

SENATE BILL NO. 8—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE AGING AND DISABILITY
SERVICES DIVISION OF THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES)

PREFILED OCTOBER 29, 2024

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to services provided by the Aging and Disability Services Division of the Department of Health and Human Services. (BDR 38-288)

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 disability services; revising the categories of persons who receive certain services from the Aging and Disability Services Division of the Department of Health and Human Services; renaming the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Office of Attorney for the Rights of Older Persons and
2 Persons with a Physical Disability, an Intellectual Disability or a Related Condition
3 within the Aging and Disability Services Division of the Department of Health and
4 Human Services. (NRS 427A.123) Existing law also requires: (1) the Governor to
5 appoint the Attorney for the Rights of Older Persons and Persons with a Physical
6 Disability, an Intellectual Disability or a Related Condition; and (2) the Attorney to
7 provide advocacy, training and technical assistance relating to the legal rights of
8 older persons and persons with a physical disability, an intellectual disability or a
9 related condition. (NRS 427A.1232, 427A.1234) Existing law also provides for and
10 regulates services for persons with intellectual disabilities and developmental
11 disabilities. (Chapter 435 of NRS) **Sections 1, 5 and 6** of this bill substitute the
12 term “person with a developmental disability” for the term “person with a related



13 condition” in provisions relating to the Attorney. **Section 2** of this bill defines the
14 term “person with an intellectual disability,” as used in provisions relating to the
15 Attorney, to mean a person with an intellectual disability, as the term “intellectual
16 disability” is currently defined in existing law governing services for persons with
17 intellectual disabilities and developmental disabilities. (NRS 435.007) **Sections 1,**
18 **2, 5 and 6** thereby ensure that those categories of persons served by the Attorney
19 are the same categories of persons who receive services for persons with
20 intellectual disabilities and developmental disabilities. **Sections 3, 4, 6 and 7** of this
21 bill accordingly revise the title of the Attorney to “Attorney for the Rights of Older
22 Persons and Persons with a Physical Disability, an Intellectual Disability or a
23 Developmental Disability.”

24 Existing law authorizes the Division to establish by regulation a program to
25 facilitate the transition of older persons and persons with physical disabilities,
26 persons with intellectual disabilities and persons with related conditions from a
27 hospital to their places of residence. (NRS 427A.290) **Section 8** of this bill: (1)
28 substitutes the term “developmental disability” for “related condition”; and (2)
29 provides that the term “intellectual disability” has the same definition as in
30 provisions governing services for persons with intellectual disabilities and
31 developmental disabilities. **Section 8** thereby ensures that those categories of
32 persons eligible for assistance through the program are the same as the categories of
33 persons who receive services for persons with intellectual disabilities and
34 developmental disabilities.

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

1 **Section 1.** NRS 427A.1224 is hereby amended to read as
2 follows:

3 427A.1224 “Person with a ~~related condition~~” means a person
4 of any age who has a severe, chronic disability which:

5 — 1. Is attributable to:

6 — (a) Cerebral palsy or epilepsy; or

7 — (b) Any other condition, other than mental illness, found to be
8 closely related to an intellectual disability because the condition
9 results in impairment of general intellectual functioning or adaptive
10 behavior similar to that of a person with an intellectual disability
11 and requires treatment or services similar to those required by a
12 person with an intellectual disability;

13 — 2. Is manifested before the person affected attains the age of 22
14 years;

15 — 3. Is likely to continue indefinitely; and

16 — 4. Results in substantial functional limitations in three or more
17 of the following areas of major life activity:

18 — (a) Taking care of oneself;

19 — (b) Understanding and use of language;

20 — (c) Learning;

21 — (d) Mobility;

22 — (e) Self direction; and



1 ~~—(f) Capacity for independent living.] developmental disability”~~
2 *means a person with a developmental disability, as defined in*
3 *NRS 435.007.*

4 **Sec. 2.** NRS 427A.1226 is hereby amended to read as follows:
5 427A.1226 “Person with an intellectual disability” means a
6 person ~~[of any age with significantly subaverage general intellectual~~
7 ~~functioning existing concurrently with deficits in adaptive behavior~~
8 ~~and manifested during the developmental period.]~~ *with an*
9 *intellectual disability, as defined in NRS 435.007.*

10 **Sec. 3.** NRS 427A.123 is hereby amended to read as follows:
11 427A.123 The Office of Attorney for the Rights of Older
12 Persons and Persons with a Physical Disability, an Intellectual
13 Disability or a ~~[Related Condition]~~ *Developmental Disability* is
14 hereby created within the Aging and Disability Services Division of
15 the Department.

16 **Sec. 4.** NRS 427A.1232 is hereby amended to read as follows:
17 427A.1232 1. The Governor shall appoint the Attorney for
18 the Rights of Older Persons and Persons with a Physical Disability,
19 an Intellectual Disability or a ~~[Related Condition]~~ *Developmental*
20 *Disability* for a term of 4 years. The person appointed:

- 21 (a) Must be an attorney licensed to practice law in this State;
- 22 (b) Must be qualified by training and experience to perform the
23 duties and functions of the office;
- 24 (c) Is in the unclassified service of the State; and
- 25 (d) Shall report upon request to the Administrator regarding the
26 performance of the duties and the functioning of the office.

27 2. The Governor may remove the Attorney for the Rights of
28 Older Persons and Persons with a Physical Disability, an Intellectual
29 Disability or a ~~[Related Condition]~~ *Developmental Disability* from
30 office for inefficiency, neglect of duty or malfeasance in office.

31 **Sec. 5.** NRS 427A.1234 is hereby amended to read as follows:
32 427A.1234 1. The Attorney for the Rights of Older Persons
33 and Persons with a Physical Disability, an Intellectual Disability or a
34 ~~[Related Condition]~~ *Developmental Disability* shall:

35 (a) Provide advocacy and education relating to the legal rights of
36 older persons, persons with a physical disability, persons with an
37 intellectual disability or persons with a ~~[related condition]~~
38 *developmental disability* and shall facilitate the development of
39 legal services to assist those persons in securing and maintaining
40 their legal rights.

41 (b) Provide, upon request, technical assistance, training and
42 other support relating to the legal rights of older persons, persons
43 with a physical disability, persons with an intellectual disability or
44 persons with a ~~[related condition,]~~ *developmental disability*, as
45 appropriate, to:



1 (1) An attorney who is providing legal services for an older
2 person, a person with a physical disability, a person with an
3 intellectual disability or a person with a ~~[related condition];~~
4 *developmental disability*;

5 (2) An employee of a law enforcement agency;

6 (3) The Ombudsman or an advocate;

7 (4) An employee of an office for protective services of any
8 county;

9 (5) An employee of the Division; and

10 (6) Groups that advocate for older persons, persons with a
11 physical disability, persons with an intellectual disability or persons
12 with a ~~[related condition];~~ *developmental disability*.

13 (c) Review existing and proposed policies, legislation and
14 regulations that affect older persons, persons with a physical
15 disability, persons with an intellectual disability or persons with a
16 ~~[related condition];~~ *developmental disability* and make
17 recommendations as appropriate to the Administrator.

18 (d) Review and analyze information relating to the nature and
19 extent of abuse, neglect, exploitation, isolation and abandonment of
20 older persons, persons with a physical disability, persons with an
21 intellectual disability or persons with a ~~[related condition];~~
22 *developmental disability* to identify services that need to be
23 provided, including, without limitation:

24 (1) Methods of intervening on behalf of an older person, a
25 person with a physical disability, a person with an intellectual
26 disability or a person with a ~~[related condition];~~ *developmental*
27 *disability* to protect the older person, person with a physical
28 disability, person with an intellectual disability or person with a
29 ~~[related condition];~~ *developmental disability* from abuse, neglect,
30 exploitation, isolation or abandonment; and

31 (2) Enforcing the laws of this state governing abuse, neglect,
32 exploitation, isolation and abandonment of older persons, persons
33 with a physical disability, persons with an intellectual disability or
34 persons with a ~~[related condition];~~ *developmental disability*.

35 2. The Attorney for the Rights of Older Persons and Persons
36 with a Physical Disability, an Intellectual Disability or a ~~[Related~~
37 ~~Condition];~~ *Developmental Disability* may:

38 (a) Have access to, inspect, copy and subpoena all records in the
39 possession of any clerk of a court, law enforcement agency or public
40 or private institution, wherever situated, that relate to the abuse,
41 neglect, exploitation, isolation or abandonment of an older person, a
42 person with a physical disability, a person with an intellectual
43 disability or a person with a ~~[related condition];~~ *developmental*
44 *disability*.



1 (b) Have access to all written records in the possession of any
2 person, government, governmental agency or political subdivision
3 of a government that relate to the abuse, neglect, exploitation,
4 isolation or abandonment of an older person, a person with a
5 physical disability, a person with an intellectual disability or a
6 person with a ~~related condition~~ *developmental disability*.

7 (c) Represent and assist any incapacitated older person, person
8 with a physical disability, person with an intellectual disability or
9 person with a ~~related condition~~ *developmental disability* until a
10 guardian is appointed for that person.

11 (d) Use the information obtained pursuant to paragraphs (a) and
12 (b) to resolve complaints relating to the abuse, neglect, exploitation,
13 isolation or abandonment of an older person, a person with a
14 physical disability, a person with an intellectual disability or a
15 person with a ~~related condition~~ *developmental disability*.

16 (e) Develop services relating to financial management for an
17 older person, a person with a physical disability, a person with an
18 intellectual disability or a person with a ~~related condition~~
19 *developmental disability* who is at risk of having a guardian
20 appointed by a court to manage his or her property.

21 (f) Act as the state legal assistance developer as described in 42
22 U.S.C. § 3058j.

23 (g) Appear as amicus curiae on behalf of older persons, persons
24 with a physical disability, persons with an intellectual disability or
25 persons with a ~~related condition~~ *developmental disability* in any
26 court in this state.

27 (h) Perform such other functions as are necessary to carry out
28 the duties and the functions of the office of the Attorney for the
29 Rights of Older Persons and Persons with a Physical Disability, an
30 Intellectual Disability or a ~~Related Condition~~ *Developmental*
31 *Disability*.

32 **Sec. 6.** NRS 427A.1236 is hereby amended to read as follows:

33 427A.1236 All records in the possession of the Attorney for
34 the Rights of Older Persons and Persons with a Physical Disability,
35 an Intellectual Disability or a ~~Related Condition~~ *Developmental*
36 *Disability* relating to his or her counseling or representation of an
37 older person, a person with a physical disability, a person with an
38 intellectual disability or a person with a ~~related condition~~
39 *developmental disability* are confidential and must not be released
40 to any other person except upon order of a court of competent
41 jurisdiction or pursuant to NRS 239.0115.

42 **Sec. 7.** NRS 427A.175 is hereby amended to read as follows:

43 427A.175 1. Within 1 year after an older patient sustains
44 damage to his or her property as a result of any act or failure to act
45 by a facility for intermediate care, a facility for skilled nursing, a



1 residential facility for groups, a home for individual residential care,
2 an agency to provide personal care services in the home, an
3 intermediary service organization, a community health worker pool
4 or an agency to provide nursing in the home in protecting the
5 property, the older patient may file a verified complaint with the
6 Division setting forth the details of the damage.

7 2. Upon receiving a verified complaint pursuant to subsection
8 1, the Administrator shall investigate the complaint and attempt to
9 settle the matter through arbitration, mediation or negotiation.

10 3. If a settlement is not reached pursuant to subsection 2, the
11 facility, home, agency, organization or older patient may request a
12 hearing before the Attorney for the Rights of Older Persons and
13 Persons with a Physical Disability, an Intellectual Disability or a
14 ~~[Related Condition]~~ *Developmental Disability*. If requested, the
15 Attorney for the Rights of Older Persons and Persons with a
16 Physical Disability, an Intellectual Disability or a ~~[Related~~
17 ~~Condition]~~ *Developmental Disability* shall conduct a hearing to
18 determine whether the facility, home, agency, pool or organization
19 is liable for damages to the patient. If the Attorney for the Rights of
20 Older Persons and Persons with a Physical Disability, an Intellectual
21 Disability or a ~~[Related Condition]~~ *Developmental Disability*
22 determines that the facility, home, agency, pool or organization is
23 liable for damages to the patient, the Attorney for the Rights of
24 Older Persons and Persons with a Physical Disability, an Intellectual
25 Disability or a ~~[Related Condition]~~ *Developmental Disability* shall
26 order the amount of the surety bond pursuant to NRS 449.065 or the
27 substitute for the surety bond necessary to pay for the damages
28 pursuant to NRS 449.067 to be released to the Division. The
29 Division shall pay any such amount to the older patient or the estate
30 of the older patient.

31 4. The Division shall create a separate account for money to be
32 collected and distributed pursuant to this section.

33 5. As used in this section:

34 (a) "Agency to provide nursing in the home" has the meaning
35 ascribed to it in NRS 449.0015;

36 (b) "Agency to provide personal care services in the home" has
37 the meaning ascribed to it in NRS 449.0021;

38 (c) "Community health worker pool" has the meaning ascribed
39 to it in NRS 449.0028;

40 (d) "Facility for intermediate care" has the meaning ascribed to
41 it in NRS 449.0038;

42 (e) "Facility for skilled nursing" has the meaning ascribed to it
43 in NRS 449.0039;

44 (f) "Home for individual residential care" has the meaning
45 ascribed to it in NRS 449.0105;



1 (g) "Intermediary service organization" has the meaning
2 ascribed to it in NRS 449.4304;

3 (h) "Older patient" has the meaning ascribed to it in NRS
4 449.065; and

5 (i) "Residential facility for groups" has the meaning ascribed to
6 it in NRS 449.017.

7 **Sec. 8.** NRS 427A.290 is hereby amended to read as follows:

8 427A.290 1. To the extent that money is available for this
9 purpose, the Division may establish by regulation a program to
10 facilitate the transition of older persons and persons with disabilities
11 from a hospital to their places of residence. The program must:

12 (a) Provide for collaboration between:

13 (1) Hospital staff who are responsible for discharging an
14 older person or a person with a disability; and

15 (2) The older person or person with a disability and any
16 caregivers or other persons assisting the older person or person with
17 a disability; and

18 (b) Facilitate the coordination of health care and social services
19 to support the older person or person with a disability and any
20 caregivers or other persons assisting the older person or person with
21 a disability.

22 2. The Division may:

23 (a) Limit the program established pursuant to this section to
24 particular groups of older persons or persons with disabilities within
25 the limits of available funding;

26 (b) Accept gifts, grants and donations for the purpose of
27 establishing and operating the program; and

28 (c) Use other options available to fund the program, including,
29 without limitation, billing third parties for the services provided by
30 the program to persons currently covered by the third parties.

31 3. As used in this section:

32 (a) "Older person" means a person who is 60 years of age or
33 older.

34 (b) "Person with a disability" means:

35 (1) A person with a physical disability, as defined in
36 NRS 427A.1222;

37 (2) A person with a ~~[related condition.]~~ *developmental*
38 *disability*, as defined in NRS ~~[427A.1224;]~~ *435.007*; or

39 (3) A person with an intellectual disability, as defined in
40 NRS ~~[427A.1226.]~~ *435.007*.

41 (c) "Third party" means:

42 (1) An insurer, as defined in NRS 679B.540;

43 (2) A health benefit plan, as defined in NRS 687B.470, for
44 employees which provides coverage for services and care at a
45 hospital;



1 (3) A participating public agency, as defined in NRS
2 287.04052, and any other local governmental agency of the State of
3 Nevada which provides a system of health insurance for the benefit
4 of its officers and employees, and the dependents of officers and
5 employees, pursuant to chapter 287 of NRS; or

6 (4) Any other insurer or organization providing health
7 coverage or benefits in accordance with state or federal law.

8 ↪ The term does not include an insurer that provides coverage
9 under a policy of casualty or property insurance.

10 **Sec. 9.** 1. Any contracts or other agreements entered into by
11 an officer or agency whose name has been changed or whose
12 responsibilities have been transferred pursuant to the provisions of
13 this act to another officer or agency are binding upon the officer or
14 agency to which the responsibility for the administration of the
15 provisions of the contract or other agreement has been transferred.
16 Such contracts and other agreements may be enforced by the officer
17 or agency to which the responsibility for the enforcement of the
18 provisions of the contract or other agreement has been transferred.

19 2. Any action taken by an officer or agency whose name has
20 been changed or whose responsibilities have been transferred
21 pursuant to the provisions of this act to another officer or agency
22 remains in effect as if taken by the officer or agency to which the
23 responsibility for the enforcement of such actions has been
24 transferred.

25 **Sec. 10.** The Legislative Counsel shall, in preparing
26 supplements to the Nevada Administrative Code, appropriately
27 change any references to an officer, agency or other entity whose
28 name is changed or whose responsibilities are transferred pursuant
29 to the provisions of this act to refer to the appropriate officer,
30 agency or other entity.

31 **Sec. 11.** This act becomes effective upon passage and
32 approval.

