

## **Bills Related to Autism**

### **AB20**

Summary: Revises provisions relating to services to assist persons with disabilities in obtaining employment. (BDR 38-225)

Title: AN ACT relating to persons with disabilities; revising provisions concerning the duties and employees of the Bureau of Services to Persons Who Are Blind or Visually Impaired and the Bureau of Vocational Rehabilitation of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; prohibiting, under certain circumstances, the solicitation, disclosure, receipt or use of information concerning persons receiving services from the Division; authorizing the Division to adopt, amend and repeal certain policies; authorizing the denial of services to persons who are blind under certain circumstances; removing the designation of the Division as the designated state unit for the purpose of certain federal regulations governing vocational rehabilitation; prescribing the purposes for which certain money may be used; providing penalties; and providing other matters properly relating thereto.

Introduction Date: Wednesday, November 16, 2016

Fiscal Notes: Effect on Local Government: May have fiscal effect.

Effect on the State: Yes.

Digest: Existing law establishes programs under which: (1) the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation provides services to assist persons who are blind in obtaining employment; and (2) the Bureau of Vocational Rehabilitation of the Division provides similar services to individuals with disabilities. (NRS 426.518-426.610, chapter 615 of NRS) Sections 2 and 24 of this bill revise the purposes of those programs. Existing federal law defines the term "competitive integrated employment" to mean full-time or part-time work, including self-employment: (1) for which a person receives certain minimum compensation; (2) that allows the employee to interact with persons who are not disabled; and (3) that provides opportunities for advancement similar to those provided to employees who are not disabled. (29 U.S.C. § 705) Sections 3 and 21 of this bill define that term to have the same meaning in state law. Sections 5 and 29 of this bill define the term "vocational rehabilitation services" to mean any goods and services necessary to prepare a person who is blind or an individual with a disability, as appropriate, to engage in competitive integrated employment or to determine the rehabilitation potential of such a person. Sections 8 and 26-28 of this bill amend the definitions of certain related terms. Sections 9 and 33-35 of this bill revise which entities perform certain duties relating to vocational rehabilitation services. Federal regulations require the state unit responsible for administering vocational rehabilitation services to develop and maintain written policies covering the nature and scope of each such service and the criteria under which each service is provided. (34 C.F.R. § 361.50) Sections 6 and 22 of this bill authorize the Division to adopt, amend and repeal such policies at a public meeting. Section 17 of this bill provides that the adoption, amendment and repeal of such policies is not subject to the

standard rulemaking process. Section 10 of this bill requires the Bureau of Services to Persons Who Are Blind or Visually Impaired to provide vocational rehabilitation services to any person who is blind, including any such person who is eligible to receive such services under an agreement with the Federal Government, another state, certain territories or an Indian tribe. Sections 30-32 of this bill make similar revisions concerning the duties of the Bureau of Vocational Rehabilitation. Existing law requires the Division to direct the Bureau of Services to Persons Who Are Blind or Visually Impaired to adopt administrative regulations to enforce provisions of law concerning the provision of services for persons who are blind. (NRS 426.560) Section 11 of this bill makes slight revisions concerning those regulations. Sections 12 and 23 of this bill require the Bureau of Services to Persons Who Are Blind or Visually Impaired and the Bureau of Vocational Rehabilitation to employ persons skilled in the vocational rehabilitation of persons who are blind or individuals with disabilities, as appropriate, to allow such persons or individuals to engage in competitive integrated employment. Sections 13 and 40 of this bill: (1) expressly provide that the unauthorized receipt, use or disclosure of information concerning persons who apply for or receive services for persons who are blind or individuals with disabilities is a misdemeanor; and (2) revise the circumstances under which the receipt, use or disclosure of such information is authorized. Section 14 of this bill allows the denial of services for persons who are blind to persons who are ineligible to receive those services under federal law or for which the person is required by federal regulations to use comparable services and benefits paid for by another public or private entity. Sections 15 and 39 of this bill make nonsubstantive revisions concerning appeals of actions, determinations or omissions made by the Bureau of Services to Persons Who Are Blind or Visually Impaired and the Bureau of Vocational Rehabilitation. Section 16 of this bill removes the designation of the Division as the state unit for carrying out certain programs for independent living prescribed in federal law. Sections 19, 32, 36, 37, 42 and 43 of this bill remove the authority of the Bureau of Vocational Rehabilitation to: (1) establish or construct rehabilitation facilities and workshops; and (2) provide for the establishment, supervision, management and control of small business enterprises to be operated by persons with severe disabilities. Section 38 of this bill expands the purposes for which money in the Rehabilitation Gift Account in the Department of Employment, Training and Rehabilitation's Gift Fund may be used.

Primary Sponsor(s): Assembly Committee on Health and Human Services

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## **AB 46**

Summary: Revises provisions governing services provided to persons with mental illness and other disabilities. (BDR 39-132)

Title: AN ACT relating to mental health; providing for the certification and regulation of providers of community-based living arrangement services; clarifying that providers of community-based living arrangement services, supported living arrangement services and temporary respite services are not subject to certain licensing and regulatory requirements; and providing other matters properly relating thereto.

Introduction Date: Thursday, November 17, 2016

Fiscal Notes: Effect on Local Government: May have Fiscal Impact.

Effect on the State: Executive Budget.

Digest: Existing law: (1) imposes certain requirements relating to supported living arrangement services provided to persons with intellectual disabilities and related conditions; and (2) authorizes the Aging and Disability Services Division of the Department of Health and Human Services to take certain actions to regulate the provision of such services. (NRS 435.3305-435.339) Sections 2-12 of this bill enact similar provisions that apply to community-based living arrangement services. Section 4 defines "community-based living arrangement services" to mean flexible, individualized services provided in the home to persons with mental illness or persons with related conditions that are designed to help such persons maximize their independence. Section 5 requires a person or entity to be certified by the Division of Public and Behavioral Health of the Department or be a natural person who is employed by the holder of a certificate before providing community-based living arrangement services. Section 6: (1) requires the State Board of Health to adopt regulations governing community-based living arrangement services; and (2) authorizes the Board to impose a fee for the issuance or renewal of a certificate. Section 7: (1) requires an applicant for renewal of a certificate who has a state business registration to provide his or her business identification number in the application; and (2) prohibits the renewal of a certificate if the applicant fails to provide such information or is delinquent on a debt to a state agency. Section 8 authorizes the Division to investigate an applicant for the issuance or renewal of a certificate or a provider of community-based living arrangement services against whom a complaint has been filed. Section 8 also authorizes the Division to employ such persons and enter into such agreements as are necessary to carry out provisions of law governing community-based living arrangement services. Section 9 authorizes the Division to bring an action to enjoin any person or entity who provides community-based living arrangement services without a certificate or after a certificate has been revoked or suspended. Existing federal law requires each State to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) Sections 10-12 enact such procedures applicable to applicants for certificates in order to comply with federal law. Certain providers of nursing services are subject to regulation under existing law as medical facilities. (NRS 449.0015, 449.0151, 449.0153) Sections 16 and 17 of this bill exempt providers of community-based living arrangement services from those provisions. Existing law defines "supported living arrangement services" to mean flexible, individualized services provided in the home, for compensation, to a person with an intellectual disability or a person with a related condition that are designed and coordinated to assist the person in maximizing the person's independence. (NRS 435.3315) Sections 18 and 19 of this bill clarify that a home in which community-based living arrangement services or supported living arrangement services are provided does not constitute a residential facility for groups or a home for individual residential care subject to regulation under chapter 449 of NRS. Section 20 of this bill provides that an agency that contracts with the Aging and Disability Services Division of the Department to provide temporary respite services, which are services provided to a natural person periodically to provide a respite to the person's regular caregiver, is not an agency to provide personal care services in the home subject to regulation under chapter 449 of NRS.

Primary Sponsor(s): Assembly Committee on Health and Human Services

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## **AB 64**

Summary: Revises requirements for receipt of a standard high school diploma for pupils with disabilities. (BDR 34-251)

Title: AN ACT relating to education; prescribing the criteria for receipt of a standard high school diploma for a pupil with a disability; and providing other matters properly relating thereto.

Introduction Date: Thursday, November 17, 2016

Fiscal Notes: Effect on Local Government: May have Fiscal Impact.

Effect on the State: Yes.

Digest: Existing law requires the State Board of Education to adopt regulations that prescribe the criteria for a pupil to receive a standard high school diploma, which must provide that each pupil: (1) take the college and career readiness assessment; (2) enroll in the courses of study designed to prepare the pupil for graduation from high school and readiness for college and career; and (3) pass at least four end-of-course examinations. (NRS 390.600) Section 6 of this bill provides that a pupil with a disability who does not satisfy the requirements prescribed by the State Board may receive a standard high school diploma if he or she instead: (1) demonstrates proficiency in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools; and (2) satisfies the requirements set forth in his or her individualized education program. Sections 1-5 of this bill make conforming changes.

Primary Sponsor(s): Assembly Committee on Education

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## **SB 49**

Summary: Revises provisions relating to funding for pupils with disabilities in public schools. (BDR 34-405)

Title: AN ACT relating to education; removing the limitation on the number of pupils with disabilities for which additional money is provided to public schools through the basic support guarantee per pupil; and providing other matters properly relating thereto.

Introduction Date: Wednesday, November 16, 2016

Fiscal Notes: Effect on Local Government: No.

Effect on the State: Yes.

Digest: Existing law provides for a basic support guarantee to be provided for each pupil who attends public school in this State. The money is paid from the State Distributive School Account in the State General Fund. The amount of the basic support guarantee is established for each school district for each school year according to a formula. Existing law further provides for a multiplier to be applied for pupils with disabilities so that additional funding is provided for such pupils from the State Distributive School Account. However, that additional funding is limited to not more than 13 percent of the total pupil enrollment in the school district or charter school, except in limited circumstances. (NRS 387.122) This bill removes the limitation on the number of pupils to whom the multiplier may apply. In addition, this bill authorizes the Department of Education to conduct such audits as it deems necessary to ensure that the school districts and the State Public Charter School Authority accurately identify pupils to whom the multiplier applies.

Primary Sponsor(s): Senate Committee on Finance

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## **SB 60**

Summary: Revises provisions governing Medicaid payments for ground emergency medical transportation services. (BDR 38-411)

Title: AN ACT relating to Medicaid; requiring the Director of the Department of Health and Human Services to include in the State Plan for Medicaid voluntary programs through which certain governmental entities and Indian tribes may obtain supplemental payments for providing ground emergency medical transportation services to recipients of Medicaid; requiring a participating governmental entity or Indian tribe to reimburse the Department for the costs of implementing and administering the program; and providing other matters properly relating thereto.

Introduction Date: Thursday, November 17, 2016

Fiscal Notes: Effect on Local Government: No.

Effect on the State: Yes.

Digest: Federal law requires the Federal Government to pay to each state for which the Federal Government has approved a State Plan for Medicaid a certain percentage of the total amount expended as medical assistance under the State Plan. The states are responsible for the remaining share of such expenditures. (42 U.S.C. § 1396b(a)) Federal law also allows certain governmental entities and federally recognized Indian tribes to receive supplemental reimbursements in addition to the federal payments discussed above for certain health care services, including ground emergency medical transportation services, pursuant to a State Plan for Medicaid. (42 U.S.C. §§ 1396a and 1396b; 42 C.F.R. §§ 433.50-433.74) Section 10 of this bill requires the Director of the Department of Health and Human Services to include in the State Plan for Medicaid a voluntary program whereby such a governmental entity or

Indian tribe may receive supplemental reimbursements, in addition to the payments the governmental entity or Indian tribe would otherwise receive from Medicaid, for ground emergency medical transportation services which are provided to recipients of Medicaid. In order to receive such reimbursements, the governmental entity or Indian tribe must: (1) hold a permit to operate an ambulance or vehicle of a fire-fighting agency; (2) participate in the State Plan for Medicaid; (3) enter into an agreement with the Department to reimburse the Department for the costs of implementing and administering the program; (4) pay the nonfederal share of the expenditures arising from providing such services; (5) certify that the claimed expenditures are eligible for federal financial participation; (6) submit to the Department any required evidence of the claimed expenditures; and (7) maintain any records required by the Department. Section 11 of this bill requires the Director to include in the State Plan a voluntary program to provide increased "capitation" (per patient) payments to a governmental entity or Indian tribe for ground emergency medical transportation services which are rendered pursuant to a contract or other arrangement with a Medicaid managed care plan. In order to participate in the program, a governmental entity, Indian tribe or managed care plan is required to enter into an agreement with the Department to: (1) comply with any request made by the Department to provide any information or data necessary to claim federal money or obtain federal approval; and (2) reimburse the Department for the administrative costs of the Department for implementing and administering the program. The program would require the governmental entity or Indian tribe to make intergovernmental transfers of money to the Department in an amount corresponding with the amount of money spent rendering ground emergency medical transportation services. The Department would then use that money and money from the Federal Government to make increased capitation payments. Section 11 also requires the Department to collect from each intergovernmental transfer a fee of 20 percent of the nonfederal share paid to the Department. Sections 10 and 11 also provide that supplemental reimbursements and increased capitation payments will be paid only to the extent approved by the Federal Government.

Primary Sponsor(s): Senate Committee on Health and Human Services

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**BDR 38-363**

Legislative Committee on Health Care (NRS 439B.200)

Revises provisions relating to autism. 8/29/2016