



**NEVADA LEGISLATURE
LEGISLATIVE COMMISSION'S COMMITTEE
TO STUDY GROUP HOMES**

(Assembly Bill 294, Chapter 298, *Statutes of Nevada 2009*)

SUMMARY MINUTES AND ACTION REPORT

The second meeting of the Legislative Commission's Committee to Study Group Homes was held on Wednesday, March 24, 2010, at 2 p.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, 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/75th2009/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblywoman Marilyn Kirkpatrick, Chair
Senator Shirley A. Breeden
Senator Allison Copening
Senator David R. Parks
Assemblyman Harry Mortenson

COMMITTEE MEMBER PRESENT IN CARSON CITY:

Assemblyman Ty Cobb

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Michelle L. Van Geel, Principal Research Analyst, Research Division
Brenda J. Erdoes, Legislative Counsel, Legal Division
Gayle Nadeau, Principal Research Secretary, Research Division

OPENING REMARKS

- Chair Kirkpatrick opened the meeting with welcoming remarks and a brief explanation for inviting the various local government agency presenters listed on the meeting's agenda.

APPROVAL OF MINUTES OF THE MEETING HELD ON JANUARY 27, 2010, IN LAS VEGAS, NEVADA

- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR BREEDEN MOVED TO APPROVE THE "SUMMARY MINUTES AND ACTION REPORT" OF THE JANUARY 27, 2010, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN MORTENSON AND PASSED UNANIMOUSLY.

PRESENTATIONS CONCERNING LOCAL GOVERNMENT AGENCIES' RESPONSIBILITIES AND DUTIES PERTAINING TO GROUP HOMES

- Lisa Ruiz-Lee, Assistant Director, Clark County Department of Family Services (CCDFS), explained that the CCDFS is one of three foster home licensing agencies in the State of Nevada. The Division of Child and Family Services, within Nevada's Department of Health and Human Services (DHHS), and Washoe County's Department of Social Services are the other two agencies. Ms. Ruiz-Lee noted the CCDFS issues three types of licenses: (1) family foster homes—providing care for less than 6 children living in the home who are under 18 years of age; (2) group foster homes—providing care for 7 to 15 children who are under 18 years of age; and (3) treatment homes for children needing specialized care for physical, mental, or emotional reasons—licensed as a group home or regular family home depending on the number of children in the home.

Ms. Ruiz-Lee discussed the following matters during her testimony:

1. The licensing of 11 group foster homes by CCDFS using the definitions of license types in Chapter 424 ("Foster Homes for Children") of *Nevada Revised Statutes* (NRS), and corresponding definitions in Chapter 424 ("Foster Homes for Children") of *Nevada Administrative Code* (NAC). (Please see [Exhibit B.](#))
2. Protocol for placing children in the various types of foster homes with an emphasis on placing children in long-term, regular foster home environments rather than in congregate care settings such as group foster homes;
3. Clarification that there is no obligation on the part of the licensing agencies to financially support or place children in the foster homes that they license and that

the child welfare agencies do not have 100 percent control over the children who are placed in a licensed facility;

4. The licensing process, requirements, causes for denying a license, and conducting investigations when complaints are received;
 5. Collaborative efforts among the CCDFS and local business license, code enforcement, and development services and agencies to ensure that group foster homes have and maintain special use permits before CCDFS issues a license, which is not specifically referenced in Chapter 424 of NRS or Chapter 424 of NAC, so that stability is maintained for the children CCDFS places in these homes; and
 6. Minimum staffing and training requirements for the foster parents and staff of group homes.
- Chair Kirkpatrick posed the following inquiries: Who do neighbors of foster group homes contact if they have issues? Who do the children in foster group homes contact if they have concerns? Where is the accountability for the funds that are paid to the owners of group foster homes?
 - Kevin Schiller, Director, Washoe County Department of Social Services (WCDSS), responded to Chair Kirkpatrick's questions stating that in his jurisdiction complaints should be directed to the WCDSS. The Department would follow up and respond appropriately. Regarding the financial component inquiry, Mr. Schiller shared that payments are provided per child, which are statutorily defined and appropriated. The counties then disburse the funds through the federally mandated computer system—SACWIS (Statewide Automated Child Welfare Information System).

In response to Senator Copeney's question of Ms. Ruiz-Lee regarding what type of feedback CCDFS is receiving regarding licensing trends, Ms. Ruiz-Lee testified that the impact on young children in congregate care settings can have lifetime negative consequences because children need to bond with someone, which is critical for their development.

- Mr. Schiller briefly discussed the distinction between foster care licensing and the child care permitting process.

Discussion ensued among Chair Kirkpatrick, Mr. Schiller, and Ms. Ruiz-Lee regarding Chair Kirkpatrick's question for suggestions to improve the process to protect the children in foster homes and facilitate better communication among the residents in neighborhoods where these homes are licensed. Mr. Schiller focused his remarks on quality assurance, the community awareness component, and the delicate balance to place the child in a "matched" home that will have the least traumatic impact on the child. Ms. Ruiz-Lee directed her comments on ensuring that the CCDFS is licensing quality homes for children

and being respectful of the neighborhoods in the process; directing complaints; and noting that there is a problem with special use permits in licensing regular foster homes, group foster homes, and treatment homes under the definitions provided in NRS because they conflict with code requirements of local jurisdictions.

There was a discussion among Chair Kirkpatrick, Senator Copening, Ms. Ruiz-Lee, and Mr. Schiller regarding notification to a neighborhood when a home is licensed and when a home is no longer licensed.

- Nancy R. L. Hancock, Assistant Operations Manager, Clark County Department of Business License (CCDBL), stated that the CCDBL licenses businesses in the unincorporated areas of Clark County and explained the licensing process for the CCDBL.

In response to Senator Copening's inquiry if there is a forum for the public to provide input before a business license is issued, Ms. Hancock clarified that her testimony related to residential facilities, which do not require a public hearing.

There was a discussion between Chair Kirkpatrick and Ms. Hancock regarding the business license zoning and code enforcement process and a checklist for determining what is required before a license is issued by the CCDBL. (Please see [Exhibit C.](#))

- Robert Eastman, Principal Planner, Planning and Zoning Department, City of North Las Vegas, testified that most of the licensing and regulation for group homes in the City is handled through the Planning and Zoning Department because such facilities relate to land use issues; however, the Business License Division issues the business licenses. If applicable, other City agencies become involved such as the North Las Vegas Fire Department relative to building and fire codes. Mr. Eastman explained that the City adopted its current group home requirements in 2007 to address its City Council's opinion that the City of North Las Vegas had a proliferation of group homes. He called attention to a map that points out the locations of the various group living facilities in the City of North Las Vegas. He also discussed a document regarding the City's group home requirements and the different definitions the City uses versus NRS terms. Mr. Eastman stated that, generally, group homes in the City of North Las Vegas are covered by a conditional use permit. (Please see [Exhibit D](#) and [Exhibit E.](#))

Mr. Eastman stated that the City of North Las Vegas did require, since it was in conformance with NRS at the time, a distance separation for group homes to protect neighborhoods. He noted that the City has conditions covering adequate parking, living space inside the home, and lot space for the residents. If group home applicants cannot or choose not to meet any of these conditions, they go before the planning commission and request a special use permit. The special use permit process involves a posted public hearing and requires notification to the neighborhood where the group home is to

be located. He also shared that a transitional living home requires a special use permit, and therefore, a public hearing.

There was a discussion between Chair Kirkpatrick and Mr. Eastman regarding whether a property maintains its “group care” zoning designation if the house is sold.

- Edward Dichter, Principal Planner, Community Development Department, City of Henderson, introduced his handouts ([Exhibit F](#), [Exhibit G](#), and [Exhibit H](#)) and noted that many of the City of Henderson’s zoning codes are identical to those of the City of North Las Vegas. He shared that the City of Henderson enacted its updated zoning codes on March 1, 2010, and in doing so, considered *Nevada Fair Housing Center, Inc., v. Clark County*. Mr. Dichter conveyed that the primary development code change involved a determination by the Henderson City Attorney’s Office that residential facilities for groups and homes for individual residential care are addressed in the ruling of this case; therefore, the City reduced the separation requirement from 1,500 feet to 660 feet. However, the City Attorney’s Office did not agree that halfway houses were protected under the regulation and left distance requirements for those facilities at 1,500 feet. He stated that a conditional use permit is required, which would necessitate a public hearing, if an applicant’s facility lies within the 660-foot separation area; however, he declared that questions remain about whether this distance can be used to justify denial of a group home. Mr. Dichter said the City of Henderson evaluated all the jurisdictions in Clark County to “match regulations” as much as possible so that anyone applying to open a group home in the area would not have to learn different codes.

Continuing his testimony, Mr. Dichter said that the City of Henderson added a category and standards for released offenders to be consistent with NRS and to better regulate facilities for this category of residents. He also reported that a new definition for “family” that considers six unrelated people a family unit was adopted by the City, but he noted the City’s new definition conflicts with some NRS standards. Mr. Dichter suggested the 2011 Legislature address whether two or fewer unrelated people may reside in a home for individual residential care and not require the same separation distances as a group home for up to ten people. Additionally, Mr. Dichter stated that the various jurisdictions need to know what criteria can be used to protect neighborhoods from oversaturation.

Discussion ensued among Chair Kirkpatrick, Mr. Dichter, and Margaret Glad, Supervisor, Business License Division, City of Henderson regarding: (1) life safety issues such as notification to residents in neighborhoods where homes have oxygen tanks in use; (2) licensing issues relative to how to determine the difference between a boarding house that does not need a license and a home that would require a license; and (3) accountability on how residential housing vouchers are used in Clark County.

- Claudia Hanson, Deputy Director, Community Development Department, City of Reno, called attention to her handout ([Exhibit I](#)) regarding the City of Reno’s

definitions of a group home and a transitional living facility along with associated zoning districts and regulations for each. She explained the zoning designations for the various types of group homes and transitional living facilities in the City. Ms. Hanson shared that the City of Reno does not require a nonprofit facility to obtain a license and opined that it will probably address this issue in the future.

There was a discussion among Chair Kirkpatrick, Senator Breeden, Ms. Hanson, and Ana Navarro, Revenue Program Manager, Business License Division, City of Reno, regarding the City of Reno not requiring a business license for nonprofit facilities. It was pointed out by Ms. Navarro during the discussion that by definition in the *Reno Municipal Code* nonprofits are not required to have a business license because the requirement for such a license is based on the gross receipts of a business.

- Adrian P. Freund, Director, Community Development Department, Washoe County, summarized the County's situation regarding its licensed facilities. He explained that discretionary permits are required for group care facilities housing more than ten persons. Those facilities must obtain a special use permit through the Washoe County Board of Adjustment, which involves a public hearing. Mr. Freund further explained that group homes with ten or fewer residents are allowed in all the County's residential districts. He shared that Washoe County is considering amendments to its group home code with respect to distancing requirements and concentration of facilities, and he requested that the Legislature address the concentration of group care facilities relative to permitting those for ten or more persons. In closing, Mr. Freund said the County requires that neighborhood meetings be held with the applicable citizen advisory board for facilities that have a discretionary permit.

Discussion ensued between Chair Kirkpatrick and Mr. Freund regarding: (1) how Washoe County guarantees that payments are made to licensed facilities; (2) public safety issues; (3) whether Washoe County has boarding house issues; and (4) accountability for tracking county vouchers.

- Gail Burks, President and CEO, Nevada Fair Housing Center (NFHC), Las Vegas, stated that NFHC has worked since 1997 with the Nevada Legislature or local governments to amend the State's group home law to comply with the federal Fair Housing Amendments Act of 1998, and it was only after being unable to accomplish this goal that NFHC brought the court case *Nevada Fair Housing Center, Inc., v. Clark County*. She explained that one of NFHC's goals is to ensure that no neighborhood is jeopardized by entities that abuse people and use the Act to make a quick profit. Ms. Burks declared that the NFHC's concern is to have a neutral solution that treats people with disabilities the same as anybody else. She requested that the Legislature focus on protecting people regardless of who they are and what the setting is versus the status of the people in a facility.

Ms. Burks offered to answer specific questions about what the Fair Housing Amendments Act requires and does not require, and a discussion ensued between Chair Kirkpatrick and Ms. Burks regarding the following matters:

1. The definition of “disability”;
2. Life safety requirements being added in statute to protect neighborhoods such as when oxygen tanks are used in a home;
3. Clarification of what “regulating in a neutral way” means, how vouchers are used, and how to ensure that payments to group homes are made only to licensed facilities;
4. Concentration of group homes in certain neighborhoods while other neighborhoods never receive approval for group homes, with Ms. Burks expounding that the approval process must be examined so that when someone appears before a local board in order to receive permission to open a group home, concentrations of any protected class of people in a neighborhood can be avoided;
5. Clarification on what the “approval process” means;
6. Distance requirements;
7. Businesses within neighborhoods;
8. The need to separate licensing and land use regulations from the status of the people involved;
9. Administrators of group homes; and
10. Communication with neighborhoods.

PRESENTATIONS RELATING TO ISSUES OF IMPORTANCE TO RESIDENTS AND NEIGHBORS OF GROUP HOMES

- Teresa L. Stricker, State Ombudsman, Office of the State Long-Term Care Ombudsman, Aging and Disability Services Division (ADSD), DHHS, explained the State’s long-term care ombudsman program and introduced a pamphlet about it ([Exhibit J](#)). She shared that every state has a program as a result of the Older Americans Act of 1965 and that Nevada has an ombudsman in every area of the State. Ms. Stricker testified that the ombudsmen advocate for residents who are over the age of 60 living in a long-term care facility.

Discussion ensued between Chair Kirkpatrick and Ms. Stricker regarding: (1) addressing complaints; (2) conducting a survey on successful industry regulations; and (3) creating an organization chart of the various agencies' responsibilities and duties.

There was a discussion between Senator Breeden and Ms. Stricker regarding the number and reporting of complaints received by the Office of the State Long-Term Care Ombudsman.

Discussion ensued between Chair Kirkpatrick and Ms. Stricker regarding: (1) the definition of a "long-term" care facility; (2) how grants are acquired; and (3) dietary issues for residents of long-term care facilities.

- Terry Clodt, Board Member, Board of Examiners for Long-Term Care Administrators (BELTCA), Las Vegas, testified regarding working on complaints with the Office of the State Long-Term Care Ombudsman and the Bureau of Health Care Quality and Compliance (BHCQC), within the Health Division, DHHS. He further testified regarding the BELTCA licensing of administrators who operate skilled nursing facilities and other aspects of the Board's purview.

There was a discussion among Chair Kirkpatrick, Mr. Clodt, and Ms. Stricker regarding: (1) the identification of unlicensed operators of facilities; (2) the definition of administrators of group homes and their responsibilities; (3) the responsibilities of the owners of group homes; and (4) the need for public education about group homes to avoid the stigma that exists about them.

- Carol Graham, President, Creative Care Systems, Las Vegas, explained that her company provides services to people with developmental disabilities who are severely mentally ill. She testified that the company was in poor standing and not well managed when she purchased it. With assistance from a research team at the University of Nevada, Reno, on quality assurance, the company has become successful with decreased incidents, increased quality of services for clients, and reduced staff turnover. Ms. Graham shared that Creative Care Systems is not required to be licensed because it is supervised by a regional center, which is not subject to supervision by BHCQC. (Please see [Exhibit K](#).)
- Deidre Manley, Director, Creative Care Systems, Carson City, testified that the regional centers have quality assurance for people in their 24-hour intensive supported living arrangement centers. The centers have targeted case managers who visit and inspect homes once a month. She opined that part of the problem is that BHCQC does not know where these homes exist, so people in the neighborhood may make complaints or inquire if someone is operating a business and months pass before BHCQC learns who is in charge of the homes.

- Chair Kirkpatrick asked about: (1) a better process to determine if a home is licensed; and (2) accountability for the funds paid to Creative Care Systems and if the business is for-profit.
- Ms. Manley responded that Creative Care Systems is a for-profit company, and it is required to have a quality assurance recertification every year from the regional centers that provide its funding. She suggested that it would be helpful if BHCQC had a list that identified the supported living arrangement homes and who to call at the regional centers so complaints can be addressed in a timely manner.

Discussion ensued among Chair Kirkpatrick, Senator Breeden, and Ms. Manley regarding: (1) fire safety requirements for Creative Care Systems; and (2) the definition of “regional centers” and what entity oversees them.

- Donny Newsome, Doctoral Student, Behavior Analysis Program, Psychology Department, University of Nevada, Reno, provided a brief explanation of the Behavior Analysis Program. Mr. Newsome shared that it is funded through the Fund for a Healthy Nevada, and it is charged with delivering services to local provider agencies that operate supported living arrangements and day programs. He stressed that if services and treatments are of high quality and there is frequent quality assurance and expert oversight of group homes and supported living arrangements they typically avoid becoming a disturbing element in the neighborhoods where they exist.

Continuing his testimony, Mr. Newsome explained the information in two graphs that he provided ([Exhibit L](#)). He noted that the first graph illustrates the aggregate rate of incident reports for four individuals receiving intensive behavior analysis oversight. The second chart reflects the performance of staff assigned to the treatment teams of the four individuals. He clarified that the dates are incorrect in Figure 1; the “04s” should be “08s,” and the “05s” should be “09s.” In closing, Mr. Newsome opined that in the licensing of group homes more attention should be given not only to background checks and the quality of the physical surroundings but also to the quality of care being provided because that is a major factor in how well the group homes and supported living arrangements are accepted by the local communities.

There was a discussion between Chair Kirkpatrick and Mr. Newsome regarding quality assurance issues and the infrastructure and cost to provide quality assurance checks.

- Kathleen Buchanan, Public Guardian, Office of the Public Guardian, Clark County, provided a brief background on the duties of the Public Guardian. Ms. Buchanan explained that the Public Guardian is the “last safety net” for unprotected, cognitively impaired individuals. The Office of the Public Guardian is the only public agency that acquires the necessary legal authority to act on behalf of incapacitated adults, other than court actions. She stated that the Public Guardian serves when local family or friends are unwilling or unable to serve, or when family or friends have abused, neglected, or

exploited an individual. Ms. Buchanan requested that Nevada's statutes protect all parties, whether the party is a resident of the community, a ward of the facility, or the group care facility owner. In concluding her testimony, Ms. Buchanan identified 11 problems and issues needing improvement. (Please see [Exhibit M.](#))

Discussion ensued between Chair Kirkpatrick and Ms. Buchanan regarding the term "representative payee" relative to prohibiting a facility from managing the funds it receives for providing care to its residents, which would be a conflict of interest.

PUBLIC COMMENT

- Conita Jones, resident, Clark County, Nevada, voiced concern regarding the lack of yard maintenance of group homes in her neighborhood. Ms. Jones suggested that the statutes include a requirement that the property of group homes be maintained to avoid health issues and respect the aesthetics of the surrounding neighborhood.
- Jerry Dockens, Vice President, Aliante Master Association, Las Vegas, suggested that the Nevada Legislature consider requiring the licensing agencies to include a question on their application form for a group home that asks if the residence is within a homeowners' association (HOA). If it is, then include another question to ask if the home is compliant with the HOA governing documents and which governing documents the group home applicant referenced to state that the home is in compliance.

A discussion ensued among Chair Kirkpatrick, Senator Breeden, and Mr. Dockens regarding Mr. Dockens' recommendation.

- Iris Gross, resident, Clark County, commended the Committee for its work on the issues with group homes. She suggested that a central data recording system be established to list State and local municipalities' requirements related to group homes in order to coordinate information, avoid duplication, and resolve issues through the responsible entity. Ms. Gross expressed support for the idea of neighborhood meetings mentioned by Adrian Freund (previously identified). Finally, Ms. Gross suggested using Nevada's Ombudsman for Owners in Common-Interest Communities and Condominium Hotels to address the issue of businesses being located in an HOA neighborhood.

There was a discussion among Chair Kirkpatrick, Senator Parks, and Ms. Gross regarding Ms. Gross' concern that released offenders are allowed to live in residential neighborhoods.

Further discussion ensued among Chair Kirkpatrick, Assemblyman Mortenson, and Brenda J. Erdoes, Legislative Counsel, Legal Division, Legislative Counsel Bureau (LCB), regarding the question of whether the Covenants, Conditions, and Restrictions of HOAs can prohibit businesses.

- Theresa Brushfield, licensed administrator for adult care facilities, Las Vegas, testified about opening her business in Las Vegas in October 1990. She expressed frustration over bureaucratic approval processes and the subsequent length of time to receive approval for opening licensed care facilities. Ms. Brushfield also expressed annoyance at the duplication of roles between State and local municipalities and inconsistencies of terms and definitions between the State and local approving agencies. She also addressed concerns about: (1) insufficient reimbursements to cover the cost to care for residents, and (2) a lack of adequate training for caregivers.

Discussion ensued among Chair Kirkpatrick, Senator Breeden, Assemblyman Mortenson, and Ms. Brushfield regarding:

1. The need to streamline the licensing process for group homes and clarify terms used among State and local jurisdictions;
 2. The square footage requirements for each resident in a group home;
 3. The requirements and services that the administrators and caregivers of group homes must abide by and provide;
 4. Fines for unlicensed facilities;
 5. Oxygen tank enforcement issues;
 6. The amount and type of training required for caregivers and associated costs; and
 7. Salaries for caregivers.
- Constance Brooks, lobbyist, Clark County, shared that Clark County looks forward to working collaboratively with the Nevada Legislature and the community to address group home code enforcement and licensure issues. She opined that communication needs to be improved as well as streamlining the process and examining areas to improve efficiencies. Ms. Brooks noted there is a perceived disparity about vouchers going to some organizations or group homes versus others that do not receive funds—whether licensed or unlicensed. She clarified that in order to apply and receive voucher funds there is not a stipulation with regard to licensure.
 - Gretchen Batis, owner, LTC-Continuum Senior Placement Referral Service, Las Vegas, testified that she identified three points during the meeting’s testimony: (1) how to deal with unlicensed group homes; (2) the proper care level when placing a client in a group home; and (3) education. Ms. Batis discussed a four-page “physician’s report” that she created for her business and explained that it includes information the State would need when it conducts a survey. She opined that there should be a State-mandated, standardized form such as the one she created for her

business. Ms. Batis also opined that tuberculosis testing and caregiver training are the two main deficiencies in the industry.

- Chair Kirkpatrick submitted the written comments ([Exhibit N](#)) of Shawn McGivney, M.D., RFA, Las Vegas, and an excerpt ([Exhibit O](#)) of Chapter 278 (“Planning and Zoning”) of NRS also on behalf of Dr. McGivney.
- Subsequent to the meeting, Edward Dichter, previously identified, submitted a list of comments and questions as a follow-up to his testimony during the meeting and a map of the group homes and assisted living facility locations in the City of Henderson. (Please see [Exhibit P](#) and [Exhibit Q](#). These exhibits were received after the meeting and are being included as exhibits at the request of Chair Kirkpatrick.)
- Subsequent to the meeting Cadence Matijevich, Special Events Program Manager, Office of the City Manager, City of Reno, on behalf of Ana Navarro, previously identified, submitted a letter to Assemblywoman Marilyn Kirkpatrick from Ana Navarro as a follow-up request by the Committee during the meeting for information regarding certified tax exempt entities operating within the City of Reno. Also submitted by Ms. Matijevich on behalf of the City of Reno and at the request of Committee members during the meeting is a map of the group home care facilities in the City of Reno. (Please see [Exhibit R](#) and [Exhibit S](#). These exhibits were received after the meeting and are being included as exhibits at the request of Chair Kirkpatrick.)
- Subsequent to the meeting Adrian P. Freund, previously identified, submitted a map showing the locations of licensed group homes within Washoe County. (Please see [Exhibit T](#). This exhibit was received after the meeting and is being included as an exhibit at the request of Chair Kirkpatrick.)
- Subsequent to the meeting Kay A. Panelli, Chief, Elder Rights, ADSD, DHHS, on behalf of Teresa L. Stricker, State Ombudsman, Office of the State Long-Term Care Ombudsman, ADSD, DHHS submitted the following documents: (1) a memorandum to Michelle L. Van Geel, Principal Research Analyst, Research Division, LCB, regarding the ADSD, related agency information, and possible bill draft requests; (2) the 2008 Annual Report of Nevada’s Long-Term Care Ombudsman Program; (3) the Nevada State Annual Ombudsman Report for Federal Fiscal Year (FY) 2008 — Part I.A; (4) the Nevada State Annual Ombudsman Report for Federal FY 2008 — Part III.A; (5) the Nevada State Annual Ombudsman Report for Federal FY 2009 — Part I.A; (6) the Nevada State Annual Ombudsman Report for Federal FY 2009 — Part III.A; and (7) an organization chart showing the entities under DHHS and the referring agencies regarding group homes. (Please see [Exhibit U-1](#), [Exhibit U-2](#), [Exhibit U-3](#), [Exhibit U-4](#), [Exhibit U-5](#), [Exhibit U-6](#), and [Exhibit U-7](#). These exhibits were received after the meeting and are being included as exhibits at the request of Chair Kirkpatrick.)

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 5:59 p.m.

Respectfully submitted,

Gayle Nadeau
Principal Research Secretary

Michelle L. Van Geel
Principal Research Analyst

APPROVED BY:

Assemblywoman Marilyn Kirkpatrick, Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda,” provided by Michelle L. Van Geel, Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is a copy of Chapter 424 (“Foster Homes for Children”) of *Nevada Administrative Code*, provided by Michelle L. Van Geel, Principal Research Analyst, Research Division, LCB.

[Exhibit C](#) is a business license checklist for residential facilities for groups from the Clark County Department of Business License (CCDBL), provided by Nancy R. L. Hancock, Assistant Operations Manager, CCDBL.

[Exhibit D](#) is a map dated March 16, 2010, titled “Group Care, Halfway House, and Transitional Living Facility Locations,” provided by Robert Eastman, Principal Planner, Planning and Zoning Department, City of North Las Vegas.

[Exhibit E](#) is a document titled “Group Home Requirements,” provided by Robert Eastman, Principal Planner, Planning and Zoning Department, City of North Las Vegas.

[Exhibit F](#) is a document titled “Legislative Commission’s Committee to Study Group Homes, March 24, 2010, City of Henderson Executive Summary,” provided by Edward Dichter, Principal Planner, Community Development Department, City of Henderson.

[Exhibit G](#) is a document titled “City of Henderson Department of Building and Fire Safety,” provided by Edward Dichter, Principal Planner, Community Development Department, City of Henderson.

[Exhibit H](#) is a table titled “Group Facility Standards,” provided by Edward Dichter, Principal Planner, Community Development Department, City of Henderson.

[Exhibit I](#) is a March 17, 2010, letter to Michelle L. Van Geel (previously identified) from Claudia C. Hanson, Deputy Director, Community Development, City of Reno, transmitting information on City of Reno municipal codes defining group homes and transitional living facilities.

[Exhibit J](#) is a leaflet titled “Nevada Long-Term Care Ombudsman Program,” provided by Teresa L. Stricker, State Ombudsman, Office of the State Long-Term Care Ombudsman, Aging and Disability Services Division (ADSD), Department of Health and Human Services (DHHS).

[Exhibit K](#) is a Microsoft PowerPoint handout titled “Creative Care Systems, Behavioral Health Specialists,” provided by Carol Graham, President, Creative Care Systems, Las Vegas.

[Exhibit L](#) is a document regarding incident reports for four individuals receiving intensive behavior analysis oversight and data from staff performance intervention, provided by Donny Newsome, Doctoral Student, Behavior Analysis Program, Psychology Department, University of Nevada, Reno.

[Exhibit M](#) is the written testimony of Kathleen Buchanan, Public Guardian, Clark County, provided by Ms. Buchanan.

[Exhibit N](#) is a document dated March 17, 2010, titled “Comments by Shawn McGivney MD, RFA, on Pending Group Home Legislation,” provided by Michelle L. Van Geel, Principal Research Analyst, Research Division, LCB.

[Exhibit O](#) is a document titled “NRS: Chapter 278 — Planning and Zoning, Group Homes,” provided by Michelle L. Van Geel, Principal Research Analyst, Research Division, LCB, on behalf of Dr. McGivney.

[Exhibit P](#) is a document presented subsequent to the meeting by Edward Dichter, Principal Planner, Community Development Department, City of Henderson, which consists of comments and questions brought up during the testimony of Mr. Dichter.

[Exhibit Q](#) is a map presented subsequent to the meeting by Edward Dichter, Principal Planner, Community Development Department, City of Henderson, titled “Group Homes/Assisted Living Facility Locations.”

[Exhibit R](#) is a letter dated March 26, 2010, presented subsequent to the meeting to Assemblywoman Marilyn Kirkpatrick, from Ana Navarro, Revenue Program Manager, Business License Division, City of Reno, regarding certified tax exempt entities operating within the City of Reno, provided by Cadence Matijevich, Special Events Program Manager, Office of the City Manager, City of Reno, on behalf of Ms. Navarro.

[Exhibit S](#) is a map presented subsequent to the meeting by Cadence Matijevich, Special Events Program Manager, Office of the City Manager, City of Reno, on behalf of the City of Reno titled “Group Home Health Care Facilities in Reno, Nevada.”

[Exhibit T](#) is a map showing the locations of licensed group homes within Washoe County and presented subsequent to the meeting by Adrian P. Freund, Director, Community Development Department, Washoe County.

[Exhibit U-1](#) is a memorandum dated April 15, 2010, presented subsequent to the meeting to Michelle L. Van Geel, Principal Research Analyst, Research Division, LCB, from Teresa L. Stricker, State Ombudsman, Office of the State Long-Term Care Ombudsman, ADSD, DHHS, regarding the ADSD, related agency information, and possible bill draft requests, provided by Kay A. Panelli, Chief, Elder Rights, ADSD, DHHS, on behalf of Ms. Stricker.

[Exhibit U-2](#) is the 2008 Annual Report of Nevada’s Long-Term Care Ombudsman Program presented subsequent to the meeting from Teresa L. Stricker, State Ombudsman, Office of the State Long-Term Care Ombudsman, ADSD, DHHS, provided by Kay A. Panelli, Chief, Elder Rights, ADSD, DHHS, on behalf of Ms. Stricker.

[Exhibit U-3](#) is the Nevada State Annual Ombudsman Report for Federal Fiscal Year (FY) 2008 — Part I.A presented subsequent to the meeting from Teresa L. Stricker, State Ombudsman, Office of the State Long-Term Care Ombudsman, ADSD, DHHS, provided by Kay A. Panelli, Chief, Elder Rights, ADSD, DHHS, on behalf of Ms. Stricker.

[Exhibit U-4](#) is the Nevada State Annual Ombudsman Report for Federal FY 2008 — Part III.A presented subsequent to the meeting from Teresa L. Stricker, State Ombudsman, Office of the State Long-Term Care Ombudsman, ADSD, DHHS, provided by Kay A. Panelli, Chief, Elder Rights, ADSD, DHHS, on behalf of Ms. Stricker.

[Exhibit U-5](#) is the Nevada State Annual Ombudsman Report for Federal FY 2009 — Part I.A presented subsequent to the meeting from Teresa L. Stricker, State Ombudsman, Office of the State Long-Term Care Ombudsman, ADSD, DHHS, provided by Kay A. Panelli, Chief, Elder Rights, ADSD, DHHS, on behalf of Ms. Stricker.

[Exhibit U-6](#) is the Nevada State Annual Ombudsman Report for Federal FY 2009 — Part III.A presented subsequent to the meeting from Teresa L. Stricker, State Ombudsman, Office of the State Long-Term Care Ombudsman, ADSD, DHHS, provided by Kay A. Panelli, Chief, Elder Rights, ADSD, DHHS, on behalf of Ms. Stricker.

[Exhibit U-7](#) is an organization chart showing the entities under DHHS and the referring agencies regarding group homes presented subsequent to the meeting from Teresa L. Stricker, State Ombudsman, Office of the State Long-Term Care Ombudsman, ADSD, DHHS, provided by Kay A. Panelli, Chief, Elder Rights, ADSD, DHHS, on behalf of Ms. Stricker.

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 or telephone: 775/684-6827.