



**NEVADA LEGISLATURE**  
**NEVADA SILVER HAired LEGISLATIVE FORUM**  
(*Nevada Revised Statutes [NRS] 427A.320*)

**SUMMARY MINUTES**

---

The second meeting of the Nevada Silver Haired Legislative Forum for the 2017–2018 Interim was held on Tuesday, May 22, 2018, at 9 a.m. in Room 4401, Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138, Legislative Building, 401 South Carson Street, Carson City, Nevada.

The agenda, minutes, meeting materials, and video or audio recording of the meeting are available on the Forum's [meeting page](#). In addition, copies of the audio or video record are available 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) and may also be available at <http://www.leg.state.nv.us/Granicus/>.

**FORUM MEMBERS PRESENT IN LAS VEGAS:**

John A. Yacenda, Ph.D., M.P.H., P.A.H.M., President, Senate District 16  
Doris (Dottie) J. Ahrens, Senate District 19  
Fran Almaraz, Senate District 10  
Barbara Altman, Senate District 9  
Joann M. Bongiorno, Senate District 7  
Vicki L. Cameron, Senate District 5  
Evelyn Canestra, M.S.W., Senate District 8  
Ross Johnson, Senate District 12  
Marilyn E. Jordan, Ed.D., Senate District 11  
Rick Kuhlmeier, Senate District 2  
Winston J. Lawson, Senate District 1  
Patsy Metler, Senate District 18  
Herbert E. Randall, Ed.D., Silver Senator, Ex Officio Member, National Silver Haired Congress  
Fred L. Silberkraus, Senate District 20

**FORUM MEMBERS PRESENT IN CARSON CITY:**

Lucille Adin, Senate District 13  
Reba June Burton, Senate District 15  
John Paul (Jack) Ginter, Jr., Senate District 14  
Mary D. Roberts, Ex Officio Member, National Silver Haired Congress

**FORUM MEMBERS ABSENT:**

Steve R. Carr, Silver Representative, Ex Officio Member, National Silver Haired Congress

Verlia Davis-Hoggard, Senate District 4

Betty Rumford, Senate District 6

Russ Schoenbeck, Silver Representative, Ex Officio Member, National Silver Haired Congress

Lonnie Strait, Silver Senator, Ex Officio Member, National Silver Haired Congress

Carol A. Swanson, D.N.P., M.S.N., R.N., Senate District 17

Senate District 3, Vacant

Senate District 21, Vacant

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Michael J. Stewart, Research Director, Research Division

Marsheilah D. Lyons, Chief Principal Policy Analyst, Research Division

Bryan Fernley, Senior Principal Deputy Legislative Counsel, Legal Division

Julianne King, Research Policy Assistant, Research Division

*Items taken out of sequence during the meeting have been placed in agenda order.*

## **AGENDA ITEM I—CALL TO ORDER AND OPENING REMARKS**

President Yacenda called the meeting to order and welcomed Forum members and the public. He noted the Forum had taken a break due to the retirement of Mary Shope, Coordinator, Nevada Silver Haired Legislative Forum (NSHLF), Administrative Division, Las Vegas Office, Legislative Counsel Bureau (LCB), and announced the Forum would formally recognize her for her years of service to the NSHLF during the Forum's work session at a later date.

President Yacenda discussed the Forum's support of certain legislation during the 2017 Legislative Session and praised the new staffing model of the NSHLF. He emphasized the Forum's opportunity to make positive changes in the lives of Nevada's senior citizens.

## **AGENDA ITEM II—ROLE CALL**

Julianne King, previously identified, took roll call.

Michael J. Stewart, previously identified, provided an overview of meeting protocol and rules.

## **AGENDA ITEM III—PUBLIC COMMENT**

President Yacenda called for public comment.

Ms. Cannestra introduced Charlotte "Cece" M. Spencer, a vocalist who performs at nursing homes. Ms. Cannestra explained that Ms. Spencer has a firsthand perspective on how the environment of certain nursing homes affects the residents' quality of life.

Ms. Spencer shared her experience at Desert Springs Senior Living as a privately paid entertainer who shopped, styled hair, and performed music for residents. She expressed concern over her observations of poor facility conditions and the maltreatment of residents. She pointed out her issues were primarily with the facility's management.

Discussion ensued among Forum members and Ms. Spencer on the following:

- The neglect and isolation of senior citizens that occurs in some nursing homes;
- The monthly rate for nursing home residency;
- Issues with staff attitudes and inadequate training and their negative impact on nursing home residents;
- The difficulty of maintaining a full staff of qualified employees at nursing homes;
- The positive effects social interaction and self-care rituals (i.e. getting a manicure, having hair styled, et cetera) have on the disposition and quality of life of nursing home residents; and
- Allegations of nursing home staff taking advantage of residents financially.

Ms. Bongiorno expressed her opinion on the need for stronger legislation to penalize operators of nursing homes who do not properly care for their residents.

Responding to a question from Mr. Kuhlmeier regarding which state agency handles complaints about nursing home facilities, Marsheilah D. Lyons, previously identified, informed Forum members that there is a bureau within Nevada's Department of Health and Human Services (DHHS) that monitors these facilities. She indicated she would reach out to Ms. Spencer and assist her with her concerns.

President Yacenda remarked he would like to bring this issue back as an agenda item at the next Forum meeting.

Michael J. Stewart, previously identified, pointed out [Assembly Bill 299](#) of the 79<sup>th</sup> Legislative Session, which requires the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs (NRS 218E.750) to conduct a study concerning training standards for unlicensed caretakers at certain facilities or homes. The study also requires the Committee to study the creation of a competency evaluation for a person who receives such training concerning the provision of care. He noted AB 299 is one effort to address some of the issues previously discussed.

Allan D. Ward, Franchise Owner, Home Instead Senior Care, Reno, Nevada, and Carson City, Nevada, emphasized the difficulty in both hiring and retaining qualified caregivers. He commented that legislation reducing the required age of caregivers from 18 to 16 years of age could alleviate staffing shortages. He noted that with proper training and support, young people are capable of being competent, responsible caregivers. Mr. Ward also pointed out the lengthy hiring process at caregiving facilities often results in candidates finding job opportunities elsewhere before they can be hired as a caregiver.

In response to Mr. Ward's testimony, Ms. Cannestra made an observation that oftentimes many young people are not in contact with older generations and expressed her opposition to lowering the required age of caregivers. She noted her desire to simplify the caretaker techniques as well as increase surveillance in any facility housing senior citizens. Ms. Cannestra also suggested the installation of a panic button in the bedroom of every nursing home resident that would alert the local police station.

Ms. Burton expressed her support of lowering the required age of caregivers and suggested collaborating with schools to recruit young people to work in this field.

#### **AGENDA ITEM IV—APPROVAL OF MINUTES OF THE MEETING HELD ON NOVEMBER 15, 2017.**

**MOTION:** Vicki L. Cameron moved to approve the minutes of the meeting held on November 15, 2017. The motion was seconded by Joann M. Bongiorno and passed.

## **AGENDA ITEM V—OVERVIEW AND DISCUSSION OF GUARDIANSHIP ISSUES IMPACTING SENIOR CITIZENS**

Kate McCloskey, Guardianship Compliance Manager, Administrative Office of the Courts, Supreme Court of Nevada, gave a general overview of the guardianship legislation that passed during the 2017 Legislative Session and observed outcomes of that legislation ([Agenda Item V](#)).

In response to questions from Ms. Bongiorno concerning guardian qualifications, holding judges responsible for nominating fraudulent guardians in the past, and the courts' authority to override a person's own guardian nomination, President Yacenda requested Forum staff to provide members with a memo addressing her questions.

## **AGENDA ITEM VI—DISCUSSION AND OVERVIEW OF RESPITE SERVICES AND RELATED CAREGIVING ISSUES IMPACTING SENIOR CITIZENS FROM THE PERSPECTIVE OF A FAMILY CAREGIVER, PERSONAL CARE AGENCY, ADULT DAY CARE PROVIDER, AND STATE SERVICES AGENCY**

Donna DePauw, family caregiver and legal guardian, Carson City, Nevada, shared her experience as a caregiver for her husband. She pointed out the lack of adult day care programs in Carson City and noted respite care is imperative, but is limited and costly.

Sally Ott, family caregiver, Stagecoach, Nevada, shared her experience as a family caregiver and explained the challenges she faced with accessing respite care for her husband.

Ms. DePauw stated she was opposed to the idea of hiring young people as caregivers.

Crystal Wren, Social Services Chief, Community Based Care, Aging and Disability Services (ADSD), DHHS, gave an overview of respite programs offered through ADSD ([Agenda Item VI A](#)).

Ms. Cannestra suggested the Forum consider pursuing those in the pharmaceutical industry whose prescription of certain medications to elderly people results in dementia and loss of memory. She opined this would reduce ADSD's caseload.

Ms. Wren stated there is a provider shortfall in Nevada and DHHS is striving to find more providers.

Ms. DePauw expressed her concern with the lack of affordable care options for people in the middle class. She pointed out there are grants available for those with lower incomes, while higher income earners can afford care for their loved ones. She requested there be a source of funding to assist those in the middle class to care for their family members.

President Yacenda thanked Ms. DePauw for her testimony and emphasized the importance of her message. He identified the lack of support for the middle class as a policy issue.

Jeffrey Klein, FACHE, President and Chief Executive Officer, Nevada Senior Services, Inc., gave a presentation on adult day care ([Agenda Item VI B-1](#)).

In response to a question from Ms. Ahrens regarding the need for additional adult day care centers in Nye County due to its recent population increase, Mr. Klein explained that Nevada's rates of pay for adult day care are tremendously low compared to the cost of establishing such centers, which deters for-profit enterprises from opening in the state. He further explained that when these enterprises open in Nevada, they desire a client base comprised of a population for which care is easiest. Mr. Klein noted stakeholders and government officials need to more sharply focus on these issues.

President Yacenda invited Mr. Klein to attend a future meeting to discuss scalable, innovative solutions for adult day care concerns.

Discussion ensued among Mr. Klein and Forum members on various sources of funding for senior services.

In response to a question from Dr. Jordan regarding the development of additional adult day care centers in Clark County, Mr. Klein explained there is not enough funding to develop additional nonprofit centers. He informed the Forum that private enterprise is the vehicle in which new centers are developed; however, due to the low reimbursement rates in the state, there is a lack of incentive to open for-profit adult day care centers.

Dr. Jordan asked Mr. Klein to discuss the skill development provided to caregivers at adult day care facilities as well as additional financial information at a future meeting.

Mr. Klein submitted a fact sheet on adult day care ([Agenda Item VI B-2](#)).

Constance McMullen, Lobbyist, Personal Care Association of Nevada (PCAN), and Publisher and Editor, *Senior Spectrum Newspaper*, provided the Forum with an overview of respite services in Nevada ([Agenda Item VI C-1](#)). She mentioned regulatory requirements, such as the personal identification number (PIN), mandated by the federal government are driving up the cost of doing business.

In response to a question from Ms. Almaraz, Ms. McMullen clarified that the purpose of the PIN number given to caregivers is to prevent Medicaid fraud.

Ms. McMullen submitted for the record a PCAN brochure ([Agenda Item VI C-2](#)).

## **AGENDA ITEM VII—OVERVIEW OF ELDER RIGHTS AND ELDER ABUSE PROVISIONS IN NEVADA AND DISCUSSION OF RECENT LEGISLATION ADDRESSING ELDER RIGHTS AND ELDER ABUSE**

Homa S. Woodrum, Esq., Elder and Disability Rights Attorney and Chief Advocacy Attorney, ADSD, DHHS, gave an overview of elder rights and elder abuse provisions in Nevada and recent legislation addressing elder rights and elder abuse. She discussed the following legislation:

- [Assembly Bill 51](#) of the 78<sup>th</sup> Legislative Session, which requires broker-dealers and investment advisers to complete periodic training in the identification and reporting of exploitation of older persons and vulnerable persons. The bill also provides for enhanced civil penalties for the violation of securities laws where the victim is an older person or a vulnerable person;
- [Assembly Bill 223](#) of the 78<sup>th</sup> Legislative Session, which revises provisions concerning the abuse, neglect, exploitation, and isolation of older and vulnerable persons, including establishing higher penalties for elder abuse and adding “abandonment” as a criminal act;
- [Senate Bill 360](#) of the 79<sup>th</sup> Legislative Session, which provides for the imposition of an additional penalty upon a person who commits certain crimes against a vulnerable or elderly person. The bill clarifies that immunity from prosecution for those who report suspected abuse or neglect of an elderly person does not extend to those involved in the abuse or neglect. The bill also establishes a Wards’ Bill of Rights;
- [Senate Bill 123](#) of the 79<sup>th</sup> Legislative Session, which makes various changes to provisions governing the State Long-Term Care Ombudsman within the ADSD; and
- [Assembly Bill 31](#) of the 79<sup>th</sup> Legislative Session, which revises provisions relating to the Specialist for the Rights of Elderly Persons and the Community Advocate for Elder Rights, including codifying the position Attorney for the Rights of Older Persons and Persons with a Physical Disability, and Intellectual Disability or a Related Condition.

Ms. Woodrum pointed out Nevada’s Care Connection telephone number, 2-1-1, which helps connect people with support services. She also pointed out the availability of attorneys across the state who represent elderly people for free and whose services are not income-based.

President Yacenda requested Ms. Woodrum provide the Forum with written information on the topics discussed.

## **AGENDA ITEM VIII—UPDATE ON THE IMPLEMENTATION OF THE USE OF PRESCRIPTION READERS AUTHORIZED BY SENATE BILL 131 (CHAPTER 112, *STATUTES OF NEVADA 2017*)**

Rick Kuhlmeier, previously identified, shared the history of [Senate Bill 131](#), which is known as the prescription reader bill ([Agenda Item VIII](#)). He then provided a brief update on the implementation process of SB 131 subsequent to its passage. Mr. Kuhlmeier emphasized the importance of training pharmacy employees to notify customers about the availability of prescription readers. He added

he was encouraged by the increase in public awareness of the bill as a result of public service announcements on the radio and television. He noted many insurance companies are pleased with the bill and support it.

In response to questions from Forum members, Mr. Kuhlmeier clarified the following:

- There should be no cost to customers requesting prescription readers, although a small deposit is sometimes required;
- Pharmacies can legally choose not to provide prescription readers; however, customers will likely switch to a pharmacy that does provide them; and
- Many out-of-state and online pharmacies already provide prescription readers to customers.

Marsheilah D. Lyons, previously identified, informed the members that the State Board of Pharmacy's first public hearing concerning regulations will be held on June 6, 2018, in Reno. She noted the Board's website would contain additional information on the hearing's exact location. Ms. Lyons pointed out the draft language being considered is available as LCB File No. [R131-17](#).

Mr. Kuhlmeier pointed out information on prescription readers is available on the Nevada Council of the Blind's website, [www.nvblind.org](http://www.nvblind.org).

#### **AGENDA ITEM IX—STATUS REPORT ON THE NEVADA DELEGATION TO THE NATIONAL SILVER HAired CONGRESS AND REVIEW OF POLICY RESOLUTIONS ADOPTED BY THE NATIONAL SILVER HAired CONGRESS**

Dr. Herbert E. Randall, previously identified, referenced a document regarding resolutions presented by the NSHC to the United States Congress ([Agenda Item IX](#)) and gave a brief explanation of this process.

#### **AGENDA ITEM X—UPDATE ON THE NEVADA SENIOR CITIZEN OF THE YEAR AWARD**

Dr. Herbert Randall, previously identified, updated the Forum that the Nevada Senior Citizen of the Year Award was granted to Nancy Nelson, who is a crusader against Alzheimer's disease. He indicated the award luncheon would be held on May 30, 2018. Dr. Randall noted the award now has a myriad of corporate sponsors.

President Yacenda requested Dr. Randall provide Michael J. Stewart, previously identified, with a list of corporate sponsors to disseminate to Forum members.

#### **AGENDA ITEM XI—DISCUSSION OF LEGISLATIVE COUNSEL BUREAU STAFF SERVICES PROVIDED TO THE NEVADA SILVER HAired LEGISLATIVE FORUM**

President Yacenda explained how his meeting with Michael J. Stewart, previously identified, resulted in the partnership between the Forum and the Research Division, LCB.



Mr. Stewart expressed the Research Division's pleasure at stepping in to assist the Forum subsequent to Mary Shope's retirement. He briefly explained the staff services LCB will provide to the Forum and noted the Division is also a source of information for members. Mr. Stewart stated the LCB is committed to providing the Forum with the best staff services possible.

President Yacenda emphasized the great opportunity the Forum has to make important policy change and improve the lives of senior citizens in the state. He expressed his appreciation for the LCB staff present at the meeting.

#### **AGENDA ITEM XII—DISCUSSION OF FUTURE AGENDA ITEMS AND POSSIBLE MEETING DATES**

President Yacenda announced the following dates of the next three Forum meetings: Tuesday, July 10, 2018; Tuesday, August 21, 2018; and Tuesday, October 9, 2018. He noted the meetings would be held from 9:00 a.m. to 12:00 p.m. on those dates.

#### **AGENDA ITEM XIII—PUBLIC COMMENT**

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

Discussion ensued among Forum members regarding ways to officially recognize Mary Shope, previously identified, for her years of service to the Forum. President Yacenda indicated the Forum would discuss this further at the work session on October 9, 2018.

Michael J. Stewart, previously identified, noted Jennifer Williams-Woods, State Long-Term Care Ombudsman, Office of the State Long-Term Care Ombudsman, ADSD, DHHS, who is an advocate for people with facility complaints, was present at the meeting and wanted to share her contact information with Forum members. Her telephone number is (775) 687-0818.

**AGENDA ITEM XIV—ADJOURNMENT**

There being no further business to come before the Forum, the meeting was adjourned at 12:52 p.m.

Respectfully submitted,

---

Julianne King  
Research Policy Assistant

---

Michael J. Stewart  
Research Director

APPROVED BY:

---

John A. Yacenda, Ph.D., M.P.H., P.A.H.M.,  
President, Senate District 16

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

## MEETING MATERIALS

AGENDA ITEM	WITNESS/ENTITY	DESCRIPTION
<a href="#">Agenda Item V</a>	Kate McCloskey, Guardianship Compliance Manager, Administrative Office of the Courts, Supreme Court of Nevada	Microsoft PowerPoint Presentation
<a href="#">Agenda Item VI A</a>	Crystal Wren, Social Services Chief, Community Based Care, Aging and Disability Services (ADSD), Department of Health and Human Services (DHHS),	Document on respite programs offered through the ADSD
<a href="#">Agenda Item VI B-1</a>	Jeffrey Klein, FACHE, President and Chief Executive Officer, Nevada Senior Services, Inc.	Microsoft PowerPoint Presentation
<a href="#">Agenda Item VI B-2</a>	Jeffrey Klein, FACHE, President and Chief Executive Officer, Nevada Senior Services, Inc.,	Fact sheet on adult day care
<a href="#">Agenda Item VI C-1</a>	Constance McMullen, Lobbyist, Personal Care Association of Nevada (PCAN), and Publisher and Editor, <i>Senior Spectrum Newspaper</i>	Written testimony on personal care and respite services
<a href="#">Agenda Item VI C-2</a>	Constance McMullen, Lobbyist, PCAN, and Publisher and Editor, <i>Senior Spectrum Newspaper</i>	Brochure for PCAN
<a href="#">Agenda Item VIII</a>	Rick Kuhlmeier, Senate District 2, Nevada Silver Haired Legislative Forum (NSHLF)	Senate Bill 131 of the 79 <sup>th</sup> Legislative Session
<a href="#">Agenda Item IX</a>	Dr. Herbert E. Randall, Silver Senator, NSHLF	Document on resolutions presented to the United States Congress by the National Silver Haired Congress

The Summary Minutes are supplied as an informational service. Copies of all meeting materials are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library at [www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm](http://www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) or (775) 684-6827.