

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

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CHAPTER 435 - PERSONS WITH INTELLECTUAL DISABILITIES AND DEVELOPMENTAL DISABILITIES

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GENERAL PROVISIONS

NAC 435.010 Definitions. As used in this chapter, unless the context otherwise requires:

1. “Administrator” means the Administrator of the Division.
2. “Division” means the Aging and Disability Services Division of the Department of Health and Human Services.

(Supplied in codification; A by Aging & Disability Services Div. by R144-16 & R145-16, 5-16-2018)

ASSISTANCE TO PARENT OR OTHER RELATIVE CARING FOR CERTAIN PERSONS WITH INTELLECTUAL DISABILITIES *OR DEVELOPMENTAL DISABILITIES* AT HOME

NAC 435.395 “Parent or other relative” interpreted. ([NRS 435.365](#)) As used in [NRS 435.365](#), the Division will interpret “parent or other relative” to mean:

1. A biological parent or relative of a person with an intellectual *or developmental* disability; or
2. A person who has legally adopted or is the legal guardian of such a person.

(Added to NAC by Men. Hygiene & Men. Retardation Div. by R130-97, eff. 12-12-97)

NAC 435.400 Qualifications of person with intellectual disability *or developmental disability*. ([NRS 435.365](#))

1. A parent or other relative of a person with an intellectual disability *or developmental disability* is eligible for assistance pursuant to [NAC 435.400](#) to [435.430](#), inclusive, if the person with an intellectual disability *or developmental disability*:

(a) Has a severe or profound intellectual disability *or a severe or profound developmental disability* or is under 6 years of age and has developmental delays requiring support equivalent to the support required by a person with a severe or profound intellectual disability *or a severe or profound developmental disability*; and

(b) Meets the financial requirements for fee reduction established by the Division pursuant to [{NRS 433.404 and} NRS 435.115](#).

2. The Division will consider the person to have a profound or severe intellectual disability or *a profound or severe developmental disability* within the meaning of [NRS 435.365](#) if:

(a) A psychological examiner diagnoses the person as having a profound or severe intellectual disability *or profound or severe developmental disability* based on the results obtained by generally accepted methods for assessing the intellectual capability and coping or adaptive skills of the person; or

(b) The person is under 6 years of age and a multidisciplinary team identifies him or her as having developmental delays that require support that is equivalent to the support required by a person with a profound or severe intellectual disability *or profound or severe developmental disability*.

3. The diagnosis required by subsection 2 must be made in accordance with the criteria set forth in *the most recent versions of Intellectual Disability: Definition, Diagnosis, Classification, and Systems of Support published by the American Association on Intellectual and Developmental Disabilities and the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. {Mental Retardation: Definition, Classification and Systems of Support, 9th edition, 1992. A copy of the publication may be obtained from the American Association on Mental Retardation, 444 North Capitol Street, N.W., Washington, D.C. 20001-1512, for the price of \$65, plus \$4 for shipping and handling.}*

4. As used in this section:

(a) “Multidisciplinary team” means a psychological examiner and one or more other persons, including a parent, legal guardian, clinician, educator, physician, social worker, therapist, case manager or nurse of a person with an intellectual disability *or developmental disability*, who, because of personal or specialized knowledge, are qualified to provide or interpret information relating to the person’s cognitive, physical, psychological, language, speech and social development or self-help skills.

(b) “Psychological examiner” means a psychologist who is licensed in this State or any other person who, because of specialized training and knowledge, including any training and knowledge required to assess the intellectual capabilities or an impairment of the adaptive behavior of a person, is qualified to diagnose a person as having:

(1) A profound or severe intellectual disability; or

(2) *A profound or severe developmental disability; or*

(3) Developmental delays that require support that is equivalent to the support required by a person with a profound or severe intellectual disability.

[Men. Hygiene & Men. Retardation Div., Financial Assistance § 1, eff. 8-21-81] — (NAC A by R130-97, 12-12-97)

NAC 435.405 Application for financial assistance. ([NRS 435.365](#))

1. An application for financial assistance from the Division for care provided by a parent or other relative of a person with an intellectual disability *or developmental disability* must be submitted to the Division on a form which, upon request, will be provided by the Division.

2. Upon receipt of the application, a staff member of the Division will:

(a) Conduct an interview with the applicant;

(b) Request any additional information required for the applicant to complete the application; and

(c) Inform the applicant of the services available from the Division.

[Men. Hygiene & Men. Retardation Div., Financial Assistance § 2, eff. 8-21-81] — (NAC A by R130-97, 12-12-97)

NAC 435.410 Eligibility for assistance. ([NRS 435.365](#))

1. To be eligible for assistance pursuant to [NAC 435.400](#) to [435.430](#), inclusive, an applicant must reside in this State *in the same household as his or her relative with an intellectual disability or developmental disability*.

2. In determining whether the applicant or his or her relative with an intellectual disability *or developmental disability* is reasonably able to pay for the care and support of the relative, the Division will consider:

(a) The adequacy of the financial resources of those persons; and

(b) Whether the applicant or his or her relative with an intellectual disability *or developmental disability* is eligible in accordance with the schedules of fees established pursuant to ~~{[NRS 433.404](#) and}~~ [NRS 435.115](#) for a reduction of fees for services other than services provided by the Division pursuant to [NAC 435.400](#) to [435.430](#), inclusive.

3. To determine the adequacy of the care that the applicant will provide for the relative with an intellectual disability *or developmental disability*, the Division will consider whether the relative will be provided care in accordance with a plan approved by the Division.

4. Eligibility for continued assistance will be reviewed with the applicant at least annually.

[Men. Hygiene & Men. Retardation Div., Financial Assistance § 3, eff. 8-21-81] — (NAC A 9-15-89; R130-97, 12-12-97)

NAC 435.415 Determination and notice of eligibility for and amount of assistance; retroactive assistance; death of relative with intellectual disability *or developmental disability*. ([NRS 435.365](#))

1. The Division will:

(a) Determine whether an applicant is eligible for assistance and the amount of that assistance, if any; and

(b) Provide the applicant written notice of the decision.

2. If an applicant becomes eligible for assistance, he or she is entitled to retroactive assistance from the first day of the month after the date on which the Division received the completed application.

3. If the relative with an intellectual disability *or developmental disability* for whose care assistance is provided pursuant to [NAC 435.400](#) to [435.430](#), inclusive, dies while eligible for the assistance, the applicant is entitled to receive 1 additional month of assistance pursuant to those sections.

[Men. Hygiene & Men. Retardation Div., Financial Assistance § 4, eff. 8-21-81] — (NAC A by R130-97, 12-12-97)

NAC 435.420 Distribution of payment; recovery of overpayment. ([NRS 435.365](#))

1. The Division will distribute assistance monthly by check. The Division will stop the payment of any such check if it is not cashed within 90 days after it is issued by the Division.

2. If the Division makes an overpayment of assistance in a monthly check issued to a person, the Division may, in any subsequent monthly check issued by the Division to the person, deduct a portion of the assistance provided in the check until the amount of the overpayment is recovered.

[Men. Hygiene & Men. Retardation Div., Financial Assistance § 5 subsec. 1, eff. 8-21-81] — (NAC A by R130-97, 12-12-97)

NAC 435.425 Reporting of certain changes to Division. ([NRS 435.365](#))

1. If a change occurs in the home of a person who is receiving assistance for providing care to a relative with an intellectual disability *or developmental disability* pursuant to the provisions of [NAC 435.400](#) to [435.430](#), inclusive, and that change affects the adequacy of that care or the eligibility of the person to receive the assistance as specified in a form provided to the person by the Division, the person shall report the change to the Division within 30 days after the change occurs.

2. If a change occurs in the diagnosis of an intellectual disability *or developmental disability* of a relative specified in subsection 1, the person receiving assistance for the relative shall report the change to the Division on or before the end of the month in which the change occurs. The report must include any materials for testing used to conduct the diagnosis.

3. A report specified in this section must be submitted on a form provided by the Division.

[Men. Hygiene & Men. Retardation Div., Financial Assistance § 5 subsec. 2, eff. 8-21-81] — (NAC A 9-15-89; R130-97, 12-12-97)

NAC 435.430 Appeals. ([NRS 435.365](#))

1. An applicant may appeal from:

(a) A decision by the Division that he or she is ineligible for assistance pursuant to [NAC 435.400](#) to [435.430](#), inclusive; or

(b) An award or denial of assistance to the applicant by the Division.

→ If the applicant wishes to appeal the decision or award or denial of assistance, he or she must file a written appeal with the {regional} statewide coordinator of the Division {in whose region the decision or award or denial was made} within 15 days after the applicant received notice of the decision.

2. The {regional} statewide coordinator with whom an appeal is filed pursuant to subsection 1 may require documentary evidence to support the appeal. The {regional} statewide coordinator shall complete his or her review of the appeal within 30 days after receiving the written appeal.

3. An applicant may appeal a decision of {a} the {regional} statewide coordinator issued pursuant to subsection 2 by filing a written appeal with the Administrator or a person designated by the Administrator. The appeal must be filed within 15 days after the applicant receives written notice of the decision of the {regional} statewide coordinator. The decision of the Administrator or the person designated by him or her concerning an appeal filed pursuant to this section is a final decision for the purposes of judicial review.

[Men. Hygiene & Men. Retardation Div., Financial Assistance § 6, eff. 8-21-81] — (NAC A by R130-97, 12-12-97)

SUPPORTED LIVING ARRANGEMENT SERVICES

NAC 435.500 Policy and scope. ([NRS 435.333](#))

1. It is the policy of the Administrator to establish such standards for supported living arrangement services provided to persons with intellectual disabilities or persons with developmental disabilities within the community that will ensure that their basic and specialized needs are fulfilled.

2. [NAC 435.500](#) to [435.740](#), inclusive, reflect the desire of the Administrator to ensure that supported living arrangement services are provided in accordance with the best practices for care, protection, supervision, guidance and training.

3. [NAC 435.500](#) to [435.740](#), inclusive, do not preclude any person who is seeking supported living arrangement services, or any person or agency which is making referrals or will be paying for such services, from requiring higher standards or additional services not in conflict with [NAC 435.500](#) to [435.740](#), inclusive, as a condition of the provision of supported living arrangement services, referral or payment of a specified rate.

[Men. Hygiene & Men. Retardation Div., Residences § 1, eff. 2-5-82] — (NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.505 Definitions. ([NRS 435.333](#)) As used in [NAC 435.500](#) to [435.740](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 435.5054](#) to [435.509](#), inclusive, have the meanings ascribed to them in those sections.

[Men. Hygiene & Men. Retardation Div., Residences § 2 subsecs. 2 & 3, eff. 2-5-82] — (NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.5054 “Certificate” defined. ([NRS 435.333](#)) “Certificate” has the meaning ascribed to it in [NRS 435.331](#).

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

NAC 435.5056 “Developmental disability” defined. ([NRS 435.333](#)) “Developmental disability” has the meaning ascribed to it in [NRS 435.007](#).

(Added to NAC by Aging & Disability Services Div. by R144-16, eff. 5-16-2018)

NAC 435.5058 “Guardian” defined. ([NRS 435.333](#)) “Guardian” means a person who has qualified as the guardian of a person with an intellectual disability or a person with a developmental disability pursuant to testamentary or judicial appointment.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.506 “Intellectual disability” defined. ([NRS 435.333](#)) “Intellectual disability” has the meaning ascribed to it in [NRS 435.007](#).

(Added to NAC by Aging & Disability Services Div. by R144-16, eff. 5-16-2018)

NAC 435.5062 “Parent” defined. ([NRS 435.333](#)) “Parent” means the natural or adoptive parent of a person with an intellectual disability or a person with a developmental disability who is less than 18 years of age.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.5066 “Person” defined. ([NRS 435.333](#)) “Person” has the meaning ascribed to it in [NRS 435.007](#).

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

NAC 435.507 “Provider of supported living arrangement services” defined. ([NRS 435.333](#)) “Provider of supported living arrangement services” means a natural person who, or a partnership, firm, corporation, association, state or local

government or agency thereof that, has been issued a provisional certificate or certificate.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

NAC 435.5074 “Provisional certificate” defined. ([NRS 435.333](#)) “Provisional certificate” means a temporary certificate issued by the Division to a new provider of supported living arrangement services pending the issuance of a certificate pursuant to the successful completion of an initial quality assurance review performed pursuant to [NAC 435.521](#).

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.5078 “Quality assurance review” defined. ([NRS 435.333](#)) “Quality assurance review” means a review of the provision of supported living arrangement services by the holder of a provisional certificate or a provider of supported living arrangement services pursuant to [NAC 435.524](#).

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

NAC 435.5082 “Regional center” defined. ([NRS 435.333](#)) “Regional center” means a facility of the Division which provides services for persons with intellectual disabilities and persons with developmental disabilities for a designated geographic location in the State and includes any of the following:

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

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.5086 “Supported living arrangement services” defined. ([NRS 435.333](#)) “Supported living arrangement services” has the meaning ascribed to it in [NRS 435.3315](#).

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006)

NAC 435.509 “Written service authorization” defined. ([NRS 435.333](#)) “Written service authorization” means a document issued by a regional center authorizing a provider of supported living arrangement services to provide supported living arrangement services pursuant to **{an individual support}** *a person centered* plan.

(Added to NAC by Aging & Disability Services Div. by R144-16, eff. 5-16-2018)

NAC 435.510 Provisional certificate or certificate required for eligibility for payment from Division. (NRS 435.333) A provider of supported living arrangement services must have a provisional certificate or a certificate to be eligible to receive payment from the Division for the provision of supported living arrangement services.

[Men. Hygiene & Men. Retardation Div., Residences § 4 subsec. 3, eff. 2-5-82] — (NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.515 Provisional certificate: Submission and contents of application. (NRS 435.333) A completed application for a provisional certificate must be submitted to the Division, on a form furnished by the Division, and must include, without limitation:

1. For a provider of supported living arrangement services who is a natural person:
 - (a) Proof that the applicant is 18 years of age or older;
 - (b) Three or more letters of professional reference;
 - (c) Proof that the applicant has successfully completed a classroom course in cardiopulmonary resuscitation according to the guidelines of the American Red Cross or American Heart Association;
 - (d) Proof that the applicant is currently certified in standard first aid through:
 - (1) A course from the American Red Cross;
 - (2) A course from the American Heart Association; or
 - (3) An equivalent course in standard first aid, if the applicant submits proof that such course meets or exceeds the requirements of the American Red Cross or American Heart Association;
 - (e) {Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and} *The applicant must submit fingerprints to the Developmental Services Regional Center Quality Assurance department {directly forwarded electronically or by another means to} for processing through* the Central Repository for Nevada Records of Criminal History and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary;
 - (f) *“Office of Inspector General (OIG) List of Excluded Individuals and Entities” and the Division of Health Care Financing and Policy (DHCFP), Nevada Medicaid Exclusion List will be reviewed by the Division prior to approval of a provisional certificate.*
 - (g) Proof that the applicant has sufficient working capital to ensure that the applicant would be financially capable of providing supported living arrangement services for a period of at least 3 months without compensation;

(g) Proof that the applicant satisfies the same or similar criteria of a qualified intellectual disability professional set forth in 42 C.F.R. § 483.430 or has obtained a waiver of the criteria from the applicable regional center;

(h) If applicable, a copy of the applicant's state business license and a copy of the current business license issued for the applicant's business by the county, city or town in which the applicant's business is located or written verification that the applicant is exempt from any requirement to obtain a business license;

(i) Proof of industrial insurance in compliance with [chapters 616A to 616D](#), inclusive, of NRS or an affidavit stating that the applicant has elected not to be included within the terms, conditions and provisions of [chapters 616A to 616D](#), inclusive, of NRS pursuant to [NRS 616B.659](#); and

(j) Any other information required by the Division.

2. For a provider of supported living arrangement services that is an organization consisting of a partnership, firm, corporation, association, state or local government or agency thereof:

(a) If applicable, a copy of the state business license of the organization and a copy of the current business license issued for the organization's business by the county, city or town in which the organization is located or written verification that the organization is exempt from any requirement to obtain a business license;

(b) The federal tax identification number of the organization;

(c) A copy of the bylaws, articles of incorporation, articles of association, articles of organization, partnership agreement, constitution and any other substantially equivalent documents of the organization, and any amendments thereto;

(d) A list of the members of the governing body of the organization which includes the terms of office of those members;

(e) If the applicant is an association or a corporation:

(1) The name, title and principal business address of each officer and member of its governing body; and

(2) The signature of the chief executive officer or an authorized representative;

(f) If the applicant is a corporation, the name and address of each person holding more than 10 percent of its stock;

(g) Proof that at least one supervisor, administrator or manager of the provider satisfies the same or similar criteria of a qualified intellectual disability professional set forth in 42 C.F.R. § 483.430; **{or has obtained a waiver of the criteria from the applicable regional center;}**

(h) For each officer or other person who oversees the provision of supported living arrangement services:

(1) Three or more letters of professional reference; and

(2) **{Written verification, on a form prescribed by the Division, stating that the fingerprints of the officer or other person were taken and}** *The applicant has established an account with the Nevada Department of Public Safety and has submitted fingerprints*

to be directly forwarded electronically or by another means to the Central Repository for Nevada Records of Criminal History and that the officer or other person has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the background of the officer or other person and to such other law enforcement agencies as the Division deems necessary;

(3) “Office of Inspector General (OIG) List of Excluded Individuals and Entities” and the Division of Health Care Financing and Policy (DHCFP), Nevada Medicaid Exclusion List will be reviewed by the Division prior to approval of a provisional certificate.

(i) Proof that the applicant has sufficient working capital to ensure that the provider is financially capable of providing supported living arrangement services for a period of at least 3 months without compensation;

(j) Copies of any policies and procedures of the organization relating to the provision of supported living arrangement services;

(k) Proof that the applicant has an office independent of the location where supported living arrangement services are provided;

(l) Proof of industrial insurance in compliance with [chapters 616A to 616D](#), inclusive, of NRS; and

(m) Such other information as may be required by the Division.

[Men. Hygiene & Men. Retardation Div., Residences § 4 subsecs. 1 & 2, eff. 2-5-82] — (NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.517 Provisional certificate: Incomplete application. ([NRS 435.333](#))

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

2. If the Division determines that an application for a provisional certificate is incomplete, the Division must notify the applicant that the application is incomplete and authorize the applicant to submit any required information or documentation to complete the application. An applicant shall submit any additional information or documentation not later than 30 calendar days after receipt of the notification provided by the Division. The Division may deny the application if the applicant does not submit any required information or documentation in accordance with this subsection. If the application is denied pursuant to this subsection, the applicant may not resubmit an application for a provisional certificate for at least 12 months after the receipt of notification of the denial of the application required pursuant to [NAC 435.520](#).

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.518 Provisional certificate: Establishment of screening panel to interview applicant; inspection of physical site under certain circumstances; training of applicant; conditions for issuance; validity. ([NRS 435.333](#))

1. After the Division has determined that an application for a provisional certificate is complete, the Division shall establish a screening panel composed of employees of the Division to interview the applicant.

2. Upon successful completion of the interview, except as otherwise provided in subsection 3, the Division shall:

(a) If the applicant has secured a physical site, schedule an inspection of the physical site at which the applicant will provide supported living arrangement services; and

(b) Upon approval of the physical site, schedule the applicant for training concerning the provision of supported living arrangement services.

3. If the Division does not schedule the inspection described in paragraph (a) of subsection 2, the Division shall schedule the applicant for training concerning the provision of supported living arrangement services.

4. The Division shall issue a provisional certificate to the applicant upon:

(a) Successful completion of the training described in subsection 2 or 3;

(b) **{Receipt}** *Verification* of all reports on the background of an applicant, officer or other person required pursuant to [NAC 435.515](#);

(c) If applicable, approval of the physical site at which the applicant will provide supported living arrangement services; and

(d) The provider of supported living arrangement services:

(1) Entering into a written provider contract with the Division which sets forth specific requirements concerning the provision of supported living arrangement services; and

(2) Receiving a written service authorization from the applicable regional center for each person who will receive supported living arrangement services from the provider. The written service authorization must conform with any individual support plan developed with and agreed to by the person who will receive supported living arrangement services or his or her parent or guardian.

5. After the provider of supported living arrangement services enters into the written provider contract and receives the written service authorization, the provider must provide each person receiving supported living arrangement services with the level of supervision required pursuant to his or her written service authorization to ensure that the health and welfare needs of the person are met.

6. A provisional certificate is valid until the Division or applicable regional center completes the initial quality assurance review.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.520 Provisional certificate: Grounds for denial of application; notice of denial; reapplication after denial. ([NRS 435.333](#))

1. Each of the following acts and omissions constitutes a ground for denial of an application for a provisional certificate:

(a) The applicant has failed to submit a complete application for a provisional certificate within the time required pursuant to [NAC 435.517](#);

(b) The applicant has misrepresented or failed to disclose any material fact in the application submitted to the Division or in any financial record or other document requested by the Division;

(c) The applicant, an officer or employee of the applicant or an independent contractor of the applicant who oversees the provision of supported living arrangement services has been convicted of a crime relevant to any aspect of the provision of supported living arrangement services, including, without limitation:

(1) Murder, voluntary manslaughter or mayhem;

(2) Assault or battery with intent to kill or to commit sexual assault or mayhem;

(3) A crime involving assault or battery that is punished as a misdemeanor, within the immediately preceding 7 years;

(4) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;

(5) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, within the immediately preceding 7 years;

(6) A crime involving domestic violence that is punished as a felony;

(7) A crime involving domestic violence that is punished as a misdemeanor, within the immediately preceding 7 years;

(8) Abuse or neglect of a child or contributory delinquency;

(9) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in [chapter 454](#) of NRS, within the immediately preceding 7 years;

(10) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of [NRS 200.5091](#) to [200.50995](#), inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(11) A violation of any provision of law relating to the State Plan for Medicaid or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;

(12) A violation of any provision of [NRS 422.450](#) to [422.590](#), inclusive;

(13) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(14) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years;

(15) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or

(16) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years;

(d) The physical site at which the applicant will provide supported living arrangement services, if applicable, was not approved by the Division pursuant to [NAC 435.518](#);

(e) The proposed supported living arrangement services to be provided by the applicant have any major deficiency which would preclude compliance with [NAC 435.500](#) to [435.740](#), inclusive; or

(f) The applicant, an officer or employee of the applicant or an independent contractor of the applicant who oversees the provision of supported living arrangement services has been excluded from participation in Medicare, Medicaid and other federal health care programs pursuant to 42 U.S.C. §§ 1320a-7 et seq. or any regulations adopted pursuant thereto.

2. If an application is denied:

(a) The Division must give the applicant a written notice of the denial; and

(b) The applicant may not reapply for a provisional certificate within 12 months after the receipt of the written notice.

[Men. Hygiene & Men. Retardation Div., Residences § 5, eff. 2-5-82] — (NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.521 Certificate: Determination of compliance with requirements; quality assurance review; issuance; validity. ([NRS 435.333](#))

1. If the holder of a provisional certificate wishes to obtain a certificate, the holder must comply with the requirements of:

(a) [Chapter 435](#) of NRS concerning the provision of supported living arrangement services;

(b) [NAC 435.500](#) to [435.740](#), inclusive; and

(c) The written provider contract entered into and the written service authorizations received pursuant to [NAC 435.518](#).

2. The Division shall determine whether the holder of a provisional certificate has complied with the requirements described in subsection 1 after conducting a quality assurance review. If the Division determines that the holder of a provisional certificate has complied with those requirements for the provision of supported living arrangement services:

(a) The Division must issue a certificate to the holder of the provisional certificate; and

(b) The written provider contract entered into and the written service authorizations received pursuant to [NAC 435.518](#) will continue in effect in accordance with the terms of the contract and authorizations.

3. Except as otherwise provided in subsection 3 of [NAC 435.522](#), the Division may issue a certificate to a provider of supported living arrangement services for any period not to exceed 3 years. The Division shall base the length of the period of validity of the certificate on the best interests of the public.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.522 Certificate: Renewal. ([NRS 435.333](#))

1. Upon the expiration of a certificate, the Division may renew the certificate of the provider of supported living arrangement services for any period not to exceed 3 years if the Division conducts a quality assurance review and determines that the provider is in compliance with the requirements of:

(a) [Chapter 435](#) of NRS concerning the provision of supported living arrangement services;

(b) [NAC 435.500](#) to [435.740](#), inclusive; and

(c) The written provider contract entered into and the written service authorizations received pursuant to [NAC 435.518](#).

2. The Division shall base the length of the period of validity of the renewal on the best interests of the public.

3. The certificate remains in effect pending the completion of the renewal process, including, without limitation, the quality assurance review and determination of compliance with the requirements described in subsection 1.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.523 Standards for provision of quality care. ([NRS 435.333](#)) A provider of supported living arrangement services must comply with the following standards for the provision of quality care concerning supported living arrangement services:

1. Compliance with any state or federal statute or regulation required for the Division to receive state or federal funding concerning the provision of supported living arrangement services, including, without limitation, any standards of care set forth in:

(a) The State Plan for Medicaid;

(b) The *Medicaid Services Manual* established by the Division of Health Care Financing and Policy of the Department of Health and Human Services; and

(c) The home and community-based services waiver granted pursuant to 42 U.S.C. § 1396n by the Secretary of the United States Department of Health and Human Services;

2. Compliance with any state or federal requirements concerning fiscal management, reporting and employment law;

3. Conformance to the delivery of services required pursuant to any {individual support} *person centered* plan developed with and agreed to by a person who is receiving supported living arrangement services or his or her parent or guardian;

4. Assurance of the health and welfare of persons receiving supported living arrangement services;

5. Establishment of procedures for internal quality assurance;

6. Compliance with the requirements of:

(a) [Chapter 435](#) of NRS concerning the provision of supported living arrangement services;

(b) [NAC 435.500](#) to [435.740](#), inclusive; and

(c) The written provider contract entered into and the written service authorizations received pursuant to [NAC 435.518](#);

7. Prompt reporting of any change in the officers or ownership of the provider of supported living arrangement services to the applicable regional center; and

8. Cooperation with any investigation by the Division or a regional center.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.524 Quality assurance review: Conduct by Division or regional center. ([NRS 435.333](#))

1. The Division or a regional center shall conduct a quality assurance review to determine whether the holder of a provisional certificate or a certificate is in compliance with the requirements of:

(a) [Chapter 435](#) of NRS concerning the provision of supported living arrangement services;

(b) [NAC 435.500](#) to [435.740](#), inclusive; and

(c) The written provider contract entered into and the written service authorizations received pursuant to [NAC 435.518](#).

2. In conducting a quality assurance review, the Division or a regional center may:

(a) Obtain any information or otherwise review any aspect of the system of delivery of supported living arrangement services, including, without limitation:

(1) Any policies and procedures of the provider of supported living arrangement services;

(2) Any personnel or clinical records maintained by the provider of supported living arrangement services;

(3) Any documentation regarding any administrative or personnel matter directly related to the health and welfare of any person who is receiving supported living arrangement services;

(4) Any financial information concerning the provider of supported living arrangement services or persons receiving supported living arrangement services; and

(5) Any information concerning the quality of support provided to persons receiving supported living arrangement services;

(b) Conduct interviews with or solicit feedback from:

(1) Persons receiving supported living arrangement services;

(2) Employees and independent contractors of any providers of supported living arrangement services or other agencies that provide services to persons receiving supported living arrangement services; and

(3) Members of the family, guardians, friends or advocates of persons receiving supported living arrangement services; and

(c) Observe the services provided to persons receiving supported living arrangement services.

3. The Division or a regional center may conduct a quality assurance review at any time.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.525 Establishment of policies by organization. ([NRS 435.333](#)) If the provider of supported living arrangement services is an organization, it must, in conformance with [NAC 435.500](#) to [435.740](#), inclusive, establish policies concerning the provision of supported living arrangement services and the welfare of the persons it serves that satisfy the requirements of:

1. [Chapter 435](#) of NRS concerning the provision of supported living arrangement services;

2. [NAC 435.500](#) to [435.740](#), inclusive; and

3. The written provider contract entered into and the written service authorizations received pursuant to [NAC 435.518](#).

[Men. Hygiene & Men. Retardation Div., Residences § 11, eff. 2-5-82] — (NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.535 Duty to develop, implement, coordinate and monitor provision of services; assistance from qualified persons and professionals. ([NRS 435.333](#))

1. A provider of supported living arrangement services shall ensure adequate:

(a) Development and implementation of {individual support} *person centered* plans for persons receiving supported living arrangement services;

(b) Training of the provider, if the provider is a natural person, and the employees and independent contractors of the provider;

(c) Coordination of the provision of supported living arrangement services between multiple providers of supported living arrangement services to the same person who is receiving supported living arrangement services and between providers of supported living arrangement services and the persons described in paragraph (b) of subsection 2; and

(d) Monitoring of the provision of supported living arrangement services.

2. A provider of supported living arrangement services shall make arrangements for obtaining services from:

(a) Qualified persons, with sufficient experience as determined by the Division, to provide oversight to the provider to ensure that the provider is complying with the requirements of subsection 1; and

(b) Professionally qualified or other specially trained persons, including, without limitation, nurses, behavior specialists and dietitians, as needed to assist in program development and planning, carrying out and monitoring the provision of supported living arrangement services.

3. The need for the services described in subsection 2 must be determined initially by a {n} {individual support} *person centered* team and be reviewed by the team on a regular basis, but not less frequently than annually.

[Men. Hygiene & Men. Retardation Div., Residences § 18, eff. 2-5-82] — (NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.537 Requirements for hiring employee or contracting with independent contractor; submission of fingerprints for criminal history. ([NRS 435.333](#))

1. Before hiring a prospective employee or entering into a contract with an independent contractor, a provider of supported living arrangement services must:

(a) Obtain a written statement from the prospective employee or independent contractor stating whether he or she has been convicted of any crime listed in [NAC 435.520](#);

(b) Obtain proof that the prospective employee or independent contractor holds any required registration, license, permit or certificate; and

(c) Determine whether the prospective employee or independent contractor has been excluded from participation in Medicare, Medicaid and other federal health care programs pursuant to 42 U.S.C. §§ 1320a-7 et seq. or any regulations adopted pursuant thereto.

2. Within 10 days after hiring an employee or entering into a contract with an independent contractor, and every 5 years thereafter, a provider of supported living arrangement services must:

(a) Obtain from the employee or independent contractor one set of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada

Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (a) to obtain information on the background and personal history of each employee or independent contractor to determine whether the person has been convicted of any crime listed in [NAC 435.520](#).

(Added to NAC by Aging & Disability Services Div. by R144-16, eff. 5-16-2018)

NAC 435.538 Termination of employment or contract; opportunity to correct information. ([NRS 435.333](#))

1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to [NAC 435.537](#), or evidence from any other source, that an employee or independent contractor has been convicted of a crime listed in [NAC 435.520](#) or has been excluded from participation in Medicare, Medicaid and other federal health care programs pursuant to 42 U.S.C. §§ 1320a-7 et seq. or any regulations adopted pursuant thereto, the provider of supported living arrangement services shall terminate the employment or contract of that employee or independent contractor, as applicable, after allowing the employee or independent contractor time to correct the information as required pursuant to subsection 2.

2. If an employee or independent contractor believes that the information is incorrect, the employee or independent contractor may immediately inform the provider of supported living arrangement services. A provider that is so informed shall give the employee or independent contractor a reasonable amount of time of not less than 30 days to correct the information before terminating the employment or contract of the employee or independent contractor, as applicable, pursuant to subsection 1.

(Added to NAC by Aging & Disability Services Div. by R144-16, eff. 5-16-2018)

NAC 435.540 Financial planning, records and reports. ([NRS 435.333](#)) A provider of supported living arrangement services shall:

1. Have a financial plan which ensures that there will be sufficient resources to meet the costs for training and support of persons receiving supported living arrangement services from the provider;

2. Maintain adequate financial records; and

3. Submit to the Division any financial report:

(a) Which the Division requests in writing; and

(b) The need for which is explained by the Division.

[Men. Hygiene & Men. Retardation Div., Residences § 41, eff. 2-5-82] — (NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.555 Evaluation of capacity of provider to meet needs of person for support; assessment for development of individualized habilitation plan; exception. ([NRS 435.333](#))

1. A provider of supported living arrangement services may not provide supported living arrangement services to a person until the **{individual support}** *person centered* team has evaluated the capacity of the provider to meet the needs of the person for support, except as otherwise provided in subsection 4.

2. The evaluation must include an interim plan for habilitation to support the needs of the person relating to health and welfare.

3. Not later than **{30}** *90* days after a provider of supported living arrangement services begins providing supported living arrangement services to a person, the provider shall complete an assessment for the purpose of developing an individualized plan for habilitation for the person. The assessment must describe the interests and skills of the person who is receiving supported living arrangement services and recommend a level of supervision for the person.

4. In an urgent situation, a provider of supported living arrangement services may accept a person for the provision of supported living arrangement services for a period of not more than 5 working days before completing the evaluation, if the Division approves the acceptance of the person under such urgent circumstances.

[Men. Hygiene & Men. Retardation Div., Residences § 13, eff. 2-5-82] — (NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.675 Administration of medication. ([NRS 435.333](#))

1. A member of the direct support staff of a provider of supported living arrangement services may administer medication to persons receiving supported living arrangement services if the member has successfully completed a program concerning the administration of medication which is approved by the Division.

2. A person who is receiving supported living arrangement services may have his or her medication administered by:

(a) A provider of health care; or

(b) A member of the direct support staff of a provider of supported living arrangement services who has successfully completed a program concerning the administration of medication which is approved by the Division if:

(1) The member of the direct support staff administers the medication according to the instructions of a provider of health care;

(2) The person, or his or her parent or guardian, as applicable, provides written authorization to receive medication from a member of the direct support staff of the provider of supported living arrangement services in accordance with [NRS 453.375](#) and [454.213](#); and

(3) The person submits to a physical examination by his or her provider of health care on an annual basis and the provider of health care determines that the person is medically cleared to receive medication from the member of the direct support staff.

3. A member of the direct support staff of a provider of supported living arrangement services who has successfully completed a program concerning the administration of medication which is approved by the Division:

(a) May administer medication pursuant to this section;

(b) Must refer a person who is receiving supported living arrangement services to a provider of health care if:

(1) The medical condition of the person changes or the person develops a new or additional medical condition;

(2) The medication prescribed by the person authorized to prescribe medication does not accomplish the objectives of the medication, as identified by the person authorized to prescribe medication, after the medication has been administered according to the prescription;

(3) Any emergency situation develops; or

(4) The provider of health care of the person instructs the member of the direct support staff to refer the person to the provider of health care;

(c) Shall not administer:

(1) Any medication to a person who has been admitted to a medical facility;

(2) Any medication which requires dose titration or an assessment of the needs of the person who is receiving supported living arrangement services concerning the medication;

(3) Except as otherwise provided in paragraph (d), any medication required to be administered by injection;

(4) Any extended release medication which must be crushed, cut or otherwise altered before the administration of the medication; **{or} and**

{(5) Any nutrition or medication which is prescribed by a provider of health care or a person authorized to prescribe medication to be administered enterally; and}

(d) May administer auto-injectable epinephrine for acute or emergent anaphylactic response if prescribed by a person authorized to prescribe medication and the member of the direct support staff has documentation that he or she has been trained in the use of auto-injectable epinephrine and monitoring persons who have received auto-injectable epinephrine for side effects.

4. As used in this section:

(a) “Direct support staff” means any member of the staff of a provider of supported living arrangement services who works directly with a person with an intellectual disability or a person with a developmental disability to provide supported living arrangement services.

(b) “Person authorized to prescribe medication” means:

(1) A physician, dentist or podiatric physician who holds a license to practice his or her profession in this State;

(2) A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

(3) An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

(4) A physician assistant who:

(I) Holds a license issued by the Board of Medical Examiners; and

(II) Is authorized by the Board of Medical Examiners to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by [chapter 630](#) of NRS;

(5) A physician assistant who:

(I) Holds a license issued by the State Board of Osteopathic Medicine; and

(II) Is authorized by the State Board of Osteopathic Medicine to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by [chapter 633](#) of NRS; or

(6) An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to [NRS 636.288](#), when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.

(c) “Provider of health care” means:

(1) A physician licensed pursuant to [chapter 630](#), [630A](#) or [633](#) of NRS;

(2) A dentist licensed pursuant to [chapter 631](#) of NRS;

(3) A registered nurse licensed pursuant to [chapter 632](#) of NRS;

(4) An advanced practice registered nurse certified pursuant to [chapter 632](#) of NRS; or

(5) A physician assistant licensed pursuant to [chapter 630](#) or [633](#) of NRS.

[Men. Hygiene & Men. Retardation Div., Residences § 37, eff. 2-5-82] — (NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.XXX Provision of Skilled Care Services

1. Except as otherwise provided in subsection 4, a provider of health care may authorize a member of the direct support staff of a provider of supported living arrangement services to perform specific skilled care services for a person with an intellectual or developmental disability without obtaining any professional license required for a provider of health care or his or her assistant to perform the services if:

(a) The skilled care services to be performed are services that a person without an intellectual or developmental disability usually and customarily would personally perform without the assistance of a provider of health care.

(b) The provider of health care determines that the member of the direct support staff of a provider of supported living arrangement services has the knowledge, skill, and ability to perform the services competently.

(c) The provider of health care determines that the procedures involved in providing the services are simple and the performance of such procedures by a member of the direct support staff of a provider of supported living arrangement services does not pose an increased risk to the person with an intellectual or developmental disability.

(d) The provider of health care determines that the condition of the person with an intellectual or developmental disability is stable and predictable; and

(e) A member of the direct support staff of a provider of supported living arrangement services agrees with the provider of health care to refer the person with an intellectual or developmental disability to the provider of health care if:

(1) The condition of the person with an intellectual or developmental disability changes or a new medical condition develops.

(2) The progress or condition of the person with an intellectual or developmental disability after the provision of the service is different than expected.

(3) An emergency develops; or

(4) Any other situation described by the provider of health care develops.

2. A provider of health care that authorizes a member of the direct support staff of a provider of supported living arrangement services to perform certain services shall note in the medical records of the person with an intellectual or developmental disability who receives such services:

(a) The specific services that the provider of health care has authorized the member of the direct support staff of a provider of supported living arrangement services to perform; and

(b) That the requirements of this section have been satisfied.

3. After a provider of health care has authorized a member of the direct support staff of a provider of supported living arrangement services to perform specific services for a person with an intellectual or developmental disability, no further authorization or supervision by the provider of health care is required for the continued provision of those services.

4. A member of the direct support staff of a provider of supported living arrangement services shall not:

(a) Perform services pursuant to this section for a person with an intellectual or developmental disability who resides in a medical facility.

(b) Perform any specific skilled care services for a person with an intellectual or developmental disability which is not specifically authorized by a provider of health care pursuant to subsection 1.

5. As used in this section:

(a) "Direct support staff" means any member of the staff of a provider of supported living arrangement services who works directly with a person with an intellectual disability or a person with a developmental disability to provide supported living arrangement services.

(b) "Provider of health care" means:

(1) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(2) An advanced practice registered nurse certified pursuant to chapter 632 of NRS; or

(3) A physician assistant licensed pursuant to chapter 630 or 633 of NRS.

NAC 435.689 Maintenance of records: Evidence of use of services; evidence of compliance with industrial insurance provisions; personnel files; inspection by Division. ([NRS 435.333](#))

1. A provider of supported living arrangement services shall maintain:

(a) Evidence of use of the services described in subsection 2 of [NAC 435.535](#);

(b) If applicable, evidence of compliance with [chapters 616A](#) to [616D](#), inclusive, of NRS; and

(c) A separate personnel file for each employee and independent contractor of the provider. The personnel file must include, without limitation:

(1) Evidence that the employee or independent contractor has obtained any license, certificate or registration, and possesses the experience and qualifications, required for the position held by that person;

(2) Evidence that the provider of supported living arrangement services has complied with [NAC 435.537](#) and [435.538](#) with regard to the employee or independent contractor, including, without limitation:

(I) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History or proof of electronic fingerprint submission and a copy of the written authorization that was provided by the employee or independent contractor;

(II) Proof that the fingerprints of the employee or independent contractor were submitted to the Central Repository for Nevada Records of Criminal History; and

(III) Any other documentation of the information collected or received pursuant to [NAC 435.537](#); and

(3) An acknowledgment that has been signed by the employee or independent contractor indicating that he or she has:

(I) Received and understands the policies and procedures of the provider; and

(II) Received the training required pursuant to [NAC 435.535](#).

2. The records maintained pursuant to subsection 1 must be made available for inspection by the Division at any reasonable time, and copies thereof must be furnished to the Division upon request.

(Added to NAC by Aging & Disability Services Div. by R144-16, eff. 5-16-2018)

NAC 435.695 Maintenance of records: Separate record for each person receiving services; availability for review. ([NRS 435.333](#)) A provider of supported living arrangement services shall keep a separate record regarding each person for whom the provider provides supported living arrangement services. Each such record must include the information needed for providing supported living arrangement services, for substantiating billing, for planning and for periodic reevaluation of the needs of the person who is receiving supported living arrangement services. The record must be available for review by the person who is receiving supported living arrangement services and the Division or a regional center.

[Men. Hygiene & Men. Retardation Div., Residences § 42, eff. 2-5-82] — (NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.705 Retention of certain records; availability for review. ([NRS 435.333](#))

1. A provider of supported living arrangement services must retain:

(a) The original records of each person who receives supported living arrangement services from the provider pursuant to [NAC 435.695](#), or photographic reproductions of such records, for at least 6 years after ~~{termination of}~~ *the date of payment* for the provision of the supported living arrangement services; and

(b) Administrative and fiscal records as provided in the written provider contract entered into and the written service authorizations received pursuant to [NAC 435.518](#).

2. All such records must be complete, current and readily available for review by representatives of the Division.

[Men. Hygiene & Men. Retardation Div., Residences § 44, eff. 2-5-82] — (NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.711 Right of person receiving services to file complaint; resolution of complaint; final decision. ([NRS 435.333](#))

1. A person has the right to file a complaint against a provider of supported living arrangement services with the regional center from the region in which the services are provided.

2. If the regional center is unable to resolve the complaint to the satisfaction of the complainant, the complainant may forward the complaint to the Administrator or a designee thereof. The Administrator or a designee thereof will review the complaint

and render a decision concerning the complaint within 30 calendar days after receipt of the complaint.

3. The decision of the Administrator or a designee thereof rendered pursuant to this section is a final decision.

(Added to NAC by Div. of Men. Health & Dev. Services by R071-06, eff. 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.XXX Continuity of supported living arrangement services.

1. Providers of supported living arrangement services shall give a written 30-day notice to the person, or their guardian as applicable, and the Division prior to termination of the person's contracted services.

2. The provider agrees to provide ongoing services to a person until the termination date of the contract.

3. In the case of a report of abuse, neglect, exploitation or mistreatment by the provider staff that was substantiated by the Developmental Services Regional Center or law enforcement agency, the contract may be terminated immediately.

4. The provider shall work collaboratively with the Division during transition, and shall provide current, written service status summaries for the person, and as applicable, the person's property inventories, medication logs and medication inventory.

5. The provider shall protect the confidentiality of all the person's records.

NAC 435.719 Grounds for suspension or denial of certificate; plan of improvement; imposition of sanctions; suspension, reduction or reimbursement of contractual payment; appeal; final decision. ([NRS 435.333](#))

1. If the Division or a regional center determines pursuant to a quality assurance review that there are any deficiencies in the provision of supported living arrangement services relating to the health or welfare of persons receiving such services, the Division may suspend or deny the issuance of a certificate and request a written plan of improvement from the provider of supported living arrangement services or recommend or require changes concerning the provision of supported living arrangement services before issuing, renewing or reinstating a certificate. The provider shall develop a plan of improvement for each deficiency and submit the plan to the Division for approval within 15 days after receipt of the statement of deficiencies.

2. The Division may impose sanctions upon a provider of supported living arrangement services for:

(a) Any deficiency concerning the provision of supported living arrangement services that may cause imminent risk of harm or which poses a probable risk of harm to the health or welfare of persons receiving supported living arrangement services;

(b) A lack of personnel who are sufficient in number or qualifications to provide adequate support and services for persons receiving supported living arrangement services;

(c) Any refusal to participate in any aspect of a quality assurance review or any other review or investigation by the Division or a regional center; or

(d) The failure or refusal of the provider to implement or maintain any actions required by the Division or a regional center to correct a deficiency identified during a quality assurance review or any other review or investigation by the Division or a regional center.

3. For any sanction imposed pursuant to subsection 2, the Division may, without limitation:

(a) Place the provider of supported living arrangement services on probation for a specified time with conditions that the Division considers appropriate;

(b) Require the provider of supported living arrangement services to:

(1) Participate in training concerning the provision of supported living arrangement services;

(2) Comply with additional measures of accountability concerning the provision of supported living arrangement services;

(3) Comply with additional measures of review by the Division or a regional center; or

(4) Comply with additional performance requirements concerning the provision of supported living arrangement services;

(c) Terminate, prohibit or limit any contracts that the Division or a regional center has with the provider of supported living arrangement services; or

(d) Suspend or reduce a contractual payment owed to the provider of supported living arrangement services.

4. The Division may suspend or reduce a contractual payment owed to a provider of supported living arrangement services pursuant to subsection 3 or require a provider to reimburse the Division, in whole or in part, for a contractual payment paid to the provider if the provider:

(a) Fails to provide or keep records of supported living arrangement services;

(b) Falsifies documents; or

(c) Is negligent and the Division pays for the provision of supported living arrangement services or support to a person who is receiving supported living arrangement services due to the negligence of the provider.

5. A provider of supported living arrangement services may appeal any sanction imposed pursuant to this section by submitting to the Division a written request of appeal within 15 calendar days after the date of receipt of the notification of any sanction imposed by the Division. The Administrator or a designee thereof will review the findings and submit a written decision within 30 calendar days after the written

request of appeal is submitted to the Division. The decision of the Administrator or a designee thereof on the appeal is a final decision.

(Added to NAC by Aging & Disability Services Div. by R144-16, eff. 5-16-2018)

NAC 435.725 Grounds for revocation of provisional certificate or certificate. ([NRS 435.333](#)) Each of the following acts and omissions constitutes a ground for the revocation of a provisional certificate or a certificate:

1. A misrepresentation of or failure to disclose any material fact in the application for the provisional certificate or the certificate or in any financial record or other document requested by the Division or a regional center.

2. A lack of personnel in sufficient number or qualifications to provide proper training and support for persons receiving supported living arrangement services.

3. A provider of supported living arrangement services has any deficiency concerning the provision of supported living arrangement services that may cause imminent risk of harm or which poses a probable risk of harm to the health or welfare of persons receiving supported living arrangement services.

4. A violation of any requirement set forth in [NAC 435.500](#) to [435.740](#), inclusive.

5. An accumulation or pattern of minor violations of the provisions of [NAC 435.500](#) to [435.740](#), inclusive, if the violations taken as a whole endanger the health or welfare of any person who is receiving supported living arrangement services.

6. Any fraudulent activity by a provider of supported living arrangement services or an employee or independent contractor of the provider, including, without limitation, any fraudulent billing, falsification of records or misuse of the funds of a person who is receiving supported living arrangement services.

7. Failure to comply with any obligations or with the policies and procedures of the Division set forth in the written provider contract entered into and the written service authorizations received pursuant to [NAC 435.518](#).

8. Any refusal to participate in any aspect of a quality assurance review or any other review or investigation by the Division or a regional center.

9. The failure or refusal of the provider of supported living arrangement services to implement or maintain any actions required by the Division or a regional center to correct a deficiency identified during a quality assurance review or any other review or investigation by the Division or a regional center.

10. The failure or refusal of a provider of supported living arrangement services to return an adequate plan of improvement within 15 days after receiving a statement of deficiencies as required pursuant to [NAC 435.719](#).

11. Misappropriation of the property of a person who is receiving supported living arrangement services.

12. Abuse, neglect, exploitation or coercion of a person who is receiving supported living arrangement services.

13. Harassing, coercive, intimidating, insulting, abusive or disruptive language or behavior directed at:

- (a) An employee of a regional center;
- (b) An employee or independent contractor of a provider of supported living arrangement services;
- (c) Another provider of supported living arrangement services or other services; or
- (d) A person who is receiving supported living arrangement services or a family member or guardian of such a person.

14. The provider of supported living arrangement services, an officer or employee of the provider or an independent contractor of the provider who oversees the provision of supported living arrangement services is excluded from participation in Medicare, Medicaid and other federal health care programs pursuant to 42 U.S.C. §§ 1320a-7 et seq. or any regulations adopted pursuant thereto.

15. The provider has failed to accept a service authorization or deliver services within 12 months of the provisional certificate being granted.

[Men. Hygiene & Men. Retardation Div., Residences § 45, eff. 2-5-82] — (NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.730 Notice of intent to revoke provisional certificate or certificate. ([NRS 435.333](#)) The Division shall give a provider of supported living arrangement services written notice of any intended action to revoke the provisional certificate or the certificate of the provider. The notice must be sent by certified mail to the address of the provider on file with the Division at least 30 calendar days before the action is taken.

[Men. Hygiene & Men. Retardation Div., Residences § 46, eff. 2-5-82] — (NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.735 Termination of services pending revocation of provisional certificate or certificate. ([NRS 435.333](#)) If a revocation of the provisional certificate or the certificate of a provider of supported living arrangement services is pending and the Division determines that the grounds for the revocation place any person at an imminent or probable risk of harm, the Division may immediately terminate the provision of supported living arrangement services by the provider.

[Men. Hygiene & Men. Retardation Div., Residences § 47, eff. 2-5-82] — (NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

NAC 435.740 Revocation of provisional certificate or certificate: Request for {hearing;} appeal; final decision. ([NRS 435.333](#))

{1. To be afforded a hearing on an intended revocation of a provisional certificate or a certificate, the provider of supported living arrangement services must, within 15 calendar days after receiving notice of the intent to revoke, file with the Division a written request for a hearing.}

1{2}. When a decision to revoke a provisional certificate or a certificate is rendered by the Division, the provider of supported living arrangement services may appeal that decision to the Administrator or a designee thereof if the provider files with the Division a written notice of appeal within 15 calendar days after receiving notice of the decision of the Division. *The provider must submit supporting documentation with the written appeal.*

2. *The appeal process shall not delay or hinder actions taken by the Division to assure the health and welfare of persons receiving services from the provider.*

3. The Division will submit documentation for the revocation of *the* provisional certificate or certificate to the Administrator.

4{3}. The Administrator or a designee thereof will consider an appeal and render his or her decision on the appeal within 30 calendar days after a notice of the appeal is filed with the Division.

5{4}. The decision of the Administrator or a designee thereof concerning an appeal filed pursuant to this section is a final decision for the purposes of judicial review.

[Men. Hygiene & Men. Retardation Div., Residences § 48, eff. 2-5-82] — (NAC A by Div. of Men. Health & Dev. Services by R071-06, 11-13-2006; A by Aging & Disability Services Div. by R144-16, 5-16-2018)

JOBS AND DAY TRAINING SERVICES

NAC 435.775 Policy and scope. ([NRS 435.220](#))

1. It is the policy of the Administrator to establish standards for jobs and day training services provided to persons with intellectual disabilities or persons with developmental disabilities within the community which will ensure that their basic and specialized needs are fulfilled.

2. [NAC 435.775](#) to [435.965](#), inclusive, reflect the desire of the Administrator to ensure that jobs and day training services are provided in accordance with the best practices for care, protection, supervision, guidance and training.

3. [NAC 435.775](#) to [435.965](#), inclusive, do not preclude any person who is seeking jobs and day training services, or any person or agency which is making referrals or will be paying for such services, from requiring higher standards or additional services not in conflict with [NAC 435.775](#) to [435.965](#), inclusive, as a condition of the provision of jobs and day training services, referral or payment of a specified rate.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.780 Definitions. ([NRS 435.220](#)) As used in [NAC 435.775](#) to [435.965](#), inclusive, unless the context otherwise requires, the words and

terms defined in [NAC 435.785](#) to [435.838](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.785 “Certificate” defined. ([NRS 435.220](#)) “Certificate” has the meaning ascribed to it in [NRS 435.172](#).

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.790 “Developmental disability” defined. ([NRS 435.220](#)) “Developmental disability” has the meaning ascribed to it in [NRS 435.007](#).

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.795 “Guardian” defined. ([NRS 435.220](#)) “Guardian” means a person who has qualified as the guardian of a person with an intellectual disability or a person with a developmental disability pursuant to testamentary or judicial appointment.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.800 “Intellectual disability” defined. ([NRS 435.220](#)) “Intellectual disability” has the meaning ascribed to it in [NRS 435.007](#).

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.805 “Jobs and day training services” defined. ([NRS 435.220](#)) “Jobs and day training services” has the meaning ascribed to it in [NRS 435.176](#).

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.810 “Nonprofit organization” defined. ([NRS 435.220](#)) “Nonprofit organization” has the meaning ascribed to it in [NRS 435.179](#).

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.815 “Parent” defined. ([NRS 435.220](#)) “Parent” means the natural or adoptive parent of a person with an intellectual disability or a person with a developmental disability who is less than 18 years of age.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.818 “Person” defined. ([NRS 435.220](#)) “Person” has the meaning ascribed to it in [NRS 435.007](#).

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.821 “Provider of jobs and day training services” defined. ([NRS 435.220](#)) “Provider of jobs and day training services” means a natural person who, or a partnership, firm, corporation, association, including, without limitation, a nonprofit

organization, or a state or local government or agency thereof that, has been issued a provisional certificate or a certificate.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.824 “Provisional certificate” defined. ([NRS 435.220](#)) “Provisional certificate” means a temporary certificate issued by the Division to a new provider of jobs and day training services pending the issuance of a certificate pursuant to the successful completion of an initial quality assurance review performed pursuant to [NAC 435.865](#).

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.828 “Quality assurance review” defined. ([NRS 435.220](#)) “Quality assurance review” means a review of the provision of jobs and day training services by the holder of a provisional certificate or a provider of jobs and day training services pursuant to [NAC 435.880](#).

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.832 “Regional center” defined. ([NRS 435.220](#)) “Regional center” means a facility of the Division which provides services for persons with intellectual disabilities and persons with developmental disabilities for a designated geographic location in the State and includes any of the following:

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

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.838 “Written service authorization” defined. ([NRS 435.220](#)) “Written service authorization” means a document issued by a regional center authorizing a provider of jobs and day training services to provide jobs and day training services pursuant to an individual support plan.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.840 Provisional certificate or certificate required for eligibility for payment from Division. ([NRS 435.220](#)) A provider of jobs and day training services must have a provisional certificate or a certificate to be eligible to receive payment from the Division for the provision of jobs and day training services.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.845 Provisional certificate: Submission and contents of application. ([NRS 435.220](#)) A completed application for a provisional certificate must be submitted to the Division, on a form furnished by the Division, and must include, without limitation:

1. For a provider of jobs and day training services who is a natural person:

- (a) Proof that the applicant is 18 years of age or older;
- (b) Three or more letters of professional reference;
- (c) Proof that the applicant has successfully completed a classroom course in cardiopulmonary resuscitation according to the guidelines of the American Red Cross or American Heart Association;
- (d) Proof that the applicant is currently certified in standard first aid through:
 - (1) A course from the American Red Cross;
 - (2) A course from the American Heart Association; or
 - (3) An equivalent course in standard first aid, if the applicant submits proof that such course meets or exceeds the requirements of the American Red Cross or American Heart Association;
- (e) {Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means} *The applicant must submit fingerprints to the Developmental Services Regional Center Quality Assurance department for processing through {to} the Central Repository for Nevada Records of Criminal History and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary;*
- (f) *"Office of the Inspector General (OIG) List of Excluded Individuals and Entities" and the Division of Health Care Financing and Policy (DHCFP), Nevada Medicaid Exclusion List will be reviewed by the Division prior to approval of a provisional certificate.*
- (g) Proof that the applicant has sufficient working capital to ensure that the applicant is financially capable of providing jobs and day training services for a period of at least 3 months without compensation;
- (g)h) Proof that the applicant satisfies the same or similar criteria of a qualified intellectual disability professional set forth in 42 C.F.R. § 483.430 or has obtained a waiver of the criteria from the applicable regional center;
- (h)i) If applicable, a copy of the applicant's state business license and a copy of the current business license issued for the applicant's business by the county, city or town in which the applicant's business is located or written verification that the applicant is exempt from any requirement to obtain a business license;
- (i)j) Proof of industrial insurance in compliance with [chapters 616A to 616D](#), inclusive, of NRS or an affidavit stating that the applicant has elected not to be included within the terms, conditions and provisions of [chapters 616A to 616D](#), inclusive, of NRS pursuant to [NRS 616B.659](#); and
- (j)k) Any other information required by the Division.

2. For a provider of jobs and day training services that is an organization consisting of a partnership, firm, corporation or association, including, without limitation, a nonprofit organization, or a state or local government or agency thereof:

(a) If applicable, a copy of the state business license of the organization and a copy of the current business license issued for the organization's business by the county, city or town in which the organization is located or written verification that the organization is exempt from any requirement to obtain a business license;

(b) The federal tax identification number of the organization;

(c) A copy of the bylaws, articles of incorporation, articles of association, articles of organization, partnership agreement, constitution and any other substantially equivalent documents of the organization, and any amendments thereto;

(d) A list of the members of the governing body of the organization which includes the terms of office of those members;

(e) If the applicant is an association or a corporation:

(1) The name, title and principal business address of each officer and member of its governing body; and

(2) The signature of the chief executive officer or an authorized representative;

(f) If the applicant is a corporation, the name and address of each person holding more than 10 percent of its stock;

(g) Proof that at least one supervisor, administrator or manager of the provider satisfies the same or similar criteria of a qualified intellectual disability professional set forth in 42 C.F.R. § 483.430 **{or has obtained a waiver of the criteria from the applicable regional center}**;

(h) For each officer or other person who oversees the provision of jobs and day training services:

(1) Three or more letters of professional reference; and

(2) **{Written verification, on a form prescribed by the Division, stating that the fingerprints of the officer or other person were taken and}** *The applicant has established an account with the Nevada Department of Public Safety and has submitted fingerprints to be* directly forwarded electronically or by another means to the Central Repository for Nevada Records of Criminal History and that the officer or other person has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the background of the officer or other person and to such other law enforcement agencies as the Division deems necessary;

(3) *“Office of Inspector General (OIG) List of Excluded Individuals and Entities” and the Division of Health Care Financing and Policy (DHCFP), Nevada Medicaid Exclusion List will be reviewed by the Division prior to approval of a provisional certificate.*

(i) Proof that the applicant has sufficient working capital to ensure that the provider is financially capable of providing jobs and day training services for a period of at least 3 months without compensation;

(j) Copies of any policies and procedures of the organization relating to the provision of jobs and day training services;

(k) If the applicant will provide jobs and day training services in a facility-based setting, proof that the appropriate local or state fire officials or other qualified persons have conducted an annual inspection of each physical site at which the applicant will provide jobs and day training services;

(l) If applicable, proof that the organization has a certificate authorizing special minimum wages as provided for in the Fair Labor Standards Act of 1938, 29 U.S.C. § 214, and the regulations adopted pursuant thereto, 29 C.F.R. Part 525;

(m) Proof of industrial insurance in compliance with [chapters 616A to 616D](#), inclusive, of NRS; and

(n) Such other information as may be required by the Division.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.850 Provisional certificate: Incomplete application. ([NRS 435.220](#))

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

2. If the Division determines that an application for a provisional certificate is incomplete, the Division must notify the applicant that the application is incomplete and authorize the applicant to submit any required information or documentation to complete the application. An applicant shall submit any additional information or documentation not later than 30 calendar days after receipt of the notification provided by the Division. The Division may deny the application if the applicant does not submit any required information or documentation in accordance with this subsection. If the application is denied pursuant to this subsection, the applicant may not resubmit an application for a provisional certificate for at least 12 months after the receipt of notification of the denial of the application required pursuant to [NAC 435.860](#).

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.855 Provisional certificate: Establishment of screening panel to interview applicant; inspection of physical site under certain circumstances; training of applicant; conditions for issuance; validity. ([NRS 435.220](#))

1. After the Division has determined that an application for a provisional certificate is complete, the Division shall establish a screening panel composed of employees of the Division to interview the applicant.

2. Upon successful completion of the interview, the Division shall:

(a) If the applicant has secured a physical site, schedule an inspection of the physical site at which the applicant will provide jobs and day training services; or

(b) If the Division does not schedule the inspection described in paragraph (a), schedule the applicant for training concerning the provision of jobs and day training services.

3. If the Division conducts an inspection of the physical site pursuant to subsection 2, the Division must, upon approval of the physical site, schedule the applicant for training concerning the provision of jobs and day training services.

4. The Division shall issue a provisional certificate to the applicant upon:

(a) Successful completion of the training described in subsection 2 or 3;

(b) **{Receipt}** *Verification* of all reports on the background of an applicant, officer or other person required pursuant to [NAC 435.845](#);

(c) If applicable, approval of the physical site at which the applicant will provide jobs and day training services; and

(d) The provider of jobs and day training services:

(1) Entering into a written provider contract with the Division which sets forth specific requirements concerning the provision of jobs and day training services; and

(2) Receiving a written service authorization from the applicable regional center for each person who will receive jobs and day training services from the provider. The written service authorization must conform with any individual support plan developed with and agreed to by the person who will receive jobs and day training services or his or her parent or guardian.

5. After the provider of jobs and day training services enters into the written provider contract and receives the written service authorization, the provider must provide each person receiving jobs and day training services with the level of supervision required pursuant to his or her written service authorization to ensure the health and welfare needs of the person are met.

6. A provisional certificate is valid until the Division or applicable regional center completes the initial quality assurance review.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.860 Provisional certificate: Grounds for denial of application; notice of denial; reapplication after denial. ([NRS 435.220](#))

1. Each of the following acts and omissions constitutes a ground for denial of an application for a provisional certificate:

(a) The applicant has failed to submit a complete application for a provisional certificate within the time required pursuant to [NAC 435.850](#);

(b) The applicant has misrepresented or failed to disclose any material fact in the application submitted to the Division or in any financial record or other document requested by the Division;

(c) The applicant, or an officer or employee of the applicant or an independent contractor of the applicant who oversees the provision of jobs and day training services

has been convicted of a crime relevant to any aspect of the provision of jobs and day training services, including, without limitation:

- (1) Murder, voluntary manslaughter or mayhem;
 - (2) Assault or battery with intent to kill or to commit sexual assault or mayhem;
 - (3) A crime involving assault or battery that is punished as a misdemeanor, within the immediately preceding 7 years;
 - (4) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;
 - (5) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, within the immediately preceding 7 years;
 - (6) A crime involving domestic violence that is punished as a felony;
 - (7) A crime involving domestic violence that is punished as a misdemeanor, within the immediately preceding 7 years;
 - (8) Abuse or neglect of a child or contributory delinquency;
 - (9) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in [chapter 454](#) of NRS, within the immediately preceding 7 years;
 - (10) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of [NRS 200.5091](#) to [200.50995](#), inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;
 - (11) A violation of any provision of law relating to the State Plan for Medicaid or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;
 - (12) A violation of any provision of [NRS 422.450](#) to [422.590](#), inclusive;
 - (13) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;
 - (14) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years;
 - (15) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or
 - (16) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years;
- (d) The physical site at which the applicant will provide jobs and day training services, if applicable, was not approved by the Division pursuant to [NAC 435.855](#);
- (e) The proposed jobs and day training services to be provided by the applicant have any major deficiency which would preclude compliance with [NAC 435.775](#) to [435.965](#), inclusive; or

(f) The applicant, or an officer or employee of the applicant or an independent contractor of the applicant who oversees the provision of jobs and day training services has been excluded from participation in Medicare, Medicaid and other federal health care programs pursuant to 42 U.S.C. §§ 1320a-7 et seq., or any regulations adopted pursuant thereto.

2. If an application is denied:

(a) The Division must give the applicant written notice of the denial; and

(b) The applicant may not reapply for a provisional certificate for 12 months after the receipt of the written notice.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.865 Certificate: Determination of compliance with requirements; quality assurance review; issuance; validity. ([NRS 435.220](#))

1. If the holder of a provisional certificate wishes to obtain a certificate, the holder must comply with the requirements of:

(a) [Chapter 435](#) of NRS concerning the provision of jobs and day training services;

(b) [NAC 435.775](#) to [435.965](#), inclusive; and

(c) The written provider contract entered into and the written service authorizations received pursuant to [NAC 435.855](#).

2. The Division shall determine whether the holder of a provisional certificate has complied with the requirements described in subsection 1 after conducting a quality assurance review. If the Division determines that the holder of a provisional certificate has complied with those requirements for the provision of jobs and day training services:

(a) The Division must issue a certificate to the holder of the provisional certificate; and

(b) The written provider contract entered into and the written service authorizations received pursuant to [NAC 435.855](#) will continue in effect in accordance with the terms of the contract and authorizations.

3. Except as otherwise provided in subsection 3 of [NAC 435.870](#), the Division may issue a certificate to a provider of jobs and day training services for any period not to exceed 3 years. The Division shall base the length of the period of validity of the certificate on the best interests of the public.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.870 Certificate: Renewal. ([NRS 435.220](#))

1. Upon the expiration of a certificate, the Division may renew the certificate of the provider of jobs and day training services for any period not to exceed 3 years if the Division conducts a quality assurance review and determines that the provider is in compliance with the requirements of:

(a) [Chapter 435](#) of NRS concerning the provision of jobs and day training services;

(b) [NAC 435.775](#) to [435.965](#), inclusive; and

(c) The written provider contract entered into and the written service authorizations received pursuant to [NAC 435.855](#).

2. The Division shall base the length of the period of validity of the renewal on the best interests of the public.

3. The certificate remains in effect pending the completion of the renewal process, including, without limitation, the quality assurance review and determination of compliance with the requirements described in subsection 1.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.875 Standards for provision of quality care. ([NRS 435.220](#)) A provider of jobs and day training services must comply with the following standards for the provision of quality care concerning jobs and day training services:

1. Compliance with any state or federal statute or regulation required for the Division to receive state or federal funding concerning the provision of jobs and day training services, including, without limitation, any standards of care set forth in:

(a) The State Plan for Medicaid;

(b) The *Medicaid Services Manual* established by the Division of Health Care Financing and Policy of the Department of Health and Human Services; and

(c) The home and community-based services waiver granted pursuant to 42 U.S.C. § 1396n by the Secretary of the United States Department of Health and Human Services;

2. Compliance with any state or federal requirements concerning fiscal management, reporting and employment law;

3. Conformance to the delivery of services required pursuant to any {individual support} *person centered* plan developed with and agreed to by a person who is receiving jobs and day training services or his or her parent or guardian;

4. Assurance of the health and welfare of persons receiving jobs and day training services;

5. Establishment of procedures for internal quality assurance;

6. Compliance with the requirements of:

(a) [Chapter 435](#) of NRS concerning the provision of jobs and day training services;

(b) [NAC 435.775](#) to [435.965](#), inclusive; and

(c) The written provider contract entered into and the written service authorizations received pursuant to [NAC 435.855](#);

7. Prompt reporting of any change in the officers or ownership of the provider of jobs and day training services to the applicable regional center;

8. Cooperation with any investigation by the Division or a regional center; and

9. Obtaining the approval of the Division:

(a) For any additional physical sites at which jobs and day training services will be provided before providing such services at those physical sites; and

(b) Before remodeling or expanding any existing physical sites at which jobs and day training services are provided.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.880 Quality assurance review: Conduct by Division or regional center. ([NRS 435.220](#))

1. The Division or a regional center shall conduct a quality assurance review to determine whether the holder of a provisional certificate or a certificate is in compliance with the requirements of:

(a) [Chapter 435](#) of NRS concerning the provision of jobs and day training services;

(b) [NAC 435.775](#) to [435.965](#), inclusive; and

(c) The written provider contract entered into and the written service authorizations received pursuant to [NAC 435.855](#).

2. In conducting a quality assurance review, the Division or a regional center may:

(a) Obtain any information or otherwise review any aspect of the system of delivery of jobs and day training services, including, without limitation:

(1) Any policies and procedures of the provider of jobs and day training services;

(2) Any personnel or clinical records maintained by the provider of jobs and day training services;

(3) Any documentation regarding any administrative or personnel matter directly related to the health and welfare of any person who is receiving jobs and day training services;

(4) Any financial information concerning the provider of jobs and day training services or persons receiving jobs and day training services;

(5) Any information concerning the quality of support provided to persons receiving jobs and day training services;

(6) All records of payroll for persons receiving jobs and day training services, including, without limitation, computations for determining the rate of pay; and

(7) Verification that the person who is receiving jobs and day training services or his or her parent or guardian has been informed verbally and in writing of the person's rights and the policies of the provider of jobs and day training services;

(b) Conduct interviews with or solicit feedback from:

(1) Persons receiving jobs and day training services;

(2) Employees and independent contractors of any providers of jobs and day training services or other agencies that provide services to persons receiving jobs and day training services; and

(3) Members of the family, guardians, friends or advocates of persons receiving jobs and day training services; and

(c) Observe the services provided to persons receiving jobs and day training services.

3. The Division or a regional center may conduct a quality assurance review at any time.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.885 Establishment of policies by organization. (NRS 435.220) If the provider of jobs and day training services is an organization, it must, in conformance with [NAC 435.775](#) to [435.965](#), inclusive, establish policies concerning the provision of jobs and day training services and the welfare of the persons it serves that satisfy the requirements of:

1. [Chapter 435](#) of NRS concerning the provision of jobs and day training services;
2. [NAC 435.775](#) to [435.965](#), inclusive; and
3. The written provider contract entered into and the written service authorizations received pursuant to [NAC 435.855](#).

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.890 Duty to develop, implement, coordinate and monitor provision of services; assistance from qualified persons and professionals. (NRS 435.220)

1. A provider of jobs and day training services shall ensure adequate:
 - (a) Development and implementation of {individual support} *person centered* plans for persons receiving jobs and day training services;
 - (b) Training of the provider, if the provider is a natural person, and the employees and independent contractors of the provider;
 - (c) Coordination of the provision of jobs and day training services between multiple providers of jobs and day training services to the same person who is receiving jobs and day training services and between providers of jobs and day training services and the persons described in paragraph (b) of subsection 2; and
 - (d) Monitoring of the provision of jobs and day training services.
2. A provider of jobs and day training services shall make arrangements for obtaining services from:
 - (a) Qualified persons, with sufficient experience as determined by the Division, to provide oversight to the provider to ensure that the provider is complying with the requirements of subsection 1; and
 - (b) Professionally qualified or other specially trained persons, including, without limitation, employment specialists, nurses and behavior specialists, as needed to assist in program development and planning, carrying out and monitoring the provision of jobs and day training services.
3. The need for the services described in subsection 2 must be determined initially by an individual support team and be reviewed by the team on a regular basis, but not less frequently than annually.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.893 Requirements for hiring employee or contracting with independent contractor; submission of fingerprints for criminal history. ([NRS 435.220](#))

1. Before hiring a prospective employee or entering into a contract with an independent contractor, a provider of jobs and day training services must:

(a) Obtain a written statement from the prospective employee or independent contractor stating whether he or she has been convicted of any crime listed in [NAC 435.860](#);

(b) Obtain proof that the prospective employee or independent contractor holds any required registration, license, permit or certificate; and

(c) Determine whether the prospective employee or independent contractor has been excluded from participation in Medicare, Medicaid and other federal health care programs pursuant to 42 U.S.C. §§ 1320a-7 et seq., or any regulations adopted pursuant thereto.

2. Within 10 days after hiring an employee or entering into a contract with an independent contractor, and at least once every 5 years thereafter, a provider of jobs and day training services must:

(a) Obtain from the employee or independent contractor one set of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (a) to obtain information on the background and personal history of each employee or independent contractor to determine whether the person has been convicted of any crime listed in [NAC 435.860](#).

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.895 Termination of employment or contract; opportunity to correct information. ([NRS 435.220](#))

1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to [NAC 435.893](#), or evidence from any other source, that an employee or independent contractor has been convicted of a crime listed in [NAC 435.860](#) or has been excluded from participation in Medicare, Medicaid and other federal health care programs pursuant to 42 U.S.C. §§ 1320a-7 et seq., or any regulations adopted pursuant thereto, the provider of jobs and day training services shall terminate the employment or contract of the employee or independent contractor, as applicable, after allowing the employee or independent contractor time to correct the information as required pursuant to subsection 2.

2. If an employee or independent contractor believes that the information is incorrect, the employee or independent contractor may immediately inform the provider of jobs and day training services. A provider that is so informed shall give the employee

or independent contractor a reasonable amount of time of not less than 30 days to correct the information before terminating the employment or contract of the employee or independent contractor, as applicable, pursuant to subsection 1.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.898 Financial planning, records and reports. ([NRS 435.220](#)) A provider of jobs and day training services shall:

1. Have a financial plan which ensures that there will be sufficient resources to meet the costs for training and support for persons receiving jobs and day training services from the provider;

2. Maintain adequate financial records, including, without limitation, financial records which demonstrate compliance with the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq.; and

3. Submit to the Division any financial report:

(a) Which the Division requests in writing; and

(b) The need for which is explained by the Division.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.900 Evaluation of capacity of provider to meet needs of person for support; assessment for development of individualized habilitation plan; exception. ([NRS 435.220](#))

1. A provider of jobs and day training services may not provide jobs and day training services to a person until the {individual support} *person centered* team has evaluated the capacity of the provider to meet the needs of the person for support, except as otherwise provided in subsection 4.

2. The evaluation must include an interim plan for habilitation to support the needs of the person relating to health and welfare.

3. Not later than {30} 90 days after a provider of jobs and day training services begins providing jobs and day training services to a person, the provider shall complete an assessment for the purpose of developing an individualized plan for habilitation for the person. The assessment must describe the interests and skills of the person who is receiving jobs and day training services and recommend a level of supervision for the person.

4. In an urgent situation, a provider of jobs and day training services may accept a person for the provision of jobs and day training services for a period of not more than 5 working days before completing the evaluation, if the Division approves the acceptance of the person under such urgent circumstances.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.905 Administration of medication. ([NRS 435.220](#))

1. A member of the direct support staff of a provider of jobs and day training services may administer medication to persons receiving jobs and day training services

if the member has successfully completed a program concerning the administration of medication which is approved by the Division.

2. A person who is receiving jobs and day training services may have his or her medication administered by:

(a) A provider of health care; or

(b) A member of the direct support staff of a provider of jobs and day training services who has successfully completed a program concerning the administration of medication which is approved by the Division if:

(1) The member of the direct support staff administers the medication according to the instructions of a provider of health care;

(2) The person, or his or her parent or guardian, as applicable, provides written authorization to receive medication from a member of the direct support staff of the provider of jobs and day training services in accordance with NRS 453.XXX ; and

(3) The person submits to a physical examination by his or her provider of health care on an annual basis and the provider of health care determines that the person is medically cleared to receive medication from the member of the direct support staff.

3. A member of the direct support staff of a provider of jobs and day training services who has successfully completed a program concerning the administration of medication which is approved by the Division:

(a) May administer medication pursuant to this section;

(b) Must refer a person who is receiving jobs and day training services to a provider of health care if:

(1) The medical condition of the person changes or the person develops a new or additional medical condition;

(2) The medication prescribed by the person authorized to prescribe medication does not accomplish the objectives of the medication, as identified by the person authorized to prescribe medication, after the medication has been administered according to the prescription;

(3) Any emergency situation develops; or

(4) The provider of health care of the person instructs the member of the direct support staff to refer the person to the provider of health care;

(c) Shall not administer:

(1) Any medication to a person who has been admitted to a medical facility;

(2) Any medication which requires dose titration or an assessment of the needs of the person who is receiving jobs and day training services concerning the medication;

(3) Except as otherwise provided in paragraph (d), any medication required to be administered by injection;

(4) Any extended release medication which must be crushed, cut or otherwise altered before the administration of the medication; or

(5) Any nutrition or medication which is prescribed by a provider of health care or a person authorized to prescribe medication to be administered enterally; and
(d) May administer auto-injectable epinephrine for acute or emergent anaphylactic response if prescribed by a person authorized to prescribe medication and the member of the direct support staff has documentation that he or she has been trained in the use of auto-injectable epinephrine and monitoring persons who have received auto-injectable epinephrine for side effects.

4. As used in this section:

(a) "Direct support staff" means any member of the staff of a provider of jobs and day training services who works directly with a person with an intellectual disability or a person with a developmental disability to provide jobs and day training services.

(b) "Person authorized to prescribe medication" means:

(1) A physician, dentist or podiatric physician who holds a license to practice his or her profession in this State;

(2) A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

(3) An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

(4) A physician assistant who:

(I) Holds a license issued by the Board of Medical Examiners; and

(II) Is authorized by the Board of Medical Examiners to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by *chapter 630 of NRS*;

(5) A physician assistant who:

(I) Holds a license issued by the State Board of Osteopathic Medicine; and

(II) Is authorized by the State Board of Osteopathic Medicine to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by *chapter 633 of NRS*; or

(6) An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to *NRS 636.288*, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.

(c) "Provider of health care" means:

(1) A physician licensed pursuant to *chapter 630, 630A or 633 of NRS*;

(2) A dentist licensed pursuant to *chapter 631 of NRS*;

(3) A registered nurse licensed pursuant to *chapter 632 of NRS*;

(4) An advanced practice registered nurse certified pursuant to *chapter 632 of NRS*; or

(5) A physician assistant licensed pursuant to *chapter 630 or 633 of NRS*.

NAC 435.910 Eligibility of provider for payment from Division; exception. ([NRS 435.220](#))

1. A provider of jobs and day training services is eligible to receive payment from the Division for the provision of jobs and day training services to each person who is receiving jobs and day training services for the period when the person is present for jobs and day training services.

2. A provider of jobs and day training services that is reimbursed at a daily rate must be available to provide those services for at least 6 hours per day, including lunch and a period for rest.

3. A provider of jobs and day training services that is a nonprofit organization is eligible to receive payment from the Division for 5 days per year for programs for the development of the employees and independent contractors of the provider.

4. A provider of jobs and day training services is not eligible to receive payment from the Division for providing jobs and day training services to persons with intellectual disabilities and persons with developmental disabilities who would otherwise qualify for care or training programs offered by the public schools or by county welfare programs.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.915 Reporting and use of gifts, bequests, grants or income. ([NRS 435.220](#))

1. A provider of jobs and day training services must report to the Division the source of any gift, bequest, grant or income other than funding by the Division and the Federal Government and payment on behalf of a person who is receiving jobs and day training services.

2. A provider of jobs and day training services may use such income to augment the stipend paid by the Division in order to provide supplemental services to persons receiving jobs and day training services.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.920 Statement of intent to enter into contract between provider of services and county and school officials and public and private agencies. ([NRS 435.220](#)) At least 10 days before entering into a contract pursuant to [NRS 435.310](#), a provider of jobs and day training services must provide the Division with a statement of its intent to enter into the contract.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.925 Maintenance of records: Evidence of use of services; evidence of compliance with industrial insurance provisions; personnel files; inspection by Division. ([NRS 435.220](#))

1. A provider of jobs and day training services shall maintain:

(a) Evidence of the use of the services described in subsection 2 of [NAC 435.890](#);
(b) If applicable, evidence of compliance with [chapters 616A](#) to [616D](#), inclusive, of NRS; and

(c) A separate personnel file for each employee and independent contractor of the provider. The personnel file must include, without limitation:

(1) Evidence that the employee or independent contractor has obtained any license, certificate or registration, and possesses the experience and qualifications, required for the position held by that person;

(2) Evidence that the provider has complied with [NAC 435.893](#) and [435.895](#) with regard to the employee or independent contractor, including, without limitation:

(I) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History or proof of electronic fingerprint submission and a copy of the written authorization that was provided by the employee or independent contractor;

(II) Proof that the fingerprints of the employee or independent contractor were submitted to the Central Repository for Nevada Records of Criminal History; and

(III) Any other documentation of the information collected or received pursuant to [NAC 435.893](#); and

(3) An acknowledgment that has been signed by the employee or independent contractor indicating that he or she has:

(I) Received and understands the policies and procedures of the provider; and

(II) Received the training required pursuant to [NAC 435.890](#).

2. The records maintained pursuant to subsection 1 must be made available for inspection by the Division at any reasonable time, and copies thereof must be furnished to the Division upon request.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.930 Maintenance of records: Separate record for each person receiving services; availability for review. ([NRS 435.220](#)) A provider of jobs and day training services shall keep a separate record regarding each person for whom the provider provides jobs and day training services. Each such record must include the information needed for providing jobs and day training services, for substantiating billing, for planning and for periodic reevaluation of the needs of the person who is receiving jobs and day training services. The record must be available for review by the person who is receiving jobs and day training services and the Division or a regional center.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.935 Retention of certain records; contents of administrative and fiscal records; availability for review. ([NRS 435.220](#))

1. A provider of jobs and day training services must retain:

(a) The original records of each person who receives jobs and day training services from the provider pursuant to [NAC 435.930](#), or photographic reproductions of such records, for at least 6 years after **{termination of}** *the date of payment for* the provision of the jobs and day training services to the person; and

(b) Administrative and fiscal records as provided in the written provider contract entered into and the written service authorizations received pursuant to [NAC 435.855](#).

2. The administrative and fiscal records of the provider of jobs and day training services must include, without limitation:

(a) Records of the attendance of persons receiving jobs and day training services;

(b) If the provider provides jobs and day training services in a facility-based setting, proof that the appropriate local or state fire officials or other qualified persons have conducted an annual inspection of each physical site at which the provider provides jobs and day training services;

(c) Records of evaluations or studies used in determining the rate of pay for persons receiving jobs and day training services;

(d) Computations for determining the rate of pay for persons receiving jobs and day training services; and

(e) If applicable, proof that the organization has a certificate authorizing special minimum wages as provided for in the Fair Labor Standards Act of 1938, 29 U.S.C. § 214, and the regulations adopted pursuant thereto, 29 C.F.R. Part 525.

3. All such records must be complete, current and readily available for review by representatives of the Division.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.940 Right of person receiving services to file complaint; resolution of complaint; final decision. ([NRS 435.220](#))

1. A person has the right to file a complaint against a provider of jobs and day training services with the regional center from the region in which the services are provided.

2. If the regional center is unable to resolve the complaint to the satisfaction of the complainant, the complainant may forward the complaint to the Administrator or a designee thereof. The Administrator or a designee thereof will review the complaint and render a decision concerning the complaint within 30 calendar days after receipt of the complaint.

3. The decision of the Administrator or a designee thereof rendered pursuant to this section is a final decision.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.XXX Continuity of Jobs and Day Training Services.

1. Providers of jobs and day training services shall give a written 30-day notice to the person, or their guardian as applicable, and the Division prior to termination of the person's contracted services.

- 2. The provider agrees to provide ongoing services to a person until the termination date of the contract.*
- 3. In the case of a report of abuse, neglect, exploitation or mistreatment by the provider staff that was substantiated by the Developmental Services Regional Center or law enforcement agency, the contract may be terminated immediately.*
- 4. The provider shall work collaboratively with the Division during transition, and shall provide current, written service status summaries for the person, and as applicable, the person's property inventories, medication logs and medication inventory.*
- 5. The provider shall protect the confidentiality of all the person's records.*

NAC 435.945 Grounds for suspension or denial of certificate; plan of improvement; imposition of sanctions; suspension, reduction or reimbursement of contractual payment; appeal; final decision. ([NRS 435.220](#))

1. If the Division or a regional center determines pursuant to a quality assurance review that there are any deficiencies in the provision of jobs and day training services relating to the health or welfare of persons receiving such services, the Division may suspend or deny the issuance of a certificate and request a written plan of improvement from the provider of jobs and day training services or recommend or require changes concerning the provision of jobs and day training services after providing a statement of deficiencies to the provider and before issuing, renewing or reinstating a certificate. The provider shall develop a plan of improvement for each deficiency and submit the plan to the Division for approval within 15 days after receipt of the statement of deficiencies.

2. The Division may impose sanctions upon a provider of jobs and day training services for:

(a) Any deficiency concerning the provision of jobs and day training services that may cause imminent risk of harm or which poses a probable risk of harm to the health or welfare of persons receiving jobs and day training services;

(b) A lack of personnel who are sufficient in number or qualifications to provide adequate support and services for persons receiving jobs and day training services;

(c) Any refusal to participate in any aspect of a quality assurance review or any other review or investigation by the Division or a regional center; or

(d) The failure or refusal of the provider to implement or maintain any actions required by the Division or a regional center to correct a deficiency identified during a quality assurance review or any other review or investigation by the Division or a regional center.

3. For any sanction imposed pursuant to subsection 2, the Division may, without limitation:

(a) Place the provider of jobs and day training services on probation for a specified time with conditions that the Division considers appropriate;

(b) Require the provider to:

(1) Participate in training concerning the provision of jobs and day training services;

(2) Comply with additional measures of accountability concerning the provision of jobs and day training services;

(3) Comply with additional measures of review by the Division or a regional center; or

(4) Comply with additional performance requirements concerning the provision of jobs and day training services;

(c) Terminate, prohibit or limit any contracts that the Division or a regional center has with the provider; or

(d) Suspend or reduce a contractual payment owed to the provider.

4. The Division may suspend or reduce a contractual payment owed to a provider of jobs and day training services pursuant to subsection 3 or require a provider to reimburse the Division, in whole or in part, for a contractual payment paid to the provider if the provider:

(a) Fails to provide or keep records of jobs and day training services;

(b) Falsifies documents; or

(c) Is negligent and the Division pays for the provision of jobs and day training services or support to a person who is receiving jobs and day training services due to the negligence of the provider.

5. A provider of jobs and day training services may appeal any sanction imposed pursuant to this section by submitting to the Division a written request of appeal within 15 calendar days after the date of receipt of the notification of any sanction imposed by the Division. The Administrator or a designee thereof will review the findings and submit a written decision within 30 calendar days after the written request of appeal is submitted to the Division. The decision of the Administrator or a designee thereof on the appeal is a final decision.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.950 Grounds for revocation of provisional certificate or certificate. ([NRS 435.220](#)) Each of the following acts and omissions constitutes a ground for the revocation of a provisional certificate or a certificate:

1. A misrepresentation of or failure to disclose any material fact in the application for the provisional certificate or the certificate or in any financial record or other document requested by the Division or a regional center.

2. A lack of personnel in sufficient number or qualifications to provide proper training and support for persons receiving jobs and day training services.

3. A provider of jobs and day training services has any deficiency concerning the provision of jobs and day training services that may cause imminent risk of harm or

which poses a probable risk of harm to the health or welfare of persons receiving jobs and day training services.

4. A violation of any requirement set forth in [NAC 435.775](#) to [435.965](#), inclusive.

5. An accumulation or pattern of minor violations of the provisions of [NAC 435.775](#) to [435.965](#), inclusive, if the violations taken as a whole endanger the health or welfare of any person who is receiving jobs and day training services.

6. Any fraudulent activity by a provider of jobs and day training services or an employee or independent contractor of the provider, including, without limitation, any fraudulent billing, a violation of any law pertaining to wage and hour standards, falsification of records or misuse of the funds of a person who is receiving jobs and day training services.

7. Failure to comply with any obligations or with the policies and procedures of the Division set forth in the written provider contract entered into and the written service authorizations received pursuant to [NAC 435.855](#).

8. Any refusal to participate in any aspect of a quality assurance review or any other review or investigation by the Division or a regional center.

9. The failure or refusal of the provider of jobs and day training services to implement or maintain any actions required by the Division or a regional center to correct a deficiency identified during a quality assurance review or any other review or investigation by the Division or a regional center.

10. The failure or refusal of a provider of jobs and day training services to return an adequate plan of improvement within 15 days after receiving a statement of deficiencies as required pursuant to [NAC 435.945](#).

11. Misappropriation of the property of a person who is receiving jobs and day training services.

12. Abuse, neglect, exploitation or coercion of a person who is receiving jobs and day training services.

13. Harassing, coercive, intimidating, insulting, abusive or disruptive language or behavior directed at:

(a) An employee of a regional center;

(b) An employee or independent contractor of a provider of jobs and day training services;

(c) Another provider of jobs and day training services or other services; or

(d) A person who is receiving jobs and day training services or a family member or guardian of such a person.

14. The provider of jobs and day training services, an officer or employee of the provider or an independent contractor of the provider who oversees the provision of jobs and day training services is excluded from participation in Medicare, Medicaid and other federal health care programs pursuant to 42 U.S.C. §§ 1320a-7 et seq., or any regulations adopted pursuant thereto.

15. The provider has failed to accept a service authorization or deliver services within 12 months of the provisional certificate being granted.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.955 Notice of intent to revoke provisional certificate or certificate. ([NRS 435.220](#)) The Division shall give a provider of jobs and day training services written notice of any intended action to revoke the provisional certificate or the certificate of the provider. The notice must be sent by certified mail to the address of the provider on file with the Division at least 30 calendar days before the action is taken.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.960 Termination of services pending revocation of provisional certificate or certificate. ([NRS 435.220](#)) If a revocation of the provisional certificate or the certificate of a provider of jobs and day training services is pending and the Division determines that the grounds for the revocation place any person at an imminent or probable risk of harm, the Division may immediately terminate the provision of jobs and day training services by the provider.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)

NAC 435.965 Revocation of provisional certificate or certificate: Request for {hearing;} appeal; final decision. ([NRS 435.220](#))

{1. To be afforded a hearing on an intended revocation of a provisional certificate or a certificate, the provider of jobs and day training services must, within 15 calendar days after receiving notice of the intent to revoke, file with the Division a written request for a hearing.}

*1 {2}. When a decision to revoke a provisional certificate or a certificate is rendered by the Division, the provider of jobs and day training services may appeal that decision to the Administrator or a designee thereof if the provider files with the Division a written notice of appeal within 15 calendar days after receiving notice of the decision of the Division. *The provider must submit supporting documentation with the written appeal.**

2. The appeal process shall not delay or hinder actions taken by the Division to assure the health and welfare of persons receiving services from the provider.

3. The Division will submit documentation for the revocation of the provisional certificate or certificate to the Administrator.

4 {3}. The Administrator or a designee thereof will consider an appeal and render his or her decision on the appeal within 30 calendar days after a notice of the appeal is filed with the Division.

5 {4}. The decision of the Administrator or a designee thereof concerning an appeal filed pursuant to this section is a final decision for the purposes of judicial review.

(Added to NAC by Aging & Disability Services Div. by R145-16, eff. 5-16-2018)