

Committee in Session at 8:46 A.M. on Monday, May 7, 1979.

Senator Keith Ashworth in the Chair.

PRESENT: Chairman Keith Ashworth  
Senator Wilbur Faiss  
Senator Jim Kosinski  
Senator Clifton Young  
Senator Rick Blakemore

ABSENT: Vice-Chairman Joe Neal

GUESTS: Mr. Wendell D. McCurry, Division of Environmental Protection  
Mr. Robert E. Warren, Executive Secretary, Nevada Mining Association, Inc.  
Mr. Louis Bergevin, Assembly District No. 39  
Mr. Ernest Gregory, Administrator, Division of Environmental Protection  
Mr. Charles Zobell, City of Las Vegas  
Mr. Jack Middleton, Associate Administrator, Division of Mental Hygiene and Mental Retardation  
Mr. Dennis Hall, Coordinator, Community Training Center  
Ms. Susan Haase, Executive Director, Nevada Association for Retarded Citizens  
Mr. Brock Kilbourne, Student, University of Nevada at Reno  
Ms. Phyllis Ottēn, State Health Division

Chairman Ashworth opened the hearing on A.B. 572.

Chairman Ashworth presented amendments as proposed by the committee, Exhibit "A". He stated Mr. Tim Hafen, Washington, D.C. requested the committee not vote on this bill as it could have great economic sanctions if passed.

Mr. Wendell D. McCurry, Division of Environmental Protection, stated the committee had recommended changes: Page 2, Line 2, after "sources" on line 2, it was recommended to add "individually or collectively"; on Line 26 omit "discharge" and add "loads", so that the commission would be establishing water quality standards and waste loads. He stated the next proposed change was on Line 34, the recommendation of the farm bureau was to omit "and other beneficial uses of water", since it was felt that language weakened the section that was pointing out that historical irrigation practices shall be recognized in establishing standards, so, the water rights for irrigation practices would be left as is. He stated this is covered on Line 50, through Page 3, Line 3 for other beneficial uses.

Mr. Bob Warren, Executive Secretary, Nevada Mining Association, Inc., stated it was the intent of the drafters of this section to make sure that some place in the bill it was clearly recognized the legal right of water for irrigation purposes, as has been historically established. He further stated that in another section they say

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they are protecting other beneficial uses, but felt in this one instance it would be clearly pointed out the intent of the legislature was to protect these legal rights. He stated they have taken care of the other rights in another section, separated just for emphasis.

Mr. Louis Bergevin, Assembly District No. 39, stated the first bill did not have this language in it, it was amended at the request of some ranchers in Yerington. The farm bureau comes back, he stated, and says it does not feel it is necessary. Chairman Ashworth stated there has been a problem, especially on the Humboldt River where every ounce of the water has been filed for irrigation. He stated there is a plan to put a series of dams on this river, which could control the water. He said those who do not have the water right do not want the dam as they would not have any water at all. He further stated that this language could protect them, "other beneficial uses," even though they do not have any appropriation for water. Mr. Bergevin stated that it was the general feeling that language should be in there, when researched that section pertained historically to irrigation water.

Mr. Warren stated on Page 3, Line 2, it gives the commission, "or uses which the commission has determined", that authority to determine other beneficial uses, whereas if it were left in the language on Page 2, Line 34 it would be automatic. Senator Young stated that as he determines it, beneficial use of water is through the state water engineer. Mr. Warren stated that was not right.

Mr. Ernest Gregory, Administrator, Division of Environmental Protection, stated this is one of the critical issues that the farm bureau is concerned about. He stated it is true that the beneficial uses are set forth in the water rights section of the NRS and are fairly restricted and limited. He further stated the federal water pollution control act recognizes fisheries as beneficial use, which the state statute does not. He stated the division has been requested to designate the Carson sink as one of the beneficial uses for wildlife refuge, but the federal water act requires certain beneficial uses be designated under water quality standards. Senator Blakemore stated that other industrial states are polluting our waters, and he feels that this is a primary concern. Mr. Gregory stated he felt he was correct, looking at the mid-west where you do not have heavy industry, that you will find most of the degradation occurs from run-off from agriculture. He stated the run-off also from subdivision developments and cities where you get toxic materials like lead from the automobiles and zinc all are contributors to the degradation of the waterways. Senator Blakemore stated he felt this is a good bill and should not be killed, as a lot of work has gone into it and it is needed.

Chairman Ashworth stated the committee with the amendment did not address the recommendation of the farm bureau to take out, "the commission has determined", on Page 3, Line 2. Mr. Warren stated they had considered it but decided it should not be taken out. Senator Young stated as he understood it, all the committee was considering was the quality, that the water rights are determined

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by the state water engineer. Mr. Gregory stated, "and other beneficial uses of water" was put in the bill to remind them they were not to do anything with agriculture water rights. He stated "you can put on controls, but do not shut the man's water off". He stated that was a specific directive.

Chairman Ashworth stated that the committee has agreed with recommended amendments through Page 2; at the top of Page 3, Mr. Tim Hafen wanted "the commission has determined" to come out, and the committee has agreed they wanted it left in. Senator Young felt it should be left in as someone has to determine the use of stream segment. Chairman Ashworth stated the consensus of the committee is to leave it alone. Mr. McCurry stated on Page 3, Line 45, change the word "development" to "considerations". Chairman Ashworth stated the farm bureau wanted to take out some language on Page 3, Lines 40, 41 and 42, through "quality". He further stated the committee did not address this change. Mr. Warren stated the committee addressed it but decided it should remain in. Mr. Bergevin stated the original bill did not have any reference to non-point source and it was the opinion of everyone who testified that the word "diffuse" should be changed to "non-point". "Non-point" is used as terminology in all federal regulations as stated by Mr. Bergevin. Chairman Ashworth stated the committee agrees to leaving it in the language. He stated that lines 40, 41 and 42 should also remain in.

Mr. Warren stated on Page 4, Line 16, the recommendation was to change "apply" to "prescribe". Chairman Ashworth brought attention to Lines 11 and 12 which apply to the legislature, it was his feeling these lines should be left out. Mr. Warren stated on Line 9, the word "maximum" had not been addressed; he stated lines 11 and 12 refer to the previous 6 lines, states that those lines will be guidelines for best management practices. Chairman Ashworth suggested using the phrase "achieved the control" rather than "maximum" control. Mr. Warren stated that was an oversight and "maximum" could be dropped. Mr. Gregroy stated they would be looking at the economic aspects of control, whether maximum or minimum. Senator Young stated you are looking for reasonable control. Mr. Bergevin stated that lines 11 and 12, were added as they thought there should be someplace in the bill that "best management practices" should be defined. Chairman Ashworth questioned the committee if they wanted lines 11 and 12 in the bill. Senator Blakemore stated he did not care for it in the bill. Mr. Bergevin said there is "no hang-up with it in there".

Mr. Warren stated on Line 19, the word "causing" add "individually, or collectively". Chairman Ashworth stated the farm bureau wanted to take out Lines 21, 22 and 23. Mr. Warren stated this was not a change given to them by the farm bureau so they had not addressed that. He further stated on Line 26, add after "sources", "except as provided in NRS 244.9262", that is the county sewage and waste water act that establishes the county as the sewage agency in counties over 200 thousand population. Chairman Ashworth stated the farm bureau wanted to take out lines 27, starting "if such" to include Lines 28, 29 and 30. Mr. Bergevin stated Clark County and the City of Las Vegas felt this language should remain in the bill.

He further stated the department may have some problems in delegating authority if it were not in the bill. Chairman Ashworth stated he had no objection to it remaining in the bill.

Mr. Charles Zobell, City of Las Vegas, stated that neither the city nor the county wanted that language deleted. He stated the city is concurring in adding, "except as provided in NRS 244.9262". Chairman Ashworth asked if it were the consensus of the committee that the language not be deleted. Senator Blakemore stated it was right as long as the correction on Line 26, as suggested was all added. Mr. Zobell stated a new section is being added, Exhibit "A", NRS 445.274. Chairman Ashworth questioned if this were the standard appeal. Mr. Gregory stated it is in the air pollution act, but not in the water pollution act. Chairman Ashworth stated an amendment was going to be put on another bill, but waited for this one to put the appeal provision in this bill.

Senator Young asked what "after date of notice of action" means; he questioned how do you get notice? Mr. Gregory stated they send out a formal notice, it would be a finding of violation or something similar to that, or may come directly as an order to do something. He stated it is not a public notice, it goes directly to anyone violating the standard regulation. Senator Young asked him to clarify an "aggrieved person". Mr. Gregory stated if you get a notice to clean up your back yard because you are polluting the stream, and you say it is your neighbor, you could appeal to the commission with this amendment. He further stated if a notice were given and required the issuance of a new permit, to correct a problem, then that permit is a public notice stating why it is being issued. "We only give notice of violation when we identify the cause and the source," he stated. He said the notice of violation states the facts of the case, what the violation is, the dates when the violation was found; the notice of violation is then followed with an order directing certain steps and action to be taken. Chairman Ashworth stated he felt this language was in the Air Pollution Act and it was the feeling it should also be in the Water Pollution Act. Chairman Ashworth asked Senator Young if he wanted the bill to say "a person aggrieved by the notice". Senator Young stated that it bothers him technically that you could be an aggrieved person and never receive notice.

Chairman Ashworth stated the committee had acted on all the amendments received, with the addition of two that the Ad hoc committee worked out, the Ad hoc committee has no objection now, so the bill is ready to be finalized. Senator Blakemore stated Mr. Hafen had information to be added to the record as to specific questions; what is Washington's attitude to Environmental Protection Association, and what are their priorities regarding this type of legislation. He stated he would prefer to hold any decision until this information was received. Chairman Ashworth stated Senator Blakemore requested a little more time to get a little more information. Senator Young stated he had no objection to waiting a day or two, but felt there should be a limit. Chairman Ashworth stated we will hold further action until we receive the other two amendments and information from Mr. Hafen.

Chairman Ashworth closed the hearing on A.B. 572.

Chairman Ashworth opened the hearing on S.B. 554.

Mr. Jack Middleton, Associate Administrator, Division of Mental Hygiene and Mental Retardation, stated this bill was requested by his Division and was in the bill drafter's office for a long time. He stated this bill NRS 435.120 to .320 inclusive governs the community training centers, which is a program under their division since 1969. He further stated they have had to have the statutes changed over the past 10 years as their programs have changed. He stated the same problem has come up again this year dealing with the client-staff ratio; in so doing they felt some of the regulatory things could come out of the statute which could be handled in the program regulations. He stated the main purpose of this bill was to change the client-staff ratio.

Mr. Dennis Hall, coordinator, Community Training Center Program, stated on Line 11, Page 2, would be deleted. Mr. Middleton stated they suggest it not be in statute as they have some very severe and profound non-ambulatory mentally retarded and the one to five staff ratio is not adequate. He stated a one to eight staff ratio is more appropriate in other programs where they are working with high functioning mentally retarded in sheltered workshop situations. He stated there would be no specific requirement for funding, only a primary adjustment in the staff to client ratio. He stated with sheltered workshops you do not need as many staff. Chairman Ashworth stated they are taking out all of Page 1 through Page 2, Line 17, and on Page 2, Line 11 it states "minimum" staff" so you could have more than the one to five. He further stated they are taking out Page 2, Line 41, "\$300" and changing it to "\$400". Mr. Hall stated that had been changed last session, had been an oversight and had not been caught, Line 49 clears up that question. He stated if, the minimum staffing is the only problem, they could take out only the Section 3 and leave the rest of Page 1 in because the financial statement should remain. Mr. Middleton stated there was no problem with leaving Page 1 in, the question being whether you want statutes to provide regulations or whether you want regulations to provide regulations. Chairman Ashworth stated if you have problems with the staffing you should address that section.

Ms. Susan Haase, Executive Director, Nevada Association for Retarded Citizens, stated she represents the private, non-profit sector, the board directors who volunteer their time in Ely, Elko, Hawthorne, Washoe, Las Vegas, who actually do the running of these training centers. She stated all the division regulations which pertain to this program are reviewed on an annual basis, in a review process, with all of them present and they approve or reject the regulations that are drawn up by the division every year. Chairman Ashworth stated when this bill was drafted they put those safeguards in there for some reason. He stated if those reasons are not now applicable, they should be addressed. Ms. Haase agreed to just the deletion of Page 2, Lines 11 and 12. Mr. Hall stated there is no problem with keeping in the rest of the statute as it is working now. He distributed copies of the Revised Operating Regulations, July, 1978, (Exhibit "B"). He stated the operating regulations are much more comprehensive than the statute.

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Mr. Hall stated on Page 3, Line 12, they would like to delete "number of". Chairman Ashworth asked if there was any further testimony on S.B. 554. Ms. Haase added that the private, non-profit sector is behind the changes, they would have no problem with Page 2, Lines 11 and 12, also take out "number of" on Page 3. Mr. Middleton stated it was better to pay for the type and quality, not the type of a program that offers a number of programs, as opposed to one program of high quality.

Senator Young stated on Page 2, Line 18, this gives you the right to make regulations with respect to what the applications must contain. Mr. Middleton stated that was needed as the regulations are much more extensive than things that are required in statute. He stated the Sunset bill would take out Page 2, Line 25, if it passes. He further stated that NRS 435.007, which is definition of "child" was changed "child of 18", to be consistent with the state but somehow NRS 435.007 was left out and still says "21". He asked if there was any way to change or include it, since it is the same Chapter, but is not in this bill. Chairman Ashworth suggested he bring in an amendment to the committee, in the section that does it, and then it could probably be included in this bill. He stated there is a motion to amend to delete subsection 3 on Page 2, Lines 11 and 12.

S.B. 554, Exhibit "C"

Motion by Senator Faiss to Amend and Do Pass.

Seconded by Senator Blakemore.

Motion Carried. (Yeas - - 5)

Discussion: Chairman Ashworth asked for the amendment this afternoon to lower the age to 18 to be consistent with NRS. Also delete the bracket on Page 1, and the bracket on Line 18, and place brackets at the beginning of Page 2, Lines 11 and at the end of Line 12.

There being no further testimony, Chairman Ashworth closed the hearing on S.B. 554.

Chairman Ashworth opened the hearing on S.B. 471. He stated Senator Kosinski was to do more research on this bill and present his findings to the committee. Senator Kosinski stated he had discussed the bill with Mr. Daykin, Legislative Counsel. He said they discussed putting the contents of S.B. 471 in NRS 629 with some disclaimers indicating that it is not meant to confer a legal right in civil or criminal actions, but merely to set guidelines. He stated Mr. Daykin thought it could be done and he was prepared to testify this morning if needed. He said Mr. Daykin thought it would not confer any more legal rights on a client who was injured; it would be a statement of public policy on the part of the Legislature indicating the thought that these guidelines should be followed in cases of human research.

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Senator Young stated he thought it would be good to have Mr. Daykin work on the other amendments. He stated if they are going to set any guidelines, there should be obligations and duties, and should be enforceable by law. Senator Kosinski stated that was another alternative for which the committee indicated they had no appetite.

Senator Young stated the University already has its own guidelines. Senator Kosinski stated he felt areas like psychological testing should be excluded, and "social" should be taken out, and limit it to a psychological care provider. Chairman Ashworth asked if shock treatment had been just a "fad". Senator Kosinski stated electro-convulsive therapy is still in use today. Chairman Ashworth stated he did not feel there was demonstrated a need for this type of thing now, in the state of Nevada. Senator Kosinski stated no heavy burdens are being put on anyone. He stated all it says is if you want to engage in experimentation you go through these procedures, if the procedures require statements of written consent, it puts no burden on anyone. He further stated that you put standards in the law or adopt standards, if you do not have sanctions, the licensee runs the risk of losing his license or certification. Chairman Ashworth stated the University should get more involved. Senator Kosinski stated all you have to do is inform someone what the experimentation is going to be and then get the written consent, tell the committee what it is you want to do and report back to them, that is all that is required.

Mr. Brock Kilbourne, Student University of Nevada at Reno, stated he presently is working toward a doctorate. He said concerning whether creating regulations as to the conduct of human research, the stipulations in the bill S.B. 471 that pertain to what constitutes informed consent, constitute verbatim "informed consent conditions which are required in federal regulations and which are presently being followed by the University". He stated there is a proviso in the bill that does not extend to the university. He stated he was in full agreement with Senator Kosinski's suggestions as to creating a code of ethics which would be guidelines. Senator Young questioned whether the people involved in this could not develop their own code of ethics. Mr. Kilbourne stated that some of the people had been misled as to the purpose of experimentation. Chairman Ashworth stated we have the testimony and the discussion and are not going to take any action today because there is not a full committee.

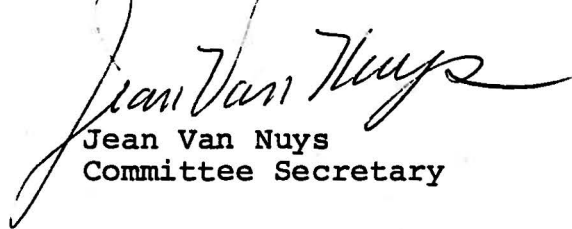
Ms. Phyllis Otten, State Health Division, asked if this bill were processed and it became a code of ethics, guideline type of thing, would the references to the duties of the state health officer be eliminated? Chairman Ashworth asked her if this bill would put a lot more duties on the state health officer, to which she stated, yes "as it is". Senator Kosinski stated he thought she was referring to administrative duties. Senator Ashworth stated also the licensing requirements. Ms. Otten stated the state health officer also has to "approve" certain things in connection with the review committee. She stated she was not testifying for or against it.

Chairman Ashworth closed the hearing on S.B. 471.

Senator Kosinski asked for presentation of S.B. 441 when there is a full committee. He has a presentation to make regarding the health care facilities.

The meeting adjourned at 10:44 A.M.

Respectfully submitted,

  
Jean Van Nuys  
Committee Secretary

Approved:

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Chairman  
Senator Keith Ashworth



May 5, 1979

## PROPOSED CHANGES TO A.B. 572

Page 2

- Line 2 Add after sources "individually or collectively  
 Line 26 waste [discharge] loads.  
 Line 34 [and other beneficial uses of water]

Page 3

- Line 45 [development] considerations

Page 4

- Line 16 [apply] prescribe  
 Line 19 add after significantly, <sup>CAUSING "</sup> individually or collectively "  
 Line 26 add after sources "except as provided in NRS 244.9262"

Amend by adding a new Section -

NRS 445.274 is hereby amended to read as follows:

445.274 1. A [party] person aggrieved may file notice of appeal with the Commission within 10 days after the date of notice of action of the department, except as otherwise provided by law.

2. Any person aggrieved by:

(a) The issuance, denial, renewal, suspension or revocation of a permit; or

(b) The issuance, modification or rescission of any other order, by the director may appeal to the Commission

3. The commission shall affirm, modify or reverse any action taken by the director which is the subject of the appeal.

4. The Commission shall provide by rule for the time and manner in which appeals are to be taken to the Commission

JULY, 1978

## REVISED OPERATING REGULATIONS

## FOR APPROVED COMMUNITY TRAINING CENTER GRANTEES

These regulations are adopted by the Mental Hygiene and Mental Retardation Division of the Department of Human Resources pursuant to NRS 433.324 and 435.220.

Chapter 433 of the Nevada Revised Statutes. The intent of the legislature in the enactment of NRS 435.130 to 435.320, inclusive, of this act, is to aid mentally retarded persons who are not served by existing programs to receive high quality care and training in an effort to help them become useful citizens, through a program of subsidizing staffing and operating costs for qualifying training centers which provide such help to such persons.

I. GRANTEES

## A. ORIGINAL APPLICATION

1. An original application is an application from a Center which was not funded from the Community Training Center Grant Aid Program during the last two quarters of the preceding fiscal year.
  - a. Original applications for Community Training Centers must be submitted on, or before, July 1, to be considered for funding during the next fiscal year; or on, or before December 1, to be considered for funding for the third and fourth quarters of the fiscal year. Original applications will not be considered for funding at any other time.
2. In order to qualify for the aid provided by NRS 435.130 to 435.320, inclusive, a Center must file an application with the Division, in the office of the Associate Administrator of the Division. Such applications shall include the following information on the forms provided by the Division.
  - a. The name and address of the Center, (TC-1).
  - b. The names, addresses, and qualifications of the administrative and staff personnel of the Center (TC-2 and TC-3).
  - c. An outline of the educational, vocational and care program to be offered (TC-4 and TC-5).
  - d. The number of enrollees or expected enrollees (TC-1).
  - e. An affidavit that the Center is non-sectarian and a non-profit organization, under the Internal Revenue Code of 1954, as amended (26 U.S.C. 501(c)(3)).

NRS  
(435.130)

- f. Certification of incorporation as a non-sectarian and non-profit corporation (TC-1).
  - g. A complete and detailed proposed financial statement for the operations for the coming year, including salaries, operations, transportation, equipment, and other sources of income (TC-6).
  - h. Proof of minimum liability insurance coverage of \$100,000 per person, and \$300,000 per occurrence, bodily injury, or equivalent. This liability insurance shall be maintained on a current status, and the Center shall so verify insurance coverage to the Division on an annual basis (TC-1).
  - i. Proof of Nevada Industrial Commission (N.I.C.) employer's liability coverage (TC-1).
  - j. Authorized signature (TC-1b).
  - k. The name of the sponsoring organization (TC-1).
3. Grantees who charge tuition for the program shall do so on a sliding scale, with a zero dollar per month minimum, which is based on the ability of the enrollees's family to pay, and shall file with the Division on all new applications the sliding scale being charged (TC-4).
  4. All Centers must meet local fire and health regulations, as required for Community Training Centers in their locality. Each Center shall provide, annually, adequate documentation in the form of letters that these requirements have been met (TC-1).
  5. In order to qualify for the aid provided for by NRS 435.130 to 435.320, inclusive, any Center engaged in interstate commerce must obtain a certificate from the U.S. Department of Labor authorizing special minimum wages for handicapped workers pursuant to section 14(c) of the Fair Labor Standards Act (29 U.S.C. & 214) and the regulations adopted pursuant thereto (29 C.F.R. & 525). A copy of the certificate must be attached to the original application and to each application for renewal.

**B. RENEWAL APPLICATION**

1. A renewal application is an application received from a Center which was funded from the Community Training Center Grant Aid Program during the last two quarters, or more, of the preceding fiscal year.
  - a. Renewal applications for Community Training Centers must be submitted on, or before, July 1st of each year.
2. In order to qualify for aid provided by NRS 435.130 to 435.320, inclusive a Center must file a renewal application with the Division in the office of the Associate Administrator. Such renewal applications shall include the following information on the forms provided by the Division.

- a. All items listed under A-2: (a) through (m) (TC-1, 1b, 2, 3, 4, 5, 6).
- b. The total number of actual staff members, enrollees, and days of service that the Center provided during the previous year (TC-1).
- c. The number of enrollees who qualify for aid under the Community Training Grant during the previous year (TC-1).

C. PROCEDURE FOR NEW AND RENEWAL APPLICATIONS

1. All new and renewal applications must be received in the office of the Associate Administrator for the Division with a postmark no later than midnight of July 1st.
2. All applications will be reviewed by the Division. If all the stated requirements are met and approved, they will be forwarded to the Advisory Board for approval or rejection.
3. If an application is rejected by the Division, the applicant will be notified in writing as to the reason for the rejection, within 10 days after the filing date.
4. Within 30 days after the postmark of the notification of rejection, the applicant may appeal to the Board. The Board shall review the application and reasons for denial, and may request additional documentary or testimonial evidence to aid in its decision. The Board may reject the application, or remand the application to the Division for approval. THE DECISION OF THE BOARD IS FINAL.
5. Upon approval of the application, the Center shall receive a certification of qualification which shall be conspicuously posted on the premises of the Training Center.

D. REVOCATION OF CERTIFICATION

1. The Division may revoke the certificate of qualification of a Center at any time the Center fails to meet the requirements of the NRS 435.130 to 435.320, inclusive, or the standards set by the Division. Any such revocation may be appealed in the same manner as appeals are taken from a rejection of an application. THE DECISION OF THE BOARD IS FINAL.
2. If at any time a Center fails to comply with the NRS 435.130 to 435.320, inclusive, or the Regulations established by the Division, the Center may be notified in writing and funding may be withheld until all items in question are in order.

II. FUNDING AND REPORTING PROCEDURE

A. FUNDING

1. Grantees shall deposit all funds from the Community Training Center Grant Fund into a bank, and maintain a comprehensive bookkeeping system for reporting financial activities and provide the banks' name and account number to the Division (TC-6).
2. A Center with a current certification of qualification is entitled to receive a minimum of \$400.00 per certified enrollee per quarter.
3. Any Community Training Center which:
  - a. Holds a certificate of qualification, and;
  - b. Maintains a minimum of five certified enrollees per quarter, and;
  - c. Provides evidence, every six months, of screening of all clients to determine eligibility for Title XX certification, shall receive a minimum of \$16,000 per year, providing their staffing and operating expenses are equal to that amount and they have a minimum of five certified enrollees per quarter. Should an ongoing Community Training Center fall below an enrollment of five, a grace period of not more than two quarters will be permitted to increase to the minimum level of five.
4. The Division may allocate any other money available in the fund to the qualified centers according to the number of programs offered by each Center and the number of enrollees in each program. The Division shall determine the relative weight to be given to these factors. The amount of money which a Center is entitled to receive per enrollee per quarter or per year does not exceed the amount specified in the budget for the Community Training Center fund as approved by the most recent session of the legislature.
5. During the fourth quarter of the fiscal year, any unused funds in the Community Training Center Fund in the State Treasury will be disbursed to each Center in additional funds, not to exceed budgetary limitations.
6. The Division may grant aid to help establish new Centers, providing the aid in the aggregate shall not exceed one-fourth of the fund during the fiscal year, and the grant is approved by the Advisory Board.
7. The Division may, at its discretion, retain sufficient funds to establish at least one Center during the fiscal year.
8. [There are no provisions for part-time funding for enrollees.]
9. State appropriated administrative funds may, at the discretion of the Division, be used to:
  - a. Provide travel and per diem costs for the Community Training Center meetings, when requested by the Division.
  - b. To provide funds for site visitations by Division staff to Community Training Center programs.

- c. To provide Community Training Center staff education programs when requested in writing by Community Training Center Directors.
  - d. To provide consultative services in program development and enrollee evaluation, when requested in writing by the Center Directors.
  - e. Provide necessary forms and processing to administer the Grant program.
  - f. All other administrative costs to the Division necessary to administer the Grant program.
10. Qualified Training Centers may use Grant funds to subsidize operating costs, not to exceed twenty percent (20%) of total funds granted, and staffing costs which are considered to be salary, Nevada Industrial Commission, Social Security (FICA), and medical insurance.
  11. Staff members who provide direct service to enrollees, no less than 75% of their total time, are eligible to be fully paid from the Community Training Center Grant Funds. Staff members who provide direct service to enrollees during a portion of their time are eligible to be paid from Community Training Center Grant Funds, that portion which is directly proportionate to the percentage of direct services; however, no person spending less than 75% of their total time in direct service will be considered in the 1:5 enrollee ratio. Part-time staff with appropriate scheduling may be used in providing the 1:5 enrollee ratio.
  12. Community Training Center funds may be used to fund 25% of the cost of administrative position(s).
  13. No funds will be dispensed from the State Treasury until new or renewal applications are approved by the Advisory Board. Before any funds are released, all forms will be correct, complete and on the proper form in the office of the Associate Administrator of the Division. Incorrect or incomplete forms must be corrected.

**B. QUARTERLY AND ANNUAL REPORTING**

An accrued accounting system of reporting and disbursing funds must be maintained. Reports must be submitted on the forms provided by the Division. Funding for the first quarter may be delayed pending approval of the new or renewal applications by the Advisory Board. A Center shall submit completed quarterly reports within 10 days after the end of each quarter. The reports must include:

1. For each quarter, the following information on a TC-1:
  - a. The number of certified enrollees served during the reporting quarter.
  - b. The number of additional certified enrollees for the applying quarter.

- c. The number of days of service provided during the reporting quarter.
  - d. The number of days of service estimated for applying quarter.
  - e. The number of staff members during the reporting quarter.
  - f. The number of staff members expected to be paid for applying quarter.
2. Any changes of the administrative and staff personnel of the Center (TC-2 and TC-3).
  3. The completed social services eligibility date roster and attendance report for the preceding quarter, as required by Title XX of the Social Security Act (TC-7).
  4. The amount received during the previous quarter, the amount of funds spent, the amount on hand, and the amount requested for the next quarter (TC-8).
  5. The name and amount of staff salaries paid (TC-8a).
  6. A statement of any additional funds received during that quarter. The statement must include the amount of the additional funds and must show the source, as follows (TC-8c):
    - a. Gifts, bequests, donations.
    - b. Federal programs.
    - c. School district funds.
    - d. Other State grant programs.
- C. The annual statement must be submitted within 10 days before the end of the fiscal year, and must show the expenditures during the preceding fiscal year (TC-6a). This statement may be included with the renewal application. Otherwise, it must be attached to the fourth quarter report.

### III. GIFTS

- A. Each qualifying Center may accept gifts, bequests, grants, or any other outside source of income directly for the purpose of carrying out its functions. Such sources shall be reported on TC-8c.
  1. All such funds received shall be spent in accordance with the provisions of the gift, bequest, or grant. Approved Community Training Centers may augment the stipend paid by the Division, from other sources, in order to provide supplemental services to the certified enrollee.

2. In the absence of such provisions, these funds may be spent for any Center-related expense at the discretion of the Center.
3. All such funds shall be kept in an account established for that purpose, pending expenditure.

IV. ENROLLEE CERTIFICATION PROCEDURES AND ELIGIBILITY CRITERIA

A. CERTIFICATION PROCEDURES

1. The certification of enrollees as eligible for funding shall be the responsibility of the Center.
  - a. For each eligible enrollee the Center shall:
    - (1) submit a completed and signed "Community Training Center Enrollee Certification" form to the Division (TC-9) and the appropriate Client Data System forms (Intake - Yellow), (Diagnosis & Evaluation - Blue), Behavior Development Survey or Adaptive Behavior Scale, and Notification of Changes in Living Plan/Services - White).
    - (2) maintain a file of the pertinent documentary records used for certification.
  - b. The Division shall:
    - (1) notify the Center in writing of the receipt of all certification forms.
    - (2) provide funding to the Center on the basis of the number of enrollees certified.
2. The Division may at its discretion review enrollee certifications. The Division Representative shall:
  - a. Conduct at least one on-site visit to each Center per year for the purpose of auditing enrollee certification records.
    - (1) the Division representative shall use Section A above as the basis of this audit.
    - (2) any cases found not to be consistent with the established standards shall, at the discretion of the Division representative:
      - (a) be declared an exception for which an appropriate amount will either be deducted from the Center's funding for the next regular fiscal quarter or refunded by the Community Training Center to the State; or
      - (b) require that appropriate evidence of certifiability be presented to the committee within a specific period of time prior to making a final decision.



- b. At the written request of a Center, review any case about which the Center has question regarding eligibility, and
  - (1) return the case to the Center for further processing;
  - (2) declare the enrollee to be eligible;
  - (3) declare the enrollee to be provisionally eligible for a specified period of time.
    - (a) conditions for continued certification of the enrollee shall be given to the Center in writing;
    - (b) failure by the Center to meet the specified conditions shall result in termination of the enrollee's certification at the end of the specified time period.
  - (4) declare the individual to be ineligible for funding.
3. No funds will be paid from Community Training Center funds prior to certification of the enrollee. Enrollees certified by the completion of the quarter may be funded for that quarter.

B. An individual will be considered eligible for Community Training Center funding if:

1. The individual's condition meets the AAMD definition of mental retardation of:
  - a. significantly sub-average general intellectual functioning (significantly sub-average refers to performance which is more than two standard deviations from the mean or average of the tests),
  - b. originating during developmental period, and
  - c. is associated with impairment in adaptive behavior.
2. The individual's adaptive behavior (functional retardation) is such that he functions like an individual meeting the above requirements, however, no individual may be funded who obtains a score of 85 or above on standardized individual intelligence tests.
  - a. certification for funding under conditions of functional retardation shall be for a period of six months.
  - b. re-certification may be obtained for an additional six months when re-evaluation shows the individual still to be functioning at a retarded level.
3. The evaluation procedures comply with the following:
  - a. evaluation is conducted by a qualified diagnostic team which meets together specifically for the purpose of evaluating the applicant and which consists of:

- (1) a psychologist or person trained and experienced in administering standard psychological testing instruments,
  - (2) a member of the Community Training Center staff who will be working directly with the applicant,
  - (3) a person who represents a discipline having significant bearing on the handicapping conditions of the applicant.
- b. information acquired by the evaluating team is consistent with the following standards:
- (1) evidence of sub-average general intellectual functioning:
    - (a) be presented in standard psychological testing report format, including discussion of reasons for testing, instruments used, observations, results, and recommendations.
    - (b) have attached the title of the examiner, his signature (supervising professional must be identified as involved) and the date(s) of examination.
    - (c) be obtained within two years prior to certification request.
  - (2) evidence of impairment in adaptive behavior:
    - (a) should be in the form of standardized adaptive behavior assessment instruments(s) and/or procedure(s),
    - (b) must be obtained within six months prior to certification request.
- c. Individuals who, at the time of certification, are residents of the Sierra Developmental Center or the Desert Developmental Center, or are certified enrollees of another approved Community Training Center, may be certified as eligible for funding if:
- (1) a letter, signed by the appropriate facility administrator, is obtained.
  - (2) stating that the individual is a resident or enrollee of the facility involved, and
  - (3) that he is mentally or functionally retarded according to the criteria described above.
4. No Center may receive aid for enrollees who would otherwise qualify for care or training under programs offered to the mentally or functionally retarded in the school district in which the enrollee lives, or by the County where the enrollee lives.

- (a) The above restriction does not preclude aid on behalf of enrollees who are receiving vocational education at any Center in conjunction with a school's special education program.

V. CONTRACTUAL AGREEMENTS

- A. Centers with a certificate of qualification may enter into contracts with authorized county and school officials to give care and training to enrollees who would also qualify for care or training programs offered by the public schools, or by county welfare programs.
- B. Before entering into a contract, the Center must provide the Division with a statement of their intent to enter into such an agreement at least 10 days prior to entering into such an agreement. At no time will the Division fund an enrollee for whom the school district has the responsibility.

VI. ATTENDANCE AND PROGRAM TIME REQUIRED

- A. Each Center shall provide service a minimum of 6 hours per day, including lunch and rest periods, five days per week, 240 days per year, which include the following exceptions:
  - 1. All State recognized holidays.
  - 2. One day per month for staff development programs.
- B. Any Center which wishes to close during the fiscal year to provide staff vacation, must notify the office of the Associate Administrator to that effect 5 days prior to the dates the Center will be closed.
- C. No person shall be counted under the Community Training Center Grant if he is enrolled in another program of training more than five months out of the total calendar year. Exceptions may be made for enrollees who have been terminated from an existing program.
  - 1. Enrollees who have been attending school programs during the school year and intend to return to such program are NOT eligible to be counted.
  - 2. Enrollees who have been in a school program and have terminated such program because of age are eligible to be counted as any other enrollee.
  - 3. Enrollees entering a school program for the first time are eligible to be counted if they are in attendance 75% of the program days available prior to admission to the school program, providing such attendance is in compliance with "D" below.
- D. Any certified enrollee who participates in the total program time per quarter will be considered eligible for the full quarterly allotment.

1. Certified enrollees attending 75% or more of the total program time per quarter are eligible to be counted for full funding. Enrollees who are enrolled for the total program time per quarter and attend less than 75% are NOT eligible to be counted for funding.
2. If a certified enrollee enters or leaves the program during the quarter, the Center is entitled to receive funding in proportion to the time of his enrollment in the program.
3. A certified enrollee who has been in attendance less than 75% of the total program time per quarter as a result of a medical problem (which is verified by a physician's statement in the enrollee's file) or a family vacation which is verified by a parental statement in the enrollee's file) may be counted for full funding.
4. A Center is entitled to receive funding for a certified enrollee who attends the program only on a part-time basis because of program needs in proportion to the hours of service provided him by the Center. Prior approval must be obtained from the Division representative (TC-10). A Center may not request approval for more than 10 enrollees at any one time.

VII. PROGRESS REPORT ON ENROLLEE

- A. Each Center must provide a plan for each enrollee stating the behavioral objective for that enrollee, and the method of reaching the state objective, based on the evaluation reports for that enrollee.
  1. The Diagnosis and Evaluation form of the Client Data System may be used to report services to be provided the enrollee.
  2. The Notification of Change in Living Plan/Services form of the Client Data System must be completed and submitted to the Division at the time a significant change in the enrollees service and/or living plan occurs.
- B. Each plan must be reviewed semi-annually by the appropriate staff member and revised accordingly.
  1. Annual reviews of persons certified as mentally retarded are required and must include completion of the Diagnosis and Evaluation forms and the Adaptive Behavior Scale.
  2. Semi-annual reviews of enrollees certified as "functionally retarded" are required and must include completion of the Diagnosis and Evaluation forms and the Adaptive Behavior Scale.
- C. Consultative service from the Division will be made available upon written request, to set up such plans after the proper evaluations have been made.
- D. When an enrollee leaves the Community Training Center program, a summary progress report shall be written and made available to authorized professional persons and/or appropriate agencies, as well as the Division.

Records should contain:

- I. Intake and Referral Source, Release Information
- II. Diagnosis and Evaluation:
  - A. I.Q. Testing
  - B. Adaptive Behavior Testing
  - C. Additional Evaluations (speech, physical therapy, etc.)
  - D. Portage Evaluation as appropriate
- III. Individual Programs:
  - A. Target Behavior (Goals)
  - B. Methods of Reaching Goals
  - C. Observation Data
  - D. Individual responsible for program
  - E. Progress Notes
- IV. Documentation of Title XX Screening (through Welfare)
- V. Attendance
- VI. Data System Documentation and CTC Certification (TC-9, TC-10)

## S. B. 554

SENATE BILL NO. 554—COMMITTEE ON  
HUMAN RESOURCES AND FACILITIES

MAY 2, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Revises requirements for training centers for retarded persons to receive aid. (BDR 39-2017)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to retarded persons; revising the requirements for training centers for retarded persons to receive aid; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 435.230 is hereby amended to read as follows:  
2 435.230 In order to qualify for the aid provided for by NRS 435.130  
3 to 435.320, inclusive, a center must:  
4 1. [File an application with the division for a certificate of qualifica-  
5 tion, which shall include:  
6 (a) The name and address of the center.  
7 (b) The names, addresses and qualifications of the administrative per-  
8 sonnel of the center.  
9 (c) An outline of the educational, vocational and care program to be  
10 offered.  
11 (d) The number of enrollees or expected enrollees.  
12 (e) An affidavit that the center is nonsectarian and a nonprofit orga-  
13 nization under the Internal Revenue Code of 1954 as amended (26  
14 U.S.C. § 501(c)(3)).  
15 (f) The number and qualifications of staff personnel.  
16 (g) A complete and detailed proposed financial statement for the  
17 operations for the coming year.  
18 (h) Any other information which the division may, in its discretion,  
19 require.  
20 2. Each year after the original application is made under subsection  
21 1, file an application for renewal of certificate of qualification, which  
22 shall contain:  
23 (a) The information required by subsection 1.

Original bill is 3 pages long.  
Contact the Research Library for  
a copy of the complete bill.