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SECOND REPRINT

A.B. 5

ASSEMBLY BILL NO. 5—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON SENIOR
CITIZENS, VETERANS AND ADULTS WITH SPECIAL NEEDS)

PREFILED DECEMBER 19, 2014

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to services for persons with intellectual disabilities and persons with related conditions. (BDR 39-416)

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

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

AN ACT relating to public welfare; requiring the Aging and Disability Services Division of the Department of Health and Human Services to enter into an agreement with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to provide long-term support to persons with intellectual disabilities and persons with related conditions; authorizing the Administrator of the Aging and Disability Services Division to adopt regulations governing the provision of services to certain persons with intellectual disabilities and persons with related conditions; requiring the Aging and Disability Services Division to provide preferences for potential providers of jobs and day training services in issuing certificates authorizing the provision of such services and in entering into agreements concerning the provision of such services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires the Rehabilitation Division of the Department of
- 2 Employment, Training and Rehabilitation to administer certain programs
- 3 concerning employment and independent living for persons with disabilities.



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4 (NRS 232.945) Existing law also requires the Aging and Disability Services
5 Division of the Department of Health and Human Services to regulate the provision
6 of jobs and day training services and supported living arrangement services to
7 persons with intellectual disabilities and persons with related conditions. (NRS
8 435.130-435.339) **Section 1** of this bill requires the Aging and Disability Services
9 Division to enter into a cooperative agreement with the Rehabilitation Division to
10 provide long-term support to persons with intellectual disabilities and persons with
11 related conditions. **Section 1** also authorizes the Administrator of the Aging and
12 Disability Services Division to adopt regulations governing the provision of
13 services to persons with intellectual disabilities and persons with related conditions
14 who are unable or unwilling to be employed.

15 Existing law requires a natural person and certain entities to obtain a certificate
16 from the Aging and Disability Services Division before providing jobs and day
17 training services in this State, which are services provided to persons with
18 intellectual disabilities or persons with related conditions to enhance self-
19 sufficiency and success in employment. (NRS 435.176, 435.225) Existing law also
20 authorizes the Aging and Disability Services Division to enter into agreements with
21 public and private agencies as it deems necessary for the provision of jobs and day
22 training services. (NRS 435.220)

23 **Sections 1.5 and 2** of this bill require the Aging and Disability Services
24 Division to give preference to potential providers of jobs and day training services
25 who will provide persons with intellectual disabilities or persons with related
26 conditions with training and experience leading to employment that: (1) is
27 comparable to employment for persons without intellectual disabilities and persons
28 without related conditions; and (2) pays at or above the state minimum wage. The
29 Aging and Disability Services Division is required to give such a preference when:
30 (1) issuing certificates which authorize the provisions of jobs and day training
31 services; and (2) entering into agreements with public and private agencies for the
32 provision of jobs and day training services. **Sections 1.5 and 2** also require each
33 application for the issuance or renewal of such a certificate and each such
34 agreement to include a provision that employment is the primary service option for
35 all adults of working age.

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

1 **Section 1.** Chapter 435 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The Division shall enter into a cooperative agreement with*
4 *the Rehabilitation Division of the Department of Employment,*
5 *Training and Rehabilitation to provide long-term support to*
6 *persons with intellectual disabilities and persons with related*
7 *conditions, including, without limitation, jobs and day training*
8 *services and supported living arrangement services. The*
9 *agreement must include a provision stating that employment is the*
10 *preferred service option for all adults of working age.*

11 *2. The Administrator may adopt regulations governing the*
12 *provision of services to persons with intellectual disabilities and*
13 *persons with related conditions who are unable or unwilling to be*
14 *employed.*



1 **Sec. 1.5.** NRS 435.220 is hereby amended to read as follows:

2 435.220 1. The Division shall adopt regulations governing
3 jobs and day training services, including, without limitation,
4 regulations that set forth:

5 (a) Standards for the provision of quality care and training by
6 providers of jobs and day training services;

7 (b) The requirements for the issuance and renewal of a
8 certificate; and

9 (c) The rights of consumers of jobs and day training services,
10 including, without limitation, the right of a consumer to file a
11 complaint and the procedure for filing the complaint.

12 2. The Division may enter into such agreements with public
13 and private agencies as it deems necessary for the provision of jobs
14 and day training services. *Any such agreements must include a*
15 *provision stating that employment is the preferred service option*
16 *for all adults of working age.*

17 3. *For the purpose of entering into an agreement described in*
18 *subsection 2, if the qualifications of more than one agency are*
19 *equal, the Division shall give preference to the agency that will*
20 *provide persons with intellectual disabilities or persons with*
21 *related conditions with training and experience that demonstrates*
22 *a progression of measurable skills that is likely to lead to*
23 *competitive employment outcomes that provide employment that:*

24 (a) *Is comparable to employment of persons without*
25 *intellectual disabilities and persons without related conditions;*
26 *and*

27 (b) *Pays at or above the minimum wage prescribed by*
28 *regulation of the Labor Commissioner pursuant to NRS 608.250.*

29 **Sec. 2.** NRS 435.225 is hereby amended to read as follows:

30 435.225 1. A nonprofit organization, state or local
31 government or agency thereof shall not provide jobs and day
32 training services in this State without first obtaining a certificate
33 from the Division.

34 2. A natural person other than a person who is employed by an
35 entity listed in subsection 1 shall not provide jobs and day training
36 services in this State without first obtaining a certificate from the
37 Division.

38 3. *For the purpose of issuing a certificate pursuant to this*
39 *section, if the qualifications of more than one applicant are equal,*
40 *the Division shall give preference to the natural person who, or*
41 *the nonprofit organization, state or local government or agency*
42 *thereof that, will provide persons with intellectual disabilities or*
43 *persons with related conditions with training and experience that*
44 *demonstrates a progression of measurable skills that is likely to*



1 *lead to competitive employment outcomes that provide employment*
2 *that:*
3 *(a) Is comparable to employment of persons without*
4 *intellectual disabilities and persons without related conditions;*
5 *and*
6 *(b) Pays at or above the minimum wage prescribed by*
7 *regulation of the Labor Commissioner pursuant to NRS 608.250.*
8 *4. Each application for the issuance or renewal of a*
9 *certificate issued pursuant to this section must include a provision*
10 *stating that employment is the preferred service option for all*
11 *adults of working age.*
12 **Sec. 3.** This act becomes effective on July 1, 2015.

