
ASSEMBLY BILL NO. 488—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Ways and Means

SUMMARY—Revises provisions relating to the transfer of duties and consolidation of certain governmental agencies. (BDR 18-1136)

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 governmental administration; consolidating the Health Division and the Division of Mental Health and Developmental Services of the Department of Health and Human Services into the Division of Public and Behavioral Health of the Department; transferring the powers and duties concerning certain services to children with autism spectrum disorders from the Health Division to the Aging and Disability Services Division of the Department; transferring the authority for developmental services in the Division of Mental Health and Developmental Services to the Aging and Disability Services Division; replacing the State Health Officer with a Chief Medical Officer; providing the qualifications and duties of the Chief Medical Officer; renaming the Commission on Mental Health and Developmental Services of the Department the Commission on Behavioral Health; making the Aging and Disability Services Division of the Department responsible for services for and other oversight relating to persons with intellectual disabilities and persons with related conditions; making various other changes to provisions relating to the organization of the divisions of the Department; and providing other matters properly relating thereto.



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Legislative Counsel's Digest:

1 Under existing law, the Health Division and the Division of Mental Health and
2 Developmental Services are separate divisions within the Department of Health and
3 Human Services. (NRS 232.300) This bill consolidates those divisions into one
4 division named the Division of Public and Behavioral Health of the Department of
5 Health and Human Services. **Sections 1-5, 6, 7, 8, 10, 12, 14, 17, 18, 21, 21.7, 40,**
6 **42, 43, 46, 47, 66-68, 71-80, 81-88, 91-98 and 100-137** of this bill make
7 conforming changes to carry out that consolidation.

8 Existing law requires the Director of the Department of Health and Human
9 Services to appoint the Administrator of the Health Division and the Administrator
10 of the Division of Mental Health and Developmental Services. (NRS 232.320)
11 **Section 2** eliminates those two Administrators and instead provides for the
12 appointment of an Administrator of the Division of Public and Behavioral Health.
13 **Section 3** requires the Administrator, with the consent of the Director of the
14 Department, to appoint four deputies, one of whom must have expertise or
15 experience in mental health services. **Section 12** authorizes the Administrator to
16 delegate his or her powers, duties and functions to any officer, deputy or employee
17 of the Division. **Section 21** establishes the qualifications of the Administrator.

18 **Section 4** renames the Commission on Mental Health and Developmental
19 Services within the Department of Health and Human Services as the Commission
20 on Behavioral Health. (NRS 232.361) The Commission retains its duties except that
21 **section 25** of this bill requires the State Board of Health, rather than the
22 Commission, to adopt certain regulations regarding the care and treatment of
23 persons with mental illness, persons with substance use disorders and persons with
24 co-occurring disorders. In addition, although the Commission will continue to
25 consider certain issues relating to persons with intellectual disabilities and persons
26 with related conditions, regulations regarding such persons are transferred to the
27 Aging and Disability Services Division of the Department in **section 50** of this bill.

28 Under existing law, the Health Division and the Division of Mental Health and
29 Developmental Services have various responsibilities with respect to persons with
30 intellectual disabilities and persons with related conditions. This bill transfers most
31 of those responsibilities to the Aging and Disability Services Division. **Sections 9.3**
32 **and 9.7** of this bill add to the duties of the Aging and Disability Services Division
33 the duty to oversee those transferred responsibilities. **Sections 49-59.7** of this bill
34 duplicate certain provisions of NRS which applied to both mental health and
35 intellectual disabilities to: (1) transfer the responsibilities relating to persons with
36 intellectual disabilities and persons with other related conditions and applicable
37 division facilities to the Aging and Disability Services Division; and (2) continue
38 the statutory rights of persons with intellectual disabilities and persons with related
39 conditions. **Sections 7.5, 9-9.7, 10.3-20.5, 21.7, 27-39.8, 41, 45, 47, 60, 60.3, 61**
40 **and 137.2-137.8** of this bill make conforming changes to ensure the transfer of
41 responsibilities regarding persons with intellectual disabilities and persons with
42 related conditions and regarding applicable division facilities.

43 **Section 61.5** of this bill designates the Department of Health and Human
44 Services rather than the Division of Mental Health and Developmental Services as
45 the official state agency responsible for developing and administering preventive
46 and outpatient mental health services.

47 Existing law creates the position of State Health Officer within the Health
48 Division of the Department of Health and Human Services and requires the State
49 Health Officer to enforce all laws and regulations pertaining to the public health
50 and to investigate matters relating to the health and life of the people of this State.
51 (NRS 439.090, 439.130) **Section 64** of this bill instead provides for the
52 appointment of a Chief Medical Officer to take over the responsibilities of the State
53 Health Officer. **Section 63** of this bill establishes the qualifications of the Chief
54 Medical Officer. **Section 65** of this bill sets forth the duties of the Chief Medical



55 Officer. **Section 13** of this bill provides that the medical director or other person in
56 charge of certain facilities relating to mental health is subject to the oversight of the
57 Chief Medical Officer and is required to report any information concerning the
58 facility to the Chief Medical Officer upon his or her request. **Sections 69.5-71, 74,**
59 **80.5, 92, 95, 103, 125 and 133** of this bill make conforming changes to existing
60 law.

61 **Sections 88-90 and 99-101** of this bill also transfer: (1) the powers and duties
62 concerning certain services to children with autism spectrum disorders from the
63 Health Division to the Aging and Disability Services Division of the Department of
64 Health and Human Services; and (2) the authority for developmental services from
65 the Division of Mental Health and Developmental Services to the Aging and
66 Disability Services Division.

67 **Section 128** removes language from existing law concerning transferring
68 money from one account of the Health Division to an account of the Division of
69 Mental Health and Developmental Services. (NRS 453A.730) Since those
70 Divisions are consolidated in this bill, there is no need to transfer the money.
71 **Sections 131.5 and 131.7** make conforming changes.

72 **Section 139** of this bill repeals various sections of NRS which are no longer
73 necessary because of the revisions made in this bill.

74 **Sections 140-142** of this bill provide transitory provisions regarding the
75 transfer of responsibilities, including the transfer and adoption of regulations, the
76 effect of name changes on any existing contracts, revisions that may be necessary
77 to other provisions of NRS and administrative regulations to conform to the
78 changes made in this bill and other necessary directions to carry out the intent of
79 this bill.

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

1 **Section 1.** NRS 232.300 is hereby amended to read as follows:
2 232.300 1. The Department of Health and Human Services is
3 hereby created.

4 2. The Department consists of a Director and the following
5 divisions:

- 6 (a) Aging and Disability Services Division.
- 7 (b) ~~Health Division.~~
- 8 ~~(c) Division of Mental Health and Developmental Services.~~
- 9 ~~(d) Public and Behavioral Health.~~
- 10 (c) Division of Welfare and Supportive Services.
- 11 ~~(e) (d) Division of Child and Family Services.~~
- 12 ~~(f) (e) Division of Health Care Financing and Policy.~~

13 3. The Department is the sole agency responsible for
14 administering the provisions of law relating to its respective
15 divisions.

16 **Sec. 2.** NRS 232.320 is hereby amended to read as follows:
17 232.320 1. The Director:

- 18 (a) Shall appoint, with the consent of the Governor,
19 administrators of the divisions of the Department, who are
20 respectively designated as follows:



1 (1) The Administrator of the Aging and Disability Services
2 Division;

3 ~~(2) The Administrator of the Health Division;~~

4 ~~(3)~~ The Administrator of the Division of Welfare and
5 Supportive Services;

6 ~~(4)~~ (3) The Administrator of the Division of Child and
7 Family Services;

8 ~~(5)~~ (4) The Administrator of the Division of Health Care
9 Financing and Policy; and

10 ~~(6)~~ (5) The Administrator of the Division of ~~Mental Health~~
11 ~~and Developmental Services.~~ **Public and Behavioral Health.**

12 (b) Shall administer, through the divisions of the Department,
13 the provisions of chapters 63, 424, 425, 427A, 432A to 442,
14 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS
15 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive,
16 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626,
17 inclusive, 444.003 to 444.430, inclusive, and 445A.010 to
18 445A.055, inclusive, and all other provisions of law relating to the
19 functions of the divisions of the Department, but is not responsible
20 for the clinical activities of the ~~Health~~ Division **of Public and**
21 **Behavioral Health** or the professional line activities of the other
22 divisions.

23 (c) Shall administer any state program for persons with
24 developmental disabilities established pursuant to the
25 Developmental Disabilities Assistance and Bill of Rights Act of
26 2000, 42 U.S.C. §§ 15001 et seq.

27 (d) Shall, after considering advice from agencies of local
28 governments and nonprofit organizations which provide social
29 services, adopt a master plan for the provision of human services in
30 this State. The Director shall revise the plan biennially and deliver a
31 copy of the plan to the Governor and the Legislature at the
32 beginning of each regular session. The plan must:

33 (1) Identify and assess the plans and programs of the
34 Department for the provision of human services, and any
35 duplication of those services by federal, state and local agencies;

36 (2) Set forth priorities for the provision of those services;

37 (3) Provide for communication and the coordination of those
38 services among nonprofit organizations, agencies of local
39 government, the State and the Federal Government;

40 (4) Identify the sources of funding for services provided by
41 the Department and the allocation of that funding;

42 (5) Set forth sufficient information to assist the Department
43 in providing those services and in the planning and budgeting for the
44 future provision of those services; and



1 (6) Contain any other information necessary for the
2 Department to communicate effectively with the Federal
3 Government concerning demographic trends, formulas for the
4 distribution of federal money and any need for the modification of
5 programs administered by the Department.

6 (e) May, by regulation, require nonprofit organizations and state
7 and local governmental agencies to provide information regarding
8 the programs of those organizations and agencies, excluding
9 detailed information relating to their budgets and payrolls, which the
10 Director deems necessary for the performance of the duties imposed
11 upon him or her pursuant to this section.

12 (f) Has such other powers and duties as are provided by law.

13 2. Notwithstanding any other provision of law, the Director, or
14 the Director's designee, is responsible for appointing and removing
15 subordinate officers and employees of the Department, other than ~~f:~~

16 ~~—(a) The Executive Director of the Nevada Indian Commission~~
17 ~~who is appointed pursuant to NRS 233A.055; and~~

18 ~~—(b) The~~ *the* State Public Defender of the Office of State Public
19 Defender who is appointed pursuant to NRS 180.010.

20 **Sec. 3.** NRS 232.350 is hereby amended to read as follows:

21 232.350 Unless federal law or regulation requires otherwise:

22 1. The administrators of the divisions of the Department,
23 except as otherwise provided in subsections 2 ~~[and 3.]~~ , *3 and 4,*
24 may each appoint, with the consent of the Director, a deputy and a
25 chief assistant in the unclassified service of the State.

26 2. The Administrator of the Division of Child and Family
27 Services of the Department shall appoint, with the consent of the
28 Director, four deputies in the unclassified service of the State, one of
29 whom is the Deputy Administrator for Youth Corrections who is
30 responsible only for correctional services for youths for which the
31 Division is responsible, including, without limitation, juvenile
32 correctional institutions, parole of juveniles, administration of
33 juvenile justice and programs for juvenile justice.

34 3. The Administrator of the Division of Health Care Financing
35 and Policy of the Department may appoint, with the consent of the
36 Director, two deputies in the unclassified service of the State.

37 *4. The Administrator of the Division of Public and*
38 *Behavioral Health shall appoint, with the consent of the Director,*
39 *four deputies in the unclassified service of the State, one of whom*
40 *must have expertise or experience in mental health services.*

41 **Sec. 4.** NRS 232.361 is hereby amended to read as follows:

42 232.361 1. There is hereby created in the Department a
43 Commission on ~~[Mental Health and Developmental Services]~~
44 *Behavioral Health* consisting of 10 members appointed by the



1 Governor, at least 3 of whom have training or experience in dealing
2 with mental retardation.

3 2. The Governor shall appoint:

4 (a) A psychiatrist licensed to practice medicine in this State,
5 from a list of three candidates submitted by the Nevada Psychiatric
6 Association;

7 (b) A psychologist licensed to practice in this State and
8 experienced in clinical practice, from a list of four candidates
9 submitted by the Nevada State Psychological Association, two of
10 whom must be from northern Nevada and two of whom must be
11 from southern Nevada;

12 (c) A physician, other than a psychiatrist, licensed to practice
13 medicine in this State and who has experience in dealing with
14 mental retardation, from a list of three candidates submitted by the
15 Nevada State Medical Association;

16 (d) A social worker who has a master's degree and has
17 experience in dealing with mental illness or mental retardation, or
18 both;

19 (e) A registered nurse licensed to practice in this State who has
20 experience in dealing with mental illness or mental retardation, or
21 both, from a list of three candidates submitted by the Nevada Nurses
22 Association;

23 (f) A marriage and family therapist licensed to practice in this
24 State, from a list of three candidates submitted by the Nevada
25 Association for Marriage and Family Therapy;

26 (g) A person who has knowledge and experience in the
27 prevention of alcohol and drug abuse and the treatment and recovery
28 of alcohol and drug abusers through a program or service provided
29 pursuant to chapter 458 of NRS, from a list of three candidates
30 submitted by the Division of ~~Mental Health and Developmental~~
31 ~~Services~~ **Public and Behavioral Health** of the Department;

32 (h) A current or former recipient of mental health services
33 provided by the State or any agency thereof;

34 (i) A representative of the general public who has a special
35 interest in the field of mental health; and

36 (j) A representative of the general public who has a special
37 interest in the field of mental retardation.

38 3. The Governor shall appoint the Chair of the Commission
39 from among its members.

40 4. After the initial terms, each member shall serve a term of 4
41 years. If a vacancy occurs during a member's term, the Governor
42 shall appoint a person qualified under this section to replace that
43 member for the remainder of the unexpired term.



1 **Sec. 5.** NRS 178.3983 is hereby amended to read as follows:
2 178.3983 “Division” means the Division of ~~†Mental Health and~~
3 ~~†Developmental Services†~~ **Public and Behavioral Health** of the
4 Department of Health and Human Services.

5 **Sec. 5.5.** NRS 178.3984 is hereby amended to read as follows:
6 178.3984 “Division facility” ~~†has the meaning ascribed to it†~~
7 **means a division facility as defined** in NRS 433.094 ~~†~~ **and section**
8 **60 of this act.**

9 **Sec. 6.** Chapter 278 of NRS is hereby amended by adding
10 thereto a new section to read as follows:

11 **“Division” means the Division of Public and Behavioral**
12 **Health of the Department of Health and Human Services.**

13 **Sec. 7.** NRS 278.0238 is hereby amended to read as follows:
14 278.0238 As used in NRS 278.0238 to 278.02388, inclusive,
15 **and section 6 of this act**, unless the context otherwise requires, the
16 words and terms defined in NRS 278.02381 to 278.02385, inclusive,
17 **and section 6 of this act** have the meanings ascribed to them in
18 those sections.

19 **Sec. 7.5.** NRS 353.335 is hereby amended to read as follows:
20 353.335 1. Except as otherwise provided in subsections 5 and
21 6, a state agency may accept any gift or grant of property or services
22 from any source only if it is included in an act of the Legislature
23 authorizing expenditures of nonappropriated money or, when it is
24 not so included, if it is approved as provided in subsection 2.

25 2. If:
26 (a) Any proposed gift or grant is necessary because of an
27 emergency as defined in NRS 353.263 or for the protection or
28 preservation of life or property, the Governor shall take reasonable
29 and proper action to accept it and shall report the action and his or
30 her reasons for determining that immediate action was necessary to
31 the Interim Finance Committee at its first meeting after the action is
32 taken. Action by the Governor pursuant to this paragraph constitutes
33 acceptance of the gift or grant, and other provisions of this chapter
34 requiring approval before acceptance do not apply.

35 (b) The Governor determines that any proposed gift or grant
36 would be forfeited if the State failed to accept it before the
37 expiration of the period prescribed in paragraph (c), the Governor
38 may declare that the proposed acceptance requires expeditious
39 action by the Interim Finance Committee. Whenever the Governor
40 so declares, the Interim Finance Committee has 15 days after the
41 proposal is submitted to its Secretary within which to approve or
42 deny the acceptance. Any proposed acceptance which is not
43 considered within the 15-day period shall be deemed approved.

44 (c) The proposed acceptance of any gift or grant does not qualify
45 pursuant to paragraph (a) or (b), it must be submitted to the Interim



1 Finance Committee. The Interim Finance Committee has 45 days
2 after the proposal is submitted to its Secretary within which to
3 consider acceptance. Any proposed acceptance which is not
4 considered within the 45-day period shall be deemed approved.

5 3. The Secretary shall place each request submitted to the
6 Secretary pursuant to paragraph (b) or (c) of subsection 2 on the
7 agenda of the next meeting of the Interim Finance Committee.

8 4. In acting upon a proposed gift or grant, the Interim Finance
9 Committee shall consider, among other things:

10 (a) The need for the facility or service to be provided or
11 improved;

12 (b) Any present or future commitment required of the State;

13 (c) The extent of the program proposed; and

14 (d) The condition of the national economy, and any related fiscal
15 or monetary policies.

16 5. A state agency may accept:

17 (a) Gifts, including grants from nongovernmental sources, not
18 exceeding \$20,000 each in value; and

19 (b) Governmental grants not exceeding \$150,000 each in value,
20 if the gifts or grants are used for purposes which do not involve
21 the hiring of new employees and if the agency has the specific
22 approval of the Governor or, if the Governor delegates this power of
23 approval to the Chief of the Budget Division of the Department of
24 Administration, the specific approval of the Chief.

25 6. This section does not apply to:

26 (a) The Nevada System of Higher Education;

27 (b) The Department of Health and Human Services while acting
28 as the state health planning and development agency pursuant to
29 paragraph (d) of subsection 2 of NRS 439A.081 or for donations,
30 gifts or grants to be disbursed pursuant to NRS 433.395 ~~†~~ *or*
31 *section 55.2 of this act;* or

32 (c) Artifacts donated to the Department of Tourism and Cultural
33 Affairs.

34 **Sec. 8.** NRS 353.349 is hereby amended to read as follows:

35 353.349 1. If the Administrator of the ~~Health~~ Division of
36 *Public and Behavioral Health of* the Department of Health and
37 Human Services determines that current claims exceed the amount
38 of money available because revenue from billed services has not
39 been collected or because of a delay in the receipt of money from
40 federal grants, the Administrator may request from the Director of
41 the Department of Administration a temporary advance from the
42 State General Fund for the payment of authorized expenses.

43 2. The Director of the Department of Administration shall
44 notify the State Controller and the Fiscal Analysis Division of the
45 Legislative Counsel Bureau of the Director's approval of a request



1 made pursuant to subsection 1. The State Controller shall draw his
2 or her warrant upon receipt of the approval by the Director of the
3 Department of Administration.

4 3. An advance from the State General Fund:

5 (a) May be approved by the Director of the Department of
6 Administration for the following budget accounts of the ~~Health~~
7 Division of *Public and Behavioral Health of* the Department of
8 Health and Human Services:

9 (1) Consumer Health Protection;

10 (2) ~~Bureau of Laboratory and Research;~~

11 ~~(3)~~ Community Health Services;

12 ~~(4)~~ (3) Women, Infants and Children;

13 ~~(5)~~ (4) Bureau of Health Facilities; and

14 ~~(6)~~ (5) Radiological Health.

15 (b) Is limited to 25 percent of the revenues expected to be
16 received in the current fiscal year from any source other than
17 legislative appropriation.

18 4. Any money which is temporarily advanced from the State
19 General Fund to an account pursuant to subsection 3 must be repaid
20 by August 31 following the end of the immediately preceding fiscal
21 year.

22 **Sec. 9.** NRS 353.351 is hereby amended to read as follows:

23 353.351 1. If the Administrator of the *Aging and Disability*
24 *Services* Division ~~{of Mental Health and Developmental Services}~~
25 of the Department of Health and Human Services determines that
26 current claims exceed the amount of money available because
27 revenue from billed services has not been collected, the
28 Administrator may request from the Director of the Department of
29 Administration a temporary advance from the State General Fund
30 for the payment of authorized expenses.

31 2. The Director of the Department of Administration shall
32 notify the State Controller and the Fiscal Analysis Division of the
33 Legislative Counsel Bureau of the Director's approval of a request
34 made pursuant to subsection 1. The State Controller shall draw his
35 or her warrant upon receipt of the approval by the Director of the
36 Department of Administration.

37 3. An advance from the State General Fund:

38 (a) May be approved by the Director of the Department of
39 Administration for the following budget accounts of the *Aging and*
40 *Disability Services* Division ~~{of Mental Health and Developmental~~
41 ~~Services}~~ of the Department of Health and Human Services:

42 (1) Rural Regional Center;

43 (2) Desert Regional Center; and

44 (3) Sierra Regional Center.



1 (b) Is limited to 25 percent of the revenues expected to be
2 received in the current fiscal year from any source other than
3 legislative appropriation.

4 4. Any money which is temporarily advanced from the State
5 General Fund to an account pursuant to subsection 3 must be repaid
6 by August 31 following the end of the immediately preceding fiscal
7 year.

8 **Sec. 9.3.** NRS 427A.040 is hereby amended to read as
9 follows:

10 427A.040 1. The Division shall, consistent with the priorities
11 established by the Commission pursuant to NRS 427A.038:

12 (a) Serve as a clearinghouse for information related to problems
13 of the aged and aging.

14 (b) Assist the Director in all matters pertaining to problems of
15 the aged and aging.

16 (c) Develop plans, conduct and arrange for research and
17 demonstration programs in the field of aging.

18 (d) Provide technical assistance and consultation to political
19 subdivisions with respect to programs for the aged and aging.

20 (e) Prepare, publish and disseminate educational materials
21 dealing with the welfare of older persons.

22 (f) Gather statistics in the field of aging which other federal and
23 state agencies are not collecting.

24 (g) Stimulate more effective use of existing resources and
25 available services for the aged and aging.

26 (h) Develop and coordinate efforts to carry out a comprehensive
27 State Plan for Providing Services to Meet the Needs of Older
28 Persons. In developing and revising the State Plan, the Division
29 shall consider, among other things, the amount of money available
30 from the Federal Government for services to aging persons and the
31 conditions attached to the acceptance of such money, and the
32 limitations of legislative appropriations for services to aging
33 persons.

34 (i) Coordinate all state and federal funding of service programs
35 to the aging in the State.

36 2. The Division shall:

37 (a) Provide access to information about services or programs for
38 persons with disabilities that are available in this State.

39 (b) Work with persons with disabilities, persons interested in
40 matters relating to persons with disabilities and state and local
41 governmental agencies in:

42 (1) Developing and improving policies of this State
43 concerning programs or services for persons with disabilities,
44 including, without limitation, policies concerning the manner in



1 which complaints relating to services provided pursuant to specific
2 programs should be addressed; and

3 (2) Making recommendations concerning new policies or
4 services that may benefit persons with disabilities.

5 (c) Serve as a liaison between state governmental agencies that
6 provide services or programs to persons with disabilities to facilitate
7 communication and the coordination of information and any other
8 matters relating to services or programs for persons with disabilities.

9 (d) Serve as a liaison between local governmental agencies in
10 this State that provide services or programs to persons with
11 disabilities to facilitate communication and the coordination of
12 information and any other matters relating to services or programs
13 for persons with disabilities. To inform local governmental agencies
14 in this State of services and programs of other local governmental
15 agencies in this State for persons with disabilities pursuant to this
16 subsection, the Division shall:

17 (1) Provide technical assistance to local governmental
18 agencies, including, without limitation, assistance in establishing an
19 electronic network that connects the Division to each of the local
20 governmental agencies that provides services or programs to
21 persons with disabilities;

22 (2) Work with counties and other local governmental entities
23 in this State that do not provide services or programs to persons with
24 disabilities to establish such services or programs; and

25 (3) Assist local governmental agencies in this State to locate
26 sources of funding from the Federal Government and other private
27 and public sources to establish or enhance services or programs for
28 persons with disabilities.

29 (e) Administer the following programs in this State that provide
30 services for persons with disabilities:

31 (1) The program established pursuant to NRS 427A.791,
32 427A.793 and 427A.795 to provide services for persons with
33 physical disabilities;

34 (2) The programs established pursuant to NRS 427A.800 to
35 427A.860, inclusive, to obtain information concerning traumatic
36 brain injuries and provide services to persons with traumatic brain
37 injuries;

38 (3) The program established pursuant to NRS 427A.797 to
39 provide devices for telecommunication to persons who are deaf and
40 persons with impaired speech or hearing;

41 (4) Any state program for independent living established
42 pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation
43 Division of the Department of Employment, Training and
44 Rehabilitation acting as the designated state unit, as that term is
45 defined in 34 C.F.R. § 364.4; and



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1 (5) Any state program established pursuant to the Assistive
2 Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

3 (f) Provide information to persons with disabilities on matters
4 relating to the availability of housing for persons with disabilities
5 and identify sources of funding for new housing opportunities for
6 persons with disabilities.

7 (g) Before establishing policies or making decisions that will
8 affect the lives of persons with disabilities, consult with persons
9 with disabilities and members of the public in this State through the
10 use of surveys, focus groups, hearings or councils of persons with
11 disabilities to receive:

12 (1) Meaningful input from persons with disabilities regarding
13 the extent to which such persons are receiving services, including,
14 without limitation, services described in their individual service
15 plans, and their satisfaction with those services; and

16 (2) Public input regarding the development, implementation
17 and review of any programs or services for persons with disabilities.

18 (h) Publish and make available to governmental entities and the
19 general public a biennial report which:

20 (1) Provides a strategy for the expanding or restructuring of
21 services in the community for persons with disabilities that is
22 consistent with the need for such expansion or restructuring;

23 (2) Reports the progress of the Division in carrying out the
24 strategic planning goals for persons with disabilities identified
25 pursuant to chapter 541, Statutes of Nevada 2001;

26 (3) Documents significant problems affecting persons with
27 disabilities when accessing public services, if the Division is aware
28 of any such problems;

29 (4) Provides a summary and analysis of the status of the
30 practice of interpreting and the practice of realtime captioning,
31 including, without limitation, the number of persons engaged in the
32 practice of interpreting in an educational setting in each professional
33 classification established pursuant to NRS 656A.100 and the
34 number of persons engaged in the practice of realtime captioning in
35 an educational setting; and

36 (5) Recommends strategies and, if determined necessary by
37 the Division, legislation for improving the ability of the State to
38 provide services to persons with disabilities and advocate for the
39 rights of persons with disabilities.

40 3. The Division shall confer with the Department as the sole
41 state agency in the State responsible for administering the provisions
42 of this chapter ~~4~~ and chapter 435 of NRS.

43 4. The Division shall administer the provisions of ~~chapter~~
44 *chapters 435 and* 656A of NRS.



1 5. The Division may contract with any appropriate public or
2 private agency, organization or institution, in order to carry out the
3 provisions of this chapter **† and chapter 435 of NRS.**

4 **Sec. 9.7.** NRS 427A.070 is hereby amended to read as
5 follows:

6 427A.070 1. The Administrator shall:

7 (a) Subject to the approval of the Director, adopt rules and
8 regulations:

9 (1) Necessary to carry out the purposes of this chapter **† and**
10 **chapter 435 of NRS;** and

11 (2) Establishing a program to subsidize the transportation by
12 taxicab of elderly persons and persons with permanent disabilities
13 from money received pursuant to subsection 5 of NRS 706.8825;

14 (b) Establish appropriate administrative units within the
15 Division;

16 (c) Appoint such personnel and prescribe their duties as the
17 Administrator deems necessary for the proper and efficient
18 performance of the functions of the Division;

19 (d) Prepare and submit to the Governor, through the Director
20 before September 1 of each even-numbered year for the biennium
21 ending June 30 of such year, reports of activities and expenditures
22 and estimates of sums required to carry out the purposes of this
23 chapter **† and chapter 435 of NRS;**

24 (e) Make certification for disbursement of funds available for
25 carrying out the purposes of this chapter **† and chapter 435 of**
26 **NRS;** and

27 (f) Take such other action as may be necessary or appropriate
28 for cooperation with public and private agencies and otherwise to
29 carry out the purposes of this chapter **† and chapter 435 of NRS.**

30 2. The Administrator may delegate to any officer or employee
31 of the Division such of the powers and duties of the Administrator
32 as the Administrator finds necessary to carry out the purposes of this
33 chapter **† and chapter 435 of NRS.**

34 **Sec. 9.8.** NRS 427A.872 is hereby amended to read as
35 follows:

36 427A.872 1. The Division, in cooperation and guidance with
37 the Department of Education, representatives of the school districts
38 in this State and the Nevada Autism Task Force created by section
39 40 of chapter 348, Statutes of Nevada 2007, or its successor
40 organization, shall prescribe by regulation a statewide standard for
41 measuring outcomes and assessing and evaluating persons with
42 autism spectrum disorders through the age of 21 years who receive
43 services through the State or a local government or an agency
44 thereof. The regulations must designate a protocol based upon
45 accepted best practices guidelines which includes at least one



1 standardized assessment instrument that requires direct observation
2 by the professional conducting the assessment for determining
3 whether a person is a person with autism spectrum disorder, which
4 must be used by personnel employed by the State or a local
5 government or an agency thereof who provide assessments,
6 interventions and diagnoses of persons with autism spectrum
7 disorders through the age of 21 years and by the persons with whom
8 the State or a local government or an agency thereof contracts to
9 provide assessments, interventions and diagnoses of persons with
10 autism spectrum disorders through the age of 21 years. The protocol
11 must require that the direct observation conducted by a professional
12 pursuant to this subsection include, without limitation, an evaluation
13 to measure behaviors of the person which are consistent with autism
14 spectrum disorder, cognitive functioning, language functioning and
15 adaptive functioning.

16 2. The protocol designated pursuant to subsection 1 must be
17 used upon intake of a person suspected of having autism spectrum
18 disorder or at any later time if a person is suspected of having
19 autism spectrum disorder after intake. The results of an assessment
20 must be provided to the parent or legal guardian of the person, if
21 applicable.

22 3. The Division shall prescribe the form and content of reports
23 relating to persons with autism spectrum disorders through the age
24 of 21 years that must be reported to the Division pursuant to NRS
25 388.483 ~~§ 442.760~~ and 615.205. Except as otherwise provided in
26 NRS 388.483, the Division shall ensure that the information is
27 reported in a manner which:

28 (a) Allows the Division to document the services provided to
29 and monitor the progress of each person with autism spectrum
30 disorder through the age of 21 years who receives services from the
31 State or an agency thereof; and

32 (b) Ensures that information reported for each person who
33 receives services which identifies the person is kept confidential,
34 consistent with the Family Educational Rights and Privacy Act of
35 1974, 20 U.S.C. § 1232g, and any other applicable state and federal
36 privacy laws.

37 4. The Division shall prepare annually a summary of the
38 reports submitted pursuant to NRS 388.483 ~~§ 442.760~~ and 615.205
39 and make the summary publicly available. The Division shall ensure
40 that information contained in the summary does not identify a
41 person who received services.

42 **Sec. 10.** NRS 432A.0273 is hereby amended to read as
43 follows:

44 432A.0273 ~~["Health"]~~ "Division" means the ~~[Health]~~ Division
45 *of Public and Behavioral Health* of the Department.



1 **Sec. 10.3.** NRS 432B.6078 is hereby amended to read as
2 follows:

3 432B.6078 1. Not later than 5 days after a child who is in the
4 custody of an agency which provides child welfare services has
5 been admitted to a facility pursuant to NRS 432B.6076, the agency
6 which provides child welfare services shall inform the child of his or
7 her legal rights and the provisions of NRS 432B.607 to 432B.6085,
8 inclusive, 433.456 to 433.543, inclusive, and 433.545 to 433.551,
9 inclusive, and chapters 433A and 433B of NRS *and sections 57.4 to*
10 *58.67, inclusive, of this act*, and, if the child or the child's attorney
11 desires, assist the child in requesting the court to authorize a second
12 examination by an evaluation team that includes a physician,
13 psychiatrist or licensed psychologist who are not employed by,
14 connected to or otherwise affiliated with the facility other than a
15 physician, psychiatrist or licensed psychologist who performed an
16 original examination which authorized the court to order the
17 admission of the child to the facility. A second examination must be
18 conducted not later than 5 business days after the court authorizes
19 the examination.

20 2. If the court authorizes a second examination of the child, the
21 examination must:

22 (a) Include, without limitation, an evaluation concerning
23 whether the child should remain in the facility and a
24 recommendation concerning the appropriate placement of the child
25 which must be provided to the facility; and

26 (b) Be paid for by the governmental entity that is responsible for
27 the agency which provides child welfare services, if such payment is
28 not otherwise provided by the State Plan for Medicaid.

29 **Sec. 10.6.** NRS 432B.6082 is hereby amended to read as
30 follows:

31 432B.6082 In addition to the personal rights set forth in NRS
32 432B.607 to 432B.6085, inclusive, 433.456 to 433.543, inclusive,
33 and 433.545 to 433.551, inclusive, and chapters 433A and 433B of
34 NRS, *and sections 57.4 to 58.67, inclusive, of this act*, a child who
35 is in the custody of an agency which provides child welfare services
36 and who is admitted to a facility has the following personal rights, a
37 list of which must be prominently posted in all facilities providing
38 evaluation, treatment or training services to such children and must
39 be otherwise brought to the attention of the child by such additional
40 means as prescribed by regulation:

41 1. To receive an education as required by law; and

42 2. To receive an allowance from the agency which provides
43 child welfare services in an amount equivalent to any allowance
44 required to be provided to children who reside in foster homes.



1 **Sec. 10.9.** NRS 432B.6085 is hereby amended to read as
2 follows:

3 432B.6085 1. Nothing in this chapter purports to deprive any
4 person of any legal rights without due process of law.

5 2. Unless the context clearly indicates otherwise, the provisions
6 of NRS 432B.607 to 432B.6085, inclusive, 433.456 to 433.543,
7 inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and
8 433B of NRS *and sections 57.4 to 58.67, inclusive, of this act* apply
9 to all children who are in the custody of an agency which provides
10 child welfare services.

11 **Sec. 11.** Chapter 433 of NRS is hereby amended by adding
12 thereto the provisions set forth as sections 12 and 13 of this act.

13 **Sec. 12. 1. *The Administrator may delegate to any officer,***
14 *deputy or employee of the Division the exercise or discharge in the*
15 *name of the Administrator of any power, duty or function vested in*
16 *or imposed upon the Administrator.*

17 **2. *The official act of any such person acting in the name of***
18 *the Administrator and by his or her authority shall be deemed an*
19 *official act of the Administrator.*

20 **Sec. 13. *The medical director or other person in charge of***
21 *any division facility or any other facility or center established*
22 *pursuant to this chapter and chapters 433A, 433B and 436 of*
23 *NRS:*

24 **1. *Is subject to the oversight of the Chief Medical Officer;***
25 *and*

26 **2. *Shall report to the Chief Medical Officer any information***
27 *concerning the facility or center upon the request of the Chief*
28 *Medical Officer.*

29 **Sec. 14.** NRS 433.003 is hereby amended to read as follows:

30 433.003 The Legislature hereby declares that it is the intent of
31 this ~~title:~~ *chapter and chapters 433A, 433B and 436 of NRS:*

32 1. To eliminate the forfeiture of any civil and legal rights of
33 any person and the imposition of any legal disability on any person,
34 based on an allegation of mental illness, ~~for mental retardation or a~~
35 ~~related condition,~~ by any method other than a separate judicial
36 proceeding resulting in a determination of incompetency, wherein
37 the civil and legal rights forfeited and the legal disabilities imposed
38 are specifically stated; and

39 2. To charge the Division of ~~Mental and Developmental~~
40 ~~Services,~~ *Public and Behavioral Health*, and the Division of Child
41 and Family Services, of the Department with recognizing their duty
42 to act in the best interests of their respective consumers by placing
43 them in the least restrictive environment.



1 **Sec. 15.** NRS 433.005 is hereby amended to read as follows:
2 433.005 As used in this ~~title,~~ *chapter and chapters 433A,*
3 *433B and 436 of NRS,* unless the context otherwise requires, or
4 except as otherwise defined by specific statute, the words and terms
5 defined in NRS 433.014 to 433.227, inclusive, have the meanings
6 ascribed to them in those sections.

7 **Sec. 16.** NRS 433.014 is hereby amended to read as follows:
8 433.014 “Administrative officer” means a person with overall
9 executive and administrative responsibility for those state or
10 nonstate mental health ~~for mental retardation facilities~~ *centers*
11 designated by the Administrator.

12 **Sec. 17.** NRS 433.047 is hereby amended to read as follows:
13 433.047 “Commission” means the Commission on ~~Mental~~
14 ~~Health and Developmental Services.~~ *Behavioral Health.*

15 **Sec. 18.** NRS 433.084 is hereby amended to read as follows:
16 433.084 “Division” means the Division of ~~Mental Health and~~
17 ~~Developmental Services~~ *Public and Behavioral Health* of the
18 Department.

19 **Sec. 19.** NRS 433.134 is hereby amended to read as follows:
20 433.134 “Medical director” means the ~~chief~~ medical officer
21 *in charge* of any division mental health ~~for mental retardation~~
22 program.

23 **Sec. 20.** NRS 433.233 is hereby amended to read as follows:
24 433.233 1. The division facilities providing mental health
25 services are designated as:

- 26 (a) Northern Nevada Adult Mental Health Services;
- 27 (b) Southern Nevada Adult Mental Health Services;
- 28 (c) Rural clinics; and
- 29 (d) Lakes Crossing Center.

30 2. ~~The division facilities providing services for persons with~~
31 ~~mental retardation and persons with related conditions are~~
32 ~~designated as:~~

- 33 ~~(a) Desert Regional Center;~~
- 34 ~~(b) Sierra Regional Center; and~~
- 35 ~~(c) Rural Regional Center.~~

36 ~~3.~~ Division facilities established after July 1, 1981, must be
37 named by the Administrator, subject to the approval of the Director
38 of the Department.

39 **Sec. 20.5.** NRS 433.234 is hereby amended to read as follows:
40 433.234 The provisions of ~~chapters 433 to~~ *this chapter and*
41 *chapters 433A, 433B and 436* ~~inclusive,~~ of NRS pertaining to
42 division facilities must be administered by the respective
43 administrative officers of the division facilities, subject to
44 administrative supervision by the Administrator.



1 **Sec. 21.** NRS 433.244 is hereby amended to read as follows:

2 433.244 ~~{1.}~~ The Administrator must ~~{have:}~~

3 ~~{(a) Training and demonstrated administrative qualities of~~
4 ~~leadership in any one of the professional fields of psychiatry,~~
5 ~~medicine, psychology, social work, education or administration; and~~
6 ~~— (b) Administrative training or experience in programs relating to~~
7 ~~mental health, including care, treatment or training, or any~~
8 ~~combination thereof, of persons with mental illness or mental~~
9 ~~retardation and persons with related conditions.}~~ *be selected on the*
10 *basis of his or her education, training, experience, leadership*
11 *qualities, demonstrated abilities and interest in the field of*
12 *behavioral health or public health.*

13 2. The Administrator is in the unclassified service of the State.

14 **Sec. 21.5.** NRS 433.264 is hereby amended to read as follows:

15 433.264 1. Physicians shall be employed within the various
16 division facilities as are necessary for the operation of the facilities.
17 They shall hold degrees of doctor of medicine *or doctor of*
18 *osteopathic medicine* from accredited medical schools and they
19 shall be licensed to practice medicine *or osteopathic medicine* in
20 Nevada as provided by law.

21 2. Except as otherwise provided by law, their only
22 compensation shall be annual salaries, fixed in accordance with the
23 pay plan adopted pursuant to the provisions of NRS 284.175.

24 3. The physicians shall perform such duties pertaining to the
25 care and treatment of consumers as may be required.

26 **Sec. 21.7.** NRS 433.279 is hereby amended to read as follows:

27 433.279 1. The Division shall carry out a vocational and
28 educational program for the certification of mental ~~{health-mental~~
29 ~~retardation}~~ *health* technicians, including forensic technicians:

30 (a) Employed by the Division, or other employees of the
31 Division who perform similar duties, but are classified differently.

32 (b) Employed by the Division of Child and Family Services of
33 the Department.

34 ➔ The program must be carried out in cooperation with the Nevada
35 System of Higher Education.

36 2. A mental ~~{health-mental-retardation}~~ *health* technician is
37 responsible to the director of the service in which his or her duties
38 are performed. The director of a service may be a licensed
39 physician, dentist, podiatric physician, psychiatrist, psychologist,
40 rehabilitation therapist, social worker, registered nurse or other
41 professionally qualified person. This section does not authorize a
42 mental ~~{health-mental-retardation}~~ *health* technician to perform
43 duties which require the specialized knowledge and skill of a
44 professionally qualified person.



1 3. The Division shall adopt regulations to carry out the
2 provisions of this section.

3 4. As used in this section, “mental ~~health-mental-retardation~~
4 *health* technician” means an employee of the Division of ~~Mental~~
5 ~~Health and Developmental Services~~ *Public and Behavioral*
6 *Services* or the Division of Child and Family Services who, for
7 compensation or personal profit, carries out procedures and
8 techniques which involve cause and effect and which are used in the
9 care, treatment and rehabilitation of persons with mental illness ~~for~~
10 ~~mental-retardation,~~ *and* persons who are emotionally disturbed ,
11 ~~and persons with related conditions,~~ and who has direct
12 responsibility for:

13 (a) Administering or carrying out specific therapeutic
14 procedures, techniques or treatments, excluding medical
15 interventions, to enable consumers to make optimal use of their
16 therapeutic regime, their social and personal resources, and their
17 residential care; or

18 (b) The application of interpersonal and technical skills in the
19 observation and recognition of symptoms and reactions of
20 consumers, for the accurate recording of such symptoms and
21 reactions, and for carrying out treatments authorized by members of
22 the interdisciplinary team that determines the treatment of the
23 consumers.

24 **Sec. 22.** NRS 433.314 is hereby amended to read as follows:

25 433.314 The Commission shall:

26 1. Establish policies to ensure adequate development and
27 administration of services for persons with mental illness, ~~mental~~
28 ~~retardation~~ *persons with intellectual disabilities and persons with*
29 *related conditions, persons with substance use disorders* or
30 *persons with* co-occurring disorders , ~~and persons with related~~
31 ~~conditions,~~ including services to prevent mental illness, ~~mental~~
32 ~~retardation~~ *intellectual disabilities and related conditions,*
33 *substance use disorders* and co-occurring disorders ~~and related~~
34 ~~conditions,~~ and services provided without admission to a facility or
35 institution;

36 2. Set policies for the care and treatment of persons with
37 mental illness, ~~mental-retardation~~ *persons with intellectual*
38 *disabilities and persons with related conditions, persons with*
39 *substance use disorders* or *persons with* co-occurring disorders
40 ~~and persons with related conditions~~ provided by all state agencies;

41 3. Review the programs and finances of the Division; and

42 4. Report at the beginning of each year to the Governor and at
43 the beginning of each odd-numbered year to the Legislature on the
44 quality of the care and treatment provided for persons with mental
45 illness, ~~mental-retardation~~ *persons with intellectual disabilities*



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1 *and persons with related conditions, persons with substance use*
2 *disorders* or *persons with* co-occurring disorders ~~{and persons with~~
3 ~~related conditions}~~ in this State and on any progress made toward
4 improving the quality of that care and treatment.

5 **Sec. 23.** NRS 433.316 is hereby amended to read as follows:

6 433.316 The Commission may:

7 1. Collect and disseminate information pertaining to mental
8 health, ~~{mental retardation}~~ *intellectual disabilities and related*
9 *conditions, substance use disorders* and co-occurring disorders .
10 ~~{and related conditions.}~~

11 2. Request legislation pertaining to mental health, ~~{mental~~
12 ~~retardation}~~ *intellectual disabilities and related conditions,*
13 *substance use disorders* and co-occurring disorders . ~~{and related~~
14 ~~conditions.}~~

15 3. ~~{Investigate}~~ *Review findings of investigations of*
16 complaints about the care of any person in a public facility for the
17 treatment of persons with mental illness, ~~{mental retardation}~~
18 *persons with intellectual disabilities and persons with related*
19 *conditions, persons with substance use disorders* or *persons with*
20 co-occurring disorders . ~~{and persons with related conditions.}~~

21 4. Accept, as authorized by the Legislature, gifts and grants of
22 money and property.

23 5. Take appropriate steps to increase the availability of and to
24 enhance the quality of the care and treatment of persons with mental
25 illness, ~~{mental retardation}~~ *persons with intellectual disabilities*
26 *and persons with related conditions, persons with substance use*
27 *disorders* or *persons with* co-occurring disorders ~~{and persons with~~
28 ~~related conditions}~~ provided through ~~{state agencies.}~~ *private*
29 *nonprofit organizations, governmental entities,* hospitals and
30 clinics.

31 6. Promote programs for the treatment of persons with mental
32 illness, ~~{mental retardation}~~ *persons with intellectual disabilities*
33 *and persons with related conditions, persons with substance use*
34 *disorders* or co-occurring disorders ~~{and persons with related~~
35 ~~conditions}~~ and participate in and promote the development of
36 facilities for training persons to provide services for persons with
37 mental illness, ~~{mental retardation}~~ *persons with intellectual*
38 *disabilities and persons with related conditions, persons with*
39 *substance use disorders* or *persons with* co-occurring disorders .
40 ~~{and persons with related conditions.}~~

41 7. Create a plan to coordinate the services for the treatment of
42 persons with mental illness, ~~{mental retardation}~~ *persons with*
43 *intellectual disabilities and persons with related conditions,*
44 *persons with substance use disorders* or *persons with* co-occurring



1 disorders ~~{and persons with related conditions}~~ provided in this State
2 and to provide continuity in the care and treatment provided.

3 8. Establish and maintain an appropriate program which
4 provides information to the general public concerning mental
5 illness, ~~{mental retardation}~~ *intellectual disabilities and related*
6 *conditions, substance use disorders* and co-occurring disorders ~~{and~~
7 ~~related conditions}~~ and consider ways to involve the general public
8 in the decisions concerning the policy on mental illness, ~~{mental~~
9 ~~retardation}~~ *intellectual disabilities and related conditions,*
10 *substance use disorders* and co-occurring disorders . ~~{and related~~
11 ~~conditions.}~~

12 9. Compile statistics on mental illness and study the cause,
13 pathology and prevention of that illness.

14 10. Establish programs to prevent or postpone the commitment
15 of residents of this State to facilities for the treatment of persons
16 with mental illness, ~~{mental retardation}~~ *persons with intellectual*
17 *disabilities and persons with related conditions, persons with*
18 *substance use disorders* or *persons with* co-occurring disorders .
19 ~~{and persons with related conditions.}~~

20 11. Evaluate the future needs of this State concerning the
21 treatment of mental illness, ~~{mental retardation}~~ *intellectual*
22 *disabilities and related conditions, substance use disorders* and co-
23 occurring disorders ~~{and related conditions}~~ and develop ways to
24 improve the treatment already provided.

25 12. Take any other action necessary to promote mental health
26 in this State.

27 **Sec. 24.** NRS 433.318 is hereby amended to read as follows:

28 433.318 1. The Commission may appoint a subcommittee or
29 an advisory committee composed of members who have experience
30 and knowledge of matters relating to persons with mental illness,
31 ~~{mental retardation}~~ *persons with intellectual disabilities and*
32 *persons with related conditions, persons with substance use*
33 *disorders* or *persons with* co-occurring disorders ~~{and related~~
34 ~~conditions}~~ and who, to the extent practicable, represent the ethnic
35 and geographic diversity of this State.

36 2. A subcommittee or advisory committee appointed pursuant
37 to this section shall consider specific issues and advise the
38 Commission on matters related to the duties of the Commission.

39 3. The members of a subcommittee or advisory committee
40 appointed pursuant to this section serve at the pleasure of the
41 Commission. The members serve without compensation, except that
42 each member is entitled, while engaged in the business of the
43 subcommittee or advisory committee, to the per diem allowance and
44 travel expenses provided for state officers and employees generally
45 if funding is available for this purpose.



1 **Sec. 25.** NRS 433.324 is hereby amended to read as follows:
2 433.324 1. The ~~{Commission}~~ *State Board of Health* shall
3 adopt regulations:

4 (a) For the care and treatment of persons with mental illness,
5 ~~{mental-retardation}~~ *persons with substance use disorders* or
6 *persons with* co-occurring disorders ~~{and persons with related~~
7 ~~conditions}~~ by all state agencies and facilities, and their referral to
8 private facilities;

9 (b) To ensure continuity in the care and treatment provided to
10 persons with mental illness, ~~{mental-retardation}~~ *persons with*
11 *substance use disorders* or *persons with* co-occurring disorders
12 ~~{and persons with related conditions}~~ in this State; and

13 (c) Necessary for the proper and efficient operation of the
14 facilities of the Division.

15 2. The ~~{Commission}~~ *State Board of Health* may adopt
16 regulations to promote programs relating to mental health, ~~{mental~~
17 ~~retardation}~~ *substance use disorders* and co-occurring disorders .
18 ~~{and related conditions}~~

19 **Sec. 26.** NRS 433.325 is hereby amended to read as follows:

20 433.325 The Commission or its designated agent may inspect
21 any state facility providing services for persons with mental illness,
22 ~~{mental-retardation}~~ *persons with intellectual disabilities and*
23 *persons with related conditions, persons with substance use*
24 *disorders* or *persons with* co-occurring disorders ~~{and persons with~~
25 ~~related conditions}~~ to determine if the facility is in compliance with
26 the provisions of this title and any regulations adopted pursuant ~~{to~~
27 ~~those provisions}~~ *thereto.*

28 **Sec. 27.** NRS 433.3315 is hereby amended to read as follows:

29 433.3315 The Division shall adopt regulations:

30 1. To define the term "consumer" for the purposes of this
31 ~~{title}~~ *chapter and chapters 433A, 433B and 436 of NRS.*

32 2. To specify the circumstances under which a consumer is
33 eligible to receive services from the Division pursuant to this ~~{title}~~
34 *chapter and chapters 433A, 433B and 436 of NRS*, including, but
35 not limited to, care, treatment, treatment to competency and training.
36 Regulations adopted pursuant to this subsection must specify that a
37 consumer is eligible to receive services only if the consumer:

38 (a) Has a documented diagnosis of a mental disorder based on
39 the most recent edition of the Diagnostic and Statistical Manual of
40 Mental Disorders published by the American Psychiatric
41 Association; and

42 (b) Except as otherwise provided in the regulations adopted
43 pursuant to subsection 3, is not eligible to receive services through
44 another public or private entity.



1 3. To specify the circumstances under which the provisions of
2 paragraph (b) of subsection 2 do not apply, including, without
3 limitation, when the copay or other payment required to obtain
4 services through another public or private entity is prohibitively
5 high.

6 4. To establish policies and procedures for the referral of each
7 consumer who needs services that the Division is unable to provide
8 to the most appropriate organization or resource who is able to
9 provide the needed services to that consumer.

10 **Sec. 28.** NRS 433.334 is hereby amended to read as follows:

11 433.334 The Division may, by contract with general hospitals
12 or other institutions having adequate facilities in the State of
13 Nevada, provide for inpatient care of consumers with mental illness
14 ~~. for mental retardation and consumers with related conditions.]~~

15 **Sec. 29.** NRS 433.354 is hereby amended to read as follows:

16 433.354 For the purposes of *this chapter and* chapters ~~[433 to~~
17 ~~436, inclusive.]~~ *433A, 433B and 436* of NRS, the Department
18 through the Division may cooperate, financially or otherwise, and
19 execute contracts or agreements with the Federal Government, any
20 federal department or agency, any other state department or agency,
21 a county, a city, a public district or any political subdivision of this
22 state, a public or private corporation, an individual or a group of
23 individuals. Such contracts or agreements may include provisions
24 whereby the Division will render services, the payment for which
25 will be reimbursed directly to the Division's budget. Cooperation
26 pursuant to this section does not of itself relieve any person,
27 department, agency or political subdivision of any responsibility or
28 liability existing under any provision of law.

29 **Sec. 30.** NRS 433.364 is hereby amended to read as follows:

30 433.364 Nothing in this ~~[title]~~ *chapter and chapters 433A,*
31 *433B and 436 of NRS* precludes the involuntary court-ordered
32 admission of a person with mental illness to a private institution
33 where such admission is authorized by law.

34 **Sec. 30.5.** NRS 433.384 is hereby amended to read as follows:

35 433.384 Money to carry out the provisions of ~~[chapters 433 to]~~
36 *this chapter and chapters 433A, 433B and 436* ~~[, inclusive.]~~ of
37 NRS must be provided by legislative appropriation from the State
38 General Fund, and paid out on claims as other claims against the
39 State are paid. All claims relating to a division facility individually
40 must be approved by the administrative officer of such facility
41 before they are paid.

42 **Sec. 31.** NRS 433.394 is hereby amended to read as follows:

43 433.394 For the purposes of this ~~[title,]~~ *chapter and chapters*
44 *433A, 433B and 436 of NRS,* the Department may accept:



1 1. Moneys appropriated and made available by any act of the
2 Congress of the United States;

3 2. Moneys and contributions made available by a county, a
4 city, a public district or any political subdivision of this state; and

5 3. Moneys and contributions made available by a public or
6 private corporation, a private foundation, an individual or a group of
7 individuals.

8 **Sec. 32.** NRS 433.395 is hereby amended to read as follows:

9 433.395 1. Upon approval of the Director of the Department,
10 the Administrator may accept:

11 (a) Donations of money and gifts of real or personal property;
12 and

13 (b) Grants of money from the Federal Government,
14 ↪ for use in public or private programs that provide services to
15 persons in this State with mental illness . ~~for mental retardation and~~
16 ~~persons with related conditions.~~

17 2. The Administrator shall disburse any donations, gifts and
18 grants received pursuant to this section to programs that provide
19 services to persons with mental illness ~~for mental retardation and~~
20 ~~persons with related conditions~~ in a manner that supports the plan
21 to coordinate services created by the Commission pursuant to
22 subsection 7 of NRS 433.316. In the absence of a plan to coordinate
23 services, the Administrator shall make disbursements to programs
24 that will maximize the benefit provided to persons with mental
25 illness ~~for mental retardation and persons with related conditions~~ in
26 consideration of the nature and value of the donation, gift or grant.

27 3. Within limits of legislative appropriations or other available
28 money, the Administrator may enter into a contract for services
29 related to the evaluation and recommendation of recipients for the
30 disbursements required by this section.

31 **Sec. 33.** NRS 433.404 is hereby amended to read as follows:

32 433.404 1. The Division shall establish a fee schedule for
33 services rendered through any program supported by the State
34 pursuant to the provisions of *this chapter and* chapters ~~433 to 436,~~
35 ~~inclusive.~~ *433A, 433B and 436* of NRS. The schedule must be
36 submitted to the Commission and the Director of the Department for
37 joint approval before enforcement. The fees collected by facilities
38 operated by the Division pursuant to this schedule must be deposited
39 in the State Treasury to the credit of the State General Fund, except
40 as otherwise provided in NRS 433.354 for fees collected pursuant to
41 contract or agreement . ~~and in NRS 435.120 for fees collected for~~
42 ~~services to consumers with mental retardation and related~~
43 ~~conditions.~~

44 2. For a facility providing services for the treatment of persons
45 with mental illness , ~~for mental retardation and persons with related~~



1 ~~conditions,~~ the fee established must approximate the cost of
2 providing the service, but if a consumer is unable to pay in full the
3 fee established pursuant to this section, the Division may collect any
4 amount the consumer is able to pay.

5 **Sec. 34.** NRS 433.424 is hereby amended to read as follows:

6 433.424 A mental health ~~{and mental retardation}~~ center
7 revolving account up to the amount of \$5,000 is hereby created for
8 each division mental health ~~{and mental retardation}~~ center, and may
9 be used for the payment of mental health ~~{or mental retardation}~~
10 center bills requiring immediate payment and for no other purposes.
11 The respective administrative officers shall deposit the money for
12 the respective revolving accounts in one or more banks or credit
13 unions of reputable standing. Payments made from each account
14 must be promptly reimbursed from appropriated money of the
15 respective mental health ~~{or mental retardation}~~ centers on claims as
16 other claims against the State are paid.

17 **Sec. 35.** NRS 433.434 is hereby amended to read as follows:

18 433.434 For purposes of this ~~{title,}~~ *chapter and chapters*
19 *433A, 433B and 436 of NRS*, the residence of a person is:

- 20 1. The domicile of such person;
- 21 2. If the domicile of the person cannot be ascertained, the place
22 where the person was last employed; or
- 23 3. If the domicile of the person cannot be ascertained and he or
24 she is not or was not employed, the place where the person made his
25 or her home or headquarters.

26 **Sec. 36.** NRS 433.444 is hereby amended to read as follows:

27 433.444 1. For the purpose of facilitating the return of
28 nonresident consumers to the state in which they have legal
29 residence, the Administrator may enter into reciprocal agreements,
30 consistent with the provisions of this ~~{title,}~~ *chapter and chapters*
31 *433A, 433B and 436 of NRS*, with the proper boards,
32 commissioners or officers of other states for the mutual exchange of
33 consumers confined in, admitted or committed to a mental health ~~{or~~
34 ~~mental retardation}~~ facility in one state whose legal residence is in
35 the other, and may give written permission for the return and
36 admission to a division facility of any resident of this state when
37 such permission is conformable to the provisions of this ~~{title}~~
38 *chapter and chapters 433A, 433B and 436 of NRS* governing
39 admissions to a division facility.

40 2. The county clerk and board of county commissioners of
41 each county, upon receiving notice from the Administrator that an
42 application for the return of an alleged resident of this state has been
43 received, shall promptly investigate and report to the Administrator
44 their findings as to the legal residence of the consumer.



1 **Sec. 37.** NRS 433.458 is hereby amended to read as follows:
2 433.458 “Administrative officer” means a person with overall
3 executive and administrative responsibility for a facility that
4 provides services relating to mental health ~~for mental retardation~~
5 ~~and related conditions~~ and that is operated by any public or private
6 entity.

7 **Sec. 38.** NRS 433.464 is hereby amended to read as follows:
8 433.464 ~~[This title does]~~ *The provisions of this chapter and*
9 *chapters 433A, 433B and 436 of NRS do* not limit the right of any
10 person detained hereunder to a writ of habeas corpus upon a proper
11 application made at any time by such person or any other person on
12 his or her behalf.

13 **Sec. 39.** NRS 433.494 is hereby amended to read as follows:
14 433.494 1. An individualized written plan of mental health
15 ~~for mental retardation~~ services ~~for plan of services for a related~~
16 ~~condition~~ must be developed for each consumer of each facility.
17 The plan must:

18 (a) Provide for the least restrictive treatment procedure that may
19 reasonably be expected to benefit the consumer; and

20 (b) Be developed with the input and participation of:

21 (1) The consumer, to the extent that he or she is able to
22 provide input and participate; and

23 (2) To the extent that the consumer is unable to provide input
24 and participate, the parent or guardian of the consumer if the
25 consumer is under 18 years of age and is not legally emancipated, or
26 the legal guardian of a consumer who has been adjudicated mentally
27 incompetent.

28 2. The plan must be kept current and must be modified, with
29 the input and participation of the consumer, the parent or guardian
30 of the consumer or the legal guardian of the consumer, as
31 appropriate, when indicated. The plan must be thoroughly reviewed
32 at least once every 3 months.

33 3. The person in charge of implementing the plan of services
34 must be designated in the plan.

35 **Sec. 39.2.** NRS 433.5493 is hereby amended to read as
36 follows:

37 433.5493 1. Except as otherwise provided in subsection 2,
38 physical restraint may be used on a person with a disability who is a
39 consumer only if:

40 (a) An emergency exists that necessitates the use of physical
41 restraint;

42 (b) The physical restraint is used only for the period that is
43 necessary to contain the behavior of the consumer so that the
44 consumer is no longer an immediate threat of causing physical



1 injury to himself or herself or others or causing severe property
2 damage; and

3 (c) The use of force in the application of physical restraint does
4 not exceed the force that is reasonable and necessary under the
5 circumstances precipitating the use of physical restraint.

6 2. Physical restraint may be used on a person with a disability
7 who is a consumer and the provisions of subsection 1 do not apply if
8 the physical restraint is used to:

9 (a) Assist the consumer in completing a task or response if the
10 consumer does not resist the application of physical restraint or if
11 the consumer's resistance is minimal in intensity and duration;

12 (b) Escort or carry a consumer to safety if the consumer is in
13 danger in his or her present location; or

14 (c) Conduct medical examinations or treatments on the
15 consumer that are necessary.

16 3. If physical restraint is used on a person with a disability who
17 is a consumer in an emergency, the use of the procedure must be
18 reported as a denial of rights pursuant to NRS 433.534 ~~§~~ *or section*
19 *58.47 of this act, as applicable*, regardless of whether the use of the
20 procedure is authorized by statute. The report must be made not
21 later than 1 working day after the procedure is used.

22 **Sec. 39.4.** NRS 433.5496 is hereby amended to read as
23 follows:

24 433.5496 1. Except as otherwise provided in subsections 2
25 and 4, mechanical restraint may be used on a person with a
26 disability who is a consumer only if:

27 (a) An emergency exists that necessitates the use of mechanical
28 restraint;

29 (b) A medical order authorizing the use of mechanical restraint
30 is obtained from the consumer's treating physician before the
31 application of the mechanical restraint or not later than 15 minutes
32 after the application of the mechanical restraint;

33 (c) The physician who signed the order required pursuant to
34 paragraph (b) or the attending physician examines the consumer not
35 later than 1 working day immediately after the application of the
36 mechanical restraint;

37 (d) The mechanical restraint is applied by a member of the staff
38 of the facility who is trained and qualified to apply mechanical
39 restraint;

40 (e) The consumer is given the opportunity to move and exercise
41 the parts of his or her body that are restrained at least 10 minutes per
42 every 60 minutes of restraint;

43 (f) A member of the staff of the facility lessens or discontinues
44 the restraint every 15 minutes to determine whether the consumer



1 will stop or control his or her inappropriate behavior without the use
2 of the restraint;

3 (g) The record of the consumer contains a notation that includes
4 the time of day that the restraint was lessened or discontinued
5 pursuant to paragraph (f), the response of the consumer and the
6 response of the member of the staff of the facility who applied the
7 mechanical restraint;

8 (h) A member of the staff of the facility continuously monitors
9 the consumer during the time that mechanical restraint is used on the
10 consumer; and

11 (i) The mechanical restraint is used only for the period that is
12 necessary to contain the behavior of the consumer so that the
13 consumer is no longer an immediate threat of causing physical
14 injury to himself or herself or others or causing severe property
15 damage.

16 2. Mechanical restraint may be used on a person with a
17 disability who is a consumer and the provisions of subsection 1 do
18 not apply if the mechanical restraint is used to:

19 (a) Treat the medical needs of a consumer;

20 (b) Protect a consumer who is known to be at risk of injury to
21 himself or herself because the consumer lacks coordination or
22 suffers from frequent loss of consciousness;

23 (c) Provide proper body alignment to a consumer; or

24 (d) Position a consumer who has physical disabilities in a
25 manner prescribed in the consumer's plan of services.

26 3. If mechanical restraint is used on a person with a disability
27 who is a consumer in an emergency, the use of the procedure must
28 be reported as a denial of rights pursuant to NRS 433.534 ~~H~~ *or*
29 *section 58.47 of this act, as applicable*, regardless of whether the
30 use of the procedure is authorized by statute. The report must be
31 made not later than 1 working day after the procedure is used.

32 4. The provisions of this section do not apply to a forensic
33 facility, as that term is defined in subsection 5 of NRS 433.5499.

34 **Sec. 39.6.** NRS 433.5499 is hereby amended to read as
35 follows:

36 433.5499 1. Except as otherwise provided in subsection 3,
37 mechanical restraint may be used on a person with a disability who
38 is a consumer of a forensic facility only if:

39 (a) An emergency exists that necessitates the use of the
40 mechanical restraint;

41 (b) The consumer's behavior presents an imminent threat of
42 causing physical injury to himself or herself or to others or causing
43 severe property damage and less restrictive measures have failed to
44 modify the consumer's behavior;



1 (c) The consumer is in the care of the facility but not on the
2 premises of the facility and mechanical restraint is necessary to
3 ensure security; or

4 (d) The consumer is in the process of being transported to
5 another location and mechanical restraint is necessary to ensure
6 security.

7 2. If mechanical restraint is used pursuant to subsection 1, the
8 forensic facility shall ensure that:

9 (a) The mechanical restraint is applied by a member of the staff
10 of the facility who is trained and qualified to apply mechanical
11 restraint;

12 (b) A member of the staff of the facility continuously monitors
13 the consumer during the time that mechanical restraint is used on the
14 consumer;

15 (c) The record of the consumer contains a notation that indicates
16 the time period during which the restraint was used and the
17 circumstances warranting the restraint; and

18 (d) The mechanical restraint is used only for the period that is
19 necessary.

20 3. Mechanical restraint may be used on a person with a
21 disability who is a consumer of a forensic facility, and the
22 provisions of subsections 1 and 2 do not apply if the mechanical
23 restraint is used to:

24 (a) Treat the medical needs of a consumer;

25 (b) Protect a consumer who is known to be at risk of injury to
26 himself or herself because the consumer lacks coordination or
27 suffers from frequent loss of consciousness;

28 (c) Provide proper body alignment to a consumer; or

29 (d) Position a consumer who has physical disabilities in a
30 manner prescribed in the consumer's plan of services.

31 4. If mechanical restraint is used in an emergency on a person
32 with a disability who is a consumer of a forensic facility, the use of
33 the procedure must be reported as a denial of rights pursuant to NRS
34 433.534 **H** *or section 58.47 of this act, as applicable*, regardless of
35 whether the use of the procedure is authorized by statute. The report
36 must be made not later than 1 working day after the procedure is
37 used.

38 5. As used in this section, "forensic facility" means a secure
39 facility of the Division for offenders and defendants with a mental
40 disorder who are ordered to the facility pursuant to chapter 178 of
41 NRS.

42 **Sec. 39.8.** NRS 433.5503 is hereby amended to read as
43 follows:

44 433.5503 1. Chemical restraint may only be used on a person
45 with a disability who is a consumer if:



1 (a) The consumer has been diagnosed as mentally ill, as defined
2 in NRS 433A.115, and is receiving mental health services from a
3 facility;

4 (b) The chemical restraint is administered to the consumer while
5 he or she is under the care of the facility;

6 (c) An emergency exists that necessitates the use of chemical
7 restraint;

8 (d) A medical order authorizing the use of chemical restraint is
9 obtained from the consumer's attending physician or psychiatrist;

10 (e) The physician or psychiatrist who signed the order required
11 pursuant to paragraph (d) examines the consumer not later than 1
12 working day immediately after the administration of the chemical
13 restraint; and

14 (f) The chemical restraint is administered by a person licensed to
15 administer medication.

16 2. If chemical restraint is used on a person with a disability
17 who is a consumer, the use of the procedure must be reported as a
18 denial of rights pursuant to NRS 433.534 ~~†~~ *or section 58.47 of this*
19 *act, as applicable*, regardless of whether the use of the procedure is
20 authorized by statute. The report must be made not later than 1
21 working day after the procedure is used.

22 **Sec. 40.** NRS 433A.010 is hereby amended to read as follows:

23 433A.010 The provisions of this chapter apply to all mental
24 health centers of the Division of ~~†Mental Health and Developmental~~
25 ~~Services†~~ *Public and Behavioral Health* of the Department and of
26 the Division of Child and Family Services of the Department. Such
27 provisions apply to private institutions and facilities offering mental
28 health services only when specified in the context.

29 **Sec. 41.** NRS 433A.012 is hereby amended to read as follows:

30 433A.012 "Administrative officer" means a person with
31 overall executive and administrative responsibility for those state or
32 nonstate facilities for mental health ~~†for mental retardation†~~
33 designated by the Administrator.

34 **Sec. 42.** NRS 433A.015 is hereby amended to read as follows:

35 433A.015 "Division" means:

36 1. Except as otherwise provided in subsection 2, the Division
37 of ~~†Mental Health and Developmental Services†~~ *Public and*
38 *Behavioral Health* of the Department.

39 2. Regarding the provision of services for the mental health of
40 children pursuant to chapter 433B of NRS, the Division of Child
41 and Family Services of the Department.

42 **Sec. 43.** NRS 433A.017 is hereby amended to read as follows:

43 433A.017 "Medical director" means the ~~†chief†~~ medical officer
44 *in charge* of any program of the Division of ~~†Mental Health and~~



1 ~~Developmental Services}~~ *Public and Behavioral Health* of the
2 Department.

3 **Sec. 44.** NRS 433A.020 is hereby amended to read as follows:

4 433A.020 The administrative officer of a facility of the
5 Division must:

6 1. Be selected on the basis of training and demonstrated
7 administrative qualities of leadership in any one of the fields of
8 psychiatry, medicine, psychology, social work, ~~education}~~ *public*
9 *health* or administration.

10 2. Be appointed on the basis of merit as measured by
11 administrative training or experience in programs relating to mental
12 health, including care and treatment of persons with mental illness .
13 ~~for mental retardation and persons with related conditions.~~

14 ~~—3.— Have additional qualifications which are in accordance with~~
15 ~~criteria prescribed by the Division of Human Resource Management~~
16 ~~of the Department of Administration.~~

17 **Sec. 45.** NRS 433A.030 is hereby amended to read as follows:

18 433A.030 The administrative officers have the following
19 powers and duties, subject to the administrative supervision of the
20 Administrator:

21 1. To exercise general supervision of and establish regulations
22 for the government of the facilities designated by the Administrator;

23 2. To be responsible for and supervise the fiscal affairs and
24 responsibilities of the facilities designated by the Administrator;

25 3. To appoint such medical, technical, clerical and operational
26 staff as the execution of his or her duties, the care and treatment of
27 consumers and the maintenance and operation of the facilities
28 designated by the Administrator may require;

29 4. To make reports to the Administrator, and to supply the
30 Administrator with material on which to base proposed legislation;

31 5. To keep complete and accurate records of all proceedings,
32 record and file all bonds and contracts, and assume responsibility for
33 the custody and preservation of all papers and documents pertaining
34 to his or her office;

35 6. To inform the public in regard to the activities and operation
36 of the facilities;

37 7. To invoke any legal, equitable or special procedures for the
38 enforcement of his or her orders or the enforcement of the
39 provisions of this ~~title}~~ *chapter and chapters 433, 433B and 436 of*
40 *NRS* and other statutes governing the facilities;

41 8. To submit an annual report to the Administrator on the
42 condition, operation, functioning and anticipated needs of the
43 facilities; and

44 9. To assume responsibility for the nonmedical care and
45 treatment of consumers if that responsibility has not been delegated.



1 **Sec. 46.** NRS 433B.130 is hereby amended to read as follows:

2 433B.130 1. The Administrator shall:

3 (a) Administer, in accordance with the policies established by
4 the Commission, the programs of the Division for the mental health
5 of children.

6 (b) Establish appropriate policies to ensure that children in
7 division facilities have timely access to clinically appropriate
8 psychotropic medication that are consistent with the provisions of
9 NRS 432B.197 and NRS 432B.4681 to 432B.469, inclusive, and the
10 policies adopted pursuant thereto.

11 2. The Administrator may:

12 (a) Appoint the administrative personnel necessary to operate
13 the programs of the Division for the mental health of children.

14 (b) Delegate to the administrative officers the power to appoint
15 medical, technical, clerical and operational staff necessary for the
16 operation of any division facilities.

17 3. If the Administrator finds that it is necessary or desirable
18 that any employee reside at a facility operated by the Division or
19 receive meals at such a facility, perquisites granted or charges for
20 services rendered to that person are at the discretion of the Director
21 of the Department.

22 4. The Administrator may accept children referred to the
23 Division for treatment pursuant to the provisions of NRS 458.290 to
24 458.350, inclusive.

25 5. The Administrator may enter into agreements with the
26 Administrator of the Division of ~~Mental Health and Developmental~~
27 ~~Services~~ *Public and Behavioral Health* of the Department *or with*
28 *the Administrator of the Aging and Disability Services Division of*
29 *the Department* for the care and treatment of consumers of the
30 Division of Child and Family Services at any facility operated by
31 the Division of ~~Mental Health and Developmental Services.~~ *Public*
32 *and Behavioral Health or the Aging and Disability Services*
33 *Division, as applicable.*

34 **Sec. 46.5.** NRS 433B.150 is hereby amended to read as
35 follows:

36 433B.150 1. The Division shall employ such physicians
37 within the various division facilities as are necessary for the
38 operation of the facilities. The physicians must hold degrees of
39 doctor of medicine *or doctor of osteopathic medicine* from
40 accredited medical schools and be licensed to practice medicine *or*
41 *osteopathic medicine* in Nevada.

42 2. Except as otherwise provided by law, the only compensation
43 allowed such a physician is an annual salary, fixed in accordance
44 with the pay plan adopted pursuant to the provisions of
45 NRS 284.175.



1 3. The physicians shall perform such duties pertaining to the
2 care and treatment of consumers as may be required.

3 **Sec. 47.** NRS 433B.190 is hereby amended to read as follows:

4 433B.190 1. The Division shall adopt regulations to:

5 (a) Provide for a more detailed definition of abuse of a
6 consumer, consistent with the general definition given in
7 NRS 433B.340;

8 (b) Provide for a more detailed definition of neglect of a
9 consumer, consistent with the general definition given in NRS
10 433B.340; and

11 (c) Establish policies and procedures for reporting the abuse or
12 neglect of a consumer.

13 2. The regulations adopted pursuant to this section must, to the
14 extent possible and appropriate, be consistent with the regulations
15 adopted by the Division of ~~Mental Health and Developmental~~
16 ~~Services~~ *Public and Behavioral Health* of the Department
17 pursuant to NRS 433.331 ~~+~~ *and the Division of Aging and*
18 *Disability Services of the Department pursuant to section 54.2 of*
19 *this act.*

20 **Sec. 48.** Chapter 435 of NRS is hereby amended by adding
21 thereto the provisions set forth as sections 49 to 59.7, inclusive, of
22 this act.

23 **Sec. 49. 1.** *The division facilities providing services for*
24 *persons with intellectual disabilities and persons with related*
25 *conditions are designated as:*

26 (a) *Desert Regional Center;*

27 (b) *Sierra Regional Center; and*

28 (c) *Rural Regional Center.*

29 2. *Division facilities established after July 1, 1981, must be*
30 *named by the Administrator, subject to the approval of the*
31 *Director of the Department.*

32 **Sec. 49.2.** *The provisions of this chapter pertaining to*
33 *division facilities must be administered by the respective*
34 *administrative officers of the division facilities, subject to*
35 *administrative supervision by the Administrator.*

36 **Sec. 49.4.** *Any person employed by the Division as a*
37 *psychiatrist, psychologist, marriage and family therapist, clinical*
38 *professional counselor, registered nurse or social worker must be*
39 *licensed or certified by the appropriate state licensing board for*
40 *his or her respective profession.*

41 **Sec. 49.6.** *The Administrator shall not employ any*
42 *psychiatrist, psychologist, social worker or registered nurse who*
43 *holds a master's degree in the field of psychiatric nursing who is*
44 *unable to demonstrate proficiency in the oral and written*
45 *expression of the English language.*



1 **Sec. 49.8. 1. The Division shall carry out a vocational and**
2 **educational program for the certification of intellectual disability**
3 **technicians, including forensic technicians employed by the**
4 **Division, or other employees of the Division who perform similar**
5 **duties, but are classified differently. The program must be carried**
6 **out in cooperation with the Nevada System of Higher Education.**

7 **2. An intellectual disability technician is responsible to the**
8 **director of the service in which his or her duties are performed.**
9 **The director of a service may be a licensed physician, dentist,**
10 **podiatric physician, psychiatrist, psychologist, rehabilitation**
11 **therapist, social worker, registered nurse or other professionally**
12 **qualified person. This section does not authorize an intellectual**
13 **disability technician to perform duties which require the**
14 **specialized knowledge and skill of a professionally qualified**
15 **person.**

16 **3. The Division shall adopt regulations to carry out the**
17 **provisions of this section.**

18 **4. As used in this section, "intellectual disability technician"**
19 **means an employee of the Division who, for compensation or**
20 **personal profit, carries out procedures and techniques which**
21 **involve cause and effect and which are used in the care, treatment**
22 **and rehabilitation of persons with intellectual disabilities and**
23 **persons with related conditions, and who has direct responsibility**
24 **for:**

25 **(a) Administering or carrying out specific therapeutic**
26 **procedures, techniques or treatments, excluding medical**
27 **interventions, to enable consumers to make optimal use of their**
28 **therapeutic regime, their social and personal resources, and their**
29 **residential care; or**

30 **(b) The application of interpersonal and technical skills in the**
31 **observation and recognition of symptoms and reactions of**
32 **consumers, for the accurate recording of such symptoms and**
33 **reactions, and for carrying out treatments authorized by members**
34 **of the interdisciplinary team that determines the treatment of the**
35 **consumers.**

36 **Sec. 50. 1. The Division shall adopt regulations:**

37 **(a) For the care and treatment of persons with intellectual**
38 **disabilities and persons with related conditions by all state**
39 **agencies and facilities, and their referral to private facilities;**

40 **(b) To ensure continuity in the care and treatment provided to**
41 **persons with intellectual disabilities and persons with related**
42 **conditions in this State; and**

43 **(c) Necessary for the proper and efficient operation of the**
44 **facilities of the Division.**



1 2. *The Division may adopt regulations to promote programs*
2 *relating to intellectual disabilities and related conditions.*

3 **Sec. 51.** *The Division or its designated agent may inspect any*
4 *division facility providing services for persons with intellectual*
5 *disabilities and persons with related conditions to determine if the*
6 *facility is in compliance with the provisions of this chapter and*
7 *any regulations adopted pursuant thereto.*

8 **Sec. 52.** *The Division may, by contract with general hospitals*
9 *or other institutions having adequate facilities in the State of*
10 *Nevada, provide for inpatient care of persons with intellectual*
11 *disabilities and persons with related conditions.*

12 **Sec. 53.** *The Division may contract with appropriate persons*
13 *professionally qualified in the field of psychiatric mental health to*
14 *provide inpatient and outpatient care for persons with intellectual*
15 *disabilities and persons with related conditions when it appears*
16 *that they can be treated best in that manner.*

17 **Sec. 54.** *The Division may adopt regulations:*

18 1. *To define the term "consumer" for the purposes of this*
19 *chapter.*

20 2. *To specify the circumstances under which a consumer is*
21 *eligible to receive services from the Division pursuant to this*
22 *chapter, including, but not limited to, care, treatment and training.*
23 *Regulations adopted pursuant to this subsection must specify that*
24 *a consumer is eligible to receive services only if the consumer:*

25 (a) *Has a documented diagnosis of a mental disorder based on*
26 *the most recent edition of the Diagnostic and Statistical Manual of*
27 *Mental Disorders published by the American Psychiatric*
28 *Association; and*

29 (b) *Except as otherwise provided in the regulations adopted*
30 *pursuant to subsection 3, is not eligible to receive services through*
31 *another public or private entity.*

32 3. *To specify the circumstances under which the provisions of*
33 *paragraph (b) of subsection 2 do not apply, including, without*
34 *limitation, when the copay or other payment required to obtain*
35 *services through another public or private entity is prohibitively*
36 *high.*

37 4. *To establish policies and procedures for the referral of*
38 *each consumer who needs services that the Division is unable to*
39 *provide to the most appropriate organization or resource who is*
40 *able to provide the needed services to that consumer.*

41 **Sec. 54.2.** *The Division shall adopt regulations to:*

42 1. *Provide for a more detailed definition of abuse of a*
43 *consumer of the Division, consistent with the general definition*
44 *given in section 58.75 of this act;*



1 2. Provide for a more detailed definition of neglect of a
2 consumer of the Division, consistent with the general definition
3 given in section 58.75 of this act; and

4 3. Establish policies and procedures for reporting the abuse
5 or neglect of a consumer of the Division.

6 **Sec. 54.3.** 1. If a patient in a division facility is transferred
7 to another division facility or to a medical facility, a facility for
8 the dependent or a physician licensed to practice medicine, the
9 division facility shall forward a copy of the medical records of
10 the patient, on or before the date the patient is transferred, to the
11 facility or physician. Except as otherwise required by 42 U.S.C. §
12 290dd, 290dd-1 or 290dd-2 or NRS 439.538 or 439.591, the
13 division facility is not required to obtain the oral or written
14 consent of the patient to forward a copy of the medical records.

15 2. As used in this section, "medical records" includes a
16 medical history of the patient, a summary of the current physical
17 condition of the patient and a discharge summary which contains
18 the information necessary for the proper treatment of the patient.

19 **Sec. 54.4.** For the purposes of this chapter, the Department
20 through the Division may cooperate, financially or otherwise, and
21 execute contracts or agreements with the Federal Government,
22 any federal department or agency, any other state department or
23 agency, a county, a city, a public district or any political
24 subdivision of this state, a public or private corporation, an
25 individual or a group of individuals. Such contracts or agreements
26 may include provisions whereby the Division will render services,
27 the payment for which will be reimbursed directly to the Division's
28 budget. Cooperation pursuant to this section does not of itself
29 relieve any person, department, agency or political subdivision of
30 any responsibility or liability existing under any provision of law.

31 **Sec. 54.5.** Nothing in this chapter precludes the involuntary
32 court-ordered admission of a person with an intellectual disability
33 or person with a related condition to a private institution where
34 such admission is authorized by law.

35 **Sec. 54.6.** The State is not responsible for payment of the
36 costs of care and treatment of persons admitted to a facility not
37 operated by the Division except where, before admission, the
38 Administrator or the Administrator's designee authorizes the
39 expenditure of state money for such purpose.

40 **Sec. 54.7.** Money to carry out the provisions of this chapter
41 must be provided by legislative appropriation from the State
42 General Fund, and paid out on claims as other claims against the
43 State are paid. All claims relating to a division facility individually
44 must be approved by the administrative officer of such facility
45 before they are paid.



1 **Sec. 55.** *For the purposes of this chapter, the Department*
2 *may accept:*

3 1. *Money appropriated and made available by any act of the*
4 *Congress of the United States;*

5 2. *Money and contributions made available by a county, a*
6 *city, a public district or any political subdivision of this State; and*

7 3. *Money and contributions made available by a public or*
8 *private corporation, a private foundation, an individual or a group*
9 *of individuals.*

10 **Sec. 55.2.** 1. *Upon approval of the Director of the*
11 *Department, the Administrator may accept:*

12 (a) *Donations of money and gifts of real or personal property;*
13 *and*

14 (b) *Grants of money from the Federal Government,*
15 *↪ for use in public or private programs that provide services to*
16 *persons in this State with intellectual disabilities and persons with*
17 *related conditions.*

18 2. *The Administrator shall disburse any donations, gifts and*
19 *grants received pursuant to this section to programs that provide*
20 *services to persons with intellectual disabilities and persons with*
21 *related conditions in a manner that supports the plan to*
22 *coordinate services created by the Commission on Behavioral*
23 *Health pursuant to subsection 7 of NRS 433.316. In the absence*
24 *of a plan to coordinate services, the Administrator shall make*
25 *disbursements to programs that will maximize the benefit provided*
26 *to persons with intellectual disabilities and persons with related*
27 *conditions in consideration of the nature and value of the*
28 *donation, gift or grant.*

29 3. *Within limits of legislative appropriations or other*
30 *available money, the Administrator may enter into a contract for*
31 *services related to the evaluation and recommendation of*
32 *recipients for the disbursements required by this section.*

33 **Sec. 55.4.** 1. *The Division shall establish a fee schedule for*
34 *services rendered through any program supported by the State*
35 *pursuant to the provisions of this chapter. The schedule must be*
36 *submitted to the Commission on Behavioral Health and the*
37 *Director of the Department for joint approval before enforcement.*
38 *The fees collected by facilities operated by the Division pursuant to*
39 *this schedule must be deposited in the State Treasury to the credit*
40 *of the State General Fund, except as otherwise provided in section*
41 *54.4 of this act for fees collected pursuant to contract or*
42 *agreement and in NRS 435.120 for fees collected for services to*
43 *consumers with intellectual disabilities and related conditions.*

44 2. *For a facility providing services for the treatment of*
45 *persons with intellectual disabilities and persons with related*



1 *conditions, the fee established must approximate the cost of*
2 *providing the service, but if a consumer is unable to pay in full the*
3 *fee established pursuant to this section, the Division may collect*
4 *any amount the consumer is able to pay.*

5 **Sec. 55.6.** *1. Physicians and other professional staff*
6 *employed within any division facility shall receive a reasonable fee*
7 *for evaluations, examinations or court testimony when directed by*
8 *the court to perform such services.*

9 *2. If such evaluation or testimony is provided while the*
10 *physician or other professional person is acting as an employee of*
11 *a division facility, the fee shall be received by the division facility*
12 *at which he or she is employed.*

13 **Sec. 55.8.** *An intellectual disability center revolving account*
14 *up to the amount of \$5,000 is hereby created for each division*
15 *intellectual disability center, and may be used for the payment of*
16 *intellectual disability center bills requiring immediate payment*
17 *and for no other purposes. The respective administrative officers*
18 *shall deposit the money for the respective revolving accounts in*
19 *one or more banks or credit unions of reputable standing.*
20 *Payments made from each account must be promptly reimbursed*
21 *from appropriated money of the respective intellectual disability*
22 *centers on claims as other claims against the State are paid.*

23 **Sec. 56.** *For the purposes of this chapter, the residence of a*
24 *person is:*

25 *1. The domicile of such person;*

26 *2. If the domicile of the person cannot be ascertained, the*
27 *place where the person was last employed; or*

28 *3. If the domicile of the person cannot be ascertained and he*
29 *or she is not or was not employed, the place where the person*
30 *made his or her home or headquarters.*

31 **Sec. 57.** *1. For the purpose of facilitating the return of*
32 *nonresident consumers to the state in which they have legal*
33 *residence, the Administrator may enter into reciprocal*
34 *agreements, consistent with the provisions of this chapter, with the*
35 *proper boards, commissioners or officers of other states for the*
36 *mutual exchange of consumers confined in, admitted or*
37 *committed to an intellectual disability facility in one state whose*
38 *legal residence is in the other, and may give written permission for*
39 *the return and admission to a division facility of any resident of*
40 *this State when such permission is conformable to the provisions*
41 *of this chapter governing admissions to a division facility.*

42 *2. The county clerk and board of county commissioners of*
43 *each county, upon receiving notice from the Administrator that an*
44 *application for the return of an alleged resident of this State has*
45 *been received, shall promptly investigate and report to the*



1 *Administrator their findings as to the legal residence of the*
2 *consumer.*

3 **Sec. 57.1.** *1. All expenses incurred for the purpose of*
4 *returning a consumer to the state in which the consumer has a*
5 *legal residence shall be paid from the moneys of the consumer or*
6 *by the relatives or other persons responsible for the consumer's*
7 *care and treatment under his or her commitment or admission.*

8 *2. In the case of indigent consumers whose relatives cannot*
9 *pay the costs and expenses of returning such consumers to the*
10 *state in which they have residence, the costs may be assumed by*
11 *the State. These costs must be advanced from moneys appropriated*
12 *for the general support of the division facility wherein the*
13 *consumer was receiving care, treatment or training, if such*
14 *consumer was committed to a division facility at the time of the*
15 *transfer, and must be paid out on claims as other claims against*
16 *the State are paid.*

17 **Sec. 57.2.** *The Administrator shall:*

18 *1. Comply with any agreements made by the Administrator*
19 *pursuant to section 57 of this act; and*

20 *2. Accept for admission to a division facility any resident*
21 *child of this State for whom written permission for return and*
22 *admission to a division facility was given by the Administrator*
23 *pursuant to section 57 of this act.*

24 **Sec. 57.4.** *As used in sections 57.4 to 58.5, inclusive, of this*
25 *act, unless the context otherwise requires, the words and terms*
26 *defined in sections 57.6, 57.7 and 57.8 of this act have the*
27 *meanings ascribed to them in those sections.*

28 **Sec. 57.6.** *“Administrative officer” means a person with*
29 *overall executive and administrative responsibility for a facility*
30 *that provides services relating to intellectual disabilities and*
31 *related conditions and that is operated by any public or private*
32 *entity.*

33 **Sec. 57.7.** *“Facility” means any:*

34 *1. Unit or subunit operated by the Division for the care,*
35 *treatment and training of consumers.*

36 *2. Hospital, clinic or other institution operated by any public*
37 *or private entity, for the care, treatment and training of*
38 *consumers.*

39 **Sec. 57.8.** *“Rights” includes, without limitation, all rights*
40 *provided to a consumer pursuant to sections 57.4 to 58.5,*
41 *inclusive, of this act, and any regulations adopted pursuant*
42 *thereto.*

43 **Sec. 58.** *This chapter does not limit the right of any person*
44 *detained hereunder to a writ of habeas corpus upon a proper*



1 application made at any time by such person or any other person
2 on his or her behalf.

3 **Sec. 58.1.** 1. Each consumer admitted for evaluation,
4 treatment or training to a facility has the following rights
5 concerning admission to the facility, a list of which must be
6 prominently posted in all facilities providing those services and
7 must be otherwise brought to the attention of the consumer by
8 such additional means as prescribed by regulation:

9 (a) The right not to be admitted to the facility under false
10 pretenses or as a result of any improper, unethical or unlawful
11 conduct by a staff member of the facility to collect money from the
12 insurance company of the consumer or for any other financial
13 purpose.

14 (b) The right to receive a copy, on request, of the criteria upon
15 which the facility makes its decision to admit or discharge a
16 consumer from the facility. Such criteria must not, for emergency
17 admissions or involuntary court-ordered admissions, be based on
18 the availability of insurance coverage or any other financial
19 considerations.

20 2. As used in this section, "improper conduct" means a
21 violation of the rules, policies or procedures of the facility.

22 **Sec. 58.13.** 1. Each consumer admitted for evaluation,
23 treatment or training to a facility has the following rights
24 concerning involuntary commitment to the facility, a list of which
25 must be prominently posted in all facilities providing those
26 services and must be otherwise brought to the attention of the
27 consumer by such additional means as prescribed by regulation:

28 (a) To request and receive a second evaluation by a
29 psychiatrist or psychologist who does not have a contractual
30 relationship with or financial interest in the facility. The
31 evaluation must:

32 (1) Include, without limitation, a recommendation of
33 whether the consumer should be involuntarily committed to the
34 facility; and

35 (2) Be paid for by the consumer if the insurance carrier of
36 the consumer refuses to pay for the evaluation.

37 (b) To receive a copy of the procedure of the facility regarding
38 involuntary commitment and treatment.

39 (c) To receive a list of the consumer's rights concerning
40 involuntary commitment or treatment.

41 2. If the results of an evaluation conducted by a psychiatrist
42 or psychologist pursuant to subsection 1 conflict in any manner
43 with the results of an evaluation conducted by the facility, the
44 facility may request and receive a third evaluation of the consumer
45 to resolve the conflicting portions of the previous evaluations.



1 **Sec. 58.17.** *Each consumer admitted for evaluation,*
2 *treatment or training to a facility has the following personal*
3 *rights, a list of which must be prominently posted in all facilities*
4 *providing those services and must be otherwise brought to the*
5 *attention of the consumer by such additional means as prescribed*
6 *by regulation:*

7 1. *To wear the consumer's own clothing, to keep and use his*
8 *or her own personal possessions, including toilet articles, unless*
9 *those articles may be used to endanger the consumer's life or*
10 *others' lives, and to keep and be allowed to spend a reasonable*
11 *sum of the consumer's own money for expenses and small*
12 *purchases.*

13 2. *To have access to individual space for storage for his or*
14 *her private use.*

15 3. *To see visitors each day.*

16 4. *To have reasonable access to telephones, both to make and*
17 *receive confidential calls.*

18 5. *To have ready access to materials for writing letters,*
19 *including stamps, and to mail and receive unopened*
20 *correspondence, but:*

21 (a) *For the purposes of this subsection, packages are not*
22 *considered as correspondence; and*

23 (b) *Correspondence identified as containing a check payable to*
24 *a consumer may be subject to control and safekeeping by the*
25 *administrative officer of that facility or the administrative officer's*
26 *designee, so long as the consumer's record of treatment*
27 *documents the action.*

28 6. *To have reasonable access to an interpreter if the*
29 *consumer does not speak English or is hearing impaired.*

30 7. *To designate a person who must be kept informed by the*
31 *facility of the consumer's medical and mental condition, if the*
32 *consumer signs a release allowing the facility to provide such*
33 *information to the person.*

34 8. *Except as otherwise provided in NRS 439.538, to have*
35 *access to the consumer's medical records denied to any person*
36 *other than:*

37 (a) *A member of the staff of the facility or related medical*
38 *personnel, as appropriate;*

39 (b) *A person who obtains a waiver by the consumer of his or*
40 *her right to keep the medical records confidential; or*

41 (c) *A person who obtains a court order authorizing the access.*

42 9. *Other personal rights as specified by regulation of the*
43 *Division.*

44 **Sec. 58.2.** *Each consumer admitted for evaluation, treatment*
45 *or training to a facility has the following rights concerning care,*



1 *treatment and training, a list of which must be prominently posted*
2 *in all facilities providing those services and must be otherwise*
3 *brought to the attention of the consumer by such additional means*
4 *as prescribed by regulation:*

5 *1. To medical, psychosocial and rehabilitative care, treatment*
6 *and training including prompt and appropriate medical treatment*
7 *and care for physical and mental ailments and for the prevention*
8 *of any illness or disability. All of that care, treatment and training*
9 *must be consistent with standards of practice of the respective*
10 *professions in the community and is subject to the following*
11 *conditions:*

12 *(a) Before instituting a plan of care, treatment or training or*
13 *carrying out any necessary surgical procedure, express and*
14 *informed consent must be obtained in writing from:*

15 *(1) The consumer if he or she is 18 years of age or over or*
16 *legally emancipated and competent to give that consent, and from*
17 *the consumer's legal guardian, if any;*

18 *(2) The parent or guardian of a consumer under 18 years*
19 *of age and not legally emancipated; or*

20 *(3) The legal guardian of a consumer of any age who has*
21 *been adjudicated mentally incompetent;*

22 *(b) An informed consent requires that the person whose*
23 *consent is sought be adequately informed as to:*

24 *(1) The nature and consequences of the procedure;*

25 *(2) The reasonable risks, benefits and purposes of the*
26 *procedure; and*

27 *(3) Alternative procedures available;*

28 *(c) The consent of a consumer as provided in paragraph (b)*
29 *may be withdrawn by the consumer in writing at any time with or*
30 *without cause;*

31 *(d) Even in the absence of express and informed consent, a*
32 *licensed and qualified physician may render emergency medical*
33 *care or treatment to any consumer who has been injured in an*
34 *accident or who is suffering from an acute illness, disease or*
35 *condition if, within a reasonable degree of medical certainty, delay*
36 *in the initiation of emergency medical care or treatment would*
37 *endanger the health of the consumer and if the treatment is*
38 *immediately entered into the consumer's record of treatment,*
39 *subject to the provisions of paragraph (e); and*

40 *(e) If the proposed emergency medical care or treatment is*
41 *deemed by the chief medical officer of the facility to be unusual,*
42 *experimental or generally occurring infrequently in routine*
43 *medical practice, the chief medical officer shall request*
44 *consultation from other physicians or practitioners of healing arts*
45 *who have knowledge of the proposed care or treatment.*



1 2. *To be free from abuse, neglect and aversive intervention.*
2 3. *To consent to the consumer's transfer from one facility to*
3 *another, except that the Administrator of the Division or the*
4 *Administrator's designee, or the Administrator of the Division of*
5 *Child and Family Services of the Department or the*
6 *Administrator's designee, may order a transfer to be made*
7 *whenever conditions concerning care, treatment or training*
8 *warrant it. If the consumer in any manner objects to the transfer,*
9 *the person ordering it must enter the objection and a written*
10 *justification of the transfer in the consumer's record of treatment*
11 *and immediately forward a notice of the objection to the*
12 *Administrator who ordered the transfer, and the Commission on*
13 *Behavioral Health shall review the transfer pursuant to subsection*
14 *3 of section 58.47 of this act.*

15 4. *Other rights concerning care, treatment and training as*
16 *may be specified by regulation.*

17 **Sec. 58.23.** *1. An individualized written plan of intellectual*
18 *disability services or plan of services for a related condition must*
19 *be developed for each consumer of each facility. The plan must:*

20 (a) *Provide for the least restrictive treatment procedure that*
21 *may reasonably be expected to benefit the consumer; and*

22 (b) *Be developed with the input and participation of:*

23 (1) *The consumer, to the extent that he or she is able to*
24 *provide input and participate; and*

25 (2) *To the extent that the consumer is unable to provide*
26 *input and participate, the parent or guardian of the consumer if*
27 *the consumer is under 18 years of age and is not legally*
28 *emancipated, or the legal guardian of a consumer who has been*
29 *adjudicated mentally incompetent.*

30 2. *The plan must be kept current and must be modified, with*
31 *the input and participation of the consumer, the parent or*
32 *guardian of the consumer or the legal guardian of the consumer,*
33 *as appropriate, when indicated. The plan must be thoroughly*
34 *reviewed at least once every 3 months.*

35 3. *The person in charge of implementing the plan of services*
36 *must be designated in the plan.*

37 **Sec. 58.27.** *1. Each facility shall make all of its decisions,*
38 *policies, procedures and practices regarding emergency*
39 *admissions or involuntary court-ordered admissions based upon*
40 *clinical efficiency rather than cost containment.*

41 2. *This section does not preclude a public facility from*
42 *making decisions, policies, procedures and practices within the*
43 *limits of the money made available to the facility.*

44 **Sec. 58.3.** *1. A consumer or the consumer's legal guardian*
45 *must be:*



1 (a) Permitted to inspect the consumer's records; and
2 (b) Informed of the consumer's clinical status and progress at
3 reasonable intervals of no longer than 3 months in a manner
4 appropriate to his or her clinical condition.

5 2. Unless a psychiatrist has made a specific entry to the
6 contrary in a consumer's records, a consumer or the consumer's
7 legal guardian is entitled to obtain a copy of the consumer's
8 records at any time upon notice to the administrative officer of the
9 facility and payment of the cost of reproducing the records.

10 **Sec. 58.33.** 1. The attending psychiatrist or physician is
11 responsible for all medication given or administered to a
12 consumer.

13 2. Each administrative officer shall establish a policy for the
14 review of the administration, storage and handling of medications
15 by nurses and nonprofessional personnel.

16 **Sec. 58.37.** 1. A consumer may perform labor which
17 contributes to the operation and maintenance of the facility for
18 which the facility would otherwise employ someone only if:

- 19 (a) The consumer voluntarily agrees to perform the labor;
20 (b) Engaging in the labor is not inconsistent with and does not
21 interfere with the plan of services for the consumer;
22 (c) The person responsible for the consumer's treatment
23 agrees to the plan of labor; and
24 (d) The amount of time or effort necessary to perform the
25 labor is not excessive.

26 ↪ In no event may discharge or privileges be conditioned upon
27 the performance of such labor.

28 2. A consumer who performs labor which contributes to the
29 operation and maintenance of the facility for which the facility
30 would otherwise employ someone must be adequately compensated
31 and the compensation must be in accordance with applicable state
32 and federal labor laws.

33 3. A consumer who performs labor other than that described
34 in subsection 2 must be compensated an adequate amount if an
35 economic benefit to another person or agency results from the
36 consumer's labor.

37 4. The administrative officer of the facility may provide for
38 compensation of a resident when the resident performs labor not
39 governed by subsection 2 or 3.

40 5. This section does not apply to labor of a personal
41 housekeeping nature or to labor performed as a condition of
42 residence in a small group living arrangement.

43 6. One-half of any compensation paid to a consumer
44 pursuant to this section is exempt from collection or retention as
45 payment for services rendered by the Division or its facilities. Such



1 *an amount is also exempt from levy, execution, attachment,*
2 *garnishment or any other remedies provided by law for the*
3 *collection of debts.*

4 **Sec. 58.4.** *Each consumer admitted for evaluation, treatment*
5 *or training to a facility has the following rights concerning the*
6 *suspension or violation of his or her rights, a list of which must be*
7 *prominently posted in all facilities providing those services and*
8 *must be otherwise brought to the attention of the consumer by*
9 *such additional means as prescribed by regulation:*

10 1. *To receive a list of the consumer's rights.*

11 2. *To receive a copy of the policy of the facility that sets forth*
12 *the clinical or medical circumstances under which the consumer's*
13 *rights may be suspended or violated.*

14 3. *To receive a list of the clinically appropriate options*
15 *available to the consumer or the consumer's family to remedy an*
16 *actual or a suspected suspension or violation of his or her rights.*

17 4. *To have all policies of the facility regarding the rights of*
18 *consumers prominently posted in the facility.*

19 **Sec. 58.43.** *Each facility shall, within a reasonable time after*
20 *a consumer is admitted to the facility for evaluation, treatment or*
21 *training, ask the consumer to sign a document that reflects that*
22 *the consumer has received a list of the consumer's rights and has*
23 *had those rights explained to him or her.*

24 **Sec. 58.47.** 1. *The rights of a consumer enumerated in this*
25 *chapter must not be denied except to protect the consumer's health*
26 *and safety or to protect the health and safety of others, or both.*
27 *Any denial of those rights in any facility must be entered in the*
28 *consumer's record of treatment, and notice of the denial must be*
29 *forwarded to the administrative officer of the facility. Failure to*
30 *report denial of rights by an employee may be grounds for*
31 *dismissal.*

32 2. *If the administrative officer of a facility receives notice of a*
33 *denial of rights as provided in subsection 1, the officer shall cause*
34 *a full report to be prepared which must set forth in detail the*
35 *factual circumstances surrounding the denial. Except as otherwise*
36 *provided in NRS 239.0115, such a report is confidential and must*
37 *not be disclosed. A copy of the report must be sent to the*
38 *Commission on Behavioral Health.*

39 3. *The Commission on Behavioral Health:*

40 (a) *Shall receive reports of and may investigate apparent*
41 *violations of the rights guaranteed by this chapter;*

42 (b) *May act to resolve disputes relating to apparent violations;*

43 (c) *May act on behalf of consumers to obtain remedies for any*
44 *apparent violations; and*



1 (d) Shall otherwise endeavor to safeguard the rights
2 guaranteed by this chapter.

3 4. Pursuant to NRS 241.030, the Commission on Behavioral
4 Health may close any portion of a meeting in which it considers
5 the character, alleged misconduct or professional competence of a
6 person in relation to:

7 (a) The denial of the rights of a consumer; or

8 (b) The care and treatment of a consumer.

9 ↪ The provisions of this subsection do not require a meeting of
10 the Commission on Behavioral Health to be closed to the public.

11 Sec. 58.5. An officer, director or employee of a facility shall
12 not retaliate against any person for having:

13 1. Reported any violation of law; or

14 2. Provided information regarding a violation of law,

15 ↪ by the facility or a staff member of the facility.

16 Sec. 58.57. 1. There may be maintained as a trust fund at
17 each division facility a consumers' personal deposit fund.

18 2. Money coming into the possession of the administrative
19 officer of a division facility which belongs to a consumer must be
20 credited in the fund in the name of that consumer.

21 3. When practicable, individual credits in the fund must not
22 exceed the sum of \$300.

23 4. Any amounts to the credit of a consumer may be used for
24 purchasing personal necessities, for expenses of burial or may be
25 turned over to the consumer upon the consumer's demand, except
26 that when the consumer is adjudicated mentally incompetent the
27 guardian of the consumer's estate has the right to demand and
28 receive the money.

29 5. An amount accepted for the benefit of a consumer for a
30 special purpose must be reserved for that purpose regardless of the
31 total amount to the credit of the consumer.

32 6. Except as otherwise provided in subsection 7, the
33 administrative officers shall deposit any money received for the
34 funds of their respective facilities in commercial accounts with
35 one or more banks or credit unions of reputable standing. When
36 deposits in a commercial account exceed \$15,000, the
37 administrative officer may deposit the excess in a savings account
38 paying interest in any reputable commercial bank, or in any credit
39 union or savings and loan association within this state that is
40 federally insured or insured by a private insurer approved
41 pursuant to NRS 678.755. The savings account must be in the
42 name of the fund. Interest paid on deposits in the savings account
43 may be used for recreational purposes at the division facility.

44 7. The administrative officers may maintain at their
45 respective division facilities petty cash of not more than \$400 of



1 *the money in the consumers' personal deposit fund to enable*
2 *consumers to withdraw small sums from their accounts.*

3 **Sec. 58.6.** *Whenever any person admitted to a division*
4 *facility dies, the administrative officer shall send written notice to*
5 *the decedent's legally appointed representative, listing the*
6 *personal property remaining in the custody or possession of the*
7 *facility. If there is no demand made upon the administrative*
8 *officer of the facility by the decedent's legally appointed*
9 *representative, all personal property of the decedent remaining in*
10 *the custody or possession of the administrative officer must be*
11 *held by the officer for a period of 1 year from the date of the*
12 *decedent's death for the benefit of the heirs, legatees or successors*
13 *of the decedent. At the end of this period, another notice must be*
14 *sent to the decedent's representative, listing the property and*
15 *specifying the manner in which the property will be disposed of if*
16 *not claimed within 15 business days. After 15 business days, all*
17 *personal property and documents of the decedent, other than cash,*
18 *remaining unclaimed in the possession of the administrative*
19 *officer must be disposed of as follows:*

20 1. *All documents must be filed by the administrative officer*
21 *with the public administrator of the county from which the*
22 *consumer was admitted.*

23 2. *All other personal property must be sold at a public auction*
24 *or by sealed bids. The proceeds of the sale must be applied to the*
25 *decedent's unpaid balance for costs incurred at the division*
26 *facility.*

27 **Sec. 58.63.** *If a person admitted to a division facility is*
28 *discharged or leaves and the person fails to recover personal*
29 *property worth more than \$100 in the custody of the*
30 *administrative officer of the facility, the administrative officer*
31 *shall notify the former consumer or the consumer's legal*
32 *representative in writing that personal property remains in the*
33 *custody of the facility. The property must be held in safekeeping*
34 *for the consumer for a period of 1 year from the date of discharge.*
35 *If upon the expiration of the 1-year period no claim has been*
36 *made upon the administrative officer by the person or the person's*
37 *legal representative, another notice must be sent to the person or*
38 *the person's legal representative, stating that personal property*
39 *remains in the custody of the facility, and specifying the manner*
40 *in which the property will be disposed of if not claimed within 15*
41 *business days. After 15 business days, the property may be*
42 *considered unclaimed property and be disposed of in the manner*
43 *provided for unclaimed property of deceased persons under the*
44 *provisions of section 58.6 of this act.*



1 **Sec. 58.67.** *If, upon the death or release of a person admitted*
2 *to a division facility, the value of unclaimed personal property in*
3 *the possession of the administrative officer of the facility is so*
4 *minimal that it cannot be sold at public auction or by sealed bid*
5 *and if the property, either in its present condition or in an*
6 *improved condition, cannot be used by the division facility, the*
7 *administrative officer may order the personal property destroyed.*

8 **Sec. 58.7.** *1. Upon the death of a consumer, any known*
9 *relatives or friends of the consumer shall be notified immediately*
10 *of the fact of death.*

11 **2.** *The Administrator or the Administrator's designee shall*
12 *cause a decent burial to be provided for the consumer outside*
13 *division facility grounds. The Administrator or the designee may*
14 *enter into a contract with any person or persons, including*
15 *governmental agencies or other instrumentalities, as the*
16 *Administrator or the designee deems proper, for a decent burial.*
17 *Where there are known relatives, and they are financially able, the*
18 *cost of burial must be borne by the relatives. Where there are no*
19 *known relatives, the cost of burial must be a charge against the*
20 *State of Nevada, but the cost thereof must not exceed the amount*
21 *charged for the burial of indigents in the county in which the*
22 *burial takes place.*

23 **3.** *When a consumer has income from a pension payable*
24 *through a division facility, and has no guardian, the Division may*
25 *obligate operating funds for funeral expenses in the amount due*
26 *under the pension benefits.*

27 **Sec. 58.75.** *1. An employee of a public or private facility*
28 *offering services for persons with intellectual disabilities and*
29 *persons with related conditions or any other person, except a*
30 *consumer, who:*

31 **(a)** *Has reason to believe that a consumer of the Division or of*
32 *a private facility offering services for consumers with intellectual*
33 *disabilities and consumers with related conditions has been or is*
34 *being abused or neglected and fails to report it;*

35 **(b)** *Brings intoxicating beverages or a controlled substance*
36 *into any division facility occupied by consumers unless specifically*
37 *authorized to do so by the administrative officer or a staff*
38 *physician of the facility;*

39 **(c)** *Is under the influence of liquor or a controlled substance*
40 *while employed in contact with consumers, unless in accordance*
41 *with a lawfully issued prescription;*

42 **(d)** *Enters into any transaction with a consumer involving the*
43 *transfer of money or property for personal use or gain at the*
44 *expense of the consumer; or*

45 **(e)** *Contrives the escape, elopement or absence of a consumer,*



1 ↪ is guilty of a misdemeanor, in addition to any other penalties
2 provided by law.

3 2. In addition to any other penalties provided by law, an
4 employee of a public or private facility offering services for
5 persons with intellectual disabilities and persons with related
6 conditions or any other person, except a consumer, who willfully
7 abuses or neglects a consumer:

8 (a) For a first violation that does not result in substantial
9 bodily harm to the consumer, is guilty of a gross misdemeanor.

10 (b) For a first violation that results in substantial bodily harm
11 to the consumer, is guilty of a category B felony.

12 (c) For a second or subsequent violation, is guilty of a category
13 B felony.

14 ↪ A person convicted of a category B felony pursuant to this
15 section shall be punished by imprisonment in the state prison for a
16 minimum term of not less than 1 year and a maximum term of not
17 more than 6 years, or by a fine of not more than \$5,000, or by both
18 fine and imprisonment.

19 3. A person who is convicted pursuant to this section is
20 ineligible for 5 years for appointment to or employment in a
21 position in the state service and, if the person is an officer or
22 employee of the State, the person forfeits his or her office or
23 position.

24 4. A conviction pursuant to this section is, when applicable,
25 grounds for disciplinary action against the person so convicted
26 and the facility where the violation occurred. The Division may
27 recommend to the appropriate agency or board the suspension or
28 revocation of the professional license, registration, certificate or
29 permit of a person convicted pursuant to this section.

30 5. For the purposes of this section:

31 (a) "Abuse" means any willful and unjustified infliction of
32 pain, injury or mental anguish upon a consumer, including, but
33 not limited to:

34 (1) The rape, sexual assault or sexual exploitation of the
35 consumer;

36 (2) The use of any type of aversive intervention;

37 (3) Except as otherwise provided in NRS 433.5486, a
38 violation of NRS 433.549; and

39 (4) The use of physical, chemical or mechanical restraints
40 or the use of seclusion in violation of federal law.

41 ↪ Any act which meets the standard of practice for care and
42 treatment does not constitute abuse.

43 (b) "Consumer" includes any person who seeks, on the
44 person's own or others' initiative, and can benefit from, care,
45 treatment and training in a public or private institution or facility



1 *offering services for persons with intellectual disabilities and*
2 *persons with related conditions.*

3 (c) *“Neglect” means any omission to act which causes injury*
4 *to a consumer or which places the consumer at risk of injury,*
5 *including, but not limited to, the failure to follow:*

6 (1) *An appropriate plan of treatment to which the consumer*
7 *has consented; and*

8 (2) *The policies of the facility for the care and treatment of*
9 *consumers.*

10 ↪ *Any omission to act which meets the standard of practice for*
11 *care and treatment does not constitute neglect.*

12 (d) *“Standard of practice” means the skill and care ordinarily*
13 *exercised by prudent professional personnel engaged in health*
14 *care.*

15 **Sec. 58.8.** 1. *Any person who, on the grounds of a division*
16 *facility, sells, barter, exchanges or in any manner disposes of any*
17 *spirituous or malt liquor or beverage to any person lawfully*
18 *confined in the division facility is guilty of a gross misdemeanor.*

19 2. *This section does not apply to any physician prescribing or*
20 *furnishing liquor to the person when the liquor is prescribed or*
21 *furnished for medicinal purposes only.*

22 **Sec. 58.85.** 1. *A public or private facility offering services*
23 *for persons with intellectual disabilities and persons with related*
24 *conditions may return a prescription drug that is dispensed to a*
25 *patient of the facility, but will not be used by that patient, to the*
26 *dispensing pharmacy for the purpose of reissuing the drug to fill*
27 *other prescriptions for patients in that facility or for the purpose of*
28 *transferring the drug to a nonprofit pharmacy designated by the*
29 *State Board of Pharmacy pursuant to NRS 639.2676 if:*

30 (a) *The drug is not a controlled substance;*

31 (b) *The drug is dispensed in a unit dose, in individually sealed*
32 *doses or in a bottle that is sealed by the manufacturer of the drug;*

33 (c) *The drug is returned unopened and sealed in the original*
34 *manufacturer’s packaging or bottle;*

35 (d) *The usefulness of the drug has not expired;*

36 (e) *The packaging or bottle contains the expiration date of the*
37 *usefulness of the drug; and*

38 (f) *The name of the patient for whom the drug was originally*
39 *prescribed, the prescription number and any other identifying*
40 *marks are obliterated from the packaging or bottle before the*
41 *return of the drug.*

42 2. *A dispensing pharmacy to which a drug is returned*
43 *pursuant to this section may:*

44 (a) *Reissue the drug to fill other prescriptions for patients in*
45 *the same facility if the registered pharmacist of the pharmacy*



1 *determines that the drug is suitable for that purpose in accordance*
2 *with standards adopted by the State Board of Pharmacy pursuant*
3 *to subsection 5; or*

4 *(b) Transfer the drug to a nonprofit pharmacy designated by*
5 *the State Board of Pharmacy pursuant to NRS 639.2676.*

6 *3. No drug that is returned to a dispensing pharmacy*
7 *pursuant to this section may be used to fill other prescriptions*
8 *more than one time.*

9 *4. A facility offering services for persons with intellectual*
10 *disabilities and persons with related conditions shall adopt written*
11 *procedures for returning drugs to a dispensing pharmacy*
12 *pursuant to this section. The procedures must:*

13 *(a) Provide appropriate safeguards for ensuring that the drugs*
14 *are not compromised or illegally diverted during their return.*

15 *(b) Require the maintenance and retention of such records*
16 *relating to the return of such drugs as are required by the State*
17 *Board of Pharmacy.*

18 *(c) Be approved by the State Board of Pharmacy.*

19 *5. The State Board of Pharmacy shall adopt such regulations*
20 *as are necessary to carry out the provisions of this section,*
21 *including, without limitation, requirements for:*

22 *(a) Returning and reissuing such drugs pursuant to the*
23 *provisions of this section.*

24 *(b) Transferring drugs to a nonprofit pharmacy pursuant to*
25 *the provisions of this section and NRS 639.2676.*

26 *(c) Maintaining records relating to the return and the use of*
27 *such drugs to fill other prescriptions.*

28 **Sec. 58.9.** *The administrative officer of a facility of the*
29 *Division must:*

30 *1. Be selected on the basis of training and demonstrated*
31 *administrative qualities of leadership in any one of the fields of*
32 *psychiatry, medicine, psychology, social work, education or*
33 *administration.*

34 *2. Be appointed on the basis of merit as measured by*
35 *administrative training or experience in programs relating to*
36 *intellectual disabilities, including care and treatment of persons*
37 *with intellectual disabilities and persons with related conditions.*

38 **Sec. 59.** *The administrative officers have the following*
39 *powers and duties, subject to the administrative supervision of the*
40 *Administrator:*

41 *1. To exercise general supervision of and establish*
42 *regulations for the government of the facilities designated by the*
43 *Administrator;*

44 *2. To be responsible for and supervise the fiscal affairs and*
45 *responsibilities of the facilities designated by the Administrator;*



1 3. To appoint such medical, technical, clerical and
2 operational staff as the execution of his or her duties, the care and
3 treatment of consumers and the maintenance and operation of the
4 facilities designated by the Administrator may require;

5 4. To make reports to the Administrator, and to supply the
6 Administrator with material on which to base proposed legislation;

7 5. To keep complete and accurate records of all proceedings,
8 record and file all bonds and contracts, and assume responsibility
9 for the custody and preservation of all papers and documents
10 pertaining to his or her office;

11 6. To inform the public in regard to the activities and
12 operation of the facilities;

13 7. To invoke any legal, equitable or special procedures for
14 the enforcement of his or her orders or the enforcement of the
15 provisions of this chapter and other statutes governing the
16 facilities;

17 8. To submit an annual report to the Administrator on
18 the condition, operation, functioning and anticipated needs of the
19 facilities; and

20 9. To assume responsibility for the nonmedical care and
21 treatment of consumers if that responsibility has not been
22 delegated.

23 **Sec. 59.2.** Except as otherwise provided in NRS 284.143, an
24 administrative officer shall devote his or her entire time to the
25 duties of his or her position and shall have no other gainful
26 employment or occupation, but the administrative officer may
27 attend seminars, act as a consultant and give lectures relating to
28 his or her profession and accept appropriate stipends for the
29 seminars, consultations and lectures.

30 **Sec. 59.3.** The medical director of a division facility may
31 order the transfer to a hospital of the Department of Veterans
32 Affairs or other facility of the United States Government any
33 admitted consumer eligible for treatment therein. If the consumer
34 in any manner objects to the transfer, the medical director of the
35 facility shall enter the objection and a written justification of
36 the transfer in the consumer's record and forward a notice of the
37 objection to the Administrator, and the Commission on Behavioral
38 Health shall review the transfer pursuant to subsections 2 and 3 of
39 section 58.47 of this act.

40 **Sec. 59.4. 1.** If any person involuntarily court-admitted to
41 any division facility is found by the court not to be a resident of
42 this State and to be a resident of another state, the person may be
43 transferred to the state of his or her residence pursuant to section
44 57 of this act if an appropriate institution of that state is willing to
45 accept the person.



1 2. *The approval of the Administrator must be obtained before*
2 *any transfer is made pursuant to subsection 1.*

3 **Sec. 59.45.** *1. When a person is admitted to a division*
4 *facility or hospital under one of the various forms of admission*
5 *prescribed by law, the parent or legal guardian of a person with an*
6 *intellectual disability or person with a related condition who is a*
7 *minor or the husband or wife of a person with an intellectual*
8 *disability or person with a related condition, if of sufficient ability,*
9 *and the estate of the person with an intellectual disability or*
10 *person with a related condition, if the estate is sufficient for the*
11 *purpose, shall pay the cost of the maintenance for the person with*
12 *an intellectual disability or person with a related condition,*
13 *including treatment and surgical operations, in any hospital in*
14 *which the person is hospitalized under the provisions of this*
15 *chapter:*

16 (a) *To the administrative officer if the person is admitted to a*
17 *division facility; or*

18 (b) *In all other cases, to the hospital rendering the service.*

19 2. *If a person or an estate liable for the care, maintenance*
20 *and support of a committed person neglects or refuses to pay the*
21 *administrative officer or the hospital rendering the service, the*
22 *State is entitled to recover, by appropriate legal action, all money*
23 *owed to a division facility or which the State has paid to a hospital*
24 *for the care of a committed person, plus interest at the rate*
25 *established pursuant to NRS 99.040.*

26 **Sec. 59.5.** *1. The administrative officers of the respective*
27 *division facilities may enter into special agreements secured by*
28 *properly executed bonds with the relatives, guardians or friends of*
29 *consumers who are adjudicated to be consumers with mental*
30 *incompetence for subsistence, care or other expenses of such*
31 *consumers. Each agreement and bond must be to the State of*
32 *Nevada and any action to enforce the agreement or bond may be*
33 *brought by the administrative officer.*

34 2. *Financially responsible relatives pursuant to section 59.45*
35 *of this act and the guardian of the estate of a consumer may, from*
36 *time to time, pay money to the division facility for the future*
37 *personal needs of the consumer with mental incompetence and for*
38 *the consumer's burial expenses. Money paid pursuant to this*
39 *subsection must be credited to the consumer in the consumers'*
40 *personal deposit fund established pursuant to section 58.57 of this*
41 *act.*

42 **Sec. 59.6.** *1. If the consumer, his or her responsible*
43 *relative pursuant to section 59.45 of this act, guardian or the*
44 *estate neglects or refuses to pay the cost of treatment to the*
45 *division facility rendering service pursuant to the fee schedule*



1 established under section 55.4 of this act, the State is entitled to
2 recover by appropriate legal action all sums due, plus interest.

3 2. Before initiating such legal action, the division facility
4 shall demonstrate efforts at collection, which may include
5 contractual arrangements for collection through a private
6 collection agency.

7 **Sec. 59.7.** *The expense of diagnostic, medical and surgical*
8 *services furnished to a consumer admitted to a division facility by*
9 *a person not on the staff of the facility, whether rendered while the*
10 *consumer is in a general hospital, an outpatient of a general*
11 *hospital or treated outside any hospital, must be paid by the*
12 *consumer, the guardian or relatives responsible pursuant to*
13 *section 59.45 of this act for the consumer's care. In the case of an*
14 *indigent consumer or a consumer whose estate is inadequate to*
15 *pay the expenses, the expenses must be charged to the county from*
16 *which the admission to the division facility was made, if the*
17 *consumer had, before admission, been a resident of that county.*
18 *The expense of such diagnostic, medical and surgical services*
19 *must not in any case be a charge against or paid by the State of*
20 *Nevada, except when, in the opinion of the administrative officer*
21 *of the division facility to which the consumer is admitted, payment*
22 *should be made for nonresident indigent consumers and money is*
23 *authorized pursuant to section 54.6 of this act and the money is*
24 *authorized in approved budgets.*

25 **Sec. 60.** NRS 435.007 is hereby amended to read as follows:
26 435.007 As used in this chapter, unless the context otherwise
27 requires:

28 1. *“Administrative officer” means a person with overall*
29 *executive and administrative responsibility for those state or*
30 *nonstate intellectual disability centers designated by the*
31 *Administrator.*

32 2. *“Administrator” means the Administrator of the Division.*

33 3. *“Child” means any person under the age of 18 years who*
34 *may be eligible for ~~mental-retardation~~ intellectual disabilities*
35 *services or services for a related condition.*

36 ~~2-~~ 4. *“Department” means the Department of Health and*
37 *Human Services.*

38 5. *“Director of the Department” means the administrative*
39 *head of the Department.*

40 6. *“Division” means the Aging and Disability Services*
41 *Division of the Department.*

42 7. *“Division facility” means any unit or subunit operated by*
43 *the Division for the care, treatment and training of consumers.*

44 8. *“Intellectual disability” means significantly subaverage*
45 *general intellectual functioning existing concurrently with deficits*



1 *in adaptive behavior and manifested during the developmental*
2 *period.*

3 *9. "Intellectual disability center" means an organized*
4 *program for providing appropriate services and treatment to*
5 *persons with intellectual disabilities and persons with related*
6 *conditions. An intellectual disability center may include facilities*
7 *for residential treatment and training.*

8 *10. "Medical director" means the chief medical officer of any*
9 *program of the Division for persons with intellectual disabilities*
10 *and persons with other related conditions.*

11 *11. "Mental illness" has the meaning ascribed to it in*
12 *NRS 433.164.*

13 *12. "Parent" means the parent of a child. The term does not*
14 *include the parent of a person who has attained the age of 18 years.*

15 ~~13.~~ *13. "Person" includes a child and any other consumer with*
16 *mental retardation or a related condition who has attained the age of*
17 *18 years.*

18 ~~14.~~ *14. "Person professionally qualified in the field of*
19 *psychiatric mental health" has the meaning ascribed to it in*
20 *NRS 433.209.*

21 *15. "Persons with related conditions" means persons who*
22 *have a severe, chronic disability which:*

23 *(a) Is attributable to:*

24 *(1) Cerebral palsy or epilepsy; or*

25 *(2) Any other condition, other than mental illness, found to*
26 *be closely related to an intellectual disability because the condition*
27 *results in impairment of general intellectual functioning or*
28 *adaptive behavior similar to that of a person with an intellectual*
29 *disability and requires treatment or services similar to those*
30 *required by a person with an intellectual disability;*

31 *(b) Is manifested before the person affected attains the age of*
32 *22 years;*

33 *(c) Is likely to continue indefinitely; and*

34 *(d) Results in substantial functional limitations in three or*
35 *more of the following areas of major life activity:*

36 *(1) Taking care of oneself;*

37 *(2) Understanding and use of language;*

38 *(3) Learning;*

39 *(4) Mobility;*

40 *(5) Self-direction; and*

41 *(6) Capacity for independent living.*

42 *16. "Residential facility for groups" means a structure similar*
43 *to a private residence which will house a small number of persons in*
44 *a homelike atmosphere.*



1 17. "Training" means a program of services directed
2 primarily toward enhancing the health, welfare and development
3 of persons with intellectual disabilities and persons with related
4 conditions through the process of providing those experiences that
5 will enable the person to:

6 (a) Develop his or her physical, intellectual, social and
7 emotional capacities to the fullest extent;

8 (b) Live in an environment that is conducive to personal
9 dignity; and

10 (c) Continue development of those skills, habits and attitudes
11 essential to adaptation in contemporary society.

12 18. "Treatment" means any combination of procedures or
13 activities, of whatever level of intensity and whatever duration,
14 ranging from occasional counseling sessions to full-time
15 admission to a residential facility.

16 **Sec. 60.3.** NRS 435.081 is hereby amended to read as follows:

17 435.081 1. The Administrator or the Administrator's
18 designee may receive a person with ~~mental-retardation~~ **an**
19 **intellectual disability** or a person with a related condition of this
20 State for services in a facility operated by the Division if:

21 (a) The person is a person with ~~mental-retardation as defined in~~
22 ~~NRS 433.174~~ **an intellectual disability** or is a person with a related
23 condition and is in need of institutional training and treatment;

24 (b) Space is available which is designed and equipped to provide
25 appropriate care for the person;

26 (c) The facility has or can provide an appropriate program of
27 training and treatment for the person; and

28 (d) There is written evidence that no less restrictive alternative is
29 available in the person's community.

30 2. A person with ~~mental-retardation~~ **an intellectual disability**
31 or a person with a related condition may be accepted at a division
32 facility for emergency evaluation when the evaluation is requested
33 by a court. A person must not be retained pursuant to this subsection
34 for more than 10 working days.

35 3. A court may order that a person with ~~mental-retardation~~ **an**
36 **intellectual disability** or a person with a related condition be
37 admitted to a division facility if it finds that admission is necessary
38 because of the death or sudden disability of the parent or guardian of
39 the person. The person must not be retained pursuant to this
40 subsection for more than 45 days. Before the expiration of the 45-
41 day period, the Division shall report to the court its
42 recommendations for placement or treatment of the person. If less
43 restrictive alternatives are not available, the person may be admitted
44 to the facility using the procedures for voluntary or involuntary
45 admission, as appropriate.



1 4. A child may be received, cared for and examined at a
2 division facility for ~~the mentally retarded~~ *persons with intellectual*
3 *disabilities or persons with related conditions* for not more than 10
4 working days without admission, if the examination is ordered by a
5 court having jurisdiction of the minor in accordance with the
6 provisions of NRS 62E.280 and subsection 1 of NRS 432B.560. At
7 the end of the 10 days, the Administrator or the Administrator's
8 designee shall report the result of the examination to the court and
9 shall detain the child until the further order of the court, but not to
10 exceed 7 days after the Administrator's report.

11 5. The parent or guardian of a person believed to be a person
12 with ~~mental retardation~~ *an intellectual disability* or a person with
13 a related condition may apply to the administrative officer of a
14 division facility to have the person evaluated by personnel of the
15 Division who are experienced in the diagnosis of ~~mental~~
16 ~~retardation~~ *intellectual disabilities* and related conditions. The
17 administrative officer may accept the person for evaluation without
18 admission.

19 6. If, after the completion of an examination or evaluation
20 pursuant to subsection 4 or 5, the administrative officer finds that
21 the person meets the criteria set forth in subsection 1, the person
22 may be admitted to the facility using the procedures for voluntary or
23 involuntary admission, as appropriate.

24 7. If, at any time, the parent or guardian of a person admitted to
25 a division facility on a voluntary basis, or the person himself or
26 herself if the person has attained the age of 18 years, requests in
27 writing that the person be discharged, the administrative officer
28 shall discharge the person. If the administrative officer finds that
29 discharge from the facility is not in the person's best interests, the
30 administrative officer may initiate proceedings for involuntary
31 admission, but the person must be discharged pending those
32 proceedings.

33 **Sec. 60.7.** NRS 435.227 is hereby amended to read as follows:

34 435.227 Before being issued a certificate by the Division
35 pursuant to NRS 435.225 and annually thereafter as a condition of
36 certification, an organization must:

37 1. Be on file and in good standing with the Secretary of State
38 ~~as a nonprofit organization~~ *and organized* pursuant to title 7 of
39 NRS;

40 2. Submit to the Division an annual audit of the financial
41 statements of the organization that is conducted by an independent
42 certified public accountant; and

43 3. Submit to the Division the most recent federal tax return of
44 the organization, including, without limitation, Form 990, or its
45 successor form, and the Schedule L and Schedule R of such return,



1 or the successor forms of such schedules, which include an
2 itemization of:

3 (a) Any transaction during the federal tax year of the
4 organization in which an economic benefit is provided by
5 the organization to a director, officer or board member of the
6 organization, or any other person who has substantial influence over
7 the organization, and in which the value of the economic benefit
8 provided by the organization exceeds the value of the consideration
9 received by the organization;

10 (b) Any loans to or from the organization which are received by
11 or from a director, officer or board member of the organization, a
12 person who has substantial influence over the organization or a
13 family member of such director, officer, board member or person
14 and which remain outstanding at the end of the federal tax year of
15 the organization;

16 (c) Any grants or other assistance from the organization during
17 the federal tax year of the organization which benefit a director,
18 officer or board member of the organization, a person who has
19 substantial influence over the organization or a family member of
20 such director, officer, board member or person;

21 (d) Business transactions during the federal tax year of the
22 organization between the organization and a director, officer or
23 board member of the organization, a person who has substantial
24 influence over the organization or a family member of such director,
25 officer, board member or person which exceed, in the aggregate,
26 \$100,000, or a single business transaction that exceeds \$10,000; and

27 (e) All related party transactions including, without limitation,
28 the receipt of interest, royalties, annuities or rent, the sale or
29 purchase of assets or services, the sharing of facilities, equipment or
30 employees, and the transfer of cash or property.

31 **Sec. 61.** NRS 435.350 is hereby amended to read as follows:

32 435.350 1. Each person with ~~mental-retardation~~ *an*
33 *intellectual disability* and each person with a related condition
34 admitted to a division facility is entitled to all rights enumerated in
35 NRS 433.482, 433.484 and 433.545 to 433.551, inclusive ~~H~~, *and*
36 *sections 58.17 and 58.2 of this act.*

37 2. The Administrator shall designate a person or persons to be
38 responsible for establishment of regulations relating to denial of
39 rights of persons with ~~mental-retardation~~ *an intellectual disability*
40 and persons with related conditions. The person designated shall file
41 the regulations with the Administrator.

42 3. Consumers' rights specified in NRS 433.482 and 433.484
43 *and sections 58.17 and 58.2 of this act* may be denied only for
44 cause. Any denial of such rights must be entered in the consumer's
45 treatment record, and notice of the denial must be forwarded to the



1 Administrator's designee or designees as provided in subsection 2.
2 Failure to report denial of rights by an employee may be grounds for
3 dismissal.

4 4. Upon receipt of notice of a denial of rights as provided in
5 subsection 3, the Administrator's designee or designees shall cause
6 a full report to be prepared which sets forth in detail the factual
7 circumstances surrounding the denial. A copy of the report must be
8 sent to the Administrator and the Commission ~~†~~ *on Behavioral*
9 *Health*.

10 5. The Commission *on Behavioral Health* has such powers
11 and duties with respect to reports of denial of rights as are
12 enumerated *for the Commission on Behavioral Health* in
13 subsection 3 of ~~NRS 433.534.~~ *section 58.47 of this act.*

14 **Sec. 61.5.** NRS 436.123 is hereby amended to read as follows:

15 436.123 The ~~†~~ *Department* is designated as the
16 official state agency responsible for developing and administering
17 preventive and outpatient mental health services . ~~†, subject to~~
18 ~~administrative supervision by the Director of the Department. It~~
19 *The Department* shall function in the following areas:

20 1. Assisting and consulting with local health authorities in
21 providing community mental health services, which services may
22 include prevention, rehabilitation, case finding, diagnosis and
23 treatment of persons with mental illness, and consultation and
24 education for groups and individuals regarding mental health.

25 2. Coordinating mental health functions with other state
26 agencies.

27 3. Participating in and promoting the development of facilities
28 for training personnel necessary for implementing such services.

29 4. Collecting and disseminating information pertaining to
30 mental health.

31 5. Performing such other acts as are necessary to promote
32 mental health in the State.

33 **Sec. 62.** Chapter 439 of NRS is hereby amended by adding
34 thereto the provisions set forth as sections 63, 64 and 65 of this act.

35 **Sec. 63.** *The Chief Medical Officer must:*

36 1. *Be a citizen of the United States;*

37 2. *Have not less than 5 years' experience in behavioral health*
38 *or public health in a managerial or supervisory capacity; and*

39 3. *Be:*

40 (a) *Licensed in good standing or eligible for a license as a*
41 *physician or administrative physician in Nevada;*

42 (b) *Licensed in good standing or eligible for a license as a*
43 *physician or administrative physician in the District of Columbia*
44 *or in any state or territory of the United States; or*



1 (c) *A physician or administrative physician who has a master's*
2 *degree or doctoral degree in public health or a related field.*

3 **Sec. 64. 1. The Director shall appoint a Chief Medical**
4 **Officer.**

5 **2. The Chief Medical Officer is in the unclassified service of**
6 **the State and serves at the pleasure of the Director.**

7 **Sec. 65. The Chief Medical Officer shall:**

8 **1. Oversee the operation of facilities and centers established**
9 **pursuant to title 39 of NRS.**

10 **2. Direct the work of subordinates and may authorize them to**
11 **act in his or her place and stead.**

12 **3. Perform such other duties as the Director may, from time**
13 **to time, prescribe.**

14 **↳ If the Chief Medical Officer is not licensed to practice medicine**
15 **in this State, he or she shall not, in carrying out the duties of the**
16 **Chief Medical Officer, engage in the practice of medicine.**

17 **Sec. 66. NRS 439.005 is hereby amended to read as follows:**

18 439.005 As used in this chapter, unless the context requires
19 otherwise:

20 1. "Administrator" means the Administrator of the ~~Health~~
21 Division.

22 2. "Department" means the Department of Health and Human
23 Services.

24 3. "Director" means the Director of the Department.

25 4. **"Division" means the Division of Public and Behavioral**
26 **Health of the Department.**

27 5. "Health authority" means the officers and agents of the
28 ~~Health~~ Division or the officers and agents of the local boards of
29 health.

30 ~~{5. "Health Division" means the Health Division of the~~
31 ~~Department.}~~

32 6. "Individually identifiable health information" has the
33 meaning ascribed to it in 45 C.F.R. § 160.103.

34 **Sec. 67. NRS 439.010 is hereby amended to read as follows:**

35 439.010 Except as otherwise provided in NRS 439.581 to
36 439.595, inclusive, the provisions of this chapter must be
37 administered by the Administrator and the ~~Health~~ Division, subject
38 to administrative supervision by the Director.

39 **Sec. 68. NRS 439.015 is hereby amended to read as follows:**

40 439.015 The Department, through the ~~Health~~ Division, may
41 accept and direct the disbursement of money appropriated by any
42 Act of Congress and apportioned or allocated to the State of Nevada
43 for health purposes. This federal money must be deposited in the
44 State Treasury for credit to the State ~~Health~~ Division **of Public**



1 *and Behavioral Health* Federal Account within the State General
2 Fund.

3 **Sec. 69.** (Deleted by amendment.)

4 **Sec. 69.5.** NRS 439.110 is hereby amended to read as follows:

5 439.110 1. Except as otherwise provided in subsection 2 and
6 NRS 284.143, the ~~{State Health}~~ *Chief Medical* Officer shall devote
7 his or her full time to the official duties of the ~~{State Health}~~ *Chief*
8 *Medical* Officer and shall not engage in any other business or
9 occupation.

10 2. Notwithstanding the provisions of NRS 281.127, the ~~{State~~
11 ~~Health}~~ *Chief Medical* Officer may cooperate with the Nevada
12 System of Higher Education in the preparation and teaching of
13 preservice professional workers in public health and in a program
14 providing additional professional preparation for *behavioral health*
15 *workers and* public health workers employed by the State of
16 Nevada.

17 **Sec. 70.** NRS 439.130 is hereby amended to read as follows:

18 439.130 1. The ~~{State Health}~~ *Chief Medical* Officer shall:

19 (a) Enforce all laws and regulations pertaining to the public
20 health.

21 (b) Investigate causes of disease, epidemics, source of mortality,
22 nuisances affecting the public health, and all other matters related to
23 the health and life of the people, and to this end the ~~{State Health}~~
24 *Chief Medical* Officer may enter upon and inspect any public or
25 private property in the State.

26 (c) Direct the work of subordinates and may authorize them to
27 act in his or her place and stead.

28 (d) Except as otherwise provided in subsection 5 of NRS
29 439.970, perform the duties prescribed in NRS 439.950 to 439.983,
30 inclusive.

31 (e) Perform such other duties as the Director may, from time to
32 time, prescribe.

33 ➤ If the ~~{State Health}~~ *Chief Medical* Officer is not licensed to
34 practice medicine in this State, he or she shall not, in carrying out
35 the duties of the ~~{State Health}~~ *Chief Medical* Officer, engage in the
36 practice of medicine.

37 2. The Administrator shall direct the work of the ~~{Health}~~
38 Division, administer the Division and perform such other duties as
39 the Director may, from time to time, prescribe.

40 **Sec. 71.** NRS 439.150 is hereby amended to read as follows:

41 439.150 1. The State Board of Health is hereby declared to
42 be supreme in all nonadministrative health matters. It has general
43 supervision over all matters, except for administrative matters and
44 as otherwise provided in NRS 439.950 to 439.983, inclusive,
45 relating to the preservation of the health and lives of citizens of this



1 State and over the work of the ~~{State-Health}~~ *Chief Medical* Officer
2 and all district, county and city health departments, boards of health
3 and health officers.

4 2. The Department is hereby designated as the agency of this
5 State to cooperate with the federal authorities in the administration
6 of those parts of the Social Security Act which relate to the general
7 promotion of public health. It may receive and expend all money
8 made available to the ~~{Health}~~ Division by the Federal Government,
9 the State of Nevada or its political subdivisions, or from any other
10 source, for the purposes provided in this chapter. In developing and
11 revising any state plan in connection with federal assistance for
12 health programs, the Department shall consider, without limitation,
13 the amount of money available from the Federal Government for
14 those programs, the conditions attached to the acceptance of that
15 money and the limitations of legislative appropriations for those
16 programs.

17 3. Except as otherwise provided in NRS 576.128, the State
18 Board of Health may set reasonable fees for the:

19 (a) Licensing, registering, certifying, inspecting or granting of
20 permits for any facility, establishment or service regulated by the
21 ~~{Health}~~ Division;

22 (b) Programs and services of the ~~{Health}~~ Division;

23 (c) Review of plans; and

24 (d) Certification and licensing of personnel.

25 ➔ Fees set pursuant to this subsection must be calculated to produce
26 for that period the revenue from the fees projected in the budget
27 approved for the ~~{Health}~~ Division by the Legislature.

28 **Sec. 72.** NRS 439.2794 is hereby amended to read as follows:

29 439.2794 1. The ~~{Health}~~ Division may:

30 (a) Enter into contracts for any services necessary to carry out or
31 assist the ~~{Health}~~ Division in carrying out the provisions of NRS
32 439.271 to 439.2794, inclusive, with public or private entities that
33 have the appropriate expertise to provide such services;

34 (b) Apply for and accept any gift, donation, bequest, grant or
35 other source of money to carry out the provisions of NRS 439.271
36 to 439.2794, inclusive;

37 (c) Apply for any waiver from the Federal Government that may
38 be necessary to maximize the amount of money this State may
39 obtain from the Federal Government to carry out the provisions of
40 NRS 439.271 to 439.2794, inclusive; and

41 (d) Adopt regulations as necessary to carry out and administer
42 the Program.

43 2. Any money that is accepted by the ~~{Health}~~ Division
44 pursuant to subsection 1 must be deposited in the State Treasury and
45 accounted for separately in the State General Fund.



1 3. The Administrator shall administer the account created
2 pursuant to subsection 2. Money in the account does not lapse to the
3 State General Fund at the end of the fiscal year. The interest and
4 income earned on the money in the account must be credited to the
5 account. Any claims against the account must be paid as other
6 claims against the State are paid.

7 **Sec. 73.** NRS 439.340 is hereby amended to read as follows:

8 439.340 The county board of health shall be subject to the
9 supervision of the ~~{Health}~~ Division, and shall make such reports to
10 the ~~{Health}~~ Division as the State Board of Health may require.

11 **Sec. 74.** NRS 439.4905 is hereby amended to read as follows:

12 439.4905 1. Unless an exemption is approved pursuant to
13 subsection 3, each county shall pay an assessment to the ~~{Health}~~
14 Division, in an amount determined by the ~~{Health}~~ Division, for the
15 costs of services provided in that county by the ~~{Health}~~ Division or
16 by the ~~{State-Health}~~ *Chief Medical* Officer, including, without
17 limitation, services provided pursuant to this chapter and chapters
18 441A, 444, 446 and 583 of NRS and the regulations adopted
19 pursuant to those chapters, regardless of whether the county has a
20 local health authority.

21 2. Each county shall pay the assessment to the ~~{Health}~~
22 Division in quarterly installments that are due on the first day of the
23 first month of each calendar quarter.

24 3. A county may submit a proposal to the Governor for the
25 county to carry out the services that would otherwise be provided by
26 the ~~{Health}~~ Division or the ~~{State-Health}~~ *Chief Medical* Officer
27 pursuant to this chapter and chapters 441A, 444, 446 and 583 of
28 NRS and the regulations adopted pursuant to those chapters. If the
29 Governor approves the proposal, the Governor shall submit a
30 recommendation to the Interim Finance Committee to exempt the
31 county from the assessment required pursuant to subsection 1. The
32 Interim Finance Committee, upon receiving the recommendation
33 from the Governor, shall consider the proposal and determine
34 whether to approve the exemption. In considering whether to
35 approve the exemption, the Interim Finance Committee shall
36 consider, among other things, the best interests of the State, the
37 effect of the exemption and the intent of the Legislature in requiring
38 the assessment to be paid by each county.

39 4. An exemption that is approved by the Interim Finance
40 Committee pursuant to subsection 3 must not become effective until
41 at least 6 months after that approval.

42 5. A county that receives approval pursuant to subsection 3 to
43 carry out the services that would otherwise be provided by the
44 ~~{Health}~~ Division or the ~~{State-Health}~~ *Chief Medical* Officer
45 pursuant to this chapter and chapters 441A, 444, 446 and 583 of



1 NRS and the regulations adopted pursuant to those chapters shall
2 carry out those services in the manner set forth in those chapters and
3 regulations.

4 6. The ~~{Health}~~ Division may adopt such regulations as
5 necessary to carry out the provisions of this section.

6 **Sec. 75.** NRS 439.494 is hereby amended to read as follows:

7 439.494 1. The ~~{Health}~~ Division may:

8 (a) Enter into contracts for any service necessary to carry out the
9 provisions of NRS 439.491 to 439.494, inclusive; and

10 (b) Apply for and accept gifts, grants, donations and bequests
11 from any source to carry out the provisions of NRS 439.491 to
12 439.494, inclusive.

13 2. Any money collected pursuant to subsection 1 and any
14 money appropriated to carry out the provisions of NRS 439.491 to
15 439.494, inclusive:

16 (a) Must be deposited in the State Treasury and accounted for
17 separately in the State General Fund; and

18 (b) Except as otherwise provided by the terms of a specific gift,
19 grant, donation or bequest, must only be expended to carry out the
20 provisions of NRS 439.491 to 439.494, inclusive.

21 3. The Administrator shall administer the account. Any interest
22 or income earned on the money in the account must be credited to
23 the account.

24 4. Any claims against the account must be paid as other claims
25 against the State are paid.

26 **Sec. 76.** NRS 439.507 is hereby amended to read as follows:

27 439.507 1. The ~~{Health}~~ Division may:

28 (a) Within the limitations of available funding, enter into
29 contracts for any services necessary to carry out or assist the
30 ~~{Health}~~ Division in carrying out NRS 439.501 to 439.507,
31 inclusive, with public or private entities that have the appropriate
32 expertise to provide such services;

33 (b) Apply for and accept any gift, donation, bequest, grant or
34 other source of money to carry out the provisions of NRS 439.501
35 to 439.507, inclusive; and

36 (c) Apply for any waiver from the Federal Government that may
37 be necessary to maximize the amount of money this state may
38 obtain from the Federal Government to carry out the provisions of
39 NRS 439.501 to 439.507, inclusive.

40 2. Any money that is appropriated to carry out the provisions
41 of NRS 439.501 to 439.507, inclusive:

42 (a) Must be deposited in the State Treasury and accounted for
43 separately in the State General Fund; and

44 (b) May only be used to carry out those provisions.



1 3. The Administrator shall administer the account. Any interest
2 or income earned on the money in the account must be credited to
3 the account. Any claims against the account must be paid as other
4 claims against the State are paid.

5 **Sec. 77.** NRS 439.527 is hereby amended to read as follows:

6 439.527 1. There is hereby created the Committee on Co-
7 Occurring Disorders. The Committee consists of:

8 (a) The Administrator, ~~[of the Division of Mental Health and~~
9 ~~Developmental Services of the Department.]~~ who is an ex officio
10 member of the Committee; and

11 (b) Fourteen members appointed by the Governor.

12 2. The Governor shall appoint to the Committee:

13 (a) One member who is a psychiatrist licensed to practice
14 medicine in this State and certified by the American Board of
15 Psychiatry and Neurology;

16 (b) One member who is a physician licensed pursuant to chapter
17 630 or 633 of NRS who is certified as an addictionologist by the
18 American Society of Addiction Medicine;

19 (c) One member who is a psychologist licensed to practice in
20 this State;

21 (d) One member who is licensed as a marriage and family
22 therapist in this State;

23 (e) One member who is licensed as a clinical social worker in
24 this State;

25 (f) One member who is a district judge in this State;

26 (g) One member who is a representative of the Nevada System
27 of Higher Education;

28 (h) One member who is a representative of a state or local
29 criminal justice agency;

30 (i) One member who is a representative of a hospital or mental
31 health facility in this State;

32 (j) One member who is a member of the Nevada Mental Health
33 Planning Advisory Council;

34 (k) One member who is a representative of a program relating to
35 mental health and the treatment of the abuse of alcohol or drugs in
36 this State;

37 (l) One member who is a policy analyst in the field of mental
38 health, substance abuse or criminal justice;

39 (m) One member who is a representative of persons who have
40 used services relating to mental health, substance abuse or criminal
41 justice in this State; and

42 (n) One member who is an immediate family member of a
43 person who has used services relating to mental health, substance
44 abuse or criminal justice in this State.



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1 3. The members of the Committee shall elect a Chair and Vice
2 Chair by a majority vote. After the initial election, the Chair and
3 Vice Chair shall hold office for a term of 1 year beginning on
4 October 1 of each year. If a vacancy occurs in the office of the
5 Chair, the members of the Committee shall elect a Chair from
6 among its members for the remainder of the unexpired term.

7 4. After the initial terms, each member of the Committee who
8 is appointed serves for a term of 4 years. A member may be
9 reappointed.

10 5. A vacancy on the Committee must be filled in the same
11 manner as the original appointment.

12 6. Each member of the Committee:

13 (a) Serves without compensation; and

14 (b) While engaged in the business of the Committee, is entitled
15 to receive the per diem allowance and travel expenses provided for
16 state officers and employees generally.

17 7. Each member of the Committee who is an officer or
18 employee of the State or a local government must be relieved from
19 his or her duties without loss of his or her regular compensation to
20 prepare for and attend meetings of the Committee and perform any
21 work necessary to carry out the duties of the Committee in the most
22 timely manner practicable. A state agency or local government shall
23 not require an officer or employee who is a member of the
24 Committee to make up the time the member is absent from work to
25 carry out his or her duties as a member, and shall not require the
26 member to take annual vacation or compensatory time for the
27 absence.

28 8. The members of the Committee shall meet at least quarterly
29 and at the times and places specified by a call of the Chair or a
30 majority of the members of the Committee.

31 9. Eight members of the Committee constitute a quorum. The
32 affirmative vote of a majority of the Committee members present is
33 sufficient for any action of the Committee.

34 **Sec. 78.** NRS 439.570 is hereby amended to read as follows:

35 439.570 1. When the health authority deems it necessary,
36 the health authority shall report cases of violation of any of the
37 provisions of this chapter or of provisions of law requiring the
38 immunization of children in public schools, private schools and
39 child care facilities, to the district attorney of the county, with a
40 statement of the facts and circumstances. When any such case is
41 reported to the district attorney by the health authority, the district
42 attorney shall forthwith initiate and promptly follow up the
43 necessary court proceedings against the person or corporation
44 responsible for the alleged violation of law.



1 2. Upon request of the **Health** Division, the Attorney General
2 shall assist in the enforcement of the provisions of this chapter and
3 provisions of law requiring the immunization of children in public
4 schools, private schools and child care facilities.

5 **Sec. 79.** NRS 439.580 is hereby amended to read as follows:

6 439.580 1. Any local health officer or a deputy of a local
7 health officer who neglects or fails to enforce the provisions of this
8 chapter in his or her jurisdiction, or neglects or refuses to perform
9 any of the duties imposed upon him or her by this chapter or by the
10 instructions and directions of the **Health** Division shall be
11 punished by a fine of not more than \$250.

12 2. Each person who violates any of the provisions of this
13 chapter or refuses or neglects to obey any lawful order, rule or
14 regulation of the:

15 (a) State Board of Health or violates any rule or regulation
16 approved by the State Board of Health pursuant to NRS 439.350,
17 439.366, 439.410 and 439.460; or

18 (b) Director adopted pursuant to NRS 439.538 or 439.581 to
19 439.595, inclusive,

20 ↪ is guilty of a misdemeanor.

21 **Sec. 80.** NRS 439.885 is hereby amended to read as follows:

22 439.885 1. If a medical facility:

23 (a) Commits a violation of any provision of NRS 439.800 to
24 439.890, inclusive, or for any violation for which an administrative
25 sanction pursuant to NRS 449.163 would otherwise be applicable;
26 and

27 (b) Of its own volition, reports the violation to the
28 Administrator,

29 ↪ such a violation must not be used as the basis for imposing an
30 administrative sanction pursuant to NRS 449.163.

31 2. If a medical facility commits a violation of any provision of
32 NRS 439.800 to 439.890, inclusive, and does not, of its own
33 volition, report the violation to the Administrator, the **Health**
34 Division may, in accordance with the provisions of subsection 3,
35 impose an administrative sanction:

36 (a) For failure to report a sentinel event, in an amount not to
37 exceed \$100 per day for each day after the date on which the
38 sentinel event was required to be reported pursuant to NRS 439.835;

39 (b) For failure to adopt and implement a patient safety plan
40 pursuant to NRS 439.865, in an amount not to exceed \$1,000 for
41 each month in which a patient safety plan was not in effect; and

42 (c) For failure to establish a patient safety committee or failure
43 of such a committee to meet pursuant to the requirements of NRS
44 439.875, in an amount not to exceed \$2,000 for each violation of
45 that section.



1 3. Before the ~~Health~~ Division imposes an administrative
2 sanction pursuant to subsection 2, the ~~Health~~ Division shall
3 provide the medical facility with reasonable notice. The notice must
4 contain the legal authority, jurisdiction and reasons for the action to
5 be taken. If a medical facility wants to contest the action, the facility
6 may file an appeal pursuant to the regulations of the State Board of
7 Health adopted pursuant to NRS 449.165 and 449.170. Upon
8 receiving notice of an appeal, the ~~Health~~ Division shall hold a
9 hearing in accordance with those regulations.

10 4. An administrative sanction collected pursuant to this section
11 must be accounted for separately and used by the ~~Health~~ Division
12 to provide training and education to employees of the ~~Health~~
13 Division, employees of medical facilities and members of the
14 general public regarding issues relating to the provision of quality
15 and safe health care.

16 **Sec. 80.5.** NRS 439.970 is hereby amended to read as follows:

17 439.970 1. Except as otherwise provided in chapter 414 of
18 NRS, if a health authority identifies within its jurisdiction a public
19 health emergency or other health event that is an immediate threat to
20 the health and safety of the public in a health care facility or the
21 office of a provider of health care, the health authority shall
22 immediately transmit to the Governor a report of the immediate
23 threat.

24 2. Upon receiving a report pursuant to subsection 1, the
25 Governor shall determine whether a public health emergency or
26 other health event exists that requires a coordinated response for the
27 health and safety of the public. If the Governor determines that a
28 public health emergency or other health event exists that requires
29 such a coordinated response, the Governor shall issue an executive
30 order:

31 (a) Stating the nature of the public health emergency or other
32 health event;

33 (b) Stating the conditions that have brought about the public
34 health emergency or other health event, including, without
35 limitation, an identification of each health care facility or provider
36 of health care, if any, related to the public health emergency or other
37 health event;

38 (c) Stating the estimated duration of the immediate threat to the
39 health and safety of the public; and

40 (d) Designating an emergency team comprised of:

41 (1) The ~~State Health~~ *Chief Medical* Officer or a person
42 appointed pursuant to subsection 5, as applicable; and

43 (2) Representatives of state agencies, divisions, boards and
44 other entities, including, without limitation, professional licensing
45 boards, with authority by statute to govern or regulate the health



1 care facilities and providers of health care identified as being related
2 to the public health emergency or other health event pursuant to
3 paragraph (b).

4 3. If additional state agencies, divisions, boards or other
5 entities are identified during the course of the response to the public
6 health emergency or other health event as having authority
7 regarding a health care facility or provider of health care that is
8 related to the public health emergency or other health event, the
9 Governor shall direct that agency, division, board or entity to
10 appoint a representative to the emergency team.

11 4. The ~~{State-Health}~~ *Chief Medical* Officer or a person
12 appointed pursuant to subsection 5, as applicable, is the chair of the
13 emergency team.

14 5. If the ~~{State-Health}~~ *Chief Medical* Officer has a conflict of
15 interest relating to a public health emergency or other health event
16 or is otherwise unable to carry out the duties prescribed pursuant to
17 NRS 439.950 to 439.983, inclusive, the Director shall temporarily
18 appoint a person to carry out the duties of the ~~{State-Health}~~ *Chief*
19 *Medical* Officer prescribed in NRS 439.950 to 439.983, inclusive,
20 until such time as the public health emergency or other health event
21 has been resolved or the ~~{State-Health}~~ *Chief Medical* Officer is
22 able to resume those duties. The person appointed by the Director
23 must meet the requirements prescribed by ~~{subsection 1 of NRS~~
24 ~~439.090.}~~ *section 63 of this act.*

25 6. The Governor shall immediately transmit the executive
26 order to:

27 (a) The Legislature or, if the Legislature is not in session, to the
28 Legislative Commission and the Legislative Committee on Health
29 Care; and

30 (b) Any person or entity deemed necessary or advisable by the
31 Governor.

32 7. The Governor shall declare a public health emergency or
33 other health event terminated before the estimated duration stated in
34 the executive order upon a finding that the public health emergency
35 or other health event no longer poses an immediate threat to the
36 health and safety of the public. Upon such a finding, the Governor
37 shall notify each person and entity described in subsection 6.

38 8. If a public health emergency or other health event lasts
39 longer than the estimated duration stated in the executive order, the
40 Governor is not required to reissue an executive order, but shall
41 notify each person and entity identified in subsection 6.

42 9. The Attorney General shall provide legal counsel to the
43 emergency team.



1 **Sec. 81.** Chapter 439A of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***“Division” means the Division of Public and Behavioral***
4 ***Health of the Department.***

5 **Sec. 82.** NRS 439A.100 is hereby amended to read as follows:

6 439A.100 1. Except as otherwise provided in this section, in
7 a county whose population is less than 100,000, no person may
8 undertake any proposed expenditure for new construction by or on
9 behalf of a health facility in excess of the greater of \$2,000,000 or
10 such an amount as the Department may specify by regulation, which
11 under generally accepted accounting principles consistently applied
12 is a capital expenditure, without first applying for and obtaining the
13 written approval of the Director. The ~~Health~~ ***Division of Public***
14 ***and Behavioral Health*** of the Department shall not issue a new
15 license or alter an existing license for such a project unless the
16 Director has issued such an approval.

17 2. The provisions of subsection 1 do not apply to:

18 (a) Any capital expenditure for:

- 19 (1) The acquisition of land;
20 (2) The construction of a facility for parking;
21 (3) The maintenance of a health facility;
22 (4) The renovation of a health facility to comply with
23 standards for safety, licensure, certification or accreditation;
24 (5) The installation of a system to conserve energy;
25 (6) The installation of a system for data processing or
26 communication; or

27 (7) Any other project which, in the opinion of the Director,
28 does not relate directly to the provision of any health service;

29 (b) Any project for the development of a health facility that has
30 received legislative approval and authorization; or

31 (c) A project for the construction of a hospital in an
32 unincorporated town if:

33 (1) The population of the unincorporated town is more than
34 24,000;

35 (2) No other hospital exists in the town;

36 (3) No other hospital has been approved for construction or
37 qualified for an exemption from approval for construction in the
38 town pursuant to this section; and

39 (4) The unincorporated town is at least a 45-minute drive
40 from the nearest center for the treatment of trauma that is licensed
41 by the ~~Health~~ ***Division of Public and Behavioral Health*** of the
42 Department.

43 ➤ Upon determining that a project satisfies the requirements for an
44 exemption pursuant to this subsection, the Director shall issue a



1 certificate which states that the project is exempt from the
2 requirements of this section.

3 3. In reviewing an application for approval, the Director shall:

4 (a) Comparatively assess applications for similar projects
5 affecting the same geographic area; and

6 (b) Base his or her decision on criteria established by the
7 Director by regulation. The criteria must include:

8 (1) The need for and the appropriateness of the project in the
9 area to be served;

10 (2) The financial feasibility of the project;

11 (3) The effect of the project on the cost of health care; and

12 (4) The extent to which the project is consistent with the
13 purposes set forth in NRS 439A.020 and the priorities set forth in
14 NRS 439A.081.

15 4. The Department may by regulation require additional
16 approval for a proposed change to a project which has previously
17 been approved if the proposal would result in a change in the
18 location of the project or a substantial increase in the cost of the
19 project.

20 5. The decision of the Director is a final decision for the
21 purposes of judicial review.

22 6. As used in this section, "hospital" has the meaning ascribed
23 to it in NRS 449.012.

24 **Sec. 83.** NRS 439A.130 is hereby amended to read as follows:

25 439A.130 As used in NRS 439A.130 to 439A.185, inclusive,
26 *and section 81 of this act*, the words and terms defined in NRS
27 439A.135 to 439A.165, inclusive, *and section 81 of this act* have
28 the meanings ascribed to them in those sections.

29 **Sec. 84.** NRS 439A.135 is hereby amended to read as follows:

30 439A.135 "Administrator" means the Administrator of the
31 ~~Health~~ Division.

32 **Sec. 85.** NRS 439B.410 is hereby amended to read as follows:

33 439B.410 1. Except as otherwise provided in subsection 4,
34 each hospital in this State has an obligation to provide emergency
35 services and care, including care provided by physicians and nurses,
36 and to admit a patient where appropriate, regardless of the financial
37 status of the patient.

38 2. Except as otherwise provided in subsection 4, it is unlawful
39 for a hospital or a physician working in a hospital emergency room
40 to:

41 (a) Refuse to accept or treat a patient in need of emergency
42 services and care; or

43 (b) Except when medically necessary in the judgment of the
44 attending physician:



1 (1) Transfer a patient to another hospital or health facility
2 unless, as documented in the patient's records:

3 (I) A determination has been made that the patient is
4 medically fit for transfer;

5 (II) Consent to the transfer has been given by the
6 receiving physician, hospital or health facility;

7 (III) The patient has been provided with an explanation of
8 the need for the transfer; and

9 (IV) Consent to the transfer has been given by the patient
10 or the patient's legal representative; or

11 (2) Provide a patient with orders for testing at another
12 hospital or health facility when the hospital from which the orders
13 are issued is capable of providing that testing.

14 3. A physician, hospital or other health facility which treats a
15 patient as a result of a violation of subsection 2 by a hospital or a
16 physician working in the hospital is entitled to recover from that
17 hospital an amount equal to three times the charges for the treatment
18 provided that was billed by the physician, hospital or other health
19 facility which provided the treatment, plus reasonable attorney's
20 fees and costs.

21 4. This section does not prohibit the transfer of a patient from
22 one hospital to another:

23 (a) When the patient is covered by an insurance policy or other
24 contractual arrangement which provides for payment at the
25 receiving hospital;

26 (b) After the county responsible for payment for the care of an
27 indigent patient has exhausted the money which may be
28 appropriated for that purpose pursuant to NRS 428.050, 428.285 and
29 450.425; or

30 (c) When the hospital cannot provide the services needed by the
31 patient.

32 ↪ No transfer may be made pursuant to this subsection until the
33 patient's condition has been stabilized to a degree that allows the
34 transfer without an additional risk to the patient.

35 5. As used in this section:

36 (a) "Emergency services and care" means medical screening,
37 examination and evaluation by a physician or, to the extent
38 permitted by a specific statute, by a person under the supervision of
39 a physician, to determine if an emergency medical condition or
40 active labor exists and, if it does, the care, treatment and surgery by
41 a physician necessary to relieve or eliminate the emergency medical
42 condition or active labor, within the capability of the hospital. As
43 used in this paragraph:

44 (1) "Active labor" means, in relation to childbirth, labor that
45 occurs when:



1 (I) There is inadequate time before delivery to transfer the
2 patient safely to another hospital; or

3 (II) A transfer may pose a threat to the health and safety
4 of the patient or the unborn child.

5 (2) "Emergency medical condition" means the presence of
6 acute symptoms of sufficient severity, including severe pain, such
7 that the absence of immediate medical attention could reasonably be
8 expected to result in:

9 (I) Placing the health of the patient in serious jeopardy;

10 (II) Serious impairment of bodily functions; or

11 (III) Serious dysfunction of any bodily organ or part.

12 (b) "Medically fit" means that the condition of the patient has
13 been sufficiently stabilized so that the patient may be safely
14 transported to another hospital, or is such that, in the determination
15 of the attending physician, the transfer of the patient constitutes an
16 acceptable risk. Such a determination must be based upon the
17 condition of the patient, the expected benefits, if any, to the patient
18 resulting from the transfer and whether the risks to the patient's
19 health are outweighed by the expected benefits, and must be
20 documented in the patient's records before the transfer.

21 6. If an allegation of a violation of the provisions of subsection
22 2 is made against a hospital licensed pursuant to the provisions of
23 chapter 449 of NRS, the ~~Health~~ Division *of Public and*
24 *Behavioral Health* of the Department shall conduct an investigation
25 of the alleged violation. Such a violation, in addition to any criminal
26 penalties that may be imposed, constitutes grounds for the denial,
27 suspension or revocation of such a license, or for the imposition of
28 any sanction prescribed by NRS 449.163.

29 7. If an allegation of a violation of the provisions of subsection
30 2 is made against:

31 (a) A physician licensed to practice medicine pursuant to the
32 provisions of chapter 630 of NRS, the Board of Medical Examiners
33 shall conduct an investigation of the alleged violation. Such a
34 violation, in addition to any criminal penalties that may be imposed,
35 constitutes grounds for initiating disciplinary action or denying
36 licensure pursuant to the provisions of subsection 3 of
37 NRS 630.3065.

38 (b) An osteopathic physician licensed to practice osteopathic
39 medicine pursuant to the provisions of chapter 633 of NRS, the
40 State Board of Osteopathic Medicine shall conduct an investigation
41 of the alleged violation. Such a violation, in addition to any criminal
42 penalties that may be imposed, constitutes grounds for initiating
43 disciplinary action pursuant to the provisions of subsection 1 of
44 NRS 633.131.



1 **Sec. 86.** NRS 440.110 is hereby amended to read as follows:
2 440.110 The Administrator of the ~~Health~~ Division *of Public*
3 *and Behavioral Health* of the Department of Health and Human
4 Services is the State Registrar of Vital Statistics.

5 **Sec. 87.** NRS 441A.140 is hereby amended to read as follows:
6 441A.140 The ~~Health~~ Division *of Public and Behavioral*
7 *Health of the Department of Health and Human Services* may
8 receive any financial aid made available by any grant or other
9 source and shall use the aid, in cooperation with the health authority,
10 to carry out the provisions of this chapter.

11 **Sec. 88.** Chapter 442 of NRS is hereby amended by adding
12 thereto the provisions set forth as sections 89 and 90 of this act.

13 **Sec. 89.** *As used in this section and NRS 442.740, 442.750*
14 *and 442.770 and section 90 of this act, unless the context*
15 *otherwise requires, the words and terms defined in NRS 442.740*
16 *and section 90 of this act, have the meanings ascribed to them in*
17 *those sections.*

18 **Sec. 90.** *“Division” means the Aging and Disability Services*
19 *Division of the Department of Health and Human Services.*

20 **Sec. 91.** NRS 442.003 is hereby amended to read as follows:
21 442.003 As used in ~~this chapter,~~ *NRS 442.003 to 442.700,*
22 *inclusive, unless the context requires otherwise:*

23 1. “Advisory Board” means the Advisory Board on Maternal
24 and Child Health.

25 2. “Department” means the Department of Health and Human
26 Services.

27 3. “Director” means the Director of the Department.

28 4. *“Division” means the Division of Public and Behavioral*
29 *Health of the Department.*

30 5. “Fetal alcohol syndrome” includes fetal alcohol effects.

31 ~~5. “Health Division” means the Health Division of the~~
32 ~~Department.~~

33 6. “Laboratory” has the meaning ascribed to it in
34 NRS 652.040.

35 7. “Obstetric center” has the meaning ascribed to it in
36 NRS 449.0155.

37 8. “Provider of health care or other services” means:

38 (a) A clinical alcohol and drug abuse counselor who is licensed,
39 or an alcohol and drug abuse counselor who is licensed or certified,
40 pursuant to chapter 641C of NRS;

41 (b) A physician or a physician assistant who is licensed pursuant
42 to chapter 630 or 633 of NRS and who practices in the area of
43 obstetrics and gynecology, family practice, internal medicine,
44 pediatrics or psychiatry;

45 (c) A licensed nurse;



- 1 (d) A licensed psychologist;
- 2 (e) A licensed marriage and family therapist;
- 3 (f) A licensed clinical professional counselor;
- 4 (g) A licensed social worker;
- 5 (h) A licensed dietitian; or
- 6 (i) The holder of a certificate of registration as a pharmacist.

7 **Sec. 92.** NRS 442.005 is hereby amended to read as follows:

8 442.005 The ~~{State-Health}~~ *Chief Medical* Officer and the
9 ~~{Health}~~ Division shall administer the provisions of ~~{this chapter}~~
10 *NRS 442.003 to 442.700, inclusive*, in accordance with the
11 regulations of the State Board of Health and subject to
12 administrative supervision by the Director.

13 **Sec. 93.** NRS 442.009 is hereby amended to read as follows:

14 442.009 1. Except as otherwise provided in this section, if the
15 State Board of Health requires the ~~{Health}~~ Division to provide for
16 the services of a laboratory to determine the presence of certain
17 preventable or inheritable disorders in an infant pursuant to NRS
18 442.008, the ~~{Health}~~ Division shall contract with a laboratory in the
19 following order of priority:

- 20 (a) The State Public Health Laboratory;
 - 21 (b) Any other qualified laboratory located within this State; or
 - 22 (c) Any qualified laboratory located outside of this State.
- 23 2. The ~~{Health}~~ Division shall not contract with a laboratory in
24 a lower category of priority unless the ~~{Health}~~ Division determines
25 that:

26 (a) A laboratory in a higher category of priority is not capable of
27 performing all the tests required to determine the presence of certain
28 preventable or inheritable disorders in an infant pursuant to NRS
29 442.008; or

30 (b) The cost to the ~~{Health}~~ Division to contract with a
31 laboratory in a higher category of priority is not financially
32 reasonable or exceeds the amount of money available for that
33 purpose.

34 3. For the purpose of determining the category of priority of a
35 laboratory only, the ~~{Health}~~ Division is not required to comply with
36 any requirement of competitive bidding or other restriction imposed
37 on the procedure for awarding a contract.

38 **Sec. 94.** NRS 442.120 is hereby amended to read as follows:

39 442.120 The Department is hereby designated as the agency of
40 this State to cooperate, through the ~~{Health}~~ Division, with the duly
41 constituted federal authorities in the administration of those parts of
42 the Social Security Act which relate to the maternal and child health
43 services and the care and treatment of children with special health
44 care needs, and is authorized to receive and expend all funds made
45 available to the Department by the Federal Government, the State or



1 its political subdivisions, or from any other source for the purposes
2 provided in ~~§ this chapter.~~ *NRS 442.003 to 442.700, inclusive.*

3 **Sec. 95.** NRS 442.160 is hereby amended to read as follows:

4 442.160 1. The Administrator of the ~~Health~~ Division is the
5 administrative officer of the ~~Health~~ Division with respect to the
6 administration and enforcement of:

7 (a) The provisions of NRS 442.130 to 442.170, inclusive;

8 (b) The plan formulated and adopted for the purposes of NRS
9 442.130 to 442.170, inclusive; and

10 (c) All regulations necessary thereto and adopted by the State
11 Board of Health.

12 2. The Administrator shall administer and enforce all
13 regulations adopted by the State Board of Health for the efficient
14 operation of the plan formulated by the State Board of Health and
15 the ~~Health~~ Division for the purposes of NRS 442.130 to 442.170,
16 inclusive.

17 3. The Administrator shall:

18 (a) Maintain his or her office in Carson City, Nevada, or
19 elsewhere in the State as directed by the Director.

20 (b) Keep in his or her office all records, reports, papers, books
21 and documents pertaining to the subjects of NRS 442.130 to
22 442.170, inclusive.

23 (c) If directed by the terms of the plan or by the Director,
24 provide such medical, surgical or other services as are necessary to
25 carry out the provisions of the plan and of NRS 442.130 to 442.170,
26 inclusive.

27 4. The Administrator, with the assistance of the ~~State Health~~
28 *Chief Medical* Officer, shall make such reports, in such form and
29 containing such information concerning the subjects of NRS
30 442.130 to 442.170, inclusive, as required by the Secretary of
31 Health and Human Services.

32 5. The Administrator shall, in accordance with the rules and
33 regulations of the Secretary of Health and Human Services and of
34 the Secretary of the Treasury, requisition and cause to be deposited
35 with the State Treasurer all money allotted to this State by the
36 Federal Government for the purposes of NRS 442.130 to 442.170,
37 inclusive. The Administrator shall cause to be paid out of the State
38 Treasury the money deposited for the purposes of NRS 442.130 to
39 442.170, inclusive.

40 **Sec. 96.** NRS 442.210 is hereby amended to read as follows:

41 442.210 1. The Administrator of the ~~Health~~ Division shall
42 administer and enforce the provisions of NRS 442.180 to 442.220,
43 inclusive, and of the plan or plans formulated and adopted for the
44 purposes of NRS 442.180 to 442.220, inclusive, and all regulations
45 necessary thereto and adopted by the State Board of Health.



1 2. The Administrator shall administer and enforce all
2 regulations adopted by the State Board of Health for the efficient
3 operation of such plan or plans formulated by the State Board of
4 Health and the ~~Health~~ Division for the purposes of NRS 442.180
5 to 442.220, inclusive.

6 3. The Administrator shall maintain his or her office in Carson
7 City, Nevada, or elsewhere in the State as directed by the Director,
8 and keep therein all records, reports, papers, books and documents
9 pertaining to the subjects of NRS 442.180 to 442.220, inclusive. The
10 Administrator, when directed by the terms of any plan or plans
11 perfected, or by the Director, shall provide in such places within the
12 State such medical, surgical or other agency or agencies as may be
13 necessary to carry out the provisions of such plan or plans and of
14 NRS 442.180 to 442.220, inclusive. If the proper medical or surgical
15 services cannot be had within the State for any child with special
16 health care needs, the Secretary of the State Board of Health may
17 provide for those services in some other state.

18 4. The Administrator shall, from time to time as directed by the
19 Secretary of Health and Human Services, make reports, in such
20 form and containing such information concerning the subjects of
21 NRS 442.180 to 442.220, inclusive, as the Secretary of Health and
22 Human Services requires.

23 5. The Administrator shall from time to time pursuant to the
24 rules and regulations of the Secretary of Health and Human Services
25 and of the Secretary of the Treasury, requisition and cause to be
26 deposited with the State Treasurer all money allotted to this state by
27 the Federal Government for the purposes of NRS 442.180 to
28 442.220, inclusive. The Administrator shall cause to be paid out of
29 the State Treasury the money therein deposited for the purposes of
30 NRS 442.180 to 442.220, inclusive.

31 **Sec. 97.** NRS 442.260 is hereby amended to read as follows:

32 442.260 1. The ~~Health~~ Division shall adopt and enforce
33 regulations governing the conditions under and the methods by
34 which abortions may be performed, the reasonable minimum
35 qualifications of a person authorized to provide the information
36 required in NRS 442.253, as well as all other aspects pertaining to
37 the performance of abortions pursuant to NRS 442.250.

38 2. The ~~Health~~ Division shall adopt and enforce regulations
39 for a system for reporting abortions. This system must be designed
40 to preserve confidentiality of information on the identity of women
41 upon whom abortions are performed. The ~~Health~~ Division may
42 require that the following items be reported for each abortion:

43 (a) The date of the abortion;

44 (b) The place of the abortion including the city, county and
45 state;



- 1 (c) The type of facility;
- 2 (d) The usual residence of the woman, including the city, county
- 3 and state;
- 4 (e) Her age;
- 5 (f) Her ethnic group or race;
- 6 (g) Her marital status;
- 7 (h) The number of previous live births;
- 8 (i) The number of previous induced abortions;
- 9 (j) The duration of her pregnancy, as measured from first day of
- 10 last normal menses to date of abortion, and as estimated by uterine
- 11 size prior to performance of the abortion;
- 12 (k) The type of abortion procedure; and
- 13 (l) If a woman has had a previously induced abortion, the
- 14 information in paragraphs (a) to (k), inclusive, or as much thereof as
- 15 can be reasonably obtained, for each previous abortion.

16 3. The ~~Health~~ Division may adopt regulations to permit

17 studies of individual cases of abortion, but these studies must not be

18 permitted unless:

- 19 (a) Absolute assurance is provided that confidentiality of
- 20 information on the persons involved will be preserved;
- 21 (b) Informed consent of each person involved in the study is
- 22 obtained in writing;
- 23 (c) The study is conducted according to established standards
- 24 and ethics; and
- 25 (d) The study is related to problems of health and has scientific
- 26 merit with regard to both design and the importance of the problems
- 27 to be solved.

28 **Sec. 98.** NRS 442.415 is hereby amended to read as follows:

29 442.415 The ~~Health~~ Division shall adopt regulations

30 necessary to carry out the provisions of NRS 442.400, 442.405 and

31 442.410.

32 **Sec. 99.** NRS 442.740 is hereby amended to read as follows:

33 442.740 ~~As used in NRS 442.740 to 442.770, inclusive,~~

34 ~~early~~ "Early intervention services" has the meaning ascribed to it

35 in 20 U.S.C. § 1432.

36 **Sec. 100.** NRS 442.750 is hereby amended to read as follows:

37 442.750 1. The ~~Health~~ Division shall ensure that the

38 personnel employed by the ~~Health~~ Division who provide early

39 intervention services to children with autism spectrum disorders and

40 the persons with whom the ~~Health~~ Division contracts to provide

41 early intervention services to children with autism spectrum

42 disorders possess the knowledge and skills necessary to serve

43 children with autism spectrum disorders, including, without

44 limitation:



1 (a) The screening of a child for autism spectrum disorder at the
2 age levels and frequency recommended by the American Academy
3 of Pediatrics, or its successor organization;

4 (b) The procedure for evaluating children who demonstrate
5 behaviors that are consistent with autism spectrum disorders, which
6 procedure must require the use of the statewide standard for
7 measuring outcomes and assessing and evaluating persons with
8 autism spectrum disorders through the age of 21 years prescribed
9 pursuant to NRS 427A.872;

10 (c) The procedure for enrolling a child in early intervention
11 services upon determining that the child has autism spectrum
12 disorder;

13 (d) Methods of providing support to children with autism
14 spectrum disorders and their families; and

15 (e) The procedure for developing an individualized family
16 service plan in accordance with Part C of the Individuals with
17 Disabilities Education Act, 20 U.S.C. §§ 1431 et seq., or other
18 appropriate plan for the child.

19 2. The **{Health}** Division shall ensure that the personnel
20 employed by the **{Health}** Division to provide early intervention
21 services to children with autism spectrum disorders and the persons
22 with whom the **{Health}** Division contracts to provide early
23 intervention services to children with autism spectrum disorders:

24 (a) Possess the knowledge and understanding of the scientific
25 research and support for the methods and approaches for serving
26 children with autism spectrum disorders and the ability to recognize
27 the difference between an approach or method that is scientifically
28 validated and one that is not;

29 (b) Possess the knowledge to accurately describe to parents and
30 guardians the research supporting the methods and approaches,
31 including, without limitation, the knowledge necessary to provide an
32 explanation that a method or approach is experimental if it is not
33 supported by scientific evidence;

34 (c) Immediately notify a parent or legal guardian if a child is
35 identified as being at risk for a diagnosis of autism spectrum
36 disorder and refer the parent or legal guardian to the appropriate
37 professionals for further evaluation and simultaneously refer the
38 parent or legal guardian to any appropriate early intervention
39 services and strategies; and

40 (d) Provide the parent or legal guardian with information on
41 evidence-based treatments and interventions that may assist the
42 child in the child's development and advancement.

43 3. The **{Health}** Division shall ensure that the personnel
44 employed by the **{Health}** Division who provide early intervention
45 screenings to children and the persons with whom the **{Health}**



1 Division contracts to provide early intervention screenings to
2 children perform screenings of children for autism spectrum
3 disorders at the age levels and frequency recommended by the
4 American Academy of Pediatrics, or its successor organization.

5 4. The **{Health}** Division shall ensure that:

6 (a) For a child who may have autism spectrum disorder, the
7 personnel employed by the **{Health}** Division who provide early
8 intervention screenings to children and the persons with whom the
9 **{Health}** Division contracts to provide early intervention screenings
10 to children use the protocol designated pursuant to NRS 427A.872
11 for determining whether a child has autism spectrum disorder.

12 (b) An initial evaluation of the cognitive, communicative, social,
13 emotional and behavioral condition and adaptive skill level of a
14 child with autism spectrum disorder is conducted to determine the
15 baseline of the child.

16 (c) A subsequent evaluation is conducted upon the child's
17 conclusion of the early intervention services to determine the
18 progress made by the child from the time of his or her initial
19 screening.

20 **Sec. 101.** NRS 442.770 is hereby amended to read as follows:

21 442.770 For an infant or toddler with a disability who has
22 autism spectrum disorder and is eligible for early intervention
23 services, the **{Health}** Division shall refer the infant or toddler to the
24 Autism Treatment Assistance Program established by NRS
25 427A.875 and coordinate with the Program to develop a plan of
26 treatment for the infant or toddler pursuant to that section.

27 **Sec. 102.** Chapter 444 of NRS is hereby amended by adding
28 thereto a new section to read as follows:

29 *As used in this chapter, "Division" means the Division of*
30 *Public and Behavioral Health of the Department of Health and*
31 *Human Services.*

32 **Sec. 103.** NRS 444.330 is hereby amended to read as follows:

33 444.330 1. The **{Health}** Division has supervision over the
34 sanitation, healthfulness, cleanliness and safety, as it pertains to the
35 foregoing matters, of the following state institutions:

36 (a) Institutions and facilities of the Department of Corrections.

37 (b) Northern Nevada Adult Mental Health Services.

38 (c) Nevada Youth Training Center, Caliente Youth Center and
39 any other state facility for the detention of children that is operated
40 pursuant to title 5 of NRS.

41 (d) Nevada System of Higher Education.

42 2. The State Board of Health may adopt regulations pertaining
43 thereto as are necessary to promote properly the sanitation,
44 healthfulness, cleanliness and, as it pertains to the foregoing matters,
45 the safety of those institutions.



1 3. The ~~{State-Health}~~ *Chief Medical* Officer or an authorized
2 agent of the Officer shall inspect those institutions at least once each
3 calendar year and whenever he or she deems an inspection
4 necessary to carry out the provisions of this section. The inspection
5 of any state facility for the detention of children that is operated
6 pursuant to title 5 of NRS must include, without limitation, an
7 inspection of all areas where food is prepared and served,
8 bathrooms, areas used for sleeping, common areas and areas located
9 outdoors that are used by children at the facility.

10 4. The ~~{State-Health}~~ *Chief Medical* Officer shall publish
11 reports of the inspections of any state facility for the detention of
12 children that is operated pursuant to title 5 of NRS and may publish
13 reports of the inspections of other state institutions.

14 5. All persons charged with the duty of maintenance and
15 operation of the institutions named in this section shall operate the
16 institutions in conformity with the regulations adopted by the State
17 Board of Health pursuant to subsection 2.

18 6. The ~~{State-Health}~~ *Chief Medical* Officer or an authorized
19 agent of the Officer may, in carrying out the provisions of this
20 section, enter upon any part of the premises of any of the institutions
21 named in this section over which he or she has jurisdiction, to
22 determine the sanitary conditions of the institutions and to determine
23 whether the provisions of this section and the regulations of the
24 State Board of Health pertaining thereto are being violated.

25 **Sec. 104.** NRS 445A.055 is hereby amended to read as
26 follows:

27 445A.055 1. The State Board of Health shall adopt
28 regulations requiring the fluoridation of all water delivered for
29 human consumption in a county whose population is 700,000 or
30 more by a:

31 (a) Public water system that serves a population of 100,000 or
32 more; or

33 (b) Water authority.

34 2. The regulations must include, without limitation:

35 (a) The minimum and maximum permissible concentrations of
36 fluoride to be maintained by such a public water system or a water
37 authority, except that:

38 (1) The minimum permissible concentration of fluoride must
39 not be less than 0.7 parts per million; and

40 (2) The maximum permissible concentration of fluoride must
41 not exceed 1.2 parts per million;

42 (b) The requirements and procedures for maintaining proper
43 concentrations of fluoride, including any necessary equipment,
44 testing, recordkeeping and reporting;



1 (c) Requirements for the addition of fluoride to the water if the
2 natural concentration of fluorides is lower than the minimum
3 permissible concentration established pursuant to paragraph (a); and

4 (d) Criteria pursuant to which the State Board of Health may
5 exempt a public water system or water authority from the
6 requirement of fluoridation upon the request of the public water
7 system or water authority.

8 3. The State Board of Health shall not require the fluoridation
9 of:

10 (a) The wells of a public water system or water authority if:

11 (1) The groundwater production of the public water system
12 or water authority is less than 15 percent of the total average annual
13 water production of the system or authority for the years in which
14 drought conditions are not prevalent; and

15 (2) The wells are part of a combined regional and local
16 system for the distribution of water that is served by a fluoridated
17 source.

18 (b) A public water system or water authority:

19 (1) During an emergency or period of routine maintenance, if
20 the wells of the system or authority are exempt from fluoridation
21 pursuant to paragraph (a) and the supplier of water determines that it
22 is necessary to change the production of the system or authority
23 from surface water to groundwater because of an emergency or for
24 purposes of routine maintenance; or

25 (2) If the natural water supply of the system or authority
26 contains fluoride in a concentration that is at least equal to the
27 minimum permissible concentration established pursuant to
28 paragraph (a) of subsection 2.

29 4. The State Board of Health may make an exception to the
30 minimum permissible concentration of fluoride to be maintained in
31 a public water system or water authority based on:

32 (a) The climate of the regulated area;

33 (b) The amount of processed water purchased by the residents of
34 the regulated area; and

35 (c) Any other factor that influences the amount of public water
36 that is consumed by the residents of the regulated area.

37 5. The ~~{Health}~~ Division ~~{of the Department of Health and~~
38 ~~Human Services}~~ shall make reasonable efforts to secure any
39 available sources of financial support, including, without limitation,
40 grants from the Federal Government, for the enforcement of the
41 standards established pursuant to this section and any related capital
42 improvements.

43 6. A public water system or water authority may submit to the
44 ~~{Health}~~ Division a claim for payment of the initial costs of the
45 public water system or water authority to begin complying with



1 the provisions of this section regardless of whether the public water
2 system or water authority is required to comply with those
3 provisions. The Administrator of the ~~Health~~ Division may approve
4 such claims to the extent of legislative appropriations and any other
5 money available for that purpose. Approved claims must be paid as
6 other claims against the State are paid. The ongoing operational
7 expenses of a public water system or water authority in complying
8 with the provisions of this section are not compensable pursuant to
9 this subsection.

10 7. As used in this section:

11 (a) *“Division” means the Division of Public and Behavioral*
12 *Health of the Department of Health and Human Services.*

13 (b) “Supplier of water” has the meaning ascribed to it in
14 NRS 445A.845.

15 ~~(b)~~ (c) “Water authority” has the meaning ascribed to it in
16 NRS 377B.040.

17 **Sec. 105.** NRS 446.050 is hereby amended to read as follows:

18 446.050 “Health authority” means the officers and agents of
19 the ~~Health~~ Division *of Public and Behavioral Health* of the
20 Department of Health and Human Services, or the officers and
21 agents of the local boards of health.

22 **Sec. 106.** NRS 446.057 is hereby amended to read as follows:

23 446.057 “Potentially hazardous food” has the meaning ascribed
24 to it in subpart 1-201 of the 1999 edition of the Food Code
25 published by the Food and Drug Administration of the United States
26 Department of Health and Human Services, unless the
27 Administrator of the ~~Health~~ Division *of Public and Behavioral*
28 *Health* of the Department of Health and Human Services has
29 adopted a later edition of the Food Code for this purpose.

30 **Sec. 107.** Chapter 449 of NRS is hereby amended by adding
31 thereto a new section to read as follows:

32 *“Division” means the Division of Public and Behavioral*
33 *Health of the Department of Health and Human Services.*

34 **Sec. 108.** NRS 449.001 is hereby amended to read as follows:

35 449.001 As used in this chapter, unless the context otherwise
36 requires, the words and terms defined in NRS 449.0015 to
37 449.0195, inclusive, *and section 107 of this act* have the meanings
38 ascribed to them in those sections.

39 **Sec. 109.** NRS 449.00455 is hereby amended to read as
40 follows:

41 449.00455 “Facility for the treatment of abuse of alcohol or
42 drugs” means any public or private establishment which provides
43 residential treatment, including mental and physical restoration, of
44 abusers of alcohol or drugs and which is certified by the Division
45 ~~of Mental Health and Developmental Services of the Department of~~



1 ~~Health and Human Services~~ pursuant to subsection 4 of NRS
2 458.025. It does not include a medical facility or services offered by
3 volunteers or voluntary organizations.

4 **Sec. 110.** NRS 449.0306 is hereby amended to read as
5 follows:

6 449.0306 1. Money received from licensing medical facilities
7 and facilities for the dependent must be forwarded to the State
8 Treasurer for deposit in the State General Fund.

9 2. The ~~Health~~ Division shall enforce the provisions of NRS
10 449.030 to 449.245, inclusive, and may incur any necessary
11 expenses not in excess of money appropriated for that purpose by
12 the State or received from the Federal Government.

13 **Sec. 111.** NRS 449.0307 is hereby amended to read as
14 follows:

15 449.0307 The ~~Health~~ Division may:

16 1. Upon receipt of an application for a license, conduct an
17 investigation into the premises, facilities, qualifications of
18 personnel, methods of operation, policies and purposes of any
19 person proposing to engage in the operation of a medical facility or
20 a facility for the dependent. The facility is subject to inspection and
21 approval as to standards for safety from fire, on behalf of the
22 ~~Health~~ Division, by the State Fire Marshal.

23 2. Upon receipt of a complaint against a medical facility or
24 facility for the dependent, except for a complaint concerning the
25 cost of services, conduct an investigation into the premises,
26 facilities, qualifications of personnel, methods of operation, policies,
27 procedures and records of that facility or any other medical facility
28 or facility for the dependent which may have information pertinent
29 to the complaint.

30 3. Employ such professional, technical and clerical assistance
31 as it deems necessary to carry out the provisions of NRS 449.030 to
32 449.245, inclusive.

33 **Sec. 112.** NRS 449.0308 is hereby amended to read as
34 follows:

35 449.0308 1. Except as otherwise provided in this section, the
36 ~~Health~~ Division may charge and collect from a medical facility or
37 facility for the dependent or a person who operates such a facility
38 without a license issued by the ~~Health~~ Division the actual costs
39 incurred by the ~~Health~~ Division for the enforcement of the
40 provisions of NRS 449.030 to 449.240, inclusive, including, without
41 limitation, the actual cost of conducting an inspection or
42 investigation of the facility.

43 2. The ~~Health~~ Division shall not charge and collect the actual
44 cost for enforcement pursuant to subsection 1 if the enforcement
45 activity is:



1 (a) Related to the issuance or renewal of a license for which the
2 Board charges a fee pursuant to NRS 449.050 or 449.089; or

3 (b) Conducted pursuant to an agreement with the Federal
4 Government which has appropriated money for that purpose.

5 3. Any money collected pursuant to subsection 1 may be used
6 by the ~~Health~~ Division to administer and carry out the provisions
7 of NRS 449.030 to 449.240, inclusive, and the regulations adopted
8 pursuant thereto.

9 **Sec. 113.** NRS 449.040 is hereby amended to read as follows:

10 449.040 Any person, state or local government or agency
11 thereof desiring a license under the provisions of NRS 449.030 to
12 449.240, inclusive, must file with the ~~Health~~ Division an
13 application on a form prescribed, prepared and furnished by the
14 ~~Health~~ Division, containing:

15 1. The name of the applicant and, if a natural person, whether
16 the applicant has attained the age of 21 years.

17 2. The type of facility to be operated.

18 3. The location of the facility.

19 4. In specific terms, the nature of services and type of care to
20 be offered, as defined in the regulations.

21 5. The number of beds authorized by the Director of the
22 Department of Health and Human Services or, if such authorization
23 is not required, the number of beds the facility will contain.

24 6. The name of the person in charge of the facility.

25 7. Such other information as may be required by the ~~Health~~
26 Division for the proper administration and enforcement of NRS
27 449.030 to 449.240, inclusive.

28 8. Evidence satisfactory to the ~~Health~~ Division that the
29 applicant is of reputable and responsible character. If the applicant is
30 a firm, association, organization, partnership, business trust,
31 corporation or company, similar evidence must be submitted as to
32 the members thereof, and the person in charge of the facility for
33 which application is made. If the applicant is a political subdivision
34 of the State or other governmental agency, similar evidence must be
35 submitted as to the person in charge of the institution for which
36 application is made.

37 9. Evidence satisfactory to the ~~Health~~ Division of the ability
38 of the applicant to comply with the provisions of NRS 449.030 to
39 449.240, inclusive, and the standards and regulations adopted by the
40 Board.

41 10. Evidence satisfactory to the ~~Health~~ Division that the
42 facility conforms to the zoning regulations of the local government
43 within which the facility will be operated or that the applicant has
44 applied for an appropriate reclassification, variance, permit for
45 special use or other exception for the facility.



1 11. If the facility to be licensed is a residential establishment as
2 defined in NRS 278.02384, and if the residential establishment is
3 subject to the distance requirements set forth in subsection 3 of NRS
4 278.02386, evidence satisfactory to the ~~Health~~ Division that the
5 residential establishment will be located and operated in accordance
6 with the provisions of that subsection.

7 **Sec. 114.** NRS 449.050 is hereby amended to read as follows:

8 449.050 1. Each application for a license must be
9 accompanied by such fee as may be determined by regulation of the
10 Board. The Board may, by regulation, allow or require payment of a
11 fee for a license in installments and may fix the amount of each
12 payment and the date that the payment is due.

13 2. The fee imposed by the Board for a facility for transitional
14 living for released offenders must be based on the type of facility
15 that is being licensed and must be calculated to produce the revenue
16 estimated to cover the costs related to the license, but in no case
17 may a fee for a license exceed the actual cost to the ~~Health~~
18 Division of issuing or renewing the license.

19 3. If an application for a license for a facility for transitional
20 living for released offenders is denied, any amount of the fee paid
21 pursuant to this section that exceeds the expenses and costs incurred
22 by the ~~Health~~ Division must be refunded to the applicant.

23 **Sec. 115.** NRS 449.065 is hereby amended to read as follows:

24 449.065 1. Except as otherwise provided in subsections 6 and
25 7 and NRS 449.067, each facility for intermediate care, facility for
26 skilled nursing, residential facility for groups, home for individual
27 residential care, agency to provide personal care services in the
28 home and agency to provide nursing in the home shall, when
29 applying for a license or renewing a license, file with the
30 Administrator of the ~~Health~~ Division a surety bond:

31 (a) If the facility, agency or home employs less than 7
32 employees, in the amount of \$5,000;

33 (b) If the facility, agency or home employs at least 7 but not
34 more than 25 employees, in the amount of \$25,000; or

35 (c) If the facility, agency or home employs more than 25
36 employees, in the amount of \$50,000.

37 2. A bond filed pursuant to this section must be executed by
38 the facility, agency or home as principal and by a surety company as
39 surety. The bond must be payable to the Aging and Disability
40 Services Division of the Department of Health and Human Services
41 and must be conditioned to provide indemnification to an older
42 patient who the Specialist for the Rights of Elderly Persons
43 determines has suffered property damage as a result of any act or
44 failure to act by the facility, agency or home to protect the property
45 of the older patient.



1 3. Except when a surety is released, the surety bond must cover
2 the period of the initial license to operate or the period of the
3 renewal, as appropriate.

4 4. A surety on any bond filed pursuant to this section may be
5 released after the surety gives 30 days' written notice to the
6 Administrator of the ~~Health~~ Division, but the release does not
7 discharge or otherwise affect any claim filed by an older patient for
8 property damaged as a result of any act or failure to act by the
9 facility, agency or home to protect the property of the older patient
10 alleged to have occurred while the bond was in effect.

11 5. A license is suspended by operation of law when the facility,
12 agency or home is no longer covered by a surety bond as required
13 by this section or by a substitute for the surety bond pursuant to
14 NRS 449.067. The Administrator of the ~~Health~~ Division shall give
15 the facility, agency or home at least 20 days' written notice before
16 the release of the surety or the substitute for the surety, to the effect
17 that the license will be suspended by operation of law until another
18 surety bond or substitute for the surety bond is filed in the same
19 manner and amount as the bond or substitute being terminated.

20 6. The Administrator of the ~~Health~~ Division may exempt a
21 residential facility for groups or a home for individual residential
22 care from the requirement of filing a surety bond pursuant to this
23 section if the Administrator determines that the requirement would
24 result in undue hardship to the residential facility for groups or
25 home for individual residential care.

26 7. The requirement of filing a surety bond set forth in this
27 section does not apply to a facility for intermediate care, facility for
28 skilled nursing, residential facility for groups, home for individual
29 residential care, agency to provide personal care services in the
30 home or agency to provide nursing in the home that is operated and
31 maintained by the State of Nevada or an agency thereof.

32 8. As used in this section, "older patient" means a patient who
33 is 60 years of age or older.

34 **Sec. 116.** NRS 449.160 is hereby amended to read as follows:

35 449.160 1. The ~~Health~~ Division may deny an application
36 for a license or may suspend or revoke any license issued under the
37 provisions of NRS 449.030 to 449.240, inclusive, upon any of the
38 following grounds:

39 (a) Violation by the applicant or the licensee of any of the
40 provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, or of
41 any other law of this State or of the standards, rules and regulations
42 adopted thereunder.

43 (b) Aiding, abetting or permitting the commission of any illegal
44 act.



1 (c) Conduct inimical to the public health, morals, welfare and
2 safety of the people of the State of Nevada in the maintenance and
3 operation of the premises for which a license is issued.

4 (d) Conduct or practice detrimental to the health or safety of the
5 occupants or employees of the facility.

6 (e) Failure of the applicant to obtain written approval from the
7 Director of the Department of Health and Human Services as
8 required by NRS 439A.100 or as provided in any regulation adopted
9 pursuant to this chapter, if such approval is required.

10 (f) Failure to comply with the provisions of NRS 449.2486.

11 2. In addition to the provisions of subsection 1, the ~~Health~~
12 Division may revoke a license to operate a facility for the dependent
13 if, with respect to that facility, the licensee that operates the facility,
14 or an agent or employee of the licensee:

15 (a) Is convicted of violating any of the provisions of
16 NRS 202.470;

17 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
18 244.360, 244.3603 or 268.4124; or

19 (c) Is ordered by the appropriate governmental agency to correct
20 a violation of a building, safety or health code or regulation but fails
21 to correct the violation.

22 3. The ~~Health~~ Division shall maintain a log of any complaints
23 that it receives relating to activities for which the ~~Health~~ Division
24 may revoke the license to operate a facility for the dependent
25 pursuant to subsection 2. The ~~Health~~ Division shall provide to a
26 facility for the care of adults during the day:

27 (a) A summary of a complaint against the facility if the
28 investigation of the complaint by the ~~Health~~ Division either
29 substantiates the complaint or is inconclusive;

30 (b) A report of any investigation conducted with respect to the
31 complaint; and

32 (c) A report of any disciplinary action taken against the facility.

33 ➤ The facility shall make the information available to the public
34 pursuant to NRS 449.2486.

35 4. On or before February 1 of each odd-numbered year, the
36 ~~Health~~ Division shall submit to the Director of the Legislative
37 Counsel Bureau a written report setting forth, for the previous
38 biennium:

39 (a) Any complaints included in the log maintained by the
40 ~~Health~~ Division pursuant to subsection 3; and

41 (b) Any disciplinary actions taken by the ~~Health~~ Division
42 pursuant to subsection 2.

43 **Sec. 117.** NRS 449.163 is hereby amended to read as follows:

44 449.163 1. In addition to the payment of the amount required
45 by NRS 449.0308, if a medical facility or facility for the dependent



1 violates any provision related to its licensure, including any
2 provision of NRS 439B.410 or 449.030 to 449.240, inclusive, or any
3 condition, standard or regulation adopted by the Board, the ~~Health~~
4 Division, in accordance with the regulations adopted pursuant to
5 NRS 449.165, may:

6 (a) Prohibit the facility from admitting any patient until it
7 determines that the facility has corrected the violation;

8 (b) Limit the occupancy of the facility to the number of beds
9 occupied when the violation occurred, until it determines that the
10 facility has corrected the violation;

11 (c) If the license of the facility limits the occupancy of the
12 facility and the facility has exceeded the approved occupancy,
13 require the facility, at its own expense, to move patients to another
14 facility that is licensed;

15 (d) Impose an administrative penalty of not more than \$1,000
16 per day for each violation, together with interest thereon at a rate not
17 to exceed 10 percent per annum; and

18 (e) Appoint temporary management to oversee the operation of
19 the facility and to ensure the health and safety of the patients of the
20 facility, until:

21 (1) It determines that the facility has corrected the violation
22 and has management which is capable of ensuring continued
23 compliance with the applicable statutes, conditions, standards and
24 regulations; or

25 (2) Improvements are made to correct the violation.

26 2. If a violation by a medical facility or facility for the
27 dependent relates to the health or safety of a patient, an
28 administrative penalty imposed pursuant to paragraph (d) of
29 subsection 1 must be in a total amount of not less than \$1,000 and
30 not more than \$10,000 for each patient who was harmed or at risk of
31 harm as a result of the violation.

32 3. If the facility fails to pay any administrative penalty imposed
33 pursuant to paragraph (d) of subsection 1, the ~~Health~~ Division
34 may:

35 (a) Suspend the license of the facility until the administrative
36 penalty is paid; and

37 (b) Collect court costs, reasonable attorney's fees and other
38 costs incurred to collect the administrative penalty.

39 4. The ~~Health~~ Division may require any facility that violates
40 any provision of NRS 439B.410 or 449.030 to 449.240, inclusive,
41 or any condition, standard or regulation adopted by the Board to
42 make any improvements necessary to correct the violation.

43 5. Any money collected as administrative penalties pursuant to
44 paragraph (d) of subsection 1 must be accounted for separately and
45 used to administer and carry out the provisions of this chapter and to



1 protect the health, safety, well-being and property of the patients
2 and residents of facilities in accordance with applicable state and
3 federal standards.

4 **Sec. 118.** NRS 449.201 is hereby amended to read as follows:

5 449.201 Each alcohol and drug abuse program operated or
6 provided by a facility for transitional living for released offenders
7 must be certified by the Division ~~of Mental Health and~~
8 ~~Developmental Services of the Department of Health and Human~~
9 ~~Services~~ in accordance with the requirements set forth in chapter
10 458 of NRS and any regulations adopted pursuant thereto. As used
11 in this section, "alcohol and drug abuse program" has the meaning
12 ascribed to it in NRS 458.010.

13 **Sec. 119.** NRS 449.210 is hereby amended to read as follows:

14 449.210 1. In addition to the payment of the amount required
15 by NRS 449.0308, except as otherwise provided in subsection 2 and
16 NRS 449.24897, a person who operates a medical facility or facility
17 for the dependent without a license issued by the ~~Health~~ Division
18 is guilty of a misdemeanor.

19 2. In addition to the payment of the amount required by NRS
20 449.0308, if a person operates a residential facility for groups or a
21 home for individual residential care without a license issued by the
22 ~~Health~~ Division, the ~~Health~~ Division shall:

23 (a) Impose a civil penalty on the operator in the following
24 amount:

25 (1) For a first offense, \$10,000.

26 (2) For a second offense, \$25,000.

27 (3) For a third or subsequent offense, \$50,000.

28 (b) Order the operator, at the operator's own expense, to move
29 all of the persons who are receiving services in the residential
30 facility for groups or home for individual residential care to a
31 residential facility for groups or home for individual residential care,
32 as applicable, that is licensed.

33 (c) Prohibit the operator from applying for a license to operate a
34 residential facility for groups or home for individual residential care,
35 as applicable. The duration of the period of prohibition must be:

36 (1) For 6 months if the operator is punished pursuant to
37 subparagraph (1) of paragraph (a).

38 (2) For 1 year if the operator is punished pursuant to
39 subparagraph (2) of paragraph (a).

40 (3) Permanent if the operator is punished pursuant to
41 subparagraph (3) of paragraph (a).

42 3. Before the ~~Health~~ Division imposes an administrative
43 sanction pursuant to subsection 2, the ~~Health~~ Division shall
44 provide the operator of a residential facility for groups with
45 reasonable notice. The notice must contain the legal authority,



1 jurisdiction and reasons for the action to be taken. If the operator of
2 a residential facility for groups wants to contest the action, the
3 operator may file an appeal pursuant to the regulations of the State
4 Board of Health adopted pursuant to NRS 449.165 and 449.170.
5 Upon receiving notice of an appeal, the ~~Health~~ Division shall hold
6 a hearing in accordance with those regulations. For the purpose of
7 this subsection, it is no defense to the violation of operating a
8 residential facility for groups without a license that the operator
9 thereof subsequently licensed the facility in accordance with law.

10 4. Unless otherwise required by federal law, the ~~Health~~
11 Division shall deposit all civil penalties collected pursuant to
12 paragraph (a) of subsection 2 into a separate account in the State
13 General Fund to be used to administer and carry out the provisions
14 of this chapter and to protect the health, safety, well-being and
15 property of the patients and residents of facilities and homes for
16 individual residential care in accordance with applicable state and
17 federal standards.

18 **Sec. 120.** Chapter 450B of NRS is hereby amended by adding
19 thereto a new section to read as follows:

20 *“Division” means the Division of Public and Behavioral*
21 *Health of the Department of Health and Human Services.*

22 **Sec. 121.** NRS 450B.020 is hereby amended to read as
23 follows:

24 450B.020 As used in this chapter, unless the context otherwise
25 requires, the words and terms defined in NRS 450B.025 to
26 450B.110, inclusive, *and section 120 of this act* have the meanings
27 ascribed to them in those sections.

28 **Sec. 122.** NRS 450B.1505 is hereby amended to read as
29 follows:

30 450B.1505 1. Any money the ~~Health~~ Division receives
31 from a fee set by the State Board of Health pursuant to NRS
32 439.150 for the issuance or renewal of a license pursuant to
33 NRS 450B.160, an administrative penalty imposed pursuant to NRS
34 450B.900 or an appropriation made by the Legislature for the
35 purposes of training related to emergency medical services:

36 (a) Must be deposited in the State Treasury and accounted for
37 separately in the State General Fund;

38 (b) May be used only to carry out a training program for
39 emergency medical services personnel who work for a volunteer
40 ambulance service or firefighting agency, including, without
41 limitation, equipment for use in the training; and

42 (c) Does not revert to the State General Fund at the end of any
43 fiscal year.

44 2. Any interest or income earned on the money in the account
45 must be credited to the account. Any claims against the account



1 must be paid in the manner that other claims against the State are
2 paid.

3 3. The Administrator of the ~~Health~~ Division shall administer
4 the account.

5 **Sec. 123.** Chapter 452 of NRS is hereby amended by adding
6 thereto a new section to read as follows:

7 *“Division” means the Division of Public and Behavioral*
8 *Health of the Department of Health and Human Services.*

9 **Sec. 124.** NRS 452.003 is hereby amended to read as follows:
10 452.003 As used in NRS 452.001 to 452.610, inclusive, *and*
11 *section 123 of this act*, unless the context otherwise requires, the
12 words and terms defined in NRS 452.004 to 452.019, inclusive, *and*
13 *section 123 of this act* have the meanings ascribed to them in those
14 sections.

15 **Sec. 125.** NRS 452.230 is hereby amended to read as follows:

16 452.230 1. Except as provided in subsection 2 of NRS
17 452.210, the ~~Health~~ Division shall have supervisory control over
18 the construction of any mausoleum, vault or crypt, and shall:

19 (a) See that the approved plans and specifications are in all
20 respects complied with.

21 (b) Appoint an inspector under whose supervision the
22 mausoleum, vault or crypt shall be erected.

23 (c) Determine the amount of compensation of the inspector. The
24 compensation shall be paid by the person erecting such mausoleum,
25 vault or crypt.

26 2. No departure or deviation from the original plans and
27 specifications is permitted except upon approval of the ~~Health~~
28 Division, evidenced in the same manner as the approval of the
29 original plans and specifications.

30 3. A mausoleum, vault, crypt or structure shall not be used to
31 hold any dead body until a final certificate is obtained indicating
32 compliance with the plans and specifications as filed. The certificate
33 must be signed either by the ~~State Health~~ *Chief Medical* Officer
34 for the ~~Health~~ Division or by the head of the local building or
35 public works department, depending upon which division or
36 department supervised the construction under NRS 452.210.

37 **Sec. 126.** NRS 453.580 is hereby amended to read as follows:

38 453.580 1. A court may establish an appropriate treatment
39 program to which it may assign a person pursuant to subsection 4 of
40 NRS 453.336, NRS 453.3363 or 458.300, or it may assign such a
41 person to an appropriate facility for the treatment of abuse of
42 alcohol or drugs which is certified by the Division of ~~Mental Health~~
43 ~~and Developmental Services~~ *Public and Behavioral Health* of the
44 Department. The assignment must include the terms and conditions
45 for successful completion of the program and provide for progress



1 reports at intervals set by the court to ensure that the person is
2 making satisfactory progress toward completion of the program.

3 2. A program to which a court assigns a person pursuant to
4 subsection 1 must include:

5 (a) Information and encouragement for the participant to cease
6 abusing alcohol or using controlled substances through educational,
7 counseling and support sessions developed with the cooperation of
8 various community, health, substance abuse, religious, social service
9 and youth organizations;

10 (b) The opportunity for the participant to understand the
11 medical, psychological and social implications of substance abuse;
12 and

13 (c) Alternate courses within the program based on the different
14 substances abused and the addictions of participants.

15 3. If the offense with which the person was charged involved
16 the use or possession of a controlled substance, in addition to the
17 program or as a part of the program, the court must also require
18 frequent urinalysis to determine that the person is not using a
19 controlled substance. The court shall specify how frequent such
20 examinations must be and how many must be successfully
21 completed, independently of other requisites for successful
22 completion of the program.

23 4. Before the court assigns a person to a program pursuant to
24 this section, the person must agree to pay the cost of the program to
25 which the person is assigned and the cost of any additional
26 supervision required pursuant to subsection 3, to the extent of the
27 financial resources of the person. If the person does not have the
28 financial resources to pay all of the related costs, the court shall, to
29 the extent practicable, arrange for the person to be assigned to a
30 program at a facility that receives a sufficient amount of federal or
31 state funding to offset the remainder of the costs.

32 **Sec. 127.** NRS 453A.090 is hereby amended to read as
33 follows:

34 453A.090 "Division" means the ~~Health~~ Division of *Public*
35 *and Behavioral Health* of the Department of Health and Human
36 Services.

37 **Sec. 128.** NRS 453A.730 is hereby amended to read as
38 follows:

39 453A.730 1. Any money the Administrator of the Division
40 receives pursuant to NRS 453A.720 or that is appropriated to carry
41 out the provisions of this chapter:

42 (a) Must be deposited in the State Treasury and accounted for
43 separately in the State General Fund;

44 (b) May only be used to carry out:



1 (1) The provisions of this chapter, including the
2 dissemination of information concerning the provisions of this
3 chapter and such other information as determined appropriate by the
4 Administrator; and

5 (2) Alcohol and drug abuse programs pursuant to NRS
6 458.094; and

7 (c) Does not revert to the State General Fund at the end of any
8 fiscal year.

9 2. ~~{The Administrator of the Division may transfer money in
10 the account created pursuant to subsection 1 that is not needed to
11 carry out this chapter to the Division of Mental Health and
12 Developmental Services of the Department of Health and Human
13 Services for use by an agency of that Division which provides
14 services for the treatment and prevention of substance abuse. The
15 money transferred pursuant to this subsection must be used for the
16 provision of alcohol and drug abuse programs in accordance with
17 NRS 458.094.~~

18 ~~—3.} The Administrator of the Division shall administer the
19 account. Any interest or income earned on the money in the account
20 must be credited to the account. Any claims against the account
21 must be paid as other claims against the State are paid.~~

22 **Sec. 129.** NRS 457.020 is hereby amended to read as follows:

23 457.020 As used in this chapter, unless the context requires
24 otherwise:

25 1. "Cancer" means all malignant neoplasms, regardless of the
26 tissue of origin, including malignant lymphoma and leukemia.

27 2. *"Division" means the Division of Public and Behavioral
28 Health of the Department of Health and Human Services.*

29 3. "Health care facility" has the meaning ascribed to it in NRS
30 162A.740 and also includes freestanding facilities for plastic
31 reconstructive, oral and maxillofacial surgery.

32 ~~{3. "Health Division" means the Health Division of the
33 Department of Health and Human Services.}~~

34 **Sec. 130.** NRS 457.185 is hereby amended to read as follows:

35 457.185 1. The ~~{Health}~~ Division shall grant or deny an
36 application for a certificate of authorization to operate a radiation
37 machine for mammography or a certificate of authorization for a
38 radiation machine for mammography within 4 months after receipt
39 of a complete application.

40 2. The ~~{Health}~~ Division shall withdraw the certificate of
41 authorization to operate a radiation machine for mammography if it
42 finds that the person violated the provisions of subsection 6 of
43 NRS 457.183.

44 3. The ~~{Health}~~ Division shall deny or withdraw the certificate
45 of authorization of a radiation machine for mammography if it finds



1 that the owner, lessee or other responsible person violated the
2 provisions of subsection 1 of NRS 457.184.

3 4. If a certificate of authorization to operate a radiation
4 machine for mammography or a certificate of authorization for a
5 radiation machine for mammography is withdrawn, a person must
6 apply for the certificate in the manner provided for an initial
7 certificate.

8 **Sec. 131.** NRS 458.010 is hereby amended to read as follows:

9 458.010 As used in NRS 458.010 to 458.350, inclusive, unless
10 the context requires otherwise:

11 1. "Administrator" means the Administrator of the Division.

12 2. "Alcohol and drug abuse program" means a project
13 concerned with education, prevention and treatment directed toward
14 achieving the mental and physical restoration of alcohol and drug
15 abusers.

16 3. "Alcohol and drug abuser" means a person whose
17 consumption of alcohol or other drugs, or any combination thereof,
18 interferes with or adversely affects the ability of the person to
19 function socially or economically.

20 4. "Alcoholic" means any person who habitually uses alcoholic
21 beverages to the extent that the person endangers the health, safety
22 or welfare of himself or herself or any other person or group of
23 persons.

24 5. "Civil protective custody" means a custodial placement of a
25 person to protect the health or safety of the person. Civil protective
26 custody does not have any criminal implication.

27 6. "Detoxification technician" means a person who is certified
28 by the Division to provide screening for the safe withdrawal from
29 alcohol and other drugs.

30 7. "Division" means the Division of ~~Mental Health and~~
31 ~~Developmental Services~~ *Public and Behavioral Health* of the
32 Department of Health and Human Services.

33 8. "Facility" means a physical structure used for the education,
34 prevention and treatment, including mental and physical restoration,
35 of alcohol and drug abusers.

36 **Sec. 131.5.** NRS 458.094 is hereby amended to read as
37 follows:

38 458.094 ~~+~~ The Division shall use any money ~~transferred~~
39 ~~pursuant to NRS 453A.730~~ *not needed to carry out the provisions*
40 *chapter 453A of NRS* to provide alcohol and drug abuse programs
41 to persons referred to the Division by agencies which provide child
42 welfare services ~~+~~

43 ~~2. Money received pursuant to NRS 453A.730 must be~~
44 ~~accounted for separately by the Division.~~ *as authorized pursuant*
45 *to NRS 453A.730.*



1 **Sec. 131.7.** NRS 458.103 is hereby amended to read as
2 follows:

3 458.103 The Division may accept:

4 1. Money appropriated and made available by any act of
5 Congress for any alcohol and drug abuse program administered by
6 the Division as provided by law.

7 2. Money appropriated and made available by the State of
8 Nevada or by a county, a city, a public district or any political
9 subdivision of this State for any alcohol and drug abuse program
10 administered by the Division as provided by law.

11 ~~3. Money transferred pursuant to NRS 453A.730 for the~~
12 ~~provision of alcohol and drug abuse programs in accordance with~~
13 ~~NRS 458.094.~~

14 **Sec. 132.** NRS 459.010 is hereby amended to read as follows:

15 459.010 As used in NRS 459.010 to 459.290, inclusive, unless
16 the context requires otherwise:

17 1. "By-product material" means:

18 (a) Any radioactive material, except special nuclear material,
19 yielded in or made radioactive by exposure to the radiation incident
20 to the process of producing or making use of special nuclear
21 material; and

22 (b) The tailings or wastes produced by the extraction or
23 concentration of uranium or thorium from any ore which is
24 processed primarily for the extraction of the uranium or thorium.

25 2. *"Division" means the Division of Public and Behavioral*
26 *Health of the Department of Health and Human Services.*

27 3. "General license" means a license effective pursuant to
28 regulations adopted by the State Board of Health without the filing
29 of an application to transfer, acquire, own, possess or use quantities
30 of, or devices or equipment for utilizing, by-product material, source
31 material, special nuclear material or other radioactive material
32 occurring naturally or produced artificially.

33 ~~3. "Health Division" means the Health Division of the~~
34 ~~Department of Health and Human Services.~~

35 4. "Ionizing radiation" means gamma rays and X rays, alpha
36 and beta particles, high-speed electrons, neutrons, protons and other
37 nuclear particles, but not sound or radio waves, or visible, infrared
38 or ultraviolet light.

39 5. "Person" includes any agency or political subdivision of this
40 State, any other state or the United States, but not the Nuclear
41 Regulatory Commission or its successor, or any federal agency
42 licensed by the Nuclear Regulatory Commission or any successor to
43 such a federal agency.

44 6. "Source material" means:



1 (a) Uranium, thorium or any other material which the Governor
2 declares by order to be source material after the Nuclear Regulatory
3 Commission or any successor thereto has determined that material
4 to be source material.

5 (b) Any ore containing one or more of the materials enumerated
6 in paragraph (a) in such concentration as the Governor declares by
7 order to be source material after the Nuclear Regulatory
8 Commission or any successor thereto has determined the material in
9 the concentration to be source material.

10 7. "Special nuclear material" means:

11 (a) Plutonium, uranium 233, uranium enriched in the isotope
12 233 or in the isotope 235 and any other material which the Governor
13 declares by order to be special nuclear material after the Nuclear
14 Regulatory Commission or any successor thereto has determined
15 such material to be special nuclear material, but does not include
16 source material.

17 (b) Any material artificially enriched by any of the materials
18 enumerated in paragraph (a), but does not include source material.

19 8. "Specific license" means a license issued pursuant to the
20 filing of an application to use, manufacture, produce, transfer,
21 receive, acquire, own or possess quantities of, or devices or
22 equipment for utilizing, by-product material, source material,
23 special nuclear material or other radioactive material occurring
24 naturally or produced artificially.

25 **Sec. 133.** NRS 459.310 is hereby amended to read as follows:

26 459.310 1. The State Board of Health may establish by
27 regulation:

28 (a) Fees for licensing, monitoring, inspecting or otherwise
29 regulating mills or other operations for the concentration, recovery
30 or refining of uranium, which must be in amounts which are
31 reasonably related to the cost of licensing, monitoring, inspecting
32 and regulating. Payment of the fees is the responsibility of the
33 person applying for a license or licenses to engage in uranium
34 concentration, recovery or refining.

35 (b) Fees for the care and maintenance of radioactive tailings and
36 residues at inactive uranium concentration, recovery or refining
37 sites. The fees must be based on a unit fee for each pound of
38 uranium oxide produced in the process which also produced the
39 tailings or residue. Payment of the fees is the responsibility of the
40 person licensed to engage in uranium concentration, recovery or
41 refining. The regulations must provide for a maximum amount to be
42 paid for each operation.

43 (c) A requirement for persons licensed by the State to engage in
44 uranium concentration, recovery or refining to post adequate bonds
45 or other security to cover costs of decontaminating,



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1 decommissioning and reclaiming the sites used for concentrating,
2 recovering or refining uranium if the licensee abandons the site or
3 neglects or refuses to satisfy the requirements of the State. The State
4 Board of Health shall determine the amount of the security. The
5 amount of the security may be reviewed by the Board from time to
6 time and may be increased or decreased as the board deems
7 appropriate. The security must be administered by the Administrator
8 of the ~~Health~~ Division ~~of~~ *Public and Behavioral Health of the*
9 *Department of Health and Human Services*, who shall use the
10 security as required to protect the public health, safety and property.

11 2. The money received pursuant to paragraph (a) of subsection
12 1 must be deposited in the State Treasury for credit to the Fund for
13 Licensing of Uranium Mills, which is hereby created as a special
14 revenue fund, for the purpose of defraying the cost of licensing,
15 monitoring, inspecting or otherwise regulating mills or other
16 operations for the concentration, recovery or refining of uranium.
17 The money received pursuant to paragraph (b) of subsection 1 must
18 be deposited in the State Treasury for credit to the Fund for Care of
19 Uranium Tailings, which is hereby created as a special revenue
20 fund, for the purpose of the care and maintenance of radioactive
21 tailings and residues accumulated at inactive uranium concentration,
22 recovery or refining sites to protect the public health, safety and
23 property. All interest earned on the deposit or investment of the
24 money in the Fund for Care of Uranium Tailings must be credited to
25 that Fund. The Administrator of the ~~Health~~ Division *of Public and*
26 *Behavioral Health* shall administer both Funds. Claims against
27 either Fund, approved by the ~~State Health~~ *Chief Medical* Officer,
28 must be paid as other claims against the State are paid.

29 **Sec. 134.** NRS 608.255 is hereby amended to read as follows:

30 608.255 For the purposes of this chapter and any other
31 statutory or constitutional provision governing the minimum wage
32 paid to an employee, the following relationships do not constitute
33 employment relationships and are therefore not subject to those
34 provisions:

35 1. The relationship between a rehabilitation facility or
36 workshop established by the Department of Employment, Training
37 and Rehabilitation pursuant to chapter 615 of NRS and an individual
38 with a disability who is participating in a training or rehabilitative
39 program of such a facility or workshop.

40 2. The relationship between a provider of jobs and day training
41 services which is recognized as exempt pursuant to the provisions of
42 26 U.S.C. § 501(c)(3) and which has been issued a certificate by the
43 Division of ~~Mental Health and Developmental Services~~ *Public*
44 *and Behavioral Health* of the Department of Health and Human
45 Services pursuant to NRS 435.130 to 435.310, inclusive, and a



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1 person with mental retardation or person with related conditions
2 participating in a jobs and day training services program.

3 **Sec. 135.** NRS 616A.205 is hereby amended to read as
4 follows:

5 616A.205 Volunteer workers at a facility for inpatients of the
6 Division of ~~Mental Health and Developmental Services~~ **Public**
7 **and Behavioral Health** of the Department of Health and Human
8 Services, while acting under the direction or authorization of the
9 supervisor of volunteer services of such a facility, shall be deemed,
10 for the purpose of chapters 616A to 616D, inclusive, of NRS,
11 employees of the facility, receiving a wage of \$350 per month, and
12 are entitled to the benefits of those chapters upon compliance
13 therewith by the facility.

14 **Sec. 136.** NRS 630.262 is hereby amended to read as follows:

15 630.262 1. Except as otherwise provided in NRS 630.161,
16 the Board may issue an authorized facility license to a person who
17 intends to practice medicine in this State as a psychiatrist in a
18 mental health center of the Division under the direct supervision of a
19 psychiatrist who holds an unrestricted license to practice medicine
20 pursuant to this chapter or to practice osteopathic medicine pursuant
21 to chapter 633 of NRS.

22 2. A person who applies for an authorized facility license
23 pursuant to this section is not required to take or pass a written
24 examination as to his or her qualifications to practice medicine
25 pursuant to paragraph (e) of subsection 2 of NRS 630.160, but the
26 person must meet all other conditions and requirements for an
27 unrestricted license to practice medicine pursuant to this chapter.

28 3. If the Board issues an authorized facility license pursuant to
29 this section, the person who holds the license may practice medicine
30 in this State only as a psychiatrist in a mental health center of the
31 Division and only under the direct supervision of a psychiatrist who
32 holds an unrestricted license to practice medicine pursuant to this
33 chapter or to practice osteopathic medicine pursuant to chapter 633
34 of NRS.

35 4. If a person who holds an authorized facility license issued
36 pursuant to this section ceases to practice medicine in this State as a
37 psychiatrist in a mental health center of the Division:

38 (a) The Division shall notify the Board; and

39 (b) Upon receipt of the notification, the authorized facility
40 license expires automatically.

41 5. The Board may renew or modify an authorized facility
42 license issued pursuant to this section, unless the license has expired
43 automatically or has been revoked.



1 6. The provisions of this section do not limit the authority of
2 the Board to issue a license to an applicant in accordance with any
3 other provision of this chapter.

4 7. As used in this section:

5 (a) “Division” means the Division of ~~Public and Behavioral Health~~
6 ~~Developmental Services~~ *Public and Behavioral Health* of the
7 Department of Health and Human Services.

8 (b) “Mental health center” has the meaning ascribed to it in
9 NRS 433.144.

10 **Sec. 137.** NRS 633.417 is hereby amended to read as follows:

11 633.417 1. Except as otherwise provided in NRS 633.315,
12 the Board may issue an authorized facility license to a person who
13 intends to practice osteopathic medicine in this State as a
14 psychiatrist in a mental health center of the Division under the direct
15 supervision of a psychiatrist who holds an unrestricted license to
16 practice osteopathic medicine pursuant to this chapter or to practice
17 medicine pursuant to chapter 630 of NRS.

18 2. A person who applies for an authorized facility license
19 pursuant to this section is not required to take or pass a written
20 examination as to his or her qualifications to practice osteopathic
21 medicine, but the person must meet all conditions and requirements
22 for an unrestricted license to practice osteopathic medicine pursuant
23 to this chapter.

24 3. If the Board issues an authorized facility license pursuant to
25 this section, the person who holds the license may practice
26 osteopathic medicine in this State only as a psychiatrist in a mental
27 health center of the Division and only under the direct supervision
28 of a psychiatrist who holds an unrestricted license to practice
29 osteopathic medicine pursuant to this chapter or to practice medicine
30 pursuant to chapter 630 of NRS.

31 4. If a person who holds an authorized facility license issued
32 pursuant to this section ceases to practice osteopathic medicine in
33 this State as a psychiatrist in a mental health center of the Division:

34 (a) The Division shall notify the Board; and

35 (b) Upon receipt of the notification, the authorized facility
36 license expires automatically.

37 5. The Board may renew or modify an authorized facility
38 license issued pursuant to this section, unless the license has expired
39 automatically or has been revoked.

40 6. The provisions of this section do not limit the authority of
41 the Board to issue a license to an applicant in accordance with any
42 other provision of this chapter.

43 7. As used in this section:



1 (a) "Division" means the Division of ~~Mental Health and~~
2 ~~Developmental Services~~ *Public and Behavioral Health* of the
3 Department of Health and Human Services.

4 (b) "Mental health center" has the meaning ascribed to it in
5 NRS 433.144.

6 **Sec. 137.2.** NRS 639.063 is hereby amended to read as
7 follows:

8 639.063 1. The Board shall prepare an annual report
9 concerning drugs that are returned or transferred to pharmacies
10 pursuant to NRS 433.801, 449.2485, 639.2675 and 639.2676 and
11 *section 58.85 of this act and* are reissued to fill other prescriptions.
12 The report must include, without limitation:

13 (a) The number of drugs that are returned to dispensing
14 pharmacies.

15 (b) The number of drugs that are transferred to nonprofit
16 pharmacies designated by the Board pursuant to NRS 639.2676.

17 (c) The number of drugs that are reissued to fill other
18 prescriptions.

19 (d) An estimate of the amount of money saved by reissuing such
20 drugs to fill other prescriptions.

21 (e) Any other information that the Board deems necessary.

22 2. The report must be:

23 (a) Available for public inspection during regular business hours
24 at the office of the Board; and

25 (b) Posted on a website or other Internet site that is operated or
26 administered by or on behalf of the Board.

27 **Sec. 137.4.** NRS 639.267 is hereby amended to read as
28 follows:

29 639.267 1. As used in this section, "unit dose" means that
30 quantity of a drug which is packaged as a single dose.

31 2. A pharmacist who provides a regimen of drugs in unit doses
32 to a patient in a facility for skilled nursing or facility for
33 intermediate care as defined in chapter 449 of NRS may credit the
34 person or agency which paid for the drug for any unused doses. The
35 pharmacist may return the drugs to the dispensing pharmacy, which
36 may reissue the drugs to fill other prescriptions or transfer the drugs
37 in accordance with the provisions of NRS 449.2485.

38 3. Except schedule II drugs specified in or pursuant to chapter
39 453 of NRS and except as otherwise provided in NRS 433.801,
40 449.2485, 638.200, 639.2675 and 639.2676, *and section 58.85 of*
41 *this act*, unit doses packaged in ampules or vials which do not
42 require refrigeration may be returned to the pharmacy which
43 dispensed them. The Board shall, by regulation, authorize the return
44 of any other type or brand of drug which is packaged in unit doses if



1 the Food and Drug Administration has approved the packaging for
2 that purpose.

3 **Sec. 137.6.** NRS 639.2676 is hereby amended to read as
4 follows:

5 639.2676 1. A nonprofit pharmacy designated by the Board
6 in accordance with the regulations adopted pursuant to subsection 6
7 to which a drug is transferred pursuant to NRS 433.801, 449.2485 or
8 639.2675 *or section 58.85 of this act* may reissue the drug to fill
9 other prescriptions in the same pharmacy free of charge if the
10 registered pharmacist of the nonprofit pharmacy determines that the
11 drug is suitable for that purpose in accordance with the requirements
12 adopted by the Board pursuant to subsection 6 and if:

13 (a) The drug is not a controlled substance;

14 (b) The drug is dispensed in a unit dose, in individually sealed
15 doses or in a bottle that is sealed by the manufacturer of the drug;

16 (c) The drug is unopened and sealed in the original
17 manufacturer's packaging or bottle;

18 (d) The usefulness of the drug has not expired;

19 (e) The packaging or bottle contains the expiration date of the
20 usefulness of the drug; and

21 (f) The name of the patient for whom the drug was originally
22 prescribed, the prescription number and any other identifying marks
23 are obliterated from the packaging or bottle before the reissuance of
24 the drug.

25 2. A person, pharmacy or facility who exercises reasonable
26 care in the transfer, acceptance, distribution or dispensation of a
27 drug in accordance with the provisions of this section and NRS
28 433.801, 449.2485 and 639.2675 *and section 58.85 of this act* and
29 the regulations adopted pursuant thereto is not subject to any civil or
30 criminal liability or disciplinary action by a professional licensing
31 board for any loss, injury or death that results from the transfer,
32 acceptance, distribution or dispensation of the drug.

33 3. A manufacturer of a drug is not subject to civil or criminal
34 liability for any claim or injury arising from the transfer, acceptance,
35 distribution or dispensation of the drug pursuant to this section and
36 NRS 433.801, 449.2485 and 639.2675 *and section 58.85 of this act*
37 and the regulations adopted pursuant thereto.

38 4. No drug that is transferred to a nonprofit pharmacy pursuant
39 to this section may be used to fill other prescriptions more than one
40 time.

41 5. A nonprofit pharmacy shall adopt written procedures for
42 accepting and reissuing drugs pursuant to this section. The
43 procedures must:

44 (a) Provide appropriate safeguards for ensuring that the drugs
45 are not compromised or illegally diverted before being reissued.



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1 (b) Require the maintenance and retention of records relating to
2 the acceptance and use of the drugs and any other records as are
3 required by the Board.

4 (c) Be approved by the Board.

5 6. The Board shall adopt such regulations as are necessary to
6 carry out the provisions of this section, including, without
7 limitation:

8 (a) Requirements for reissuing drugs pursuant to this section.

9 (b) Requirements for accepting drugs transferred to a nonprofit
10 pharmacy pursuant to the provisions of this section and NRS
11 433.801, 449.2485 and 639.2675 ~~H~~ *and section 58.85 of this act.*

12 (c) Requirements for maintaining records relating to the
13 acceptance and use of drugs to fill other prescriptions pursuant to
14 this section.

15 (d) The criteria and procedure for obtaining a designation as a
16 nonprofit pharmacy for the purposes of this section, including,
17 without limitation, provisions for a pharmacy, registered pharmacist
18 or practitioner who is registered with the Board to be designated as a
19 nonprofit pharmacy.

20 **Sec. 137.8.** NRS 639.282 is hereby amended to read as
21 follows:

22 639.282 1. Except as otherwise provided in NRS 433.801,
23 449.2485, 638.200, 639.267, 639.2675 and 639.2676, *and section*
24 *58.85 of this act*, it is unlawful for any person to have in his or her
25 possession, or under his or her control, for the purpose of resale, or
26 to sell or offer to sell or dispense or give away, any pharmaceutical
27 preparation, drug or chemical which:

28 (a) Has been dispensed pursuant to a prescription or chart order
29 and has left the control of a registered pharmacist or practitioner;

30 (b) Has been damaged or subjected to damage by heat, smoke,
31 fire or water, or other cause which might reasonably render it unfit
32 for human or animal use;

33 (c) Has been obtained through bankruptcy or foreclosure
34 proceedings, or other court action, auction or other legal or
35 administrative proceedings, except when the pharmaceutical
36 preparation, drug or chemical is in the original sealed container;

37 (d) Is no longer safe or effective for use, as indicated by the
38 expiration date appearing on its label; or

39 (e) Has not been properly stored or refrigerated as required by
40 its label.

41 2. The provisions of subsection 1 do not apply if the person in
42 whose possession the pharmaceutical preparation, drug or chemical
43 is found also has in his or her possession a valid and acceptable
44 certification of analysis attesting to the purity and strength of the
45 pharmaceutical preparation, drug or chemical and attesting to the



1 fact that it can be safely and effectively used by humans or animals.
2 The preparation, drug or chemical must not be sold or otherwise
3 disposed of until the certification required by this subsection has
4 been presented to and approved by the Board.

5 3. In the absence of conclusive proof that the preparation, drug
6 or chemical can be used safely and effectively by humans or
7 animals, it must be destroyed under the direct supervision of a
8 member or an inspector of the Board, or two persons designated as
9 agents by the Board who include an inspector of a health care board,
10 a licensed practitioner of a health care board or a peace officer of an
11 agency that enforces the provisions of chapters 453 and 454 of NRS.

12 4. As used in this section, "health care board" includes the
13 State Board of Pharmacy, the State Board of Nursing, the Board of
14 Medical Examiners and the Nevada State Board of Veterinary
15 Medical Examiners.

16 **Sec. 138.** NRS 652.035 is hereby amended to read as follows:

17 652.035 ~~["Health Division"]~~ "*Division*" means the ~~Health~~
18 Division of *Public and Behavioral Health of* the Department of
19 Health and Human Services.

20 **Sec. 139.** NRS 278.02382, 433.184, 433.214, 439.090,
21 439.100, 439A.145, 441A.060, 442.760, 444.005, 449.009,
22 450B.080 and 452.012 are hereby repealed.

23 **Sec. 140.** 1. Any administrative regulations adopted by an
24 officer, agency or other entity whose name has been changed or
25 whose responsibilities have been transferred pursuant to the
26 provisions of this act to another officer, agency or other entity
27 remain in force until amended by the officer, agency or other entity
28 to which the responsibility for the adoption of the regulations has
29 been transferred.

30 2. Any contracts or other agreements entered into by an officer,
31 agency or other entity whose name has been changed or whose
32 responsibilities have been transferred pursuant to the provisions of
33 this act to another officer, agency or other entity are binding upon
34 the officer, agency or other entity to which the responsibility for the
35 administration of the provision of the contract or other agreement
36 has been transferred. Such contracts and other agreements may be
37 enforced by the officer, agency or other entity to which the
38 responsibility for the enforcement of the provisions of the contract
39 or other agreements has been transferred.

40 3. Any action taken by an officer, agency or other entity whose
41 name has been changed or whose responsibilities have been
42 transferred pursuant to the provisions of this act to another officer,
43 agency or other entity remains in effect as if taken by the officer,
44 agency or other entity to which the responsibility for the
45 enforcement of such actions has been transferred.



1 4. A license, registration, certificate or other authorization
2 which is in effect on July 1, 2013, and which was issued by an
3 officer, agency or other entity whose name was changed or whose
4 responsibilities were transferred pursuant to this act to another
5 officer, agency or other entity:

6 (a) Shall be deemed to be issued by the officer, agency or other
7 entity with the new name provided in this act or issued by the
8 officer, agency or other entity to whom the responsibility for such
9 issuance was transferred, as applicable; and

10 (b) Remains valid until its expiration date, if the holder of the
11 license, registration, certificate or other authorization otherwise
12 remains qualified for the issuance or renewal of the license,
13 registration, certificate or authorization on or after July 1, 2013.

14 **Sec. 140.5.** 1. A person may continue to apply for
15 certification as a mental health-mental retardation technician
16 pursuant to NRS 433.279, as that section existed before July 1,
17 2013, until the Aging and Disability Services Division of the
18 Department of Health and Human Services adopts regulations to
19 provide certification as an intellectual disability technician pursuant
20 to section 49.8 of this act.

21 2. A person who is certified as a mental health-mental
22 retardation technician on July 1, 2013, shall be deemed to be
23 certified as a mental health technician pursuant to NRS 433.279, as
24 amended by section 21.7 of this act, or as an intellectual disability
25 technician pursuant to section 49.8 of this act until the Division of
26 Public and Behavioral Health of the Department or the Aging and
27 Disability Services Division of the Department, as applicable,
28 provides for the transition of the certificate pursuant to subsection 3.

29 3. The regulations adopted by the Division of Public and
30 Behavioral Health pursuant to NRS 433.279, as amended by section
31 21.7 of this act, and the regulations adopted by the Aging and
32 Disability Services Division pursuant to section 49.8 of this act must
33 provide for a mental health-mental retardation technician to apply
34 for the transfer of his or her certification to certification as a mental
35 health technician or as an intellectual disability technician, as
36 applicable. No additional fee may be charged to carry out the
37 transfer of such certification.

38 **Sec. 140.7.** Any regulations adopted by the Commission on
39 Mental Health and Developmental Services pursuant to NRS
40 433.324 before July 1, 2013, the responsibility for which has been
41 transferred:

42 1. Pursuant to section 25 of this act to the State Board of
43 Health, remain in effect until repealed or replaced by the State
44 Board of Health and may be enforced by the Board.



1 2. Pursuant to section 50 of this act to the Aging and Disability
2 Services Division of the Department of Health and Human Services,
3 remain in effect and any revisions to those regulations will continue
4 to apply until the Aging and Disability Services Division adopts
5 regulations to replace those regulations and may be enforced by the
6 Aging and Disability Services Division.

7 **Sec. 141.** 1. If the name of a fund or account is changed
8 pursuant to the provisions of this act, the State Controller shall
9 change the designation of the name of the fund or account without
10 making any transfer of money in the fund or account. The assets and
11 liabilities of such a fund or account are unaffected by the change of
12 the name.

13 2. The assets and liabilities of any fund or account transferred
14 from the Health Division or the Division of Mental Health and
15 Developmental Services of the Department of Health and Human
16 Services to the Division of Public and Behavioral Health of the
17 Department of Health and Human Services are unaffected by the
18 transfer.

19 **Sec. 142.** The Legislative Counsel shall:

20 1. In preparing the Nevada Revised Statutes, use the authority
21 set forth in subsection 10 of NRS 220.120 to substitute
22 appropriately the name of any agency, officer or instrumentality of
23 the State whose name is changed by this act for the name which the
24 agency, officer or instrumentality previously used; and

25 2. In preparing supplements to the Nevada Administrative
26 Code, substitute appropriately the name of any agency, officer or
27 instrumentality of the State whose name is changed by this act for
28 the name which the agency, officer or instrumentality previously
29 used.

30 **Sec. 143.** This act becomes effective on July 1, 2013.

LEADLINES OF REPEALED SECTIONS

278.02382 "Health Division" defined.

433.184 "Mental retardation center" defined.

433.214 "Training" defined.

439.090 State Health Officer and Administrator:
Qualifications.

439.100 State Health Officer: Appointment; vacancy;
unclassified service.

439A.145 "Health Division" defined.

441A.060 "Health Division" defined.



442.760 Health Division to prepare annual report; review of information and data concerning outcomes of specific programs and treatments.

444.005 "Health Division" defined.

449.009 "Health Division" defined.

450B.080 "Health Division" defined.

452.012 "Health Division" defined.

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