

SUMMARY OF RECOMMENDATIONS

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

Nevada Revised Statutes 218E.750

This summary presents the recommendations approved by the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs at its July 19, 2018, meeting. The Committee voted to forward ten recommendations as bill draft requests (BDRs) to the 80th Session of the Nevada Legislature and send several letters expressing support for a specific issue or encouraging certain action.

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.

RECOMMENDATIONS FOR LEGISLATION

1. The Committee voted to request legislation to amend subsection 7 of [*Nevada Revised Statutes \(NRS\) 284.015*](#) to remove the requirement that the meaning ascribed to “veteran” includes being a resident of Nevada. This proposal relates to [Assembly Bill 309](#) to provide that both in-state and out-of-state veterans who submit an application for state employment will receive ten additional points to the passing grade. This would make the provisions consistent between veterans and the widow or widower of a person killed in the line of duty while on active duty in the Armed Forces of the United States. Currently, only veterans who are residents of Nevada are eligible for the additional points. **(BDR 23–162)**
2. The Committee voted to request legislation to:
 - a. Create a workforce development program where eligible veterans who have completed an undergraduate degree and have remaining federal benefits would be authorized to use the remaining federal benefits toward a postgraduate degree and have the remaining costs waived. In return for the waiver of fees, the eligible veteran would be required to seek a postgraduate degree in a science, technology, engineering, arts, and mathematics critical need occupation field. Critical need occupation fields would be determined by the Department of Employment, Training and Rehabilitation (DETR); and
 - b. Make appropriations in the amount of \$250,000 from the State General Fund in each fiscal year (FY) of the 2019–2021 Biennium to support the Adopt a Vet Dental Program. **(BDR 18–168)**
3. The Committee voted to request legislation to require a private employer that provides sick leave benefits to allow the employees to use such accrued leave, in accordance with company policy, for absences due to illness, injury, medical appointment, or other authorized medical need of a member of the employees’ immediate family. This would be a redraft of [AB 394](#) (a failed measure from the 2017 Session). **(BDR 53–169)**

4. The Committee voted to request legislation to:
 - a. Clarify that the provisions of [NRS 449.03005](#) (license to operate employment agency that contracts with persons to provide certain nonmedical services) apply any time contracted services are provided in this state, regardless of where the employer resides.
 - b. Relocate provisions regarding community-based living arrangement (CBLA) services ([NRS 433.605](#)) under [Chapter 449 \(“Medical Facilities and Other Related Entities”\) of NRS](#). This would provide that the entities would be licensed, regulated, and monitored by the Bureau of Health Care Quality and Compliance, Division of Public and Behavioral Health (DPBH), Department of Health and Human Services (DHHS). The training program would be specified by *Nevada Administrative Code*. The transition would be effective upon approval.
 - c. Require the Nevada 2-1-1 program, established pursuant to [NRS 232.359](#), to specify the licensing status of all licensed or certified facilities or homes under Chapter 449 of NRS. The Nevada 2-1-1 program must be reviewed and updated at least quarterly.
 - d. Require the Committee to continue the study, as required by [AB 299](#), to review and study the training programs implemented by certain homes and facilities. The goal of the study during the 2019–2020 Interim would be to compare and contrast the content of the training programs offered by supported living arrangement (SLA) services ([NRS 435.3315](#)), CBLA services, and programs under Chapter 449 of NRS. The goal of the study would be to determine whether a minimum set of competencies should be mandated in Nevada to be taught, measured, and monitored across all programs. In addition, the number of hours of annual continuing education would be determined. If the study determines that minimum competencies should be mandated, the Committee would determine which employees and contractors should not be subject to learning the competencies. **(BDR 40–170)**
5. The Committee voted to request legislation to require the Legislative Auditor, Audit Division, Legislative Counsel Bureau (LCB), to conduct an audit of SLAs during the 2019–2020 Interim. The purpose of the audit would be to determine whether all certified SLAs provide services as described in [NRS 435.3315](#) as:

. . . flexible, individualized services provided in the home, for compensation, to a person with an intellectual disability or a person with a developmental disability who is served by the [Aging and Disability Services] Division that are designed and coordinated to assist the person in maximizing the person’s independence, including, without limitation, training and habilitation services.

The findings of the audit would be presented to the Committee.

Following the work session, the chair of the Committee requested to be included on the agenda of the August 30, 2018, meeting of the Legislative Commission ([NRS 218E.150](#)) to request that the audit of SLAs be completed as soon as practicable by the Legislative Auditor. If the

audit is approved by the Legislative Commission to occur during FY 2018–2019, the BDR approved by the Committee may contain recommendations based upon the findings of an audit of SLAs. **(BDR 39–178)**

6. The Committee voted to request legislation to:
 - a. Expand the authority of the Office of the State Long-Term Care Ombudsman, Aging and Disability Services Division (ADSD), DHHS, to include advocating for recipients of CBLA services, SLA services, adult day care centers, and rehabilitation centers for acute illnesses. The BDR would require the Ombudsman or an advocate to conduct quarterly inspections of the facilities and investigate or review such facilities, as needed. This would be a redraft of [Senate Bill 97](#) (a failed measure of the 2017 Legislative Session) with the addition of expanding the authority of the Ombudsman to include advocating for recipients of rehabilitation centers for acute illnesses and conducting quarterly inspections of facilities; and
 - b. Require all CBLAs, SLAs, adult day care centers, and rehabilitation centers for acute illnesses to post the Ombudsman’s hotline number for reporting complaints. The Office of the State Long-Term Care Ombudsman would address the complaints. **(BDR 38–171)**
7. The Committee voted to request legislation to implement supported decision-making agreements as a recognized means to support and accommodate adults with disabilities in making life decisions. The BDR would include provisions and direction for nonparties to the agreement, including, but not limited to, medical and financial professionals, to rely on the supported adult’s decisions, not unlike provisions in laws governing powers of attorney. **(BDR 13–164)**
8. The Committee voted to request legislation to support parental rights for the blind. The legislation would prohibit discrimination against the blind in adoption, custody, guardianship, or visitation proceedings. **(BDR 11–172)**
9. The Committee voted to request legislation to revise primarily [NRS 159.0805](#) (Nevada guardianship laws relating to the sterilization of a protected person) requiring:
 - a. A burden of proof to establish when sterilization would benefit or prevent serious mental or physical impairments;
 - b. An appointment of either an attorney to represent the ward and/or a guardian ad litem;
 - c. An evidentiary hearing to take place before the court orders an involuntary sterilization; and
 - d. Consideration of less irrevocable and intrusive means of contraception, other than sterilization. **(BDR 13–173)**

10. The Committee voted to request legislation to revise, primarily [NRS 427A.896](#) to remove the duties relating to the Nevada ABLE Savings Program required or authorized of the ADSD and to clarify that the State Treasurer is solely responsible for implementing the following duties:
 - a. The State Treasurer may employ personnel and contract for goods and services necessary for the effective and efficient operation of the Program (revise subsection 5 of NRS 427A.896);
 - b. The State Treasurer shall implement an outreach and education program designed to create awareness of and increase participation in the Program. Any marketing plan and materials for the Program would no longer require the ADSD's approval (revise subsection 6 of NRS 427A.896); and
 - c. The State Treasurer may contract with certain qualified entities for certain services (revise subsection 8 of NRS 427A.896). **(BDR 38–177)**

RECOMMENDATIONS FOR COMMITTEE LETTERS

1. The Committee voted to send a letter to the ADSD to request an audit of SLAs during FY 2018–2019. The purpose of the audit would be to determine whether all certified SLAs provide services as described in [NRS 435.3315](#) as:

... flexible, individualized services provided in the home, for compensation, to a person with an intellectual disability or a person with a developmental disability who is served by the Division that are designed and coordinated to assist the person in maximizing the person's independence, including, without limitation, training and habilitation services.

The findings of the audit would be presented to the Committee.

NOTE: This letter will be placed on hold until it is determined whether the Legislative Auditor will conduct the audit during the same time period (see Recommendation 5 under Recommendations for Legislation).

2. The Committee voted to send a letter to the DPBH expressing the Committee's desire for the Division's webpages to include a user-friendly way for the public to determine the licensing status of a program.
3. The Committee voted to send a letter to the Governor of the State of Nevada to evaluate the adequacy of current Medicaid reimbursement rates and determine whether the rates should be raised during the 2019 Legislative Session. The letter should urge the Governor to increase the rates for Nevada's support specialists so that persons, especially children, will not be required to seek services out of state. The letter should also specify that low Medicaid reimbursement rates lead to high levels of staff turnover, which is a concern when it comes to adequately training staff. Finally, it should be noted in the letter that rate studies indicate the

reimbursement rate for vocational services and SLAs for persons with intellectual and developmental disabilities is up to 25 percent below other similar states.

4. The Committee voted to send a letter to the Office of the State Long Term-Care Ombudsman requesting that when the Office reviews its caseload ratio for submission of the biennial agency budget request, the Office should take into account the acuity and ability level of its consumers and adjust the current 1:60 ratio, as needed, to account for the potential of more challenging cases.
5. The Committee voted to send a letter to the Governor of the State of Nevada and copy the chair of the Interim Finance Committee ([NRS 218E.400](#)) urging an increase in funding to support the independent living needs of visually impaired adults. Increased funding of \$500,000 in each FY of the 2019–2021 Biennium is estimated to be needed to support five key areas:
 - a. Consumer service outreach;
 - b. Orientation and mobility training;
 - c. Assistive technology;
 - d. Paratransit service areas; and
 - e. Driver awareness training regarding the needs of visually impaired pedestrians.
6. The Committee voted to send a letter to the Governor of the State of Nevada urging that the Governor's *Executive Budget* include sufficient state matching funds so that all federal funding allocated to the state for vocational rehabilitation services for visually and/or hearing impaired adults may be drawn.
7. The Committee voted to send a letter to the Director's Office of the LCB; the administrators of the Fiscal Analysis Division, LCB; and the director of the Office of Finance, Office of the Governor, to review and revise the provisions of the measure that authorizes expenditures of state government. The letter would specifically request that consideration be given to revise the measure to authorize the Bureau of Services to Persons Who Are Blind or Visually Impaired and the Bureau of Vocational Rehabilitation, both of the Rehabilitation Division, DETR, to expend appropriations from the State General Fund before all other fund sources in order to meet federal funding matching requirements.