NEVADA COMMISSION ON SERVICES FOR PERSONS WITH DISABILITIES

NRS 427A.121  “Commission” defined.  As used in [NRS 427A.121](https://www.leg.state.nv.us/NRS/NRS-427A.html#NRS427ASec121) to [427A.1217](https://www.leg.state.nv.us/NRS/NRS-427A.html#NRS427ASec1217), inclusive, unless the context otherwise requires, “Commission” means the Nevada Commission on Services for Persons with Disabilities created by [NRS 427A.1211](https://www.leg.state.nv.us/NRS/NRS-427A.html#NRS427ASec1211).

      (Added to NRS by [2009, 655](https://www.leg.state.nv.us/Statutes/75th2009/Stats200907.html#Stats200907page655)) — (Substituted in revision for NRS 426.355)

NRS 427A.1211  Creation; membership; terms of members; removal of member.

      1.  The Nevada Commission on Services for Persons with Disabilities, consisting of 11 voting members and 2 or more nonvoting members, is hereby created within the Division.

      2.  The Director shall appoint as voting members of the Commission 11 persons who have experience with or an interest in and knowledge of the problems of and services for persons with disabilities. The majority of the voting members of the Commission must be persons with disabilities or the parents or family members of persons with disabilities.

      3.  The Director and the Administrator shall serve as nonvoting, ex officio members of the Commission and each may designate an alternate within his or her office to attend any meeting of the Commission in his or her place.

      4.  The Director may appoint as nonvoting members of the Commission such other representatives of State Government as the Director deems appropriate.

      5.  After the initial term of an appointed member, the term of an appointed member is 3 years. An appointed member may be reappointed for an additional term of 3 years. An appointed member may not serve more than two terms or 6 years, whichever is greater. A vacancy on the Commission must be filled in the same manner as the original appointment. An appointed member who serves for more than 1 year of a term to which another person was appointed may be appointed to serve only one additional full term as an appointed member. However, at the completion of the additional full term, the member may be appointed to the remaining term of another member who has resigned or otherwise left the Commission before completing his or her term if the total combined service of the member being appointed, after serving the remaining term of the member who resigned or otherwise left the Commission, will not exceed 6 years.

      6.  The Director may remove an appointed member of the Commission for malfeasance in office or neglect of duty. Absence from two consecutive meetings of the Commission constitutes good and sufficient cause for removal of an appointed member by the Director.

      (Added to NRS by [2009, 655](https://www.leg.state.nv.us/Statutes/75th2009/Stats200907.html#Stats200907page655); A [2015, 1433](https://www.leg.state.nv.us/Statutes/78th2015/Stats201513.html#Stats201513page1433)) — (Substituted in revision for NRS 426.365)

NRS 427A.1213  Election of Chair; meetings; quorum; rules of governance; appointment of subcommittees and advisory committees.

      1.  The Commission shall, at its first meeting and annually thereafter, elect a Chair from among its voting members.

      2.  The Commission shall meet at least quarterly and at the times and places specified by a call of the Director, the Chair or a majority of the voting members of the Commission.

      3.  A majority of the voting members of the Commission constitutes a quorum for the transaction of all business.

      4.  The Commission shall establish rules for its own governance.

      5.  The Chair may appoint subcommittees and advisory committees composed of the members of the Commission, former members of the Commission and members of the general public who have experience with or knowledge of matters relating to persons with disabilities, to consider specific problems or other matters that are related to and within the scope of the functions of the Commission. A subcommittee or advisory committee appointed pursuant to this subsection must not contain more than five members. To the extent practicable, the members of such a subcommittee or advisory committee must be representative of the various geographic areas and ethnic groups of this State.

      (Added to NRS by [2009, 655](https://www.leg.state.nv.us/Statutes/75th2009/Stats200907.html#Stats200907page655); A [2013, 215](https://www.leg.state.nv.us/Statutes/77th2013/Stats201302.html#Stats201302page215); [2017, 1513](https://www.leg.state.nv.us/Statutes/79th2017/Stats201709.html#Stats201709page1513), [2875](https://www.leg.state.nv.us/Statutes/79th2017/Stats201716.html#Stats201716page2875))

NRS 427A.1215  Salary of members; members entitled to per diem.

      1.  Each voting member of the Commission is entitled to receive a salary of not more than $80 per day, as fixed by the Commission, while engaged in the business of the Commission, if funding is available for this purpose.

      2.  While engaged in the business of the Commission, each appointed member of the Commission, each person appointed to serve on a subcommittee or advisory committee of the Commission, and each employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, if funding is available for this purpose.

      3.  The Commission may expend in accordance with law all money made available for its use.

      (Added to NRS by [2009, 656](https://www.leg.state.nv.us/Statutes/75th2009/Stats200907.html#Stats200907page656)) — (Substituted in revision for NRS 426.385)

NRS 427A.1217  Duties; powers.

      1.  The Commission shall:

      (a) Determine and evaluate the needs of persons with disabilities in this State;

      (b) Seek ways to avoid unnecessary duplication of services for persons with disabilities by public and private organizations in this State;

      (c) Establish priorities for the work of the Division according to the most pressing needs of persons with disabilities as determined by the Commission; and

      (d) Promote programs that provide community-based services necessary to enable a person with a disability, to the fullest extent possible, to remain in his or her home and be an integral part of his or her family and community.

      2.  The Commission may:

      (a) Review and make recommendations regarding plans for services for persons with disabilities;

      (b) Gather and disseminate information relating to persons with disabilities;

      (c) Conduct hearings, conferences and special studies on the problems of persons with disabilities and on programs that serve persons with disabilities;

      (d) Evaluate existing programs for persons with disabilities, recommend changes in those programs and propose new programs that would more effectively and economically serve the needs of persons with disabilities;

      (e) Evaluate any proposed legislation that would affect persons with disabilities;

      (f) Carry out the provisions of the Strategic Plan for Persons with Disabilities developed by the Department pursuant to paragraph (c) of subsection 1 of section 1 of chapter 541, Statutes of Nevada 2001;

      (g) Recommend to the Legislature any appropriate legislation concerning persons with disabilities; and

      (h) Coordinate and assist the efforts of public and private organizations that serve the needs of persons with disabilities, especially in the areas of education, employment, health, housing, welfare and recreation.

NRS 439.630  Powers and duties of Department; eligibility of veterans for certain benefits or services available to senior citizens, persons with disabilities and other specified persons; submission of biennial report by Grants Management Advisory Committee, Nevada Commission on Aging and Nevada Commission on Services for Persons with Disabilities.

      1.  The Department shall:

      (a) Conduct, or require the Grants Management Advisory Committee created by [NRS 232.383](https://www.leg.state.nv.us/NRS/NRS-232.html#NRS232Sec383) to conduct, public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

             (1) Promote public health;

             (2) Improve health services for children, senior citizens and persons with disabilities;

             (3) Reduce or prevent the abuse of and addiction to alcohol and drugs; and

             (4) Offer other general or specific information on health care in this State.

      (b) Establish a process to evaluate the health and health needs of the residents of this State and a system to rank the health problems of the residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities, and report the results of the evaluation to the Legislative Committee on Health Care on an annual basis.

      (c) Subject to legislative authorization, allocate money for direct expenditure by the Department to pay for prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, for senior citizens pursuant to [NRS 439.635](https://www.leg.state.nv.us/NRS/NRS-439.html#NRS439Sec635) to [439.690](https://www.leg.state.nv.us/NRS/NRS-439.html#NRS439Sec690), inclusive. From the money allocated pursuant to this paragraph, the Department may subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to senior citizens pursuant to [NRS 439.635](https://www.leg.state.nv.us/NRS/NRS-439.html#NRS439Sec635) to [439.690](https://www.leg.state.nv.us/NRS/NRS-439.html#NRS439Sec690), inclusive. The Department shall consider recommendations from the Grants Management Advisory Committee in carrying out the provisions of [NRS 439.635](https://www.leg.state.nv.us/NRS/NRS-439.html#NRS439Sec635) to [439.690](https://www.leg.state.nv.us/NRS/NRS-439.html#NRS439Sec690), inclusive. The Department shall submit a quarterly report to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate regarding the general manner in which expenditures have been made pursuant to this paragraph.

      (d) Subject to legislative authorization, allocate, by contract or grant, money for expenditure by the Aging and Disability Services Division of the Department in the form of grants for existing or new programs that assist senior citizens and other specified persons with independent living, including, without limitation, programs that provide:

             (1) Respite care or relief of informal caretakers, including, without limitation, informal caretakers of any person with Alzheimer’s disease or other related dementia regardless of the age of the person;

             (2) Transportation to new or existing services to assist senior citizens in living independently; and

             (3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

 The Aging and Disability Services Division of the Department shall consider recommendations from the Grants Management Advisory Committee concerning the independent living needs of senior citizens.

      (e) Allocate $200,000 of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Director to:

             (1) Provide guaranteed funding to finance assisted living facilities that satisfy the criteria for certification set forth in [NRS 319.147](https://www.leg.state.nv.us/NRS/NRS-319.html#NRS319Sec147); and

             (2) Fund assisted living facilities that satisfy the criteria for certification set forth in [NRS 319.147](https://www.leg.state.nv.us/NRS/NRS-319.html#NRS319Sec147) and assisted living supportive services that are provided pursuant to the provisions of the home and community-based services waiver which are amended pursuant to [NRS 422.3962](https://www.leg.state.nv.us/NRS/NRS-422.html#NRS422Sec3962).

 The Director shall develop policies and procedures for distributing the money allocated pursuant to this paragraph. Money allocated pursuant to this paragraph does not revert to the Fund at the end of the fiscal year.

      (f) Subject to legislative authorization, allocate to the Division money for programs that are consistent with the guidelines established by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services relating to evidence-based best practices to prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco. In making allocations pursuant to this paragraph, the Division shall allocate the money, by contract or grant:

             (1) To the district board of health in each county whose population is 100,000 or more for expenditure for such programs in the respective county;

             (2) For such programs in counties whose population is less than 100,000; and

             (3) For statewide programs for tobacco cessation and other statewide services for tobacco cessation and for statewide evaluations of programs which receive an allocation of money pursuant to this paragraph, as determined necessary by the Division and the district boards of health.

      (g) Subject to legislative authorization, allocate, by contract or grant, money for expenditure for programs that improve the health and well-being of residents of this State, including, without limitation, programs that improve health services for children.

      (h) Subject to legislative authorization, allocate, by contract or grant, money for expenditure for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the Department shall, to the extent practicable, allocate the money evenly among the following three types of programs:

             (1) Programs that provide respite care or relief of informal caretakers for persons with disabilities;

             (2) Programs that provide positive behavioral supports to persons with disabilities; and

             (3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

      (i) Subject to legislative authorization, allocate money for direct expenditure by the Department to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to persons with disabilities pursuant to [NRS 439.705](https://www.leg.state.nv.us/NRS/NRS-439.html#NRS439Sec705) to [439.795](https://www.leg.state.nv.us/NRS/NRS-439.html#NRS439Sec795), inclusive. The Department shall consider recommendations from the Grants Management Advisory Committee in carrying out the provisions of [NRS 439.705](https://www.leg.state.nv.us/NRS/NRS-439.html#NRS439Sec705) to [439.795](https://www.leg.state.nv.us/NRS/NRS-439.html#NRS439Sec795), inclusive.

      (j) Maximize expenditures through local, federal and private matching contributions.

      (k) Ensure that any money expended from the Fund will not be used to supplant existing methods of funding that are available to public agencies.

      (l) Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities, state colleges and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

      (m) To make the allocations required by paragraphs (f), (g) and (h):

             (1) Prioritize and quantify the needs for these programs;

             (2) Develop, solicit and accept applications for allocations;

             (3) Review and consider the recommendations of the Grants Management Advisory Committee submitted pursuant to [NRS 232.385](https://www.leg.state.nv.us/NRS/NRS-232.html#NRS232Sec385);

             (4) Conduct annual evaluations of programs to which allocations have been awarded; and

             (5) Submit annual reports concerning the programs to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

      (n) Transmit a report of all findings, recommendations and expenditures to the Governor, each regular session of the Legislature, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

      (o) After considering the recommendations submitted to the Director pursuant to subsection 6, develop a plan each biennium to determine the percentage of available money in the Fund for a Healthy Nevada to be allocated from the Fund for the purposes described in paragraphs (c), (d), (f), (g), (h) and (i). The plan must be submitted as part of the proposed budget submitted to the Chief of the Budget Division of the Office of Finance pursuant to [NRS 353.210](https://www.leg.state.nv.us/NRS/NRS-353.html#NRS353Sec210).

      (p) On or before September 30 of each even-numbered year, submit to the Grants Management Advisory Committee, the Nevada Commission on Aging created by [NRS 427A.032](https://www.leg.state.nv.us/NRS/NRS-427A.html#NRS427ASec032) and the Nevada Commission on Services for Persons with Disabilities created by [NRS 427A.1211](https://www.leg.state.nv.us/NRS/NRS-427A.html#NRS427ASec1211) a report on the funding plan submitted to the Chief of the Budget Division of the Office of Finance pursuant to paragraph (o).

      2.  The Department may take such other actions as are necessary to carry out its duties.

      3.  To make the allocations required by paragraph (d) of subsection 1, the Aging and Disability Services Division of the Department shall:

      (a) Prioritize and quantify the needs of senior citizens and other specified persons for these programs;

      (b) Develop, solicit and accept grant applications for allocations;

      (c) As appropriate, expand or augment existing state programs for senior citizens and other specified persons upon approval of the Interim Finance Committee;

      (d) Award grants, contracts or other allocations;

      (e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

      (f) Submit annual reports concerning the allocations made by the Aging and Disability Services Division pursuant to paragraph (d) of subsection 1 to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

      4.  The Aging and Disability Services Division of the Department shall submit each proposed grant or contract which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant or contract is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The Aging and Disability Services Division of the Department shall not expend or transfer any money allocated to the Aging and Disability Services Division pursuant to this section to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to senior citizens pursuant to [NRS 439.635](https://www.leg.state.nv.us/NRS/NRS-439.html#NRS439Sec635) to [439.690](https://www.leg.state.nv.us/NRS/NRS-439.html#NRS439Sec690), inclusive, or to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to persons with disabilities pursuant to [NRS 439.705](https://www.leg.state.nv.us/NRS/NRS-439.html#NRS439Sec705) to [439.795](https://www.leg.state.nv.us/NRS/NRS-439.html#NRS439Sec795), inclusive.

      5.  A veteran may receive benefits or other services which are available from the money allocated pursuant to this section for senior citizens or persons with disabilities to the extent that the veteran does not receive other benefits or services provided to veterans for the same purpose if the veteran qualifies for the benefits or services as a senior citizen or a person with a disability, or both.

      6.  On or before June 30 of each even-numbered year, the Grants Management Advisory Committee, the Nevada Commission on Aging and the Nevada Commission on Services for Persons with Disabilities each shall submit to the Director a report that includes, without limitation, recommendations regarding community needs and priorities that are determined by each such entity after any public hearings held by the entity.

      (Added to NRS by [1999, 2758](https://www.leg.state.nv.us/Statutes/70th/Stats199917.html#Stats199917page2758); A [2001, 2671](https://www.leg.state.nv.us/Statutes/71st/Stats200118.html#Stats200118page2671); [2003, 330](https://www.leg.state.nv.us/Statutes/72nd/Stats200302.html#Stats200302page330), [1749](https://www.leg.state.nv.us/Statutes/72nd/Stats200314.html#Stats200314page1749); [2005, 366](https://www.leg.state.nv.us/Statutes/73rd/Stats200504.html#Stats200504page366), [919](https://www.leg.state.nv.us/Statutes/73rd/Stats200510.html#Stats200510page919), [1256](https://www.leg.state.nv.us/Statutes/73rd/Stats200513.html#Stats200513page1256), [1330](https://www.leg.state.nv.us/Statutes/73rd/Stats200514.html#Stats200514page1330), [1571](https://www.leg.state.nv.us/Statutes/73rd/Stats200516.html#Stats200516page1571), [2048](https://www.leg.state.nv.us/Statutes/73rd/Stats200520.html#Stats200520page2048), [2051](https://www.leg.state.nv.us/Statutes/73rd/Stats200520.html#Stats200520page2051); [2007, 2338](https://www.leg.state.nv.us/Statutes/74th/Stats200719.html#Stats200719page2338); [2009, 875](https://www.leg.state.nv.us/Statutes/75th2009/Stats200909.html#Stats200909page875); [2011, 2869](https://www.leg.state.nv.us/Statutes/76th2011/Stats201123.html#Stats201123page2869); [2013, 154](https://www.leg.state.nv.us/Statutes/77th2013/Stats201301.html#Stats201301page154))