



# **WORK SESSION DOCUMENT**

## **Nevada Silver Haired Legislative Forum** *(Nevada Revised Statutes 427A.320 through 427A.400)* **June 15, 2006**

The following “Work Session Document” has been compiled by the staff of the Nevada Silver Haired Legislative Forum (*Nevada Revised Statutes* [NRS] 427A.320). It is designed to assist the Forum members in developing statements and determining recommendations to be forwarded to the Legislative Commission and the Governor.

The document contains recommendations within the scope of the Forum’s duties that were presented in hearings and submitted in writing for the Forum’s consideration. The possible actions listed in the document do not necessarily have the support or opposition of the Forum. Rather, these possible actions are compiled and organized so the members may review them to decide if they should be adopted, changed, rejected, or given further consideration.

For purposes of this Work Session Document, the recommendations are not preferentially ordered. Additionally, although possible actions may be identified within each recommendation, the Forum may choose to recommend any of the following actions: (1) request the drafting of legislation; (2) request the drafting of a resolution; (3) draft a letter; or (4) include a statement in the final report. Individuals who proposed the recommendations may be referenced in parentheses.

### **NEVADA SILVER HAIRED LEGISLATIVE FORUM**

#### **Recommendation No. 1 — Funding for the Forum**

- Recommend that a bill draft be requested to appropriate funds for the operations of the Nevada Silver Haired Legislative Forum **OR** that such funding be included in budget legislation for the Nevada Legislature.

(Proposed by Verlia Davis Hoggard, Forum President)

## PROTECTION FROM SCAMS, FRAUD, AND ABUSE

### Recommendation No. 2 — Protection from Unsound Investment Advice

- Add a statement to the final report that highlights the need for enforcement actions against an institution, company, or individual who engages in unsafe and unsound investment practices with elderly Nevada residents over the age of 60. Such enforcement actions, policies, and directives should include investigation of credentials and review of printed mailings, invitations for free lunches, or other enticements.

(Proposed by Robert G. McCune, Forum Member)

#### Tab A

Articles from *Las Vegas Review-Journal*

### Recommendation No. 3 — Premium Tax on Annuities

- Recommend that a bill draft be requested to eliminate or reduce Nevada's premium tax on annuities.

(Proposed by Ronald E. Stoller, Forum Member)

#### Tab B

Remarks presented to the Forum by Louis Roggensack, Actuary I, Division of Insurance, Nevada's Department of Business and Industry

### Recommendation No. 4 — Senior Protection Unit

- Endorse legislation under development by the Office of the Attorney General to establish a Senior Protection Unit.

(Proposed by Robert G. McCune, Forum Member)

#### Tab C

Draft legislation under development by the Office of the Attorney General, provided to the Forum by Jo Anne C. Embry, Project Director, Senior Medicare Fraud Patrol Project, Nevada Department of Justice, Office of the Attorney General

### **Recommendation No. 5 – Guardianship Reform**

- Write a letter to the members of the Nevada Legislature highlighting the need for reform of Nevada’s guardianship statutes AND/OR recommend that a legislative concurrent resolution be drafted directing the Legislative Commission to appoint a subcommittee of legislators to study the system of guardianship for adults in Nevada during the 2007-2008 interim and recommend changes. The resolution also could direct the appointment, possibly to an advisory committee, of non-legislators with expertise in various aspects of the guardianship system. These individuals should include someone who has served as a guardian for a family member, in addition to private attorneys, public and nonprofit guardians, county managers, and members of the judiciary. Another option would be to require the subcommittee of legislators to consult a full range of experts, including those itemized above.

(Proposed by Sally C. Ramm, Elder Rights Attorney, Aging Services Division, Nevada’s Department of Health and Human Services)

**Tab D**

Memorandum provided by Sally C. Ramm (pages 2 and 3)

## **HOUSING**

### **Recommendation No. 6 – Intergenerational Housing**

- Write a letter to the Housing Division, Nevada’s Department of Business and Industry, urging it to seek funding for intergenerational housing, such as “GrandFamilies House” in Boston, and to consider the needs of grandparents raising grandchildren when developing and administering housing initiatives.

(Proposed by David Love, Coordinator, Grandparents Navigation Project)

### **Recommendation No. 7 – Mobile Home Parks**

- Support maintaining the supply of affordable mobile home housing by writing letters to local jurisdictions urging actions to prevent adverse social, economic, and emotional consequences to tenants due to the sale or conversion of mobile home parks in Nevada AND by recommending that a bill draft be requested to strengthen protections for such tenants under Chapter 118B of NRS (“Landlord and Tenant: Manufactured Home Parks”), including enhancing provisions for tenant notification and compensation.

(Proposed by Thelma Clark, Forum Vice President)

## **Recommendation No. 8 — Other Affordable Housing Initiatives**

- Support certain recommendations of the Legislative Commission’s Subcommittee to Study the Availability and Inventory of Affordable Housing (Assembly Concurrent Resolution No. 11, File No. 97, *Statutes of Nevada 2005*).

(Proposed by Thelma Clark, Forum Vice President)

### **Tab E**

Summary of recommendations adopted by the Legislative Commission’s Subcommittee to Study the Availability and Inventory of Affordable Housing

## **EMERGENCY PREPAREDNESS FOR LONG-TERM CARE FACILITIES**

## **Recommendation No. 9 — Local Emergency Planning and Drills**

- Write letters to Nevada’s Department of Health and Human Services; Nevada’s Department of Public Safety; the Clark County Office of Emergency Management; Washoe County Emergency Management; the Nevada Association of Counties; the Nevada League of Cities and Municipalities; and the Nevada Health Care Association. The letters should urge that long-term care providers and their resources be taken into consideration during emergency and disaster preparedness planning and that these providers be given notice of and included in community drills.

(Proposed by Charles Perry, Executive Director, Nevada Health Care Association; and James P. O’Brien, Director, Clark County Office of Emergency Management, April 7, 2006 Forum meeting)

### **Tab F**

Remarks presented to the Forum by Charles Perry

**Recommendation No. 10 — Mandatory Shelter-in-Place Drills**

- Write a letter to Nevada’s Department of Health and Human Services, requesting it to seek enabling legislation, if necessary, and to develop regulations requiring long-term care facilities to conduct mandatory periodic “shelter-in-place” drills, such as drills required of schools by NRS 392.450, with compliance to be a condition of licensure and licensure renewal.

(Proposed by James P. O’Brien, Director, Clark County Office of Emergency Management)

**Tab G**

NRS 392.450

**HEALTH AND MENTAL HEALTH**

**Recommendation No. 11 — Repeal of Rehabilitation Therapy Cap**

- Write a letter to the Nevada Congressional Delegation **OR** request a resolution from the Nevada Legislature to Congress and the President urging the repeal of the Medicare cap on outpatient rehabilitation therapy services.

(Proposed by Thelma Clark, Forum Vice President)

**Tab H**

Senate Bill 438 and House Resolution 916

**Recommendation No. 12 — Continuing Education in Geriatrics**

- Write a letter to the Sanford Center for Aging supporting its recommendation to require continuing education and training in geriatrics for all health care professionals practicing in Nevada.

(Proposed by Dr. Lawrence J. Weiss, Director, Sanford Center for Aging)

**Recommendation No. 13 – Department of Geriatrics**

- Write letters to chairs of the Senate Committee on Human Resources and Education, the Senate Finance Committee, the Assembly Committee on Health and Human Services, and the Assembly Committee on Ways and Means of the Nevada Legislature urging them to conduct hearings on the need for more physicians qualified to practice in the field of geriatrics. The hearings should address creation of a Department of Geriatrics and Interdisciplinary Health Sciences in the University of Nevada School of Medicine (UNSOM) and establishment of incentive arrangements to encourage enrollment of students and retention of graduates as resident practitioners in Nevada.

(Proposed by Dr. Lawrence J. Weiss, Director, Sanford Center for Aging; and Robert G. McCune, Forum Member)

**Tab I**

Proposal for a Department of Geriatrics and Interdisciplinary Health Sciences provided by Dr. Lawrence J. Weiss

Information on geriatrics provided by Robert G. McCune

**Recommendation No. 14 – Mental Health Services for Persons with Dementia**

- Write a letter to Nevada’s Department of Health and Human Services endorsing efforts to require State mental health officials to provide services to people suffering from dementia by removing the Alzheimer’s disease exclusion in NRS 433A.115 and other mental health statutes; to earmark funding for treatment and care of persons with dementia and supportive services to their caregivers; and to provide incentives to companies to build more facilities in the State that make available care and treatment for people with dementia.

(Proposed by Sally C. Ramm, Elder Rights Attorney, Aging Services Division, Nevada’s Department of Health and Human Services)

**Tab J**

Memorandum from Sally C. Ramm (see pages 1 and 2)

NRS 433A.115

**Recommendation No. 15 — Access to Dental Services**

- Include a statement in the final report emphasizing the need for improved access to dental care for Nevada’s senior citizens, particularly those with low incomes, and supporting efforts to expand Senior Rx to include dental care.

(Proposed by David Love, Coordinator, Grandparents Navigation Project, and Verlia Davis Hoggard, Forum President)

<p><b>Tab K</b> NRS 439.665</p>
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<p><b>ADDITIONAL LETTERS OR RESOLUTIONS OF SUPPORT</b></p>
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**Recommendation No. 16 —Strategic Plan Accountability Committee for Senior Services**

- Write a letter to members of the Nevada Legislature and Nevada’s Department of Health and Human Services urging support for the following recommendations of the Strategic Plan Accountability Committee (SPAC) for Senior Citizens adopted on May 3, 2006:
  1. Support the “Money Follows the Person” recommendations adopted by the SPAC for People with Disabilities on May 2, 2006;
  2. Create a Standing Committee for Seniors, Veterans, and Adults with Disabilities in the Nevada Legislature;
  3. Make funding for the Nevada 2-1-1- program permanent;
  4. Create a Nevada Housing Registry mandating participation of developers who receive federal, state, and local funding for affordable and accessible housing projects; and
  5. Call for the provision of resources to shift seniors from more restrictive settings to community based care.

(Proposed by Connie McMullen, Chair, SPAC for Senior Citizens)

<p><b>Tab L</b> Recommendations adopted by the SPAC for Senior Citizens</p>
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### **Recommendation No. 17 — Nevada Prescription Drug Policy Makers Summit**

- Write a letter to the members of the Nevada Legislature and Nevada’s Department of Health and Human Services expressing support for the recommendations of the Nevada Prescription Drug Policy Makers Summit held on September 22, 2005, as follows:
  1. Establish a Statewide Prescription Drug Discount Program, including:
    - a. Expansion of the State’s multi-state purchasing pool by including non-traditional members to maximize discounts. Options for action include legislation, interagency agreement, or executive order.
    - b. Establishment of pharmacy benefit manager (TBM) transparency, wherein all negotiations and rebates involving TBMs are disclosed to greatly enhance the savings for purchasers and consumers.
    - c. Establishment of a common system of utilization review and preferred drug lists to contain costs and assure ease of use by consumers.
  2. Establish regulations for pharmaceutical marketing practices, including reporting of gifts, fees, and other economic benefits to providers by pharmaceutical companies and prohibiting the sale of prescriber histories to pharmaceutical companies for marketing purposes.
  3. Provide education and outreach to physicians, providers, and consumers on the factors that drive the cost of prescription drugs and methods of reducing these costs.

(Proposed by Barry Gold, Advocacy Director, AARP Nevada)

<b>Tab M</b>
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Executive Summary, Nevada Prescription Drug Policy Makers Summit
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### **Recommendation No. 18 — National Silver Haired Congress and 2005 White House Conference on Aging**

- Write a letter to the Nevada Congressional Delegation **OR** request the drafting of a resolution from the Nevada Legislature urging the Nevada Congressional Delegation to support implementation of the top five resolutions of the National Silver Haired Congress, as follows:
  1. Reauthorize the Older Americans Act, increase funding for programs under the Act, and encourage development of a coordinated emergency response plan for seniors;
  2. Extend the deadline of the Medicare Prescription Drug Program from May 15, 2006, to December 31, 2006;

3. Integrate dental care for seniors into primary health care by implementing Medicare payment for dental service;
4. Create a National Background Check and Registry of employees of health care and residential care facilities and home health agencies, with strict enforcement; and
5. Urge the President and Congress to initiate appropriate action in accordance with the top ten priorities and related recommendations of the 2005 White House Conference on Aging.

(Proposed by Thelma Clark, Forum Vice President)

**Tab N**

Top ten priorities of the 2005 White House Conference on Aging

**Recommendation No. 19 — Nevada Delegation to the National Silver Haired Congress**

- Write a letter to the Nevada Congressional Delegation **OR** request the drafting of a resolution from the Nevada Legislature urging the Nevada Congressional Delegation to work to implement the following recommendations, which were submitted by the Nevada Delegation to the National Silver Haired Congress, but which were not included in the National Silver Haired Congress' top five recommendations:
  1. Allow the United States Department of Housing and Urban Development to release grants or waivers to state housing authorities to construct affordable housing (Author, Thelma Clark, Silver Senator);
  2. Increase funding of the Low Income Home Energy Assistance Program, oppose any reduction in this program, and release remaining contingency funds for this program year (Author, Thelma Clark, Silver Senator);
  3. Appropriate funds for research to determine the cause of macular degeneration (Author, Thelma Clark, Silver Senator); and
  4. Restore full Social Security benefits by repealing the government pension offset and windfall elimination (Author, Lucy Peres, Silver Representative).

(Proposed by Thelma Clark, Forum Vice President)

**Tab O**

Text of resolutions