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ASSEMBLY BILL NO. 307—ASSEMBLYMEN SPIEGEL, OHRENSCHALL;  
BENITEZ-THOMPSON, BUSTAMANTE ADAMS, CARLTON,  
DIAZ, JOINER, OSCARSON AND SWANK

MARCH 16, 2015

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Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to services for children with intellectual disabilities and children with related conditions. (BDR 39-803)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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

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AN ACT relating to mental health; revising provisions concerning certain support, education and care for children with intellectual disabilities and children with related conditions required to be provided by counties; providing for the establishment of a pilot program to provide certain wrap-around services to children with intellectual disabilities and children with related conditions who reside in certain larger counties; requiring the Department of Health and Human Services to take any actions necessary to use money from the State Plan for Medicaid to pay for the pilot program; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires each board of county commissioners to make provisions  
2 for the support, education and care of the children with intellectual disabilities and  
3 children with related conditions who reside in their respective counties. (NRS  
4 435.010) **Section 1** of this bill requires the services that the board of county  
5 commissioners is required to provide to children with intellectual disabilities and  
6 children with related conditions to include preventive services that allow such  
7 children to remain at home, respite care for the primary caregivers of such children,  
8 and food and lodging expenses for such children who reside in a residential facility  
9 for groups.  
10 **Section 2** of this bill requires the Division of Health Care Financing and Policy  
11 of the Department of Health and Human Services and the Aging and Disability  
12 Services Division of the Department, to the extent that money is available for that



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13 purpose, to establish a pilot program to provide wrap-around services to children  
14 with intellectual disabilities and children with related conditions who reside in a  
15 county whose population is 100,000 or more (currently Clark and Washoe  
16 Counties). The Director of the Department is required to amend the State Plan for  
17 Medicaid if needed and obtain any necessary Medicaid waiver necessary to use  
18 money received pursuant to the State Plan for Medicaid to pay for the pilot  
19 program. **Section 2** requires the wrap-around services provided through the pilot  
20 program to include preventive services to allow a child to remain at home, respite  
21 care for the primary caregiver of a child, and food and lodging expenses for a child  
22 who resides in a residential facility for groups. Finally, **section 2** provides that the  
23 cost of providing wrap-around services must not exceed the cost of placing the  
24 child in residential treatment outside this State. The pilot program will expire on  
25 July 1, 2019, unless extended before that date.

26 **Section 3** requires the Division of Health Care Financing and Policy and the  
27 Aging and Disability Services Division to submit a report on or before April 30,  
28 2016, and every 6 months thereafter until July 1, 2019, to the Legislature, if the  
29 Legislature is in session, or to the Legislative Committee on Health Care, if the  
30 Legislature is not in session, concerning the status and results of the pilot program.  
31 **Section 3** of this bill requires the board of county commissioners of each county  
32 whose population is less than 100,000 (currently all counties other than Clark and  
33 Washoe Counties) to submit a report on or before April 30, 2016, and every 6  
34 months until July 1, 2019, to the Legislature, if the Legislature is in session, or to  
35 the Legislative Committee on Health Care, if the Legislature is not in session,  
36 describing the manner in which the board makes provisions for the required  
37 support, education and care of the children with intellectual disabilities and children  
38 with related conditions who reside in the county.

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

1 **Section 1.** NRS 435.010 is hereby amended to read as follows:

2 435.010 1. The boards of county commissioners of the  
3 various counties shall make provision for the support, education and  
4 care of the children with intellectual disabilities and children with  
5 related conditions of their respective counties. *Such support,*  
6 *education and care must include, without limitation:*

7 *(a) Preventive services that allow such children to remain in*  
8 *their homes;*

9 *(b) Respite care for the primary caregivers of such children;*  
10 *and*

11 *(c) Food and lodging expenses for such children who reside in*  
12 *a residential facility for groups.*

13 2. For that purpose, they are empowered to make all necessary  
14 contracts and agreements to carry out the provisions of this section  
15 and NRS 435.020 and 435.030. Any such contract or agreement  
16 may be made with any responsible person or facility in or without  
17 the State of Nevada.

18 3. The provisions of this section and NRS 435.020 and 435.030  
19 supplement the services which other political subdivisions or



1 agencies of the State are required by law to provide, and do not  
2 supersede or relieve the responsibilities of such political  
3 subdivisions or agencies.

4 **Sec. 2.** 1. To the extent that money is available for that  
5 purpose, the Division of Health Care Financing and Policy of the  
6 Department of Health and Human Services and the Aging and  
7 Disability Services Division of the Department shall establish a pilot  
8 program to provide wrap-around services to children with  
9 intellectual disabilities and children with related conditions who  
10 reside in a county whose population is 100,000 or more.

11 2. The wrap-around services provided by the pilot program  
12 must include, without limitation:

13 (a) Preventive services that allow a child with intellectual  
14 disabilities or a child with a related condition to remain in his or her  
15 home;

16 (b) Respite care for the primary caregiver of such a child; and

17 (c) Food and lodging expenses for such a child who resides in a  
18 residential facility for groups.

19 3. Other wrap-around services that the pilot program may  
20 provide include, without limitation:

21 (a) Day habilitation;

22 (b) Residential support services;

23 (c) Consultation, training and intervention to improve behavior;

24 (d) Counseling;

25 (e) Nutrition counseling;

26 (f) Nursing services;

27 (g) Assistance with acquisition of life skills and community  
28 participation that is provided in the residence of a child with an  
29 intellectual disability or a child with a related condition;

30 (h) Nonmedical transportation;

31 (i) Career planning;

32 (j) Supported employment; and

33 (k) Prevocational services.

34 4. The cost of providing supplemental services to a child with  
35 an intellectual disability or a child with a related condition through  
36 the program created pursuant to subsection 1 must not be greater  
37 than the cost of placing the child in residential treatment outside this  
38 State.

39 5. The Director of the Department of Health and Human  
40 Services shall make any amendments to the State Plan for Medicaid  
41 authorized by Federal law and obtain any Medicaid waivers from  
42 the Federal Government necessary to use money received pursuant  
43 to the State Plan for Medicaid to pay for the pilot program described  
44 in subsection 1.

45 6. As used in this section:



1 (a) "Children with related conditions" means children who have  
2 a severe, chronic disability which:

3 (1) Is attributable to:

4 (I) Cerebral palsy or epilepsy; or

5 (II) Any other condition, other than mental illness, found  
6 to be closely related to an intellectual disability because the  
7 condition results in impairment of general intellectual functioning or  
8 adaptive behavior similar to that of a child with an intellectual  
9 disability and requires treatment or services similar to those required  
10 by a child with an intellectual disability;

11 (2) Is likely to continue indefinitely; and

12 (3) Results in substantial functional limitations in three or  
13 more of the following areas of major life activity:

14 (I) Taking care of oneself;

15 (II) Understanding and use of language;

16 (III) Learning;

17 (IV) Mobility;

18 (V) Self-direction; and

19 (VI) Capacity for independent living.

20 (b) "Intellectual disability" has the meaning ascribed to it in  
21 NRS 435.007.

22 (c) "Wrap-around services" means supplemental services  
23 provided to a child with an intellectual disability or a child with a  
24 related condition, or the family of such a child, that are not covered  
25 by Medicaid in the absence of a waiver from federal law or  
26 regulations.

27 **Sec. 3.** On or before April 30, 2016, and every 6 months  
28 thereafter:

29 1. The Division of Health Care Financing and Policy of the  
30 Department of Health and Human Services and the Aging and  
31 Disability Services Division of the Department shall submit a report  
32 to the Director of the Legislative Counsel Bureau for transmittal to  
33 the Legislature, if the Legislature is in session, or to the Legislative  
34 Committee on Health Care, if the Legislature is not in session. The  
35 report must include, without limitation, a description of the status  
36 and results of the pilot program established pursuant to section 2 of  
37 this act and recommendations for legislation to facilitate the  
38 improvement or expansion of the pilot program.

39 2. The board of county commissioners of each county whose  
40 population is less than 100,000 shall submit a report to the Director  
41 of the Legislative Counsel Bureau for transmittal to the Legislature,  
42 if the Legislature is in session, or to the Legislative Committee on  
43 Health Care, if the Legislature is not in session. The report must  
44 include, without limitation, a description of the actions the county is  
45 taking to comply with the requirements of NRS 435.010.



- 1     **Sec. 4.** 1. This act becomes effective on July 1, 2015.
- 2     2. Sections 2 and 3 of this act expire by limitation on
- 3     July 1, 2019.

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