



## **NEVADA LEGISLATURE LEGISLATIVE COMMITTEE ON HEALTH CARE** *(Nevada Revised Statutes [NRS] 439B.200)*

### **SUMMARY MINUTES**

---

The fourth meeting of the Legislative Committee on Health Care for the 2017–2018 Interim was held on Tuesday, April 24, 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 3137, 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 Committee'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/>.

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

Senator Patricia (Pat) Spearman, Chair  
Assemblyman Michael C. Sprinkle, Vice Chair  
Senator Joseph (Joe) P. Hardy, M.D.  
Assemblyman James Oscarson  
Assemblywoman Ellen B. Spiegel

#### **COMMITTEE MEMBERS PRESENT IN CARSON CITY:**

Senator Julia Ratti

#### **LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Marsheilah D. Lyons, Chief Principal Policy Analyst, Research Division  
Eric Robbins, Principal Deputy Legislative Counsel, Legal Division  
Janet Coons, Manager of Research Policy Assistants, Research Division  
Jan Brase, Research Policy Assistant, Research Division

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

## **AGENDA ITEM I—OPENING REMARKS**

Chair Spearman welcomed Committee members, staff, and the public to the fourth meeting of the Legislative Committee on Health Care (LCHC). She reviewed meeting protocol.

## **AGENDA ITEM II—PUBLIC COMMENT**

Chair Spearman called for public comment.

Brian M. Patchett, Chief Executive Officer/President, Easterseals Nevada, and Chair, Nevada Commission on Services for Persons With Disabilities, Aging and Disability Services Division, Department of Health and Human Services (DHHS), stated that of the 7,200 children in Nevada with autism spectrum disorders, fewer than 1,000 are receiving services. He indicated that challenges include caseload limitations, strict credentialing and certification requirements, and low reimbursement rates for registered behavior technicians and other service providers.

Lea Cartwright, representing the Nevada Psychiatric Association, shared information relating to Mental Health Month in May. She informed the Committee of available resources and plans for collaboration with community partners.

Vivian Leal, resident, Reno, Nevada, and multiple sclerosis patient, shared the challenges of living with the disease and the difficulties of obtaining needed medications. She explained that insurance companies' billing and pricing structures are complex and unpredictable. Concluding, Ms. Leal provided information from the National Multiple Sclerosis Society related to escalating trends in costs of drugs and therapies ([Agenda Item II](#)).

Eli Schwartz, Chair, Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired, Office of the Governor, spoke in support of funding a director position within the Commission. He explained that the Commission, as directed by provisions of Senate Bill 481 (Chapter 429, *Statutes of Nevada 2017*), has made the determination that a director's duties would be extensive and would require a full-time effort. Based on this assessment, Mr. Schwartz suggested the director should receive compensation.

## **AGENDA ITEM III—APPROVAL OF MINUTES OF THE MEETING HELD ON MARCH 19, 2018**

**MOTION:** Senator Hardy moved to approve the minutes of the March 19, 2018, meeting. The motion was seconded by Assemblywoman Spiegel and passed unanimously.

## **AGENDA ITEM IV—CONSIDERATION OF REGULATIONS PROPOSED OR ADOPTED BY CERTAIN LICENSING BOARDS PURSUANT TO NRS 439B.225**

### ***A. LCB File R015-18 of the State Board of Pharmacy ([Agenda Item IV](#))***

Eric Robbins, previously identified, explained the requirements of the LCHC to review regulations proposed or adopted by certain licensing boards and make recommendations to the Nevada Legislature pursuant to NRS 439B.225 and offered to outline details of the presented regulations.

## **AGENDA ITEM V—PRESENTATION CONCERNING PUBLIC HEALTH IN NEVADA**

### ***A. Current Infrastructure***

### ***B. Current Funding***

Julia Peek, M.H.A., Deputy Administrator of Community Services, Division of Public and Behavioral Health (DPBH), DHHS, provided a broad overview of public health infrastructure and funding in Nevada ([Agenda Item V A-1](#)).

Kevin Dick, District Health Officer, Washoe County Health District, discussed the progression of approaches to public health over the past century. He focused his comments on the modern approach, which emphasizes proactive environmental, policy, and systems level actions that directly affect the social determinants of health ([Agenda Item V A-2](#)).

Senator Hardy requested an update on efforts to address the lack of addiction intervention and recovery centers.

Mr. Dick said a community health improvement plan is under development and will address issues of addiction and treatment. He added that currently, the community is experiencing a shortage of resources and funding.

Julie Kotchevar, Ph.D., Interim Administrator, DPBH, DHHS, and Deputy Director, DHHS, and Ms. Peek addressed the structure of crisis triage center funding.

Discussion ensued among Committee members and Mr. Dick regarding: (1) community health priorities; (2) the relationship between public health funding and crisis events; (3) the need for flexibility in appropriating and allocating funds to address various public health issues; and (4) improvement of services to people with autism spectrum disorders.

In response to a question from Assemblywoman Spiegel, Ms. Peek clarified that Nevada's federal public health funding ranks in the midrange compared to other states. She explained that any reductions in federal funding would negatively impact critical services and programs.

Assemblyman Oscarson asked whether there is a system in place for reacting to the loss of community-based services, such as the recent closing of the WestCare facility in Reno.

Mr. Dick and Ms. Peek responded by assuring the Committee that action was taken immediately to find placements for patients when the WestCare facility closed. They explained the broader issue of a lack of community triage centers is of great concern and is being studied.

Joseph P. Iser, M.D., Dr. P. H., Ms. C., District Health Officer, Southern Nevada Health District, stated that regional behavioral health boards across the State are holding hearings on the need for increasing behavioral health and substance abuse prevention services and suggested the LCHC consider addressing the issue at a future meeting.

### ***C. Positive Outcomes From Existing Public Health Efforts and Areas of Focus for Future Public Health Efforts***

Nicki Aaker, M.S.N., M.P.H., R.N., Director, Carson City Health and Human Services, provided a presentation on community health needs assessments and improvement plans ([Agenda Item V C](#)). She discussed three local health authorities and focused on: (1) funding; (2) priority areas with limited or no activity due to lack of funding; (3) overall common themes; and (4) successes and challenges.

Concluding, Ms. Aaker announced the formation of the Nevada Association of Local Health Officials. She explained that members' goals are to work cooperatively to advance health capacity in the rural counties.

Discussion ensued between Committee members and Ms. Aaker relating to access to care, substance abuse in the rural areas, disparity in health issues, and challenges faced by women in single parent households.

### ***D. Implementing a Comprehensive Public Health System***

Dr. Joseph P. Iser offered a presentation relating to the importance of foundational public health services. He highlighted the following: (1) the need for stable, structural support for the public health system; (2) funding and policy options; and (3) a request for a bill draft request to propose an initial block grant program ([Agenda Item V D-1](#)).

Chair Spearman contended that in building a foundation for public health services all factors should be considered. She noted that women in single-parent households face significant challenges, especially in terms of their earnings. Chair Spearman submitted a fact sheet from the National Partnership for Women and Families related to the wage gap and Nevada women ([Agenda Item V D-2](#)).

Chair Spearman and Dr. Iser discussed factors impacting public health including: (1) pay and wage equity; (2) quality of life; (3) mortality; and (4) environment.

### ***E. Prioritizing Investments in Public Health***

John Packham, Ph.D., Chair, Advocacy and Policy Committee, Nevada Public Health Association, outlined the efforts of the organization highlighting the following: (1) health equity; (2) building public health infrastructure and capacity; (3) promoting evidence-based policymaking; and (4) the challenges, strengths, and opportunities in Nevada public health ([Agenda Item V E](#)).

Discussion ensued among Committee members and Dr. Iser, Dr. Packham, and Ms. Peek regarding e-cigarettes and cigarette smokers; correlations between mental health, addiction, and violent crime; legislative health briefs prepared by DHHS; the critical shortage of mental health professionals in Nevada; and incentives for healthy life choices.

### **AGENDA ITEM VI—PRESCRIPTION BENEFIT DESIGNS FOR CERTAIN COMMUNITIES WITH CHRONIC ILLNESS**

Lynn H. Albizo, Senior Director of Public Policy, Immune Deficiency Foundation (IDF), and representing ACT for Nevada, explained the mission of the IDF, which is to improve the lives of individuals with immune system deficiencies. She provided introductory remarks and shared a video, which addresses the issue of unpredictable costs of medications ([Agenda Item VI A-1](#)) ([Agenda Item VI A-2](#)).

Ms. Albizo's presentation focused on the need for legislation requiring health insurance providers to offer at least one plan with a flat-dollar copayment for all specialty tier medications, known as copay choice legislation. Ms. Albizo submitted documents related to drug coverage choice, excessive prescription cost sharing, copay legislation, and patients' statements ([Agenda Item VI A-3](#)).

Thea Zajac, M.S.W., Regional Director, Government Affairs, Leukemia and Lymphoma Society, (LLS) provided a handout outlining out-of-pocket prescription costs in Nevada ([Agenda Item VI B](#)).

Ms. Zajac shared that the states of Colorado and Montana have implemented copay choice regulations, and the result has been that the number of policies offering this option has increased thus providing more choice for consumers.

Concluding, Ms. Zajac noted that the LLS has made strides in finding treatments and cures, but she explained that even when treatments exist, they are not always accessible because of insurance and medication costs.

Tom McCoy, J.D., Nevada Government Relations, American Cancer Society Cancer Action Network, Inc., discussed the difficulties of coping with cancer and other chronic diseases and the uncertainties associated with health care coverage. Mr. McCoy provided written remarks ([Agenda Item VI C](#)) focusing on combined deductibles, shifting of medical expenses to patients, and the need for copay only insurance plan legislation.

Discussion ensued among Committee members, Ms. Albizo, and Ms. Zajac regarding: (1) possible changes to premium costs; (2) the benefits of copay insurance plans and enrollment options; (3) flexibility for insurance companies' plan offerings; and (4) the possibility of insurance companies opting to withdraw from the market.

In response to a question from Assemblyman Sprinkle, Ms. Zajac offered to research other states' efforts to place caps on patients' pharmaceutical expenses.

Assemblywoman Spiegel asked whether a patient under a copay plan would be able to pay the negotiated rate for medications. She noted that under the current coinsurance system, patients pay full price for medications until they meet their deductibles.

Ms. Zajac explained the goal is to provide price predictability and the process of determining rates is a separate issue.

Assemblyman Oscarson and Ms. Zajac discussed pharmaceutical companies' discounts for expensive medications, patient assistance options, and information resource centers.

**AGENDA ITEM VII—UPDATE REGARDING THE IMPLEMENTATION OF HEALTH CARE FACILITY RATINGS AND STAFFING COMMITTEE REQUIREMENTS PURSUANT TO SENATE BILL 482 (CHAPTER 578, *STATUTES OF NEVADA 2017*)**

Paul Shubert, Acting Chief, Bureau of Health Care Quality and Compliance, DPBH, DHHS, shared a presentation relating to the implementation of SB 482 and a document outlining regulations under development to implement SB 482 ([Agenda Item VII A-1](#)) ([Agenda Item VII A-2](#)).

In response to an inquiry from Senator Hardy, Eric Robbins, previously identified, said that regulations relating to the establishment of a star rating system for certain medical facilities are not within the purview of the LCHC.

Mr. Shubert explained the proposed regulations are posted under the Register of Administrative Regulations on the LCB's website and are available for Committee members' review.

There was discussion among Committee members and Mr. Shubert regarding: (1) categories of statutory violations; (2) severity of citations; (3) the scheduling of inspections; and (4) the importance of maintaining a transparent process.

**AGENDA ITEM VIII—UPDATE REGARDING THE STUDY OF GRANTS AND FUNDING OPTIONS TO SUPPORT A FULL-TIME DIRECTOR FOR THE NEVADA COMMISSION FOR PERSONS WHO ARE DEAF, HARD OF HEARING OR SPEECH IMPAIRED COMMISSION PURSUANT TO SB 481 (CHAPTER 429, *STATUTES OF NEVADA 2017*)**

Cesar O. Melgarejo, Senior Policy Analyst, Research Division, LCB, presented a study of Nevada's and other states' funding of advisory commissions for individuals who are deaf and

hard of hearing ([Agenda Item VIII A](#)). His presentation focused on: (1) funding sources; (2) staff support; and (3) directors' compensation.

Mr. Melgarejo indicated that those commissions, which receive funds for an executive director and/or support staff, are funded by either state general fund appropriations or from a surcharge placed on all access lines for telecommunications services. He noted the Public Utilities Commission of Nevada (PUCN) charges a rate of 7 cents per month on each access line in the state, and the rate is capped by statute at 8 cents per month.

In response to Senator Hardy's request of the definition of an *access line*, Donald J. Lomoljo, Utilities Hearing Officer, PUCN, stated an access line is any telecommunications line within the state.

Adrienne Navarro, Chief I, Advocacy and Community Services Planning, Advocacy and Community Services, Aging and Disability Services Division, DHHS, shared a presentation relating to the Telecommunications Device for the Deaf surcharge (TDD). She discussed the collection and funding process and the statutorily authorized allocation of funds ([Agenda Item VIII B](#)).

There was discussion among Committee members and Eric Robbins, previously identified, relating to statute and administrative code governing the proper use of TDD funds. Mr. Robbins opined that a statutory amendment would be necessary to allow for funds from the TDD surcharge to support a full-time director position within the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired.

Eli Schwartz, previous identified, offered to provide a written report of the anticipated duties of the Commission director. He confirmed that the Commission has agreed that the director will need to be employed on a full-time basis.

**AGENDA ITEM IX—PRESENTATION OF THE WORK PLAN TO STUDY THE RATES PAID TO GROUP HOMES CONTRACTED WITH SOUTHERN NEVADA MENTAL HEALTH SERVICES REQUIRED BY ASSEMBLY BILL 343 (CHAPTER 417, *STATUTES OF NEVADA 2017*)**

Marsheilah D. Lyons, previously identified, outlined the LCHC work plan to study rates paid to group homes contracted with Southern Nevada Mental Health Services and highlighted the following study topics:

- Review of state and federal funding and possible impact of rate changes on such funding;
- Review of relevant laws, regulations, and policies for each facility type;
- Evaluation of rates and cost of services;
- Comparison of the number of individuals with housing services by type, over time, and at present;

- Review of program evaluations, oversight, standards, and effectiveness;
- Evaluation of current case management processes;
- Survey of group home providers and direct care staff; and
- Review of legislative history relevant to the study.

Concluding, Ms. Lyons noted that in conducting the study, the LCHC is soliciting input from the LCB, Nevada state agencies, home- and community-based providers, relevant recipient and provider associations, and individuals who receive services.

### **AGENDA ITEM X—PUBLIC COMMENT**

Vivian Leal, previously identified, referenced material presented earlier ([Agenda Item II](#)). In response to Committee members' question, Ms. Leal conveyed that medication copay assistance programs are unreliable and that eligibility requirements are difficult to meet. Concluding her testimony, Ms. Leal expressed her support for the proposed copay choice legislation.

LisaMarie Campbell, Executive Director, Nevada Assisted Living Association, submitted comments relating to the administrative penalties provision of SB 482 ([Agenda Item X A](#)).

Jeffrey Beardsley, member, Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired, representing the Nevada Association of the Deaf, provided testimony through Whitney Hobbs and Kim Ryan, sign language interpreters. Mr. Beardsley expressed his concern about the lack of schools and public support for children who are deaf or hard of hearing. He is optimistic that once the Commission has retained a full-time director, many challenges in the deaf and hard of hearing community will be addressed.

Assemblyman Oscarson made the Committee aware of a letter from Maureen E. Budahl, B.S.N., R.N., Nye County Health Officer, which outlined the Mobile Dental Van Pilot Project ([Agenda Item X B](#)).

Kelly Gonzalez, Nevada resident, has a daughter who suffered from acute lymphoblastic leukemia; additionally, most members of her family struggle with chronic medical conditions. Ms. Gonzalez explained that her insurance premium costs are more than \$2,000 per month, her deductibles and copayments are very high, and her monthly medication costs are unpredictable. She supports copay choice legislation because a copay insurance plan would provide her the ability to predict and plan for medication expenses.

Johnson Shao, L.S.W., Hemostasis and Thrombosis Center of Nevada, described the challenges of living with a bleeding disorder. He indicated that while reliable treatments are available, they can be prohibitively expensive. Mr. Shao supports copay choice legislation as a targeted approach to assisting patients with chronic illnesses.

Tina Dortch, Manager, Office of Minority Health and Equity, Director's Office, DHHS, introduced herself to the Committee and noted that AB 141 (Chapter 377, *Statutes of Nevada 2017*) changed the name of the Office of Minority Health to the Office of Minority Health and Equity. She said the change was made to clearly reflect a commitment to promoting equity-based principles and practices. Ms. Dortch indicated the bill also expanded the definition of *minority group* to include certain additional minority groups. Concluding, Ms. Dortch stated that April is Minority Health Awareness Month, and she welcomes the opportunity to promote the efforts of the Office of Minority Health and Equity.

Diane McGinnis, a family nurse practitioner, related a friend's experience with unpredictable health plan deductibles. Continuing, she stated that as a health care professional who is licensed in the State of Nevada, she cannot offer her skills as a volunteer in another state unless she also holds a license from that state. Ms. McGinnis suggested future legislation allowing for cross-state volunteer health care licenses.

## **AGENDA ITEM XI—ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 2:33 p.m.

Respectfully submitted,

---

Jan Brase  
Research Policy Assistant

---

Marsheilah D. Lyons  
Chief Principal Policy Analyst

APPROVED BY:

---

Senator Patricia (Pat) Spearman  
Chair

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

## MEETING MATERIALS

<b>AGENDA ITEM</b>	<b>WITNESS/ENTITY</b>	<b>DESCRIPTION</b>
<a href="#"><u>Agenda Item II</u></a>	Vivian Leal, Resident, Reno, Nevada	Costs of therapy for multiple sclerosis patients
<a href="#"><u>Agenda Item IV</u></a>	Eric Robbins, Principal Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau (LCB)	LCB File 015-18 State Board of Pharmacy
<a href="#"><u>Agenda Item V A-1</u></a>	Julia Peek, M.H.A., Deputy Administrator of Community Services, Division of Public and Behavioral Health, Department of Health and Human Services, (DHHS)	Presentation on Public Health Services
<a href="#"><u>Agenda Item V A-2</u></a>	Kevin Dick, District Health Officer, Washoe County Health District	Presentation on Public Health 3.0
<a href="#"><u>Agenda Item V C</u></a>	Nicki Aaker, M.S.N., M.P.H., R.N., Director, Carson City Health and Human Services	Presentation on Community Health Needs Assessments
<a href="#"><u>Agenda Item V D-1</u></a>	Joseph P. Iser, M.D., Dr. P. H., Ms. C., District Health Officer, Southern Nevada Health District	Presentation on Foundational Public Health Services
<a href="#"><u>Agenda Item V D-2</u></a>	Patricia (Pat) Spearman, Chair, Legislative Committee on Health Care	Nevada Women and the Wage Gap Fact Sheet
<a href="#"><u>Agenda Item V E</u></a>	John Packham, Ph.D., Chair, Advocacy and Policy Committee, Nevada Public Health Association	Presentation on Public Health in Nevada
<a href="#"><u>Agenda Item VI A-1</u></a>	Lynn H. Albizo, Senior Director of Public Policy, Immune Deficiency Foundation	Letter
<a href="#"><u>Agenda Item VI A-2</u></a>	Lynn H. Albizo, Senior Director of Public Policy, Immune Deficiency Foundation	Leukemia and Lymphoma Society Video Link
<a href="#"><u>Agenda Item VI A-3</u></a>	Lynn H. Albizo, Senior Director of Public Policy, Immune Deficiency Foundation	Documents on Drug Coverage, Costs, and Copay Legislation
<a href="#"><u>Agenda Item VI B</u></a>	Thea Zajac, M.S.W., Regional Director, Government Affairs, Leukemia and Lymphoma Society	Out-of-Pocket Medical Costs Fact Sheet

<b>AGENDA ITEM</b>	<b>WITNESS/ENTITY</b>	<b>DESCRIPTION</b>
<a href="#"><u>Agenda Item VI C</u></a>	Tom McCoy, American Cancer Society Cancer Action Network, Inc.	Written Remarks
<a href="#"><u>Agenda Item VII A-1</u></a>	Paul Shubert, Acting Chief, Bureau of Health Care Quality and Compliance (HCQC), DHHS	Presentation Implementation of Senate Bill 482 (Chapter 578, <i>Statutes of Nevada 2017</i> )
<a href="#"><u>Agenda Item VII A-2</u></a>	Paul Shubert, Acting Chief, HCQC, DHHS	Regulations Under Development
<a href="#"><u>Agenda Item VIII A</u></a>	Cesar O. Melgarejo, Senior Policy Analyst, Research Division, LCB	Presentation Implementation of SB 481 (Chapter 429, <i>Statutes of Nevada 2017</i> )
<a href="#"><u>Agenda Item VIII B</u></a>	Adrienne Navarro, Chief I, Advocacy and Community Services Planning, Advocacy and Community Services, Aging and Disability Services Division, DHHS	Presentation on Telecommunications Device for the Deaf Surcharge
<a href="#"><u>Agenda Item X A</u></a>	LisaMarie Campbell, Executive Director, Nevada Assisted Living Association	Public Comment
<a href="#"><u>Agenda Item X B</u></a>	Maureen E. Budahl, B.S.N., R.N., Nye County Health Officer	Public Comment

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.