



NEVADA LEGISLATURE
NEVADA SILVER HAired LEGISLATIVE FORUM
(Nevada Revised Statutes 427A.320 through 427A.400)

SUMMARY MINUTES AND ACTION REPORT

The fifth meeting of the Nevada Silver Haired Legislative Forum (NSHLF) for the 2009-2010 interim period was held on Tuesday, June 29, 2010, at 10 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3137 of the Legislative Building, 401 South Carson Street, Carson City, Nevada, and to Room 121, High Tech Center, Great Basin College, Elko, 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>. In addition, copies of the audio-video 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:

Lucy Peres, President
Joann M. Bongiorno
Evelyn A. Cannestra, M.S.W.
Richard C. Doyle
Herbert E. Randall, Ed.D.
Mary D. Roberts
Rick A. Stanfill
Ronald E. Stoller
Harriet Trudell

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Reba June Burton
Ruth H. Hart
Margaret Spooner

COMMITTEE MEMBER PRESENT IN ELKO:

Ray B. Jones

COMMITTEE MEMBERS ABSENT:

Alice Adams

Clo Banks

Verlia Davis Hoggard

Jane Maxfield

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Mary Shope, Coordinator, NSHLF, Administrative Division, Las Vegas Office

CALL TO ORDER AND OPENING REMARKS

Lucy Peres, Forum President, called the Nevada Silver Haired Legislative Forum's (NSHLF) meeting to order. Roll was called and a quorum was determined to be present.

President Peres welcomed guests and members of the public.

PRESENTATION CONCERNING THE REGULATION OF SKILLED NURSING FACILITIES, ASSISTED LIVING FACILITIES, AND RESIDENTIAL FACILITIES FOR GROUPS

Marla L. McDade-Williams, M.P.A., Deputy Administrator, Nevada State Health Division, Bureau of Health Care Quality and Compliance, provided information about the Bureau's responsibilities and regulatory oversight of dependent care facilities, medical care facilities, and group homes. She stated the Division's goals strived for quality care in facilities. She reassured the Forum that any and all complaints are investigated and resolved, based on priority, regardless of origin. In addition, she stated the Bureau's authority provided for regular inspections every 18 months. Ms. McDade-Williams encouraged Forum members to review the survey findings, specific statement of deficiencies, and plans of correction, as listed on the Bureau's website.

Ms. McDade-Williams detailed the complexity of the survey, including the severity (how serious the violation) and scope (how many people are impacted), and the correlation to the administrative sanctions. In efforts to improve care, she encouraged collaborative efforts with all interested parties, including the Forum, to strengthen the statutory language specifically addressing the administrative and civil sanctions.

Forum members shared concerns that the complaint and survey process appeared to be ineffective as to protecting the patient. Additionally, the Forum raised concerns about Medicare's denial for payment and whether this would cause termination of services. Ms. McDade-Williams stated the Division continues to be committed to resolving complaints in a timely manner with the maximum investigation time of 45 days, and final resolution less than 90 days. Additionally, she stated the State corrects harmful situations so residents are not in jeopardy. Ms. McDade-Williams stated the Bureau does not have statutory criminal authority so they work closely with many state licensing boards and agencies that do provide for additional protection and prosecution.

DISCUSSION AND APPROVAL OF THE TREASURER'S REPORT FOR JUNE 29, 2010

- Joann M. Bongiorno, Treasurer, expressed the Forum's gratitude to Assemblyman Grady for his contribution. ([Exhibit B](#))

Ms. Bongiorno provided an overview of the "Nevada Silver Haired Legislative Forum Summary of Receipts and Expenditures of Sources/Uses of Funds and Encumbrances,"

for the monthly periods ending 03/31/2010, 04/30/2010, and 05/31/2010. ([Exhibit C](#)) Ms. Bongiorno detailed the expenditures and stated the account balance reflects the remaining fiscal year appropriation at approximately \$3,000.

The NSHLF APPROVED THE FOLLOWING ACTION:

HERBERT E. RANDALL MOVED TO APPROVE THE TREASURER'S REPORTS AS SUBMITTED. RICHARD C. DOYLE SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

APPROVAL OF MINUTES OF THE MAY 18, 2010, MEETING

- Ms. Shope stated the March 30, 2010, minutes would be provided at the next meeting, but reviewed the minutes of the May 18, 2010, meeting, and

The NSHLF APPROVED THE FOLLOWING ACTION:

JUNE REBA BURTON MOVED TO APPROVE THE MINUTES OF THE MAY 18, 2010, MEETING. HERBERT E. RANDALL SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

WORK SESSION – DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS RELATING TO:

- Ms. Shope provided an explanation and overview of the Forum's options for consideration of the Work Session document and issues.
- President Peres solicited public comments regarding the Work Session topics.
- Barry Gold, Director of Government Relations, AARP Nevada, addressed long term health care reform concerns and encouraged revisions to the statutes that strengthened transparency and enforcement of facility licensure. He stated transparency would improve the quality of care by obtaining responsible party information; not just the day-to-day operations data.

In addition, Mr. Gold encouraged enforcement of the assisted living endorsement regulation. He stated the regulation provided additional protection for the public and statutory revisions were unnecessary.

- John C. Yacenda, Ph.D., Carson City, University of Phoenix, encouraged support for the Endangered Persons Statewide Alert System because this proposed legislation would provide the greatest benefit for seniors.

Additionally, Dr. Yacenda requested the Forum's Summary Report acknowledge support for improved long term health care.

- Sylvia Healy, private citizen, Citizens for Patient Dignity, recommended improvement in the long term care health statutory language which would assist the regulatory agencies govern facilities. She suggested more frequent, on-going inspections with enforcement of regulations, including consideration of criminal sanctions.
- Lora E. Myles, Carson City, Attorney for RSVP Carson and Rural Elder (CARE) Law Program and Guardianship Legislative Steering Committee, provided the history of guardianship statutory revisions and requested the Forum's support for further changes. ([Exhibit D](#))

A. AN ENDANGERED PERSONS STATEWIDE ALERT SYSTEM

Ms. Shope reviewed the options for an endangered persons statewide alert system. She stated the Legislative Committee on Senior Citizens, Veterans, and Adults with Special Needs suggested the Forum refine the proposed language of a bill draft request (BDR) and recruit a sponsor for the BDR.

President Peres encouraged all interested parties to participate with this proposed legislation.

The NSHLF APPROVED THE FOLLOWING ACTION:

HERBERT E. RANDALL MOVED TO APPROVE THE RECOMMENDATION TO REVISE THE PROPOSED STATUTORY LANGUAGE AND TO ADVANCE AN ENDANGERED PERSONS STATEWIDE ALERT SYSTEM (WITH REVISIONS). RUTH H. HART AND JOANN M. BONGIORNO SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

B. LONG TERM HEALTH CARE ISSUES

Ms. Shope reviewed the concerns for long term health care issues as expressed by the consultants, agencies, and public testimony.

After discussion, the Forum encouraged support for proposed long term care legislation, as submitted by other legislative committees and agencies.

Dr. John Yacenda clarified his suggestion and recommended the Forum consider a statement of support be included in the Summary Report.

The NSHLF APPROVED THE FOLLOWING ACTION:

HERBERT E. RANDALL MOVED TO APPROVE THE RECOMMENDATION OF SUPPORT FOR PROPOSED LONG TERM HEALTH CARE LEGISLATION AND TO ADVANCE A STATEMENT OF SUPPORT IN THE FORUM'S SUMMARY REPORT.

RONALD E. STOLLER SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

C. GUARDIANSHIP REFORM

Ms. Shope reviewed the history of guardianship reform, including other proposed legislation from legislative committees and agencies.

The NSHLF **APPROVED THE FOLLOWING ACTION:**

HERBERT E. RANDALL MOVED TO APPROVE THE RECOMMENDATION OF SUPPORT FOR PROPOSED GUARDIANSHIP LEGISLATION AND TO ADVANCE A STATEMENT OF SUPPORT IN THE FORUM'S SUMMARY REPORT. RICHARD C. DOYLE AND JOANN M. BONGIORNO SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

D. NATIONAL SILVER HAIRED CONGRESS' TOP FIVE RESOLUTIONS FOR 2010

Ms. Shope reviewed the National Silver Haired Congress' Top Five Resolutions for 2010 which are the following: Support Silver Alert, Pass Elder Justice Act, Create National Background Checks for Health Care Givers, Increase Funding for Older Americans Act, and Mandatory Geriatric Education. The Forum supported the National Silver Haired Congress' Resolutions.

The NSHLF **APPROVED THE FOLLOWING ACTION:**

RUTH H. HART MOVED TO APPROVE THE RECOMMENDATION OF SUPPORT FOR THE NATIONAL SILVER HAIRED CONGRESS' RESOLUTIONS AND TO ADVANCE A STATEMENT OF SUPPORT IN THE FORUM'S SUMMARY REPORT. REBA JUNE BURTON SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

STATUS REPORT ON THE NATIONAL SILVER HAIRED CONGRESS AND NATIONAL COUNCIL OF SILVER HAIRED LEGISLATORS (NCSHL)

President Peres shared information about the 2010 Annual Business Meeting of the NCSHL during August 9 – 11, 2010, in Charleston, South Carolina. ([Exhibit E](#))

Mary Roberts indicated her interest in attendance for the meeting and asked for reimbursement of expenses.

Treasurer Bongiorno detailed the expenditures associated with the annual meeting and asked the Forum to thoroughly analyze all components. Ms. Shope provided prior reimbursement

practices for consideration. Ms. Hart encouraged appropriations for President Peres; however, Ms. Peres stated her expenses were covered.

The NSHLF APPROVED THE FOLLOWING ACTION:

EVELYN A. CANNESTRA MOVED TO RESERVE THE FORUM'S APPROPRIATIONS FOR FUTURE EXPENDITURES. RICK A. STANFILL SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

ELECTION OF FORUM OFFICERS FOR 2010 – 2011 TERM

Reba June Burton was welcomed to the Forum. Ms. Burton attributes her passion for senior issues largely in part to her long time friendship and mentor, Ms. Thelma Clark. More recently, Ms. Burton was Chairperson of the Washoe County Library Advisory Board.

President Peres expressed her gratitude to the Forum members and opened the nominations for the Election of Forum Officers for the 2010 – 2011 term.

The NSHLF APPROVED THE FOLLOWING ACTION:

PRESIDENT LUCY PERES NOMINATED HERBERT E. RANDALL AS PRESIDENT. RICHARD C. DOYLE SECONDED THE MOTION. WITH NO OTHER NOMINATIONS OFFERED, THE NSHLF MOVED TO VOTE BY ACCLAMATION AND VOTED UNANIMOUSLY TO ELECT DR. RANDALL AS PRESIDENT.

Dr. Randall, personally and collectively for the Forum, thanked President Peres for all her dedication, rewarding efforts, and leadership. Ms. Bongiorno and other Forum members offered their gratitude for her efforts.

The NSHLF APPROVED THE FOLLOWING ACTION:

HERBERT E. RANDALL NOMINATED RONALD E. STOLLER AS VICE PRESIDENT. RICHARD C. DOYLE SECONDED THE MOTION. WITH NO OTHER NOMINATIONS OFFERED, THE NSHLF MOVED TO VOTE BY ACCLAMATION AND VOTED UNANIMOUSLY TO ELECT MR. STOLLER AS VICE PRESIDENT.

The NSHLF APPROVED THE FOLLOWING ACTION:

RICHARD C. DOYLE NOMINATED JOANN M. BONGIORNO AS TREASURER. HERBERT E. RANDALL SECONDED THE MOTION. WITH NO OTHER NOMINATIONS OFFERED, THE NSHLF MOVED

TO VOTE BY ACCLAMATION AND VOTED UNANIMOUSLY TO
RE – ELECT MS. BONGIORNO AS TREASURER.

The NSHLF **APPROVED THE FOLLOWING ACTION:**

HERBERT E. RANDALL NOMINATED CLO BANKS AS SECRETARY.
JOANN M. BONGIORNO SECONDED THE MOTION. WITH NO
OTHER NOMINATIONS OFFERED, THE NSHLF MOVED TO VOTE
BY ACCLAMATION AND VOTED UNANIMOUSLY TO ELECT
MS. BANKS AS SECRETARY.

DISCUSSION OF FUTURE AGENDA ITEMS, MEETING DATES, AND EXPENDITURES

President Peres opened the discussion on future agenda items, meeting dates, and expenditures. After reviewing the calendar and consulting with newly elected President Randall, Ms. Shope stated she will notify the Forum members and public of the next meeting.

Ms. Shope shared information on the “Senior Citizens” section of the Legislative Counsel Bureau’s “2010–2011 Policy and Program Report” (title page) and “Senior Citizens”, *2009-2010 Policy and Program Report*, produced by the Publications Unit, Research Division, Legislative Counsel Bureau, April 2010, provided by Mary Shope, Coordinator, NSHLF, Administrative Division, LCB. ([Exhibit F](#))

Ms. Shope provided two handouts from the Center for Medicare and Medicaid Services relating to Medicare and the New Health Care Law ([Exhibit G](#)) and the Affordable Prescription Drug Coverage. (Exhibit H).

Ms. Shope provided a media release from the Office of the Attorney General titled “Seniors Warned of Medicare Rebate Check Scams”. ([Exhibit I](#))

Ms. Bongiorno suggested individuals monitor their personal Medicare Prescription Drug policy, including their donut hole thresholds and payments. Mr. Doyle indicated his prescription drug benefit program provided on-going prescription drug accounting, although he recognized other service providers may not provide this feature.

PUBLIC COMMENT:

- Barry Gold, Director of Government Relations, AARP Nevada, commended the Forum, and especially President Peres, for her outstanding leadership and dedication to improve quality of senior care.
- Rada Vukanovich, private citizen, Las Vegas and member of Citizens for Patient Dignity, read into the record the statement from Rajka Campagiorni concerning the lack

of leadership of public officials to address senior abuse. She asked for the Forum's assistance. ([Exhibit J](#))

- Rita Roland-Kindley, private citizen, Las Vegas, and member of Citizens for Patient Dignity, provided written testimony about her concerns of long term care (submitted by Ms. Shope). ([Exhibit K](#))

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:15 p.m. by President Randall and Past President Peres.

Respectfully submitted,

Mary Shope, Coordinator
Nevada Silver Haired Legislative Forum

APPROVED BY:

Lucy Peres, President
Nevada Silver Haired Legislative Forum

Date: _____

APPROVED BY:

Harriet Trudell, Secretary
Nevada Silver Haired Legislative Forum

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” for June 29, 2010, provided by Mary Shope, Coordinator, NSHLF, Administrative Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is the Legislative Biography – 2009 Session for Assemblyman Tom Grady from the *Nevada Legislative Manual, 75th Session of the Nevada Legislature, 2009*, Carson City, Nevada Legislative Counsel Bureau, page 57, provided by Mary Shope, Coordinator.

[Exhibit C](#) are the documents titled “Nevada Silver Haired Legislative Forum Summary of Receipts and Expenditures of Sources/Uses of Funds and Encumbrances,” for the monthly periods ending 03/31/2010, 04/30/2010, and 05/31/2010.

[Exhibit D](#) is the proposed BDR 156 (Revises provisions relating to public guardians), for *NRS 159 Amendments*, Guardianship Legislative Steering Committee, dated June 28, 2010, provided by Lora E. Myles, Carson City, Attorney for RSVP Carson and Rural Elder (CARE) Law Program and Guardianship Legislative Steering Committee.

[Exhibit E](#) are the documents for the National Council of Silver-Haired Legislators’ 2010 Annual Business Meeting, including the Registration Form and NCSHL’s Tentative Schedule of Events, provided by Mary Shope, Coordinator.

[Exhibit F](#) are the documents “2010-2011 Policy and Program Report” (title page) and “Senior Citizens”, *2009-2010 Policy and Program Report*, produced by the Publications Unit, Research Division, Legislative Counsel Bureau, April 2010, provided by Mary Shope, Coordinator.

[Exhibit G](#) and [Exhibit H](#) are the documents titled “Medicare and the New Health Care Law- What it Means for You- a Message from Kathleen Sebelius, Secretary of Health & Human Services”, Centers for Medicare & Medicaid Services, May 2010, and “Closing the Prescription Drug Coverage Gap” Centers for Medicare & Medicaid Services, CMS Product No. 11464, May 2010, provided by Mary Shope, Coordinator.

[Exhibit I](#) is the media release by the Office of the Attorney General titled “Seniors Warned of Medicare Rebate Check Scams”, dated June 10, 2010, provided by Mary Shope, Coordinator.

[Exhibit J](#) is the letter written by Rajka Campagiorni, private citizen, Las Vegas, Citizens for Patient Dignity.

[Exhibit K](#) is the letter written by Rita Roland-Kindley, private citizen, Las Vegas, Citizens for Patient Dignity, dated July 28, 2010.

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.