

REHABILITATION  
DIVISION



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**BUSINESS ENTERPRISES OF NEVADA  
1370 SOUTH CURRY STREET  
CARSON CITY NV 89703**

## **WORKSHOP NOTICE AND AGENDA**

Notice of Workshop to review and to Solicit Comments on Proposed Regulation regarding the proposed amendment to remove the cap on the retirement income benefit and the reimbursement of health care costs.

This workshop, conducted by the Rehabilitation Division, is a workshop to discuss and solicit comments from all interested persons regarding the amendment of a regulation that pertains to Chapter 426, pursuant to Nevada Administrative Code (NAC) 426.383 and 426.387. The proposed amendment is to remove the cap on the retirement income benefit and the cap on the reimbursement of health care costs.

**Name of Division:** Rehabilitation Division

**Date and Time of Workshop:** Friday, August 15, 2014: 3:30 P. M.

<b>Place of Meeting:</b>	<b><u>Live Meeting:</u></b>	<b><u>Teleconference:</u></b>
	Conference Room	Conference Room
	1370 S Curry Street	3016 W. Charleston Blvd. Ste. #215
	Carson City, NV 89703	Las Vegas, NV 89102

### **AGENDA**

- I. Call to order and welcome-Melaine Mason, Deputy Administrator, Department of Employment, Training and Rehabilitation (DETR)
- II. Public comment-Chair may limit public comment to 5 minutes per speaker
- III. Review of Proposed Amendment to the Business Enterprises of Nevada Program-Melaine Mason, Deputy Administrator, Department of Employment, Training and Rehabilitation (DETR)
- IV. Workshop to consider proposed regulation
  - A. Explanation of Regulation-Melaine Mason, Deputy Administrator, Department of Employment, Training and Rehabilitation (DETR)
  - B. Public Comment on regulation
- V. Closing public comment-Chair may limit public comment to 5 minutes per speaker
- VI. Adjournment

**Agenda items may be taken out of order. Two or more agenda items may be combined for consideration. An item may be removed or discussion on an item may be delayed at any time.**

Notice: Persons with disabilities who require reasonable accommodations or assistance at the meeting and persons requesting supporting material as provided in NRS 241.020, Section 5 should contact Drazen Elez, Program Chief, Business Enterprises of Nevada by written request at the Bureau of Services to the Blind and Visually Impaired, 3016 West Charleston Blvd. Suite #215, Las Vegas, NV 89102; or call (702) 684-486-8800. If in Clark County call (702) 486-7921 or the Las Vegas toll free number (800) 781-8387 and for hearing impaired, dial TTY 800 326-6868 or 711 for Relay Nevada. Or send a fax to (775) 684-4186 before the close of business on Friday August 8, 2014.

Notice of this meeting was posted at the following locations on or before the *fifteenth working day* prior to the meeting: Bureau of Services to the Blind and Visually Impaired, 1370 S. Curry St. Carson City, Nevada; Bureau of Services to the Blind and Visually Impaired, 3016 W. Charleston Blvd. #215, Las Vegas, NV; Grant Sawyer Building, 555 E. Washington Ave., Las Vegas, NV; Nevada Job Connect, 1325 Corporate Blvd., Reno, NV; the Clark County Library, 1404 E. Flamingo Rd., Las Vegas, NV; Blasdel Building, 209 E. Musser, Carson City, Nevada and at the Carson City County Courthouse, 885 E. Musser, Carson City, NV.

Notice of this meeting was posted on the Internet on the following sites: DETR's Public Meetings website at <http://nvdetr.org/publicmeetings.htm>, and per [NRS 232.2175](#) on the State of Nevada's Public Notices website at <https://notice.nv.gov/>. In addition, this agenda was mailed and/or e-mailed to groups and individuals as requested.

The meeting will be conducted in accordance with the Open Meeting Law [NRS 241.020](#) and *Roberts Rules of Order, revised 10<sup>th</sup> Edition, 2000*.

**REVISED PROPOSED REGULATION OF THE BUREAU OF SERVICES TO  
PERSONS WHO ARE BLIND OR VISUALLY IMPAIRED OF THE REHABILITATION  
DIVISION OF THE DEPARTMENT OF EMPLOYMENT, TRAINING AND  
REHABILITATION**

**LCB File No. R085-13**

July 22, 2014

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

AUTHORITY: §§1 and 2, NRS 426.560, 426.670 and 426.675.

A REGULATION relating to the operation of vending facilities on public property by persons who are blind or visually impaired; revising provisions relating to retirement income benefits; revising provisions relating to the reimbursement of health care costs; and providing other matters properly relating thereto.

**Legislative Counsel's Digest**

Existing law grants a priority of right to operate vending facilities in certain public buildings and on certain public properties to persons who are blind and licensed by the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation. The stated purposes of these provisions are to provide remunerative employment, enlarge economic opportunities and stimulate independent livelihoods. (NRS 426.640)

Existing regulations authorize the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to pay each licensed operator of such a vending facility not more than \$7,000 annually as a retirement income benefit if the payment is approved by a majority of the Nevada Committee of Blind Vendors and the Bureau determines that the money is available in the Business Enterprise Account for Persons Who Are Blind. (NAC 426.383) **Section 1** of this regulation: 1) eliminates the limit on the annual amount of the retirement income benefit; 2) adds a requirement for approval of the payment by a majority of licensed operators; and 3) sets forth

factors for consideration by the Bureau in developing policies and procedures relating to the eligibility requirements for those payments and the amount of the payments. Existing regulations also authorize the Bureau to reimburse each licensed operator of such a vending facility not more than \$12,500 annually for health care costs that are not paid by a third-party insurer if the payments are approved by a majority of the Nevada Committee of Blind Vendors and the Legislature appropriates money for this purpose. (NAC 426.387) **Section 2** of this regulation: 1) eliminates the limit on the annual amount of an operator's reimbursement for such health care costs; 2) eliminates the prerequisite of an appropriation by the Legislature; 3) requires the Bureau to determine whether the money to make the reimbursement is available in the Business Enterprise Account for Persons Who Are Blind; and 4) sets forth factors for consideration by the Bureau in developing policies and procedures relating to the eligibility requirements for those reimbursements and the amount of reimbursement.

**Section 1.** NAC 426.383 is hereby amended to read as follows:

426.383 1. The Bureau will pay each licensed operator **[not more than \$7,000]** annually **[as]** a retirement income benefit if:

(a) A majority of the Nevada Committee of Blind Vendors approves the payment; **[and]**

(b) ***A majority of the licensed operators approves the payment; and***

**(c)** The Bureau determines that money for the payment is available in the Business Enterprise Account for Persons Who Are Blind.

2. The Bureau, in consultation with the Nevada Committee of Blind Vendors, will develop policies and procedures to determine:

(a) The eligibility of an operator to receive the retirement income benefit pursuant to this section; and

(b) The amount of money to be paid to an operator who is eligible to receive a retirement income benefit pursuant to this section.

**3. In developing policies and procedures pursuant to subsection 2, the Bureau, in consultation with the Nevada Committee of Blind Vendors, will give consideration to all relevant factors, including, without limitation:**

**(a) The amount of money in the Business Enterprise Account for Persons Who Are Blind;**

**(b) The current and projected expenses of the Bureau and other required uses of the money;**

**(c) Any reserves which the Bureau determines it must maintain; and**

**(d) The number of operators who are anticipated to be eligible to receive a retirement income benefit pursuant to this section.**

**Sec. 2.** NAC 426.387 is hereby amended to read as follows:

426.387 1. The Bureau will make available **[not more than \$12,500] an amount of money** annually for each operator of a vending facility for the purpose of reimbursing each operator for health care costs that are not paid by a third-party insurer if:

(a) A majority of the Nevada Committee of Blind Vendors approves the amount to be made available; and

(b) The **[Legislature appropriates money for such a purpose.] Bureau determines that the amount of money that is approved annually is available in the Business Enterprise Account for Persons Who Are Blind.**

2. The Bureau, in consultation with the Nevada Committee of Blind Vendors, will establish policies and procedures relating to:

(a) The eligibility of an operator to receive a reimbursement for health care costs pursuant to this section; **[and]**

(b) The process the Bureau and such an operator will follow for reimbursement of health care costs pursuant to this section **[.] ; and**

***(c) The amount of money to be made available annually for each operator as reimbursement of health care costs pursuant to this section.***

***3. In establishing policies and procedures pursuant to subsection 2, the Bureau, in consultation with the Nevada Committee of Blind Vendors, will give consideration to all relevant factors, including, without limitation:***

***(a) The amount of money which the Legislature appropriates for the purpose of reimbursing each operator for health care costs that are not paid by a third-party insurer;***

***(b) The lawful uses of the money appropriated to the Bureau;***

***(c) Any reserves which the Bureau determines it must maintain; and***

***(d) The number of operators who are anticipated to be eligible to receive reimbursement for health care costs pursuant to this section.***

**Small Business Impact Statement – NRS 233.B.0608(1)**

**Regulation change proposed for NAC 426.383 and 436.387**

The proposed changes to NAC 426.383 and 426.387 do not pose an impact or economic burden upon a small business or restrict the formation, operation or expansion of a small business.

The retirement benefit and health care cost reimbursement apply to licensed operators in the Business Enterprise of Nevada (BEN) Program. The funding for the BEN Program is generated from the set aside payments made by the licensed operators. In order to be a licensed operator and receive benefit from the BEN Program, individuals must be a person with blindness or visual impairment. Thus the effect of this regulation change does not have an impact on business.