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## GENERAL PROVISIONS

- NRS 427A.010 Declaration of legislative purpose.** The Legislature finds and declares that:
1. The older people of our state are entitled to receive, and it is the joint and several duty and responsibility of the state and local governments to provide, within the limits of available resources, assistance to secure equal opportunity to the full and free enjoyment of the following objectives:
    - (a) An adequate income in retirement.
    - (b) The best possible physical and mental health which science can make available and without regard to economic status.
    - (c) Suitable housing, independently selected, designed and located with reference to special needs and available at costs which older citizens can afford.
    - (d) Full restorative services for those who require institutional care.
    - (e) Opportunity for employment with no discriminatory personnel practices because of age.
    - (f) Retirement in health, honor and dignity.

(g) Pursuit of meaningful activity within the widest range of civic, cultural and recreational opportunities.

(h) Efficient community services which provide social assistance in a coordinated manner and which are readily available when needed.

(i) Immediate benefit from proven research knowledge which can sustain and improve health and happiness.

(j) Freedom, independence and the free exercise of individual initiative in planning and managing their own lives.

(k) The benefit of balanced nutrition.

(l) Adequate day care center services.

2. Persons with visual, aural, cognitive or physical disabilities are entitled to receive, and it is the joint and several duty and responsibility of the State and local governments to provide, within the limits of available resources, assistance to secure equal opportunity to the full and free enjoyment of and access to:

(a) Full participation in the social and economic life of the State;

(b) Opportunities for remunerative employment;

(c) The same rights as persons without disabilities to the full and free use of the streets, highways, sidewalks, public buildings, public facilities and other public places;

(d) Freedom and independence in planning and managing their lives, including, without limitation, the ability to exercise individual initiative;

(e) Suitable housing that is independently selected, designed and located with consideration of the special needs of persons with disabilities, and that is affordable to persons with disabilities;

(f) The best possible physical and mental health, without regard to economic status;

(g) Necessary health, personal assistance and independent living services that are designed to enable persons with disabilities to avoid receiving institutional care, or to transition from an institutional setting back to their communities;

(h) Respite for family members of persons with disabilities from their duties as primary caregivers; and

(i) Meaningful participation in a wide range of civic, cultural and recreational opportunities.

(Added to NRS by [1971, 375](#); A [1973, 1396](#); [1981, 1904](#); [2009, 2395](#))

**NRS 427A.020 Definitions.** As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 427A.021](#) to [427A.0295](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [1971, 375](#); A [1973, 1396](#); [1983, 544, 1027, 1656](#); [1985, 931, 1760](#); [1987, 975](#); [1991, 1976](#); [2009, 40, 2396](#); [2013, 3047](#))

**NRS 427A.021 “Administrator” defined.** “Administrator” means the Administrator of the Aging and Disability Services Division of the Department.

(Added to NRS by [1971, 375](#); A [1973, 1396](#); [1983, 544, 1027, 1656](#); [1985, 931, 1760](#); [2009, 2396](#))

**NRS 427A.022 “Advocate” defined.** “Advocate” means an advocate appointed by the Ombudsman pursuant to [NRS 427A.127](#).

(Added to NRS by [1971, 375](#); A [1973, 1396](#); [1983, 544, 1027, 1656](#); [1985, 931, 1760](#); [2009, 40](#))

**NRS 427A.023 “Commission” defined.** “Commission” means the Nevada Commission on Aging.

(Added to NRS by [1971, 375](#); A [1973, 1396](#); [1983, 544, 1027, 1656](#); [1985, 931, 1760](#))

**NRS 427A.024 “Day care center” defined.** “Day care center” means a facility for the care of adults during the day as defined in [NRS 449.004](#).

(Added to NRS by [1971, 375](#); A [1973, 1396](#); [1983, 544](#), [1027, 1656](#); [1985, 931, 1760](#))

**NRS 427A.025 “Department” defined.** “Department” means the Department of Health and Human Services.

(Added to NRS by [1971, 375](#); A [1973, 1396](#); [1983, 544](#), [1027, 1656](#); [1985, 931, 1760](#); [2015, 1429](#))

**NRS 427A.026 “Director” defined.** “Director” means the Director of the Department.

(Added to NRS by [1971, 375](#); A [1973, 1396](#); [1983, 544](#), [1027, 1656](#); [1985, 931, 1760](#))

**NRS 427A.027 “Division” defined.** “Division” means the Aging and Disability Services Division of the Department.

(Added to NRS by [1971, 375](#); A [1973, 1396](#); [1983, 544](#), [1027, 1656](#); [1985, 931, 1760](#); [2009, 2396](#); [2013, 3047](#); [2015, 1429](#))

**NRS 427A.028 “Facility for long-term care” defined.** “Facility for long-term care” means:

1. A residential facility for groups as defined in [NRS 449.017](#);
2. A facility for intermediate care as defined in [NRS 449.0038](#);
3. A facility for skilled nursing as defined in [NRS 449.0039](#);
4. A home for individual residential care as defined in [NRS 449.0105](#); and
5. Any unlicensed establishment that provides food, shelter, assistance and limited supervision to a resident.

(Added to NRS by [1971, 375](#); A [1973, 1396](#); [1983, 544](#), [1027, 1656](#); [1985, 931, 1760](#); [1991, 1976](#); [2007, 150](#))

**NRS 427A.029 “Frail elderly person” defined.** “Frail elderly person” means a natural person 65 years of age or older who:

1. Has a physical or mental limitation that restricts the ability of the person to live independently and carry out activities of normal daily living; and
2. Has been or is at risk of being placed in a facility for long-term care.

(Added to NRS by [1987, 973](#))

**NRS 427A.0293 “Ombudsman” defined.** “Ombudsman” means the State Long-Term Care Ombudsman appointed by the Administrator pursuant to [NRS 427A.125](#).

(Added to NRS by [2009, 40](#))

**NRS 427A.0295 “Resident” defined.** “Resident” means a person who resides in a facility for long-term care.

(Added to NRS by [1991, 1975](#); A [2017, 700](#))

**NRS 427A.030 Liberal construction.** The provisions of this chapter shall be liberally construed to effect its stated purposes.

(Added to NRS by [1971, 376](#))

## NEVADA COMMISSION ON AGING

**NRS 427A.032 Creation; appointment and terms of members; vacancies; removal.**

1. The Nevada Commission on Aging, consisting of 11 voting members and four or more nonvoting members, is hereby created within the Aging and Disability Services Division of the Department.
2. The Governor shall appoint as voting members of the Commission:
  - (a) Two persons who are members of the governing body of a county.
  - (b) Two persons who are members of the governing body of a city.
  - (c) Seven persons who have experience with or an interest in and knowledge of the problems of and services for the aging.

↪ At least six persons appointed as voting members must be 55 years of age or older.

3. The following persons shall serve as nonvoting members of the Commission:

(a) The Director of the Department, who shall serve as Chair of the Commission.

(b) The Administrator of the Aging and Disability Services Division.

(c) One member of the Senate and one member of the Assembly appointed by the Legislative Commission with appropriate regard for their experience with and knowledge of matters relating to older persons.

(d) Such other representatives of state government as may be designated by the Governor.

4. The members designated in paragraphs (a) and (b) of subsection 3 may designate alternates within their respective offices to attend any meeting of the Commission in their place.

5. After the initial terms, the Governor shall appoint each voting member of the Commission to a term of 2 years. No member may serve after the expiration of his or her term unless the member is appointed to serve another term. No person may be appointed to serve a full term as a voting member more than twice. No person who serves as a voting member for more than 1 year of a term to which another person was appointed may be appointed to serve a full term more than once.

6. The position of a member of the Commission is vacated upon his or her loss of any of the qualifications required for the appointment and in that event the vacancy must be filled for the unexpired term in the manner provided for the original appointment.

7. The Governor may remove a member appointed by the Governor to the Commission for malfeasance in office or neglect of duty. Absence from two consecutive meetings of the Commission constitutes good and sufficient cause for removal of a member by the Governor.

(Added to NRS by [1983, 543](#); A [1989, 206](#))

**NRS 427A.034 Meetings; quorum; regulations; subcommittees and advisory committees.**

1. The Commission may meet at least once each calendar quarter and at other times on the call of the Chair or a majority of its members.

2. A majority of the voting members of the Commission constitutes a quorum for the transaction of all business.

3. The Commission shall adopt regulations for its own government.

4. The Chair may appoint subcommittees and advisory committees composed of the members of the Commission, former members of the Commission and members of the general public who have experience with or knowledge of matters relating to older persons to consider specific problems or other matters that are related to and within the scope of the functions of the Commission. A subcommittee or advisory committee appointed pursuant to this subsection must not contain more than five members. To the extent practicable, the members of such a subcommittee or advisory committee must be representative of the various geographic areas and ethnic groups of this state.

(Added to NRS by [1983, 544](#); A [1999, 1641](#))

**NRS 427A.036 Compensation of members and former members; payment of expenses; expenditures.**

1. Each voting member of the Commission is entitled to receive a salary of not more than \$80 per day, as fixed by the Commission, while engaged in the business of the Commission.

2. While engaged in the business of the Commission, each member of the Commission appointed pursuant to subsection 2 or paragraph (a), (b) or (d) of subsection 3 of [NRS 427A.032](#), each former member of the Commission and each member of the general public appointed to serve on a subcommittee or advisory committee of the Commission pursuant to subsection 4 of [NRS 427A.034](#), and each employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

3. The Commission may expend in accordance with law all money made available for its use.

4. Except during a regular or special session of the Legislature, each legislative member of the Commission is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day or portion of a day during which the legislative member attends a meeting of the Commission or is otherwise engaged in the business of the Commission, plus the per diem allowance and travel expenses provided for state officers and employees generally. The salaries and expenses of the legislative members of the Commission must be paid from the Legislative Fund.

(Added to NRS by [1983, 544](#); A [1985, 422](#); [1989, 207](#), [1714](#); [1999, 1641](#))

**NRS 427A.038 Powers and duties.**

1. The Commission shall:

(a) Determine and evaluate the needs of the older people of this state.

(b) Seek ways to avoid unnecessary duplication of services for older persons by public and private organizations in Nevada.

(c) Establish priorities for the work of the Division according to the most pressing needs of older persons as determined by the Commission.

(d) Promote programs that provide community-based services necessary to enable a frail elderly person, to the fullest extent possible, to remain in his or her home and be an integral part of his or her family and community.

2. The Commission may:

(a) Establish priorities for programs funded under the Older Americans Act of 1965 (42 U.S.C. §§ 3001 et seq.).

(b) Review and approve the State Plan for Providing Services to Meet the Needs of Older Persons.

(c) Gather and disseminate information in the field of aging.

(d) Conduct hearings, conferences and special studies on the problems of older persons and on programs which serve them.

(e) Evaluate existing programs for older persons and recommend needed changes in those programs and propose new programs which would more effectively and economically serve the needs of older persons.

(f) Evaluate any proposed legislation which would affect older persons.

(g) Recommend to the Legislature any appropriate legislation.

(h) Coordinate and assist the efforts of public and private organizations which serve the needs of older persons, especially in the areas of education, employment, health, housing, welfare and recreation.

(Added to NRS by [1983, 544](#); A [1987, 975](#); [1989, 207](#))

**AGING AND DISABILITY SERVICES DIVISION**

**NRS 427A.040 Powers and duties. [Effective through December 31, 2018.]**

1. The Division shall, consistent with the priorities established by the Commission pursuant to [NRS 427A.038](#):

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

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

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

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

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

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

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



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

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

2. The Division shall:

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

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

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

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

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

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

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

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

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

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

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

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

(3) The program established pursuant to [NRS 427A.797](#) to provide devices for telecommunication to persons who are deaf and persons with impaired speech or hearing;

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

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

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

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

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

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

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

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

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

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

(4) Provides a summary and analysis of the status of the practice of interpreting and the practice of realtime captioning, including, without limitation, the number of persons engaged in the practice of interpreting in an educational setting in each professional classification established pursuant to [NRS 656A.100](#) and the number of persons engaged in the practice of realtime captioning in an educational setting; and

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

3. The Division shall confer with the Department as the sole state agency in the State responsible for administering the provisions of this chapter and [chapter 435](#) of NRS.

4. The Division shall administer the provisions of [chapters 435](#) and [656A](#) of NRS.

5. The Division may contract with any appropriate public or private agency, organization or institution, in order to carry out the provisions of this chapter and [chapter 435](#) of NRS.

(Added to NRS by [1971, 376](#); A [1973, 1396](#); [1981, 1904](#); [1983, 545](#); [2009, 2396](#); [2011, 2463](#); [2013, 213, 2998](#))

**NRS 427A.040 Powers and duties. [Effective January 1, 2019.]**

1. The Division shall, consistent with the priorities established by the Commission pursuant to [NRS 427A.038](#):

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

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

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

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

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

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

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

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

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

2. The Division shall:

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

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

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

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

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

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

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

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

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

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

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

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

(3) The program established pursuant to [NRS 427A.797](#) to provide devices for telecommunication to persons who are deaf and persons with impaired speech or hearing;

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

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

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

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

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

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

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

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

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

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

(4) Provides a summary and analysis of the status of the practice of interpreting and the practice of realtime captioning, including, without limitation, the number of persons engaged in the practice of interpreting in an educational setting in each professional classification established pursuant to [NRS 656A.100](#) and the number of persons engaged in the practice of realtime captioning in an educational setting; and

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

3. The Division shall confer with the Department as the sole state agency in the State responsible for administering the provisions of this chapter and [chapter 435](#) of NRS.

4. The Division shall administer the provisions of [chapters 435, 437](#) and [656A](#) of NRS.

5. The Division may contract with any appropriate public or private agency, organization or institution, in order to carry out the provisions of this chapter and [chapter 435](#) of NRS.

(Added to NRS by [1971, 376](#); A [1973, 1396](#); [1981, 1904](#); [1983, 545](#); [2009, 2396](#); [2011, 2463](#); [2013, 213, 2998](#); [2017, 4242](#), effective January 1, 2019)

**NRS 427A.050 Department designated agency to administer federal grants.** The Department, through the Division, shall act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal funds granted to the State pursuant to the Older Americans Act of 1965 (42 U.S.C. §§ 3001-3053) as amended from time to time.

(Added to NRS by [1971, 376](#))

**NRS 427A.060 Administrator: Appointment; qualifications.** The Administrator shall be appointed on the basis of his or her education, training, experience and demonstrated abilities and of his or her interest in the problems of the aged and aging and persons with disabilities.

(Added to NRS by [1971, 376](#); A [2009, 2398](#))

**NRS 427A.070 Administrator: Powers and duties.**

1. The Administrator shall:

(a) Subject to the approval of the Director, adopt rules and regulations:

(1) Necessary to carry out the purposes of this chapter and [chapter 435](#) of NRS; and

(2) Establishing a program to subsidize the transportation by taxicab of elderly persons and persons with permanent disabilities from money received pursuant to subsection 5 of [NRS 706.8825](#);

(b) Establish appropriate administrative units within the Division;

(c) Appoint such personnel and prescribe their duties as the Administrator deems necessary for the proper and efficient performance of the functions of the Division;

(d) Prepare and submit to the Governor, through the Director before September 1 of each even-numbered year for the biennium ending June 30 of such year, reports of activities and expenditures and estimates of sums required to carry out the purposes of this chapter and [chapter 435](#) of NRS;

(e) Make certification for disbursement of funds available for carrying out the purposes of this chapter and [chapter 435](#) of NRS; and

(f) Take such other action as may be necessary or appropriate for cooperation with public and private agencies and otherwise to carry out the purposes of this chapter and [chapter 435](#) of NRS.

2. The Administrator may delegate to any officer or employee of the Division such of the powers and duties of the Administrator as the Administrator finds necessary to carry out the purposes of this chapter and [chapter 435](#) of NRS.

(Added to NRS by [1971, 376](#); A [1995, 853](#); [2013, 2543](#), [3000](#); [2017, 3839](#))

**NRS 427A.080 Agreements and arrangements with Federal Government.** The Department through the Division may make agreements, arrangements or plans to:

1. Cooperate with the Federal Government in carrying out the purposes of this chapter or of any federal statutes pertaining to the problems of the aged and aging and persons with disabilities and to this end may adopt such methods of administration as are found by the Federal Government to be necessary for the proper and efficient operation of those agreements, arrangements or plans; and

2. Comply with such conditions as may be necessary to secure benefits under those federal statutes.

(Added to NRS by [1971, 376](#); A [1981, 1905](#); [2009, 2398](#))

**NRS 427A.085 Contracts for cooperation with governmental entities and others; effect of payments to Division for such cooperation; immunity from and limitations on liability not waived.**

1. For the purposes of this chapter, the Department through the Division may cooperate, financially or otherwise, and execute contracts or agreements with the Federal Government, any federal department or agency, any other state department or agency, a county, a city, a public district or any political subdivision of this State, a public or private corporation, an individual or a group of individuals. Such a contract or agreement may include provisions whereby the Division will provide staff, services or other resources, or any combination thereof, without payment, to further the purposes of the contract or agreement. If the contract or agreement includes a provision whereby the Division is paid for the provision of staff, services or other resources, the payment will be reimbursed directly to the Division's budget. Cooperation pursuant to this section does not of itself relieve any person, department, agency or political subdivision of any responsibility or liability existing under any provision of law.

2. If the Administrator or the Administrator's designee enters into a contract or agreement pursuant to subsection 1 with a private nonprofit corporation, the contract or agreement may allow:

(a) The Division to enter and inspect any premises which are related to services provided under the contract or agreement and to inspect any records which are related to services provided under the contract or agreement to ensure the welfare of any consumer served by the private nonprofit corporation under the contract or agreement;

(b) The Division and the private nonprofit corporation to share confidential information concerning any consumer served by the private nonprofit corporation under the contract or agreement; and

(c) The private nonprofit corporation to assign rights and obligations of the private nonprofit corporation under the contract or agreement to the Division.

3. The State, the Department and the Division do not waive any immunity from liability or limitation on liability provided by law by entering into a contract or agreement pursuant to this section and any such contract or agreement must include a provision to that effect.

(Added to NRS by [2013, 315](#))

**NRS 427A.086 Program to provide lunches for elderly persons; regulations.** The Director of the State Department of Agriculture shall:

1. Cooperate with the Aging and Disability Services Division of the Department of Health and Human Services in the planning of programs whereby the school districts may prepare hot lunches for persons 60

years of age or older and their spouses or any group of such persons by utilizing the systems and procedures already developed for use in the operation of school lunch programs; and

2. Adopt regulations containing guidelines for boards of trustees of school districts entering into such agreements.

(Added to NRS by [1979, 1564](#); A [2013, 1797](#)) — (Substituted in revision for NRS 387.112)

**NRS 427A.087 Agreement to prepare lunches for elderly persons; restrictions.**

1. The board of trustees of any school district may enter into an agreement with any individual, firm, partnership, corporation, association or public agency which has been approved for such purpose by the Division, whereby the school district agrees to prepare hot lunches for persons 60 years of age or older and their spouses or any group of such persons by utilizing the systems and procedures already developed for use in the school lunch program of such district.

2. No agreement entered into by a board of trustees of a school district pursuant to the provisions of this section may:

(a) Involve the expenditure by the school district of any school lunch money or other public school money or the use of any school lunch commodities or public school personnel, equipment or facilities unless the agreement includes a provision requiring full reimbursement therefor.

(b) Provide for payment to the school district of any amount in excess of the estimated actual cost of food, personnel, equipment, facilities and other necessary expenditures involved in the performance of the agreement. The estimated actual cost shall be negotiated by the board of trustees and the Division.

(c) Permit any program of hot lunches for persons 60 years of age or over and their spouses to interfere in any way with the use of school lunch facilities for public school purposes.

(Added to NRS by [1979, 1574](#)) — (Substituted in revision for NRS 386.415)

**NRS 427A.090 Compliance with federal requirements; disbursement of state money for matching federal grants.**

1. The Division may comply with such requirements as may be necessary to obtain federal money.

2. The Administrator may disburse state money, to the extent the Division has money budgeted for the purpose, to enable nonprofit, sponsoring organizations and political subdivisions of this State to obtain matching federal grants.

(Added to NRS by [1971, 377](#); A [1973, 695](#); [1981, 1905](#))

**NRS 427A.100 Custody and disbursement of money by State Treasurer.**

1. The State Treasurer is designated as custodian of all moneys received from the Federal Government for carrying out the purposes of this chapter or any agreements, arrangements or plans authorized thereby.

2. The State Treasurer shall make disbursements from such funds and from all state funds available for the purposes of this chapter upon certification by the designated official of the Division.

(Added to NRS by [1971, 377](#))

**NRS 427A.110 Aging and Disability Services Division's Gift Account.**

1. Except as otherwise provided in [NRS 427A.270](#), all gifts of money which the Division is authorized to accept must be deposited in the State Treasury for credit to the Aging and Disability Services Division's Gift Account in the Department of Health and Human Services' Gift Fund. The money may be invested and reinvested and must be used in accordance with the conditions of the gift.

2. All claims must be approved by the Administrator before they are paid.

(Added to NRS by [1971, 377](#); A [1979, 621](#); [1981, 78](#); [1987, 975](#); [2009, 2398](#))

**NRS 427A.120 Political activities prohibited; penalty.**

1. No officer or employee engaged in the administration of this chapter shall use his or her official authority to influence or interfere with an election or affect the results thereof or for any partisan political purpose. No such officer or employee shall solicit or receive, nor shall any officer or employee be obliged to contribute or render, any service, assistance, subscription, assessment or contribution for any political purpose.

2. Any officer or employee violating the provisions of this section shall be discharged.

(Added to NRS by [1971, 377](#))

## NEVADA COMMISSION ON SERVICES FOR PERSONS WITH DISABILITIES

**NRS 427A.121 “Commission” defined.** As used in [NRS 427A.121](#) to [427A.1217](#), inclusive, unless the context otherwise requires, “Commission” means the Nevada Commission on Services for Persons with Disabilities created by [NRS 427A.1211](#).

(Added to NRS by [2009, 655](#)) — (Substituted in revision for NRS 426.355)

### **NRS 427A.1211 Creation; membership; terms of members; removal of member.**

1. The Nevada Commission on Services for Persons with Disabilities, consisting of 11 voting members and 2 or more nonvoting members, is hereby created within the Division.

2. The Director shall appoint as voting members of the Commission 11 persons who have experience with or an interest in and knowledge of the problems of and services for persons with disabilities. The majority of the voting members of the Commission must be persons with disabilities or the parents or family members of persons with disabilities.

3. The Director and the Administrator shall serve as nonvoting, ex officio members of the Commission and each may designate an alternate within his or her office to attend any meeting of the Commission in his or her place.

4. The Director may appoint as nonvoting members of the Commission such other representatives of State Government as the Director deems appropriate.

5. After the initial term of an appointed member, the term of an appointed member is 3 years. An appointed member may be reappointed for an additional term of 3 years. An appointed member may not serve more than two terms or 6 years, whichever is greater. A vacancy on the Commission must be filled in the same manner as the original appointment. An appointed member who serves for more than 1 year of a term to which another person was appointed may be appointed to serve only one additional full term as an appointed member. However, at the completion of the additional full term, the member may be appointed to the remaining term of another member who has resigned or otherwise left the Commission before completing his or her term if the total combined service of the member being appointed, after serving the remaining term of the member who resigned or otherwise left the Commission, will not exceed 6 years.

6. The Director may remove an appointed member of the Commission for malfeasance in office or neglect of duty. Absence from two consecutive meetings of the Commission constitutes good and sufficient cause for removal of an appointed member by the Director.

(Added to NRS by [2009, 655](#); A [2015, 1433](#)) — (Substituted in revision for NRS 426.365)

### **NRS 427A.1213 Election of Chair; meetings; quorum; rules of governance; appointment of subcommittees and advisory committees.**

1. The Commission shall, at its first meeting and annually thereafter, elect a Chair from among its voting members.

2. The Commission shall meet at least quarterly and at the times and places specified by a call of the Director, the Chair or a majority of the voting members of the Commission.

3. A majority of the voting members of the Commission constitutes a quorum for the transaction of all business.

4. The Commission shall establish rules for its own governance.

5. The Chair may appoint subcommittees and advisory committees composed of the members of the Commission, former members of the Commission and members of the general public who have experience with or knowledge of matters relating to persons with disabilities, to consider specific problems or other matters that are related to and within the scope of the functions of the Commission. A subcommittee or advisory committee appointed pursuant to this subsection must not contain more than five members. To the extent practicable, the members of such a subcommittee or advisory committee must be representative of the various geographic areas and ethnic groups of this State.

(Added to NRS by [2009, 655](#); A [2013, 215](#); [2017, 1513, 2875](#))

**NRS 427A.1215 Salary of members; members entitled to per diem.**

1. Each voting member of the Commission is entitled to receive a salary of not more than \$80 per day, as fixed by the Commission, while engaged in the business of the Commission, if funding is available for this purpose.

2. While engaged in the business of the Commission, each appointed member of the Commission, each person appointed to serve on a subcommittee or advisory committee of the Commission, and each employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, if funding is available for this purpose.

3. The Commission may expend in accordance with law all money made available for its use.

(Added to NRS by [2009, 656](#)) — (Substituted in revision for NRS 426.385)

**NRS 427A.1217 Duties; powers.**

1. The Commission shall:

(a) Determine and evaluate the needs of persons with disabilities in this State;

(b) Seek ways to avoid unnecessary duplication of services for persons with disabilities by public and private organizations in this State;

(c) Establish priorities for the work of the Division according to the most pressing needs of persons with disabilities as determined by the Commission; and

(d) Promote programs that provide community-based services necessary to enable a person with a disability, to the fullest extent possible, to remain in his or her home and be an integral part of his or her family and community.

2. The Commission may:

(a) Review and make recommendations regarding plans for services for persons with disabilities;

(b) Gather and disseminate information relating to persons with disabilities;

(c) Conduct hearings, conferences and special studies on the problems of persons with disabilities and on programs that serve persons with disabilities;

(d) Evaluate existing programs for persons with disabilities, recommend changes in those programs and propose new programs that would more effectively and economically serve the needs of persons with disabilities;

(e) Evaluate any proposed legislation that would affect persons with disabilities;

(f) Carry out the provisions of the Strategic Plan for Persons with Disabilities developed by the Department pursuant to paragraph (c) of subsection 1 of section 1 of chapter 541, Statutes of Nevada 2001;

(g) Recommend to the Legislature any appropriate legislation concerning persons with disabilities; and



(h) Coordinate and assist the efforts of public and private organizations that serve the needs of persons with disabilities, especially in the areas of education, employment, health, housing, welfare and recreation.

(Added to NRS by [2009, 656](#)) — (Substituted in revision for NRS 426.395)

**ATTORNEY FOR THE RIGHTS OF OLDER PERSONS AND PERSONS WITH A PHYSICAL DISABILITY, AN INTELLECTUAL DISABILITY OR A RELATED CONDITION**

**NRS 427A.1219 Definitions.** As used in [NRS 427A.1219](#) to [427A.1236](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 427A.122](#) to [427A.1226](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2017, 176](#))

**NRS 427A.122 “Older person” defined.** “Older person” means a person who is 60 years of age or older.

(Added to NRS by [1999, 126](#); A [2017, 176](#))

**NRS 427A.1222 “Person with a physical disability” defined.** “Person with a physical disability” means a person of any age with a physical disability that substantially limits the person’s ability to participate and contribute independently in the community in which he or she lives.

(Added to NRS by [2017, 176](#))

**NRS 427A.1224 “Person with a related condition” defined.** “Person with a related condition” means a person of any age who has a severe, chronic disability which:

1. Is attributable to:
  - (a) Cerebral palsy or epilepsy; or
  - (b) Any other condition, other than mental illness, found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with an intellectual disability and requires treatment or services similar to those required by a person with an intellectual disability;
2. Is manifested before the person affected attains the age of 22 years;
3. Is likely to continue indefinitely; and
4. Results in substantial functional limitations in three or more of the following areas of major life activity:
  - (a) Taking care of oneself;
  - (b) Understanding and use of language;
  - (c) Learning;
  - (d) Mobility;
  - (e) Self-direction; and
  - (f) Capacity for independent living.

(Added to NRS by [2017, 176](#))

**NRS 427A.1226 “Person with an intellectual disability” defined.** “Person with an intellectual disability” means a person of any age with significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

(Added to NRS by [2017, 176](#))

**NRS 427A.123 Office created.** The Office of Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition is hereby created within the Aging and Disability Services Division of the Department.

(Added to NRS by [1989, 1485](#); A [2017, 177](#))

**NRS 427A.1232 Appointment; qualifications; removal from office.**

1. The Governor shall appoint the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition for a term of 4 years. The person appointed:

- (a) Must be an attorney licensed to practice law in this State;
- (b) Must be qualified by training and experience to perform the duties and functions of the office;
- (c) Is in the unclassified service of the State; and
- (d) Shall report upon request to the Administrator regarding the performance of the duties and the functioning of the office.

2. The Governor may remove the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition from office for inefficiency, neglect of duty or malfeasance in office.

(Added to NRS by [1989, 1485](#); A [2017, 177](#))

**NRS 427A.1234 Duties and powers of Attorney.**

1. The Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition shall:

(a) Provide advocacy and education relating to the legal rights of older persons, persons with a physical disability, persons with an intellectual disability or persons with a related condition and shall facilitate the development of legal services to assist those persons in securing and maintaining their legal rights.

(b) Provide, upon request, technical assistance, training and other support relating to the legal rights of older persons, persons with a physical disability, persons with an intellectual disability or persons with a related condition, as appropriate, to:

- (1) An attorney who is providing legal services for an older person, a person with a physical disability, a person with an intellectual disability or a person with a related condition;
- (2) An employee of a law enforcement agency;
- (3) The Ombudsman or an advocate;
- (4) An employee of an office for protective services of any county;
- (5) An employee of the Division; and
- (6) Groups that advocate for older persons, persons with a physical disability, persons with an intellectual disability or persons with a related condition.

(c) Review existing and proposed policies, legislation and regulations that affect older persons, persons with a physical disability, persons with an intellectual disability or persons with a related condition and make recommendations as appropriate to the Administrator.

(d) Review and analyze information relating to the nature and extent of abuse, neglect, exploitation, isolation and abandonment of older persons, persons with a physical disability, persons with an intellectual disability or persons with a related condition to identify services that need to be provided, including, without limitation:

- (1) Methods of intervening on behalf of an older person, a person with a physical disability, a person with an intellectual disability or a person with a related condition to protect the older person, person with a physical disability, person with an intellectual disability or person with a related condition from abuse, neglect, exploitation, isolation or abandonment; and
- (2) Enforcing the laws of this state governing abuse, neglect, exploitation, isolation and abandonment of older persons, persons with a physical disability, persons with an intellectual disability or persons with a related condition.

2. The Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition may:

(a) Have access to, inspect, copy and subpoena all records in the possession of any clerk of a court, law enforcement agency or public or private institution, wherever situated, that relate to the abuse, neglect, exploitation, isolation or abandonment of an older person, a person with a physical disability, a person with an intellectual disability or a person with a related condition.

(b) Have access to all written records in the possession of any person, government, governmental agency or political subdivision of a government that relate to the abuse, neglect, exploitation, isolation or abandonment of an older person, a person with a physical disability, a person with an intellectual disability or a person with a related condition.

(c) Represent and assist any incapacitated older person, person with a physical disability, person with an intellectual disability or person with a related condition until a guardian is appointed for that person.

(d) Use the information obtained pursuant to paragraphs (a) and (b) to resolve complaints relating to the abuse, neglect, exploitation, isolation or abandonment of an older person, a person with a physical disability, a person with an intellectual disability or a person with a related condition.

(e) Develop services relating to financial management for an older person, a person with a physical disability, a person with an intellectual disability or a person with a related condition who is at risk of having a guardian appointed by a court to manage his or her property.

(f) Act as the state legal assistance developer as described in 42 U.S.C. § 3058j.

(g) Appear as amicus curiae on behalf of older persons, persons with a physical disability, persons with an intellectual disability or persons with a related condition in any court in this state.

(h) Perform such other functions as are necessary to carry out the duties and the functions of the office of the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition.

(Added to NRS by [1989, 1485](#); A [1999, 126](#); [2009, 40](#); [2015, 834](#); [2017, 177](#))

**NRS 427A.1236 Confidentiality of records.** All records in the possession of the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition relating to his or her counseling or representation of an older person, a person with a physical disability, a person with an intellectual disability or a person with a related condition are confidential and must not be released to any other person except upon order of a court of competent jurisdiction or pursuant to [NRS 239.0115](#).

(Added to NRS by [1989, 1485](#); A [2007, 2106](#); [2017, 178](#))

## STATE LONG-TERM CARE OMBUDSMAN

### **NRS 427A.125 Creation of Office; appointment; duties and powers.**

1. The Office of the State Long-Term Care Ombudsman is hereby created within the Division.

2. The Administrator shall appoint the State Long-Term Care Ombudsman to advocate for the protection of the health, safety, welfare and rights of residents of facilities for long-term care. The Ombudsman is in the classified service of the State. The Ombudsman shall, under direction of the Administrator:

(a) Train advocates to:

(1) Receive, investigate and attempt to resolve complaints made by or on behalf of residents of facilities for long-term care.

(2) Investigate acts, practices, policies or procedures of any facility for long-term care or any governmental agency which relates to such care and may adversely affect the health, safety, welfare or civil rights of residents of such facilities, and report the results of the investigations to the Ombudsman and the Administrator.

(3) Record and analyze information and complaints about facilities for long-term care to identify problems affecting their residents.

(4) Provide for the support and development of resident and family councils to protect the well-being and rights of residents of facilities for long-term care.

(5) Assist facilities for long-term care to provide services to residents in the manner set forth in paragraph (b).

(b) Develop a course of training to be made available to officers, directors and employees of a facility for long-term care to encourage such facilities to provide services to their residents in a manner that allows the residents to follow their own routine and make their own decisions concerning the daily activities in which to participate. The course must also provide information concerning how to provide services in that manner.

(c) Coordinate services within the Department which may affect residents and prospective residents of facilities for long-term care to ensure that such services are made available to eligible persons.

(d) Provide information to interested persons and to the general public concerning the functions and activities of the Ombudsman.

(e) Report annually to the Administrator.

3. The Ombudsman may:

(a) Analyze, provide comment on and monitor the development and implementation of any federal, state or local governmental action, activity or program that relate to the protection of the health, safety, welfare and rights of residents of facilities for long-term care; and

(b) Recommend changes to any federal, state or local governmental action, activity or program described in paragraph (a) without the prior approval of the Administrator.

(Added to NRS by [1983, 1026](#); A [1993, 115](#); [2009, 41](#); [2015, 383](#); [2017, 700](#))

**NRS 427A.127 Appointment of advocates to assist Ombudsman; Ombudsman authorized to create volunteer advocacy program and appoint volunteer advocates.**

1. The Ombudsman may appoint one or more advocates to assist the Ombudsman who are within the Division and in the classified service of the State. Each advocate shall perform his or her duties at the direction of the Ombudsman.

2. The Ombudsman may:

(a) Create a volunteer advocacy program within the Office of the Ombudsman to be administered by the Ombudsman; and

(b) Appoint volunteer advocates who may act as representatives of the Ombudsman.

(Added to NRS by [1989, 1485](#); A [2009, 42](#); [2017, 701](#))

**NRS 427A.135 Investigation; entry into facility; interference prohibited; penalty; right of resident concerning visits with Ombudsman or advocate; immunity for investigations performed by Ombudsman or advocate.**

1. The Ombudsman or an advocate may:

(a) Upon a complaint by or on behalf of a resident, investigate any act or policy which the Ombudsman or advocate has reason to believe may adversely affect the health, safety, welfare or civil rights of any resident of a facility for long-term care; and

(b) Make periodic visits to any facility for long-term care to provide information to the residents of the facility and to review generally any act, practice, policy, procedure or condition which may adversely affect the health, safety, welfare or civil or other rights of any resident of the facility.

2. The Ombudsman or an advocate may enter any facility for long-term care and any area within the facility at reasonable times with or without prior notice and must be permitted access to residents of the facility at all times. Upon arrival at the facility, the Ombudsman or advocate shall make his or her presence known to the staff of the facility and shall present appropriate identification.

3. A person shall not willfully interfere with the Ombudsman or an advocate in the performance of any investigation or visitation pursuant to this section. If any person is found, after notice and a hearing,

to have willfully violated any provision of this subsection, the Director, at the request of the Administrator, may refer the matter to the Division for the imposition of an administrative fine of not more than \$1,000 for each violation.

4. Any money collected as a result of an administrative fine imposed pursuant to this section must be deposited in the State General Fund.

5. Each resident has the right to request, deny or terminate visits with the Ombudsman or an advocate.

6. The Ombudsman or an advocate is not liable civilly for the good faith performance of any investigation.

(Added to NRS by [1983, 1026](#); A [1989, 1485](#); [1991, 1976](#); [2009, 42](#))

**NRS 427A.136 Investigation of complaint involving person who is less than 60 years of age.**  
Repealed. (See chapter 155, [Statutes of Nevada 2017, at page 704.](#))

**NRS 427A.138 Retaliation prohibited; penalty.**

1. An officer, director or employee of a facility for long-term care shall not retaliate against any person for having filed a complaint with, or provided information to, the Ombudsman or an advocate.

2. If any person is found, after notice and a hearing, to have violated any provision of subsection 1, the Director, at the request of the Administrator, may refer the matter to the Division for the imposition of an administrative fine of not more than \$1,000 for each violation.

3. Any money collected as a result of an administrative fine imposed pursuant to this section must be deposited in the State General Fund.

(Added to NRS by [1989, 1485](#); A [2009, 43](#))

**NRS 427A.145 Conduct of investigation.** In conducting an investigation, the Ombudsman or an advocate may:

1. Inspect any facility for long-term care and any records maintained by the facility. Except as otherwise provided in this subsection, the medical and personal financial records may be inspected only with the informed consent of the resident, the legal guardian of the resident or the person or persons designated as responsible for decisions regarding the resident. Such consent must be obtained in accordance with the provisions of 45 C.F.R. § 1324.11(e)(2) and may be obtained orally, visually, in writing or through the use of auxiliary aids and services, as long as such consent is documented by the Ombudsman or the advocate. If the provisions of 45 C.F.R. § 1324.11(e)(2) authorize records to be inspected without the consent of the resident, the legal guardian of the resident or the person or persons designated as responsible for decisions regarding the resident, the inspection may be conducted without consent.

2. Interview:

(a) Officers, directors and employees of any facility for long-term care, including any licensed provider of health care as defined in [NRS 629.031](#), who renders services to the facility or its residents.

(b) Any resident of the facility and the legal guardian of the resident, if any, and the family of the resident or the person or persons designated as responsible for decisions regarding his or her care if the resident consents to the interview.

3. Obtain such assistance and information from any agency of the State or its political subdivisions as is necessary properly to perform the investigation.

(Added to NRS by [1983, 1027](#); A [1989, 1486](#); [2009, 43](#); [2017, 701](#))

**NRS 427A.155 Referral of results of investigation to appropriate agency; notification of disposition.**

1. In appropriate cases and under the Administrator's direction, the Ombudsman or an advocate shall refer the results of an investigation to the governmental agencies with authority to enforce applicable laws and regulations through administrative, civil or criminal proceedings.

2. The Ombudsman or an advocate shall notify the complainant of the ultimate disposition of the matter raised in his or her complaint.

(Added to NRS by [1983, 1027](#); A [1989, 1486](#); [2009, 43](#))

**NRS 427A.165 Regulations.** The Division may adopt regulations regarding the requirement, contents, posting and distribution of a notice which describes the purpose of the Ombudsman and an advocate and sets forth the procedure for making a complaint to the Ombudsman or an advocate.

(Added to NRS by [1983, 1027](#); A [2009, 43](#))

#### **COMPLAINTS AGAINST CERTAIN FACILITIES, AGENCIES AND ORGANIZATIONS THAT PROVIDE CARE FOR OLDER PATIENTS**

**NRS 427A.175 Complaint for damage to property of older patient: Filing; investigation and settlement; hearing; payment of damages.**

1. Within 1 year after an older patient sustains damage to his or her property as a result of any act or failure to act by a facility for intermediate care, a facility for skilled nursing, a residential facility for groups, a home for individual residential care, an agency to provide personal care services in the home, an intermediary service organization, a community health worker pool, a peer support recovery organization or an agency to provide nursing in the home in protecting the property, the older patient may file a verified complaint with the Division setting forth the details of the damage.

2. Upon receiving a verified complaint pursuant to subsection 1, the Administrator shall investigate the complaint and attempt to settle the matter through arbitration, mediation or negotiation.

3. If a settlement is not reached pursuant to subsection 2, the facility, home, agency, organization or older patient may request a hearing before the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition. If requested, the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition shall conduct a hearing to determine whether the facility, home, agency, pool or organization is liable for damages to the patient. If the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition determines that the facility, home, agency, pool or organization is liable for damages to the patient, the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition shall order the amount of the surety bond pursuant to [NRS 449.065](#) or the substitute for the surety bond necessary to pay for the damages pursuant to [NRS 449.067](#) to be released to the Division. The Division shall pay any such amount to the older patient or the estate of the older patient.

4. The Division shall create a separate account for money to be collected and distributed pursuant to this section.

5. As used in this section:

(a) "Agency to provide nursing in the home" has the meaning ascribed to it in [NRS 449.0015](#);

(b) "Agency to provide personal care services in the home" has the meaning ascribed to it in [NRS 449.0021](#);

(c) "Community health worker pool" has the meaning ascribed to it in [NRS 449.0028](#);

(d) "Facility for intermediate care" has the meaning ascribed to it in [NRS 449.0038](#);

(e) "Facility for skilled nursing" has the meaning ascribed to it in [NRS 449.0039](#);

(f) "Home for individual residential care" has the meaning ascribed to it in [NRS 449.0105](#);

(g) "Intermediary service organization" has the meaning ascribed to it in [NRS 449.4304](#);

(h) "Older patient" has the meaning ascribed to it in [NRS 449.065](#);

- (i) "Peer support recovery organization" has the meaning ascribed to it in [NRS 449.01563](#); and
- (j) "Residential facility for groups" has the meaning ascribed to it in [NRS 449.017](#).

(Added to NRS by [1997, 1484](#); A [2005, 2174](#); [2007, 1220](#); [2009, 507](#), [2399](#); [2013, 143](#); [2015, 2169](#), [2180](#); [2017, 179](#))

#### **PROGRAM TO PROVIDE COMMUNITY-BASED SERVICES TO FRAIL ELDERLY PERSONS**

##### **NRS 427A.250 Aging and Disability Services Division to establish and administer program; goals of program; regulations.**

1. The Division shall establish and administer a program to provide the community-based services necessary to enable a frail elderly person to remain in his or her own home or with his or her family and avoid placement in a facility for long-term care. The program may be carried out solely by the Division or in cooperation with another state agency, the Federal Government or any local government.

2. Any such program established by the Division pursuant to this section may have as its goals to:

(a) Foster independence and self-reliance and maintain the dignity of frail elderly persons and allow them, to the fullest extent possible, to be an integral part of their families and communities;

(b) Establish in communities throughout the state community-based services which will enable frail elderly persons to remain in their homes;

(c) Ensure that any frail elderly person who has been, or is at risk of being, placed inappropriately in a facility for long-term care is able to receive the services which will enable the person to stay in his or her home; and

(d) Promote participation by any appropriate public or private agency, organization or institution in the development of services that offer options to frail elderly persons and foster independent living.

3. The Division shall adopt regulations necessary to establish and administer the program established pursuant to this section.

(Added to NRS by [1987, 974](#))

##### **NRS 427A.255 Establishment and administration of program of all-inclusive care for the elderly.**

1. In addition to any program established pursuant to [NRS 427A.250](#), the Division may establish and administer a program of all-inclusive care for the elderly, commonly known as a PACE program. The program may be carried out solely by the Division or in cooperation with another state agency, the Federal Government or any local government.

2. A program established pursuant to subsection 1:

(a) Must comply with the provisions of 42 U.S.C. § 1396u-4, 42 C.F.R. Part 460 and any other federal regulations governing programs of all-inclusive care for the elderly; and

(b) May be established in any county in this State.

3. The Division may adopt regulations necessary to establish and administer the program.

4. If the Division wishes to establish a program pursuant to subsection 1, the Director shall submit to the Secretary of Health and Human Services any amendment to the State Plan for Medicaid necessary to enable the Division to establish the program and to revise the program from time to time.

(Added to NRS by [2009, 1255](#))

##### **NRS 427A.260 Provision of services; contracts.**

1. The Division may use personnel of the Division or it may contract with any appropriate public or private agency, organization or institution to provide a program of all-inclusive care for the elderly and to provide the community-based services necessary to enable a frail elderly person to remain in his or her home.

2. Any such contract must:

(a) Include a description of the type of service to be provided;

(b) For:

(1) A program of all-inclusive care for the elderly, specify the capitation rate to be paid for all-inclusive care for the elderly and the method of payment; and

(2) Any other community-based services, specify the price to be paid for each service and the method of payment; and

(c) Specify the criteria to be used to evaluate the provision of the service.

(Added to NRS by [1987, 974](#); A [2009, 1256](#))

**NRS 427A.270 Division authorized to apply for, accept and expend grants of money or other assistance; fees for services.**

1. The Division may apply for, accept and expend any federal or private grant of money or other type of assistance that becomes available to carry out the provisions of [NRS 427A.250](#) to [427A.280](#), inclusive. Any money received pursuant to this section must be deposited with the State Treasurer and accounted for separately in the State General Fund.

2. The Division shall, with the approval of the Commission and Director, establish a schedule of fees to be charged and collected for any service provided pursuant to [NRS 427A.250](#) to [427A.280](#), inclusive.

(Added to NRS by [1987, 974](#); A [2009, 1256](#))

**NRS 427A.280 Tests and demonstrations.** In addition to the program established pursuant to [NRS 427A.255](#), the Division may initiate projects to test and demonstrate various ways of providing the community-based services and all-inclusive care necessary to enable a frail elderly person to remain in his or her home.

(Added to NRS by [1987, 974](#); A [2009, 1256](#))

## COMMUNITY ADVOCATE FOR ELDER RIGHTS

**NRS 427A.300 Creation of Office; appointment; qualifications.**

1. The Office of the Community Advocate for Elder Rights is hereby created within the Division.

2. The Administrator shall appoint the Community Advocate for Elder Rights. The person so appointed:

(a) Must be qualified by training and experience to perform the duties and functions of the office; and

(b) Is in the classified service of the State.

(Added to NRS by [1991, 2311](#); A [2009, 43](#))

**NRS 427A.310 Duties.**

1. The Community Advocate for Elder Rights shall provide assistance to persons who are 60 years of age or older and do not reside in facilities for long-term care. The assistance must include at least the:

(a) Coordination of resources and services available to aging persons within their respective communities, including the services provided through a program established pursuant to [NRS 427A.250](#) or [427A.255](#);

(b) Dissemination of information to aging persons on issues of national and local interest, including information regarding the services of the Community Advocate for Elder Rights and the existence of groups of aging persons with similar interests and concerns; and

(c) Advocacy of issues relating to aging persons.

2. The Administrator may direct the Community Advocate for Elder Rights to provide assistance to a person who:

(a) Is less than 60 years of age; and

(b) Does not reside in a facility for long-term care.

(Added to NRS by [1991, 2311](#); A [1993, 115](#); [2009, 44](#), [1256](#); [2017, 180](#))



## NEVADA SILVER HAired LEGISLATIVE FORUM

**NRS 427A.320 Creation.** The Nevada Silver Haired Legislative Forum is hereby created to identify and act upon issues of importance to aging persons.

(Added to NRS by [1997, 2724](#); A [2001, 3026](#))

**NRS 427A.330 Nomination, appointment and terms of members.**

1. The Legislative Commission shall appoint to the Nevada Silver Haired Legislative Forum a number of members equal to the number of State Senators. The persons appointed to the Forum must be the persons nominated pursuant to this section. Each member of the Senate shall, after consulting with the members of the Assembly who reside within his or her senatorial district, nominate a person who meets the requirements for appointment to the Forum set forth in [NRS 427A.340](#).

2. Appointments to the Nevada Silver Haired Legislative Forum must be made by the Legislative Commission before December 31 of the second year of a member's term. After the initial terms, each member of the Forum serves a term of 2 years. Each member of the Forum continues to serve until a successor is appointed.

(Added to NRS by [1997, 2724](#); A [2001, 3026](#); [2007, 3308](#))

**NRS 427A.340 Qualifications of members.** A member of the Nevada Silver Haired Legislative Forum must:

1. Have been a resident of this state for 5 years immediately preceding his or her appointment;
2. Have been a registered voter in the senatorial district of the Senator who nominated the member for 3 years immediately preceding his or her appointment; and
3. Be at least 60 years of age on the day that he or she is appointed.

(Added to NRS by [1997, 2724](#); A [2001, 3027](#))

**NRS 427A.350 Ex officio membership of National Silver Haired Congress.** Members of the National Silver Haired Congress from this State shall serve as ex officio members of the Nevada Silver Haired Legislative Forum. If a member of the National Silver Haired Congress ceases to be a member of the National Silver Haired Congress, the ex officio membership of that person in the Nevada Silver Haired Legislative Forum terminates. An ex officio member of the Nevada Silver Haired Legislative Forum has the same rights and responsibilities as the members who are appointed.

(Added to NRS by [1997, 2724](#))

**NRS 427A.360 Vacancies in membership.**

1. A position in the Nevada Silver Haired Legislative Forum becomes vacant upon:
  - (a) The death or resignation of a member.
  - (b) The illness of a member that prevents the member from attending three consecutive meetings of the Nevada Silver Haired Legislative Forum, unless excused by the President.
  - (c) The absence of a member for any reason from three consecutive meetings of the Nevada Silver Haired Legislative Forum, unless excused by the President.

2. If a vacancy occurs, the Legislative Commission shall appoint a person to serve the remainder of the unexpired term. The Legislative Commission may appoint a person whose membership in the National Silver Haired Congress has ended to fill a vacancy in the Nevada Silver Haired Legislative Forum.

3. As used in this section, "President" means the person elected to serve as President of the Nevada Silver Haired Legislative Forum pursuant to [NRS 427A.370](#).

(Added to NRS by [1997, 2725](#); A [2001, 3027](#); [2005, 460](#))

**NRS 427A.370 Election, terms and duties of officers; assistance from Legislative Counsel Bureau.**

1. The Nevada Silver Haired Legislative Forum shall elect from among its members, to serve a term of 1 year beginning on July 1 of each year:

(a) A President, who shall conduct meetings and oversee the formation of committees as necessary to accomplish the purposes of the Nevada Silver Haired Legislative Forum.

(b) A Vice President, who shall assist the President and conduct meetings of the Nevada Silver Haired Legislative Forum if the President is absent or otherwise unable to perform his or her duties.

(c) A Secretary, who shall:

(1) Prepare and keep a record of meetings, including, without limitation, the date, time, place and purpose of every meeting; and

(2) At the first meeting of the Nevada Silver Haired Legislative Forum on or after July 1 of each year, prepare a list of the dates of the meetings that are scheduled for the year.

(d) A Treasurer, who shall, with the assistance of the Director of the Legislative Counsel Bureau, administer any account established pursuant to [NRS 427A.395](#).

2. The Director of the Legislative Counsel Bureau shall provide such persons as are necessary to assist the Nevada Silver Haired Legislative Forum in carrying out its duties.

(Added to NRS by [1997, 2725](#); A [2001, 3027](#); [2005, 460](#))

**NRS 427A.380 Public hearings; meetings; formation of committees; compliance with Open Meeting Law.**

1. The Nevada Silver Haired Legislative Forum may, within the limits of legislative appropriations and any gifts, grants or donations received by the Forum:

(a) During the period in which the Legislature is not in a regular session, hold three or more public hearings in this State.

(b) During the period in which the Legislature is in a regular session, meet as often as necessary to conduct the business of the Forum.

(c) Form committees, which may meet as often as necessary to conduct the business of the Forum.

2. The Nevada Silver Haired Legislative Forum and its committees shall comply with the provisions of [chapter 241](#) of NRS.

(Added to NRS by [1997, 2725](#); A [2001, 3028](#); [2003, 647](#); [2005, 461](#))

**NRS 427A.390 Powers.** The Nevada Silver Haired Legislative Forum may:

1. Submit a report containing recommendations for legislative action to the Legislative Commission and the Governor before September 1 of each even-numbered year.

2. Accept gifts, grants and donations that must be deposited in an account established pursuant to [NRS 427A.395](#).

3. Adopt procedures to conduct meetings of the Nevada Silver Haired Legislative Forum and committees thereof. Those procedures may be changed upon approval of a majority vote of all members of the Nevada Silver Haired Legislative Forum who are present and voting.

(Added to NRS by [1997, 2725](#); A [2001, 3028](#); [2005, 461](#))

**NRS 427A.395 Duties concerning money received and expenses incurred.**

1. All money received by the Nevada Silver Haired Legislative Forum must be deposited in a bank, credit union or other financial institution in this state and paid out on its order for its expenses.

2. All expenses incurred by the Nevada Silver Haired Legislative Forum in carrying out the provisions of [NRS 427A.320](#) to [427A.400](#), inclusive, must be paid from an account established pursuant to subsection 1.

(Added to NRS by [2001, 3026](#))

**NRS 427A.400 Compensation of members.** Within the limits of legislative appropriations, and any gifts, grants and donations, each member of the Nevada Silver Haired Legislative Forum is entitled to receive for attendance at a meeting of the Nevada Silver Haired Legislative Forum or a committee thereof the per diem allowance and travel expenses provided for state officers and employees generally.

(Added to NRS by [1997, 2726](#); A [2001, 3028](#))

#### **NEVADA COMMISSION FOR PERSONS WHO ARE DEAF, HARD OF HEARING OR SPEECH IMPAIRED**

**NRS 427A.740 “Commission” defined.** As used in this section and [NRS 427A.750](#) and [427A.752](#), unless the context otherwise requires, “Commission” means the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired created by [NRS 427A.750](#).

(Added to NRS by [2017, 2874](#))

**NRS 427A.750 Creation; membership; terms; vacancies; quorum; compensation; members holding public office or employed by governmental entity; powers and duties.**

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

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

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

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

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

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

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

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

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

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

4. The Commission shall:

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

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

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

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

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

8. The Commission may:

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

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

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

(d) Create and annually review a 5-year strategic plan consisting of short-term and long-term goals for services provided by or on behalf of the Division. In creating and reviewing any such plan, the Commission must solicit input from various persons, including, without limitation, persons who are deaf, hard of hearing or speech impaired.

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

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

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

9. The Commission shall:

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

(b) Make recommendations to the Division concerning all programs and activities funded by the surcharge imposed pursuant to subsection 3 of [NRS 427A.797](#).

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

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

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

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

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

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

10. As used in this section:

(a) "Practice of interpreting" has the meaning ascribed to it in [NRS 656A.060](#).

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

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

(Added to NRS by [2009, 2377](#); A [2013, 150](#); [2015, 886](#); [2017, 2875](#))

#### **NRS 427A.752 Director of Commission.**

1. The Governor shall appoint the Director of the Commission. The Director:

(a) Serves without compensation, at the pleasure of the Governor.

(b) Shall perform such duties as are directed by the Commission.

2. The Division shall provide the personnel, facilities, equipment and supplies required by the Commission to carry out the provisions of this section and [NRS 427A.750](#).

(Added to NRS by [2017, 2874](#))

#### **USE OF SIGNATURE STAMPS BY CERTAIN PERSONS WITH PHYSICAL DISABILITIES**

#### **NRS 427A.755 Circumstances under which signature stamp may be used; treatment of signature stamps; standards regarding signature stamps; regulations.**

1. Except as otherwise provided in subsection 2 and notwithstanding any other provision of law:

(a) A person with a physical disability who, by reason of the physical disability, is unable to write may use a signature stamp to affix his or her signature to a document or writing any time that a signature is required by law; and

(b) A person, government, governmental agency and political subdivision of a government must treat each signature affixed by a person described in paragraph (a) through the use of a signature stamp in the same manner as it treats a signature made in writing.

2. The provisions of subsection 1 do not apply to a document or writing with respect to which the requirement that the document or writing must be signed is accompanied by an additional qualifying requirement unless each additional qualifying requirement is satisfied.

3. The Division shall develop standards regarding signature stamps for persons with physical disabilities who, by reason of their physical disabilities, are unable to write, including, without limitation, standards pertaining to:

(a) The development of a signature stamp;

(b) The use of a signature stamp;

(c) The verification of a signature stamp; and

(d) Any other aspect of the use or verification of signature stamps that the Division determines to be necessary.

4. The Division shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations:

(a) To carry out the standards developed by the Division pursuant to subsection 3; and

(b) Concerning the extent to which a person who uses a signature stamp and a person, government, governmental agency and political subdivision of a government which treats a signature stamp as the

signature of a person pursuant to this section may incur liability related to the use or treatment of the signature stamp.

5. As used in this section, “signature stamp” means a stamp which contains the impression of:

(a) The actual signature of a person with a physical disability;

(b) A mark or symbol which is adopted by the person with the physical disability; or

(c) A signature of the name of a person with a physical disability which is made by another person and which is adopted by the person with the physical disability.

(Added to NRS by [2009, 2379](#))

#### **PROGRAM TO ENABLE PERSONS WITH PHYSICAL DISABILITIES TO LIVE IN UNSUPERVISED SETTING**

**NRS 427A.791 “Person with a physical disability” defined.** As used in [NRS 427A.791](#), [427A.793](#) and [427A.795](#), unless the context otherwise requires, “person with a physical disability” means a person with a physical disability that substantially limits the person’s ability to participate and contribute independently in the community in which he or she lives.

(Added to NRS by [2009, 2384](#))

#### **NRS 427A.793 Establishment; regulations.**

1. The Division shall establish a program to provide services for persons with physical disabilities for such essential personal care required pursuant to [NRS 427A.795](#) as is necessary to enable them to live in a noninstitutional or unsupervised residential setting.

2. The Division shall adopt regulations:

(a) Establishing the procedures for applying for services for essential personal care;

(b) Prescribing the criteria for determining the eligibility of an applicant;

(c) Prescribing the nature of the services which may be provided and the conditions imposed; and

(d) Prescribing such other provisions as the Division considers necessary to administer the program.

3. The decision of the Division regarding the eligibility of an applicant is a final decision for the purposes of judicial review.

(Added to NRS by [2009, 2384](#); A [2011, 2466](#))

**NRS 427A.795 Required elements of essential personal care.** The essential personal care for which the Division may provide services for a person with a physical disability pursuant to [NRS 427A.793](#) must include assisting the person with the physical disability in:

1. The elimination of wastes from the body.

2. Dressing and undressing.

3. Bathing and grooming.

4. The preparation and eating of meals.

5. Getting in and out of bed.

6. Repositioning while asleep.

7. The use of prostheses and other medical equipment.

8. Moving about.

(Added to NRS by [2009, 2384](#); A [2011, 2467](#))

#### **PROGRAM TO PROVIDE INDEPENDENT LIVING SERVICES AND ASSISTIVE TECHNOLOGY**

**NRS 427A.7951 “Person with a disability who needs independent living services” defined.** As used in [NRS 427A.7951](#) to [427A.7957](#), inclusive, unless the context otherwise requires, “person with a disability who needs independent living services” means a person with a physical disability, as that term

is defined in [NRS 427A.791](#), including, without limitation, a person who is blind, as that term is defined in [NRS 426.082](#), who is in need of independent living services and who does not have a vocational goal.

(Added to NRS by [2015, 1432](#))

**NRS 427A.7953 Establishment authorized; regulations.**

1. The Division may, pursuant to this section and [NRS 427A.7955](#), establish a program to provide independent living services and assistive technology for persons with disabilities who need independent living services.

2. If the Division establishes a program pursuant to subsection 1, the Division shall adopt regulations:

(a) Establishing the procedures for a person to apply for independent living services and assistive technology;

(b) Prescribing the criteria for determining the eligibility of such an applicant;

(c) Prescribing the nature of the independent living services and assistive technology which may be provided and the conditions imposed on the provision of such services; and

(d) Setting forth such other provisions as the Division considers necessary to administer the program.

3. The decision of the Division regarding the eligibility of an applicant to participate in the program is a final decision for the purpose of judicial review.

(Added to NRS by [2015, 1432](#))

**NRS 427A.7955 Types of independent living services and services of assistive technology that are authorized.**

1. The independent living services that the Division may, pursuant to this section and [NRS 427A.7953](#), provide to a person with a disability who needs independent living services may include, without limitation, assistance and training as to how to perform skills of daily living, including, without limitation:

(a) The preparation and eating of meals;

(b) Home management, including, without limitation, paying bills;

(c) Communication, including, without limitation, the use of services of assistive technology;

(d) Orientation and mobility; and

(e) Any other skills that will allow a person who has recently become disabled to function and live in a more independent manner.

2. The services of assistive technology that the Division may, pursuant to this section and [NRS 427A.7953](#), provide to a person with a disability who needs independent living services may include, without limitation:

(a) Large-print signs and reading materials;

(b) Voice recognition or Braille technology installed on a computer or handheld device;

(c) Global positioning satellite technology with voice output;

(d) Mechanical lifts or similar mobility enhancing devices;

(e) Telecommunications devices specially designed for persons with impaired vision, speech or hearing; and

(f) Any other technology that provides significant assistance in performing daily tasks to a person with a disability who needs independent living services.

(Added to NRS by [2015, 1433](#))

**NRS 427A.7957 Research concerning cost of services for persons who are blind or visually impaired and do not have vocational goal; report of findings.** The Division may:

1. Periodically research and determine the cost of providing services in this State for persons who are blind or visually impaired and who do not have a vocational goal; and

2. Present a report of the findings of the research to the Nevada Commission on Services for Persons with Disabilities created by [NRS 427A.1211](#).

(Added to NRS by [2015, 1433](#))

#### **SURCHARGE TO PROVIDE ASSISTANCE TO PERSONS WITH IMPAIRED SPEECH OR HEARING**

**NRS 427A.797 Development and administration of program to provide devices for telecommunication and other assistive technology to persons with impaired speech or hearing; surcharge; creation and use of Account for Services for Persons With Impaired Speech or Hearing.**

1. The Division shall develop and administer a program whereby:

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

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

(c) Interpreters are made available, when possible, to the Executive, Judicial and Legislative Departments of State Government to assist those departments in providing access to persons who are deaf or hard of hearing. The Division shall, to the extent money is available, employ one or more interpreters in the unclassified service of the State for the purposes of this paragraph.

2. The program developed pursuant to subsection 1 must include the establishment of centers for persons who are deaf or hard of hearing that provide services which must include, without limitation:

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

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

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

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

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

3. A surcharge of not more than 8 cents per month 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. The surcharge must be used to:

(a) Cover the costs of the program;

(b) Fund the centers for persons who are deaf or hard of hearing established pursuant to subsection 2; and

(c) Cover the costs incurred by the Division to carry out the provisions of [chapter 656A](#) of NRS that are not covered by the civil penalties received by the Division pursuant to [NRS 656A.800](#).

➔ The Public Utilities Commission of Nevada 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.



4. The Account for Services for Persons With Impaired Speech or Hearing is hereby created within the State General Fund and must be administered by the Division. Any money collected from the surcharge imposed pursuant to subsection 3 must be deposited in the State Treasury for credit to the Account. The money in the Account may be used only:

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

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

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

(d) For the general administration of the program developed and administered pursuant to subsection 1;

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

(f) To fund the centers for persons who are deaf or hard of hearing established pursuant to subsection 2; and

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

5. For the purposes of this section:

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

(b) "Dual-party relay system" means a system whereby persons who have impaired speech or hearing, and who have been furnished with devices for telecommunication, may relay communications through third parties to persons who do not have access to such devices.

(Added to NRS by [2009, 2384](#); A [2015, 888](#); [2017, 3580](#))

## TRAUMATIC BRAIN INJURIES

**NRS 427A.800 "Traumatic brain injury" defined.** As used in this section and [NRS 427A.850](#) and [427A.860](#), "traumatic brain injury" means a sudden shock or damage to the brain or its coverings which is not of a degenerative nature and produces an altered state of consciousness or temporarily or permanently impairs the mental, cognitive, behavioral or physical functioning of the brain. The term does not include:

1. A cerebral vascular accident;

2. An aneurism; or

3. A congenital defect.

(Added to NRS by [2009, 2393](#); A [2013, 216](#))

**NRS 427A.850 Program for Persons With Traumatic Brain Injuries: Establishment; services.**

1. The Division shall establish a Program for Persons With Traumatic Brain Injuries.

2. The Program may, subject to legislative appropriation, provide:

(a) The following services to persons with traumatic brain injuries:

(1) Treatment during the day on an outpatient basis;

(2) Care provided in a facility operated and maintained to furnish food, shelter, assistance and limited supervision;

(3) Care provided in the home;

(4) Instruction in the skills required for independent living;

- (5) Placement for jobs; and
  - (6) Counseling and treatment for the abuse of drugs or alcohol.
  - (b) Support services for families of persons with traumatic brain injuries.
  - (c) For the dissemination of information for the prevention of traumatic brain injuries.
- (Added to NRS by [2009, 2394](#))

**NRS 427A.860 Regulations.** The Division shall adopt regulations concerning the care of persons with traumatic brain injuries. The Division shall, in adopting the regulations, consider the criteria established by the Commission on Accreditation of Rehabilitation Facilities or its successor for the care of such persons.

(Added to NRS by [2009, 2394](#))

#### **STATEWIDE ALERT SYSTEM FOR THE SAFE RETURN OF MISSING ENDANGERED OLDER PERSONS**

**NRS 427A.862 Definitions.** As used in [NRS 427A.862](#) to [427A.870](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 427A.863](#) to [427A.866](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2011, 829](#))

**NRS 427A.863 “Department” defined.** “Department” means the Department of Public Safety.

(Added to NRS by [2011, 829](#))

**NRS 427A.864 “Media outlet” defined.** “Media outlet” means a company or other similar entity that transmits news, feature stories, entertainment or other information to the public through various distribution channels, including, without limitation, newspapers, magazines, radio, broadcast, cable and satellite television and electronic media.

(Added to NRS by [2011, 829](#))

**NRS 427A.865 “Missing endangered older person” defined.** “Missing endangered older person” means a person who is 60 years of age or older whose whereabouts are unknown and who:

1. Has been diagnosed with a medical or mental health condition that places the person in danger of serious physical harm or death; or
2. Is missing under suspicious or unexplained circumstances that place the person in danger of serious physical harm or death.

(Added to NRS by [2011, 829](#))

**NRS 427A.866 “System” defined.** “System” means the Statewide Alert System for the Safe Return of Missing Endangered Older Persons created by [NRS 427A.867](#).

(Added to NRS by [2011, 830](#))

**NRS 427A.867 Creation; composition; administration; requirements for participation in System.**

1. There is hereby created the Statewide Alert System for the Safe Return of Missing Endangered Older Persons, which is composed of a voluntary partnership among the Department of Public Safety, the Department of Transportation, state law enforcement agencies, local law enforcement agencies, media outlets and other public or private organizations to assist in the search for and safe return of missing endangered older persons. The Department of Public Safety shall administer the System within the limits of available money.

2. Each law enforcement agency, media outlet and public or private organization that chooses to participate in the System shall comply with the provisions of [NRS 427A.862](#) to [427A.870](#), inclusive, and any requirements prescribed by the Department for participation in the System.

3. Each law enforcement agency that chooses to participate in the System shall:

(a) Adopt a written policy concerning activation of the System by the agency that is consistent with the provisions of [NRS 427A.862](#) to [427A.870](#), inclusive, and the regulations adopted by the Department pursuant to [NRS 427A.868](#); and

(b) Submit a copy of the written policy to the Department.

(Added to NRS by [2011, 830](#))

**NRS 427A.868 Duties of Department; regulations.**

1. The Department shall:

(a) Develop a plan for carrying out the System which includes the components of the System;

(b) Oversee the System;

(c) Supervise and evaluate any training associated with the System;

(d) Monitor, review and evaluate the activations of the System to determine whether such activations complied with the provisions of [NRS 427A.862](#) to [427A.870](#), inclusive; and

(e) Conduct periodic tests of the System.

2. The Department may:

(a) Dedicate the System to one or more persons;

(b) Establish a name for the System that is in addition to the definition set forth in [NRS 427A.866](#);

(c) Identify and apply for federal funding available to carry out the provisions of [NRS 427A.862](#) to [427A.870](#), inclusive; and

(d) Accept gifts, grants and donations for use in carrying out the provisions of [NRS 427A.862](#) to [427A.870](#), inclusive.

3. The Department shall, in consultation with representatives of the Department of Transportation, the Nevada Sheriffs' and Chiefs' Association, the Nevada Broadcasters Association, media outlets that participate in the System and any other public or private organization that participates in the System, adopt regulations to carry out the provisions of [NRS 427A.862](#) to [427A.870](#), inclusive.

(Added to NRS by [2011, 830](#))

**NRS 427A.869 Activation of System by law enforcement agency to disseminate notice on behalf of missing endangered older person; prior consent of Department not required; notification of cancellation of activation and final disposition.**

1. A law enforcement agency which has jurisdiction over the investigation of a missing endangered older person may activate the System to disseminate a notice on behalf of the missing endangered older person if the law enforcement agency has:

(a) Confirmed that the whereabouts of the missing endangered older person are unknown;

(b) Confirmed either that the missing endangered older person:

(1) Has been diagnosed with a medical or mental health condition that places the missing endangered older person in danger of serious physical harm or death; or

(2) Is missing under suspicious or unexplained circumstances that place the person in danger of serious physical harm or death; and

(c) Received sufficient descriptive information about the missing endangered older person or other pertinent information to warrant dissemination of the information.

2. Before activation of the System on behalf of a missing endangered older person, the law enforcement agency shall determine whether the dissemination of information will encompass:

(a) A particular neighborhood, city, county, region or state; or

(b) More than one neighborhood, city, county, region or state.

3. A law enforcement agency is not required to obtain the prior consent of the Department before activating the System, but the Department may review an activation of the System after the activation is complete.

4. A law enforcement agency that activates the System shall notify the Department and all participating members of the System upon cancellation of the activation and shall report the final disposition of the search for the missing endangered older person to the Department.

(Added to NRS by [2011, 830](#))

**NRS 427A.870 Immunity of media outlet or any other public or private organization from civil liability for disseminating information about older person; immunity of person who establishes Internet website for System from civil liability for certain information placed on Internet website.**

1. If a media outlet or any other public or private organization that participates in the System receives a notification of activation of the System by a law enforcement agency concerning a missing endangered older person and as a result of that notification disseminates descriptive information concerning the missing endangered older person and other information contained in the notification to assist with the safe return of the missing endangered older person, the media outlet, public or private organization and any person working for the media outlet or public or private organization is immune from civil liability based upon the dissemination of that information.

2. If a person enters into an agreement with the Department to establish or maintain an Internet website for the System and the agreement provides that only the law enforcement agency activating the System has the authority or ability to place information on the website, the person who establishes or maintains the Internet website is immune from civil liability in any action based upon the information that is placed on the Internet website by the authorized law enforcement agency.

(Added to NRS by [2011, 831](#))

**SERVICES FOR CERTAIN PERSONS WITH AUTISM SPECTRUM DISORDERS**

**NRS 427A.871 “Early intervention services” defined.** As used in [NRS 427A.871](#) to [427A.880](#), inclusive, “early intervention services” has the meaning ascribed to it in 20 U.S.C. § 1432.

(Added to NRS by [2011, 2709, 2719](#); A [2013, 3051](#)) — (Substituted in revision for NRS 442.740)

**NRS 427A.872 Division to adopt regulations prescribing statewide standard for measuring outcomes and assessing and evaluating certain young persons with autism spectrum disorders; reports to Division.**

1. The Division, in cooperation and guidance with the Department of Education, representatives of the school districts in this State and the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization, shall prescribe by regulation a statewide standard for measuring outcomes and assessing and evaluating persons with autism spectrum disorders through the age of 21 years who receive services through the State or a local government or an agency thereof. The regulations must designate a protocol based upon accepted best practices guidelines which includes at least one standardized assessment instrument that requires direct observation by the professional conducting the assessment for determining whether a person is a person with autism spectrum disorder, which must be used by personnel employed by the State or a local government or an agency thereof who provide assessments, interventions and diagnoses of persons with autism spectrum disorders through the age of 21 years and by the persons with whom the State or a local government or an agency thereof contracts to provide assessments, interventions and diagnoses of persons with autism spectrum disorders through the age of 21 years. The protocol must require that the direct observation conducted by a professional pursuant to this subsection include, without limitation, an evaluation to measure behaviors of the person which are consistent with autism spectrum disorder, cognitive functioning, language functioning and adaptive functioning.

2. The protocol designated pursuant to subsection 1 must be used upon intake of a person suspected of having autism spectrum disorder or at any later time if a person is suspected of having autism spectrum disorder after intake. The results of an assessment must be provided to the parent or legal guardian of the person, if applicable.

3. The Division shall prescribe the form and content of reports relating to persons with autism spectrum disorders through the age of 21 years that must be reported to the Division pursuant to [NRS 388.451](#) and [615.205](#). Except as otherwise provided in [NRS 388.451](#), the Division shall ensure that the information is reported in a manner which:

(a) Allows the Division to document the services provided to and monitor the progress of each person with autism spectrum disorder through the age of 21 years who receives services from the State or an agency thereof; and

(b) Ensures that information reported for each person who receives services which identifies the person is kept confidential, consistent with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any other applicable state and federal privacy laws.

4. The Division shall prepare annually a summary of the reports submitted pursuant to [NRS 388.451](#) and [615.205](#) and make the summary publicly available. The Division shall ensure that information contained in the summary does not identify a person who received services.

(Added to NRS by [2011, 2703, 2713](#); A [2013, 3001](#))

**NRS 427A.875 Autism Treatment Assistance Program: Creation; duties; requirements for plan of treatment developed for participants; policies and services provided to be approved by Nevada Autism Task Force.**

1. There is hereby established the Autism Treatment Assistance Program within the Division to serve as the primary autism program within the Department and to provide and coordinate the provision of services to persons diagnosed or determined, including, without limitation, through the use of a standardized assessment, to have autism spectrum disorders through the age of 19 years.

2. The Autism Treatment Assistance Program shall:

(a) Prescribe an application process for parents and guardians of persons with autism spectrum disorders to participate in the Program.

(b) Provide for the development of a plan of treatment for persons who participate in the Program.

(c) Promote the use of evidence-based treatments which are cost effective and have been proven to improve treatment of autism spectrum disorders.

(d) Educate parents and guardians of persons with autism spectrum disorders on autism spectrum disorders and the assistance that may be provided by the parent or guardian to improve treatment outcomes.

(e) Establish and use a system for assessing persons with autism spectrum disorders to determine a baseline to measure the progress of and prepare a plan for the treatment of such persons.

(f) Assist parents and guardians of persons with autism spectrum disorders in obtaining public services that are available for the treatment of autism spectrum disorders.

3. A plan of treatment developed for a person who participates in the Program pursuant to paragraph (b) of subsection 2 must:

(a) Identify the specific behaviors of the person to be addressed and the expected outcomes.

(b) Include, without limitation, preparations for transitioning the person from one provider of treatment to another or from one public program to another, as the needs of the person require through the age of 19 years.

(c) Be revised to address any change in the needs of the person.

4. The policies of the Autism Treatment Assistance Program and any services provided by the Program must be developed in cooperation with and be approved by the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization.

5. As used in this section, "autism spectrum disorder" means a condition that meets the diagnostic criteria for autism spectrum disorder published in the current edition of the *Diagnostic and Statistical Manual of Mental Disorders* published by the American Psychiatric Association or the edition thereof that was in effect at the time the condition was diagnosed or determined.

(Added to NRS by [2011, 2704, 2714](#); A [2017, 1492](#))

**NRS 427A.878 Division required to ensure that personnel who provide early intervention services possess necessary knowledge and skills; early intervention screenings, protocols and evaluations.**

1. The Division shall ensure that the personnel employed by the Division who provide early intervention services to children with autism spectrum disorders and the persons with whom the Division contracts to provide early intervention services to children with autism spectrum disorders possess the knowledge and skills necessary to serve children with autism spectrum disorders, including, without limitation:

(a) The screening of a child for autism spectrum disorder at the age levels and frequency recommended by the American Academy of Pediatrics, or its successor organization;

(b) The procedure for evaluating children who demonstrate behaviors that are consistent with autism spectrum disorders, which procedure must require the use of the statewide standard for measuring outcomes and assessing and evaluating persons with autism spectrum disorders through the age of 21 years prescribed pursuant to [NRS 427A.872](#);

(c) The procedure for enrolling a child in early intervention services upon determining that the child has autism spectrum disorder;

(d) Methods of providing support to children with autism spectrum disorders and their families; and

(e) The procedure for developing an individualized family service plan in accordance with Part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1431 et seq., or other appropriate plan for the child.

2. The Division shall ensure that the personnel employed by the Division to provide early intervention services to children with autism spectrum disorders and the persons with whom the Division contracts to provide early intervention services to children with autism spectrum disorders:

(a) Possess the knowledge and understanding of the scientific research and support for the methods and approaches for serving children with autism spectrum disorders and the ability to recognize the difference between an approach or method that is scientifically validated and one that is not;

(b) Possess the knowledge to accurately describe to parents and guardians the research supporting the methods and approaches, including, without limitation, the knowledge necessary to provide an explanation that a method or approach is experimental if it is not supported by scientific evidence;

(c) Immediately notify a parent or legal guardian if a child is identified as being at risk for a diagnosis of autism spectrum disorder and refer the parent or legal guardian to the appropriate professionals for further evaluation and simultaneously refer the parent or legal guardian to any appropriate early intervention services and strategies; and

(d) Provide the parent or legal guardian with information on evidence-based treatments and interventions that may assist the child in the child's development and advancement.

3. The Division shall ensure that the personnel employed by the Division who provide early intervention screenings to children and the persons with whom the Division contracts to provide early intervention screenings to children perform screenings of children for autism spectrum disorders at the

age levels and frequency recommended by the American Academy of Pediatrics, or its successor organization.

4. The Division shall ensure that:

(a) For a child who may have autism spectrum disorder, the personnel employed by the Division who provide early intervention screenings to children and the persons with whom the Division contracts to provide early intervention screenings to children use the protocol designated pursuant to [NRS 427A.872](#) for determining whether a child has autism spectrum disorder.

(b) An initial evaluation of the cognitive, communicative, social, emotional and behavioral condition and adaptive skill level of a child with autism spectrum disorder is conducted to determine the baseline of the child.

(c) A subsequent evaluation is conducted upon the child's conclusion of the early intervention services to determine the progress made by the child from the time of his or her initial screening.

(Added to NRS by [2009, 1539](#); A [2011, 2709, 2719; 2013, 3051](#)) — (Substituted in revision for NRS 442.750)

**NRS 427A.880 Referral to Autism Treatment Assistance Program.** For an infant or toddler with a disability who has autism spectrum disorder and is eligible for early intervention services, the Division shall refer the infant or toddler to the Autism Treatment Assistance Program established by [NRS 427A.875](#) and coordinate with the Program to develop a plan of treatment for the infant or toddler pursuant to that section.

(Added to NRS by [2011, 2709, 2719; A 2013, 3052](#)) — (Substituted in revision for NRS 442.770)

#### NEVADA ABLE SAVINGS PROGRAM

**NRS 427A.882 Definitions.** As used in [NRS 427A.882](#) to [427A.896](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 427A.884](#), [427A.885](#) and [427A.886](#) have the meanings ascribed to them in those sections.

(Added to NRS by [2015, 1429](#))

**NRS 427A.884 “Nevada ABLE Savings Program” defined.** “Nevada ABLE Savings Program” means the program the State Treasurer established, or ensured the establishment of, as provided in [NRS 427A.889](#).

(Added to NRS by [2015, 1429](#))

**NRS 427A.885 “Qualified ABLE program” defined.** “Qualified ABLE program” has the meaning ascribed to it in the Achieving a Better Life Experience Act of 2014, 26 U.S.C. § 529A, as amended.

(Added to NRS by [2015, 1429](#))

**NRS 427A.886 “Trust Fund” defined.** “Trust Fund” means the Nevada ABLE Savings Program Trust Fund created by [NRS 427A.892](#).

(Added to NRS by [2015, 1429](#))

**NRS 427A.889 Establishment; regulations.**

1. The State Treasurer may adopt regulations to establish and carry out the Nevada ABLE Savings Program to comply with the requirements of a qualified ABLE program pursuant to 26 U.S.C. § 529A, as amended.

2. The regulations must be consistent with the provisions of the Internal Revenue Code set forth in Title 26 of the United States Code, and any regulations adopted pursuant thereto, to ensure that the Nevada ABLE Savings Program meets all criteria for federal tax-deferred or tax-exempt benefits, or both.

3. The regulations must provide for the use of savings trust agreements and savings trust accounts to apply distributions toward qualified disability expenses in accordance with 26 U.S.C. § 529A, as amended.

4. The regulations may include any other provisions not inconsistent with federal law that the State Treasurer determines are necessary for the efficient and effective administration of the Nevada ABLE Savings Program and the Trust Fund, including, without limitation:

(a) Provisions for the charging and collection of administrative fees and charges in connection with any transaction relating to the Nevada ABLE Savings Program, including, without limitation, fees or charges related to continued participation in the Program;

(b) A requirement that any money deposited in accordance with a savings trust agreement, and any increase in the value thereof or qualified withdrawal taken therefrom, is not subject to attachment, levy or execution by any creditor of a contributor, account owner or designated beneficiary and may not be used as security for a loan;

(c) A requirement that any money deposited in accordance with a savings trust agreement, and any increase in the value thereof or qualified withdrawal taken therefrom, must not be used to calculate the personal assets of a designated beneficiary or account owner to determine eligibility for any disability, medical or other health benefits administered by this State; and

(d) A requirement that any money deposited in accordance with a savings trust agreement, and any increase in the value thereof or qualified withdrawal taken therefrom, must not be used to calculate the personal assets of a designated beneficiary or account owner to determine eligibility or need for any student loan program, student grant program or any other student aid program administered by this State, except as otherwise provided for in federal law.

5. If the State Treasurer does not adopt regulations pursuant to this section to establish and carry out the Nevada ABLE Savings Program, the State Treasurer shall otherwise ensure that the Nevada ABLE Savings Program is established and carried out pursuant to [NRS 427A.882](#) to [427A.896](#), inclusive.

(Added to NRS by [2015, 1429](#))

**NRS 427A.890 State Treasurer authorized to delegate powers and duties; contracts with other states.**

1. The State Treasurer may delegate any of its administrative powers and duties specified in [NRS 427A.882](#) to [427A.896](#), inclusive, if the State Treasurer determines that such delegation is necessary for the efficient and effective administration of the Nevada ABLE Savings Program and the Trust Fund.

2. In carrying out the provisions of [NRS 427A.882](#) to [427A.896](#), inclusive, the State Treasurer may contract with one or more other states to:

(a) Provide for the administration of all or part of the Nevada ABLE Savings Program by another state;

(b) Authorize the State Treasurer to administer all or part of a qualified ABLE program of another state; or

(c) Jointly administer the Nevada ABLE Savings Program with a qualified ABLE program of one or more other states.

(Added to NRS by [2015, 1430](#))

**NRS 427A.891 No full faith and credit for savings trust accounts and savings trust agreements.** Savings trust accounts used and savings trust agreements entered into pursuant to [NRS 427A.882](#) to [427A.896](#), inclusive, are not guaranteed by the full faith and credit of the State of Nevada.

(Added to NRS by [2015, 1430](#))

**NRS 427A.892 Nevada ABLE Savings Program Trust Fund: Creation; property and income of Trust Fund; sources of money in Trust Fund; ownership and use of money in Trust Fund.**

1. The Nevada ABLE Savings Program Trust Fund is hereby created.

2. The Trust Fund is an instrumentality of this State, and its property and income are exempt from all taxation by this State and any political subdivision thereof.

3. The Trust Fund consists of:



- (a) All money deposited in accordance with savings trust agreements;
  - (b) All earnings on the money in the Trust Fund;
  - (c) Any fees or charges charged to an account owner to cover expenses incurred in administering the Nevada ABLE Savings Program; and
  - (d) Any other money from any public or private source appropriated or made available to this State for the benefit of the Nevada ABLE Savings Program.
4. Money in the Trust Fund:
- (a) Is not the property of this State, and this State has no claim to or interest in such money; and
  - (b) Must not be commingled with money of this State.
5. A savings trust agreement or any other contract entered into by or on behalf of the Trust Fund does not constitute a debt or obligation of this State, and no account owner is entitled to any money in the Trust Fund except for that money on deposit in or accrued to his or her account.
6. The money in the Trust Fund must be preserved, invested and expended solely pursuant to and for the purposes authorized by [NRS 427A.882](#) to [427A.896](#), inclusive, and must not be loaned or otherwise transferred or used by this State for any other purpose.

(Added to NRS by [2015, 1430](#))

**NRS 427A.893 Administration of Trust Fund and other certain accounts; certain administrative or investment agreements authorized; establishment and authorized uses of accounts.**

1. The Trust Fund and any account established by the State Treasurer pursuant to this section must be administered by the State Treasurer.
2. In carrying out the provisions of [NRS 427A.882](#) to [427A.896](#), inclusive, the State Treasurer may use any administrative or investment agreements or arrangements used for the Nevada College Savings Program created pursuant to [NRS 353B.300](#) to [353B.370](#), inclusive, without soliciting separate proposals for assistance with the management of all or part of the Nevada ABLE Savings Program.
3. The State Treasurer shall establish such accounts as he or she determines necessary to carry out his or her duties pursuant to [NRS 427A.882](#) to [427A.896](#), inclusive, including, without limitation:
- (a) A Program Account in the Trust Fund; and
  - (b) An Administrative Account and an Endowment Account in the State General Fund.
4. The Program Account must be used for the receipt, investment and disbursement of money pursuant to savings trust agreements.
5. The Administrative Account must be used for the deposit and disbursement of money to administer and market the Nevada ABLE Savings Program.
6. The Endowment Account must be used for the deposit of any money received by the Nevada ABLE Savings Program that is not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, is not necessary for the use of the Administrative Account. The money in the Endowment Account may be expended for any purpose related to the Nevada ABLE Savings Program or in any other manner which assists residents of this State who are eligible individuals as defined in 26 U.S.C. § 529A, as amended.

(Added to NRS by [2015, 1431](#))

**NRS 427A.894 Money provided for direct expenses or marketing not part of Trust Fund.** The State Treasurer may accept and expend on behalf of the Trust Fund money provided by any entity for direct expenses or marketing. Such money is not a part of the Trust Fund.

(Added to NRS by [2015, 1431](#))

**NRS 427A.895 Endorsement of insurance coverage to protect Trust Fund; insurance laws inapplicable to endorsement.** The State Treasurer may endorse insurance coverage written exclusively to protect the Trust Fund, and account owners and beneficiaries of the Trust Fund, which may be issued

in the form of a group life policy. The provisions of title 57 of NRS are not applicable to the State Treasurer in carrying out the provisions of this section.

(Added to NRS by [2015, 1431](#))

**NRS 427A.896 Investment plan for and investment of money in Trust Fund; investment managers for Program; duties and powers of State Treasurer and Division concerning Program.**

1. The State Treasurer shall establish a comprehensive investment plan for the money in the Trust Fund.

2. Notwithstanding the provisions of any specific statute to the contrary, the State Treasurer may invest or cause to be invested any money in the Trust Fund, including, without limitation, the money in the Program Account described in paragraph (a) of subsection 3 of [NRS 427A.893](#), in any manner reasonable and appropriate to achieve the objectives of the Nevada ABLE Savings Program, exercising the discretion and care of a prudent person in similar circumstances with similar objectives. The State Treasurer shall consider the risk, expected rate of return, term or maturity, diversification of total investments, liquidity and anticipated investments in and withdrawals from the Trust Fund.

3. The State Treasurer may establish criteria and select investment managers, mutual funds or other such entities to act as investment managers for the Nevada ABLE Savings Program.

4. The State Treasurer may employ or contract with investment managers, evaluation services or other services as determined by the State Treasurer to be necessary for the effective and efficient operation of the Nevada ABLE Savings Program.

5. The Division and the State Treasurer may employ personnel and contract for goods and services necessary for the effective and efficient operation of the Nevada ABLE Savings Program.

6. The Division shall implement an outreach and educational program designed to create awareness of, and increase participation in, the Nevada ABLE Savings Program. Any marketing plan and materials for the Nevada ABLE Savings Program must be approved by the Division.

7. The State Treasurer may prescribe terms and conditions of savings trust agreements.

8. The Division or State Treasurer may contract with one or more qualified entities for:

(a) The day-to-day operation of the Nevada ABLE Savings Program, and any associated educational and outreach activities of the Program, as the program administrator for the management of the marketing of the Nevada ABLE Savings Program;

(b) The administration of the comprehensive investment plan established pursuant to subsection 1 and the Trust Fund;

(c) The selection of investment managers for the Nevada ABLE Savings Program; and

(d) The performance of similar activities.

(Added to NRS by [2015, 1431](#))