



Senior Citizens and Veterans

Legislative Counsel Bureau

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**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY
ISSUES RELATING TO SENIOR CITIZENS AND VETERANS**

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SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY ISSUES RELATING TO SENIOR CITIZENS AND VETERANS

Assembly Concurrent Resolution No. 35
(File No. 109, *Statutes of Nevada 2007*)

On June 19, 2008, during the sixth and final meeting of the Legislative Commission's Subcommittee to Study Issues Relating to Senior Citizens and Veterans, the members conducted a work session and voted to forward five bill draft requests (BDRs) to the 2009 Legislative Session. The Subcommittee members also voted to have 13 letters drafted to various entities expressing their support for specific issues or encouraging certain action. During the work session, the members also voted to include several statements about topics of concern and statements of support for certain issues in the Subcommittee's final report. A summary of each BDR and letter follows.

During the drafting process, specific details of the following proposals for legislation and letters may be further clarified by staff in consultation with the Chair or others, as appropriate. If a proposal for legislation or letter includes reference to specific chapters or statutes of the *Nevada Revised Statutes* (NRS), as part of the drafting process, amendments to other related chapters or sections of the NRS may be made to fully implement the proposals.

BILL DRAFT REQUESTS

1. Draft legislation to create an ongoing statutory committee on "Special Adult Populations" to address issues concerning groups such as senior citizens, veterans, and disabled adults. The Committee may study, among other important issues, the following topics:
 - A. Model guardianship laws and ways to improve protections for older persons involved in the guardianship system, including ways to improve investigation and monitoring systems; and
 - B. Ways to improve long-term care facilities in Nevada, which may include: (1) a reduction in out-of-state placements; (2) the creation of both an acute and long-term special unit to treat people suffering from dementia who have challenging behaviors; (3) the development of a long-term care gero-psych unit for treatment in both the north and south as an alternative to long-term care facilities; and (4) the creation of a Program for Assertive Community Treatment, similar to the Division of Mental Health and Developmental Services', Department of Health and Human Services (DHHS), Programs for

Assertive Community Treatment (PACT), that would provide follow-up care and track the progress of residents **(BDR 17-97)**.

2. Draft legislation requiring the Aging Services Division, DHHS, to create a central registry of information relating to substantiated cases of abuse, neglect, isolation, or exploitation committed against an older person. The information in the registry would include information related to cases of abuse, neglect, isolation, or exploitation gathered pursuant to NRS 200.5093. The Division could release information in the registry to an employer who provides services to older persons under certain circumstances. This legislation and the requirements for the registry should be modeled after NRS 432.0999 through 432.130, which relate to a registry of information concerning the abuse or neglect of a child **(BDR 38-98)**.
3. Draft legislation to revise licensing requirements for residential facilities for groups and homes for individual residential care in the following ways:
 - A. Require the Bureau of Licensure and Certification (BLC), Health Division, DHHS, to license an independent living portion of a facility when it is housed within a residential facility for groups with more than ten beds; and
 - B. Prohibit licensees of residential facilities for groups with ten beds or fewer and homes for individual residential care from renting rooms to boarders who do not meet the residency requirements of the type of group home for which they are licensed. An exception is that any person related within the third degree of consanguinity to a resident or staff person of the home may also reside there **(BDR 40-99)**.
4. Draft legislation that amends the provisions of NRS 118A.335 to remove the duplication of background checks that was created for certain facilities by the passage of Assembly Bill 352 (Chapter 315, *Statutes of Nevada*) in 2007. The amendment should state that employees working in facilities that are currently licensed by the BLC, Health Division, DHHS, and that meet the requirements for those employees under NRS 449.176 through 449.188, are exempt from the requirements listed in NRS 118A.335 **(BDR 10-100)**.
5. Draft legislation to change property tax provisions for certain veterans:
 - A. Provide for a 100 percent property tax or privilege tax exemption for 100 percent service-connected disabled and individually unemployable veterans in NRS 361.090; and
 - B. Increase the amount of property tax exemption for veterans and add to NRS 361.091 a new tier for those who are 40 to 59 percent disabled **(BDR 32-101)**.

LETTERS

6. Write a letter to the Senate Committee on Judiciary and the Assembly Committee on Judiciary during the 2009 Legislative Session to encourage them to review the changes made to NRS 200.5093 by Section 5 of Assembly Bill 267 (Chapter 324, *Statutes of Nevada 2005*) and consider reinstating members of the clergy and attorneys as mandatory reporters of abuse. If the language were reinstated exactly as it existed in statute prior to Assembly Bill 267, then the following people would have to report suspected incidences of abuse, neglect, or isolation of persons over age 60: every clergyman, practitioner of Christian Science, or religious healer, unless he acquired the knowledge of abuse, neglect, exploitation, or isolation of the older person from the offender during a confession; and every attorney, unless he has acquired the knowledge of abuse, neglect, exploitation, or isolation of the older person from a client who has been or may be accused of such abuse, neglect, exploitation, or isolation.
7. Write a letter to Assemblyman Marcus L. Conklin, Chair of the Legislative Commission's Subcommittee to Study Mortgage Lending and Housing Issues (NRS 218.682), requesting that he and the Subcommittee members consider the following recommendation that was brought to the attention of the Subcommittee to Study Issues Relating to Senior Citizens and Veterans: The State should require that the Division of Mortgage Lending, Department of Business and Industry (DBI), have total regulatory power and authority over the education and licensing of *all* mortgage brokers. This would require all originators of loans in the State of Nevada to hold a proper mortgage broker license, including those who are currently exempt under the provisions of NRS 645B.015, such as brokers in certain banks, credit unions, and other financial agencies.
8. Write a letter to Nevada's Congressional Delegation urging the passage of the Elder Justice Act (U.S. Senate Bill 1070 and House Resolution 1783).
9. Write a letter to district attorneys' offices in Nevada requesting that they take steps to improve the identification and prosecution of crimes against older persons. Specifically, the letter will encourage them:
 - A. To identify cases involving crimes against persons older than 60 so that the prevalence of crimes involving seniors can be tracked more accurately and data regarding the types of crimes that involve seniors can be more easily sorted and responded to;
 - B. To prosecute cases even when the victim is not available or willing to testify; and
 - C. Not to engage in plea bargaining for cases involving crimes against older persons that are punishable as gross misdemeanors or felonies.

10. Write a letter requesting that Nevada's State Demographer, Office of the State Demographer, Nevada System of Higher Education (NSHE), collect and report demographic information about persons age 60 or older in Nevada, not only age 65, as is currently the practice. The federal government uses 65 years of age as the definition of a senior, but Nevada laws vary, and many use age 60 as the definition of an older person or senior.
11. Write a letter to the Elder Abuse Task Force, the Attorney General, Aging Services Division, the district attorney of each Nevada county, Clark County Protective Services, the Henderson Police Department, the Las Vegas Metropolitan Police Department, the North Las Vegas Police Department, and the Reno Police Department to encourage the use of multidisciplinary team approaches when handling cases of elder abuse, exploitation, neglect, or isolation. Send a copy of the letter to Governor Jim Gibbons and members of the Legislature.
12. Write a letter to local governments to encourage them to take the following action:
 - A. Develop or support pilot projects that would help create aging-in-place resources for local communities. The project could be modeled after the Atlanta Regional Commission's "Lifelong Communities" and "Fifty Forward" strategy, and Fairfax County, Virginia's "Age Friendly Community – 50+." Also promote the use of adult day health care centers as an alternative to nursing homes, and encourage the expansion of funding for home- and community-based programs to provide cost-efficient services that keep people in their homes living with dignity and independence at lower costs than nursing homes or residential facilities; and
 - B. Improve transportation for senior citizens in the community by: encouraging livable communities where services are conveniently located; supporting funding for existing clustered services such as senior centers that provide meals, recreation, and legal services; supporting transit-oriented development and public-private partnerships; supporting funding for public transportation; encouraging "complete streets" designed for safe, convenient access for all users including bicyclists, motorists, pedestrians, and transit riders of all ages and abilities; supporting measures that simplify the processes for obtaining information; and requiring that transportation and land use decisions be made with equal consideration.
13. Write a letter to Governor Jim Gibbons, the Senate Committee on Finance, the Assembly Committee on Ways and Means, the Senate Committee on Human Resources and Education, and the Assembly Committee on Health and Human Services encouraging the continued support of the Senior Rx program, including pharmacy, dental, and vision programs.

14. Write a letter to the Senate Committee on Human Resources and Education and the Assembly Committee on Health and Human Services during the 2009 Legislative Session to encourage them to examine the following issues: the possible need to appropriate additional funds for oversight and supervision of health care facilities, including the funding of surveyors, and the creation of mechanisms to ensure public protection and immediate actions to protect consumers. Also encourage them to examine affordable prescription drug legislation and programs, including: pharmacy benefit manager transparency, oversight and reporting of pharmaceutical marketing practices and the payments and gifts to physicians, and restrictions on marketing practices known as “prescriber profiling,” which allow pharmaceutical companies to target doctors and reward salespeople for what doctors prescribe.
15. Write a letter to Governor Jim Gibbons and State agency administrators who are involved with the aging population (e.g., Nevada’s Department of Transportation [NDOT]; Aging Services Division, DHHS; BLC, Health Division, DHHS; Division of Health Care Financing and Policy [DHCFP], DHHS; and the Mortgage Lending Division, DBI), requesting that they conduct “internal scans” of their services. During the internal scan, agencies would examine their ability to provide services for the senior population currently in the State, project the needs in the future, integrate aging issues into their planning processes, and plan how they anticipate meeting the needs in the future. This could be modeled on the State of New York’s “Project 2015,” or Arizona’s “Aging Arizona 2020” project. Also request in the letter that the results of the internal scans be reported to the Nevada Commission on Aging; the Aging Services Division, DHHS; and the Legislative Commission’s committee or subcommittee that is responsible for senior issues at the time of the report’s release.
16. Write a letter to NDOT to encourage it to consider including in its executive budget a request for provisions similar to those in Assembly Bill 467 from the 2007 Legislative Session. This measure would have appropriated funds to NDOT to fund rural transit operations, including the Elderly and Persons with Disabilities program and the Non-Urbanized Areas Public Transit programs.
17. Write a letter to the appropriate military entities in the federal government and Nevada’s Congressional Delegation, as appropriate, urging the following:
 - A. The provision of a seamless transition for service members to receive medical services when they return home from duty. The letter would encourage the creation of a system of mandatory registration with the Nevada branch of the Office of the Military for health and other services before service people leave active duty. Also, strategies to increase awareness of, and attendance at, TAP (Transition Assistance Program) seminars should be explored;

- B. The creation of a memorandum of understanding between the Office of the Military and State of Nevada agencies (especially health agencies) to facilitate better coordination of services and records sharing. This would allow for more seamless transitions between active duty and redeployment regarding the coordination of health services;
 - C. The ability to use contracted medical care in highly rural communities so that veterans do not have to travel long distances and pay for overnight accommodations for themselves and their families to receive care; and
 - D. The authorization for military personnel in all branches to transfer their Government Issue (GI) Bill benefits for education to their dependents.
18. Write a letter to the NSHE encouraging the provision of the following:
- A. Programs to help recruit more mental health providers to the State. Some programs might include: providing scholarships or loan forgiveness programs for mental health professionals who serve in rural areas of the State for a certain length of time; funding continuing education credits for mental health professionals to receive specialized training in post traumatic stress disorder (PTSD); or, instead of funding the continuing education credits, grant double credit towards continuing education for those who pay for a class in PTSD. This letter should also be sent to the School of Medicine, Division of Health Sciences, NSHE; and
 - B. A program in the universities similar to the “Boots to Books” program in Glendora, California. The course teaches interpersonal skills; transition issues; and methods of adapting to civilian life at home, school, and work. Options include incorporating such skills into a first-year experience course that already exists at the university, or to create a course specifically for veterans.

**REPORT TO THE 75TH SESSION OF THE NEVADA STATE LEGISLATURE BY
THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY
ISSUES RELATING TO SENIOR CITIZENS AND VETERANS**

I. INTRODUCTION

During the 74th Legislative Session, the Nevada State Legislature passed Assembly Concurrent Resolution No. 35 (File No. 109, *Statutes of Nevada 2007*), which directs the Legislative Commission to appoint a subcommittee to study issues relating to senior citizens and veterans. Assembly Concurrent Resolution No. 35 requires that the subcommittee evaluate, review, and comment upon issues relating to senior citizens and veterans, including, without limitation: (1) health and human services; (2) elder abuse and exploitation; (3) financial and physical wellness initiatives; (4) housing and transportation; and (5) public outreach and advocacy.

Members

The Legislative Commission appointed the following members to the Subcommittee to Study Issues Relating to Senior Citizens and Veterans:

Assemblywoman Kathy McClain (Chair)
Senator Warren B. Hardy II
Senator Joseph J. Heck
Senator Joyce Woodhouse
Assemblyman Joseph M. Hogan
Assemblyman James A. Settelmeyer

Staff

The following Legislative Counsel Bureau (LCB) staff members provided support for the Subcommittee:

Amber J. Joiner, Senior Research Analyst, Research Division
Risa B. Lang, Chief Deputy Legislative Counsel, Legal Division
Eileen G. O'Grady, Chief Deputy Legislative Counsel, Legal Division
Charity Fowler, Deputy Legislative Counsel, Legal Division
Ricka Benum, Senior Research Secretary, Research Division

II. SUBCOMMITTEE ACTIVITIES

In order to meet the requirements of Assembly Concurrent Resolution No. 35, the Subcommittee met six times. The Subcommittee met in Las Vegas, Nevada, on December 11, 2007; February 5, 2008; March 18, 2008; and June 19, 2008. It met in Carson City, Nevada, on May 7, 2008, and May 8, 2008. All six meetings were broadcast live on the Internet and videoconferenced between the Grant Sawyer State Office Building in Las Vegas and the Legislative Building in Carson City, which allowed testimony from both locations. Additionally, the meeting on May 8, 2008, was videoconferenced to Elko, Nevada, to allow testimony from eastern Nevada.

During the course of the study, representatives from federal, State, and local agencies; branches of the military; businesses; community groups; nonprofit organizations; professional organizations; and the public provided testimony on a wide range of topics relating to senior citizens and veterans. For summaries of testimony and exhibits, please refer to the meeting *Summary Minutes and Action Reports*, available at: <http://www.leg.state.nv.us/74th/Interim/Studies/SeniorCitizens/>.

III. DISCUSSION OF MAJOR ISSUES RESULTING IN BILL DRAFTS, LETTERS, OR STATEMENTS

During the Subcommittee's final meeting on June 19, 2008, the members conducted a work session and voted to submit five bill draft requests to the 75th Legislative Session. Additionally, the members voted to send 13 letters to various entities and voted to include numerous statements in this report expressing their support or concern for certain topics. Additional information, such as the work session document that includes all of the recommendations considered and the minutes of the meetings, can be found at: <http://www.leg.state.nv.us/74th/Interim/Studies/SeniorCitizens/>.

A. Need for Further Study of Issues Relating to Senior Citizens and Veterans

During the course of the Subcommittee's study, the complexities and importance of issues relating to senior citizens and veterans were revealed, and the need for future study on many issues became apparent.

One example of a topic in need of future study is the guardianship system in Nevada. During the February 5, 2008, meeting, the Subcommittee heard testimony from the Honorable David A. Hardy, Department 2, Family Division, Second Judicial District Court of Nevada; Sally Crawford Ramm, Elder Rights Attorney, Aging Services Division, DHHS; and Kathleen Buchanan, Clark County Public Guardian, and Director, Public Guardian Department, Clark County. Their testimony suggested that the structure and process of the guardianship system may need to be revised in order to protect senior citizens in Nevada more effectively.

Another example of a topic in need of further study is long-term care facilities for senior citizens in Nevada. During the May 7, 2008, meeting, the Subcommittee heard testimony from the Honorable Frances Doherty, Department 12, Family Division, Second Judicial District Court of Nevada, and Connie McMullen, Chair, Strategic Plan Accountability Committee, relating to the lack of options for long-term care facilities in Nevada for certain senior citizens. They specifically discussed the problem of out-of-state placement and suggested that alternatives to out-of-state placements need to be examined.

Recognizing the need for additional study on these and a wide range of other topics relating to senior citizens and veterans, the Subcommittee voted to submit the following bill draft request (BDR 17-97):

Create an ongoing statutory committee on “Special Adult Populations” to address issues concerning groups such as senior citizens, veterans, and disabled adults. The Committee may study, among other important issues, the following topics:

- **Model guardianship laws and ways to improve protections for older persons involved in the guardianship system, including ways to improve investigation and monitoring systems; and**
- **Ways to improve long-term care facilities in Nevada, which may include: (1) a reduction in out-of-state placements; (2) the creation of both an acute and long-term special unit to treat people suffering dementia who have challenging behaviors; (3) the development of a long-term care gero-psych unit for treatment in both the north and south as an alternative to long-term care facilities; and (4) the creation of a Program for Assertive Community Treatment, similar to the Division of Mental Health and Developmental Services’, DHHS, Programs for Assertive Community Treatment (PACT), that would provide follow-up care and track the progress of residents.**

Letters From the Subcommittee

The need for further study of issues relating to senior citizens was also raised by Barry Gold, Director of Government Relations, AARP Nevada, during the March 18, 2008, meeting. Mr. Gold presented information about the State of New York’s “Project 2015,” and Arizona’s “Aging Arizona 2020” project. Both of these projects studied how well agencies were meeting the needs of senior citizens and then developed plans to meet the future needs of senior citizens in those states.

Recognizing the importance of assessments and planning for the future needs of senior citizens in Nevada, the Subcommittee voted to send a letter to Governor Jim Gibbons and State agency administrators who are involved with the aging population (e.g., NDOT; Aging Services Division, DHHS; BLC, Health Division, DHHS; DPCFP, DHHS; and the Mortgage Lending Division, DBI) requesting that they conduct “internal scans” of their services. During the

internal scan, agencies would examine their ability to provide services for the senior population currently in the State, project the needs in the future, integrate aging issues into their planning processes, and plan how they anticipate meeting the needs in the future. The letter will also request that the results of the internal scans be reported to the Nevada Commission on Aging; the Aging Services Division, DHHS; and the Legislative Commission's committee or subcommittee that is responsible for senior issues at the time of the report's release.

One problem sometimes encountered when studying senior citizen issues in Nevada is the lack of comparable data and confusion over the definition of "senior." The federal government uses 65 years of age as the definition of a senior, but Nevada laws vary, and many use age 60 as the definition of an elderly, older person, or senior. This difference became especially apparent during the February 5, 2008, meeting when Captain PK O'Neill, Chief, Records and Technology Division, Central Repository for Nevada Records of Criminal History, Department of Public Safety (DPS), and Josh Porter, Statistician, Records and Technology Division, DPS, provided the Subcommittee with information relating to crimes against older persons in Nevada. It was explained that the State Demographer collects information about persons age 65 and older, but other State and local agencies collect information about persons age 60 or older, which results in data that is not able to be compared easily. Hoping to rectify this inconsistency and improve future studies, the Subcommittee voted to send a letter to Nevada's State Demographer, Office of the State Demographer, NSHE, requesting that the State Demographer collect and report demographic information about persons age 60 or older in Nevada, not only age 65, as is currently the practice.

B. Senior Citizen Abuse, Neglect, Isolation, and Exploitation

The Subcommittee meeting on February 5, 2008, focused primarily on the topic of senior citizen abuse, neglect, isolation, and exploitation. Among testimony by several experts, the members heard testimony from Nancy L. McLane, Director, Clark County Social Service, who suggested that one way elder abuse, neglect, isolation, and exploitation could be better prevented is to make information about substantiated cases of abuse more available. Acknowledging the importance of preventing the abuse, neglect, isolation, or exploitation committed against older persons, and the useful information that a central registry of substantiated cases could provide, the Subcommittee voted to submit the following bill draft request (**BDR 38-98**):

Require the Aging Services Division, DHHS, to create a central registry of information relating to substantiated cases of abuse, neglect, isolation, or exploitation committed against an older person. The information in the registry would include information related to cases of abuse, neglect, isolation, or exploitation gathered pursuant to NRS 200.5093. The Division could release information in the registry to an employer who provides services to older persons under certain circumstances. This legislation and the requirements for the registry should be modeled after NRS Sections 432.0999 through 432.130, which relate to a registry of information concerning the abuse or neglect of a child.

Letters From the Subcommittee

At the February 5, 2008, meeting, the Subcommittee received information about the status of federal legislation relating to the abuse, neglect, isolation, and exploitation of senior citizens. The “Elder Justice Act,” which is the name of two federal bills, U.S. Senate Bill 1070 and House Resolution 1783, would coordinate federal efforts to provide a comprehensive approach to preventing and reducing elder abuse, neglect, and exploitation. At the time of the Subcommittee’s work session in June, neither bill had received a hearing in Congress, and no action had been taken. The Subcommittee voted to send a letter to Nevada’s Congressional Delegation urging the passage of the Elder Justice Act.

During their study, the Subcommittee members addressed the topic of reporting procedures for cases of elder abuse, neglect, isolation, and exploitation. During the February 5, 2008, meeting, Barry Gold, Director of Government Relations, AARP Nevada, reminded the Subcommittee that in 2005, Section 5 of Assembly Bill 267 (Chapter 324, *Statutes of Nevada*) removed clergy and attorneys from the list of mandatory reporters of elder abuse. Mr. Gold suggested that language in the statutes be revised to be exactly as it existed prior to the passage of Assembly Bill 267. If this were done, the following people would have to report suspected incidences of abuse, neglect, or isolation of persons over age 60: every clergyman, practitioner of Christian Science, or religious healer, unless he or she acquired the knowledge of abuse, neglect, exploitation, or isolation of the older person from the offender during a confession; and every attorney, unless he has acquired the knowledge of abuse, neglect, exploitation, or isolation of the older person from a client who has been or may be accused of such abuse, neglect, exploitation, or isolation.

In response to Mr. Gold’s suggestion, the Subcommittee voted to send a letter to the Senate Committee on Judiciary and the Assembly Committee on Judiciary during the 2009 Legislative Session to encourage them to review the changes made to NRS 200.5093 by Section 5 of Assembly Bill 267 (Chapter 324, *Statutes of Nevada 2005*) and consider reinstating members of the clergy and attorneys as mandatory reporters of abuse.

Other issues related to the reporting and processing of cases of abuse against senior citizens were raised during the February 5, 2008, meeting by Barbara L. Aupperle, Program Administrator, Victim Witness Assistance Center, Clark County District Attorney’s Office; and Kay Panelli, Social Services Chief II, and Sally Crawford Ramm, Elder Rights Attorney, Aging Services Division, DHHS. In response to their testimony, the Subcommittee voted to send a letter to district attorneys’ offices in Nevada requesting that they take steps to improve the identification and prosecution of crimes against older persons. Specifically, the letter will encourage them:

- To identify cases involving crimes against persons older than 60 so that the prevalence of crimes involving seniors can be tracked more accurately and data regarding the types of crimes that involve seniors can be easily sorted and responded to;

- To prosecute cases even when the victim is not available or willing to testify; and
- Not to engage in plea bargaining for cases involving crimes against older persons that are punishable as gross misdemeanors or felonies.

Also relating to the processing of cases of elder abuse, the Subcommittee voted to send a letter to the Elder Abuse Task Force, the Attorney General, Aging Services Division, district attorneys, Clark County Protective Services, the Henderson Police Department, the Las Vegas Metropolitan Police Department (LVMPD), the North Las Vegas Police Department, and the Reno Police Department to encourage the use of multidisciplinary team approaches when handling cases of elder abuse, exploitation, neglect, or isolation. A copy of the letter will also be sent to Governor Jim Gibbons and members of the Legislature.

According to testimony provided by Rena' E. Starks, Executive Strategic Marketer and Developer, IAMB, Inc., during the May 7, 2008, meeting, exploitation of older persons also occurs due to practices in mortgage lending. Ms. Starks suggested that one way the State could prevent mortgage lending abuses against seniors is to require that the Division of Mortgage Lending, DBI, have total regulatory power and authority over the education and licensing of *all* mortgage brokers. This would require all originators of loans in the State of Nevada to hold a proper mortgage broker license, including those who are currently exempt under the provisions of NRS 645B.015, such as brokers in certain banks, credit unions, and other financial agencies. In response, the Subcommittee voted to send a letter to Assemblyman Marcus L. Conklin, Chair of the Legislative Commission's Subcommittee to Study Mortgage Lending and Housing Issues (NRS 218.682), requesting that he and the Subcommittee members consider the recommendation that the Division of Mortgage Lending have total regulatory power and authority over the education and licensing of *all* mortgage brokers.

Statements in the Final Report

In addition to the BDR and letters relating to elder abuse, exploitation, neglect, and isolation, the Subcommittee members voted to include three statements relating to this topic in the Subcommittee's final report. The Subcommittee:

- Believes that the identification of exploitation of older persons is an issue of concern and strongly supports the voluntary training of certain officers and employees of mortgage companies, title companies, real estate agencies, car dealerships, and casinos in the identification and reporting of exploitation of older persons and vulnerable persons. The Subcommittee encourages employees and everyone who deals with populations of older persons or vulnerable persons to become familiar with the signs of exploitation and the procedures for reporting such cases. This training could be similar to that required in Assembly Bill 87 (Chapter 328, *Statutes of Nevada 2007*), which requires training for officials and employees of financial institutions, outlines the specific content of that training, and details under which circumstances suspicion of exploitation should be reported to authorities (derived from testimony

by Angie Christensen, Detective, Sexual Assault Section, LVMPD, during the February 5, 2008, meeting);

- Acknowledges the important roles that grandparents and great-grandparents can play in the lives of their grandchildren and great-grandchildren (derived from testimony by John Yacenda, Ph.D., Government Relations Consultant, representing Families United Now, Inc., during the February 5, 2008, meeting); and
- Supports the important training role of the Peace Officers' Standards and Training Commission (P.O.S.T.) in preventing and processing cases of elder abuse, neglect, isolation, and exploitation and requests that the Legislature consider authorizing the distribution of Court Assessment Fees to P.O.S.T. for training officers, pursuant to NRS 176.059 (derived from testimony by Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association, during the February 5, 2008, meeting).

C. Residential Facilities for Senior Citizens

During the May 7, 2008, meeting, the Subcommittee heard testimony from Paul Shubert, Health Facilities Surveyor IV, BLC, Health Division, DHHS, who provided information regarding the regulation of long-term facilities in Nevada. During discussion, concern was raised about current licensing requirements for various residential facilities, including facilities where senior citizens reside with people who are not seniors. Mr. Shubert stated that a regulatory or statutory change would be necessary to disallow a licensed facility from offering rooms to boarders or renters. As a result of this discussion, the Subcommittee voted to submit the following bill draft request (**BDR 40-99**):

Revise licensing requirements for residential facilities for groups and homes for individual residential care in the following ways:

- **Require the BLC, Health Division, DHHS, to license an independent living portion of a facility when it is housed within a residential facility for groups with more than ten beds; and**
- **Prohibit licensees of residential facilities for groups with ten beds or fewer and homes for individual residential care from renting rooms to boarders who do not meet the residency requirements of the type of group home for which they are licensed. An exception is that any person related within the third degree of consanguinity to a resident or staff person of the home may also reside there.**

At the May 7, 2008, meeting, concern was raised over the background check procedures that certain facilities are required to follow when hiring workers. Assemblywoman RoseMary Womack, Clark County Assembly District No. 23, and Wendy Simons, Co-Chair, Assisted Living Advisory Council, testified specifically about the unintended consequences of

Assembly Bill 352 (Chapter 315, *Statutes of Nevada 2007*), which resulted in duplicate requirements for certain facilities when conducting background checks. Mrs. Womack explained that the duplicate investigative requirement for one facility's employees amounts to an additional \$85 per employee. Mrs. Womack proposed that legislation be drafted to amend the provisions of NRS 118A.335 to remove the unnecessary requirements. In response, the Subcommittee voted to submit the following bill draft request (**BDR 10-100**):

Amend the provisions of NRS 118A.335 to remove the duplication of background checks that was created for certain facilities by the passage of Assembly Bill 352 (Chapter 315, *Statutes of Nevada*) in 2007. The amendment should state that employees working in facilities that are currently licensed by the BLC, DHHS, and that meet the requirements for those employees under NRS 449.176 through 449.188, are exempt from the requirements listed in NRS 118A.335.

Statements in the Final Report

In addition to the BDRs relating to residential facilities for senior citizens, the Subcommittee members voted to include four statements relating to this topic in the Subcommittee's final report. The Subcommittee:

- Acknowledges the importance of adequate exercise programs for older people in residential facilities. An "adequate exercise program" should include resistance exercise to prevent disability, aerobics for improved endurance, and stretching for flexibility. The members also encourage the revision of *Nevada Administrative Code* 449.260(b), which requires caregivers employed by a residential facility to facilitate group activities that provide mental and physical stimulation and develop creative skills and interests, to specifically require that adequate exercise programs be provided (derived from testimony during the May 7, 2008, meeting, and suggested by Glen E. Martin, Nevada Senior Resistance Coordinator; and Barry and Beverly Edis, Nevada Resistance Training Coordinators);
- Supports measures to improve long-term care services in Nevada, including: providing effective and ongoing training for existing care staff to help transition and stabilize residents; expanding bed space capacity; discontinuing out-of-state transfers; providing alternative housing in the least restrictive environments, including expansion of group homes and in-home living options; providing industry incentives and remediation of potential misperceptions of licensing challenges; and supporting residents' rights to access treatment and living opportunities (derived from testimony during the May 7, 2008, meeting, and suggested by the Honorable Frances Doherty, Family Division, Second Judicial District Court of Nevada);
- Supports the Strategic Plan for People with Disabilities' goals and objectives, including: (1) the full utilization of the FOCIS (Facility Outreach Community Integration Services) project, which includes identifying the best possible and least restrictive placement

within the community setting and the return of people living out of state, if possible; and (2) the expansion of the Pre-Admission Screening Annual Resident Review to provide all elements of the setting neutral assessments prior to entry into any segregated residential setting in-state or out of state. This should include behaviorally challenged senior populations (suggested by Connie McMullen, Chair, Strategic Plan Accountability Committee for Senior Citizens); and

- Supports affordable housing for older adults. Especially important is protecting funding for affordable assisted living programs such as Silver Sky Assisted Living, Las Vegas, and protecting definitions for assisted living in statute (suggested by Barry Gold, Director of Government Relations, AARP Nevada).

D. Senior Citizens Living Independently in the Community

During the March 18 and May 7, 2008, meetings, the Subcommittee heard testimony on a wide range of topics relating to senior citizens living independently in the community. Among the topics discussed, the concept of livable communities was presented by Barry Gold, Director of Government Relations, AARP Nevada. According to Mr. Gold's testimony, livable communities are places where people of all ages and abilities have housing and mobility options and supportive community features that meet their needs to be comfortable, safe, and to have their transportation requirements met. Livable communities provide independence, choice, and control, which are essential elements for healthy aging. Mobility and transportation are key components of livable communities, and testimony from Lea M. Rogers, Paratransit Administrator, Regional Transportation Commission of Washoe County, further emphasized the need for planning for livable communities.

Letters From the Subcommittee

Acknowledging the importance of planning for and providing livable communities, the Subcommittee voted to send a letter to local governments to encourage them to take the following action:

- Develop or support pilot projects that help create aging-in-place resources for local communities. The projects could be modeled after the Atlanta Regional Commission's "Lifelong Communities" and "Fifty Forward" strategy, or Fairfax County, Virginia's "Age Friendly Community - 50+." Also promote the use of adult day health care centers as an alternative to nursing homes, and encourage the expansion of funding for home- and community-based programs to provide cost-efficient services that keep people in their homes living with dignity and independence at lower costs than nursing homes or residential facilities (suggested in parts by Grady Tarbutton, Director, Senior Services, Washoe County Department of Social Services; Christopher A. Vito, M.H.A., President and CEO, Rehabilitation Institutes of Nevada; and Barry Gold, Director of Government Relations, AARP Nevada); and

- Improve transportation for senior citizens in the community by: encouraging livable communities where services are conveniently located; supporting funding for existing clustered services such as senior centers that provide meals, recreation, and legal services; supporting transit-oriented development and public-private partnerships; supporting funding for public transportation; encouraging “complete streets” designed for safe, convenient access for all users including bicyclists, motorists, pedestrians, and transit riders of all ages and abilities; supporting measures that simplify the processes for obtaining information; and requiring that transportation and land use decisions be made with equal consideration (suggested by Lea M. Rogers, Paratransit Administrator, Regional Transportation Commission of Washoe County, during the May 7, 2008, meeting).

The importance of transportation to senior citizens living independently in the community was further emphasized when the Subcommittee voted to send a letter to NDOT to encourage it to consider including in its executive budget a request for provisions similar to those in Assembly Bill 467 from the 2007 Legislative Session. This measure would have appropriated funds to NDOT to fund rural transit operations, including the Elderly and Persons with Disabilities Program and the Non-Urbanized Areas Public Transit programs (suggested by Chuck Ricker, Executive Director, Northern Nevada Transit Coalition and Vice-Chairman, NDOT’s Advisory Committee for Transit).

E. Medical Services for Senior Citizens

Letters From the Subcommittee

During several meetings, the Subcommittee heard testimony about the various medical services available to senior citizens in Nevada, including dental, health, and pharmaceutical programs. Recognizing the importance of these programs, the Subcommittee voted to send a letter to Governor Jim Gibbons, the Senate Committee on Finance, the Assembly Committee on Ways and Means, the Senate Committee on Human Resources and Education, and the Assembly Committee on Health and Human Services encouraging the continued support of the Senior Rx program, including dental, vision, and pharmacy programs (suggested by Barry Gold, Director of Government Relations, AARP Nevada).

The Subcommittee also voted to send a letter to the Senate Committee on Human Resources and Education and the Assembly Committee on Health and Human Services during the 2009 Legislative Session to encourage them to examine the possible need to appropriate additional funds for oversight and supervision of health care facilities, including the funding of surveyors; and the creation of mechanisms to ensure public safeguards and immediate actions to protect consumers. The letter will also encourage the Committees to examine affordable prescription drug legislation and programs, including: pharmacy benefit manager transparency; oversight and reporting of pharmaceutical marketing practices and the payments and gifts to physicians; and restrictions on marketing practices known as “prescriber profiling,” which allow pharmaceutical companies to target doctors and reward salespeople for

what doctors prescribe (suggested by Barry Gold, Director of Government Relations, AARP Nevada).

Statements in the Final Report

In addition to the letters relating to Medical Services for Senior Citizens, the Subcommittee members voted to include two statements relating to this topic in the Subcommittee's final report. The Subcommittee:

- Urges the Division of Health Care Financing and Policy, DHHS, to take certain action relating to Medicaid:
 - Create an enhanced funding model that includes a graduated reimbursement system for Medicaid. For example, in some states there are tiers of funding in the Medicaid system so that adult day health care facilities that are willing to take the most difficult cases (advanced Alzheimer's, traumatic brain injuries, et cetera) are reimbursed at a higher rate. This would help prevent seniors from being placed in facilities prematurely (derived from testimony by Jeffrey Klein, Executive Director, Adult Day Care Center of Las Vegas, during the March 18, 2008, meeting);
 - Examine national Medicaid reimbursement rates and consider increasing Medicaid reimbursement rates for skilled care home health services in Nevada (derived from testimony by Stephanie Eigenrauch, Administrator, Dynamic Home Health Care, during the March 18, 2008, meeting); and
 - Institute programs for reimbursement for certain uncovered home health services, such as bowel services and medication setup (derived from testimony by Stephanie Eigenrauch, Administrator, Dynamic Home Health Care, during the March 18, 2008, meeting).
- Wants it to be noted in this report that the members seriously considered several ideas relating to the education of medical professionals who specialize in geriatrics and gerontology, but there was no consensus on moving forward with a recommendation for a BDR or letter (derived from testimony by Lawrence J. Weiss, Ph.D., Director and Associate Professor, Sanford Center for Aging, University of Nevada, Reno, NSHE, during the March 18, 2008, meeting). The topics discussed included:
 - Requiring continuing medical education in geriatrics and gerontology for practicing health care professionals, similar to Assembly Bill 108 introduced during the 2007 Legislative Session;
 - Creating a loan forgiveness program, targeting all health professionals, to encourage practitioners and pharmacists to become educated in geriatrics and gerontology; and

- Creating an educational body within the School of Medicine, now the Division of Health Sciences, NSHE, to focus on geriatric medical education and interdisciplinary health sciences.

F. Services and Benefits for Veterans

Although the Subcommittee heard testimony related to veterans during several meetings, the meeting on May 8, 2008, was devoted exclusively to veterans' issues. During this meeting, Tim Tetz, Executive Director, NOVS, testified that in March 2008, his office held a Legislative Symposium where several suggestions were made regarding how State laws could be improved to benefit veterans. Among the recommendations, the participants suggested that the property tax exemptions currently provided in Chapter 361 of NRS should be expanded to provide for certain disabled groups of veterans. In response, the Subcommittee voted to submit the following bill draft request (**BDR 32-101**):

Change property tax provisions for certain veterans:

- **Provide for a 100 percent property tax or privilege tax exemption for 100 percent service-connected disabled and individually unemployable veterans (NRS 361.090); and**
- **Increase the amount of property tax exemption for veterans and add a new tier for those who are 40 to 59 percent disabled (NRS 361.091).**

Letters From the Subcommittee

Since many issues relating to veterans such as their education, health care, training, and transition services are outside the jurisdiction of State legislators, the Subcommittee members voted to send a letter to the appropriate military entities in the federal government and Nevada's Congressional Delegation, as appropriate, urging the following:

- The provision of a more seamless transition for service members to receive medical services when they return home from duty. The letter would encourage the creation of a system of mandatory registration with the Nevada branch of the Office of the Military for health and other services before service people leave active duty. Also, strategies to increase awareness of, and attendance at, TAP (Transition Assistance Program) seminars should be explored (derived from testimony by Alicia M. Adams, R.N., Operation Enduring Freedom/Operation Iraqi Freedom Program Manager, VA Sierra Nevada Health Care System, Veterans Health Administration; and D. Rodger Waters, Commander, Department of Nevada, American Legion, during the May 8, 2008, meeting);
- The creation of a memorandum of understanding between the Office of the Military and State of Nevada agencies (especially health agencies) to facilitate better coordination of

services and records sharing. This would allow for more seamless transitions between active duty and redeployment regarding the coordination of health services (derived from testimony by Carmen Rank, Transition Assistance Advisor, Office of the Military, during the May 8, 2008, meeting);

- The ability to use contracted medical care in highly rural communities so that veterans do not have to travel long distances and pay for overnight accommodations for themselves and their families to receive care (derived from testimony by D. Rodger Waters, Commander, Department of Nevada, American Legion, during the May 8, 2008, meeting); and
- The authorization for military personnel in all branches to transfer their Government Issue (GI) Bill benefits for education to their dependents (derived from testimony by Johann Sprenger, Coordinator of Veterans Services and Admissions, Department of Admissions and Records, UNR, NSHE, during the May 8, 2008, meeting).

Another topic relating to veterans that the Subcommittee explored during the May 8, 2008, meeting was the NSHE educational programs for veterans and its educational programs for professionals who serve veterans. The Subcommittee voted to send a letter to the NSHE encouraging the provision of the following:

- Programs to help recruit more mental health providers to the State. Some programs might include: providing scholarships or loan forgiveness programs for mental health professionals who serve in rural areas of the State for a certain length of time; funding continuing education credits for mental health professionals to receive specialized training in post traumatic stress disorder (PTSD); or, instead of funding the continuing education credits, grant double credit towards continuing education for those who pay for a class in PTSD. This letter should also be sent to the School of Medicine, Division of Health Sciences, NSHE (derived from testimony by Alicia M. Adams, R.N., Operation Enduring Freedom/Operation Iraqi Freedom Program Manager, VA Sierra Nevada Health Care System, Veterans Health Administration, during the May 8, 2008, meeting); and
- A program in the universities similar to the “Boots to Books” program in Glendora, California. The course teaches interpersonal skills; transition issues; and methods of adapting to civilian life at home, school, and work. Options include incorporating such skills into a first-year experience course that already exists at the university, or to create a course specifically for veterans (derived from testimony by Johann Sprenger, Coordinator of Veterans Services and Admissions, Department of Admissions and Records, UNR, NSHE, during the May 8, 2008, meeting).

Statements in the Final Report

In addition to the BDR and letters relating to services and benefits for veterans, the Subcommittee members voted to include seven statements relating to this topic in the Subcommittee's final report. The Subcommittee:

- Supports a change in license plate provisions for veterans, including:
 - Providing for handicap privileges and stickers for disabled veterans to use on Purple Heart license plates (derived from testimony by Tim Tetz, Executive Director, NOVS, during the May 8, 2008, meeting); and
 - Creating a gold star license plate for family members of those killed while on duty (derived from testimony by Tim Tetz, Executive Director, NOVS, during the May 8, 2008, meeting).
- Supports efforts to amend language in the NRS relating to veterans, including:
 - Revising the definition of "Veteran" in the NRS so that different sections do not have different, confusing definitions (derived from testimony by Tim Tetz, Executive Director, NOVS, during the May 8, 2008, meeting); and
 - Removing from Chapter 361 of NRS the ambiguity for Global War on Terrorism (GWOT) veterans. This chapter of the law relates to tax exemptions, and currently GWOT veterans are being excluded because Public Law 102-1 is referenced in NRS 361.090, but local assessors do not know that the law applies to GWOT veterans (derived from testimony by Tim Tetz, Executive Director, NOVS, during the May 8, 2008, meeting).
- Supports, in concept, the inclusion of the following items that are expected to be included in the next NOVS budget request, including:
 - The proposed funding model, design, and construction of a Nevada State Veterans' Home in Sparks, Nevada (derived from testimony by Tim Tetz, Executive Director, NOVS; and D. Rodger Waters, Commander, Department of Nevada, American Legion, during the May 8, 2008, meeting);
 - Resources for the Nevada State Veterans' Home in Boulder City, Nevada, including: more bariatric furniture and equipment; one additional Registered Nurse/Licensed Practical Nurse (RN/LPN) position; two additional administrative staff positions; one additional facility maintenance staff member; an additional classroom and storage building; and two new vehicles (derived from testimony by Tim Tetz, Executive Director, NOVS, during the May 8, 2008, meeting);

- Resources for the Veterans' Service Offices, including: one administrative assistant position for the Las Vegas Trinity Team; two veterans' service officers and one administrative assistant for the creation of a Trinity Team in Fallon; one veterans' service officer and one administrative assistant to complete the Boulder City/Las Vegas Trinity Team; and two veterans' service officers and one administrative assistant for a Trinity Team at the new Sparks veterans' home (derived from testimony by Tim Tetz, Executive Director, NOVS, during the May 8, 2008, meeting);
- Resources for the Nevada Veterans' Memorial Cemetery in Southern Nevada, including: one administrative assistant III, two maintenance repair workers, and two ground maintenance workers (derived from testimony by Tim Tetz, Executive Director, NOVS, during the May 8, 2008, meeting); and
- Resources for the Nevada Veterans' Cemeteries in Boulder City and Fernley (derived from testimony by D. Rodger Waters, Commander, Department of Nevada, American Legion, during the May 8, 2008, meeting).
- Supports programs that provide supportive services for homeless veterans and their families, including: case management, daily living, education, employment training, health care, outreach, personal financial planning, rehabilitation, transportation, and vocational counseling (derived from testimony by D. Rodger Waters, Commander, Department of Nevada, American Legion, during the May 8, 2008, meeting);
- Supports the modification and protection of voter and election laws to make it easier for deployed active duty members of the military, their dependents, and senior citizens to participate in the electoral process (derived from testimony by Tim Tetz, Executive Director, NOVS, during the May 8, 2008, meeting; and Barry Gold, Director of Government Relations, AARP Nevada, during the June 19, 2008, meeting);
- Supports the provision of reduced State park entry and hunting and fishing license fees for active duty military, National Guard members, and veterans (derived from testimony by Tim Tetz, Executive Director, NOVS, during the May 8, 2008, meeting); and
- Wants it to be noted in this report that the members seriously considered the possible benefits of programs that provide preferences or set-aside opportunities for Nevada veteran-owned businesses and Nevada service-disabled veteran-owned businesses when competing for State, local government, or school district contracts for products or services. However, the Subcommittee decided that such a program is not a priority at this time (derived from testimony by Kathy Agee, Director, Procurement Outreach, Nevada's Commission on Economic Development, during the May 8, 2008, meeting).

IV. CONCLUDING REMARKS

The Subcommittee to Study Issues Relating to Senior Citizens and Veterans fulfilled the requirements of Assembly Concurrent Resolution No. 35 by evaluating, reviewing, and commenting upon issues relating to senior citizens and veterans, including: health and human services; elder abuse and exploitation; financial and physical wellness initiatives; housing and transportation; and public outreach and advocacy.

The Subcommittee would like to thank all of the federal, State, and local agencies; branches of the military; businesses; community groups; nonprofit organizations; professional organizations; and the public for their contributions to this study. The members sincerely appreciate the time, expertise, and recommendations these people volunteered to make the study as comprehensive and thorough as possible. This study would not have been possible without their assistance and cooperation.

V. APPENDICES

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APPENDIX A

Assembly Concurrent Resolution No. 35
(File No. 109, *Statutes of Nevada 2007*)

APPENDIX A

Assembly Concurrent Resolution No. 35—Committee on Elections,
Procedures, Ethics, and Constitutional Amendments

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the
Legislative Commission to conduct interim studies
concerning chancery courts and issues relating to senior
citizens and veterans.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE
SENATE CONCURRING, That the Legislative Commission is hereby
directed to appoint a subcommittee to study the benefits, costs and
feasibility of the implementation of courts of chancery in Nevada
and a subcommittee to study issues relating to senior citizens and
veterans; and be it further

RESOLVED, That each subcommittee must be composed of three
members of the Assembly and three members of the Senate, one of
whom must be appointed as Chairman of the subcommittee; and be
it further

RESOLVED, That the study of courts of chancery must include,
without limitation, a compilation and analysis of the economic and
legal impact courts of chancery have had in states in which they
have been implemented and an assessment of expected revenues,
estimated costs of operation and any ancillary economic impact to
Nevada that might result from the implementation of courts of
chancery; and be it further

RESOLVED, That the interim committee studying issues relating
to senior citizens and veterans shall evaluate, review and comment
upon issues relating to senior citizens and veterans, including,
without limitation:

1. Health and human services;
2. Elder abuse and exploitation;
3. Financial and physical wellness initiatives;
4. Housing and transportation; and
5. Public outreach and advocacy; and be it further

RESOLVED, That any recommended legislation proposed by
either of the interim committees must be approved by a majority of
the members of the Assembly and a majority of the members of the
Senate appointed to the interim committee; and be it further

RESOLVED, That the Legislative Commission shall submit a
report of the results of the studies and any recommendations for
legislation to the 75th Session of the Nevada Legislature.

APPENDIX B

Suggested Legislation

APPENDIX B

Suggested Legislation

The following Bill Draft Requests will be available during the 2009 Legislation Session, or can be accessed after “Introduction” at the following website: <http://www.leg.state.nv.us/75th2009/BDRList/>.

- | | |
|-------------------|--|
| BDR 17–97 | Provides for an ongoing statutory committee to study issues concerning certain adult populations with special needs. |
| BDR 38–98 | Provides for registry of information relating to cases of abuse, neglect, isolation, or exploitation of older persons. |
| BDR 40–99 | Makes various changes concerning licensing of residential facilities for groups and homes for individual residential care. |
| BDR 10–100 | Revises provisions governing requirements for licensure by the Bureau of Licensure and Certification. |
| BDR 32–101 | Makes various changes concerning tax exemptions for service-connected disabled veterans. |