

SENATE BILL NO. 222—SENATOR HARDY

FEBRUARY 18, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to persons with disabilities. (BDR 38-74)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION - Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to persons with disabilities; requiring the Aging and Disability Services Division of the Department of Health and Human Services to establish a program to provide hearing aids at no charge to certain children who reside in low-income households; requiring the use of the current surcharge imposed on access lines of customers of a telephone company to cover the cost of such hearing aids; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes the Aging and Disability Services Division of the Department of Health and Human Services and creates the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired within the Office of the Governor. (NRS 427A.027, 427A.040, 427A.750) Existing law requires the Division to develop and administer a program that: (1) provides devices for telecommunication to persons who are deaf and persons with impaired speech or hearing; (2) assists such persons in communicating by telephone or other means through a dual-party relay system or other assistive technology; and (3) makes available interpreters for certain situations. Existing law requires this program to establish centers for such persons and that such centers perform certain functions. Existing law imposes a surcharge of not more than 8 cents per month on each access line of each customer to the local exchange of any telephone company, the funds from which are used to cover the costs of the program, fund the centers established by the program and cover certain other costs. (NRS 427A.797)

**Section 3** of this bill requires the Division to develop and administer a program whereby any child who is hard of hearing may apply to obtain a hearing aid at no charge if the child resides in a home with a household income that is at or below 205 percent of the federal poverty level. **Section 3** requires the Division to establish by regulation the manner in which to apply to receive a hearing aid from the



20 program and requires applications to be awarded to the extent money is available in  
21 the order in which the applications are received. **Section 3** additionally requires the  
22 Division to annually submit a report to the Commission that sets forth the number  
23 of applications received and approved during the previous calendar year. **Section 3**  
24 requires the existing surcharge to be used to provide the hearing aids to such  
25 children. Finally, **section 3** requires the Division, in consultation with the  
26 Commission, to designate annually an amount of money in the Account for  
27 Services for Persons With Impaired Speech or Hearing that the Division must use  
28 in that calendar year to provide hearing aids to such children and, after designating  
29 such money, authorizes the Division to use the remaining money in the Account for  
30 the other purposes. **Sections 1 and 2** of this bill make conforming changes.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 427A.040 is hereby amended to read as  
2 follows:

3 427A.040 1. The Division shall, consistent with the priorities  
4 established by the Commission pursuant to NRS 427A.038:

5 (a) Serve as a clearinghouse for information related to problems  
6 of the aged and aging.

7 (b) Assist the Director in all matters pertaining to problems of  
8 the aged and aging.

9 (c) Develop plans, conduct and arrange for research and  
10 demonstration programs in the field of aging.

11 (d) Provide technical assistance and consultation to political  
12 subdivisions with respect to programs for the aged and aging.

13 (e) Prepare, publish and disseminate educational materials  
14 dealing with the welfare of older persons.

15 (f) Gather statistics in the field of aging which other federal and  
16 state agencies are not collecting.

17 (g) Stimulate more effective use of existing resources and  
18 available services for the aged and aging.

19 (h) Develop and coordinate efforts to carry out a comprehensive  
20 State Plan for Providing Services to Meet the Needs of Older  
21 Persons. In developing and revising the State Plan, the Division  
22 shall consider, among other things, the amount of money available  
23 from the Federal Government for services to aging persons and the  
24 conditions attached to the acceptance of such money, and the  
25 limitations of legislative appropriations for services to aging  
26 persons.

27 (i) Coordinate all state and federal funding of service programs  
28 to the aging in the State.

29 2. The Division shall:

30 (a) Provide access to information about services or programs for  
31 persons with disabilities that are available in this State.



1 (b) Work with persons with disabilities, persons interested in  
2 matters relating to persons with disabilities and state and local  
3 governmental agencies in:

4 (1) Developing and improving policies of this State  
5 concerning programs or services for persons with disabilities,  
6 including, without limitation, policies concerning the manner in  
7 which complaints relating to services provided pursuant to specific  
8 programs should be addressed; and

9 (2) Making recommendations concerning new policies or  
10 services that may benefit persons with disabilities.

11 (c) Serve as a liaison between state governmental agencies that  
12 provide services or programs to persons with disabilities to facilitate  
13 communication and the coordination of information and any other  
14 matters relating to services or programs for persons with disabilities.

15 (d) Serve as a liaison between local governmental agencies in  
16 this State that provide services or programs to persons with  
17 disabilities to facilitate communication and the coordination of  
18 information and any other matters relating to services or programs  
19 for persons with disabilities. To inform local governmental agencies  
20 in this State of services and programs of other local governmental  
21 agencies in this State for persons with disabilities pursuant to this  
22 subsection, the Division shall:

23 (1) Provide technical assistance to local governmental  
24 agencies, including, without limitation, assistance in establishing an  
25 electronic network that connects the Division to each of the local  
26 governmental agencies that provides services or programs to  
27 persons with disabilities;

28 (2) Work with counties and other local governmental entities  
29 in this State that do not provide services or programs to persons with  
30 disabilities to establish such services or programs; and

31 (3) Assist local governmental agencies in this State to locate  
32 sources of funding from the Federal Government and other private  
33 and public sources to establish or enhance services or programs for  
34 persons with disabilities.

35 (e) Administer the following programs in this State that provide  
36 services for persons with disabilities:

37 (1) The program established pursuant to NRS 427A.791,  
38 427A.793 and 427A.795 to provide services for persons with  
39 physical disabilities;

40 (2) The programs established pursuant to NRS 427A.800,  
41 427A.850 and 427A.860 to provide services to persons with  
42 traumatic brain injuries;

43 (3) *The program established pursuant to subsection 1 of*  
44 *NRS 427A.797 to provide hearing aids to children who are hard of*  
45 *hearing;*



1 (4) The program established pursuant to *subsection 4 of* NRS  
2 427A.797 to provide devices for telecommunication to persons who  
3 are deaf and persons with impaired speech or hearing;

4 ~~(4)~~ (5) Any state program for independent living  
5 established pursuant to 29 U.S.C. §§ 796 et seq., with the  
6 Rehabilitation Division of the Department of Employment, Training  
7 and Rehabilitation acting as the designated state ~~unit,~~ *entity*, as  
8 that term is defined in ~~34~~ 45 C.F.R. § ~~364.4;~~ 1329.4; and

9 ~~(5)~~ (6) Any state program established pursuant to the  
10 Assistive Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

11 (f) Provide information to persons with disabilities on matters  
12 relating to the availability of housing for persons with disabilities  
13 and identify sources of funding for new housing opportunities for  
14 persons with disabilities.

15 (g) Before establishing policies or making decisions that will  
16 affect the lives of persons with disabilities, consult with persons  
17 with disabilities and members of the public in this State through the  
18 use of surveys, focus groups, hearings or councils of persons with  
19 disabilities to receive:

20 (1) Meaningful input from persons with disabilities regarding  
21 the extent to which such persons are receiving services, including,  
22 without limitation, services described in their individual service  
23 plans, and their satisfaction with those services; and

24 (2) Public input regarding the development, implementation  
25 and review of any programs or services for persons with disabilities.

26 (h) Publish and make available to governmental entities and the  
27 general public a biennial report which:

28 (1) Provides a strategy for the expanding or restructuring of  
29 services in the community for persons with disabilities that is  
30 consistent with the need for such expansion or restructuring;

31 (2) Reports the progress of the Division in carrying out the  
32 strategic planning goals for persons with disabilities identified  
33 pursuant to chapter 541, Statutes of Nevada 2001;

34 (3) Documents significant problems affecting persons with  
35 disabilities when accessing public services, if the Division is aware  
36 of any such problems;

37 (4) Provides a summary and analysis of the status of the  
38 practice of interpreting and the practice of realtime captioning,  
39 including, without limitation, the number of persons engaged in the  
40 practice of interpreting in an educational setting in each professional  
41 classification established pursuant to NRS 656A.100 and the  
42 number of persons engaged in the practice of realtime captioning in  
43 an educational setting; and



1 (5) Recommends strategies and, if determined necessary by  
2 the Division, legislation for improving the ability of the State to  
3 provide services to persons with disabilities and advocate for the  
4 rights of persons with disabilities.

5 3. The Division shall confer with the Department as the sole  
6 state agency in the State responsible for administering the provisions  
7 of this chapter and chapter 435 of NRS.

8 4. The Division shall administer the provisions of chapters 435,  
9 437 and 656A of NRS.

10 5. The Division may contract with any appropriate public or  
11 private agency, organization or institution, in order to carry out the  
12 provisions of this chapter and chapter 435 of NRS.

13 **Sec. 2.** NRS 427A.750 is hereby amended to read as follows:

14 427A.750 1. The Nevada Commission for Persons Who Are  
15 Deaf, Hard of Hearing or Speech Impaired is hereby created within  
16 the Office of the Governor. The Commission consists of nine  
17 members appointed by the Governor. The Governor shall consider  
18 recommendations made by the Nevada Commission on Services for  
19 Persons with Disabilities and appoint to the Nevada Commission for  
20 Persons Who Are Deaf, Hard of Hearing or Speech Impaired:

21 (a) One nonvoting member who is employed by the State and  
22 who participates in the administration of the programs of this State  
23 that provide services to persons who are deaf, hard of hearing or  
24 speech impaired;

25 (b) One member who is a member of the Nevada Association of  
26 the Deaf, or, if it ceases to exist, one member who represents an  
27 organization which has a membership of persons who are deaf, hard  
28 of hearing or speech-impaired;

29 (c) One member who has experience with and knowledge of  
30 services for persons who are deaf, hard of hearing or speech-  
31 impaired;

32 (d) One nonvoting member who is the Executive Director of the  
33 Nevada Telecommunications Association or, in the event of its  
34 dissolution, who represents the telecommunications industry;

35 (e) Three members who are users of telecommunications relay  
36 services or the services of persons engaged in the practice of  
37 interpreting or the practice of realtime captioning;

38 (f) One member who is a parent of a child who is deaf, hard of  
39 hearing or speech-impaired; and

40 (g) One member who represents educators in this State and has  
41 knowledge concerning the provision of communication services to  
42 persons who are deaf, hard of hearing or speech impaired in  
43 elementary, secondary and postsecondary schools and the laws  
44 concerning the provision of those services.



1 2. After the initial term, the term of each member is 3 years. A  
2 member may be reappointed.

3 3. If a vacancy occurs during the term of a member, the  
4 Governor shall appoint a person similarly qualified to replace that  
5 member for the remainder of the unexpired term.

6 4. The Commission shall:

7 (a) At its first meeting and annually thereafter, elect a Chair  
8 from among its voting members; and

9 (b) Meet at the call of the Governor or the Chair or a majority of  
10 its voting members as is necessary to carry out its responsibilities.

11 5. A majority of the voting members of the Commission  
12 constitutes a quorum for the transaction of business, and a majority  
13 of the voting members of a quorum present at any meeting is  
14 sufficient for any official action taken by the Commission.

15 6. Members of the Commission serve without compensation,  
16 except that each member is entitled, while engaged in the business  
17 of the Commission, to the per diem allowance and travel expenses  
18 provided for state officers and employees generally if funding is  
19 available for this purpose.

20 7. A member of the Commission who is an officer or employee  
21 of this State or a political subdivision of this State must be relieved  
22 from his or her duties without loss of regular compensation so that  
23 the person may prepare for and attend meetings of the Commission  
24 and perform any work necessary to carry out the duties of the  
25 Commission in the most timely manner practicable. A state agency  
26 or political subdivision of this State shall not require an officer or  
27 employee who is a member of the Commission to make up the time  
28 he or she is absent from work to carry out his or her duties as a  
29 member of the Commission or use annual vacation or compensatory  
30 time for the absence.

31 8. The Commission may:

32 (a) Make recommendations to any state agency, including,  
33 without limitation, the Division, concerning the establishment and  
34 operation of programs for persons who are deaf, hard of hearing or  
35 speech impaired to ensure equal access to state programs and  
36 activities.

37 (b) Recommend to the Governor any proposed legislation  
38 concerning persons who are deaf, hard of hearing or speech  
39 impaired.

40 (c) Collect information concerning persons who are deaf, hard  
41 of hearing or speech impaired.

42 (d) Create and annually review a 5-year strategic plan consisting  
43 of short-term and long-term goals for services provided by or on  
44 behalf of the Division. In creating and reviewing any such plan, the  
45 Commission must solicit input from various persons, including,



1 without limitation, persons who are deaf, hard of hearing or speech  
2 impaired.

3 (e) Review the goals, policies, programs and services of state  
4 agencies, including, without limitation, the Division, that serve  
5 persons who are deaf, hard of hearing or speech impaired and advise  
6 such agencies regarding such goals, policies, programs and services,  
7 including, without limitation, the outcomes of services provided to  
8 persons who are deaf, hard of hearing or speech impaired and the  
9 requirements imposed on providers.

10 (f) Based on information collected by the Department of  
11 Education, advise the Department of Education on research  
12 and methods to ensure the availability of language and  
13 communication services for children who are deaf, hard of hearing  
14 or speech-impaired.

15 (g) Consult with the personnel of any state agency, including,  
16 without limitation, the Division, concerning any matter relevant to  
17 the duties of the Commission. A state agency shall make available  
18 to the Commission any officer or employee of the agency with  
19 which the Commission wishes to consult pursuant to this paragraph.

20 9. The Commission shall:

21 (a) Make recommendations to the Division concerning the  
22 practice of interpreting and the practice of realtime captioning,  
23 including, without limitation, the adoption of regulations to carry  
24 out the provisions of chapter 656A of NRS.

25 (b) Make recommendations to the Division concerning all  
26 programs and activities funded by the surcharge imposed pursuant  
27 to subsection ~~3~~ 6 of NRS 427A.797.

28 (c) Provide persons who are deaf, hard of hearing or speech  
29 impaired with information concerning services and resources that  
30 promote equality for such persons in education, employment and  
31 socialization and referrals for such services and resources;

32 (d) Review the procedures and practices of state and local  
33 governmental entities to ensure that persons who are deaf, hard of  
34 hearing or speech impaired have equal access to resources and  
35 services provided by those governmental entities; and

36 (e) Make recommendations to state and local governmental  
37 entities concerning:

38 (1) Compliance with laws and regulations concerning  
39 persons who are deaf, hard of hearing or speech impaired, including,  
40 without limitation, the Americans with Disabilities Act of 1990, 42  
41 U.S.C. §§ 12101 et seq.;

42 (2) Improving the health, safety, welfare and comfort of  
43 persons who are deaf, hard of hearing or speech impaired; and



1 (3) Integrating services and programs for persons who are  
2 deaf, hard of hearing or speech impaired and improving cooperation  
3 among state and local governmental entities that provide such  
4 services.

5 10. As used in this section:

6 (a) "Practice of interpreting" has the meaning ascribed to it in  
7 NRS 656A.060.

8 (b) "Practice of realtime captioning" has the meaning ascribed to  
9 it in NRS 656A.062.

10 (c) "Telecommunications relay services" has the meaning  
11 ascribed to it in 47 C.F.R. § 64.601.

12 **Sec. 3.** NRS 427A.797 is hereby amended to read as follows:

13 427A.797 1. *The Division shall develop and administer a*  
14 *program whereby any child whom the Division determines is hard*  
15 *of hearing may apply to obtain a hearing aid at no charge to the*  
16 *child if the child resides in a home in which the household income*  
17 *is at or below 205 percent of the federally designated level*  
18 *signifying poverty.*

19 2. *The Division shall establish by regulation the manner in*  
20 *which a person may apply to receive a hearing aid pursuant to*  
21 *subsection 1 and the manner in which hearing aids may be*  
22 *provided by the program. Applications must be approved to the*  
23 *extent money is available in the order in which the applications*  
24 *are received.*

25 3. *On or before February 15 of each year, the Division shall:*

26 (a) *Prepare a report setting forth the number of applications*  
27 *received by children pursuant to subsection 1 in the previous*  
28 *calendar year and the number of applications that were approved;*  
29 *and*

30 (b) *Submit a copy of the report to the Commission.*

31 4. The Division shall develop and administer a program  
32 whereby:

33 (a) Any person who is a customer of a telephone company  
34 which provides service through a local exchange or a customer of a  
35 company that provides wireless phone service and who is certified  
36 by the Division to be deaf or to have severely impaired speech or  
37 hearing may obtain a device for telecommunication or other  
38 assistive technology capable of serving the needs of such persons at  
39 no charge to the customer beyond the rate for basic service;

40 (b) Any person who is deaf or has severely impaired speech or  
41 hearing may communicate by telephone, including, without  
42 limitation, a wireless phone, or other means with other persons  
43 through a dual-party relay system or other assistive technology; and

44 (c) Interpreters are made available, when possible, to the  
45 Executive, Judicial and Legislative Departments of State





1 Government to assist those departments in providing access to  
2 persons who are deaf or hard of hearing. The Division shall, to the  
3 extent money is available, employ one or more interpreters in the  
4 unclassified service of the State for the purposes of this paragraph.

5 ~~{2}~~ 5. The program developed pursuant to subsection ~~{4}~~ 4  
6 must include the establishment of centers for persons who are deaf  
7 or hard of hearing that provide services which must include, without  
8 limitation:

9 (a) Facilitating the provision and distribution of devices for  
10 telecommunication and other assistive technology to persons with  
11 impaired speech or hearing;

12 (b) Assisting persons who are deaf or have severely impaired  
13 speech or hearing in accessing assistive devices, including, without  
14 limitation, hearing aids, electrolarynxes and devices for  
15 telecommunication and other assistive technology;

16 (c) Expanding the capacity for service using devices for  
17 telecommunication and other assistive technology in areas where  
18 there is a need for such devices and technology and services for  
19 persons with impaired speech or hearing are not available;

20 (d) Providing instruction in language acquisition to persons  
21 determined by the center to be eligible for services; and

22 (e) Providing programs designed to increase access to education,  
23 employment and health and social services.

24 ~~{3}~~ 6. A surcharge of not more than 8 cents per month is  
25 hereby imposed on each access line of each customer to the local  
26 exchange of any telephone company providing such lines in this  
27 State and on each personal wireless access line of each customer of  
28 any company that provides wireless phone services in this State. The  
29 surcharge must be used to:

30 (a) *Cover the costs of the program developed pursuant to*  
31 *subsection 1;*

32 (b) Cover the costs of the program ~~{}~~  
33 ~~{b}~~ *developed pursuant to subsection 4;*

34 (c) Fund the centers for persons who are deaf or hard of hearing  
35 established pursuant to subsection ~~{2}~~ 5; and

36 ~~{e}~~ (d) Cover the costs incurred by the Division to carry out  
37 the provisions of chapter 656A of NRS that are not covered by the  
38 civil penalties received by the Division pursuant to NRS 656A.800.

39 ↪ The Public Utilities Commission of Nevada shall establish by  
40 regulation the amount to be charged. Those companies shall collect  
41 the surcharge from their customers and transfer the money collected  
42 to the *Public Utilities Commission of Nevada* pursuant to  
43 regulations adopted by the *Public Utilities Commission* ~~{}~~ *of*  
44 *Nevada.*



1 ~~[4:]~~ 7. The Account for Services for Persons With Impaired  
2 Speech or Hearing is hereby created within the State General Fund  
3 and must be administered by the Division ~~[1:]~~ , *pursuant to*  
4 *subsections 8 and 9*. Any money collected from the surcharge  
5 imposed pursuant to subsection ~~[3:]~~ 6 must be deposited in the State  
6 Treasury for credit to the Account.

7 8. *The Division shall, in consultation with the Commission,*  
8 *designate annually an amount of money in the Account to be used*  
9 *by the Division in that calendar year only to cover the costs of the*  
10 *program developed pursuant to subsection 1.*

11 9. *After designating the amount of money to use pursuant to*  
12 *subsection 8, the Division may use the remaining* money in the  
13 Account ~~[may be used]~~ only:

14 (a) For the purchase, maintenance, repair and distribution of the  
15 devices for telecommunication and other assistive technology,  
16 including the distribution of such devices and technology to state  
17 agencies and nonprofit organizations;

18 (b) To establish and maintain the dual-party relay system;

19 (c) To reimburse telephone companies and companies that  
20 provide wireless phone services for the expenses incurred in  
21 collecting and transferring to the Public Utilities Commission of  
22 Nevada the surcharge imposed by the Commission;

23 (d) For the general administration of the program developed and  
24 administered pursuant to subsection ~~[1:]~~ 4;

25 (e) To train persons in the use of the devices for  
26 telecommunication and other assistive technology;

27 (f) To fund the centers for persons who are deaf or hard of  
28 hearing established pursuant to subsection ~~[2:]~~ 5; and

29 (g) To cover the costs incurred by the Division to carry out the  
30 provisions of chapter 656A of NRS that are not covered by the civil  
31 penalties received by the Division pursuant to NRS 656A.800.

32 ~~[5:]~~ 10. For the purposes of this section:

33 (a) *“Account” means the Account for Services for Persons*  
34 *With Impaired Speech or Hearing.*

35 (b) *“Commission” means the Nevada Commission for Persons*  
36 *Who Are Deaf, Hard of Hearing or Speech Impaired created by*  
37 *NRS 427A.750.*

38 (c) “Device for telecommunication” means a device which is  
39 used to send messages through the telephone system, including,  
40 without limitation, the wireless phone system, which visually  
41 displays or prints messages received and which is compatible with  
42 the system of telecommunication with which it is being used.

43 ~~[(b)]~~ (d) “Dual-party relay system” means a system whereby  
44 persons who have impaired speech or hearing, and who have been  
45 furnished with devices for telecommunication, may relay



1 communications through third parties to persons who do not have  
2 access to such devices.

3 **Sec. 4.** This act becomes effective on July 1, 2019.

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