

LCB File No. R004-06

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

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Hearing for the Adoption and Amendment
of Regulations of the
Office of Disability Services, Department of Health and Human Services**

The Office of Disability Services, Department of Health and Human Services will hold a public hearing at **10:00 a.m. to 1:00 p.m. on the 28th of February 2006 at Legislative Counsel Bureau, Room 3138, 401 So. Carson St., Carson City, NV 89701 and Video-Conferenced from the Grant Sawyer Building, Room 4406, 555 East Washington Street, Las Vegas, NV 89101.** The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 426 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. These regulations are being adopted to comply with Nevada Revised Statutes 426 and Senate Bill 23 passed by the 2005 Legislature relating to the use of a signature stamp as a facsimile signature for persons with a disability who are unable to write their name, and to update the existing regulations related to Personal Assistance Services.
2. The regulations establish standards regarding the use of a signature stamp including the development of a signature stamp, the use and acceptance of a signature stamp and the verification and validity of a signature stamp and the liability to the owner of the stamp and the businesses accepting the stamp.
3. Related to Personal Assistance Services, the proposed regulations will clarify the services available to persons with Traumatic Brain Injury and will expand the array of professionals that can complete assessments of individuals applying for assistance.
4. There is minimal to no economic effect on either the user of signature stamps, other than the actual cost of the stamp, and minimal to no economic effect on the businesses or persons accepting the stamp as a signature as the signature stamp is the facsimile of the individual's signature or mark. The use of the signature stamp is beneficial for a disabled person as it allow the individual to be self-sufficient. There are no adverse effects. Immediate effects will enable persons with disabilities to conduct their own financial and legal affairs. The long-term effect will be the same as the short term.

5. There is minimal to no economic effect on recipients of Personal Assistance Services. The proposed changes will simply clarify the extent and types of services that can be provided to individuals with Traumatic Brain Injury. There are no adverse effects. Immediate effects will enable persons with Traumatic Brain Injury to live more independently and to avoid institutional placement. The long-term effect will be the same as the short term.
6. There is no cost to the Office of Disability Services, Department of Health and Human Services for the enforcement of the regulations.
7. The regulations do not duplicate or overlap other state regulations or federal regulations.
8. The regulation is not required by federal law.
9. There are no fees associated with this regulation.

Persons wishing to comment upon the proposed action of the Office of Disability Services, Department of Health and Human Services, may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form to the Bureau Chief, Office of Disability Services, Department of Human Resources at 3656 Research Way, Suite 32, Carson City, Nevada 89706. Written submissions must be received by the Office of Disability Services on or before February 26, 2006. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Office of Disability Services may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson city, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at:

Office of Disability Services
3656 Research Way, Suite 32
Carson City, NV 89706

In all counties in which an office of the agency is not maintained a copy of this notice and the regulations to be adopted will be available at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://hr.state.nv.us/directors/disabilitysvcs/dhr_meetings.htm#Agendas. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Legislative Counsel Bureau
401 So. Carson St.
Carson City, NV 89701

Grant Sawyer Building
555 East Washington Street
Las Vegas, NV 89101

No. NV. Center for Independent Living
999 Pyramid Way
Sparks, NV 89431

So. NV. Center for Independent Living
6039 El Dora Street Ste: H-8
Las Vegas, NV 89146

Nevada Disability, Advocacy and Law Center
1311 N. McCarran Blvd. Ste: 106
Sparks, NV 89431

<http://hr.state.nv.us/directors/disabilitysvcs/dhr.htm>

e-mail: tbutterworth@dhr.state.nv.us

County Libraries

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(This version replaces the initial agency draft posted on 1/13/06)

Nevada Administrative Code 426 Addition of regulations as related to Senate Bill 23, Signature Stamp

Purpose: The purpose of NAC 426.____ through NAC 426.____ is to establish standards and procedures for the development and usage of a signature stamp by a person with a physical disability. The legal authority to use a signature stamp enables persons with physical disabilities to maximize their independence and self-sufficiency.

Definitions:

Person is defined as a natural person.

Person with a Physical Disability is defined in NRS 426.068.

Signature Stamp is defined in NRS 426.____.

Facsimile Signature Stamp is defined as a signature stamp using the definition of NRS 426.____.

Development of a Signature Stamp

A natural person with a physical disability who is by reason of their physical disabilities unable to write, may have a facsimile of their signature or mark or a proxy signature made into the form of a signature stamp.

Use and acceptance of a Signature Stamp

A signature stamp is restricted to use by the owner of the stamp. Use of a signature stamp by any other person than the owner of the stamp is prohibited. The stamp will be treated by a person, financial institution, profit or nonprofit entity, medical facility, medical providers, government, and governmental agencies and political subdivisions in the same manner as a signature made in writing. For purposes of Title 24 (Elections Law), the regulations promulgated therewith shall govern the use of signature stamps.

Verification of the Validity of a Signature Stamp

Verification of a stamp may be made by any of the entities described in NAC 460.____ to assure the use of the stamp is by the owner of the stamp. Verification can be made by requesting the individual provide proof of identity, which includes a photograph. A Driver's License or State issued Identification Card or a passport is acceptable verification evidence.

Liability

The entities listed in NAC 426.____ are responsible for any costs or actions caused by the misuse of a signature stamp unless they have required verification of the identity of the person in possession of the stamp and found that person to be the owner of the stamp.

The owner of the signature stamp is responsible for any costs or actions caused by the use of his/her signature stamp if the stamp is used by another person with or without permission of the owner.