

CHAPTER.....

AN ACT relating to the health of children; revising requirements relating to the testing of children for lead; establishing the Diapering Resources Account and providing for the distribution of money from the Account to provide diapers and diapering supplies to low-income families; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to encourage certain providers of health care or other services to perform a test to determine the amount of lead in the blood of each child receiving services from the provider at certain times. Existing law also requires: (1) certain tests that indicate an elevated amount of lead in the blood to be confirmed by a second test; and (2) each qualified laboratory that conducts a blood test for the presence of lead in a child to report the results to the appropriate health authority. (NRS 442.700) **Section 23** of this bill revises the conditions under which the results of a test are considered to indicate an elevated amount of lead in the blood. **Section 23** also requires offices of providers of health care or other services and medical facilities to report the results of tests of children for lead to the health authority and prescribes the required contents of such a report.

Existing law requires the Director of the Department of Health and Human Services to appoint a committee to research opportunities to increase the availability of diapers and diapering supplies to recipients of public assistance and other low-income families in this State. (NRS 422A.660) **Section 29.5** of this bill creates the Diapering Resources Account and requires the money in the Account to be expended to provide diapers and diapering supplies to such persons. **Section 29.5** requires the State Board of Health, upon the recommendation of the committee, to adopt regulations prescribing: (1) the criteria for determining whether a person qualifies for assistance from the Account; and (2) the procedure for distributing money from the Account. **Section 29.5** also requires the Division of Public and Behavioral Health of the Department to submit to the Legislature an annual report concerning the use of the money in the Account.

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

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

Sections 1-22. (Deleted by amendment.)

Sec. 23. NRS 442.700 is hereby amended to read as follows:

442.700 1. The Department shall encourage each provider of health care or other services who:

(a) Is qualified to conduct blood tests during the course of his or her practice to perform, or cause to be performed, a test to determine the amount of lead in the blood of each child receiving services from the provider of health care or other services when the child:



- (1) Reaches 12 and 24 months of age, respectively; or
- (2) At least once before the child reaches 6 years of age.

(b) Provides early and periodic screening, diagnostic and treatment services to a child in accordance with 42 U.S.C. §§ 1396 et seq. to conduct, or cause to be conducted, a screening for the amount of lead in the blood of the child in accordance with the guidelines of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services.

2. Any result of a blood test specified in subsection 1 which is obtained by using a capillary specimen and which indicates an amount of lead in the blood that is greater than ~~10 ug/dL~~ *the amount designated by the Council of State and Territorial Epidemiologists or, if that organization ceases to exist, an organization designated by regulation of the State Board of Health, as indicating an elevated amount of lead* must, as soon as practicable after the result is obtained, be confirmed by a second test using a sample of blood from a vein of the child.

3. Each qualified laboratory, *office of a provider of health care or other services or medical facility* that conducts a blood test for the presence of lead in a child who is under 18 years of age shall, as soon as practicable after conducting the test, submit a report of the results of the test to the appropriate health authority in accordance with regulations adopted by the State Board of Health. *The report must include, without limitation:*

- (a) *The name, sex, race, ethnicity and date of birth of the child;*
- (b) *The address of the child, including, without limitation, the county and zip code in which the child resides;*
- (c) *The date on which the sample was collected;*
- (d) *The type of sample that was collected; and*
- (e) *The name and contact information of the provider of health care who ordered the test.*

4. As used in this ~~subsection,~~ *“health” section:*

- (a) *“Health authority”* has the meaning ascribed to it in NRS 441A.050.
- (b) *“Medical facility”* has the meaning ascribed to it in NRS 449.0151.

Secs. 24-29. (Deleted by amendment.)

Sec. 29.5. Chapter 422A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Diapering Resources Account is hereby created in the State General Fund. The Administrator of the Division of Public*



and Behavioral Health of the Department shall administer the Account.

2. Except as otherwise provided in subsection 3, the money in the Account must be expended to provide diapers and diapering supplies to recipients of public assistance and other low-income families in this State. The State Board of Health shall, upon the recommendation of the committee established pursuant to NRS 422A.660, adopt regulations prescribing:

(a) The criteria for determining whether a person qualifies for assistance from the Account; and

(b) The procedure for distributing money from the Account.

3. The Administrator may apply for and accept any gift, donation, bequest, grant or other source of money for the purpose prescribed by subsection 2. Any money so received must be deposited in the Account.

4. The interest and income earned on money in the Account from any gift, donation or bequest, after deducting any applicable charges, must be credited to the Account.

5. Money in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

6. On or before December 31 of each year, the Division shall:

(a) Develop a report concerning the manner in which the money in the Account was distributed during the immediately preceding year, the persons to whom such money was distributed and the manner in which such money was used; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Interim Finance Committee; and

(2) In even-numbered years, the next regular session of the Legislature.

Secs. 30-32. (Deleted by amendment.)

Sec. 33. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 34. (Deleted by amendment.)

Sec. 35. This act becomes effective on July 1, 2019.



CHAPTER 422A – ACCOUNT FOR DIAPERING COMMITTEE

- 422A.010 Definitions.
- 422A.020 Grants: Eligibility.
- 422A.025 Grants: Required submission.
- 422A.030 Grants: Use, amendment and availability of guidelines; return of application received after deadline for filing.
- 422A.040 Grants: Examination, review and approval of application.
- 422A.100 Grants: Requirements for management; final report; change in program or project; termination or reduction; records.
- 422A.110 Grants: Grounds for refusal or withdrawal of funding.
- 422A.120 Severability.

NAC 422A.010 Definitions. ([NRS 422A.660](#)) As used in this chapter, unless the context otherwise requires:

1. “Director” means the Director of the Department per [NRS 422A.660](#).
2. “Account” means the Diapering Resources Account of the Division created pursuant to [NRS 422A.660](#).
3. “Department” means the Department of Health and Human Services.
4. “Division” means the Division of Public and Behavioral Health.
5. “Grantee” means an organization receiving money from the Division.
6. “Administrator” means the Administrator of the Division of Public and Behavioral Health of the Department.

NAC 422A.020 Grants: Eligibility. ([NRS 422A.660](#))

1. The money in the Account must be expended to:
 - (a) Award grants of money to provide diapers and diapering supplies to recipients of public assistance and other low-income families in this State as described in section 29.5, subsection 2 of Senate Bill 90 of the 80th Nevada Legislative Session.
 - (b) The Administrator shall administer the Account.

NAC 422A.025 Grants: Required submission. ([NRS 422A.660](#))

1. The recipient of a grant pursuant to [NRS 422A.660](#) must submit any information that the State Board of Health determines is necessary for the Administrator or his or her designee to determine the purposes for which such a grant was used and evaluate the outcomes of services provided using such grants.

NAC 422A.030 Grants: Use, amendment and availability of guidelines; return of application received after deadline for filing. ([NRS 422A.660](#))

1. The Administrator or his or her designee will approve grants in accordance with the grant guidelines.
2. The Division shall make any proposed substantive change to the grant guidelines available for public review and comment at least 2 weeks before the approval of the changes.

3. An application for a grant must be completed in accordance with the grant guidelines approved by the Administrator or his or her designee for the type of grant for which the applicant is applying. The grant guidelines will be available not less than 3 months before the announced deadline for filing the application.

4. If an application is received by the Division after the announced deadline for filing, the application will not be considered and will be returned to the applicant.

5. A copy of the grant guidelines approved by the Administrator or his or her designee may be obtained from the Nevada Division of Public and Behavioral Health, 4150 Technology Way, Suite 300, Carson City, Nevada 89706, at no cost, or on the Internet at <<http://dpbh.nv.gov/Programs/MIP/MIP-Home/>>.

NAC 422A.040 Grants: Examination, review and approval of application. ([NRS 422A.660](#))

1. The Division will examine each application for completeness, accuracy and compliance with the grant guidelines applicable to the type of grant for which the applicant is applying.

2. A panel selected by the Division will review the application and make a recommendation in accordance with the grant guidelines and the panel review process approved by the Administrator or his or her designee for the type of grant for which the applicant is applying.

3. The panel shall base the review solely on the application materials submitted by the applicant, including the application form, narrative, budget and any supplemental material that conforms to the grant guidelines applicable to the type of grant for which the applicant is applying.

4. An applicant is not required to attend the meeting of a panel to review the application of the applicant, and an absence from the meeting will not prejudice the review of the application by the panel.

5. The Division shall make any proposed substantive change to a panel review process available for public review and comment at least 4 weeks before the Administrator or his or her designee acts to approve the change. A copy of the proposed substantive change may be obtained from the Nevada Division of Public and Behavioral Health, 4150 Technology Way, Suite 300, Carson City, Nevada 89706, at no cost, or on the Internet at <<http://dpbh.nv.gov/Programs/MIP/MIP-Home/>>.

6. The Administrator or his or her designee will review the recommendation of the panel and the review process used by the panel, and the Administrator or his or her designee will determine whether to approve the grant and the amount of any grant so approved.

NAC 422A.100 Grants: Requirements for management; final report; change in program or project; termination or reduction; records. ([NRS 422A.660](#))

1. A grantee must comply with all requirements set out in the grants management packet provided by the Division.

2. The Division will make any proposed substantive change to the grants management packet available for public review and comment at least 2 weeks before the Administrator or his or her designee acts to approve the change. A copy of the grants management packet may be obtained from the Nevada Division of Public and Behavioral Health, 4150 Technology Way, Suite 300, Carson City, Nevada 89706, at no cost, or on the Internet at <<http://dpbh.nv.gov/Programs/MIP/MIP-Home/>>.

3. A grantee must file a final report form with the Division in accordance with the grant guidelines and the grants management packet. If a grantee fails to file a final report form, the Division will notify the grantee in writing that the grant application does not comply with the grant guidelines and the grants management packet. The Division will not accept a new grant application from an applicant that does not comply with the grant guidelines and the grants management packet.

4. A grantee shall notify the Division of any proposed change to a program or project that was outlined in the application of the grantee. The Division must give approval for the proposed change before the grantee may make the proposed change.

5. A grantee shall notify the Division of any change in the essential personnel involved in a program or project.

6. A grant may be terminated or reduced by the Division 15 days after the Division gives notification to the grantee that the grant application does not comply with the grant guidelines and the grants management packet, that there have been changes to the budget of the Division or as directed by the Office of the Governor. The termination or reduction does not affect any commitment which, in the judgment of the Division, has become firm before the effective date of the termination.

7. The records of a project or program, including, without limitation, a copy of the original application, financial records, supporting documents and any other record related to the grant, must be retained by a grantee and made available for review by the Division for at least 3 years after the completion of the project.

NAC 422A.110 Grants: Grounds for refusal or withdrawal of funding. ([NRS 422A.660](#)) Upon a violation or willful avoidance of any provision contained in this chapter, the Administrator or his or her designee may refuse to approve a grant or may withdraw financial support, in whole or in part, after consultation with the applicant or subgrantee.

NAC 422A.120 Severability. ([NRS 422A.660](#)) If any provision of the regulations contained in this chapter, or its application to any person or circumstance is held invalid, the invalidity does not affect any other provision contained in this chapter or its application which can be given effect without the invalid provision or application, and to this end the provisions contained in this chapter are hereby declared to be severable.

Existing relevant NRS, as currently codified:

PROGRAM TO INCREASE AVAILABILITY OF DIAPERS AND DIAPERING SUPPLIES TO LOW-INCOME FAMILIES

NRS 422A.660 Appointment of committee; duties; membership; reports.

1. The Director shall appoint a committee to research opportunities to increase the availability of diapers and diapering supplies to recipients of public assistance and other low-income families in this State, including, without limitation, researching opportunities to:

(a) Use money received from the Federal Government to carry out a program of public assistance or other program for which the Department is responsible; and

(b) Obtain donations of money, diapers, diapering supplies or any combination thereof, including, without limitation, in-kind donations and donations from private foundations, manufacturers of diapers and diapering supplies and other sources.

2. The committee must consist of representatives of:

(a) The Department who have knowledge of programs offered by the Department, including, without limitation, programs relating to smoking cessation, prenatal care visits and follow-up appointments for infants and children with providers of health care; and

(b) Organizations located in this State which provide services relating to diapers and diapering supplies to recipients of public assistance and other low-income families, including, without limitation, organizations which advocate and provide referrals for such services.

3. The committee must report the results of its research to the Director on or before June 30 of each year. If the Director determines that any opportunities exist to increase the availability of diapers and diapering supplies to recipients of public assistance and other low-income families, the Director may take any necessary action to take advantage of such opportunities, including, without limitation, applying for any necessary waivers from the Federal Government relating to public assistance.

4. The Director shall submit a report of the results of the research, any action taken in response to the results and recommendations for legislation to the Legislature on or before September 30 of each even-numbered year.

(Added to NRS by [2017, 199](#))

NRS 422A.670 Director required to work collaboratively with nonprofit organizations to increase awareness of availability of diapers and diapering supplies.

1. The Director shall work collaboratively with any diaper banks in this State and any similar nonprofit organizations which provide diapers and diapering supplies to low-income persons at no cost or a reduced cost to ensure recipients of public assistance and other low-income families are made aware of the existence, location and services provided by such organizations.

2. The Director shall post the information described in subsection 1 on the Internet website of the Department and shall include such information with materials provided by the Department to recipients of public assistance and other low-income families to the extent possible.

(Added to NRS by [2017, 199](#))