

Joe Lombardo  
Governor

Richard Whitley, MS  
Director



## DEPARTMENT OF HEALTH AND HUMAN SERVICES

AGING AND DISABILITY SERVICES DIVISION  
*Helping people. It's who we are and what we do.*



Dena Schmidt  
Administrator

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Legislative Counsel Bureau  
Attention Angela Hartzler  
401 South Carson St.  
Carson City, NV 89701

*Via Email*

Please find below the Informational Statement required by NRS 233B.066 in regard to the adoption of amendments to NAC Chapter 435. A copy of this document with the enclosed statement and regulation draft will also be courtesy copied to the Secretary of State.

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

Nevada Administrative Code (NAC) 435 for Persons with Intellectual Disabilities and Developmental Disabilities was updated to reflect legislatively approved changes to Developmental Services provision of services as well as update current processes and person-centered language. These changes include updated language and qualifying diagnostic criteria for financial assistance to a parent or other relative caring for certain persons with intellectual and developmental disabilities; allowing Jobs and Day Training providers to administer medication; allowing for the provision of skilled care by Supported Living Arrangement providers; the addition of continuity of services for both supported living arrangement services and jobs and day training services as well as updating the provider application process and the appeal process for the revocation of a provisional certificate or certificate. These changes serve to clarify expectations for the delivery of services.

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

Interested person(s) were sent copies of the proposed regulations, notice of public workshop and public hearing notice of intent via U.S. mail and/or email upon request or by interest. In addition, copies were available on the website: [adsd.nv.gov](http://adsd.nv.gov) and posted at the following locations:

Aging and Disability Services Division  
3208 Goni Road, Building I Suite 181  
Carson City, Nevada 89706

Aging and Disability Services Division  
7150 Pollock Drive  
Las Vegas, Nevada 89119

Aging and Disability Services Division  
9670 Gateway Drive, Suite 100  
Reno, Nevada 89512

A public workshop hosted by the Aging and Disability Services Division (ADSD) was held on February 22, 2024, via Teams with an in-person location available as well. However, everyone participated online. Fifty-one people were in attendance. The purpose of this workshop was to discuss and solicit comment in consideration of revised language to NAC 435. Copies of the regulation and the workshop agenda were emailed to all providers of service and community partners to solicit comments.

Following the public workshop, ADSD provided notice of a hearing held on July 09, 2024. The hearing was called to order and facilitated via Teams platform with an in-person location in accordance with open meeting law requirements. This meeting included public comment and reading of the major provisions of the changes to NAC 435.

**3. The number of persons who:**

- a. **Attended workshop:** February 22, 2024 – 51 attendees
- b. **Testified at workshop:** 16
- c. **Submitted to the agency written comment:** 0
- d. **Attended public hearing:** July 09, 2024-32 attendees
- e. **Testified at public hearing:** 0
- f. **Submitted to the agency written comment:** 0

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

A Small Business Impact Questionnaire (SBIQ) was sent on January 22, 2024, to 182 contracted Developmental Services providers statewide that included Supported Living Arrangement providers, Jobs and Day Training providers and specialized services providers. A copy of the proposed regulation changes was included with the SBIQ. A total of 15 responses were received; six (6) responses were not-applicable as their businesses employed 150 or more; nine (9) responses were applicable.

The questions on the questionnaire were:

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

Please see attached Small Business Impact Study, signed and certified by Dena Schmidt, ADSD Administrator, for a summary of the responses.

Other persons may obtain a copy of the Small Business Impact Study, or other public comments by visiting regulations (nv.gov), adsd.nv.gov, or contacting Megan Wickland at [mwickland@adsd.nv.gov](mailto:mwickland@adsd.nv.gov)

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

The regulation was adopted at the public hearing on July 09, 2024 with no changes.

- 6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**
- a. **Both adverse and beneficial effects; and**
  - b. **Both immediate and long-term effects.**

***The estimated economic effect of the regulation for Providers of Service:***

- A. *Adverse effects:* The regulation may impact provider costs associated with obtaining necessary liability insurance, staff training and policy development as applicable for providers that choose to perform the services.
- B. *Beneficial effects:* The regulation allows flexibility in service delivery to individuals that require skilled care services by their residential provider to support them in the least restricted setting and it also extends access to jobs and day training services to individuals who require medication administration during the day. Further, this change will create a more person-centered approach.
- C. *Immediate effects:* The regulation supports continuity of care to individuals receiving residential support services and jobs and day training services that require skilled care services or medication administration following a person-centered approach.
- D. *Long-term effects:* The regulation reduces the need to rely solely on home health agencies to provide skilled care services in residential settings and allows individuals to attend a jobs and day training program who require medication administration.

***The estimated economic effect of the regulation on the public:***

- A. *Adverse effects:* None noted.
- B. *Beneficial effects:* The beneficial effects of the regulation on the public are the same as the beneficial effects of the statute in allowing flexibility in service delivery that supports continuity of care for individuals requiring skilled care services by their residential provider and access to Jobs and Day Training services for individuals requiring medication administration during the day.
- C. *Immediate effects:* Upon passage of the proposed regulation provide the benefits as noted in the beneficial section.
- D. *Long-term effects:* Upon passage of the proposed regulation provide the benefits as noted in the beneficial and immediate sections.

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

At this time, it is estimated there would be no additional cost to the agency to enforce the proposed regulations.

- 8. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There is no duplication of current regulation.

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

There are no federal regulations that apply.

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

There are no associated fees for the implementation of this regulation.

Please direct any inquiries to Megan Wickland, Health Program Manager III, at [mwickland@adsd.nv.gov](mailto:mwickland@adsd.nv.gov).

Thank you.