



## **NEVADA LEGISLATURE**

### **NEVADA SILVER HAired LEGISLATIVE FORUM**

*(Nevada Revised Statutes 427A.320 through 427A.400)*

#### **SUMMARY MINUTES AND ACTION REPORT**

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The fourth meeting of the Nevada Silver Haired Legislative Forum (NSHLF) for the 2013-2014 interim period was held on Tuesday, February 18, 2014, at 10:00 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was video-conferenced to Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada, and to the Conference Room, Chilton Circle Modular, Great Basin College, Elko, Nevada.

A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/Interim>. In addition, copies of the audio-video record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

#### **COMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Herbert E. Randall, Ed.D., President, Silver Senator  
Joann M. Bongiorno, Senatorial District No. 7  
Colleen Brown, Senatorial District No. 5  
Evelyn A. Canestra, M.S.W., Senatorial District No. 8  
James Downer, RTRP, Senatorial District No. 20  
Verlia Davis Hoggard, Senatorial District No. 4  
Rick Kuhlmeier, Senatorial District No. 2  
Patsy Metler, Senatorial District No. 18  
Lucy Peres, Silver Senator  
Mary D. Roberts, Senatorial District No. 1  
Stephanie L. Rose, Senatorial District No. 11  
Betty Rumford, Senatorial District No. 6  
Russ Schoenbeck, Silver Representative  
Lonnie Strait, Silver Representative  
Harriet Trudell, Senatorial District No. 10

**COMMITTEE MEMBERS PRESENT IN CARSON CITY:**

John (Jack) Paul Ginter, Jr., Senatorial District No. 14  
Margaret Spooner, Senatorial District No. 17  
John Yacenda, Ph.D., M.P.H., P.A.H.M., Senatorial District No. 16

**COMMITTEE MEMBER PRESENT IN ELKO:**

Ray B. Jones, Senatorial District No. 19

**COMMITTEE MEMBERS ABSENT:**

Barbara Altman, Senatorial District No. 9  
Clo Banks, Senatorial District No. 3  
Reba June Burton, Senatorial District No. 15  
Clare Tobler, Senatorial District No. 12

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Mary Shope, Coordinator, NSHLF, Administrative Division, Las Vegas Office

## **CALL TO ORDER AND OPENING REMARKS**

Herbert E. Randall, Ed.D., Forum President, called the Nevada Silver Haired Legislative Forum's (NSHLF) meeting to order. President Randall welcomed guests, new members and members of the public.

Ms. Shope conducted the roll call and a quorum was determined to be present.

## **PUBLIC COMMENT**

President Randall called for public comment; however, no testimony was presented.

## **PRESENTATIONS ON OVERSIGHT AND INSPECTION PROCESS OF SKILLED NURSING FACILITIES**

President Randall introduced Heather Korbolic, Long Term Care Ombudsman, and Jill Berntson, Deputy Administrator, Aging Disability Services Division. Ms. Korbolic provided an overview of Nevada's long term care ombudsman responsibilities. She stated that their routine presence at long term care facilities builds trust and rapport among the residents and health care personnel. ([Exhibit B](#))

Ms. Korbolic indicated that the majority of complaints center on dignity and respect, discharge and evictions, failure to respond for assistance and medication issues. She emphasized the importance of culture change initiatives, which focus on residents' specific needs and rights, as a resolution to complaints. She referenced the success of their volunteer long term care ombudsman program.

Mr. Jack Ginter inquired about their inspections to the long-term care facilities, specifically if these visits were announced or unannounced. Ms. Korbolic answered the majority of the visits are unannounced.

Dr. John Yacenda announced his support of the ombudsman program and the culture change initiatives. He inquired about the collaboration between the ombudsman and the family in assisted living facilities. Ms. Korbolic emphasized the importance of family, but reassured the members that the long term care ombudsman's advocacy is based on the resident's preferences.

Ms. Stephanie Rose and Dr. Randall inquired about the complaint process, while Ms. Joann M. Bongiorno raised the challenges of intimidation and retaliation. Ms. Korbolic stated residents have privacy rights including anonymity or resident councils to discuss issues. In addition, she shared the toll free number for the initiation of the complaint process; anyone can file a complaint.

Ms. Evelyn Canestra raised concerns about what seems to be a disconnect between the advocates' goals and objectives and the productivity statistics when compared with the

national statistics of elder abuse. Furthermore, she inquired about complaint resolution. Ms. Berntson stated the long term care ombudsman takes the necessary time to resolve the complaint, to the satisfaction of the resident.

Mr. Rick Kuhlmeier questioned the ombudsman's professionalism and unbiased assessment of the situation. Ms. Bongiorno inquired about training and staffing requirements that address culture differences between the staff and residents.

Ms. Korbolic stated advocates abide by a code of ethics, but if the situation is not addressed, she encouraged the resident and/or family request further assistance from the office.

Dr. Randall introduced Kyle Devine, MSW, Bureau Chief, Bureau of Health Care Quality and Compliance (BHCQC), and M. Jeanne Hesterlee, RN, Health Facilities Inspection Manager, BHCQC. Mr. Devine summarized the facility's inspections, and the licensing of the nursing facilities. He referenced the regulations governing licensed facilities, such as the Center for Medicare and Medicaid Services (CMS) with federal laws and regulations, and BHCQC with state laws. ([Exhibit C](#))

Mr. Devine stated BHCQC not only has the authority to license facilities, but also has the authority for annual inspections and unannounced visits, including the investigation of all complaints. He stated the outcomes and sanctions are based on the scope of severity.

Dr. Yacenda inquired about assisted living facilities surveys and Nevada's specific rules. Ms. Hesterlee stated most of the CMS and State regulations are comparable, but mentioned the background FBI checks are Nevada specific. Additionally, Dr. Yacenda asked about the complaint process, sanctions or citations. Ms. Hesterlee said the severity of the harm to the resident directs the outcome and level of investigations for abuse and neglect.

Ms. Lucy Peres asked about the process of the investigations, especially when staffing is limited at the facility. Ms. Hesterlee stated the agency continues with the inspection, regardless of staffing, and emphasized the importance of accountability.

Ms. Cannestra raised a concern that centers on the disconnect between the quality of care and the adequacy of staff training. Jeanne Hesterlee reiterated federal and state requirements govern licensing and training.

Ms. Verlia Davis Hoggard shared concerns about the lack of family involvement, untimely and inadequate background checks and staff training. Ms. Bongiorno and Mr. Kuhlmeier inquired about insufficient or adverse references and licensing. Ms. Hesterlee reassured the Forum that personal and professional references and complaints are investigated as part of the licensing process. In addition, she stated the Bureau licenses and investigates home health agencies and independent care providers.

## **APPROVAL OF MINUTES OF THE DECEMBER 17, 2013 MEETING**

President Randall presented the minutes for December 17, 2013, meeting and requested the members review the meeting minutes.

The NSHLF **APPROVED THE FOLLOWING ACTIONS:**

VERLIA DAVIS HOGGARD MOVED TO APPROVE THE DECEMBER 17, 2013, MEETING MINUTES AS SUBMITTED. LUCY PERES SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

### **DISCUSSION AND APPROVAL OF THE LATEST AVAILABLE BUDGET REPORTS, APPROVAL OF RECENT EXPENDITURES, DISCUSSION AND APPROVAL OF ANY PROPOSED EXPENDITURES, AND DISCUSSION OF REIMBURSEMENT POLICY AND PROCEDURE**

Brian L. Davie, Legislative Services Officer, Legislative Counsel Bureau (LCB), Las Vegas Office, explained the revised Budget Report. ([Exhibit D](#))

Lonnie Strait provided specific information for the Nevada Silver Haired Legislative Forum Summary of Receipts and Expenditures of Sources/Uses of Funds and Encumbrances,” for Fiscal 2013-2014 Period Ending 12/31/2013 and 01/31/2014. ([Exhibit E](#))

Ms. Strait reviewed the estimates for travel to host a joint meeting in Las Vegas. ([Exhibit F](#)) Additionally, she reminded the members to consider expenditures for the remaining fiscal year.

Ms. Cannestra raised concerns about depleting the Forum’s budget on travel, while leaving insufficient funds for future meetings and business expenditures.

Ms. Colleen Brown supported the expenditure for a joint meeting, but suggested the meeting should be scheduled in June 2014.

Dr. Yacenda suggested the expenditures would be appropriate if used for the Work Session meeting. Ray B. Jones agreed.

As a way to offset expenditures, Ms. Bongiorno encouraged in-kind donations. Additionally, Mr. Davie explained the benefits of videoconference as an effort to maximize participation and to reduce expenditures.

When asked about remaining funds at the close of the fiscal year, Mr. Davie indicated that remaining monies might be carried forward into the next fiscal year’s budget, however, the Forum would need to make the request to the Legislative Commission.

Ms. Davis Hoggard suggested conference seating for the Work Session meeting. Mary Shope, Coordinator, will follow up on possibilities of conference arrangements.

Ms. Betty Rumford expressed her support for formal presentations to the Legislature and Governor, including expenditures for Session travel. Mr. Davie mentioned the Forum would have another budget, approximately \$4,000, beginning fiscal year, July 2014. He reiterated the benefits of videoconference facilities for Session participation.

Ms. Davis Hoggard and Ms. Bongiorno encouraged members to engage their Legislators, either through informal meetings or Forum meetings.

**The NSHLF APPROVED THE FOLLOWING ACTION:**

HARRIET TRUDELL MOVED TO APPROVE TRAVEL EXPENDITURES FOR A FORUM MEETING IN ONE LOCATION, LAS VEGAS. LUCY PERES WITH A CALL OF THE QUESTION SECONDED THE MOTION. AFTER DISCUSSION AND A CALL OF THE QUESTION, THE MOTION WAS DEFEATED.

**The NSHLF APPROVED THE FOLLOWING ACTION:**

JOANN M. BONGIORNO MOVED TO APPROVE THE TREASURER'S REPORT AND EXPENDITURES FROM DECEMBER 31, 2013, AND JANUARY 31, 2014. THE MOTION WAS SECONDED BY RICK KUHLMHEY AND PASSED UNANIMOUSLY.

As part of other proposed expenditures, Ms. Peres requested consideration for membership and/or dues expenditures, especially for the President. President Randall appreciated this consideration, but he stated his opposition. Ms. Peres withdrew her request.

**DISCUSSION AND REVIEW OF NEVADA SILVER HAired LEGISLATIVE FORUM'S GOALS AND OBJECTIVES**

President Randall provided an update on the Goals and Objectives. Mr. Davie stated he was researching webpage designs. Dr. Randall provided current information about his Work Groups, and stated the National Committee to Preserve Social Security and Medicare introduced the new campaign "Boost Social Security Now".

## **DISCUSSION OF ISSUES RELATING TO SENIORS FOR POSSIBLE INCLUSION IN LEGISLATION FOR THE 78<sup>th</sup> (2015) SESSION OF THE NEVADA LEGISLATURE**

Dr. Yacenda reiterated the significance, including specific details, of his working document. He encouraged members to use the chart to identify, collect and channel deliberation on prospective bill draft topics. Dr. Randall supported his request. ([Exhibit G](#))

Ms. Davis Hoggard and Mr. Kuhlmeier requested senior advocacy organizations be invited to future meetings, in effort to gather their recommendations. Dr. Yacenda supported this request, as did Ms. Bongiorno.

Ms. Cannestra supports transparency, in efforts to reduce the risks of elder abuse. She requested further information. Ms. Bongiorno referenced the PBS documentary on assisted living facilities.

## **STATUS REPORT ON THE NATIONAL SILVER HAired CONGRESS AND NATIONAL COUNCIL OF SILVER HAired LEGISLATORS**

Ms. Peres reported on the National Silver Haired Congress' Annual Conference, which will be held August 2014. She encouraged the members to review their website for more details.

## **DISCUSSION OF FUTURE AGENDA ITEMS, MEETING DATES, AND EXPENDITURES**

President Randall opened the discussion on future agenda items, meeting dates, and expenditures. Dr. Randall shared the upcoming meeting dates, April 15, 2014 and June 17, 2014.

## **PUBLIC COMMENT**

President Randall called for public comment.

Jose "Joe" Tinio, Chairman and Founder of Adult Residential Care Providers of Nevada, and a group home owner, shared information about group homes, regulations, and the restrictions of the "assisted living" nomenclature. He requested NRS 449 language associated with assisted living facilities be repealed so group homes could be included. He offered his services to address misconceptions about group homes and the standard of care.

Mr. Kuhlmeier invited members to attend the American Council of the Blind National Convention, July 2014, host city, Las Vegas.

Marty Bibb, Executive Director of Retired Public Employees of Nevada, shared concerns about possible senior financial exploitation and fraud because of the Nevada Supreme

Court's ruling to release retirement information. Dr. Yacenda requested follow-up discussion on this issue.

Ms. Shope referenced the following information: State of Nevada Aging and Disability Services Division, Nevada Aging and Disability Resource Centers ([Exhibit H](#)), the National Silver Haired Congress Nevada's Senior Citizen of the Year award ([Exhibit I](#)), the *Las Vegas Review Journal* Editorial: Ruvo Center's participation in Alzheimer's study a big step for valley ([Exhibit J](#)), Young Lawyers Section of the State Bar of Nevada, in collaboration with Nevada Legal Services and Senior Law Program, presenting Serving Seniors: A free Legal Assistance Clinic for Seniors! ([Exhibit K](#)), Office of the Attorney General, Attorney General Masto Encourages Nevadans to Weigh In On Debt Collection Practices ([Exhibit L](#)), Nevada Geriatric Education Center, Helping Caregivers and Providers Advocate for Resident Care ([Exhibit M](#)), and communication regarding a constituent's concern regarding trespassing laws.



## ADJOURNMENT

There being no further business to come before the Forum, President Randall entertained a motion to adjourn the meeting.

The NSHLF **APPROVED THE FOLLOWING ACTION:**

LUCY PERES MOVED TO ADJOURN THE MEETING. THE MOTION WAS SECONDED BY VERLIA DAVIS HOGGARD AND PASSED UNANIMOUSLY.

President Randall adjourned the meeting at 12:40 p.m.

Respectfully submitted,

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Mary Shope, Coordinator  
Nevada Silver Haired Legislative Forum

APPROVED BY:

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Herbert E. Randall, Ed.D., President  
Nevada Silver Haired Legislative Forum

Date: \_\_\_\_\_

APPROVED BY:

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Lonnie Strait, Treasurer  
Nevada Silver Haired Legislative Forum

Date: \_\_\_\_\_

## LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” for February 18, 2014, provided by Mary Shope, Coordinator, NSHLF, Administrative Division, Legislative Counsel Bureau.

[Exhibit B](#) is the document titled “State of Nevada Long Term Care Ombudsman Program”, Aging and Disability Services Division, provided by Heather K. Korbolic, State Long Term Care Ombudsman, Aging and Disability Services Division.

[Exhibit C](#) is the document titled “Overview of Inspection Processes, Kyle Devine, Bureau Chief, Division of Public and Behavioral Health, Bureau Health Care Quality and Compliance, February 18, 2014”, provided by Mr. Devine.

[Exhibit D](#) is the memorandum titled “Treasurer’s Report”, dated February 18, 2014, authored and provided by Brian L. Davie, Legislative Services Officer (LSO).

[Exhibit E](#) is the “Budget Reports, For Fiscal 2013-2014 Period Ending 12/31/2013 and 01/31/2014 provided by Mary Shope, Coordinator.

[Exhibit F](#) is the memorandum titled “Travel Expenditures for NSHLF meeting in Las Vegas (estimates), dated February 18, 2014, authored and provided by Mary Shope, Coordinator.

[Exhibit G](#) is the document titled “Discussion of Issues Relating to Seniors for Possible Inclusion in Legislation for the 78<sup>th</sup> (2015) Session of the Nevada Legislature”, dated February 18, 2014, presented by Dr. John Yacenda, NSHLF Member.

[Exhibit H](#) is the letter titled “ Nevada Aging and Disability Services Division (ADSD), introducing Nevada’s Care Connection: Aging and Disability Resource Centers (ADRC), dated January 2, 2014, authored by Cheyenne Pasquale, ADRC Project Manager.

[Exhibit I](#) is the News Release, titled “Seeking state’s top senior citizen”, dated February 1, 2014, provided by Dr. Herbert Randall,

[Exhibit J](#) is the *Las Vegas Review Journal*’s article “Editorial: Ruvo Center’s participation in Alzheimer’s study a big step for valley”, dated January 14, 2014, provided by Mary Shope, Coordinator.

[Exhibit K](#) are handouts titled “Young Lawyers Section of the State Bar of Nevada in collaboration with Nevada Legal Services, Incorporated and Southern Nevada Law Program, Present: Serving Seniors: A FREE Legal Assistance Clinic for Seniors!”, provided by Mary Shope, Coordinator.

[Exhibit L](#) is the media release from the Office of the Attorney General, Catherine Cortez Masto, Attorney General, titled “Attorney General Masto Encourages Nevadans to Weigh In

On Debt Collection Practices”, dated February 13, 2014, provided by Mary Shope, Coordinator.

Exhibit M is the outline for the “Helping Caregivers and Providers Advocate for Resident Care” training program, sponsored by Nevada Geriatric Education Center, provided by Mary Shope, Coordinator.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at [www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm](http://www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) or telephone: 775/684-6827.