



NEVADA LEGISLATURE LEGISLATIVE COMMITTEE ON HEALTH CARE

(*Nevada Revised Statutes* [NRS] [439B.200](#))

DRAFT SUMMARY MINUTES August 19, 2020

The seventh meeting of the Legislative Committee on Health Care for the 2019–2020 Interim was held on Wednesday, August 19, 2020, at 9 a.m. Pursuant to Section 1 of Governor Steve Sisolak's [Emergency Directive 006](#), there was no physical location for this meeting.

The agenda, minutes, meeting materials, and audio or video recording of the meeting are available on the Committee's [meeting page](#). The audio or video recording may also be found at <https://www.leg.state.nv.us/Video/>. Copies of the audio or video record can be obtained through the Publications Office of the Legislative Counsel Bureau (LCB) (publications@lcb.state.nv.us or 775/684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Lesley E. Cohen, Chair
Senator Julia Ratti, Vice Chair
Senator Joseph (Joe) P. Hardy, M.D.
Senator Joyce Woodhouse
Assemblywoman Connie Munk
Assemblywoman Robin L. Titus, M.D.

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Megan Comlossy, Principal Policy Analyst, Research Division
Janet Coons, Manager of Research Policy Assistants, Research Division
Jan Brase, Research Policy Assistant, Research Division
Risa B. Lang, Chief Deputy Legislative Counsel, Legal Division
Eric W. Robbins, Principal Deputy Legislative Counsel, Legal Division
Joe F. Steigmeyer, Deputy Legislative Counsel, Legal Division

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

AGENDA ITEM I—OPENING REMARKS

Chair Cohen called the seventh meeting of the Legislative Committee on Health Care to order and reviewed the options available for submitting public comment.

She announced the Committee's study of stem cell research centers, required by [Senate Bill 363](#) (2019), is now available on the Committee's [Overview Page](#). Chair Cohen explained that the study of training for unlicensed personnel who provide care to people in certain residential facilities or homes, required by [Assembly Bill 131](#) (2019), is not yet available, but members will receive it in a timely manner. She requested members direct any questions to her or Committee staff.

AGENDA ITEM II—PUBLIC COMMENTS

Ron Walter, Executive Director, Care Flight, Regional Emergency Medical Services Authority, and representing the Nevada Ambulance Association, stated Care Flight is a nonprofit organization that provides a public safety service and is obligated to respond regardless of a patient's ability to pay. He said a major challenge for air medical and ambulance services is that a significant percentage of transports do not pay for operation costs. Mr. Walter stated cost shifts from private to public resources have led to decreasing reimbursements and financial hardships for air medical service providers.

Eli Schwartz, Chair, Nevada Commission for Persons Who Are Deaf and Hard of Hearing, Aging and Disability Services Division, Department of Health and Human Services (DHHS), submitted written remarks (Agenda Item II) regarding a program that provides hearing aids for children under age 13 and the complexity of eligibility requirements. He requested the Legislature revise language in [NRS 427A.610](#) related to insurance requirements for ear molds and batteries.

Christian Giller, Director of Public Safety Programs, Global Medical Response, and President-elect, Nevada Ambulance Association, requested an opportunity to provide input prior to any Committee action that may be taken on issues relating to air ambulance regulation.

AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON JUNE 17, 2020

MOTION: Assemblywoman Titus moved to approve the minutes of the June 17, 2020, meeting. The motion was seconded by Assemblywoman Munk and passed unanimously.

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

A. LCB FILE R040-20 OF THE STATE BOARD OF PHARMACY

B. LCB FILE R041-20 OF THE STATE BOARD OF PHARMACY

Eric W. Robbins, previously identified, explained the proposed regulations (Agenda Item IV A) (Agenda Item IV B) have been adopted by the State Board of Pharmacy, but they have not yet been approved by the Legislative Commission

([NRS 218E.150](#)). He stated a representative of the Board is present to address any questions.

Chair Cohen referenced [NRS 639.210](#) and [Nevada Administrative Code 639](#), which address the Board's grounds for suspension or revocation of a certificate, license, registration, or permit or denial of application. She requested clarification of how the Board determines *moral character* or *moral turpitude* when evaluating candidates for licensure.

Brett Kandt, General Counsel, State Board of Pharmacy, stated the Board licenses and regulates pharmacists and those individuals and companies that are part of the distribution chain. He explained the Board considers and investigates reported substance abuse issues and tries to determine whether an individual treated for substance abuse has recovered and does not pose a risk to Nevada patients.

Senator Hardy asked Mr. Kandt to share the Board's strategies for addressing licensees who have struggled with substance abuse and how the Board supports them in their recovery. He also asked him to address the Board's interpretation and perception of the "flexible" concept of *morality*.

Mr. Kandt said the Board makes these determinations on the record in public meetings, and it focuses on criminal conduct or past substance abuse that it is directly related to the activity for which the applicant is requesting licensure. He said the Board provides licensees with the necessary resources to address their substance abuse in order to help them return to practicing in a safe manner that does not pose any risk to Nevada patients. Mr. Kandt explained the Board's goal is one of compliance rather than imposing punitive measures.

Senator Hardy requested clarification of the term *moral turpitude*.

Mr. Kandt commented this is a dated term commonly used in past legislation. He reiterated the Board focuses on conduct that is directly relevant to the activity for which the individual is seeking a license and whether that conduct is likely to reoccur or cause a risk to Nevada patients.

Noting that the Board regulates individuals employed in positions across the pharmaceutical supply chain, Chair Cohen questioned whether a pharmaceutical technician and a pharmacist are provided with comparable care related to substance abuse treatment and support.

Mr. Kandt stated the Board considers the totality of each unique circumstance, and care is consistent across all employment categories. He stressed the Board evaluates a licensee's treatment, progress, and ability to perform his or her duties without risk to Nevada patients before restoring someone's license.

AGENDA ITEM V—PRESENTATION REGARDING AIR AMBULANCE COSTS AND REGULATION

Colleen Becker, Senior Policy Specialist, Health Program, National Conference of State Legislatures, provided an overview of air ambulance services (AAS), which provide assistance when ground ambulance service is unable to respond (Agenda Item V A). She highlighted the following:

- Number of patients transported, types of injuries, and typical situations for use;

- Types of AAS providers;
- Billing and reimbursement rates; and
- State and federal regulation of the industry.

Ms. Becker discussed surprise balanced billing, which occurs when a health care provider is not contracted with a patient's insurance carrier; the patient can unknowingly be held responsible for paying a portion or all of the provider's charges. She said the Centers for Medicare and Medicaid Services (CMS) has established a fee schedule for air ambulance providers, which is typically lower than what other payers reimburse. Ms. Becker noted CMS has a rule prohibiting providers from balance billing patients. She mentioned that Nevada's laws do not address surprise billing from air ambulance providers.

Senator Hardy asked how Medicare reimbursement rates for AAS relate to actual costs for providers. He expressed concern that providers may be unable to maintain operations with reduced payments.

Ms. Becker said there is an established Medicaid reimbursement rate for AAS; however, she could not provide specific amounts. She acknowledged that approximately 56 to 70 percent of air ambulance transports are Medicare- and Medicaid-based, whose rates are substantially less than those paid by commercial payers. Ms. Becker offered to research and provide additional information.

Senator Hardy wondered whether a Medicare reimbursement rate of 145 percent would cover basic operational air ambulance costs. He repeated his concern that air ambulance businesses may be unsustainable when more than 50 percent of their customers are Medicare patients.

Chair Cohen questioned whether rural hospital and clinic closures have led to an increase in air ambulance usage.

Subsequent to the meeting, Ms. Becker submitted additional information regarding air ambulances (Agenda Item V B).

Senator Hardy asked whether federal statutes require air ambulance companies to provide services regardless of cost-effectiveness, and he questioned whether insurance companies authorized to practice in Nevada are required to cover their policyholders' access to and costs of AAS. Additionally, he asked whether insurance companies and/or air ambulance providers are mandated to support services to those who are uninsured or out-of-network.

Ms. Becker replied that insurance companies are obligated to their policyholders, and air ambulance providers have an obligation to provide services to the public in emergencies regardless of one's ability to pay. She suggested this would be a state law, and she would have to investigate whether there is federal law regarding this issue.

Megan Comlossy, previously identified, offered to work with Legislative staff to determine state law requirements on this topic and report back to the Committee.

Assemblywoman Titus agreed with Senator Hardy's concerns regarding Nevada's statutes and regulations as they relate to mandatory transportation of patients. She requested information regarding Care Flight's balanced Medicare billing, other states' legislation, and the impact of mandatory coverage on AAS business models. Assemblywoman Titus

expressed concern that without a comprehensive study of AAS issues, Nevada's citizens, especially those who live in rural counties, may be left without emergency care.

Ms. Becker attested that North Dakota has not seen a decrease in AAS providers as a result of recent legislation implemented in 2018.

Chair Cohen encouraged members who have wide-ranging questions related to Committee presentations to consider developing and offering bill draft requests (BDRs) that address their concerns during the upcoming legislative session. She said the Committee can anticipate additional information from Ms. Becker and LCB staff.

Vice Chair Ratti requested that follow-up information be identified by emergency transport and medical transport categories, if possible. She said the distinction is especially relevant in rural counties where options are limited. Vice Chair Ratti noted Washoe County has entered into a franchise agreement with a single entity, which provides both emergency and medical transportation.

Eric W. Robbins, previously identified, stated he was unable to find anything in state law or regulation that imposes an obligation whereby an ambulance is obligated to pick up a person. Pursuant to [Chapters 244](#) and [268](#) of NRS, he said counties and cities are authorized to provide ambulance services either themselves or through an exclusive franchise agreement. If a city or county provides the ambulance service itself, Mr. Robbins said the city or county ordinances would stipulate the necessary provisions and obligations, but if the services are provided through a franchise agreement, then the obligations of the provider would be stipulated through a contract. He stated the [Emergency Medical Treatment and Labor Act](#) (EMTALA) (99th Congress) applies to hospital-owned ambulance services. Mr. Robbins commented he did not know whether Nevada had any such services, but if the state does, and EMTALA applies, the hospital would be required to treat someone that its ambulance service picks up.

Assemblywoman Titus questioned whether cities and counties are "obligated" to provide emergency services.

Mr. Robbins stated that pursuant to [NRS 268.081](#), a governing body "may" provide emergency services on its own, but it is not a requirement.

AGENDA ITEM VI—OVERVIEW OF ADOPTION ASSISTANCE FOR CHILDREN WITH SPECIAL NEEDS IN NEVADA AND UPDATE ON [ASSEMBLY BILL 150 \(2019\)](#), WHICH REQUIRES THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY STRATEGIES TO IMPROVE OUTCOMES FOR CHILDREN WHO AGE OUT OF THE CHILD WELFARE SYSTEM

Jennifer Robertson, Parent Advocate, shared her experience as an adoptive parent of four children who have special needs and learning disabilities, as a consequence of in utero exposure to alcohol and other harmful substances, as well as reported behavioral, emotional, and mental health issues shared by their birth parents and other family members. She expressed the happiness she and her husband have found in nurturing and providing for their children and their gratitude for state programs and subsidies, which have been instrumental in supporting the children's unique needs.

Ms. Robertson indicated her oldest son is a high school senior and will turn 18 years of age prior to graduation. She expressed concern that the state-funded postadoption subsidy her son has relied upon will be terminated on his birthday, and that without this funding, he

may not have the necessary resources to complete his high school education. Ms. Robertson mentioned Supplemental Security Income (SSI), an alternative to adoption subsidies, but she said her son's disabilities are not severe enough to qualify for this assistance. She stressed the importance of allowing postadoption subsidies and services for children with special needs adopted through the state foster care system to continue through their graduation dates and requested the Committee to consider enabling legislation.

Vice Chair Ratti expressed her appreciation for Ms. Robertson's willingness to share her story and commended her for her dedication to her children.

Chair Cohen said that prior to the budget challenges resulting from the Coronavirus Disease of 2019 (COVID-19) pandemic, she and Ms. Robertson discussed proposing a BDR supporting an extension of postadoption subsidies through high school graduation. She expressed her appreciation to Ms. Robertson for sharing her family's story and challenges and said it is important for Committee members to be aware of this significant issue for many families in Nevada. Chair Cohen noted that not only are adoptive parents of special needs children working to support their families, but they are also making an important contribution to the state when they ensure that healthy, well-adjusted, and productive children grow into adulthood as Nevada citizens. Chair Cohen stated her hope that when the economic situation improves, legislative efforts can be proposed.

Ross E. Armstrong, Administrator, Division of Child and Family Services, DHHS, expressed his appreciation for Ms. Robertson and all foster and adoptive parents in Nevada. He provided an overview (Agenda Item VI) of Nevada's adoption assistance program, which included information on federal law and funding, eligibility requirements, special needs factors/conditions, monthly payments, termination of assistance, and available subsidies. Mr. Armstrong addressed program expenditures and reasons why youth receive subsidies. He stated that revising subsection 6 of [NRS 127.186](#) would allow for continued assistance for children with a mental or physical handicap up to the age of 21 as allowed by Section 473(a)(4)(A)(i)(II) of the [Social Security Act](#). Mr. Armstrong acknowledged there is federal flexibility with funding, of which Nevada's statutes do not take advantage.

Senator Hardy questioned whether there is a financial benefit for a family to adopt a child as opposed to being foster parents, and he asked how much financial assistance foster and adoptive parents receive each month.

Mr. Armstrong reported the monthly family foster care maintenance rate is about \$682 per month for children 0 to 12 years of age and \$773 for children 13 to 18 years of age. He stated the adoption amount cannot go above the foster care rate; the average amount for adoption, which is negotiated between the adopted family and the local child welfare agency, is around \$630, which is about \$50 to \$100 less a month than foster care.

Discussion ensued among Committee members and Mr. Armstrong regarding:

- The lack of available services and resources to meet the needs of families;
- The impact of foster parent training requirements per AB 150;
- Statewide capacity for children in need of foster care placement; and
- The ability to provide care for children without removing them from their community and school environment.

Mr. Armstrong continued his presentation with an overview of [AB 150](#) (2019) (Agenda Item VI), which required the establishment of a working group to study ways to improve the outcomes for persons who leave the custody of an agency that provides child welfare services when they reach 18 years of age. He highlighted the following: (1) the requirements of AB 150; (2) the membership of the working group; (3) research regarding other states; and (4) an analysis of current practice versus extended foster care.

Mr. Armstrong reported that the recommendations of the working group have been submitted; a fiscal subcommittee has been assembled to finalize fiscal impact projections; and a report will be submitted to the Legislative Committee on Child Welfare and Juvenile Justice ([NRS 218E.705](#)) by October 1, 2020. He commented that if Nevada extended foster care to age 21, it would be beneficial for the state to align its adoption assistance programs with the conditions for federal IV-E reimbursement. Considering the current financial conditions of the state, Mr. Armstrong recommended that extending benefits through high school, rather than age 21, would be more fiscally prudent at this time. He also provided information on guardianship assistance.

Chair Cohen said she looks forward to the working group's October report and any plans and strategies for assisting families and children in the foster care and adoption system. She mentioned that Nevada family law requires child support payments to continue until a child turns 18 years of age or 19 years of age if the child is still in high school.

AGENDA ITEM VII—OVERVIEW OF FOOD INSECURITY IN NEVADA AND UPDATE ON [SENATE BILL 178](#) (2019), WHICH ESTABLISHED THE COUNCIL ON FOOD SECURITY AND THE FOOD FOR PEOPLE, NOT LANDFILLS PROGRAM

Laura Urban, Food Security and Wellness Manager, Office of Food Security, Division of Public and Behavioral Health, DHHS, shared a presentation regarding food insecurity in Nevada (Agenda Item VII). She compared national and state trends and noted that while progress has been made in Nevada, one in eight people in the state and one in five children are food insecure. Ms. Urban acknowledged that COVID-19 has exacerbated the issue of food insecurity, and a recent report from [Feeding America](#) ranks Nevada as one of the states with the highest rate of projected food insecurity in 2020. She discussed how Nevada's Council on Food Security, within DHHS, has made significant strides in addressing food insecurity and the relationship between food insecurity and unemployment.

Ms. Urban's presentation also addressed the impact of [SB 178](#) (2019), which established a new program within DHHS—Food for People, Not Landfills Program (FFPNL)—and made changes to the Council on Food Security. She provided an update on the development of the FFPNL, which submitted its first annual report in January 2020.

Chair Cohen asked whether a diet of junk food meets the definition of food insecurity.

Ms. Urban replied that junk food qualifies as food insecurity according to the United States Department of Agriculture's definition. She explained the best way Nevadans can help their fellow citizens is to connect with their local food banks and donate food and/or money.

Chair Cohen invited representatives of various food banks to share information about their organizations.

Ashanti Lewis, Advocacy Manager, Three Square Food Bank, shared that citizens can donate to the food bank, and it also needs volunteers for distribution. She said Three Square

currently has 30 weekly mobile distributions through a partnership with the Clark County School District (CCSD) and other food pantries. Ms. Lewis stated the food bank holds food drives several times throughout the year during nonpandemic times. She noted all information can be found on the food bank's website at threesquare.org.

Shane Piccinini, Government Relations, Food Bank of Northern Nevada (FBNN), stated that the FBNN serves the northern counties, and Nevadans can volunteer to pack food or help with mobile distribution. He indicated information and schedules regarding the FBNN's monthly food drives and programs can be found on its website (<https://fbnn.org/>) under the tab "Get Help." Mr. Piccinini stated there are no income requirements for access to food, outside of federal programs, and anyone can come in for emergency food.

Assemblywoman Titus commented that her awareness of food insecurity was augmented when she spoke at the FBNN last year. She expressed concern that with schools closed during the pandemic, many children are not receiving the proper nutrition they normally would through the Supplemental Nutrition Assistance Program. Assemblywoman Titus asked whether the food banks have any data on the number of children served since schools have been closed and whether the food banks have coordinated with the schools to serve meals.

Mr. Piccinini replied that the FBNN collaborated with the Washoe County School District to serve approximately 40,000 kids during the shutdown, and the Boys and Girls Clubs of America helped in the rural counties. He emphasized the strong relationships that the FBNN shares with the State Department of Agriculture, the other food banks, and community agencies. Mr. Piccinini offered to provide updated child nutrition data.

Ms. Lewis reported that CCSD continued to serve meals at some of its sites, and she offered to provide this data to the Committee. She pointed out that Three Square suspended its summer food service program in order to follow social distancing guidelines; therefore, most of its childhood nutrition programs are currently at a standstill.

AGENDA ITEM VIII—RESPONSE TO FOOD INSECURITY DURING THE CORONAVIRUS DISEASE OF 2019 PANDEMIC AND NEXT STEPS

Jennifer Ott, Director, State Department of Agriculture, shared a presentation that addressed the Department's food insecurity efforts during the COVID-19 pandemic (Agenda Item VIII A). She reported that when the schools shut down, the Department, which administers the National School Lunch Program and the School Breakfast Program, switched quickly to summer food service programs run by schools and community agencies. Ms. Ott shared a timeline of food response efforts during the first few weeks of the pandemic. She reported the state received funding through the [Families First Coronavirus Response Act](#) (H.R. 6201, 116th Congress) as well as the [Coronavirus Aid, Relief and Economic Security \(CARES\) Act](#) (H.R. 748, 116th Congress). Ms. Ott provided food insecurity data trends related to: (1) unemployment; (2) The Emergency Food Assistance Program; and (3) the Food Distribution Program on Indian Reservations. She offered to provide the Committee with data regarding the number of students served while schools were shut down during the pandemic.

Ms. Ott identified three themes that will help guide some of the Department's future policies and relationships: (1) represent Nevada on a national level to receive funding to address food insecurity; (2) support and improve a total food system approach; and (3) break out of federally designated separation in order to fill the gaps to feed Nevada families. She mentioned she was selected as chair of the Council on Food Security last month.

Assemblywoman Titus asked what kind of waivers the Department had to obtain for the food industry and how can it help fill the empty food shelves in grocery stores.

Ms. Ott replied there were no waivers for the agriculture community, and the Department has used CARES funds to hire a fulltime person to assist producers in developing new market opportunities. Regarding meat and processing facilities, she stated that since Nevada's animals go to market later, the state has not dealt with some of the issues other states have when processing came to a grinding halt because of restaurant closures.

Chair Cohen expressed her appreciation that Nevada has experienced very little food dumping during the pandemic. She inquired whether the Legislature can do anything statutorily to prevent dumping from becoming an issue in the future.

Ms. Ott answered there are some industries that receive funding, either through cooperatives or federal intervention, when there is dumping of a food product. She said the Department is working on a proposal for the Legislature that would address a total food system approach to address food insecurity.

Subsequent to the meeting, Ms. Ott submitted information regarding community and school nutrition programs during the COVID-19 pandemic (Agenda Item VIII B).

AGENDA ITEM IX—PUBLIC COMMENT

Sarah Adler, President, Board of Directors, Healthy Communities Coalition, said the Coalition operates three food pantries in Lyon County; it serves hundreds of families a week and the need has increased due to the pandemic. She said homebound delivery to vulnerable people is a critical need, and the Coalition has applied for a community development block grant. Ms. Adler reported that she was a founding member of the Council on Food Security.

Dora Uchel-Martinez, Nevada resident, provided the telephone number for the Northern Nevada Center for Independent Living (775/353-3599) and the Southern Nevada Center for Independent Living (702/889-4216), both of which have temporary food assistance programs for people who have any type of disability. She said the Centers will help customize a person's grocery shopping list, and the store will deliver the groceries.

Chair Cohen announced the Committee's final meeting and work session will be held on Monday, September 14, 2020, at 9 a.m.

AGENDA ITEM X—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:09 p.m.

Respectfully submitted,

Janet Coons

Manager of Research Policy Assistants

Megan Comlossy

Principal Policy Analyst

APPROVED BY:

Assemblywoman Lesley E. Cohen, Chair

Date: _____

MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item II	Eli Schwartz, Chair, Nevada Commission for Persons Who Are Deaf and Hard of Hearing, Aging and Disability Services Division, Department of Health and Human Services (DHHS)	Written comments
Agenda Item IV A	Eric W. Robbins, Principal Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau (LCB)	LCB File R040-20 of the State Board of Pharmacy
Agenda Item IV B	Eric W. Robbins, Principal Deputy Legislative Counsel, Legal Division, LCB	LCB File R041-20 of the State Board of Pharmacy
Agenda Item V A	Colleen Becker, Senior Policy Specialist, Health Program, National Conference of State Legislatures (NCSL)	Microsoft PowerPoint presentation
Agenda Item V B	Colleen Becker, Senior Policy Specialist, Health Program, NCSL	Additional information regarding air ambulance services
Agenda Item VI	Ross E. Armstrong, Administrator, Division of Child and Family Services, DHHS	Microsoft PowerPoint presentation
Agenda Item VII	Laura Urban, Food Security and Wellness Manager, Office of Food Security, Division of Public and Behavioral Health, DHHS	Microsoft PowerPoint presentation
Agenda Item VIII A	Jennifer Ott, Director, State Department of Agriculture	Microsoft PowerPoint presentation
Agenda Item VIII B	Jennifer Ott, Director, State Department of Agriculture	Fact sheet—Community and School Nutrition Programs During COVID-19

The Summary Minutes are supplied as an informational service. All meeting materials are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. For copies, contact the Library at (775) 684-6827 or <https://www.leg.state.nv.us/Division/Research/Library/About/Contact/feedbackmail.cfm>.