

Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs



Bulletin No. 13-16

*Legislative Counsel
Bureau*

January 2013



**LEGISLATIVE COMMITTEE ON SENIOR CITIZENS,
VETERANS AND ADULTS WITH SPECIAL NEEDS**

BULLETIN NO. 13-16

JANUARY 2013

TABLE OF CONTENTS

	<u>Page</u>
Summary of Recommendations	iii
Report to the 77th Session of the Nevada Legislature by the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs	1
I. Introduction	1
II. Committee Activities	2
III. Discussion of Major Issues Resulting in Legislation or Other Committee Action.....	3
A. Elder Abuse, Neglect, Exploitation, or Isolation	3
B. Facilities and Home and Community-Based Services	3
C. Services Relating to Veterans	5
IV. Concluding Remarks	6
V. Appendices	7

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON SENIOR CITIZENS, VETERANS AND ADULTS WITH SPECIAL NEEDS

Nevada Revised Statutes 218E.750

This summary presents recommendations approved by the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs at its final work session meeting on June 20, 2012. These recommendations will be submitted to the 77th Legislative Session for its consideration in 2013.

RECOMMENDATIONS FOR LEGISLATION

1. Amend the statutes to make various changes relating to Home and Community-Based Services. **(BDR -116)**
2. Amend the statutes to require a facility for skilled nursing to conduct an annual assessment of each patient in the facility who receives Medicaid benefits to determine if the patient qualifies for a lower level of care or Home and Community-Based Services. **(BDR 40-117)**
3. Amend the statutes (such as NRS 449.123) to make the following changes concerning criminal background investigations of independent contractors and certain employees of facilities for long-term care: **(BDR 40-118)**
 - a. Create an exception to the requirement that facilities for long-term care conduct criminal background investigations of independent contractors and temporary employees. A facility would not need to conduct a criminal background investigation of any independent contractor or temporary employee who is placed in the facility by an employment agency that has completed a criminal background investigation on the independent contractor or temporary employee. A criminal background investigation conducted by an employment agency would be valid for as long as the independent contractor or temporary employee maintains continuous employment with the employment agency.
 - b. Create an exception to the requirement that facilities for long-term care conduct a criminal background investigation on an employee who possesses a professional license if the professional or occupational board or commission conducted a criminal background investigation as a requirement for licensure.
4. Amend the statutes (such as NRS 200.5093) to reinstate members of the clergy and attorneys as mandatory reporters of abuse of those over age 60. **(BDR 15-123)**

5. Amend the statutes (such as Chapter 483 of NRS) providing that if a person applying to the Department of Motor Vehicles (DMV) for an instruction permit, driver's license, or identification card declares that he or she is a veteran of the Armed Forces of the United States, the person may request that his or her veteran's status be placed on the instruction permit, driver's license, or identification card. Any such person would be required to provide evidence satisfactory to the DMV that he or she has been honorably discharged from the Armed Forces of the United States. **(BDR 43-145)**
6. Amend the statutes (such as NRS 176A.280) to require every district court located in a county whose population is 700,000 or more to establish a specialty court program for veterans. **(BDR 14-124)**

RECOMMENDATIONS FOR COMMITTEE LETTERS

7. Send a letter to the members of the Senate Committee on Finance and the Assembly Committee on Ways and Means of the 2013 Legislature requesting that the Committees consider increasing the level of funding budgeted from the State General Fund for Home and Community-Based Services for seniors, veterans, and adults with special needs.
8. Send a letter urging the Eighth Judicial District Court (Clark County) to establish a specialty court program for veterans.

RECOMMENDATIONS FOR STATEMENTS IN THE FINAL REPORT

9. Include a statement in the final report that Nevada should develop a philosophy that consumer choice and quality of life should drive the long-term support services system; and expand Medicaid funding for Home and Community-Based Services rather than nursing home care.
10. Include a statement in the final report encouraging the Regional Transportation Commission of Southern Nevada to establish paratransit and fixed-route service to the new Veterans Administration Medical Center in southern Nevada.
11. Include a statement in the final report encouraging courts to apply for any available federal funding and grants for the purpose of establishing or expanding, as applicable, specialty court programs for veterans.

**REPORT TO THE 77TH SESSION OF THE NEVADA LEGISLATURE BY
THE LEGISLATIVE COMMITTEE ON SENIOR CITIZENS,
VETERANS AND ADULTS WITH SPECIAL NEEDS**

I. INTRODUCTION

During the 75th Legislative Session, the Nevada Legislature passed Assembly Bill 9 (Chapter 430, *Statutes of Nevada 2009*), which provided for the creation of a new statutory committee, the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. The Committee's membership, powers, and duties are codified in *Nevada Revised Statutes* (NRS) 218E.750 and 218E.760.

Regarding bill draft requests (BDRs) submitted to the 76th Legislative Session, a summary of the status of the recommendations for legislation made by the Committee during the 2009-2010 Interim is attached as Appendix B.

Members

For the 2011-2012 Interim, the Legislative Commission appointed the following members to the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs:

Senator Shirley A. Breeden, Chair
Assemblywoman Teresa Benitez-Thompson, Vice-Chair
Senator Joseph P. (Joe) Hardy, M.D.
Senator Mark A. Manendo
Assemblyman Elliot T. Anderson
Assemblyman Peter Livermore

Staff

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

Kirsten Coulombe, Senior Research Analyst
Marsheilah D. Lyons, Supervising Principal Research Analyst
Heidi A. Chlarson, Principal Deputy Legislative Counsel
Sally Trotter, Principal Administrative Assistant

During the 2011-2012 Interim, the Committee met four times (January 11, March 21, May 15, and June 20, 2012) in Las Vegas at the Grant Sawyer State Office Building. All meetings were videoconferenced to the Legislative Building in Carson City. The summary of testimony and exhibits are available online at the Committee's webpage: <http://www.leg.state.nv.us/Interim/76th2011/Committee/StatCom/SeniorVetSpecial/?ID=27>.

II. COMMITTEE ACTIVITIES

The Committee heard several presentations throughout the interim period. Members were informed of findings from a 2011 audit conducted by the LCB's Audit Division on the Aging and Disability Services Division (ADSD), Department of Health and Human Services (DHHS), and Nevada's Office of Veterans' Services (NOVS). The Committee was apprised of a new grant awarded to the Health Division, DHHS, for a criminal background check database. The Health Division also spoke of upcoming BDRs to be submitted by the Division next session, as well as recommendations for the Committee to consider.

Relating to services available to seniors and adults with disabilities, presentations included Aging and Disability Resource Centers, Elder Protective Services, Independent Living Grants, Medicaid Waivers, the Program of All-Inclusive Care for the Elderly, and the Senior Ride program. In addition, functions of the Nevada Silver Haired Legislative Forum and the Nevada Commission on Aging were discussed, as well as the eight-year strategic plan for senior services. In response to Senate Bill 245 (Chapter 184, *Statutes of Nevada 2011*), the Nevada Highway Patrol, Department of Public Safety, provided an update on the implementation of the Statewide Alert System for the Safe Return of Missing Endangered Older Persons (Silver Alert System). Testimony from the ADSD also provided a historical account of why members of the clergy and attorneys were removed from the list of mandatory reporters of elder abuse.

With regard to veterans' issues, Committee members heard presentations on the Homeless Stand Down Program, the Nevada Veterans' Services Commission, the new Veterans Administration Medical Center in southern Nevada, transportation services offered by the Regional Transportation Commission of Southern Nevada, a new electronic system for filing exemptions, suicide rates of Nevada's veterans, and issues for Filipino World War II veterans.

At the fourth and final meeting, the Committee held a work session, during which members considered 11 recommendations. The members voted to forward six BDRs to the 77th Session of the Nevada Legislature, send two letters of support to various entities, and include three statements in the Committee's final report. The BDRs relate to the following topics:

- Home and Community-Based Services (HCBS);
- Facilities for Long-Term Care;
- Elder Abuse, Neglect, Exploitation, or Isolation;
- Instruction Permits, Driver's Licenses, and Identification Cards for Veterans; and
- Specialty Court Programs for Veterans.

III. DISCUSSION OF MAJOR ISSUES RESULTING IN LEGISLATION OR OTHER COMMITTEE ACTION

A variety of issues were addressed at the meetings of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. This section provides background information and discusses only those issues for which the Committee made recommendations. The bill drafts, letters, and statements fall into three main topic categories: elder abuse, neglect, exploitation or isolation; facilities and HCBS for senior citizens and adults with disabilities; and services relating to veterans.

A. Elder Abuse, Neglect, Exploitation, or Isolation

The topic of mandatory reporters of elder abuse, neglect, exploitation and isolation was discussed during the second and third meetings of the Committee. The ADSD, DHHS, provided a historical account of Assembly Bill 267 (Chapter 324, *Statutes of Nevada 2005*), which amended NRS 200.5093 to remove attorneys and members of the clergy from the elder abuse reporting process. Testimony indicated attorneys and members of the clergy were mandatory reporters for 24 years prior to being removed in 2005 and are still required to report child abuse. Representatives from the State Bar of Nevada testified regarding attorney client privileges, and Rule 1.6. (“Confidentiality of Information”) of the Nevada Rules of Professional Conduct for attorneys. Further, the representatives of the State Bar testified that it would not find a conflict if the requirement to include an attorney as a mandatory reporter of elder abuse was reinstated. In response to this testimony, the Committee voted at its final meeting to submit the following bill draft request: **(BDR 15–123)**

Amend the statutes (such as NRS 200.5093) to reinstate members of the clergy and attorneys as mandatory reporters of abuse of those over age 60.

B. Facilities and Home and Community-Based Services

For seniors and adults with disabilities who need assistance with activities of daily living, the primary options for personal care services are through a long-term care facility such as a nursing home or group home, or to receive caregiver services in the home. These options were discussed in detail at each meeting during the interim. Several individuals testified to the cost savings associated with services received in a home environment or group home versus those services received in an institutional setting such as a skilled nursing facility. Based on the testimony received and discussions held by the members, the Committee voted to submit the following bill draft request: **(BDR –116)**

Amend the statutes to make various changes relating to Home and Community-Based Services.

For those seniors or adults with special needs who may reside in a skilled nursing facility but may qualify for a lower level of care through HCBS, the members voted to also submit the following legislation: **(BDR 40–117)**

Amend the statutes to require a facility for skilled nursing to conduct an annual assessment of each patient in the facility who receives Medicaid benefits to determine if the patient qualifies for a lower level of care or Home and Community-Based Services.

During the May 15, 2012, meeting, the Committee members heard testimony relating to background investigations of employees who work in long-term care facilities in Nevada. Representatives from the Health Division, DHHS, provided testimony on the investigation process for new and current employees, and informed the Committee of a grant awarded to the Division to develop a criminal background check database. Discussion ensued among the Committee members regarding the five-year time period of validity once a background check is conducted. During the final meeting in June, the members voted to submit the following bill draft request: **(BDR 40-118)**

Amend the statutes (such as NRS 449.123) to make the following changes concerning criminal background investigations of independent contractors and certain employees of facilities for long-term care:

- a. Create an exception to the requirement that facilities for long-term care conduct criminal background investigations of independent contractors and temporary employees. A facility would not need to conduct a criminal background investigation of any independent contractor or temporary employee who is placed in the facility by an employment agency that has completed a criminal background investigation on the independent contractor or temporary employee. A criminal background investigation conducted by an employment agency would be valid for as long as the independent contractor or temporary employee maintains continuous employment with the employment agency.**
- b. Create an exception to the requirement that facilities for long-term care conduct a criminal background investigation on an employee who possesses a professional license if the professional or occupational board or commission conducted a criminal background investigation as a requirement for licensure.**

In addition to the aforementioned BDRs, the Committee also voted during the final meeting to take the following actions in regards to HCBS:

Send a letter to the members of the Senate Committee on Finance and the Assembly Committee on Ways and Means of the 2013 Legislature requesting that the Committees consider increasing the level of funding budgeted from the State General Fund for HCBS for seniors, veterans, and adults with special needs.

Include a statement in the final report that Nevada should develop a philosophy that consumer choice and quality of life should drive the long-term support services system; and expand Medicaid funding for HCBS rather than nursing home care.

C. Services Relating to Veterans

The Committee heard a variety of informative presentations about services benefiting veterans. During the May 15, 2012, meeting, the Committee heard testimony on specialty court programs for veterans offered through Washoe County's Second Judicial District Court, along with programs in other states as presented by the National Conference of State Legislatures (NCSL). Testimony described specialty court programs for veterans that reduced recidivism rates, had high rates of completion, and connected veterans to available benefits. Representatives from the Las Vegas Township Justice Court and Clark County Eighth Judicial Court testified to an informal veterans court system offered on certain calendar days of individual judges but indicated there is no structured specialty court for veterans in Clark County at this time.

In response to the testimony received, the Committee voted to submit the following bill draft request: **(BDR 14-124)**

Amend the statutes (such as NRS 176A.280) to require every district court located in a county whose population is 700,000 or more to establish a specialty court program for veterans.

In addition to the benefits experienced from a veterans court, the Committee heard testimony from the NCSL and NOVS about the benefit of adding a veteran's designation to a person's instruction permit, driver's license, or identification card. Therefore, the Committee also voted to submit the following bill draft request: **(BDR 43-145)**

Amend the statutes (such as Chapter 483 of NRS) providing that if a person applying to the Department of Motor Vehicles (DMV) for an instruction permit, driver's license, or identification card declares that he or she is a veteran of the Armed Forces of the United States, the person may request that his or her veteran's status be placed on the instruction permit, driver's license, or identification card. Any such person would be required to provide evidence satisfactory to the DMV that he or she has been honorably discharged from the Armed Forces of the United States.

Along with the aforementioned BDRs, the Committee also voted during the final meeting to take the following actions:

Send a letter urging the Eighth Judicial District Court (Clark County) to establish a specialty court program for veterans.

Include a statement in the final report encouraging the Regional Transportation Commission of Southern Nevada to establish paratransit and fixed-route service to the new Veterans Administration Medical Center in southern Nevada.

Include a statement in the final report encouraging courts to apply for any available federal funding and grants for the purpose of establishing or expanding, as applicable, specialty court programs for veterans.

At the Committee's third meeting, on May 15, 2012, in response to a presentation regarding the lack of federal benefits for Filipino World War II veterans, members voted to send a letter to Nevada's Congressional Delegation urging them to become co-sponsors of House Resolution 210, "Filipino Veterans Fairness Act of 2011" pending in the United States Congress and to the President of the United States urging him to sign an Executive Order.

IV. CONCLUDING REMARKS

The Committee would like to thank all of the State and local agencies; branches of the military; community groups; nonprofit organizations; professional organizations; and the public for their contributions to the Committee's work this interim. The members sincerely appreciate the time and expertise of those who testified at each meeting.

V. APPENDICES

	<u>Page</u>
Appendix A	
<i>Nevada Revised Statutes</i> 218E.750	9
Appendix B	
Status of Bill Draft Requests From the 2009-2010 Interim	13
Appendix C	
Suggested Legislation	17

APPENDIX A

Nevada Revised Statutes 218E.750

Nevada Revised Statutes

NRS 218E.750 Creation; membership; budget; officers; terms; vacancies.

1. The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs, consisting of six members, is hereby created. The membership of the Committee consists of:

(a) Three members of the Senate appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party; and

(b) Three members of the Assembly appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. After the initial selection, each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

(Added to NRS by [2009, 2412](#); A [2011, 3235](#))

APPENDIX B

Status of Bill Draft Requests From the 2009-2010 Interim

STATUS OF BILL DRAFT REQUESTS FROM THE 2009-2010 INTERIM

BDR	Summary	Bill	Status
18-153	Makes various changes concerning Multidisciplinary Teams.	A.B. 126	Failed
14-154	Revises provisions concerning the reporting of crimes against older persons.	A.B. 125	Chapter 27, <i>Statutes of Nevada 2011</i>
40-155	Requires training of persons who work in certain facilities	S.B. 129	Chapter 377, <i>Statutes of Nevada 2011</i>
13-156	Revises provisions relating to guardianships.	S.B. 128	Chapter 229, <i>Statutes of Nevada 2011</i>
20-157	Revises provisions relating to public guardians.	A.B. 163	Failed
40-158	Revises provisions relating to facilities for long-term care.	S.B. 420	Chapter 246, <i>Statutes of Nevada 2011</i>
40-159	Requires routine inspections of certain facilities.	A.B. 123	Chapter 386, <i>Statutes of Nevada 2011</i>
13-160	Revises provisions concerning guardianships for veterans.	S.B. 127	Failed
43-161	Revises provisions relating to veterans' license plates.	S.B. 274	Failed
54-162	Requires funeral homes to report the unclaimed remains of persons who may be veterans.	A.B. 124	Chapter 7, <i>Statutes of Nevada 2011</i>

APPENDIX C

Suggested Legislation

The following bill draft requests will be available during the 2013 Legislative Session, or can be accessed after “Introduction” at the following website: <http://www.leg.state.nv.us/Session/77th2013/BDRList/page.cfm?showAll=1>.

- BDR -116 Makes various changes relating to Home and Community-Based Services.
- BDR 40-117 Requires certain facilities for long-term care to conduct annual assessments of certain patients.
- BDR 40-118 Revises provisions relating to background investigations for certain persons who work in facilities for long-term care.
- BDR 15-123 Makes various changes relating to the mandatory reporting of elder abuse.
- BDR 14-124 Requires certain district courts to establish a specialty court program for veterans.
- BDR 43-145 Authorizes the placement of veteran’s status on certain documents issued by the Department of Motor Vehicles.