

NRS 162C: Supported Decision-Making Act

NRS 162C.090: “Supporter” defined:

Add a new subsection at the end: “A State or other governmental employee sufficiently familiar with the activities and/or behaviors of the principal may act as a supporter, with the written consent of the principal. However, no employee shall be permitted to provide advice which binds the State or other governmental entity by which they are employed in any way, without first seeking the advice of their authorized entity legal counsel. Similarly, an agent of a provider contracted with the State may also act as a supporter, either in addition to and/or in replacement therefor of the State employee or agency who requisitioned the contract, provided that said provider’s agent meets the same or similar qualifications as the employee or agency representative as to the principal, and has sought similar legal counsel through their provider entity.”

Note 1: If more appropriate, some of this potential language could either be a conforming change throughout NRS 162C.210 and/or moved therein.

Note 2: Given the relevant population, the providers contemplated by that portion of the potential language would most generally be contracted by DHHS (primarily Medicaid and/or ADSD) and/or DETR (Vocational Rehab).

NRS 162C.200: Formation and termination of supported decision-making agreement:

Subsection 2: Amend sub-subsection “f” by adding “digitally or electronically” before signed, and further amending sub-subsection “f” by adding “digital or physical, subject to the emergency public health opinions of the Governor and/or their designee (s), pursuant to Chapter 414 of these statutes” before “presence.”

Subsection 3: Amend by striking “verbally or” from the first sentence (while verbal contracts are enforceable, with the relevant population, the notice qualifier suggests the intent of the subsection to have been strictly dealt with in writing). Further, add a new sentence at the end (or, alternatively, to the end of subsection 1): “For purposes of reviewing and enforcing any contest to an agreement, during periods of public health emergency as defined..., a digital signature and/or date shall have the same effect as if the principal and/or their named supporter (s) had physically signed and dated the agreement, consistent with NEFCR Rule 11 (a), as may be amended from time to time by the State Supreme Court.”

NRS 162C.300: Miscellaneous provisions

Add a new provision: “It is the intent of this Legislature that this chapter be construed in such a way that SDM is the primary option discussed with an eligible principal, provided that the principal is capable of meeting the qualifications set forth in .200 subsection 1. In the event an eligible principal is unable to meet the qualification set therefor, a principal may seek other alternative options which convey the same intended purpose, such as, without limitation, guardianship.”