

Joe Lombardo  
Governor

Richard Whitley, MS  
Director



## DEPARTMENT OF HEALTH AND HUMAN SERVICES

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



Dena Schmidt  
Administrator

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### **NOTICE OF PUBLIC HEARING REGARDING EXECUTIVE ORDER 2023-03, ORDER FREEZING THE ISSUANCE OF NEW REGULATIONS AND REQUIRING A REVIEW OF EXISTING REGULATIONS** **And HEARING AGENDA**

NOTICE IS HEREBY GIVEN that the Aging and Disability Services Division will hold a public hearing to consider recommended changes and eliminations to certain Chapters of 427A, 435, 439, 442, and 707 of the Nevada Administrative Code (NAC).

The hearing will be conducted via videoconference beginning at 10:30AM on Thursday, April 13, 2023.

Team Meeting and link: [Click here to join the meeting](#)

Meeting ID: 279 586 967 281

Passcode: LyNPDV

[Download Teams](#) | [Join on the web](#)

The proposed changes and eliminations to certain NAC Chapters:

- NAC 427A- Services to Aging Persons and Persons With Disabilities,
- NAC 435-Persons With Intellectual Disabilities and Developmental Disabilities,
- NAC 439-Administratin of Public Health
- NAC 442-Maternal and Child Health,
- NAC 707-Telecommunications

are recommended by Aging and Disability Services Division in accordance with Governor Lombardo's Executive Order 2023-03 order freezing the issuance of new regulations and requiring a review of existing regulations by all executive branch agencies, departments, boards and commissions signed on January 12, 2023. The proposed regulations will update or eliminate certain NAC Chapters 427A, 435, 439, 442, and 707 in accordance with the review ordered by Executive Order 2023-03.

The proposed changes to certain NAC Chapters 427A, 435, 442 and 707 include the following:

- Requires NAC 427A.010-310, to update language to match NRS 427A.127; (3.) Update title current per NRS 427A.01232; (5.) Remove language regarding age requirement; (7.) Update title to current per NRS 427A.1232.
- Requires NAC 427A.320-3395, to update title to current NRS 427A.1232
- Requires NAC 427A.556, to replace the Division for Public and Behavioral Health with Aging and Disabilities Services Division in 2b. No adverse impact. No economic impact. No cost savings to agency.
- Requires NAC 435.395-430, to add "developmental disability" after "intellectual" throughout to align with language in NRS 435.365 that includes both "intellectual or developmental disability." NAC 435.400 removed outdated

language referencing "mental retardation" and updated with current language and diagnostic criteria for qualifications.

- Requires NAC 435.500-740, language updated to reflect "person centered" plan versus "individual support" plan throughout. Specification added that the provider must establish an account with the Nevada Department of Public Safety. NAC 435.555 changed provider assessment period from 30 days to 90 days. NAC 435.740 clarifies the provider appeal process when certification is revoked.
- Requires NAC 435.775-965 language updated to reflect "person centered" plan versus "individual support" plan throughout. Specification added that the provider must establish an account with the Nevada Department of Public Safety. NAC 435.900 changed provider assessment period from 30 days to 90 days. NAC 435.965 clarifies the provider appeal process when certification is revoked.
- Requires NAC 442.222 is a continued guidance on the schedule sliding fee scale for certain early intervention services and supplies. Early Intervention would like to modify the language and move this NAC under NAC 427A to align with the Nevada Early Intervention Services (NEIS) program. NEIS would need to develop a mechanism for collecting fees.
- Requires NAC 707.020 to clarify regulation regarding submission of annual program budget to the Public Utilities Commission.

The proposed elimination to certain NAC Chapters 427A, 439 and 442 include the following:

- Requires NAC 427A.350-488, to eliminate regulation for the COPE program which will allow the Division flexibility for the program to adjust to the needs of older adults in Nevada. The program will continue to operate on Division established policies and procedures. Positive impact for older adults who need assistance with HCBS. No negative economic impact. No cost savings to agency.
- Requires NAC 427A.675-789, to eliminate regulation for the PAS program which will allow the Division flexibility for the program to assist individuals with a physical disability in Nevada. The program will continue to operate on Division established policies and procedures. Positive impact for persons with a physical disability who need personal assistance services. No negative economic impact. No cost savings to agency.
- Requires NAC 439.750-790, to eliminate regulation for Disability Rx program which will allow the Department the flexibility to serve individuals who with a disability who are most in need of prescription assistance. Positive impact for consumers who need prescription assistance. No negative economic impact. No cost savings to agency.
- Requires NAC 439.800-862, to eliminate regulation for Senior Rx program which will allow the Department the flexibility to serve older adults who are most in need of prescription assistance. Positive impact for consumers who need prescription assistance. No negative economic impact. No cost savings to agency.
- Requires NAC 442.210, to move the sliding fee language of NAC 442.10 to NAC 427A. The original intent was to implement a sliding fee scale for early intervention services, prior to the implementation of the Affordable Care Act (ACA). At the time NEIS had a number of families who were uninsured or under insured. Once ACA was implemented it significantly decreased the number of uninsured families.

Anticipated effects on businesses:

- Adverse Effects:* The ADSD does not anticipate any adverse/negative impacts to businesses in the State of Nevada
- Beneficial effects:* The ADSD expects greater flexibility to programs (COPE, PAS, Senior Rx, Disability Rx) to respond to consumer and provider challenges.
- Positive Economic Impact:* The ADSD does not anticipate any direct impacts to businesses in the State of Nevada.
- Negative Economic Impact:* The ADSD does not anticipate any direct impacts to businesses in the State of Nevada.

Anticipated effects on the public:

- Adverse effects:* The ADSD does not anticipate any adverse/negative impacts to the public in the State of Nevada

- B. *Beneficial effects:* The proposed changes/eliminations will clarify existing regulations and/or provide flexibility to ADSD to define programs in policy, thus allowing for greater responsiveness to changing needs.
- C. *Positive Economic Impact:* Changes to NAC 439.750-790 and NAC 439.800-862 will potentially have positive economic impact to individuals who need prescription assistance by giving greater flexibility to respond to community needs.
- D. *Negative Economic Impact:* The ADSD does not anticipate any negative economic impacts related to these proposed changes.

Anticipated effect on the agency:

- A. *Adverse Effects:* The ADSD does not anticipate any adverse/negative impacts to the agency in the State of Nevada
- B. *Beneficial Effects:* Ensures NAC is reflective of program changes and flexibility.
- C. *Positive Economic Impact:* N/A
- D. *Negative Economic Impact:* N/A
- E. *Cost savings to the Agency or State:* N/A

Members of the public may make comments at this meeting. Persons wishing to submit comments before or after the meeting may contact the Community Engagement Manager, Nikki Haag at: [nikki@adsd.nv.gov](mailto:nikki@adsd.nv.gov).

Information required in comments:

- I. Name of Person;
- II. Name of entity or organization represented and address (if applicable);
- III. Contact telephone number;
- IV. Electronic mail address; and
- V. A summary of your comment.

Comments will be accepted until April 14, 2023.

A copy of the notice and proposed regulations are on file for inspection and/or maybe copied at the following location during normal business hours:

Nevada Aging and Disability Services Division  
3108 Goni Rd., Building I, Suite 181  
Carson City, NV 89706

A copy of public hearing notice can be found at the following locations:

Aging and Disability Service Division's web page: [Meeting Notices \(nv.gov\)](http://Meeting Notices (nv.gov))

Nevada Public Notices web page: [Meeting Notices \(nv.gov\)](http://Meeting Notices (nv.gov))

Copies may be obtained by mail, email, or by calling the Aging and Disability Services Division:

Nikki Haag  
Aging and Disability Services Division  
3108 Goni Rd., Building I, Suite 181  
Carson City, NV 89706  
Phone: 775-687-0553  
Email: [nikki@adsd.nv.gov](mailto:nikki@adsd.nv.gov)

Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

**HEARING AGENDA**  
**DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
**AGING AND DISABILITY SERVICES DIVISION**

**Notice:** (1) Items on the Agenda may be taken out of order, (2) the Division may combine two or more Agenda items for consideration; and (3) the Division may remove an item on the Agenda at any time.

- I. **Call to Order.**
- II. **Public Comment.** The opportunity for public comment is reserved for any matter listed below on the Agenda as well as any matter within the jurisdiction of the Division. No action on such an item may be taken by the Division unless and until the matter has been noticed as an action item. Comment may not be restricted based on viewpoint.
- III. **Discussion of Proposed Permanent Regulations.** Amendment of regulations that pertain to certain Chapters 427A, 435, 439, 442, 706 and 707 of the NAC.
- IV. **Public Comment.** The opportunity for public comment is reserved for any matter within the jurisdiction of the Division. No action on such an item may be taken by the Division unless and until the matter has been noticed as an action item. Comments may not be restricted based on viewpoint.
- V. **Adjournment.**

**Request for accommodations**

Accommodation request must be received no later than April, 11, 2023 by contacting Nikki Haag at [nikki@adsd.nv.gov](mailto:nikki@adsd.nv.gov).