

Nevada Disability Advocacy & Law Center

Disability Legislation Update

May 14, 2015

AB5 Employment: This bill requires ADSD to enter into an agreement with the Rehabilitation Division to provide long-term support to persons with intellectual disabilities or related conditions; requires ADSD to give preferences for potential providers of jobs and day training services who provide persons with intellectual disabilities or persons with related conditions with training and experience leading to employment that: (1) is comparable to employment for persons without intellectual disabilities and persons without related conditions; and (2) pays at or above the state minimum wage.

AB6 Autism Services: Removes the certification of autism behavior interventionists by the Board of Psychological Examiners, requires an autism behavior interventionist to be registered by the Behavior Analyst Certification Board; increases the insurance coverage cap to \$72,000 for certain treatments.

AB12 MH Probation: Provides for the continuation of the diversion program that allows certain probation violators to receive treatment for alcohol or drug abuse or mental illness in lieu of revocation of probation. Exempt

AB28 Long Term Care Self-Determination: Revises the duties of the State Long-Term Care Ombudsman. This bill requires the Ombudsman to develop a course of training to be made available to officers, directors and employees of a facility for long-term care that encourages such facilities to allow their residents to follow their own routine and make their own decisions concerning the daily activities in which to participate. This bill requires such training to include training to assist facilities for long-term care to provide services in a manner that allows the residents of such facilities to follow their own routine and make their own decisions concerning the daily activities in which to participate. **To Governor**

AB29 DD/ID Facilities: This bill requires facilities to register with Aging and Disability Services Division to provide jobs / training and prohibits the use of aversive interventions except under specific circumstances and requires such facilities to make a report when restraints are used. **Approved by the Governor**

AB50 Fundraising: Requires charitable organizations to register with the Secretary of State before soliciting charitable contributions in Nevada; requires the Secretary of State to provide to the public certain information concerning such registered charitable organizations; revises provisions governing the disclosure of certain information in a solicitation for contributions for or on behalf of a nonprofit or charitable organization; authorizes the imposition of penalties.

AB91 MH Commitment: This bill expands the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness to facilities, expands the list of persons authorized to conduct the examination required before a person can be admitted and expands the list of who can complete certain certificates concerning the mental health condition of another.

AB93 Suicide Prevention Training: Requires psychiatrists, psychologists, clinical professional counselors, marriage and family therapists and social workers to receive at least 2 hours of evidence-based instruction on suicide prevention and awareness as a condition to the renewal of their licenses.

AB115 Hearing Aids: Revises provisions governing audiologists, speech-language pathologists and hearing aid specialists. Establishes the **Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board,**

sets requirements for the licensure of audiologists, speech-language pathologists and hearing aid specialists; establishes the requirements to engage in telepractice by an audiologist or a speech-language pathologist; sets the requirements for the licensure and practice of an apprentice hearing aid specialist; prescribes the requirements for the practice of a hearing aid specialist; sets certain fees; establishes grounds for disciplinary action by the Board.

AB124 Juvenile Justice: Revises the **minimum age** at which a child may be punished child from 8 to 10, but maintains the age of 8 for a child charged with murder or certain sexual offenses.

AB128 DD/ID: Creates a **durable power of attorney** for healthcare decisions to be used by adults with intellectual disabilities. This bill provides examples of a form for a power of attorney for health care for adults with intellectual disabilities and a form for end-of-life decisions for adults with intellectual disabilities.

AB136 Hunting Safety Accommodations: Requires the Department of Wildlife to make reasonable accommodations for the completion of a course in the responsibilities of hunters by persons with disabilities.

AB138 Juvenile Justice: Requires the juvenile court to suspend a case and conduct an evaluation if doubt arises regarding a **child's competence**. Requires the juvenile court to conduct a periodic review of a child determined to be incompetent; authorizes the juvenile court to terminate its jurisdiction if a child has not attained competence and will be unable to attain competence in the foreseeable future; provides that a child determined to be incompetent may not be adjudicated a delinquent child or a child in need of supervision or placed under the supervision of the juvenile court during the period that the child remains incompetent; provides that evidence introduced to assist the juvenile court in determining whether a child is competent is not admissible in any criminal proceeding.

AB157 Service Animals: Revise the definition of the terms "service animal" and "service animal in training" to include **only dogs and miniature horses** trained or being trained to do work or perform tasks for the benefit of a person with a disability; revises provisions in existing law to include a person with any type of disability; and provides that an employer is not required to allow an employee to keep a service animal that is a miniature horse with him or her, and a place of public accommodation or common carrier is not required to admit a service animal or service animal in training that is a miniature horse, if it would be unreasonable to comply, using criteria for determining reasonableness set forth in federal regulations. **To the Governor**

AB158 Education: Revises and expands provisions relating to obtaining, providing and administering auto-injectable **epinephrine** in certain circumstances.

AB162 Police Body Camera: Authorizes certain peace officers to wear a portable event recording device while on duty.

AB164 Medication: Authorizes a manufacturer to provide or make available an investigational drug, biological product or device to certain patients under certain circumstances.

AB175Transportation/Uber: Allows the permitting and regulation of transportation network companies (Uber).

AB176 Transportation: Requires the regional transportation commission in counties with a population over 700,000 to establish and administer the **Nevada Yellow Dot Program**. Provides a distinctive round yellow decal to be placed on a specified location of a vehicle in which the participant is regularly a driver or passenger, to notify first responders that important medical information concerning an occupant of the vehicle may be found in the glove compartment if the occupant is involved in a collision or other emergency.

AB178 Juvenile Justice/Education: Removes the requirement for a school to deem a pupil a habitual disciplinary problem; revises the notice provided to a parent when a pupil is deemed a habitual disciplinary problem and the discipline imposed on such a pupil.

AB200 Deaf Services: This bill revises provisions relating to the program funded through the PUC impose surcharge to provide devices for telecommunication to persons with impaired speech or hearing and funds related centers. Requires the program to make interpreters available, when possible, to assist the departments of State Government in providing access to persons who are deaf or hard of hearing, Requires that this program include the provision of other assistive technology and the provision of certain services by such centers, including, without limitation: (1) facilitating the provision and distribution of devices for telecommunication and other assistive technology to persons with impaired speech or hearing; (2) assisting persons with impaired speech or hearing in accessing assistive devices; (3) expanding service capacity for devices for telecommunication and other assistive technology in areas where there is a need and services are not available; (4) providing instruction in language acquisition; and (5) providing programs designed to increase access to education, employment and health and social services. Section 2 also removes the requirement in existing law that the Public Utilities Commission of Nevada approves the program. Section 2 limits the amount of the surcharge to not more than eight cents per month. Section 1 requires the Subcommittee to make recommendations concerning the programs and activities funded by the surcharge.

AB204 Parking: Adds a photo to the special parking placard paperwork issued by the Department of Motor Vehicles. Requires the owner or operator of a motor vehicle displaying such a plate, placard or sticker to present the letter upon the request of a police officer or certain volunteers appointed by a local law enforcement agency to enforce handicapped parking provisions

AB206 Bullying: Requiring notices at a public school to the parent relating to the health or bullying of a pupil to include a list of resources available in the community.

AB219 Court Interpreters: This bill requires that an interpreter must be provided at public expense if the person is a party or witness in a civil proceeding.

AB223 Elderly/Vulnerable Person Abuse: Defines the term “abandonment” as it relates to the care of older persons and vulnerable persons; revises the definitions of the terms “abuse,” “exploitation” and “isolation” as they relate to offenses committed upon older persons and vulnerable persons; requiring that the name and other identifying information of a person who reports the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person be redacted before certain data or information concerning the report is made available; prohibits the abandonment of an older person or a vulnerable person

AB242 Health Care: This bill requires the Legislative Commission to appoint a subcommittee to conduct a **study relating to post-acute care** in Nevada, including alternatives to institutionalization, cost savings of home - and community-based waiver programs, the impact of post-acute care services on the quality of life of a person receiving such services and a review of the state and national quality measures and funding methodologies for post-acute care.

AB243 HIV Testing: Revises provisions relating to testing for HIV.

AB246 Service Animals: Limits service animals and service animals in training to dogs and miniature horses allowed on the premises of a licensed hair braiding or cosmetological establishment.

AB248 Transportation: Revises provisions governing reporting of information by physicians to the Department of Motor Vehicles concerning patients with **epilepsy**.

AB253 Early Voting/ID/Signature Requirements: Requires photographs of voters to be included in election board registers and rosters for early voting, requires county clerks and city clerks to provide equipment relating to such photographs to election officers for early voting; requires the DMV to provide digital colored photographs of registered voters to the Secretary of State or county clerk, prohibits a voter from being challenged on the basis that: (1) the voter declines to comply with a request to provide his or her driver's license number or identification card number at the time he or she appears to vote in person; (2) the voter does not have a driver's license or identification card; (3) the election board register or roster for early voting does not contain a photograph of the voter; (4) the voter declines to comply with a request that he or she authorize an election board officer or deputy clerk for early voting to take his or her photograph; or (5) an election board officer or a deputy clerk for early voting does not believe that the person applying to vote is the same person in the photograph contained in the election board register or roster for early voting , **Any registered voter who is unable to sign his or her name must be identified by answering questions covering the personal data which is reported on the original application to register to vote. The officer in charge of the roster shall mark, stamp, write, print or otherwise indicate "Identified as" next to the voter's name,** prohibits certain information about a registered voter, including a photograph, from being included on any list of registered voters made available to the public. Exempt

AB266 Voting: Requires proof of identity for voting. Exempt

AB287 911 Fraud: This bill provides that it is an affirmative defense to a violation charged pursuant to the provisions of this bill if it is proven by a preponderance of the evidence that the defendant suffers from a mental illness or is intellectually disabled.

AB289 MH: Directs the Legislative Commission to appoint a committee to conduct an interim study concerning issues related to the provision of mental health services. Directs the Legislative Commission to appoint a committee to conduct an interim study concerning the viability of transitioning the provision of mental and other behavioral health services to a regionalized structure, including: (1) how regions may be formed and governed; (2) how any transition may occur; (3) the sources of revenue for the regions and how such services may be paid for; and (4) methods to address communication among the regions and accountability standards within the regions. Provides for the organization and composition of the interim committee and requires the Chair of the interim committee to appoint certain subcommittees. The bill directs the Director of the Legislative Counsel Bureau to provide administrative and technical support to the interim committee. Exempt

AB307 DD/ID: Provides for the establishment of a pilot program to provide certain intensive care coordination services to children with intellectual disabilities and children with related conditions who are also diagnosed as having behavioral health needs and reside in certain larger counties; requires the Division of Health Care Financing and Policy and the Aging and Disability Services Division to monitor the effectiveness of the pilot program and obtain funding for the pilot program; requiring the department to take any actions necessary to use money from the State Plan for Medicaid to pay for the pilot program

AB310 Medicaid: This bill expands Medicaid managed care programs in the State to include persons with disabilities. Requires the Department of Health and Human Services to cover Medicaid recipients who are aged, blind or disabled and who reside in certain larger counties through a Medicaid managed care program. Exempt

AB325 Guardianship: Requires private professional guardians to be licensed, mandates that a relative who is not located in this State must be given preference for appointment as guardian over a private professional guardian, if the relative is willing to serve and is otherwise determined to be qualified and suitable, and may be appointed if no other suitable person exists.

AB328 Education: This bill makes improvements to the selection and training of hearing officers in special education due process cases between parents and the school district. Requires the Superintendent of Public Instruction to select a hearing officer from a list maintained by the Department of Education; requires a local educational agency involved in a complaint to pay the cost of a hearing; requires the Department of Education to adopt regulations relating to hearing officers; authorizes the appeal of the decision of a hearing officer to the Department; and requires the Department to post certain information relating to such hearings on its Internet website.

AB341 Education: This bill mandates enhanced screening and intervention for children with dyslexia. Exempt

AB374 Education: Requires the board of trustees of each school district to ensure that certain pupils meet individually with a counselor, administrator or other educational personnel to assess the pupil's college and career readiness and requires the revision of the academic plan for a pupil under certain circumstances.

AB403 Police Body Cameras: Requires certain peace officers to wear a portable event recording device while on duty. Exempt

SB3 Transportation: Requires the DMV to establish a registry of emergency contact information for persons who possess a driver's license or identification card, requires law enforcement personnel to use the registry to notify an emergency contact person regarding any persons involved in a motor vehicle accident, and authorizes certain law enforcement personnel to use the registry to notify an emergency contact person regarding any persons involved in an accident or emergency situation other than a motor vehicle accident.

SB7 MH: Expands the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness and a petition for the involuntary admission of such a person to certain facilities or programs. It also expands the list of persons authorized to complete a certificate stating that certain persons admitted to certain mental health facilities or hospitals are not persons with mental illness.

SB10 MH: Allows the Division of Public and Behavioral Health to establish a program to provide mental health services to incompetent defendants while incarcerated.

SB13 Education: Revises provisions relating to an individualized education program for a pupil with a hearing impairment; revises provisions governing parent representation of the educational interests of a pupil with a disability; revises provisions relating to the minimum standards prescribed by the State Board of Education for pupils with hearing impairments.

SB15 MH: Requires a mental health professional to take certain actions if a patient communicates an explicit threat in certain circumstances. Exempt

SB35 MH: Ratifies and enacts the Interstate Compact on Mental Health. Exempt

SB54 MH Justice: Revises provisions governing the commitment and release of incompetent criminal defendants. If such a defendant is charged with any category A felony other than murder or sexual assault or certain category B felonies, the court must dismiss the motion if the comprehensive risk assessment indicates that the person does not require the level of security provided by a forensic facility. Applies retroactively to a person who is charged with any category A felony other than murder or sexual assault or a category B felony. This bill removes the requirement that the court find by clear and convincing evidence that the person no longer has a mental disorder.

SB99 Juvenile Justice: Revises provisions governing registration and community notification of sex offenders and offenders convicted of a crime against a child; revising provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offense. Exempt

SB129 Horse Therapy: Limits civil liability of certain persons for injuries or death resulting from certain equine activities.

SB132 Education: Requires school districts and charter schools to ensure that paraprofessionals who provide assistance to pupils with individualized education programs receive the necessary training to serve those pupils. Exempt

SB136 MH: Provides for the continuation of the diversion program that allows certain probation violators to receive treatment for mental illness in lieu of revocation of probation.

SB147 Service Animals: Requires peace officers to be trained in effective responses to incidents involving dogs or where dogs are present. Exempt, Passed out of committee with amendments

SB167 Employment: Revises provisions relating to employment discrimination. Passed out of committee with amendments

SB169 Voting: Requires proof of identity for voting. Exempt

SB177 Healthcare: The “CARE Act.” This bill allows a person to designate a caregiver when admitted to a hospital or in an advance directive. **Signed by Governor**

SB196 Health Care: Requires the Division of Public and Behavioral Health to establish the Stroke Registry. **Signed by Governor**

SB203 Voting: Authorizes a county or city clerk to establish polling places where any registered voter of the county or city may vote in person on the day of certain elections; provides for voter preregistration by certain persons between the ages of 16 and 18 years; and authorizes registration to vote on the day of certain elections. Exempt, Passed out of committee with amendments

SB205 Education Emergency Plan: Requires the Department of Education to develop a model plan and for school districts to use it for the management of a crisis or emergency that involves a public or private school.

SB248 Voting Assistance: Revises provisions relating to the provision of assistance to certain voters. This bill establish that: (1) a person with a disability or an inability to read or write English remains entitled to assistance in casting a ballot if the need for such assistance is apparent or known to the election board; (2) a person with a disability or an inability to read or write English may request assistance in voting in any manner; and (3) an election board may not require a person with a disability or an inability to read or write English to sign a statement under penalty of perjury swearing that he or she requires assistance in casting a ballot. Under existing law, a person with a disability that prevents him or her from marking or signing a ballot, or using a voting device without assistance, is required, as a prerequisite to receiving an absent ballot, to furnish a statement from a licensed physician certifying that the person is a person with a disability. Eliminate the requirement that a person with a disability furnish a statement from a physician certifying that the person is a person with a physical disability as a prerequisite to the person receiving an absent ballot. Exempt

SB265 Health Care: Creates the Advisory Council on Palliative Care and Quality of Life; establishes the Palliative Care Consumer and Professional Information and Education Program within the DHHS. (Palliative

Care focuses on providing patients with relief from the symptoms, pain, physical stress, and mental stress of a serious illness—whatever the diagnosis.) Exempt

SB284 Transportation: Requires the Director of the DHHS to include in the State Plan for Medicaid a requirement that the State will provide nonmedical transportation services that allow recipients of Medicaid to participate in the community and live independently or contract for the provision of such services. Exempt

SB328 Health Care: Requires the Commissioner of Insurance to adopt regulations prescribing a standardized format for the online posting of drug formularies; requires certain insurers to make certain information regarding drug formularies available to consumers; requires the Commissioner to make links to such formularies available online; requires certain insurers issuing policies of health insurance and health care plans which provide coverage for mental health services to provide certain information online; requiring links to formularies to be posted on the Silver State Health Insurance Exchange

SB334 AT/DME: Proposes to allow Nevada voter to decide if we should exempt sales of durable medical equipment, mobility-enhancing equipment, hearing aids, hearing aid accessories, and ophthalmic or ocular devices or appliances from the Sales and Use Tax Act of 1955. Exempt, Passed out of committee with amendments

SB354 Transportation: Authorizes the use of motorized **wheelchairs** and the movement of other pedestrians in **bicycle lanes**. This bill authorizes a pedestrian to travel onto the adjacent highway if a short section of the sidewalk is passable or missing. Such a pedestrian may walk or otherwise travel in a lane provided for bicycles and electric bicycles if the area between the lane and the sidewalk is impassable. Requires such a pedestrian to stay as close to the side of the highway near the sidewalk as possible, and to return to the sidewalk as soon as practicable

SB394 Foster Care: Revises provisions relating to the protection of children. Allows for a guardian ad litem to receive compensation and requires pupils in public schools to be provided with age-appropriate instruction on personal safety. Exempt

SB419 IL/AT for Blind/CSPD/ABLE Act: Allows the creation of the Nevada ABLE Savings Program as a qualified ABLE program under the federal Achieving a Better Life Experience Act of 2014; authorizes the creation of a program within ADSD to provide services of independent living and assistive technology for persons with disabilities who need independent living services and addresses term issues of the CSPD. Exempt

SB422 Medicaid Formulary: Postpones the prospective expiration of provisions governing the list of preferred prescription drugs to be used for the Medicaid program. Exempt

SB435 Voting: Requires a county or city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections. Exempt

SB451 MH: Creates the Indigent Defense Commission, prescribes duties and powers of the Commission, and authorizes the Commission to establish certain standards governing public defenders. Exempt

SB487 Children's MH: Requires counties to pay for the expense of the commitment of certain persons to the Division of Public and Behavioral Health of the Department of Health and Human Services. Exempt

SB504 Bullying: Provides for a cause of action and disciplinary and licensure proceedings against administrators, teachers and other employees of a public school for failure to comply with regarding bullying and cyber-bullying laws; creates the Office for a Safe and Respectful Learning Environment and provides for

the appointment of the Director of the Office; amends provisions related to reports of and investigations into incidents of bullying. Exempt, Passed out of committee with amendments