



STATE OF NEVADA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
AGING AND DISABILITY SERVICES DIVISION

Administrative Office  
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Minutes

Name of Organization: Nevada Commission on Services for Persons with Disabilities (Nevada Revised Statute [NRS] 426.365)

Date and Time of Meeting: July 29, 2014  
9:30 a.m.

Location: Reno Job Connect  
4001 S. Virginia St., Suite H  
Reno, NV 89502  
  
Las Vegas Job Connect  
3016 W. Charleston Blvd., Suite 200  
Las Vegas, NV 89102

To join this meeting by phone dial 1-888-363-4735, then enter Access code 1228133 when prompted.

I. Welcome and Introductions  
Brian Patchett, Commission Chairperson

The Chairperson called the meeting to order at 9:30 a. m.

Members present: Brian Patchett, Mary Bryant, Bill Heavilin, Gary Olsen, Karen Taycher, Jon Sasser, Nicole Schomberg, Shelley Hendren

Guests: Sue Gulas (Nevada Respite Coalition), David Daviton, Jeff Beardsley, Dina McGill (State Health Insurance Program), Vicki Kemp (Aging and Disability Services Division), John Rosenlund (ADSD), Cindy Smith (Department of Health and Human Services), Dan Dinnell (Nevada IDEA Part C), Kirsten Coulombe (Legislative Council Bureau), Sherri Manning ( Nevada Governor’s Council on Developmental Disabilities), Laurie Olsen (DHHS), Scott Youngs (Nevada Center

38 for Excellence in Disabilities), Scott Harrington (NCED), Samantha King (Nevada  
39 PEP), Max Stovall (Washoe Legal Services), Jack Mayes (Nevada Disability  
40 Advocacy and Law Center), Connie McMullen (Commission on Aging), Julie  
41 Balderson (ADSD), Michele Ferrall (ADSD), Tina Gerber-Winn (ADSD), Garrett  
42 Weir (Public Utility Commission of Nevada), Thomas Kapp (Nevada Early  
43 Intervention).

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45 Staff: Laura Valentine (ADSD), Desiree Bennett (ADSD), Sally Ramm (ADSD),  
46 Kimberly Dawson (Interpreter), Andrea Juillerat-Olvera (Interpreter), Stephanie  
47 Gardner (Interpreter), Catherine Edwards (Interpreter)

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49 Excused Commission Members: Jodi Sabal

- 50  
51 II. Public Comment (No action may be taken upon a matter raised under public comment period unless  
52 the matter itself has been specifically included on an agenda as an action item. Public comment at the  
53 beginning and end of the agenda may be limited to three minutes per person at the discretion of the  
54 chairperson. Members of the public may comment on matters not appearing on this agenda or may offer  
55 comment on specific agenda items. Comments may be discussed by the Board but no action may be  
56 taken. The matter may be placed on a future agenda for action)

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58 Sherry Manning, Executive Director of the Nevada Governor's Council on  
59 Developmental Disabilities, informed the Commission that last week the  
60 Governor issued executive order establishing the Governor's Task Force on  
61 Integrated Employment. This effort was made by a partnership between the  
62 Nevada's Governor's Council on Developmental Disabilities, and the  
63 Employment First Ad Hoc Committee. On behalf of the Legislative Committee of  
64 the Governor's Council, Ms. Manning asked the Legislative Committee on Senior  
65 Citizens, Veterans, and Adults with Disabilities to write a letter of support to the  
66 Governor, the Department of Health and Human Services (DHHS), the  
67 Department of Employment Training and Rehabilitation (DETR), and the  
68 Department of Education (DOE) to endorse this executive director. Ms. Manning  
69 asked the commission to include an agenda item to discuss and participate in the  
70 endorsement of that letter.

71  
72 Ms. Taycher introduced Samantha King as the new Director of the Nevada PEP  
73 satellite office in Reno.

- 74  
75 III. Approval of Minutes from the May 29, 2014 Meeting (For Possible Action)  
76 Brian Patchett, Commission Chairperson

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78 Mr. Olsen motioned to approve the minutes with spelling corrections made. Ms.  
79 Bryant seconded the motion. Motion passed.

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82 IV. Update and Report on Medicaid Waivers Wait Lists and Basis for Waitlist Figures  
83 Michele Ferrall, Deputy Administrator,  
84 Aging and Disability Services Division (ADSD)  
85 Jennifer Frischmann, Division of Health Care Financing and Policy

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Ms. Ferrall discussed the ADSD Waiver Waitlist details as of June 30, 2014 (attachment 1). She explained that delays in service from Desert Regional Center are due to the larger population size in Las Vegas. Additional funding has been requested for the upcoming budget to reduce or eliminate waiver waitlists. Ms. Taycher and Mr. Sasser agreed to add the elimination of waitlists as a legislative priority.

V. Discussion and Possible Recommendations Regarding the Creation of Independent Living and Assistive Technology Services for the Blind and Visually Impaired (For Possible Action)

Brian Patchett, Commission Chairperson  
Scott Youngs, Chairperson, Assistive Technology Council

Mr. Patchett stated that Aging and Disability Services Division has proposed an increase of \$500,000 in the Independent Living budget to address low vision and blindness issues.

Mr. Youngs would like to make himself and the Nevada Center for Excellence in Disabilities available to the committee for any needed support with moving the budget proposal forward.

Ms. Taycher made a motion for the commission to ask the Interim Legislative Committee on Seniors, Veterans, and Adults with Disabilities to write a letter of support for the increase of funding for persons through Independent Living who are visually impaired or blind. She would like to make sure the Commission is supporting a specific target population and that the monies go out in a RFP process. Ms. Bryant seconded the motion. Motion passed.

Kirsten Coulombe will follow up with the commission on the details of completing the RFP process for ADSD.

ADSD has been working collaboratively with DETR to conduct Town Hall meetings to determine what services people who are blind or visually impaired are in need of, including assistive technology assessments and training, life skills training, and basic skills training. A flyer is being prepared and will be sent out soon. The Nevada Disability Advocacy and Law Center has volunteered to help with the Town Hall meetings as it is a statewide agency with local staff and facilities. The agency has experience in each region of the state and previous interaction with its blind community. The first Town Hall meeting is tentatively scheduled for August 21, 2014 at 10 a.m. and 2 p.m. in Elko.

VI. Assessment and Discussion of the Grants Management Unit 2014 Annual Report and Possible Recommendations for Testimony During Upcoming Legislative Session (For Possible Action)

Laurie Olsen, Chief, Grants Management Unit,  
Department of Health and Human Services

131 Ms. Olsen presented on the Grants Management Advisory Committee (GMAC)  
132 Statewide Community Needs Assessment. The top four major service categories  
133 that were endorsed and recommended to the Director of DHHS were:

- 134 • Health and mental health
- 135 • Family support, food security and
- 136 • Support for persons with disabilities and their caregivers.

137 The top seven sub services under the support for persons with disabilities and  
138 their caregivers are:

- 139 • Respite care
- 140 • Positive behavior support
- 141 • Independent living, autism
- 142 • In- home services
- 143 • Traumatic brain injury and
- 144 • Family preservation

145 Some services have funding sources other than the Fund for a Healthy Nevada.  
146 These are all services that are going to be considered for funding in the coming  
147 biennium under the Fund for a Healthy Nevada. The assessment also showed  
148 that transportation for people with disabilities is the top priority that needs  
149 improvement and funding.

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151 VII. Update and Report from the Subcommittee on Communication Services,  
152 Discussion and Possible Recommendations From Council (For Possible Action)  
153 Julie Balderson, Social Services Program Specialist, ADSD

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155 The Subcommittee on Communication Services met on July 28 discussing  
156 recommendations to present to the CSPD (attachment 2). The Committee also  
157 established a work group to explore wireless options for ADSD's Equipment  
158 Distribution Program.

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160 VIII. Discussion on Legislative Budget Recommendations (For Possible Action)  
161 Jon Sasser, Commission Member

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163 The first recommendation discussed came from the joint subcommittee of the  
164 Commission on Aging and the CSPD that has been meeting to discuss updating  
165 the Strategic Plan for Seniors and People with Disabilities and Nevada's  
166 Olmstead Plan. An appropriation of money is needed to hire consultants to  
167 update the two plans. The first request from Ms. Gerber-Winn and the joint  
168 Subcommittee is to develop a Bill Draft from the Committee that would be  
169 included in the next Legislative Session with that appropriation.

170 The second request is to write a letter to the Department of Health and Human  
171 Services (DHHS) directing the Division to submit a budget for funding to update  
172 the plans.

173 Third, is a request to write a letter to DHHS requesting that the Department seek  
174 legislation and funding to establish an Olmstead implementation office to create  
175 and monitor compliance.

176 The Committee on Senior Citizens, Veterans, and Adults with Special Needs only  
177 has ten (Bill Draft Request) BDRs to cover three populations: seniors, adults with  
178 special needs, and veterans.

179 Mr. Sasser made a motion that the commission accepts the recommendation to  
180 include A, B, and C as worded (attachment 3). Mr. Olsen seconded the motion.  
181 Motion passed.

182 Mr. Sasser discussed the recommendations made by the Subcommittee on  
183 Communication Services (SOCS). Stating the first recommendation is a BDR that  
184 deals with charges on telephone service overseen by the Public Utilities  
185 Commission (PUC). PUC funding goes toward the cost of the relay system used  
186 by the phone companies, Centers for Persons who are Deaf or Hard of Hearing,  
187 and to cover the cost of the Division to carry out provisions for interpreter  
188 services. The proposal from SOCS is to change the current law as ADSD needs  
189 to be creating its own budget and submitting it to the legislature where it is  
190 approved through the regular legislative process (attachment 3).

191 Mr. Sasser made a motion that the Commission accept and endorse II.A that the  
192 Commissions asks the Committee on Senior Citizens, Veterans, and Adults with  
193 Special Needs to submit a BDR changing 427A in the way in which the proposal  
194 from SOCS describes. Mr. Olsen seconded the motion. Motion passed.

195 The second BDR from SOCS (attachment 3) was discussed by Ms. Balderson  
196 stating that there are many registered interpreters in the state that stay at an  
197 under skilled level and category for years and don't make any progress towards  
198 skill development or reaching minimum national standards. Through the  
199 recommendation there is a proposed limitation on how long an interpreter can  
200 stay in that under skilled category.

201 Mr. Sasser made a motion that the commission ask the Committee on Senior  
202 Citizens, Veterans, and Adults with Special Needs to seek a BDR to amend NRS  
203 656A to limit the amount of time an interpreter can be registered in a category as  
204 apprentice or intermediate to three years with possible exceptions for extenuating  
205 circumstances and allow for interpreters to remain in a skilled category so long  
206 as the interpreter pays a fine. Mr. Olsen seconded the motion.

207 Discussion occurred asking what the amount of the fine will be for interpreters  
208 who do not comply. Ms. Balderson stated it is up to ADSD discretion but could be  
209 up to \$5,000. Motion passed.

210 The next recommendation from the SOCS Subcommittee (attachment 3)  
211 discussed by Mr. Olsen stated that the state needs to bring in some  
212 professionals who will have dual purposes. It is important to provide necessary  
213 training and to push Universities to establish interpreter programs. He would also  
214 like to see the creation of a Deaf and Hard of Hearing Commission as a long  
215 term goal.

216 Mr. Sasser made a motion that the Commission asks the Legislative Committee  
217 to write a letter to the Director of DHHS requesting that the budget for the  
218 Division include funding to create a pool of interpreters as worded in letter C on  
219 the CSPD recommendations (attachment 3). Mr. Olsen seconded the motion.  
220 Motion passed.

221 The next recommendation from SOCS is asking the Committee to write a letter to  
222 the PUC to review the procedure, policy, regulations and statute that governs  
223 setting the TDD rate, and develop an improvement plan that accommodates both  
224 responsibilities of PUC and ADSD.

225 Mrs. Balderson stated that the purpose of the recommendation comes out of  
226 ADSD's budget approval process that is submitted to the PUC annually. This  
227 recommendation asks that all the statutes applicable to the TDD surcharge is  
228 found and understood in order for both agencies to create a more streamlined  
229 process.

230 Mr. Sasser made a motion to adopt item D from the list of recommendations  
231 made by the SOCS Subcommittee to ask the Committee to write a letter to the  
232 PUC (attachment 3). Mr. Olsen seconded the motion. Motion passed.

233 Mr. Sasser made a motion to ask the Legislative Committee to write a letter to  
234 the Board of Regents of the Nevada System of Higher Education requesting that  
235 a Bachelor degree program in interpreter preparation that reaches the entire  
236 state be established. Mr. Olsen seconded the motion. Motion passed.

237 Mr. Sasser made a motion to ask the Legislative Committee to write a letter to  
238 the Nevada Department of Education requesting a comprehensive review of  
239 policy related to Deaf education in all areas of education. Mr. Olsen seconded  
240 the motion. Motion passed.

241 Mr. Sasser made a motion to ask the Legislative Committee to write a letter to  
242 the Legislative Commission asking that as soon as practicable, make sure that all  
243 Legislative Committee meetings are broadcasted with open captioning. Mr. Olsen  
244 seconded the motion. Motion passed.

245 The final recommendation is to change the terminology in the statute to use the  
246 term "Deaf Service Center". Mr. Sasser motioned to amend the previously  
247 passed resolution to include in the CSPD's request to the Committee to amend  
248 NRS 427A. 797 to use the term "Deaf Service Center". Mr. Olsen seconded the  
249 motion. Motion passed.

250 Mr. Scott Harington submitted a letter to the Committee members to approve and  
251 send to the Legislative Committee (attachment 4). He stated that through the  
252 letter he is looking for Vocational Rehab to maximize the 4:1 Rehabilitation  
253 Services Administration (RSA) match received for funding and support for  
254 vocational rehab counselors. There would be more vocational rehab positions  
255 that could provide support for those who are more significantly disabled and  
256 supported employment. An individual that has at least 2 or more functional  
257 limitations in a major life activity that create a substantial barrier to employment  
258 AND the individual requires multiple rehab services (2 more more) and the  
259 individual will require a longer period of time (6 months or more) to be successful  
260 is considered significantly disabled. Mr. Harington is asking to expand the  
261 community based career exploration projects that are similar to the Vocational  
262 Opportunities Inclusive Career Education (VOICE) project which allows the  
263 transition students to get community based experiences where they find out what  
264 they like to do and businesses see the contributions they make. Mr. Harington  
265 would like to make sure persons over 22 are not excluded and that not all  
266 resources are given to one population, but that everyone receives services.

267 Ms. Bryant made a motion for the Commission to ask the Committee to send a  
268 letter to the Chairpersons of the Senate Committee on Finance and the  
269 Assembly Committee requesting funding for integrated employment. Mr. Olsen  
270 seconded the motion. Discussion ensued with Ms. Taycher making sure the letter  
271 would not suggest that the rural counties and Clark County participate in the  
272 (VOICE) Project. It is a concern to place a project that has not been operating in  
273 Washoe County for very long and still has issues to work out on to other  
274 counties.

275 Mr. Harington stated that the recommendation would be some community based  
276 career exploration where students will go out into the community, that doesn't  
277 have to be the VOICE Project.

278 Ms. Taycher has concerns with kids still receiving a free and appropriate public  
279 education under Individuals with Disabilities Education Act (IDEA) while under  
280 the VOICE Project. Ms. Taycher would not like to endorse the recommendation  
281 until those concerns have been resolved and kids are not losing their right to  
282 IDEA protections in that program.

283 Mr. Harington stated that the VOICE program is specifically for students that are  
284 18-22 years old and are finished with their academic portion of school and they  
285 are sitting at home.

286 Ms. Bryant restated the motion asking the committee to write a letter to support  
287 funding for integrated employment.

288 Motion then received unanimous support. Motion passed.

289 The next recommendation to the committee is from Ms. Bryant regarding  
290 submitting a BDR asking for a simple Durable Power of Attorney form  
291 (attachment 3 and 5). There was discussion with Mr. Heavilin about his concerns  
292 with the limits a decision maker has on medical decisions.

293 Ms. Bryant submitted her recommendation to the committee independently and  
294 asked to withdraw her motion of asking for support from the CSPD.

295 The next recommendation brought up for discussion is from Ms. Bryant asking  
296 the committee to sponsor a BDR called the Down Syndrome Prenatal Education  
297 Act. Mr. Olsen seconded the motion.

298 There was discussion on providing testimony to the committee before a BDR is  
299 sponsored. There is currently no agenda item for the Legislative committee to  
300 hear testimony on this BDR; Ms. Bryant stated she would make a request to do  
301 so.

302 Motion received six approvals and one opposed. Motion passed.

303 The last recommendation discussed was from Ms. Sherry Manning asking the  
304 CSPD to support the Legislative Committee sending letters to DHHS, DETR,  
305 DOE, and the Governor endorsing Executive Order 2014-16 which establishes  
306 the Governor's Task Force on Integrated Employment (attachment 3 and 6).

307 Mr. Sasser made a motion to support the recommendation. Ms. Bryant seconded  
308 the motion. Motion passed.

309 Mr. Sasser discussed the proposal that Medicaid cover autism services that was  
310 made before the Interim Committee on Healthcare has been endorsed.

311 Mr. Sasser made a motion that the CSPD send a letter to the Director of DHHS  
312 and the Governor in support of the request from the Division to obtain the

313 necessary funding to eliminate the waitlist for Medicaid waivers for people with  
314 intellectual disabilities in order to comply with the Olmstead Plan. Ms. Bryant  
315 seconded the motion. Motion passed.

316 In response to Mr. Sasser's question regarding DETR's budget initiatives, Ms.  
317 Hendren stated there are a couple of major budget initiatives that have been  
318 submitted to the Governor for 2016-2017 requiring work programs to move  
319 authority around. One initiative was already addressed and submitted separately,  
320 asking for extra positions for job development customized employment. Once  
321 contracts are in place it doesn't require additional funding. The third party to enter  
322 into the agreement would put up the match amount to draw down federal funds.  
323 Mr. Sasser made a motion for the Commission to endorse the request of the  
324 Division for these positions as requested in Ms. Hendren's letter. Ms. Bryant  
325 seconded the motion.

326 In response to Mr. Patchett's question, Ms. Hendren stated that rehab counselors  
327 are managing their caseloads; job development is where positions are needed.  
328 Motioned passed.

329 Ms. Taycher expressed concerns about students who receive special education  
330 having a right to receive special education until their 22<sup>nd</sup> birthday or until they  
331 receive a regular diploma. There is no law or third party agreement or anything to  
332 undermine the fact that they have rights under IDEA. When programs are being  
333 combined it is important to make sure that one program doesn't have a rule that  
334 takes away the rights under IDEA. Ms. Taycher would caution everyone working  
335 on these collaborations to understand protections under IDEA.  
336

337 IX. Discussion and Possible Recommendations for Filling Vacant CSPD  
338 Membership Positions (For Possible Action)

339 Tina Gerber-Winn, Deputy Administrator, ADSD  
340

341 After discussions with Mr. Heavilin, Ms. Gerber-Winn stated that the CSPD  
342 Nominating Subcommittee has two members including, Ms. Schomberg and Mr.  
343 Heavilin. By the end of September 2015 all CSPD members with the exception  
344 of two will be at the end of their second term and cannot be reappointed.

345 Mr. Patchett appointed himself and Mr. Olsen to the Nominating Subcommittee.  
346 Mr. Sasser suggested looking to existing CSPD Subcommittee members to fill  
347 vacancies on the CSPD and find a mental health representative.

348 The Nominating Subcommittee will meet six times a year with the first meeting in  
349 August.

350 Ms. Gerber-Winn stated that it is at the discretion of the Department Director if a  
351 state employee can be a voting member on the commission.

352 Mr. Patchett would like to discuss the matter of state employees participating as  
353 voting members at the Nominating Subcommittee meeting and add as a voting  
354 agenda item to the next CSPD meeting.  
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356 X. Discussion and Possible Determination of Issues and Agenda Items to be  
357 Considered or Deliberated at the Next Meeting (For Possible Action)

358 Brian Patchett, Commission Chairperson

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The following are topics proposed for the next CSPD meeting:

- Follow up on Legislative Committee on Senior Citizens, Veterans, and Adults with Special Needs meeting after their meeting on August 15<sup>th</sup>
- Update and Report on State Independent Living Plan from Northern Nevada Independent living.
- Discussion of ADSD official agency budget after submission in October (move to October 28<sup>th</sup> meeting date).
- Presentation on what services currently exist for Traumatic Brain Injury, presented by Jodi Sabal

XI. Confirm Dates for Future Meetings: September 30, October 28 and November 18, 2014 (For Possible Action)  
Brian Patchett, Commission Chairperson

Future meeting dates:  
September 30, October 28, and November 18

XII. Public Comment (May Include General Announcements by Commissioners) (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. Public comment at the beginning and end of the agenda may be limited to three minutes per person at the discretion of the chairperson. Members of the public may comment on matters not appearing on this agenda or may offer comment on specific agenda items. Comments may be discussed by the Board but no action may be taken. The matter may be placed on a future agenda for action)

Mr. Beardsley stated his concern about Deaf people needing help with therapy but are refused interpreters to help access services. There should also be an understanding of culture and language that these support groups should be sensitive to. There needs to be more cultural awareness and sensitivity for all groups of people not just the Deaf community.

XIII. Adjournment  
Brian Patchett, Commission Chairperson

Mr. Olsen made a motion to adjourn the meeting. Mr. Sasser seconded motion. Meeting adjourned at 1:00 p.m.

**Commission on Services for Persons with Disabilities Members**

Brian Patchett (Chair), Mary Bryant (Co-Chair), Bill Heavilin, Gary Olsen, Jodi Sabal, Jon Sasser, Karen Taycher, Nicole Schomberg, Jennifer Pharr

**NOTE:** Agenda items may be taken out of order, combined for consideration, and/ or removed from the agenda at the Chairperson's discretion. The public body may combine two or more agenda items for consideration. The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The public body may place reasonable restrictions on the time, place, and manner of public comments but may not restrict comments based upon viewpoint.

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**NOTE:** We are pleased to make reasonable accommodations for members of the public who have disabilities and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Desiree Bennett at (775) 687-0586 as soon as possible and at least five days in advance of the meeting. If you wish, you may e-mail her at [dabennett@adsd.nv.gov](mailto:dabennett@adsd.nv.gov). Supporting

409 materials for this meeting are available at: 3416 Goni Rd, D-132, Carson City, NV 89706 or by contacting Desiree Bennett (775)  
410 687-0586 or by email at [dabennett@adsd.nv.gov](mailto:dabennett@adsd.nv.gov)

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**Agenda Posted at the Following Locations:**

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1. Aging and Disability Services Division, Carson City Office, 3416 Goni Road, Suite D-132, Carson City, NV 89706
  2. Aging and Disability Services Division, Las Vegas Office, 1860 East Sahara Avenue, Las Vegas, NV 89104
  3. Aging and Disability Services Division, Reno Office, 445 Apple Street, Suite 104, Reno, NV 89502
  4. Aging and Disability Services Division, Elko Office, 1010 Ruby Vista Drive, Suite 104, Elko, NV 89801
  5. Nevada Community Enrichment Program, 2820 West Charleston Boulevard, Las Vegas, NV 89146
  6. Southern Nevada Center for Independent Living, 6039 El Dora Street H-8, Las Vegas, NV 89101
  7. Disability Resource Center, So. E Greg St., Suite 102 Sparks, NV 89431
  8. Nevada State Library and Archives, 100 North Stewart Street, Carson City, NV 89706
  9. Desert Regional Center, 1391 South Jones Boulevard, Las Vegas, NV 89146
  10. Sierra Regional Center, 605 South 21<sup>st</sup> Street, Reno, NV 89431
  11. Rural Regional Center, 1665 Old Hot Springs Road, Carson City, NV 89706
  12. Northern Nevada Center for Independent Living, 999 Pyramid Way, Sparks, NV 89431
  13. Dept. of Health and Human Services, 4126 Technology Way, Carson City, NV 89706
  14. Early Intervention Services, 2667 Enterprise Road, Reno, NV 89512

Notice of this meeting was posted on the Internet at: <http://www.adsd.nv.gov/> and <https://notice.nv.gov>

**ADSD WAIVER WAITLIST DETAIL, AS OF 6/30/2014** (07/22/2014)

**RRC Waiver Waitlist**

151 total waiting for waiver funding

- Total of **93** with current services
  - 57 have JDT
    - 12 are waiting for SLA
  - 25 have SLA
    - 8 are waiting for JDT
  - 11 have both
- Total of **58** waiting for waiver funding and service
  - 15 waiting for JDT
  - 11 awaiting for SLA
  - 22 waiting for both
  - 10 Unconfirmed

**SRC Waiver Waitlist**

201 total waiting for waiver funding

- Total of **77** with current services
  - 30 have JDT
    - 5 waiting for SLA
  - 43 have SLA
    - 20 are waiting for JDT
  - 4 have both
- Total of **124** waiting for waiver funding and service
  - 28 waiting for JDT
  - 30 waiting for SLA
  - 40 waiting for both
  - 26 Unconfirmed

**DRC Waiver Waitlist**

387 total waiting for waiver funding

- Total **236** of with current services
  - 212 have JDT
    - 14 are waiting for SLA
  - 14 have SLA
    - 5 are waiting for JDT
  - 10 have both
- Total of **151** waiting for waiver funding and service
  - 120 waiting for JDT
  - 12 awaiting for SLA
  - 19 waiting for both

**Recommendations to the Commission on Services for Persons with Disabilities on issues related to individuals who are Deaf or hard of hearing, and persons with speech disabilities from the Subcommittee on Communication Services. (based on June 12 meeting)**

1. The Subcommittee supports the current method for setting the TDD surcharge collected by the Public Utilities Commission; however, the Subcommittee recommends the language regarding budget approval should be revised.
  - o Current language in NRS 427A.797 "The program must be approved by the Public Utilities Commission of Nevada"
  - o Proposed new language "Annually, the Public utilities Commission shall set the TDD surcharge rate to sufficiently cover the cost of the program budget that was approved by the legislature."

The Subcommittee recommends that CSPD request that the PUC review the procedure, policy, regulations and statute that governs setting the TDD rate, and develop an improvement plan that accommodates both the responsibilities of PUCN and ADSD.

2. The Subcommittee recommends amending NRS 427A.797 to include a list of activities Deaf **Service** Centers may do "including but not limited to" and emphasize that the Centers focus on providing services to gain equal access for deaf, hard of hearing and persons with speech disabilities. Access assistance should not be limited to telephone equipment and relay-related services.
3. The Subcommittee recommends improving ADSD's ability to appropriately carry out the duties of the Division as stated in NRS 656A by creating sufficient staff positions.
4. The Subcommittee recommends establishing a pool of seven highly qualified interpreters statewide to (a) increase access to the legislature and state agencies by providing interpreter services at government agencies and the legislature when other interpreting services cannot be secured through contract with external referral agencies; and (b) provide mentoring to under-skilled interpreters registered and working in the state, especially in rural areas and school districts. This includes one position to schedule and manage invoicing for the interpreter pool, which may be exempt from engaging in the practice of interpreting. The interpreter pool should be funded via budget administrative allocation.
5. The Subcommittee recommends setting a limitation in NRS 656A that specifies how long an interpreter may be registered in the categories of "apprentice" or "intermediate". With possible exceptions for extenuating circumstances, and allow for interpreters to remain in a skill category beyond the statutory limit as long as the interpreter pays a fine.
6. The Subcommittee recommends writing a letter encouraging the Board of Regents of the Nevada System of Higher Education to establish Bachelor degree programs in interpreter preparation that reach the entire state.
7. The Subcommittee recommends writing a letter requesting the Nevada Department of Education to perform a comprehensive review of policy related Deaf education in all areas of education.

**Additional recommendations to the Commission on Services for Persons with Disabilities on issues related to individuals who are Deaf or hard of hearing, and persons with speech disabilities from the Subcommittee on Communication Services. (based on discussion between the Subcommittee chair and another member of CPSD, with ADSD)**

1. Legislative meetings should be broadcast via television and internet with mandatory open captions during both regular and interim sessions. The legislature should mandate an investigation of public captioning issues, with findings reported back to the 2017 legislature.
2. The term "Deaf Center" should be replaced with "Deaf Service Center" and a general definition should be determined, with specific details left to ADSD with input from the Subcommittee.

## **COMMISSION ON SERVICES FOR PERSONS WITH DISABILITIES**

### **Recommendations to the Legislature's Committee on Veterans, Seniors Citizens and Adults with Special Needs ("the Committee")**

#### **I. Update strategic plans for both seniors and persons with disabilities encompassing an update of the Olmstead plan for Nevada (from Olmstead Subcommittee, Tina Gerber-Winn)**

- A. Request a bill draft with an appropriation to update the plans
- B. Write a letter to the Department of Health and Human Services (DHHS) directing the Aging and Disability Services Division (ADSD) to submit a budget request for funding to update the plans
- C. Write a letter to DHHS requesting that the Department seek legislation and funding to establish an Olmstead implementation office to create and monitor compliance with the updated plans

#### **II. Services for persons who are deaf or hard of hearing (from Subcommittee on Communications Services - 6/12/14 meeting)**

A. Request that the Committee submit a bill draft request to amend NRS 427A.797 as described below:

1. Amend NRS 427A.797(2) as follows. 2. A surcharge is hereby imposed on each access line of each customer to the local exchange of any telephone company providing such lines in this State and on each personal wireless access line of each customer of any company that provides wireless phone services in this State which is sufficient to:

- (a) Cover the costs of the program;
- (b) Fund the centers for persons who are deaf or hard of hearing operated by this State in the amount established in the Division's budget as approved by the Legislature; and
- (c) Cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS in the amount established in the Division's budget as approved by the Legislature; that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800.

□ The Commission shall establish by regulation the amount to be charged. Those companies shall collect the surcharge from their customers and transfer the money collected to the Commission pursuant to regulations adopted by the Commission.

2. Amend NRS 427A.797(1)(b) broaden access assistance by removing the limitation to telephone equipment and relay-related services.

3. Amend NRS 427A.797 to include a list of activities Deaf Centers may engage in “including but not limited to” and emphasize that the Centers focus on providing services to gain equal access for deaf, hard of hearing and persons with speech disabilities. Examples of appropriate activities include:

- Assist consumers in navigating government services (filing taxes, SSI, Medicaid, HUD)
- Assist consumers in accessing resources such as hearing aids, electrolarynx, and other assistive devices
- Advocate on behalf of a consumer for the right that a qualified interpreter to be provided
- Support individuals who are deaf/hard of hearing/speech impaired in group homes
- Expand and build service capacity in areas where need exists, but services do not
- Support consumers in medical fields (understanding insurance, office and clinic settings)
- Support and enhance community use of existing resources (ex: PEPnet)
- Provide case management/personalized advocacy services
- Provide orientation and transition assistance to newly deafened or speech impaired individuals including veterans and seniors
- Support telecommunications equipment distribution

- Support increased access to education across the lifespan from early childhood, K-12, adult basic education, adult secondary education, and post-secondary/higher education
- Provide employment assistance advocacy independent of Vocational Rehabilitation
- Provide life skills training
- Provide sensitivity training and community education
- Enhance community quality of life through social and recreational events
- Engage in community development via:
  - Support groups for caregivers/families of individuals across the lifespan from all hearing loss backgrounds including users of cochlear implants
  - Classes on self-advocacy
  - Classes on educational rights
  - American Sign Language classes
  - Deaf Culture classes

B. Request that the Committee seek a bill draft request to amend NRS 656A to specify how long an interpreter may be registered in the categories of “apprentice” or “intermediate” with possible exceptions for extenuating circumstances, and allow for interpreters to remain in a skill category beyond the statutory limit as long as the interpreter pays a fine.

C. Write a letter to the Director of the Department of Health and Human Services requesting that the budget for ADSD include sufficient funding to establish a pool of seven highly qualified interpreters statewide to (a) increase access to the Legislature and state agencies by providing interpreter services at government agencies and the Legislature when other interpreting services cannot be secured through contract with external referral agencies; and (b) provide mentoring to under-skilled interpreters registered and working in the state, especially

in rural areas and school districts. This includes one position to schedule and manage invoicing for the interpreter pool. The interpreter pool should be funded via budget administrative allocation.

D. Write a letter to Public Utilities Commission review the procedure, policy, regulations and statute that governs setting the TDD rate, and develop an improvement plan that accommodates both the responsibilities of PUCN and ADSD

E. Write a letter to the Board of Regents of the Nevada System of Higher Education requesting that Bachelor degree programs in interpreter preparation that reach the entire state be established.

F. Write a letter to the Nevada Department of Education requesting a comprehensive review of policy related to Deaf education in all areas of education.

**II. Services for persons who are deaf or hard of hearing (from Subcommittee on Communications Services - *based on discussion between the Subcommittee chair and another member of CPSD, with ADSD*)**

A. Legislative meetings should be broadcast with open captions during both regular and interim sessions, especially committee meetings of particular importance or relevance to the Deaf community. The Legislature should mandate a resolution in which a legislatively appointed sub-committee will investigate public captioning issues, with findings reported back to the 2017 Legislature.

B. Expand the above requested amendment to NRS 427A.797 to delete the term "Deaf Center" and replace it with "Deaf Service Center" and a general definition should be determined, (CAC requests for help

regarding the specific details from ADSD with input from the Subcommittee).

**III. Services for persons who are visually impaired (from Brian Patchett)**

A. Write letters to the Gov., the Chairs of Senate Finance and Assembly Ways & Means and the Director of the Department of Health and Human Service's supporting ASDS's request for enhanced funding to assist persons who are visually impaired with independent living services unrelated employment including:

1. Orientation and Mobility Training.
2. Assistive Technology evaluations, devices and training

**IV. Employment Services (submitted by Mary Bryant/Scott Harrington)**

A. Write a letter of support to the Chairpersons of Senate Finance and Assembly Ways & Means requesting funding for *Integrated Employment* in 2015 -2017). These funds will support several DVR positions to create person- centered supported employment counselors to expand the VOICE project to the Clark County School District and rural Nevada (letter from Scott Harrington is attached)

**V. New power of attorney for health care decisions for use by persons with intellectual disabilities (submitted by Mary Bryant and Sally Ramm)**

A. Request that the Committee submit a bill draft request allow a new simple form durable power of attorney (explanation and model form attached).

**VI. Down Syndrome Prenatal Education Act (submitted by Mary Bryant and the Down Syndrome Network of Northern Nevada)**

A. Request that the Committee submit a bill draft request for a Down Syndrome Prenatal Education Act similar to one passed in Pennsylvania. It would help every woman to make her own decision about her pregnancy and that it should be an informed choice. The three choices are continuing the pregnancy, terminating the pregnancy and continuing the pregnancy with adoption.

**VII. Gov.'s Task Force on Integrated Employment** (submitted by Sherry Manning)

A. Request that the Committee send a letters of support to DHHS, DETR, DOE and the Governor endorsing Executive Order 2014-16 which establishes the Governor's Task Force on Integrated Employment (letter attached).



College of Education  
University of Nevada, Reno

State of Nevada, Legislative Council Bureau  
Legislative Committee on Senior Citizens, Veterans, and Adults with Special Needs  
401 S. Carson Street  
Carson City, NV 89701-4747

July 23, 2014

Chair Benitez-Thompson and Committee Members,

It has been said *the worth of a civilization is measured by how it treats its most vulnerable populations*. Nevada leaders have recently shown the nation that Nevadans with disabilities are worthy and must be included in the state's workforce fabric. As one of Nevada's leaders, your articulate questions and attention on integrated employment has moved us forward. The courage and vision of Governor Sandoval, reflected in Executive Order 2014-16, signed this week will establish the *Governor's Taskforce on Integrated Employment*. This civil rights landmark is applauded, and seen as the springboard to move forward.

We, in Nevada, have been recognized nationally for doing so much with so few funds. Funding allocated to integrated employment for the 2015-17 biennium would help reach our collective goals of diversifying our workforce. As such, we are requesting a Letter of Support from the Legislative Committee on Senior Citizens, Veterans, and Adults with Special Needs. The letter of support would be to the Chairpersons of the Senate Finance Committee & Assembly Ways and Means Committee and request funding to reach our collective goals.

We want to take full advantage of the federal Rehabilitation Services Administration (RSA) Section 110 dollars, which provide a 4:1 match with state general funds. Collectively, these funds can support several Bureau for Vocational Rehabilitation (BVR) positions to provide (person-centered supported employment) counselors. The creative collaboration between WCSD and BVR are currently using these funds in the Vocational Opportunities for Inclusive Career Education (VOICE) Project, where transition students with disabilities get community-based experiences and then hired in the community for competitive wages. This project can, and should be expanded statewide to CCSD and rural Nevada.

The letter of support shouldn't just identify transition-age students as potential job seekers. Integrated employment should include all persons with disabilities, those over the age of 22, of all abilities. As Senator Spearman clearly articulated, the "differently-abled" populations have skills, passions, abilities, contributions, and strengths. Everybody has them, disability or not. The *Customized Employment* model of delivery identifies the all the

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attributes, as well as the supports one may need (e.g., a wheelchair ramp, accessible bathroom, etc.). Increasing Job Developers in Nevada will expand jobs, diversify the workforce, and increase tax-paying citizens.

My most sincere gratitude goes to your committee for overseeing Nevada's policy foundation in workforce integration. Your efforts are making a meaningful difference in lives, generating tax-paying citizens, and diversifying our workforce.

Thank you for your important work.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott W. Harrington', written over a horizontal line.

Scott W. Harrington, Ph.D., BCBA-D  
Youth Transition Director

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**Proposal for new Durable Power of Attorney for Health Care  
that encourages supported decision-making  
for people with intellectual disabilities (ID)**

The current Nevada Revised Statutes (NRS) includes guardianship and power of attorney statutes for people with diminished capacity for decision-making. These laws were written with seniors in mind.

Seniors are most often able to understand the 6 page Durable Power of Attorney for Health Care document at the time they are signing it. For people with ID, this 6-page document is often confusing. Healthcare professionals are reluctant to accept the current POA for healthcare signed by a person with an ID, because the healthcare professional does not believe the person with the ID understood what was signed. Health care professionals most often will not allow a person with an ID to sign paperwork for a medical/surgical procedure for themselves either, also not believing they understand the documents.

Some families chose to become guardians for their children to alleviate this issue, but guardianship takes away all rights to make any decisions for one's self, to sign papers, or to own anything. It does this without any legal representation for the person having his/her rights taken away. Many families feel that guardianship is a public declaration of incompetence and wish to encourage their child's independence.

Best practice nationally is not to seek guardianship but to encourage supported decision-making. Many people with ID are able to make many of their own decisions and may even become more independent and knowledgeable as they gain experience.

Still, many people with ID need assistance with major decisions, especially important healthcare issues. The proposed Durable Power of Attorney for Health Care Decisions will enable people with ID to have the assistance they need with important medical decisions without their rights being taken away with guardianship. The document is written in a way that many people with ID can understand and sign. Health care professionals can be confident that the person understood what they were signing. In addition, the agent for the principal releases the health care professional from civil or criminal liability or professional discipline for using the new Durable Power of Attorney for Health Care document.

**DURABLE POWER OF ATTORNEY FOR HEALTH CARE DECISIONS**

My name is \_\_\_\_\_ and I live at \_\_\_\_\_. I want my mom \_\_\_\_\_ to make health care decisions for me if I am sick or hurt and need to go to the doctor. I understand what this means.

If I am sick, my mom should take me to the doctor. If my mom is not at my house when I become sick, please call her to come to the doctor's office. I would like the doctor to talk to her and tell her about my illness and if I need medicine or other treatments. After talking to the doctor, I want my mom to decide what care I should have and to talk with me about what care I need. I want my mom to be able to look at and have copies of all my medical and hospital records. Please share these records with her and give her copies if she asks for them. I would also like my mom to decide if I need to go to the dentist and to make decisions about what the dentist will do.

If I am very sick, I might need to go to a hospital. My mom can decide if I need to go to the hospital. I would like all of the people at the hospital to speak to my mom about what care I should have and to talk with me about what care I need even if I am unable to understand what my doctor says about me. This is very important since I want the people at the hospital to try very hard to care for me if I am sick.

If my mom is at any time unable or unwilling to act, then I appoint my father, \_\_\_\_\_ as my agent.

Dated: \_\_\_\_\_

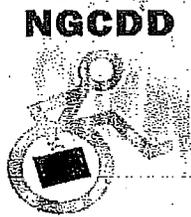
Principal's signature

*Notary/Witnesses*

As agent for \_\_\_\_\_, I agree that Health care providers and facilities, acting in good faith, may rely on the power of attorney and the signatures hereto, and are not subject to civil or criminal liability or discipline for unprofessional conduct for giving effect to a declaration contained within the power of attorney for health care or for following the direction of an agent named in the power of attorney for health care.

Dated: \_\_\_\_\_  
Agent's signature

*Notary/Witnesses*



# NEVADA GOVERNOR'S COUNCIL ON DEVELOPMENTAL DISABILITIES

Brian Sandoval  
Governor

July 23, 2014

Kirsten Coulombe, Senior Research Analyst  
Attn: Assemblywoman Teresa Benitez-Thompson, Chair  
Committee on Senior Citizens, Veterans and Adults with Special Needs  
Legislative Counsel Bureau

Dear Chairwoman Benitez-Thompson:

I would like to thank you and the Committee for allowing me the privilege to present information on the "Employment First Approach to include in the Workplace Persons with Intellectual or Developmental Disabilities" at your May 21<sup>st</sup> Committee meeting. I also want to extend another thank you for offering me, on behalf of the Nevada Governor's Council on Developmental Disabilities, the opportunity to request support from this Committee to continue the momentum of moving Nevada toward integrated employment for persons with intellectual/developmental disabilities.

During my presentation on May 21<sup>st</sup>, I had mentioned a meeting that was held with Governor Sandoval's Chief of Staff regarding the creation of a taskforce on Employment First. I am pleased to announce, on July 21<sup>st</sup> Governor Sandoval issued Executive Order 2014-16 Establishing the Governor's Taskforce on Integrated Employment. There is much to be done and this Executive Order contains a very good plan of working toward integrated employment. The outcomes from this Executive Order will be reliant on the partnership and collaboration of state agencies, educational facilities, and all those assigned to the taskforce.

I would like to request the Committee on Senior Citizens, Veterans and Adults with Special Needs endorse Executive Order 2014-16 by writing a letter of support to the Department of Health and Human Services, Department of Employment Training and Rehabilitation, Department of Education and Governor Sandoval. Your letter of support will provide additional confirmation reinforcing Nevada's commitment to integrated employment for persons with intellectual/developmental disabilities.

If I can be of further assistance or answer any questions, please do not hesitate to contact me. Thank you in advance for your consideration.

Sincerely,

  
Sherry Manning  
NGCDD Executive Director

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