

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT:~~ DELETED LANGUAGE

BOLD TEXT: NEW LANGUAGE

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

SUMMARY: Amends the Washoe County Code by revising provisions relating to the Washoe County Departments of Social Services and Senior Services by combining the two into the Human Services Agency

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE ADOPTING CHANGES TO THE WASHOE COUNTY CODE THAT REPEALS THE DEPARTMENT OF SOCIAL SERVICES ADVISORY BOARD, COMBINES THE DEPARTMENT OF SOCIAL SERVICES WITH THE DEPARTMENT OF SENIOR SERVICES, RENAMING IT THE HUMAN SERVICES AGENCY, CHANGING THE NAME OF THE HEALTH CARE ASSISTANCE PROGRAM TO THE INDIGENT CARE ASSISTANCE PROGRAM, SETS FORTH THE DIVISIONS OF ADULT, CHILD AND SENIOR SERVICES WITHIN THE HUMAN SERVICES AGENCY, CLARIFIES THE PROCESS FOR APPEAL OF A WORK PERMIT AND CHANGES THE COMPOSITION OF THE SENIOR ADVISORY BOARD.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Sections 45.030 and 45.035, inclusive to the Washoe County Code are hereby repealed.

SECTION 2. Chapter 45 of the Washoe County Code is hereby amended by changing the language as shown in SECTION 3 through SECTION 32 herein.

SECTION 3.

Definitions

45.010 Definitions. As used in section 45.010 to 45.385, inclusive, unless the context otherwise requires:

1. "Advisory board" means the board created by the county commissioners of Washoe County to advise the Washoe County ~~department of social~~**human services agency.**

2. ~~"Department"~~ **"Agency"** means the Washoe County ~~department of social~~**human services Agency.**

3. "Director" means the **position of the** director of the ~~department~~ **Agency.**

4. **"Division Director"** means the **position of the division director of the division of adult services, division of child services or division of senior services.**

45. "Child care" means child care for two or more children, if care for any of those children is for compensation.

56. "IHCAP" means ~~health~~**indigent** care assistance program.

SECTION 4.

Washoe County ~~Department of~~
~~Social~~**Human Services Agency**

45.020 ~~Department of social~~**human services agency: Creation; composition.**

1. There is hereby created the Washoe County ~~department of social~~**human services agency. The department Agency consists of three divisions:**

- (a) **The division of adult services;**
- (b) **The division of child services;**
- (c) **The division of senior services.**

2. The ~~department~~**Agency** consists of:

(a) The duly appointed director;
(b) **Any appointed division director, if appointed by and at** the discretion of the director;

~~—(b) The Human Services Citizens Advisory Board;~~

(c) The Senior Services Advisory Board;

(ed) Authorized officers, agents and employees of the ~~department~~ **agency.**

SECTION 5.

45.050 Health**Indigent** care assistance program. The ~~department of social~~**human services agency** shall provide a

service delivery system to meet the medical and health care needs of eligible program applicants. **For each fiscal year, the board shall, in the preparation of its final budget, allocate money for assistance to eligible program applicants pursuant to NRS 428.295.** Assistance may be provided in, but not limited to, the following areas:

1. Inpatient hospital care.
2. Outpatient clinic care.
3. Emergency room treatment.
4. Adult group care; extended care facility placements.
5. Adult services.
6. **Child services.**
7. **Senior services.**
86. Indigent accident fund.
97. State supplemental fund.
108. Burial or cremation.

SECTION 6.

45.055 Eligibility for ~~health~~**indigent** care assistance program. Those residents of Washoe County without sufficient resources or income to pay for necessary **medical and** health care and who meet the limitations imposed by the county upon income, assets and other resources may be eligible for the **HICAP**.

SECTION 7.

45.065 Emergency medical treatment. Indigent persons of Washoe County may seek care for medical emergencies, as defined herein, at any medical facility. Such care shall be at county expense if all of the following criteria are satisfied:

1. The client meets the **HICAP** eligibility standards with respect to income and assets.
2. Treatment was rendered for a medical emergency, defined as treatment and care in which serious or permanent bodily injury, disability or death may result without such immediate professional medical intervention.

SECTION 8.

45.120 Denial of application for **indigent care** assistance and appeal. The ~~department~~ **agency** shall promptly notify an applicant of the reason for denial of financial or ~~health~~**indigent** care assistance. An applicant must submit a written request for a review or fair hearing of the action taken by the ~~department~~ **agency**.

SECTION 9.

45.305 "Child care facility employee" defined. "Child care facility employee" means any person who is regularly providing care, supervision or guidance to children who are unaccompanied by their parents, guardians or custodians in a child care facility, as that latter term is defined in the regulations for child care facilities of the ~~department of social~~ **human services agency** and includes:

- (1) The child care facility licensee;
- (2) Any person residing on the premises of the child care facility;
- (3) Full-time or part-time trainees or substitute staff of the facility; and
- (4) Volunteers who regularly assist facility staff.

SECTION 10.

45.340 Copy of application to county ~~social~~ **human services department agency**; issuance of temporary work permit. Upon receipt of the completed application and nonrefundable service charge, the sheriff shall mail or deliver a copy of the application to the county ~~social~~ **human services department agency** and may issue the applicant a temporary work permit.

SECTION 11.

45.345 Issuance, denial of work permit if no objection. If, within 45 days after receipt by the county ~~social~~ **human services department agency** of a copy of the application for a work permit, the ~~social~~ **human services department agency** has not notified the sheriff of any objection to the permit's issuance, the sheriff may issue, renew or deny a work permit to the applicant.

SECTION 12.

45.350 Objection by county ~~social~~ **human services department agency**; denial by sheriff; hearing.

1. If the ~~social~~ **human services department agency**, within the 45-day period, notifies the sheriff of its objection to the granting of a work permit to the applicant, the sheriff shall deny the work permit and shall immediately revoke and repossess any temporary work permit which he has issued.

2. The applicant may then appeal to the internal review board on the objection as provided in this chapter.

SECTION 13.

45.360 Grounds for refusal to issue or to revoke work permit.
The sheriff may refuse to issue a temporary work permit or work permit and may revoke either of such permits if the applicant or holder thereof has:

1. Failed to disclose, misstated or otherwise attempted to mislead the sheriff with respect to any material fact contained in the application for the issuance or renewal of a work permit;

2. Knowingly failed to comply with the provisions of NRS 432B.220 or the regulations of the Washoe County ~~department of social~~ **human** services **agency** for child care facilities at any place of previous similar employment;

3. Committed, attempted or conspired to commit any crime or any violation of any law pertaining to the provision of care to children, or any other crime which is inimical to the declared policy of this state concerning the health, safety and well being of children;

4. Been identified as being a member or associate of organized crime, or as being of notorious and unsavory reputation;

5. Been placed and remains in the constructive custody of any law enforcement authority;

6. Had a work permit revoked or committed any act which is a ground for the revocation of a work permit or would have been a ground for revoking his work permit if he had then held a work permit;

7. Concealed or refused to disclose any material fact in any investigation by the sheriff;

8. Been convicted in any jurisdiction of any offense involving or relating to children;

9. Been refused the issuance of any license, permit or approval to engage in or be involved with the provision of child care in any jurisdiction, or had any such license, permit or approval revoked or suspended;

10. Been convicted of any felony or gross misdemeanor; or

11. Committed, attempted or conspired to commit any sexual offense as defined in section 45.310;

12. A conviction of unlawful possession, use or distribution of controlled substances, dangerous drugs or paraphernalia whether committed in this state or elsewhere.

13. Any additional reason as set forth in chapter 25 of this code.

SECTION 14.

45.365 Appeal of denial or revocation.

1. If a work permit is denied or revoked by the sheriff, the applicant or holder thereof shall be advised of the reason or reasons therefor and may appeal that decision in writing to the internal review board not later than 154 days after receiving the reasons for the denial or revocation.

2. A failure to appeal the decision of the sheriff within 154 days constitutes an admission that the decision is well founded and precludes further administrative or judicial review.

3. No appeal may be taken from the decision of the sheriff to deny or revoke a temporary work permit.

SECTION 15.

45.366 Internal review board appeal.

1. Upon an appeal being filed, the internal review board shall, within 30 days, hold a hearing in accordance with procedures established by the sheriff.

2. The internal review board may take any testimony and evidence it deems necessary. All proceedings shall be conducted according to the provisions of NRS chapter 241.

3. The internal review board shall, upon completion of the review, announce its decision sustaining, reversing or reversing with conditions the decision of the sheriff.

4. The decision of the internal review board shall be transmitted in writing to the applicant or permit holder and, in the event of a denial of the appeal, set forth the reasons for the denial.

5. If a permit is denied by the internal review board or if an applicant disagrees with any condition imposed by the internal review board on a decision to issue a permit, the applicant may appeal the decision or condition in writing to the board of county commissioners within 154 days of receipt of the written decision of the internal review board.

6. A failure to appeal the decision of the internal review board within 154 days of the written decision or the applicant's request for and acceptance of a permit with conditions prior to the appeal time running constitutes an admission that the decision of or conditions imposed by the internal review board is well founded and precludes further administrative or judicial review.

SECTION 16.

45.370 Hearing on appeal; decision of county commissioners.

1. Upon an appeal being filed, the board of county

commissioners shall hold a hearing to review the decision made by the internal review board and the reason or reasons therefor. ~~At the hearing, the board shall take any testimony and evidence deemed necessary. After the hearing, the board shall review the testimony and evidence and shall, within 30 days from the date of the hearing, announce its decision sustaining or reversing the decision of the internal review board.~~ **Upon conclusion of the hearing, the board of county commissioners shall make findings of fact and render a decision sustaining or reversing the decision of the internal review board. The board of county commissioners may continue the item to its next regularly scheduled meeting. A written copy of the decision shall be provided to the appellant within 10 working days of the rendering of the decision at the meeting.**

2. The decision of the board of county commissioners constitutes a final administrative decision for purposes of judicial review.

SECTION 17.

45.385 Penalties. Any child care facility employee who provides child care without possessing a valid temporary work permit or work permit authorizing him to do so is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000, by a term of imprisonment in the county jail of not more than 6 months, or by both such fine and imprisonment.

SECTION 18.

Washoe County Department**Divisions of Child, Adult and Senior Services**

45.400 Washoe County department of divisions of child, adult and senior services; creation. There is hereby created the Washoe County ~~department of~~**divisions of adult, child and senior services under the Human Services Agency.**

SECTION 19.

45.410 Division Directors: Positions created; powers and duties. The positions of **division directors** of the Washoe County ~~division department of~~ **adult services, division of child services and division of senior services under the department of human services agency** is hereby created **shall be appointed positions. The position of the director of human services is hereby authorized, at his discretion, to appoint, pursuant to the provisions of chapter 5 of this code regulating county**

personnel, a division director for each of the divisions of the agency to perform the following duties and responsibilities: ~~The director shall be appointed by the board of county commissioners upon the recommendation of the county manager and serves at the pleasure of the board.~~

1. ~~A~~ **The division** director shall direct and supervise the operations of the **division to which he has been appointed** ~~department of senior services.~~

2. ~~A~~ **The division** director shall, with the approval of the **director of human services and** county manager, appoint such technical, clerical and operating staff as are determined to be necessary for proper operation of the ~~department~~ **division to which the division director has been appointed.**

3. ~~A~~ **The division** director shall adopt and enforce rules governing the use of the **division to which he has been appointed** ~~department of senior services.~~ Those rules must be consistent with the applicable County Facility Use Policy Statement, except that fee schedules may be established by the **division** director and approval for use of the ~~department~~ **agency of senior services** is within the discretion of the director **of the human services agency.**

4. ~~A~~ **The division** director shall act as the contract administrator for contracts which relate to the **division to which he has been appointed by the director** ~~department of senior services.~~

5. ~~A~~ **The division** director **of the division to which he has been appointed** shall submit to the director for his approval an annual budget, which will then be submitted to the board in the same manner as is required for other department heads.

SECTION 20.

Washoe County Senior Advisory Board

45.415 Senior Advisory board; membership; appointment; qualifications; terms.; ~~compensation~~

1. ~~A~~ **senior** advisory board shall be created to consist of ~~not less than 7 nor more than 11 members and 3 non-voting ex officio members~~ **11 members, 2 at large alternate members and 3 non-voting ex officio members.** The board of county commissioners shall appoint **2 members from each commission district and 1 at-large member who shall serve as permanent members and 2 at-large alternates members who shall serve in the absence of a permanent member.**

2. Except as otherwise provided herein, any person appointed must be a resident of Washoe County and have an interest in

civic affairs, including but not limited to an interest or experience in the fields of nutrition, geriatric social work, administration, finance, and law. The three non-voting ex officio appointments, who shall serve as liaisons to the advisory board, shall be made, one each, by the Reno City Council, Sparks City Council and Washoe County Commission from within their respective memberships.

~~3. Members of the **senior** advisory board shall be appointed by the board of county commissioners.~~

34. Senior Advisory board members shall be appointed for a four year term and may serve, with reappointment, a maximum of two consecutive terms.

45. An **senior** advisory board member may be removed by the board of county commissioners for cause. For purposes of this section, "cause" includes three consecutive unexcused absences from advisory board meetings and the engaging in activities contrary to the mission, goals or objectives of the ~~department~~ **agency**.

56. Appointed **senior** advisory board members serve at the pleasure of the board of county commissioners.

6. **The senior advisory board shall meet at least four times per year.**

SECTION 21.

45.420 Senior Advisory board: Unlawful disclosure of information.

No member of the **senior** advisory board shall use or publicly disclose information concerning individual applicants for or recipients of senior services. Such use or disclosure is a misdemeanor.

SECTION 22.

45.425 Senior Advisory board: Role. The **senior** advisory board shall provide assistance and make recommendations **to the board of county commissioners, division director or director of the ~~department of human services agency,~~** at a minimum, in the following areas:

1. Development of long and short range ~~departmental~~ **agency** goals;

~~2. Recommending and evaluating programs and policies;~~

2. Provide input on programs, services, and needs within the community.

3. Reviewing the quality of ~~departmental~~ **agency** services provided;

~~4. Providing input to county manager regarding performance of director.~~

45. Providing technical assistance, as applicable;

56. Reviewing and making recommendations regarding the ~~department's~~**division's** proposed budget;

57. Reviewing and providing input to **the** director regarding community trends and needs.

SECTION 23.

45.430 Adult day health services/daybreak program. The ~~department~~**division of senior services** shall provide a therapeutic activity program for disabled adults and the elderly, as licensed by the state board of licensure and certification, to include:

1. Needs assessments;
2. Nursing services;
3. Rehabilitation services;
4. Psycho-social intervention services;
5. Nutrition services; and
6. Special activities.

SECTION 24.

45.435 Homemaker program. The ~~department~~**division of senior services** shall provide assistance to eligible seniors in the performance of housekeeping and daily living activities.

SECTION 25.

45.445 Nutrition program. The ~~department~~**division of senior services** shall provide for the preparation, transport and provision of meals for eligible seniors at both the ~~department~~**agency** facility and through home delivery.

SECTION 26.

45.450 Representative payee program. The ~~department~~**division of senior services** shall serve as representative payee **and/or contract out for this service** for social security and social security disability benefits on behalf of eligible seniors. The ~~department~~**division of senior services** shall establish a trust fund for said purpose, receive and disburse funds, and account for said funds in accordance with federal regulations.

SECTION 27.

45.455 SocialHuman services program. The ~~department~~**division of senior services**, through social workers licensed by the state, shall provide support services to assist seniors in accessing or facilitating access to needed services, programs and benefits including, but not limited to, assessment/screening, advocacy, case management, outreach, information/referral, counseling and education.

SECTION 28.

45.460 Wellness program. The ~~department~~**division of senior services** may, at the discretion of the board of county commissioners, provide a program to include active and passive recreational and exercise activities designed for seniors.

~~45.465 Eligibility for senior services. Those residents of Washoe County who are 60 years of age and older, without sufficient resources or income and meet the limitations imposed by the county upon income, assets and other resources may be eligible for certain senior services programs.~~

Those residents of Washoe County who are 60 years of age and older, without sufficient resources or income and meet the dependent upon the eligibility criteria determined by the county or Funding source, may be eligible for certain senior services programs.

SECTION 29.

45.470 Facilities management. The ~~department~~**division of senior services** shall manage such senior facilities as needed to provide services to seniors and to serve as focal points for community resource information.

SECTION 30.

45.475 Regulations, guidelines and standards. The ~~department~~**division of senior services** may adopt regulations, guidelines and standards, and amend them as it may from time to time deem necessary, in order to effectuate the provisions of sections 45.400 to 45.490, inclusive. They shall be based upon the provisions of this ordinance, applicable local, state and

federal laws, and the policies and standards as established and approved by the board of county commissioners.

SECTION 31.

45.485 Appeal of director or division director decision. An appeal of a director's **or division director's** decision denying a request for service or privilege of the ~~department~~**division of senior services** facilities or programs may be made to and heard by the senior advisory board in accordance with procedures established by the **division** director **or, if no division director is appointed, by the director of the human services agency.**

SECTION 32.

45.490 Appeal to board of county commissioners. A decision of the **senior** advisory board under section 45.485 is final unless appealed to the board of county commissioners within 10 days of notification of the **senior** advisory board decision. An appeal before the board of county commissioners shall be on the record before the **senior** advisory board.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the _____ day of _____, 2017.
Proposed by Commissioner _____.
Passed on the _____ day of _____, 2017.

Vote:

Ayes:

Nays:

Absent:

Chairman
Washoe County Commission

ATTEST:

County Clerk

This ordinance shall be in force and effect from and after
_____, 2017.