 to 442.220, inclusive, and all regulations
36 necessary thereto and adopted by the State Board of Health.

37 2. The Administrator shall administer and enforce all
38 regulations adopted by the State Board of Health for the efficient
39 operation of such plan or plans formulated by the State Board of
40 Health and the ~~Health~~ Division for the purposes of NRS 442.180
41 to 442.220, inclusive.

42 3. The Administrator shall maintain his or her office in Carson
43 City, Nevada, or elsewhere in the State as directed by the Director,
44 and keep therein all records, reports, papers, books and documents
45 pertaining to the subjects of NRS 442.180 to 442.220, inclusive. The



1 Administrator, when directed by the terms of any plan or plans
2 perfected, or by the Director, shall provide in such places within the
3 State such medical, surgical or other agency or agencies as may be
4 necessary to carry out the provisions of such plan or plans and of
5 NRS 442.180 to 442.220, inclusive. If the proper medical or surgical
6 services cannot be had within the State for any child with special
7 health care needs, the Secretary of the State Board of Health may
8 provide for those services in some other state.

9 4. The Administrator shall, from time to time as directed by the
10 Secretary of Health and Human Services, make reports, in such
11 form and containing such information concerning the subjects of
12 NRS 442.180 to 442.220, inclusive, as the Secretary of Health and
13 Human Services requires.

14 5. The Administrator shall from time to time pursuant to the
15 rules and regulations of the Secretary of Health and Human Services
16 and of the Secretary of the Treasury, requisition and cause to be
17 deposited with the State Treasurer all money allotted to this state by
18 the Federal Government for the purposes of NRS 442.180 to
19 442.220, inclusive. The Administrator shall cause to be paid out of
20 the State Treasury the money therein deposited for the purposes of
21 NRS 442.180 to 442.220, inclusive.

22 **Sec. 97.** NRS 442.260 is hereby amended to read as follows:

23 442.260 1. The ~~Health~~ Division shall adopt and enforce
24 regulations governing the conditions under and the methods by
25 which abortions may be performed, the reasonable minimum
26 qualifications of a person authorized to provide the information
27 required in NRS 442.253, as well as all other aspects pertaining to
28 the performance of abortions pursuant to NRS 442.250.

29 2. The ~~Health~~ Division shall adopt and enforce regulations
30 for a system for reporting abortions. This system must be designed
31 to preserve confidentiality of information on the identity of women
32 upon whom abortions are performed. The ~~Health~~ Division may
33 require that the following items be reported for each abortion:

34 (a) The date of the abortion;

35 (b) The place of the abortion including the city, county and
36 state;

37 (c) The type of facility;

38 (d) The usual residence of the woman, including the city, county
39 and state;

40 (e) Her age;

41 (f) Her ethnic group or race;

42 (g) Her marital status;

43 (h) The number of previous live births;

44 (i) The number of previous induced abortions;



1 (j) The duration of her pregnancy, as measured from first day of
2 last normal menses to date of abortion, and as estimated by uterine
3 size prior to performance of the abortion;

4 (k) The type of abortion procedure; and

5 (l) If a woman has had a previously induced abortion, the
6 information in paragraphs (a) to (k), inclusive, or as much thereof as
7 can be reasonably obtained, for each previous abortion.

8 3. The ~~Health~~ Division may adopt regulations to permit
9 studies of individual cases of abortion, but these studies must not be
10 permitted unless:

11 (a) Absolute assurance is provided that confidentiality of
12 information on the persons involved will be preserved;

13 (b) Informed consent of each person involved in the study is
14 obtained in writing;

15 (c) The study is conducted according to established standards
16 and ethics; and

17 (d) The study is related to problems of health and has scientific
18 merit with regard to both design and the importance of the problems
19 to be solved.

20 **Sec. 98.** NRS 442.415 is hereby amended to read as follows:

21 442.415 The ~~Health~~ Division shall adopt regulations
22 necessary to carry out the provisions of NRS 442.400, 442.405 and
23 442.410.

24 **Sec. 99.** NRS 442.740 is hereby amended to read as follows:

25 442.740 ~~As used in NRS 442.740 to 442.770, inclusive,~~
26 ~~“early”~~ **“Early** intervention services” has the meaning ascribed to it
27 in 20 U.S.C. § 1432.

28 **Sec. 100.** NRS 442.750 is hereby amended to read as follows:

29 442.750 1. The ~~Health~~ Division shall ensure that the
30 personnel employed by the ~~Health~~ Division who provide early
31 intervention services to children with autism spectrum disorders and
32 the persons with whom the ~~Health~~ Division contracts to provide
33 early intervention services to children with autism spectrum
34 disorders possess the knowledge and skills necessary to serve
35 children with autism spectrum disorders, including, without
36 limitation:

37 (a) The screening of a child for autism spectrum disorder at the
38 age levels and frequency recommended by the American Academy
39 of Pediatrics, or its successor organization;

40 (b) The procedure for evaluating children who demonstrate
41 behaviors that are consistent with autism spectrum disorders, which
42 procedure must require the use of the statewide standard for
43 measuring outcomes and assessing and evaluating persons with
44 autism spectrum disorders through the age of 21 years prescribed
45 pursuant to NRS 427A.872;



1 (c) The procedure for enrolling a child in early intervention
2 services upon determining that the child has autism spectrum
3 disorder;

4 (d) Methods of providing support to children with autism
5 spectrum disorders and their families; and

6 (e) The procedure for developing an individualized family
7 service plan in accordance with Part C of the Individuals with
8 Disabilities Education Act, 20 U.S.C. §§ 1431 et seq., or other
9 appropriate plan for the child.

10 2. The **{Health}** Division shall ensure that the personnel
11 employed by the **{Health}** Division to provide early intervention
12 services to children with autism spectrum disorders and the persons
13 with whom the **{Health}** Division contracts to provide early
14 intervention services to children with autism spectrum disorders:

15 (a) Possess the knowledge and understanding of the scientific
16 research and support for the methods and approaches for serving
17 children with autism spectrum disorders and the ability to recognize
18 the difference between an approach or method that is scientifically
19 validated and one that is not;

20 (b) Possess the knowledge to accurately describe to parents and
21 guardians the research supporting the methods and approaches,
22 including, without limitation, the knowledge necessary to provide an
23 explanation that a method or approach is experimental if it is not
24 supported by scientific evidence;

25 (c) Immediately notify a parent or legal guardian if a child is
26 identified as being at risk for a diagnosis of autism spectrum
27 disorder and refer the parent or legal guardian to the appropriate
28 professionals for further evaluation and simultaneously refer the
29 parent or legal guardian to any appropriate early intervention
30 services and strategies; and

31 (d) Provide the parent or legal guardian with information on
32 evidence-based treatments and interventions that may assist the
33 child in the child's development and advancement.

34 3. The **{Health}** Division shall ensure that the personnel
35 employed by the **{Health}** Division who provide early intervention
36 screenings to children and the persons with whom the **{Health}**
37 Division contracts to provide early intervention screenings to
38 children perform screenings of children for autism spectrum
39 disorders at the age levels and frequency recommended by the
40 American Academy of Pediatrics, or its successor organization.

41 4. The **{Health}** Division shall ensure that:

42 (a) For a child who may have autism spectrum disorder, the
43 personnel employed by the **{Health}** Division who provide early
44 intervention screenings to children and the persons with whom the
45 **{Health}** Division contracts to provide early intervention screenings



1 to children use the protocol designated pursuant to NRS 427A.872
2 for determining whether a child has autism spectrum disorder.

3 (b) An initial evaluation of the cognitive, communicative, social,
4 emotional and behavioral condition and adaptive skill level of a
5 child with autism spectrum disorder is conducted to determine the
6 baseline of the child.

7 (c) A subsequent evaluation is conducted upon the child's
8 conclusion of the early intervention services to determine the
9 progress made by the child from the time of his or her initial
10 screening.

11 **Sec. 101.** NRS 442.770 is hereby amended to read as follows:

12 442.770 For an infant or toddler with a disability who has
13 autism spectrum disorder and is eligible for early intervention
14 services, the ~~Health~~ Division shall refer the infant or toddler to the
15 Autism Treatment Assistance Program established by NRS
16 427A.875 and coordinate with the Program to develop a plan of
17 treatment for the infant or toddler pursuant to that section.

18 **Sec. 102.** Chapter 444 of NRS is hereby amended by adding
19 thereto a new section to read as follows:

20 *As used in this chapter, "Division" means the Division of*
21 *Public and Behavioral Health of the Department of Health and*
22 *Human Services.*

23 **Sec. 103.** NRS 444.330 is hereby amended to read as follows:

24 444.330 1. The ~~Health~~ Division has supervision over the
25 sanitation, healthfulness, cleanliness and safety, as it pertains to the
26 foregoing matters, of the following state institutions:

27 (a) Institutions and facilities of the Department of Corrections.

28 (b) Northern Nevada Adult Mental Health Services.

29 (c) Nevada Youth Training Center, Caliente Youth Center and
30 any other state facility for the detention of children that is operated
31 pursuant to title 5 of NRS.

32 (d) Nevada System of Higher Education.

33 2. The State Board of Health may adopt regulations pertaining
34 thereto as are necessary to promote properly the sanitation,
35 healthfulness, cleanliness and, as it pertains to the foregoing matters,
36 the safety of those institutions.

37 3. The State Health Officer or an authorized agent of the
38 Officer shall inspect those institutions at least once each calendar
39 year and whenever he or she deems an inspection necessary to carry
40 out the provisions of this section. The inspection of any state facility
41 for the detention of children that is operated pursuant to title 5 of
42 NRS must include, without limitation, an inspection of all areas
43 where food is prepared and served, bathrooms, areas used for
44 sleeping, common areas and areas located outdoors that are used by
45 children at the facility.



1 4. The State Health Officer shall publish reports of the
2 inspections of any state facility for the detention of children that is
3 operated pursuant to title 5 of NRS and may publish reports of the
4 inspections of other state institutions.

5 5. All persons charged with the duty of maintenance and
6 operation of the institutions named in this section shall operate the
7 institutions in conformity with the regulations adopted by the State
8 Board of Health pursuant to subsection 2.

9 6. The State Health Officer or an authorized agent of the
10 Officer may, in carrying out the provisions of this section, enter
11 upon any part of the premises of any of the institutions named in
12 this section over which he or she has jurisdiction, to determine the
13 sanitary conditions of the institutions and to determine whether the
14 provisions of this section and the regulations of the State Board of
15 Health pertaining thereto are being violated.

16 **Sec. 104.** NRS 445A.055 is hereby amended to read as
17 follows:

18 445A.055 1. The State Board of Health shall adopt
19 regulations requiring the fluoridation of all water delivered for
20 human consumption in a county whose population is 700,000 or
21 more by a:

22 (a) Public water system that serves a population of 100,000 or
23 more; or

24 (b) Water authority.

25 2. The regulations must include, without limitation:

26 (a) The minimum and maximum permissible concentrations of
27 fluoride to be maintained by such a public water system or a water
28 authority, except that:

29 (1) The minimum permissible concentration of fluoride must
30 not be less than 0.7 parts per million; and

31 (2) The maximum permissible concentration of fluoride must
32 not exceed 1.2 parts per million;

33 (b) The requirements and procedures for maintaining proper
34 concentrations of fluoride, including any necessary equipment,
35 testing, recordkeeping and reporting;

36 (c) Requirements for the addition of fluoride to the water if the
37 natural concentration of fluorides is lower than the minimum
38 permissible concentration established pursuant to paragraph (a); and

39 (d) Criteria pursuant to which the State Board of Health may
40 exempt a public water system or water authority from the
41 requirement of fluoridation upon the request of the public water
42 system or water authority.

43 3. The State Board of Health shall not require the fluoridation
44 of:

45 (a) The wells of a public water system or water authority if:



1 (1) The groundwater production of the public water system
2 or water authority is less than 15 percent of the total average annual
3 water production of the system or authority for the years in which
4 drought conditions are not prevalent; and

5 (2) The wells are part of a combined regional and local
6 system for the distribution of water that is served by a fluoridated
7 source.

8 (b) A public water system or water authority:

9 (1) During an emergency or period of routine maintenance, if
10 the wells of the system or authority are exempt from fluoridation
11 pursuant to paragraph (a) and the supplier of water determines that it
12 is necessary to change the production of the system or authority
13 from surface water to groundwater because of an emergency or for
14 purposes of routine maintenance; or

15 (2) If the natural water supply of the system or authority
16 contains fluoride in a concentration that is at least equal to the
17 minimum permissible concentration established pursuant to
18 paragraph (a) of subsection 2.

19 4. The State Board of Health may make an exception to the
20 minimum permissible concentration of fluoride to be maintained in
21 a public water system or water authority based on:

22 (a) The climate of the regulated area;

23 (b) The amount of processed water purchased by the residents of
24 the regulated area; and

25 (c) Any other factor that influences the amount of public water
26 that is consumed by the residents of the regulated area.

27 5. The ~~Health~~ Division ~~of the Department of Health and~~
28 ~~Human Services~~ shall make reasonable efforts to secure any
29 available sources of financial support, including, without limitation,
30 grants from the Federal Government, for the enforcement of the
31 standards established pursuant to this section and any related capital
32 improvements.

33 6. A public water system or water authority may submit to the
34 ~~Health~~ Division a claim for payment of the initial costs of the
35 public water system or water authority to begin complying with
36 the provisions of this section regardless of whether the public water
37 system or water authority is required to comply with those
38 provisions. The Administrator of the ~~Health~~ Division may approve
39 such claims to the extent of legislative appropriations and any other
40 money available for that purpose. Approved claims must be paid as
41 other claims against the State are paid. The ongoing operational
42 expenses of a public water system or water authority in complying
43 with the provisions of this section are not compensable pursuant to
44 this subsection.

45 7. As used in this section:



1 (a) *“Division” means the Division of Public and Behavioral*
2 *Health of the Department of Health and Human Services.*

3 (b) “Supplier of water” has the meaning ascribed to it in
4 NRS 445A.845.

5 ~~[(b)]~~ (c) “Water authority” has the meaning ascribed to it in
6 NRS 377B.040.

7 **Sec. 105.** NRS 446.050 is hereby amended to read as follows:

8 446.050 “Health authority” means the officers and agents of
9 the ~~[(Health)]~~ *Division of Public and Behavioral Health* of the
10 Department of Health and Human Services, or the officers and
11 agents of the local boards of health.

12 **Sec. 106.** NRS 446.057 is hereby amended to read as follows:

13 446.057 “Potentially hazardous food” has the meaning ascribed
14 to it in subpart 1-201 of the 1999 edition of the Food Code
15 published by the Food and Drug Administration of the United States
16 Department of Health and Human Services, unless the
17 Administrator of the ~~[(Health)]~~ *Division of Public and Behavioral*
18 *Health* of the Department of Health and Human Services has
19 adopted a later edition of the Food Code for this purpose.

20 **Sec. 107.** Chapter 449 of NRS is hereby amended by adding
21 thereto a new section to read as follows:

22 *“Division” means the Division of Public and Behavioral*
23 *Health of the Department of Health and Human Services.*

24 **Sec. 108.** NRS 449.001 is hereby amended to read as follows:

25 449.001 As used in this chapter, unless the context otherwise
26 requires, the words and terms defined in NRS 449.0015 to
27 449.0195, inclusive, *and section 107 of this act* have the meanings
28 ascribed to them in those sections.

29 **Sec. 109.** NRS 449.00455 is hereby amended to read as
30 follows:

31 449.00455 “Facility for the treatment of abuse of alcohol or
32 drugs” means any public or private establishment which provides
33 residential treatment, including mental and physical restoration, of
34 abusers of alcohol or drugs and which is certified by the Division
35 ~~[(of Mental Health and Developmental Services of the Department of~~
36 ~~Health and Human Services)]~~ pursuant to subsection 4 of NRS
37 458.025. It does not include a medical facility or services offered by
38 volunteers or voluntary organizations.

39 **Sec. 110.** NRS 449.0306 is hereby amended to read as
40 follows:

41 449.0306 1. Money received from licensing medical facilities
42 and facilities for the dependent must be forwarded to the State
43 Treasurer for deposit in the State General Fund.

44 2. The ~~[(Health)]~~ Division shall enforce the provisions of NRS
45 449.030 to 449.245, inclusive, and may incur any necessary



1 expenses not in excess of money appropriated for that purpose by
2 the State or received from the Federal Government.

3 **Sec. 111.** NRS 449.0307 is hereby amended to read as
4 follows:

5 449.0307 The ~~Health~~ Division may:

6 1. Upon receipt of an application for a license, conduct an
7 investigation into the premises, facilities, qualifications of
8 personnel, methods of operation, policies and purposes of any
9 person proposing to engage in the operation of a medical facility or
10 a facility for the dependent. The facility is subject to inspection and
11 approval as to standards for safety from fire, on behalf of the
12 ~~Health~~ Division, by the State Fire Marshal.

13 2. Upon receipt of a complaint against a medical facility or
14 facility for the dependent, except for a complaint concerning the
15 cost of services, conduct an investigation into the premises,
16 facilities, qualifications of personnel, methods of operation, policies,
17 procedures and records of that facility or any other medical facility
18 or facility for the dependent which may have information pertinent
19 to the complaint.

20 3. Employ such professional, technical and clerical assistance
21 as it deems necessary to carry out the provisions of NRS 449.030 to
22 449.245, inclusive.

23 **Sec. 112.** NRS 449.0308 is hereby amended to read as
24 follows:

25 449.0308 1. Except as otherwise provided in this section, the
26 ~~Health~~ Division may charge and collect from a medical facility or
27 facility for the dependent or a person who operates such a facility
28 without a license issued by the ~~Health~~ Division the actual costs
29 incurred by the ~~Health~~ Division for the enforcement of the
30 provisions of NRS 449.030 to 449.240, inclusive, including, without
31 limitation, the actual cost of conducting an inspection or
32 investigation of the facility.

33 2. The ~~Health~~ Division shall not charge and collect the actual
34 cost for enforcement pursuant to subsection 1 if the enforcement
35 activity is:

36 (a) Related to the issuance or renewal of a license for which the
37 Board charges a fee pursuant to NRS 449.050 or 449.089; or

38 (b) Conducted pursuant to an agreement with the Federal
39 Government which has appropriated money for that purpose.

40 3. Any money collected pursuant to subsection 1 may be used
41 by the ~~Health~~ Division to administer and carry out the provisions
42 of NRS 449.030 to 449.240, inclusive, and the regulations adopted
43 pursuant thereto.



1 **Sec. 113.** NRS 449.040 is hereby amended to read as follows:

2 449.040 Any person, state or local government or agency
3 thereof desiring a license under the provisions of NRS 449.030 to
4 449.240, inclusive, must file with the **{Health}** Division an
5 application on a form prescribed, prepared and furnished by the
6 **{Health}** Division, containing:

7 1. The name of the applicant and, if a natural person, whether
8 the applicant has attained the age of 21 years.

9 2. The type of facility to be operated.

10 3. The location of the facility.

11 4. In specific terms, the nature of services and type of care to
12 be offered, as defined in the regulations.

13 5. The number of beds authorized by the Director of the
14 Department of Health and Human Services or, if such authorization
15 is not required, the number of beds the facility will contain.

16 6. The name of the person in charge of the facility.

17 7. Such other information as may be required by the **{Health}**
18 Division for the proper administration and enforcement of NRS
19 449.030 to 449.240, inclusive.

20 8. Evidence satisfactory to the **{Health}** Division that the
21 applicant is of reputable and responsible character. If the applicant is
22 a firm, association, organization, partnership, business trust,
23 corporation or company, similar evidence must be submitted as to
24 the members thereof, and the person in charge of the facility for
25 which application is made. If the applicant is a political subdivision
26 of the State or other governmental agency, similar evidence must be
27 submitted as to the person in charge of the institution for which
28 application is made.

29 9. Evidence satisfactory to the **{Health}** Division of the ability
30 of the applicant to comply with the provisions of NRS 449.030 to
31 449.240, inclusive, and the standards and regulations adopted by the
32 Board.

33 10. Evidence satisfactory to the **{Health}** Division that the
34 facility conforms to the zoning regulations of the local government
35 within which the facility will be operated or that the applicant has
36 applied for an appropriate reclassification, variance, permit for
37 special use or other exception for the facility.

38 11. If the facility to be licensed is a residential establishment as
39 defined in NRS 278.02384, and if the residential establishment is
40 subject to the distance requirements set forth in subsection 3 of NRS
41 278.02386, evidence satisfactory to the **{Health}** Division that the
42 residential establishment will be located and operated in accordance
43 with the provisions of that subsection.



1 **Sec. 114.** NRS 449.050 is hereby amended to read as follows:

2 449.050 1. Each application for a license must be
3 accompanied by such fee as may be determined by regulation of the
4 Board. The Board may, by regulation, allow or require payment of a
5 fee for a license in installments and may fix the amount of each
6 payment and the date that the payment is due.

7 2. The fee imposed by the Board for a facility for transitional
8 living for released offenders must be based on the type of facility
9 that is being licensed and must be calculated to produce the revenue
10 estimated to cover the costs related to the license, but in no case
11 may a fee for a license exceed the actual cost to the ~~Health~~
12 Division of issuing or renewing the license.

13 3. If an application for a license for a facility for transitional
14 living for released offenders is denied, any amount of the fee paid
15 pursuant to this section that exceeds the expenses and costs incurred
16 by the ~~Health~~ Division must be refunded to the applicant.

17 **Sec. 115.** NRS 449.065 is hereby amended to read as follows:

18 449.065 1. Except as otherwise provided in subsections 6 and
19 7 and NRS 449.067, each facility for intermediate care, facility for
20 skilled nursing, residential facility for groups, home for individual
21 residential care, agency to provide personal care services in the
22 home and agency to provide nursing in the home shall, when
23 applying for a license or renewing a license, file with the
24 Administrator of the ~~Health~~ Division a surety bond:

25 (a) If the facility, agency or home employs less than 7
26 employees, in the amount of \$5,000;

27 (b) If the facility, agency or home employs at least 7 but not
28 more than 25 employees, in the amount of \$25,000; or

29 (c) If the facility, agency or home employs more than 25
30 employees, in the amount of \$50,000.

31 2. A bond filed pursuant to this section must be executed by
32 the facility, agency or home as principal and by a surety company as
33 surety. The bond must be payable to the Aging and Disability
34 Services Division of the Department of Health and Human Services
35 and must be conditioned to provide indemnification to an older
36 patient who the Specialist for the Rights of Elderly Persons
37 determines has suffered property damage as a result of any act or
38 failure to act by the facility, agency or home to protect the property
39 of the older patient.

40 3. Except when a surety is released, the surety bond must cover
41 the period of the initial license to operate or the period of the
42 renewal, as appropriate.

43 4. A surety on any bond filed pursuant to this section may be
44 released after the surety gives 30 days' written notice to the
45 Administrator of the ~~Health~~ Division, but the release does not



1 discharge or otherwise affect any claim filed by an older patient for
2 property damaged as a result of any act or failure to act by the
3 facility, agency or home to protect the property of the older patient
4 alleged to have occurred while the bond was in effect.

5 5. A license is suspended by operation of law when the facility,
6 agency or home is no longer covered by a surety bond as required
7 by this section or by a substitute for the surety bond pursuant to
8 NRS 449.067. The Administrator of the ~~Health~~ Division shall give
9 the facility, agency or home at least 20 days' written notice before
10 the release of the surety or the substitute for the surety, to the effect
11 that the license will be suspended by operation of law until another
12 surety bond or substitute for the surety bond is filed in the same
13 manner and amount as the bond or substitute being terminated.

14 6. The Administrator of the ~~Health~~ Division may exempt a
15 residential facility for groups or a home for individual residential
16 care from the requirement of filing a surety bond pursuant to this
17 section if the Administrator determines that the requirement would
18 result in undue hardship to the residential facility for groups or
19 home for individual residential care.

20 7. The requirement of filing a surety bond set forth in this
21 section does not apply to a facility for intermediate care, facility for
22 skilled nursing, residential facility for groups, home for individual
23 residential care, agency to provide personal care services in the
24 home or agency to provide nursing in the home that is operated and
25 maintained by the State of Nevada or an agency thereof.

26 8. As used in this section, "older patient" means a patient who
27 is 60 years of age or older.

28 **Sec. 116.** NRS 449.160 is hereby amended to read as follows:

29 449.160 1. The ~~Health~~ Division may deny an application
30 for a license or may suspend or revoke any license issued under the
31 provisions of NRS 449.030 to 449.240, inclusive, upon any of the
32 following grounds:

33 (a) Violation by the applicant or the licensee of any of the
34 provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, or of
35 any other law of this State or of the standards, rules and regulations
36 adopted thereunder.

37 (b) Aiding, abetting or permitting the commission of any illegal
38 act.

39 (c) Conduct inimical to the public health, morals, welfare and
40 safety of the people of the State of Nevada in the maintenance and
41 operation of the premises for which a license is issued.

42 (d) Conduct or practice detrimental to the health or safety of the
43 occupants or employees of the facility.

44 (e) Failure of the applicant to obtain written approval from the
45 Director of the Department of Health and Human Services as



1 required by NRS 439A.100 or as provided in any regulation adopted
2 pursuant to this chapter, if such approval is required.

3 (f) Failure to comply with the provisions of NRS 449.2486.

4 2. In addition to the provisions of subsection 1, the ~~Health~~
5 Division may revoke a license to operate a facility for the dependent
6 if, with respect to that facility, the licensee that operates the facility,
7 or an agent or employee of the licensee:

8 (a) Is convicted of violating any of the provisions of
9 NRS 202.470;

10 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
11 244.360, 244.3603 or 268.4124; or

12 (c) Is ordered by the appropriate governmental agency to correct
13 a violation of a building, safety or health code or regulation but fails
14 to correct the violation.

15 3. The ~~Health~~ Division shall maintain a log of any complaints
16 that it receives relating to activities for which the ~~Health~~ Division
17 may revoke the license to operate a facility for the dependent
18 pursuant to subsection 2. The ~~Health~~ Division shall provide to a
19 facility for the care of adults during the day:

20 (a) A summary of a complaint against the facility if the
21 investigation of the complaint by the ~~Health~~ Division either
22 substantiates the complaint or is inconclusive;

23 (b) A report of any investigation conducted with respect to the
24 complaint; and

25 (c) A report of any disciplinary action taken against the facility.

26 ↪ The facility shall make the information available to the public
27 pursuant to NRS 449.2486.

28 4. On or before February 1 of each odd-numbered year, the
29 ~~Health~~ Division shall submit to the Director of the Legislative
30 Counsel Bureau a written report setting forth, for the previous
31 biennium:

32 (a) Any complaints included in the log maintained by the
33 ~~Health~~ Division pursuant to subsection 3; and

34 (b) Any disciplinary actions taken by the ~~Health~~ Division
35 pursuant to subsection 2.

36 **Sec. 117.** NRS 449.163 is hereby amended to read as follows:

37 449.163 1. In addition to the payment of the amount required
38 by NRS 449.0308, if a medical facility or facility for the dependent
39 violates any provision related to its licensure, including any
40 provision of NRS 439B.410 or 449.030 to 449.240, inclusive, or any
41 condition, standard or regulation adopted by the Board, the ~~Health~~
42 Division, in accordance with the regulations adopted pursuant to
43 NRS 449.165, may:

44 (a) Prohibit the facility from admitting any patient until it
45 determines that the facility has corrected the violation;



1 (b) Limit the occupancy of the facility to the number of beds
2 occupied when the violation occurred, until it determines that the
3 facility has corrected the violation;

4 (c) If the license of the facility limits the occupancy of the
5 facility and the facility has exceeded the approved occupancy,
6 require the facility, at its own expense, to move patients to another
7 facility that is licensed;

8 (d) Impose an administrative penalty of not more than \$1,000
9 per day for each violation, together with interest thereon at a rate not
10 to exceed 10 percent per annum; and

11 (e) Appoint temporary management to oversee the operation of
12 the facility and to ensure the health and safety of the patients of the
13 facility, until:

14 (1) It determines that the facility has corrected the violation
15 and has management which is capable of ensuring continued
16 compliance with the applicable statutes, conditions, standards and
17 regulations; or

18 (2) Improvements are made to correct the violation.

19 2. If a violation by a medical facility or facility for the
20 dependent relates to the health or safety of a patient, an
21 administrative penalty imposed pursuant to paragraph (d) of
22 subsection 1 must be in a total amount of not less than \$1,000 and
23 not more than \$10,000 for each patient who was harmed or at risk of
24 harm as a result of the violation.

25 3. If the facility fails to pay any administrative penalty imposed
26 pursuant to paragraph (d) of subsection 1, the ~~Health~~ Division
27 may:

28 (a) Suspend the license of the facility until the administrative
29 penalty is paid; and

30 (b) Collect court costs, reasonable attorney's fees and other
31 costs incurred to collect the administrative penalty.

32 4. The ~~Health~~ Division may require any facility that violates
33 any provision of NRS 439B.410 or 449.030 to 449.240, inclusive,
34 or any condition, standard or regulation adopted by the Board to
35 make any improvements necessary to correct the violation.

36 5. Any money collected as administrative penalties pursuant to
37 paragraph (d) of subsection 1 must be accounted for separately and
38 used to administer and carry out the provisions of this chapter and to
39 protect the health, safety, well-being and property of the patients
40 and residents of facilities in accordance with applicable state and
41 federal standards.

42 **Sec. 118.** NRS 449.201 is hereby amended to read as follows:

43 449.201 Each alcohol and drug abuse program operated or
44 provided by a facility for transitional living for released offenders
45 must be certified by the Division ~~of Mental Health and~~



1 ~~Developmental Services of the Department of Health and Human~~
2 ~~Services~~ in accordance with the requirements set forth in chapter
3 458 of NRS and any regulations adopted pursuant thereto. As used
4 in this section, "alcohol and drug abuse program" has the meaning
5 ascribed to it in NRS 458.010.

6 **Sec. 119.** NRS 449.210 is hereby amended to read as follows:

7 449.210 1. In addition to the payment of the amount required
8 by NRS 449.0308, except as otherwise provided in subsection 2 and
9 NRS 449.24897, a person who operates a medical facility or facility
10 for the dependent without a license issued by the ~~Health~~ Division
11 is guilty of a misdemeanor.

12 2. In addition to the payment of the amount required by NRS
13 449.0308, if a person operates a residential facility for groups or a
14 home for individual residential care without a license issued by the
15 ~~Health~~ Division, the ~~Health~~ Division shall:

16 (a) Impose a civil penalty on the operator in the following
17 amount:

18 (1) For a first offense, \$10,000.

19 (2) For a second offense, \$25,000.

20 (3) For a third or subsequent offense, \$50,000.

21 (b) Order the operator, at the operator's own expense, to move
22 all of the persons who are receiving services in the residential
23 facility for groups or home for individual residential care to a
24 residential facility for groups or home for individual residential care,
25 as applicable, that is licensed.

26 (c) Prohibit the operator from applying for a license to operate a
27 residential facility for groups or home for individual residential care,
28 as applicable. The duration of the period of prohibition must be:

29 (1) For 6 months if the operator is punished pursuant to
30 subparagraph (1) of paragraph (a).

31 (2) For 1 year if the operator is punished pursuant to
32 subparagraph (2) of paragraph (a).

33 (3) Permanent if the operator is punished pursuant to
34 subparagraph (3) of paragraph (a).

35 3. Before the ~~Health~~ Division imposes an administrative
36 sanction pursuant to subsection 2, the ~~Health~~ Division shall
37 provide the operator of a residential facility for groups with
38 reasonable notice. The notice must contain the legal authority,
39 jurisdiction and reasons for the action to be taken. If the operator of
40 a residential facility for groups wants to contest the action, the
41 operator may file an appeal pursuant to the regulations of the State
42 Board of Health adopted pursuant to NRS 449.165 and 449.170.
43 Upon receiving notice of an appeal, the ~~Health~~ Division shall hold
44 a hearing in accordance with those regulations. For the purpose of
45 this subsection, it is no defense to the violation of operating a



1 residential facility for groups without a license that the operator
2 thereof subsequently licensed the facility in accordance with law.

3 4. Unless otherwise required by federal law, the ~~Health~~
4 Division shall deposit all civil penalties collected pursuant to
5 paragraph (a) of subsection 2 into a separate account in the State
6 General Fund to be used to administer and carry out the provisions
7 of this chapter and to protect the health, safety, well-being and
8 property of the patients and residents of facilities and homes for
9 individual residential care in accordance with applicable state and
10 federal standards.

11 **Sec. 120.** Chapter 450B of NRS is hereby amended by adding
12 thereto a new section to read as follows:

13 ***"Division" means the Division of Public and Behavioral***
14 ***Health of the Department of Health and Human Services.***

15 **Sec. 121.** NRS 450B.020 is hereby amended to read as
16 follows:

17 450B.020 As used in this chapter, unless the context otherwise
18 requires, the words and terms defined in NRS 450B.025 to
19 450B.110, inclusive, ***and section 120 of this act*** have the meanings
20 ascribed to them in those sections.

21 **Sec. 122.** NRS 450B.1505 is hereby amended to read as
22 follows:

23 450B.1505 1. Any money the ~~Health~~ Division receives
24 from a fee set by the State Board of Health pursuant to NRS
25 439.150 for the issuance or renewal of a license pursuant to
26 NRS 450B.160, an administrative penalty imposed pursuant to NRS
27 450B.900 or an appropriation made by the Legislature for the
28 purposes of training related to emergency medical services:

29 (a) Must be deposited in the State Treasury and accounted for
30 separately in the State General Fund;

31 (b) May be used only to carry out a training program for
32 emergency medical services personnel who work for a volunteer
33 ambulance service or firefighting agency, including, without
34 limitation, equipment for use in the training; and

35 (c) Does not revert to the State General Fund at the end of any
36 fiscal year.

37 2. Any interest or income earned on the money in the account
38 must be credited to the account. Any claims against the account
39 must be paid in the manner that other claims against the State are
40 paid.

41 3. The Administrator of the ~~Health~~ Division shall administer
42 the account.



1 **Sec. 123.** Chapter 452 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *“Division” means the Division of Public and Behavioral*
4 *Health of the Department of Health and Human Services.*

5 **Sec. 124.** NRS 452.003 is hereby amended to read as follows:

6 452.003 As used in NRS 452.001 to 452.610, inclusive, *and*
7 *section 123 of this act*, unless the context otherwise requires, the
8 words and terms defined in NRS 452.004 to 452.019, inclusive, *and*
9 *section 123 of this act* have the meanings ascribed to them in those
10 sections.

11 **Sec. 125.** NRS 452.230 is hereby amended to read as follows:

12 452.230 1. Except as provided in subsection 2 of NRS
13 452.210, the ~~Health~~ Division shall have supervisory control over
14 the construction of any mausoleum, vault or crypt, and shall:

15 (a) See that the approved plans and specifications are in all
16 respects complied with.

17 (b) Appoint an inspector under whose supervision the
18 mausoleum, vault or crypt shall be erected.

19 (c) Determine the amount of compensation of the inspector. The
20 compensation shall be paid by the person erecting such mausoleum,
21 vault or crypt.

22 2. No departure or deviation from the original plans and
23 specifications is permitted except upon approval of the ~~Health~~
24 Division, evidenced in the same manner as the approval of the
25 original plans and specifications.

26 3. A mausoleum, vault, crypt or structure shall not be used to
27 hold any dead body until a final certificate is obtained indicating
28 compliance with the plans and specifications as filed. The certificate
29 must be signed either by the State Health Officer for the ~~Health~~
30 Division or by the head of the local building or public works
31 department, depending upon which division or department
32 supervised the construction under NRS 452.210.

33 **Sec. 126.** NRS 453.580 is hereby amended to read as follows:

34 453.580 1. A court may establish an appropriate treatment
35 program to which it may assign a person pursuant to subsection 4 of
36 NRS 453.336, NRS 453.3363 or 458.300, or it may assign such a
37 person to an appropriate facility for the treatment of abuse of
38 alcohol or drugs which is certified by the Division of ~~Mental Health~~
39 ~~and Developmental Services~~ *Public and Behavioral Health* of the
40 Department. The assignment must include the terms and conditions
41 for successful completion of the program and provide for progress
42 reports at intervals set by the court to ensure that the person is
43 making satisfactory progress toward completion of the program.

44 2. A program to which a court assigns a person pursuant to
45 subsection 1 must include:



1 (a) Information and encouragement for the participant to cease
2 abusing alcohol or using controlled substances through educational,
3 counseling and support sessions developed with the cooperation of
4 various community, health, substance abuse, religious, social service
5 and youth organizations;

6 (b) The opportunity for the participant to understand the
7 medical, psychological and social implications of substance abuse;
8 and

9 (c) Alternate courses within the program based on the different
10 substances abused and the addictions of participants.

11 3. If the offense with which the person was charged involved
12 the use or possession of a controlled substance, in addition to the
13 program or as a part of the program, the court must also require
14 frequent urinalysis to determine that the person is not using a
15 controlled substance. The court shall specify how frequent such
16 examinations must be and how many must be successfully
17 completed, independently of other requisites for successful
18 completion of the program.

19 4. Before the court assigns a person to a program pursuant to
20 this section, the person must agree to pay the cost of the program to
21 which the person is assigned and the cost of any additional
22 supervision required pursuant to subsection 3, to the extent of the
23 financial resources of the person. If the person does not have the
24 financial resources to pay all of the related costs, the court shall,
25 to the extent practicable, arrange for the person to be assigned to a
26 program at a facility that receives a sufficient amount of federal or
27 state funding to offset the remainder of the costs.

28 **Sec. 127.** NRS 453A.090 is hereby amended to read as
29 follows:

30 453A.090 "Division" means the ~~Health~~ Division of *Public*
31 *and Behavioral Health of* the Department of Health and Human
32 Services.

33 **Sec. 128.** NRS 453A.730 is hereby amended to read as
34 follows:

35 453A.730 1. Any money the Administrator of the Division
36 receives pursuant to NRS 453A.720 or that is appropriated to carry
37 out the provisions of this chapter:

38 (a) Must be deposited in the State Treasury and accounted for
39 separately in the State General Fund;

40 (b) May only be used to carry out:

41 (1) The provisions of this chapter, including the
42 dissemination of information concerning the provisions of this
43 chapter and such other information as determined appropriate by the
44 Administrator; and



1 (2) Alcohol and drug abuse programs pursuant to NRS
2 458.094; and

3 (c) Does not revert to the State General Fund at the end of any
4 fiscal year.

5 2. The ~~{Administrator of the Division may transfer}~~ money in
6 the account created pursuant to subsection 1 that is not needed to
7 carry out this chapter ~~{to the Division of Mental Health and~~
8 ~~Developmental Services of the Department of Health and Human~~
9 ~~Services for use by an agency of that Division which provides~~
10 ~~services for the treatment and prevention of substance abuse. The~~
11 ~~money transferred pursuant to this subsection must}~~ *may* be used for
12 the provision of alcohol and drug abuse programs in accordance
13 with NRS 458.094.

14 3. The Administrator of the Division shall administer the
15 account. Any interest or income earned on the money in the account
16 must be credited to the account. Any claims against the account
17 must be paid as other claims against the State are paid.

18 **Sec. 129.** NRS 457.020 is hereby amended to read as follows:

19 457.020 As used in this chapter, unless the context requires
20 otherwise:

21 1. "Cancer" means all malignant neoplasms, regardless of the
22 tissue of origin, including malignant lymphoma and leukemia.

23 2. "*Division*" means *the Division of Public and Behavioral*
24 *Health of the Department of Health and Human Services.*

25 3. "Health care facility" has the meaning ascribed to it in NRS
26 162A.740 and also includes freestanding facilities for plastic
27 reconstructive, oral and maxillofacial surgery.

28 ~~{3. "Health Division" means the Health Division of the~~
29 ~~Department of Health and Human Services.}~~

30 **Sec. 130.** NRS 457.185 is hereby amended to read as follows:

31 457.185 1. The ~~{Health}~~ Division shall grant or deny an
32 application for a certificate of authorization to operate a radiation
33 machine for mammography or a certificate of authorization for a
34 radiation machine for mammography within 4 months after receipt
35 of a complete application.

36 2. The ~~{Health}~~ Division shall withdraw the certificate of
37 authorization to operate a radiation machine for mammography if it
38 finds that the person violated the provisions of subsection 6 of
39 NRS 457.183.

40 3. The ~~{Health}~~ Division shall deny or withdraw the certificate
41 of authorization of a radiation machine for mammography if it finds
42 that the owner, lessee or other responsible person violated the
43 provisions of subsection 1 of NRS 457.184.

44 4. If a certificate of authorization to operate a radiation
45 machine for mammography or a certificate of authorization for a



1 radiation machine for mammography is withdrawn, a person must
2 apply for the certificate in the manner provided for an initial
3 certificate.

4 **Sec. 131.** NRS 458.010 is hereby amended to read as follows:

5 458.010 As used in NRS 458.010 to 458.350, inclusive, unless
6 the context requires otherwise:

7 1. "Administrator" means the Administrator of the Division.

8 2. "Alcohol and drug abuse program" means a project
9 concerned with education, prevention and treatment directed toward
10 achieving the mental and physical restoration of alcohol and drug
11 abusers.

12 3. "Alcohol and drug abuser" means a person whose
13 consumption of alcohol or other drugs, or any combination thereof,
14 interferes with or adversely affects the ability of the person to
15 function socially or economically.

16 4. "Alcoholic" means any person who habitually uses alcoholic
17 beverages to the extent that the person endangers the health, safety
18 or welfare of himself or herself or any other person or group of
19 persons.

20 5. "Civil protective custody" means a custodial placement of a
21 person to protect the health or safety of the person. Civil protective
22 custody does not have any criminal implication.

23 6. "Detoxification technician" means a person who is certified
24 by the Division to provide screening for the safe withdrawal from
25 alcohol and other drugs.

26 7. "Division" means the Division of ~~Mental Health and~~
27 ~~Developmental Services~~ *Public and Behavioral Health* of the
28 Department of Health and Human Services.

29 8. "Facility" means a physical structure used for the education,
30 prevention and treatment, including mental and physical restoration,
31 of alcohol and drug abusers.

32 **Sec. 132.** NRS 459.010 is hereby amended to read as follows:

33 459.010 As used in NRS 459.010 to 459.290, inclusive, unless
34 the context requires otherwise:

35 1. "By-product material" means:

36 (a) Any radioactive material, except special nuclear material,
37 yielded in or made radioactive by exposure to the radiation incident
38 to the process of producing or making use of special nuclear
39 material; and

40 (b) The tailings or wastes produced by the extraction or
41 concentration of uranium or thorium from any ore which is
42 processed primarily for the extraction of the uranium or thorium.

43 2. *"Division" means the Division of Public and Behavioral*
44 *Health of the Department of Health and Human Services.*



1 3. "General license" means a license effective pursuant to
2 regulations adopted by the State Board of Health without the filing
3 of an application to transfer, acquire, own, possess or use quantities
4 of, or devices or equipment for utilizing, by-product material, source
5 material, special nuclear material or other radioactive material
6 occurring naturally or produced artificially.

7 ~~3. "Health Division" means the Health Division of the~~
8 ~~Department of Health and Human Services.]~~

9 4. "Ionizing radiation" means gamma rays and X rays, alpha
10 and beta particles, high-speed electrons, neutrons, protons and other
11 nuclear particles, but not sound or radio waves, or visible, infrared
12 or ultraviolet light.

13 5. "Person" includes any agency or political subdivision of this
14 State, any other state or the United States, but not the Nuclear
15 Regulatory Commission or its successor, or any federal agency
16 licensed by the Nuclear Regulatory Commission or any successor to
17 such a federal agency.

18 6. "Source material" means:

19 (a) Uranium, thorium or any other material which the Governor
20 declares by order to be source material after the Nuclear Regulatory
21 Commission or any successor thereto has determined that material
22 to be source material.

23 (b) Any ore containing one or more of the materials enumerated
24 in paragraph (a) in such concentration as the Governor declares by
25 order to be source material after the Nuclear Regulatory
26 Commission or any successor thereto has determined the material in
27 the concentration to be source material.

28 7. "Special nuclear material" means:

29 (a) Plutonium, uranium 233, uranium enriched in the isotope
30 233 or in the isotope 235 and any other material which the Governor
31 declares by order to be special nuclear material after the Nuclear
32 Regulatory Commission or any successor thereto has determined
33 such material to be special nuclear material, but does not include
34 source material.

35 (b) Any material artificially enriched by any of the materials
36 enumerated in paragraph (a), but does not include source material.

37 8. "Specific license" means a license issued pursuant to the
38 filing of an application to use, manufacture, produce, transfer,
39 receive, acquire, own or possess quantities of, or devices or
40 equipment for utilizing, by-product material, source material,
41 special nuclear material or other radioactive material occurring
42 naturally or produced artificially.

43 **Sec. 133.** NRS 459.310 is hereby amended to read as follows:

44 459.310 1. The State Board of Health may establish by
45 regulation:



1 (a) Fees for licensing, monitoring, inspecting or otherwise
2 regulating mills or other operations for the concentration, recovery
3 or refining of uranium, which must be in amounts which are
4 reasonably related to the cost of licensing, monitoring, inspecting
5 and regulating. Payment of the fees is the responsibility of the
6 person applying for a license or licenses to engage in uranium
7 concentration, recovery or refining.

8 (b) Fees for the care and maintenance of radioactive tailings and
9 residues at inactive uranium concentration, recovery or refining
10 sites. The fees must be based on a unit fee for each pound of
11 uranium oxide produced in the process which also produced the
12 tailings or residue. Payment of the fees is the responsibility of the
13 person licensed to engage in uranium concentration, recovery or
14 refining. The regulations must provide for a maximum amount to be
15 paid for each operation.

16 (c) A requirement for persons licensed by the State to engage in
17 uranium concentration, recovery or refining to post adequate bonds
18 or other security to cover costs of decontaminating,
19 decommissioning and reclaiming the sites used for concentrating,
20 recovering or refining uranium if the licensee abandons the site or
21 neglects or refuses to satisfy the requirements of the State. The State
22 Board of Health shall determine the amount of the security. The
23 amount of the security may be reviewed by the Board from time to
24 time and may be increased or decreased as the board deems
25 appropriate. The security must be administered by the Administrator
26 of the ~~Health~~ Division **of Public and Behavioral Health of the**
27 **Department of Health and Human Services**, who shall use the
28 security as required to protect the public health, safety and property.

29 2. The money received pursuant to paragraph (a) of subsection
30 1 must be deposited in the State Treasury for credit to the Fund for
31 Licensing of Uranium Mills, which is hereby created as a special
32 revenue fund, for the purpose of defraying the cost of licensing,
33 monitoring, inspecting or otherwise regulating mills or other
34 operations for the concentration, recovery or refining of uranium.
35 The money received pursuant to paragraph (b) of subsection 1 must
36 be deposited in the State Treasury for credit to the Fund for Care of
37 Uranium Tailings, which is hereby created as a special revenue
38 fund, for the purpose of the care and maintenance of radioactive
39 tailings and residues accumulated at inactive uranium concentration,
40 recovery or refining sites to protect the public health, safety and
41 property. All interest earned on the deposit or investment of the
42 money in the Fund for Care of Uranium Tailings must be credited to
43 that Fund. The Administrator of the ~~Health~~ Division **of Public and**
44 **Behavioral Health** shall administer both Funds. Claims against



1 either Fund, approved by the State Health Officer, must be paid as
2 other claims against the State are paid.

3 **Sec. 134.** NRS 608.255 is hereby amended to read as follows:

4 608.255 For the purposes of this chapter and any other
5 statutory or constitutional provision governing the minimum wage
6 paid to an employee, the following relationships do not constitute
7 employment relationships and are therefore not subject to those
8 provisions:

9 1. The relationship between a rehabilitation facility or
10 workshop established by the Department of Employment, Training
11 and Rehabilitation pursuant to chapter 615 of NRS and an individual
12 with a disability who is participating in a training or rehabilitative
13 program of such a facility or workshop.

14 2. The relationship between a provider of jobs and day training
15 services which is recognized as exempt pursuant to the provisions of
16 26 U.S.C. § 501(c)(3) and which has been issued a certificate by the
17 Division of ~~Mental Health and Developmental Services~~ *Public*
18 *and Behavioral Health* of the Department of Health and Human
19 Services pursuant to NRS 435.130 to 435.310, inclusive, and a
20 person with mental retardation or person with related conditions
21 participating in a jobs and day training services program.

22 **Sec. 135.** NRS 616A.205 is hereby amended to read as
23 follows:

24 616A.205 Volunteer workers at a facility for inpatients of the
25 Division of ~~Mental Health and Developmental Services~~ *Public*
26 *and Behavioral Health* of the Department of Health and Human
27 Services, while acting under the direction or authorization of the
28 supervisor of volunteer services of such a facility, shall be deemed,
29 for the purpose of chapters 616A to 616D, inclusive, of NRS,
30 employees of the facility, receiving a wage of \$350 per month, and
31 are entitled to the benefits of those chapters upon compliance
32 therewith by the facility.

33 **Sec. 136.** NRS 630.262 is hereby amended to read as follows:

34 630.262 1. Except as otherwise provided in NRS 630.161,
35 the Board may issue an authorized facility license to a person who
36 intends to practice medicine in this State as a psychiatrist in a
37 mental health center of the Division under the direct supervision of a
38 psychiatrist who holds an unrestricted license to practice medicine
39 pursuant to this chapter or to practice osteopathic medicine pursuant
40 to chapter 633 of NRS.

41 2. A person who applies for an authorized facility license
42 pursuant to this section is not required to take or pass a written
43 examination as to his or her qualifications to practice medicine
44 pursuant to paragraph (e) of subsection 2 of NRS 630.160, but the



1 person must meet all other conditions and requirements for an
2 unrestricted license to practice medicine pursuant to this chapter.

3 3. If the Board issues an authorized facility license pursuant to
4 this section, the person who holds the license may practice medicine
5 in this State only as a psychiatrist in a mental health center of the
6 Division and only under the direct supervision of a psychiatrist who
7 holds an unrestricted license to practice medicine pursuant to this
8 chapter or to practice osteopathic medicine pursuant to chapter 633
9 of NRS.

10 4. If a person who holds an authorized facility license issued
11 pursuant to this section ceases to practice medicine in this State as a
12 psychiatrist in a mental health center of the Division:

13 (a) The Division shall notify the Board; and

14 (b) Upon receipt of the notification, the authorized facility
15 license expires automatically.

16 5. The Board may renew or modify an authorized facility
17 license issued pursuant to this section, unless the license has expired
18 automatically or has been revoked.

19 6. The provisions of this section do not limit the authority of
20 the Board to issue a license to an applicant in accordance with any
21 other provision of this chapter.

22 7. As used in this section:

23 (a) "Division" means the Division of ~~{Mental Health and~~
24 ~~Developmental Services}~~ *Public and Behavioral Health* of the
25 Department of Health and Human Services.

26 (b) "Mental health center" has the meaning ascribed to it in
27 NRS 433.144.

28 **Sec. 137.** NRS 633.417 is hereby amended to read as follows:

29 633.417 1. Except as otherwise provided in NRS 633.315,
30 the Board may issue an authorized facility license to a person who
31 intends to practice osteopathic medicine in this State as a
32 psychiatrist in a mental health center of the Division under the direct
33 supervision of a psychiatrist who holds an unrestricted license to
34 practice osteopathic medicine pursuant to this chapter or to practice
35 medicine pursuant to chapter 630 of NRS.

36 2. A person who applies for an authorized facility license
37 pursuant to this section is not required to take or pass a written
38 examination as to his or her qualifications to practice osteopathic
39 medicine, but the person must meet all conditions and requirements
40 for an unrestricted license to practice osteopathic medicine pursuant
41 to this chapter.

42 3. If the Board issues an authorized facility license pursuant to
43 this section, the person who holds the license may practice
44 osteopathic medicine in this State only as a psychiatrist in a mental
45 health center of the Division and only under the direct supervision



1 of a psychiatrist who holds an unrestricted license to practice
2 osteopathic medicine pursuant to this chapter or to practice medicine
3 pursuant to chapter 630 of NRS.

4 4. If a person who holds an authorized facility license issued
5 pursuant to this section ceases to practice osteopathic medicine in
6 this State as a psychiatrist in a mental health center of the Division:

7 (a) The Division shall notify the Board; and

8 (b) Upon receipt of the notification, the authorized facility
9 license expires automatically.

10 5. The Board may renew or modify an authorized facility
11 license issued pursuant to this section, unless the license has expired
12 automatically or has been revoked.

13 6. The provisions of this section do not limit the authority of
14 the Board to issue a license to an applicant in accordance with any
15 other provision of this chapter.

16 7. As used in this section:

17 (a) "Division" means the Division of ~~†Mental Health and~~
18 ~~†Developmental Services†~~ *Public and Behavioral Health* of the
19 Department of Health and Human Services.

20 (b) "Mental health center" has the meaning ascribed to it in
21 NRS 433.144.

22 **Sec. 138.** NRS 652.035 is hereby amended to read as follows:

23 652.035 ~~†"Health Division"†~~ *"Division"* means the ~~†Health†~~
24 Division of *Public and Behavioral Health* of the Department of
25 Health and Human Services.

26 **Sec. 139.** NRS 278.02382, 433.214, 439A.145, 441A.060,
27 442.760, 444.005, 449.009, 450B.080 and 452.012 are hereby
28 repealed.

29 **Sec. 140.** 1. Any administrative regulations adopted by an
30 officer, agency or other entity whose name has been changed or
31 whose responsibilities have been transferred pursuant to the
32 provisions of this act to another officer, agency or other entity
33 remain in force until amended by the officer, agency or other entity
34 to which the responsibility for the adoption of the regulations has
35 been transferred.

36 2. Any contracts or other agreements entered into by an officer,
37 agency or other entity whose name has been changed or whose
38 responsibilities have been transferred pursuant to the provisions of
39 this act to another officer, agency or other entity are binding upon
40 the officer, agency or other entity to which the responsibility for the
41 administration of the provision of the contract or other agreement
42 has been transferred. Such contracts and other agreement may be
43 enforced by the officer, agency or other entity to which the
44 responsibility for the enforcement of the provisions of the contract
45 or other agreements has been transferred.



1 3. Any action taken by an officer, agency or other entity whose
2 name has been changed or whose responsibilities have been
3 transferred pursuant to the provisions of this act to another officer,
4 agency or other entity remains in effect as if taken by the officer,
5 agency or other entity to which the responsibility for the
6 enforcement of such actions has been transferred.

7 4. A license, registration, certificate or other authorization
8 which is in effect on July 1, 2013, and which was issued by an
9 officer, agency or other entity whose name was changed or whose
10 responsibilities were transferred pursuant to this act to another
11 officer, agency or other entity:

12 (a) Shall be deemed to be issued by the officer, agency or other
13 entity with the new name provided in this act or issued by the
14 officer, agency or other entity to whom the responsibility for such
15 issuance was transferred, as applicable; and

16 (b) Remains valid until its expiration date, if the holder of the
17 license, registration, certificate or other authorization otherwise
18 remains qualified for the issuance or renewal of the license,
19 registration, certificate or authorization on or after July 1, 2013.

20 **Sec. 141.** 1. If the name of a fund or account is changed
21 pursuant to the provisions of this act, the State Controller shall
22 change the designation of the name of the fund or account without
23 making any transfer of money in the fund or account. The assets and
24 liabilities of such a fund or account are unaffected by the change of
25 the name.

26 2. The assets and liabilities of any fund or account transferred
27 from the Health Division or the Division of Mental Health and
28 Developmental Services of the Department of Health and Human
29 Services to the Division of Public and Behavioral Health of the
30 Department of Health and Human Services are unaffected by the
31 transfer.

32 **Sec. 142.** The Legislative Counsel shall:

33 1. In preparing the Nevada Revised Statutes, use the authority
34 set forth in subsection 10 of NRS 220.120 to substitute
35 appropriately the name of any agency, officer or instrumentality of
36 the State whose name is changed by this act for the name which the
37 agency, officer or instrumentality previously used; and

38 2. In preparing supplements to the Nevada Administrative
39 Code, substitute appropriately the name of any agency, officer or
40 instrumentality of the State whose name is changed by this act for
41 the name which the agency, officer or instrumentality previously
42 used.

43 **Sec. 143.** This act becomes effective on July 1, 2013.



LEADLINES OF REPEALED SECTIONS

- 278.02382 "Health Division" defined.
- 433.214 "Training" defined.
- 439A.145 "Health Division" defined.
- 441A.060 "Health Division" defined.
- 442.760 Health Division to prepare annual report; review of information and data concerning outcomes of specific programs and treatments.
- 444.005 "Health Division" defined.
- 449.009 "Health Division" defined.
- 450B.080 "Health Division" defined.
- 452.012 "Health Division" defined.

