

Senate Bill No. 318–Senators Donate,
Ohrenschall, Denis and Lange

Joint Sponsors: Assemblymen Flores,
Torres and Benitez-Thompson

CHAPTER.....

AN ACT relating to public health; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services and each district health department to take certain actions to ensure the availability of services to restrain the spread of COVID-19 to persons of limited English proficiency; requiring each agency of the Executive Department of the State Government to develop a language access plan; requiring such an agency to make recommendations to the Legislature concerning the language access plan and include in the budget of the agency funds necessary to carry out the language access plan; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) creates a health district in a county whose population is 700,000 or more (currently only Clark County); and (2) authorizes the board of county commissioners and the governing bodies of any towns or cities in a smaller county to create a health district. (NRS 439.361, 439.362, 439.370) Existing law creates a district health department in each health district. (NRS 439.362, 439.370) **Sections 2-4** of this bill require the Division of Public and Behavioral Health of the Department of Health and Human Services and each district health department to take reasonable measures to ensure that persons with limited English proficiency have meaningful and timely access to services to restrain the spread of COVID-19, including: (1) maintaining a record of the preferred language of the recipients of such services; (2) identifying the preferred language of such recipients; (3) providing oral language services to assist such recipients; (4) providing vital information and documents in the preferred languages of such recipients; and (5) collaborating with community-based organizations that serve persons with limited English proficiency. **Sections 2-4** authorize the Division and each district health department to research and apply for available federal and private funding that could be used to financially support those activities. **Sections 5 and 6** of this bill make conforming changes to indicate the placement of **sections 3 and 4**, respectively, in the Nevada Revised Statutes.

Section 7 of this bill requires each agency of the Executive Department of the State Government to develop and biennially revise a language access plan. **Section 7** prescribes the required contents of a language access plan, which generally consists of information relating to existing services available to persons of limited English proficiency and recommendations for meeting the need for such services among persons served or eligible to be served by the agency. **Section 7** requires an agency to: (1) solicit public comment concerning the development and revision of a language access plan; (2) make recommendations to the Legislature concerning statutory changes necessary to implement or improve a language access plan; and (3) include funding necessary to carry out a language access plan in the budget for



the agency. **Section 8** of this bill removes a requirement that a language access plan must include a review of the ability of the agency to make language services available during the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020. **Section 11** of this bill makes a conforming change to indicate that **section 8** becomes effective 2 years after the termination of that emergency.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

WHEREAS, Persons with limited English proficiency require and deserve meaningful, timely access to government services in their preferred language; and

WHEREAS, It is especially vital that persons with limited English proficiency have meaningful, timely access to services to restrain the spread of COVID-19 in order to protect their health, the health of their family, friends and community and the health of all residents of this State; and

WHEREAS, state and local agencies and entities that receive public money have an obligation to provide meaningful, timely access for persons with limited English proficiency to the programs and services of those agencies and entities; now, therefore

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *The Division shall take reasonable steps to ensure that persons with limited English proficiency who are eligible to receive services from the Division that are intended to help restrain the spread of COVID-19 have meaningful and timely access to those services. Such steps must include, without limitation:*

(a) Maintaining a record of the preferred language of each person who receives any service from the Division that is intended to help restrain the spread of COVID-19, including without limitation, guidance, testing, contact tracing and immunization;

(b) Identifying the languages preferred by such recipients;

(c) Taking reasonable steps to provide meaningful and timely access to oral language services to recipients of services described in paragraph (a); and

(d) Provide notice of the availability of such services, to the extent practicable, in the languages identified and at a literacy



level and in a format that is likely to be understood by such recipients.

2. *The Division shall take reasonable steps to ensure that persons with limited English proficiency have meaningful and timely access in their preferred language to:*

(a) *Vital information and documents relating to COVID-19. Such information and documents include, without limitation, those necessary to access or participate in the services, programs and activities of the Division related to COVID-19, including, without limitation, applications, instructions for completing applications, contracts, stipulations, outreach materials, written notices or letters that affect the legal rights or benefits of a person and any communications of the Division relating to COVID-19.*

(b) *Any governmental order issued to restrain the spread of COVID-19 and any information relating to a state of emergency or declaration of disaster for COVID-19 proclaimed pursuant to NRS 414.070. For the purposes of this paragraph, meaningful access shall be deemed to be timely if it occurs within 7 days after the order is issued or the proclamation is made.*

3. *When determining whether steps to provide meaningful and timely access to a service described in subsection 1 or 2 are reasonable, the Division shall consider:*

(a) *The number of persons with limited English proficiency who are eligible for the service and have a particular preferred language and the proportion of such persons to the total number of persons eligible for the service;*

(b) *The frequency with which persons with limited English proficiency who are eligible for the service have contact with the Division for purposes relating to the service;*

(c) *The nature and importance of the service; and*

(d) *Available resources.*

4. *The Division shall collaborate with community-based organizations that serve persons with limited English proficiency to prioritize the provision of services, information and documents in languages other than English as described in this section.*

5. *The Division may:*

(a) *Accept gifts, grants and donations for the purpose of carrying out the provisions of this section; and*

(b) *Research and apply for any available federal or private funding that may be used to carry out the provisions of this section.*

6. *As used in this section:*



(a) *“Contact tracing” means investigating a case of COVID-19 to identify:*

- (1) *A person who has been diagnosed with COVID-19; and*
- (2) *Any person who has or may have:*

(I) Come into contact with a person who has been diagnosed with COVID-19; or

(II) Otherwise been exposed to COVID-19.

(b) *“COVID-19” means:*

(1) *The novel coronavirus identified as SARS-CoV-2;*

(2) *Any mutation of the novel coronavirus identified as SARS-CoV-2; or*

(3) *A disease or health condition caused by the novel coronavirus identified as SARS-CoV-2.*

(c) *“Dual-role interpreter” means a multilingual employee who:*

(1) *Has been tested for language skills and trained as an interpreter; and*

(2) *Engages in interpreting as part of his or her job duties.*

(d) *“Oral language services” means services to convey verbal information to persons with limited English proficiency. The term:*

(1) *Includes, without limitation, staff interpreters, dual-role interpreters, other multilingual employees, telephone interpreter programs, audiovisual interpretation services and non-governmental interpreters.*

(2) *Does not include family members, friends and other acquaintances of persons with limited English proficiency who have no formal training in interpreting.*

(e) *“Person with limited English proficiency” means a person who reads, writes or speaks a language other than English and who cannot readily understand or communicate in the English language in written or spoken form, as applicable based on the manner in which information is being communicated.*

Sec. 3. 1. *To the extent that money is available for these purposes, a district health department shall:*

(a) *Take reasonable steps to ensure that persons with limited English proficiency who are eligible to receive services from the district health department that are intended to help restrain the spread of COVID-19 have meaningful and timely access to those services. Such steps must include, without limitation:*

(1) *Maintaining a record of the preferred language of each person who receives any service from the district health department that is intended to help restrain the spread of*



COVID-19, including, without limitation, guidance, testing, contact tracing and immunization;

(2) Identifying the languages preferred by such recipients;

(3) Taking reasonable steps to provide meaningful and timely access to oral language services to recipients of services described in subparagraph (1); and

(4) Providing notice of the availability of such services, to the extent practicable, in the languages identified and at a literacy level and in a format that is likely to be understood by such recipients.

(b) Take reasonable steps to ensure that persons with limited English proficiency have meaningful and timely access in their preferred language to:

(1) Vital information and documents relating to COVID-19. Such information and documents include, without limitation, those necessary to access or participate in the services, programs and activities of the district health department related to COVID-19, including, without limitation, applications, instructions for completing applications, contracts, stipulations, outreach materials, written notices or letters that affect the legal rights or benefits of a person and any communications of the district health department relating to COVID-19.

(2) Any governmental order issued to restrain the spread of COVID-19 and any information relating to a state of emergency or declaration of disaster for COVID-19 proclaimed pursuant to NRS 414.070.

(c) Collaborate with community-based organizations that serve persons with limited English proficiency to prioritize the provision of services, information and documents in languages other than English as described in paragraphs (a) and (b).

2. When determining whether steps to provide meaningful and timely access to a service described in subsection 1 are reasonable, a district health department shall consider:

(a) The number of persons with limited English proficiency who are eligible for the service and have a particular preferred language and the proportion of such persons to the total number of persons eligible for the service;

(b) The frequency with which persons with limited English proficiency who are eligible for the service have contact with the district health department for purposes relating to the service;

(c) The nature and importance of the service; and

(d) Available resources.

3. A district health department may:



(a) *Accept gifts, grants and donations for the purpose of carrying out the provisions of this section; and*

(b) *Research and apply for any available federal or private funding that may be used to carry out the provisions of this section.*

4. *As used in this section:*

(a) *“Contact tracing” has the meaning ascribed to it in paragraph (a) of subsection 6 of section 2 of this act.*

(b) *“COVID-19” has the meaning ascribed to it in paragraph (b) of subsection 6 of section 2 of this act.*

(c) *“Oral language services” has the meaning ascribed to it in paragraph (d) of subsection 6 of section 2 of this act.*

(d) *“Person with limited English proficiency” has the meaning ascribed to it in paragraph (e) of subsection 6 of section 2 of this act.*

Sec. 4. 1. *To the extent that money is available for such purposes, a district health department shall:*

(a) *Take reasonable steps to ensure that persons with limited English proficiency who are eligible to receive services from the district health department that are intended to help restrain the spread of COVID-19 have meaningful and timely access to those services. Such steps must include, without limitation:*

(1) *Maintaining a record of the preferred language of each person who receives any service from the district health department that is intended to help restrain the spread of COVID-19, including, without limitation, guidance, testing, contact tracing and immunization;*

(2) *Identifying the languages preferred by such recipients;*

(3) *Taking reasonable steps to provide meaningful and timely access to oral language services to recipients of services described in subparagraph (1); and*

(4) *Providing notice of the availability of such services, to the extent practicable, in the languages identified and at a literacy level and in a format that is likely to be understood by such recipients.*

(b) *Take reasonable steps to ensure that persons with limited English proficiency have meaningful and timely access in their preferred language to:*

(1) *Vital information and documents relating to COVID-19. Such information and documents include, without limitation, those necessary to access or participate in the services, programs and activities of the district health department related to COVID-19, including, without limitation, applications, instructions for*



completing applications, contracts, stipulations, outreach materials, written notices or letters that affect the legal rights or benefits of a person and any communications of the district health department relating to COVID-19.

(2) Any governmental order issued to restrain the spread of COVID-19 and any information relating to a state of emergency or declaration of disaster for COVID-19 proclaimed pursuant to NRS 414.070.

(c) Collaborate with community-based organizations that serve persons with limited English proficiency to prioritize the provision of services, information and documents in languages other than English as described in paragraphs (a) and (b).

2. When determining whether steps to provide meaningful and timely access to a service described in subsection 1 are reasonable, a district health department shall consider:

(a) The number of persons with limited English proficiency who are eligible for the service and have a particular preferred language and the proportion of such persons to the total number of persons eligible for the service;

(b) The frequency with which persons with limited English proficiency who are eligible for the service have contact with the district health department for purposes relating to the service;

(c) The nature and importance of the service; and

(d) Available resources.

3. A district health department may:

(a) Accept gifts, grants and donations for the purpose of carrying out the provisions of this section; and

(b) Research and apply for any available federal or private funding that may be used to carry out the provisions of this section.

4. As used in this section:

(a) "Contact tracing" has the meaning ascribed to it in paragraph (a) of subsection 6 of section 2 of this act.

(b) "COVID-19" has the meaning ascribed to it in paragraph (b) of subsection 6 of section 2 of this act.

(c) "Oral language services" has the meaning ascribed to it in paragraph (d) of subsection 6 of section 2 of this act.

(d) "Person with limited English proficiency" has the meaning ascribed to it in paragraph (e) of subsection 6 of section 2 of this act.



Sec. 5. NRS 439.361 is hereby amended to read as follows:
439.361 The provisions of NRS 439.361 to 439.3685, inclusive, *and section 3 of this act* apply to a county whose population is 700,000 or more.

Sec. 6. NRS 439.369 is hereby amended to read as follows:
439.369 The provisions of NRS 439.369 to 439.410, inclusive, *and section 4 of this act* apply to a county whose population is less than 700,000.

Sec. 7. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The head of each agency of the Executive Department shall designate one or more employees of the agency to be responsible for developing and biennially revising a language access plan for the agency that meets the requirements of subsection 2.

2. A language access plan must assess existing needs of persons served by the agency for language services and the degree to which the agency has met those needs. The plan must include recommendations to expand language services if needed to improve access to the services provided by the agency. The plan must:

(a) Outline the compliance of the agency and any contractors, grantees, assignees, transferees or successors of the agency with existing federal and state laws and regulations and any requirements associated with funding received by the agency concerning the availability of language services and accessibility of the services provided by the agency or any contractors, grantees, assignees, transferees or successors to persons with limited English proficiency;

(b) List the relevant demographics of persons served by or eligible to receive services from the agency, including, without limitation:

(1) The types of services received by such persons or for which such persons are eligible;

(2) The preferred language and literacy level of such persons;

(3) The ability of such persons to access the services of the agency electronically;

(4) The number and percentage of such persons who are indigenous; and

(5) The number and percentage of such persons who are refugees;



(c) Provide an inventory of language services currently provided, including, without limitation:

(1) Procedures for designating certain information and documents as vital and providing such information and documents to persons served by the agency in the preferred language of such persons, in aggregate and disaggregated by language and type of service to which the information and documents relate;

(2) Oral language services offered by language and type;

(3) A comparison of the number of employees of the agency who regularly have contact with the public to the number of such employees who are fluent in more than one language, in aggregate and disaggregated by language;

(4) A description of any position at the agency designated for a dual-role interpreter;

(5) Procedures and resources used by the agency for outreach to persons with limited English proficiency who are served by the agency or eligible to receive services from the agency, including, without limitation, procedures for building relationships with community-based organizations that serve such persons; and

(6) Any resources made available to employees of the agency related to cultural competency;

(d) Provide an inventory of the training and resources provided to employees of the agency who serve persons with limited English proficiency, including, without limitation, training and resources regarding:

(1) Obtaining language services internally or from a contractor;

(2) Responding to persons with limited English proficiency over the telephone, in writing or in person;

(3) Ensuring the competency of interpreters and translation services;

(4) Recording in the electronic records of the agency that a person served by the agency is a person with limited English proficiency, the preferred language of the person and his or her literacy level in English and in his or her preferred language;

(5) Communicating with the persons in charge of the agency concerning the needs of the persons served by and eligible to receive the services from the agency for language services; and

(6) Notifying persons with limited English proficiency who are eligible for or currently receiving services from the agency of the services available from the agency in the preferred



language of those persons at a literacy level and in a format that is likely to be understood by such persons;

(e) Review the ability of the agency to make language services available during the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; and

(f) Identify areas in which the services described in paragraph (c) and the training and resources described in paragraph (d) do not meet the needs of persons with limited English proficiency served by the agency, including, without limitation:

(1) Estimates of additional funding required to meet those needs;

(2) Targets for employing persons who are fluent in more than one language;

(3) Additional requirements necessary to ensure:

(I) Adequate credentialing and oversight of translators and interpreters employed by or serving as independent contractors for the agency; and

(II) That translators and interpreters used by the agency adequately represent the preferred languages spoken by persons served by the agency or eligible to receive services from the agency; and

(4) Additional requirements, trainings, incentives and recruiting initiatives to employ or contract with interpreters who speak the preferred languages of persons with limited English proficiency who are eligible for or currently receiving services from the agency and ways to partner with entities involved in workforce development in imposing those requirements, offering those trainings and incentives and carrying out those recruiting initiatives.

3. If there is insufficient information available to develop or update the language access plan in accordance with the requirements of this section, the employee or employees designated pursuant to subsection 1 shall develop procedures to obtain that information and include the information in any revision to the language access plan.

4. Each agency of the Executive Department shall:

(a) Solicit public comment concerning the language access plan developed pursuant to this section and each revision thereof;

(b) Make recommendations to the Legislature concerning any statutory changes necessary to implement or improve a language access plan; and

(c) Include any funding necessary to carry out a language access plan, including, without limitation, any additional funding



necessary to meet the needs of persons with limited English proficiency served by the agency as identified pursuant to paragraph (f) of subsection 2, in the proposed budget for the agency submitted pursuant to NRS 353.210.

5. *As used in this section:*

(a) *“Agency of the Executive Department” means an agency, board, commission, bureau, council, department, division, authority or other unit of the Executive Department of the State Government. The term does not include the Nevada System of Higher Education.*

(b) *“Dual-role interpreter” means a multilingual employee who:*

(1) Has been tested for language skills and trained as an interpreter; and

(2) Engages in interpreting as part of his or her job duties.

(c) *“Language services” means oral language services and translation services.*

(d) *“Oral language services” means services to convey verbal information to persons with limited English proficiency. The term:*

(1) Includes, without limitation, staff interpreters, dual-role interpreters, other multilingual employees, telephone interpreter programs, audiovisual interpretation services and non-governmental interpreters.

(2) Does not include family members, friends and other acquaintances of persons with limited English proficiency who have no formal training in interpreting.

(e) *“Person with limited English proficiency” means a person who reads, writes or speaks a language other than English and who cannot readily understand or communicate in the English language in written or spoken form, as applicable based on the manner in which information is being communicated.*

(f) *“Translation services” means services used to provide written information to persons with limited English proficiency. The term does not include translation tools that are accessed using the Internet.*

Sec. 8. Section 7 of this act is hereby amended to read as follows:

Sec. 7. 1. The head of each agency of the Executive Department shall designate one or more employees of the agency to be responsible for developing and biennially revising a language access plan for the agency that meets the requirements of subsection 2.



2. A language access plan must assess existing needs of persons served by the agency for language services and the degree to which the agency has met those needs. The plan must include recommendations to expand language services if needed to improve access to the services provided by the agency. The plan must:

(a) Outline the compliance of the agency and any contractors, grantees, assignees, transferees or successors of the agency with existing federal and state laws and regulations and any requirements associated with funding received by the agency concerning the availability of language services and accessibility of the services provided by the agency or any contractors, grantees, assignees, transferees or successors to persons with limited English proficiency;

(b) List the relevant demographics of persons served by or eligible to receive services from the agency, including, without limitation:

(1) The types of services received by such persons or for which such persons are eligible;

(2) The preferred language and literacy level of such persons;

(3) The ability of such persons to access the services of the agency electronically;

(4) The number and percentage of such persons who are indigenous; and

(5) The number and percentage of such persons who are refugees;

(c) Provide an inventory of language services currently provided, including, without limitation:

(1) Procedures for designating certain information and documents as vital and providing such information and documents to persons served by the agency in the preferred language of such persons, in aggregate and disaggregated by language and type of service to which the information and documents relate;

(2) Oral language services offered by language and type;

(3) A comparison of the number of employees of the agency who regularly have contact with the public to the number of such employees who are fluent in more than one language, in aggregate and disaggregated by language;



(4) A description of any position at the agency designated for a dual-role interpreter;

(5) Procedures and resources used by the agency for outreach to persons with limited English proficiency who are served by the agency or eligible to receive services from the agency, including, without limitation, procedures for building relationships with community-based organizations that serve such persons; and

(6) Any resources made available to employees of the agency related to cultural competency;

(d) Provide an inventory of the training and resources provided to employees of the agency who serve persons with limited English proficiency, including, without limitation, training and resources regarding:

(1) Obtaining language services internally or from a contractor;

(2) Responding to persons with limited English proficiency over the telephone, in writing or in person;

(3) Ensuring the competency of interpreters and translation services;

(4) Recording in the electronic records of the agency that a person served by the agency is a person with limited English proficiency, the preferred language of the person and his or her literacy level in English and in his or her preferred language;

(5) Communicating with the persons in charge of the agency concerning the needs of the persons served by and eligible to receive the services from the agency for language services; and

(6) Notifying persons with limited English proficiency who are eligible for or currently receiving services from the agency of the services available from the agency in the preferred language of those persons at a literacy level and in a format that is likely to be understood by such persons; *and*

~~(e) [Review the ability of the agency to make language services available during the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; and~~

~~—(f)] Identify areas in which the services described in paragraph (c) and the training and resources described in paragraph (d) do not meet the needs of persons with limited~~



English proficiency served by the agency, including, without limitation:

(1) Estimates of additional funding required to meet those needs;

(2) Targets for employing persons who are fluent in more than one language;

(3) Additional requirements necessary to ensure:

(I) Adequate credentialing and oversight of translators and interpreters employed by or serving as independent contractors for the agency; and

(II) That translators and interpreters used by the agency adequately represent the preferred languages spoken by persons served by the agency or eligible to receive services from the agency; and

(4) Additional requirements, trainings, incentives and recruiting initiatives to employ or contract with interpreters who speak the preferred languages of persons with limited English proficiency who are eligible for or currently receiving services from the agency and ways to partner with entities involved in workforce development in imposing those requirements, offering those trainings and incentives and carrying out those recruiting initiatives.

3. If there is insufficient information available to develop or update the language access plan in accordance with the requirements of this section, the employee or employees designated pursuant to subsection 1 shall develop procedures to obtain that information and include the information in any revision to the language access plan.

4. Each agency of the Executive Department shall:

(a) Solicit public comment concerning the language access plan developed pursuant to this section and each revision thereof;

(b) Make recommendations to the Legislature concerning any statutory changes necessary to implement or improve a language access plan; and

(c) Include any funding necessary to carry out a language access plan, including, without limitation, any additional funding necessary to meet the needs of persons with limited English proficiency served by the agency as identified pursuant to paragraph ~~(f)~~ (e) of subsection 2, in the proposed budget for the agency submitted pursuant to NRS 353.210.

5. As used in this section:



(a) “Agency of the Executive Department” means an agency, board, commission, bureau, council, department, division, authority or other unit of the Executive Department of the State Government. The term does not include the Nevada System of Higher Education.

(b) “Dual-role interpreter” means a multilingual employee who:

(1) Has been tested for language skills and trained as an interpreter; and

(2) Engages in interpreting as part of his or her job duties.

(c) “Language services” means oral language services and translation services.

(d) “Oral language services” means services to convey verbal information to persons with limited English proficiency. The term:

(1) Includes, without limitation, staff interpreters, dual-role interpreters, other multilingual employees, telephone interpreter programs, audiovisual interpretation services and non-governmental interpreters.

(2) Does not include family members, friends and other acquaintances of persons with limited English proficiency who have no formal training in interpreting.

(e) “Person with limited English proficiency” means a person who reads, writes or speaks a language other than English and who cannot readily understand or communicate in the English language in written or spoken form, as applicable based on the manner in which information is being communicated.

(f) “Translation services” means services used to provide written information to persons with limited English proficiency. The term does not include translation tools that are accessed using the Internet.

Sec. 9. 1. The head of each agency of the Executive Department shall ensure that a language access plan is developed for the agency pursuant to section 7 of this act not later than the date on which the agency submits its proposed budget for the 2023-2025 biennium pursuant to NRS 353.210.

2. As used in this section, “agency of the Executive Department” has the meaning ascribed to it in section 7 of this act.

Sec. 10. (Deleted by amendment.)

Sec. 11. 1. This section, sections 1 to 7, inclusive, 9 and 10 of this act become effective upon passage and approval.



2. Section 8 of this act becomes effective 2 years after the date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020.

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