



**NEVADA LEGISLATURE**  
**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY**  
**ISSUES RELATING TO SENIOR CITIZENS AND VETERANS**  
(Assembly Concurrent Resolution No. 35, File No. 109, *Statutes of Nevada 2007*)

**SUMMARY MINUTES AND ACTION REPORT**

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The fourth meeting of the Nevada Legislature's Legislative Commission's Subcommittee to Study Issues Relating to Senior Citizens and Veterans (A.C.R. 35) was held on May 7, 2008, at 10 a.m. in Room 2135 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, are available on the Nevada Legislature's website at [www.leg.state.nv.us/74th/Interim](http://www.leg.state.nv.us/74th/Interim). 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](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

**COMMITTEE MEMBERS PRESENT IN CARSON CITY:**

Assemblywoman Kathy McClain, Chair  
Senator Joyce Woodhouse  
Assemblyman James A. Settlemeyer

**COMMITTEE MEMBER PRESENT IN LAS VEGAS:**

Assemblyman Joseph M. Hogan

**COMMITTEE MEMBERS ABSENT:**

Senator Warren B. Hardy II (excused)  
Senator Joseph J. Heck (excused)

**LEGISLATIVE COUNSEL BUREAU (LCB) STAFF PRESENT:**

Amber J. Joiner, Senior Research Analyst, Research Division  
Risa B. Lang, Chief Deputy Legislative Counsel, Legal Division  
Charity Fowler, Deputy Legislative Counsel, Legal Division  
Ricka Benum, Senior Research Secretary, Research Division

## **OPENING REMARKS**

Chairwoman McClain brought the fourth meeting of the 2007-2008 Interim to order and welcomed everyone in attendance. She explained that the majority of the agenda items are matters rescheduled from the March 18, 2008, meeting.

## **OVERVIEW OF LONG-TERM CARE FACILITIES FOR SENIOR CITIZENS**

**(As directed by Chairwoman McClain, this agenda item was taken out of order.)**

### ***Out-of-State Placements in Long-Term Care Facilities***

- The Honorable Frances Doherty, Department 12, Family Division, Second Judicial District Court of Nevada, provided testimony regarding the lack of options resulting in out-of-state placements of older and disabled persons; she facilitated her testimony with the use of a Microsoft PowerPoint presentation ([Exhibit B](#)). Judge Doherty discussed the problems associated with compassionate and effective long-term care and guardianships. Highlights from her presentation included:
  1. The problems that persons with behavioral challenges, Alzheimer's disease, dementia, or similar disabilities are experiencing as a result of the methods used to accommodate their medical and housing needs.
  2. The need to create options for citizens rather than being placed in out-of-state facilities including: (1) an acute care facility in northern Nevada; (2) available and ongoing training for existing staff to aid in the transition and stabilization of residents; and (3) services for this segment of the population which centers on accessible and acute long-term medical and residential care that would reduce placements away from families and familiar environments.
  3. A projected course that should include creative solutions such as: (1) developing community response teams to assist individuals with transitioning into stable in-state environments; (2) reviewing industry incentives and remediation of possible misperceptions of licensing challenges; and (3) the development of residents' rights to access treatment in humane living environments with existing continuum of care, and the goal to reduce the level of inhumane treatment of our elderly.
- Connie McMullen, Chair, Strategic Plan Accountability Committee, testified that in March 1999 a federal law went into effect to protect Medicaid patients from the practice of "nursing home dumping." Ms. McMullen described the practice of accepting Medicaid patients into nursing homes, then evicting them from the long-term care programs. The object of the 1999 law was to prevent nursing homes that accepted Medicaid from abruptly withdrawing from the federal program, and secondly to close a loophole in the nursing home industry, which allowed for the eviction of the nation's most vulnerable persons.

Ms. McMullen explained that over time, nursing homes have adopted the practice of treating only those residents perceived to have the least challenges. The representatives of the nursing home industry claim that it cannot provide care for aggressive patients due to concerns related to liability, deficiencies cited by the Bureau of Licensure and Certification (BLC), Health Division, Department of Health and Human Services (DHHS), shortages in health care professionals, expertise and training in nursing home staff, and lack of capacity to separate high need patients from the overall populations. She provided the age statistics of patients currently being treated out-of-state, made available from Medicaid payment tracking.

Concluding, Ms. McMullen suggested that Nevada establish a long-term care model to provide alternatives to out-of-state placements, reverse the placement trend, and strive to keep State dollars in Nevada. She stated that alternatives to these placements will be cost effective when Nevada professionals are engaged in providing proper care locally, and the industry stops sending revenue to other states.

## **OVERVIEW OF SERVICES FOR SENIOR CITIZENS LIVING INDEPENDENTLY IN THE COMMUNITY**

**(As directed by Chairwoman McClain, this agenda item was taken out of order.)**

### ***Update on the Effect of State Budget Cuts on Senior Services***

- Michael J. Willden, Director, DHHS, reviewed the estimated budget reductions from the overall revenues, outlined in [Exhibit C](#). Mr. Willden explained the document contains highlighted items in yellow which impact or pertain to senior citizens and veterans. The projected 4.5 percent budget cuts are contained in pages 1 through 10 of [Exhibit C](#), and the additional cuts are outlined in pages 11 through 15 of [Exhibit C](#). He commented that the reductions are stated in nonprofessional terms and reminded the members that the impact of the reductions is more complicated. The Department's total State General Fund amount targeted for reductions is \$823 million in Fiscal Year (FY) 2008, and in FY 2009 the amount is \$911 million (refer to page 1 of [Exhibit C](#)). Mr. Willden stated the agency was given flexibility to determine which reductions to make in a specific year, and resulted in \$81 million in reductions and a loss of federal funds over the biennium, totaling \$45 million.

In response to Chairwoman McClain, Mr. Willden clarified that the loss of funds for the traumatic brain injury services program is attributed to adjustments in the matching program, known as the Federal Medicaid Assistance Percentage (FMAP). He explained that the yearly FMAP adjustments are damaging to the State's ability to finance health care programs.

- Carol Sala, Administrator, Aging Services Division (ASD), DHHS, outlined the proposed budget reductions in each of the five budget accounts under the oversight of the ASD. The total State General Fund amount for the ASD is slightly under \$22 million. She reminded the Subcommittee that since the Tobacco Settlement Fund

program contains no State General Fund revenue, the program did not contribute to the 4.5 percent budget reduction. (Please refer to page 6 of [Exhibit C](#).) The Senior Citizens Property Tax Rebate Program is a total State General Fund program, thus the account with the largest budget cuts. Ms. Sala commented that the items considered for reduction are items that would have minimal impact on senior citizens and that persons at the lowest level of income are held harmless. Ms. Sala outlined the following programs and the associated budget reduction amounts:

1. Community Options Programs for the Elderly reduced by \$233,712;
  2. Program transportation funding in the amount of \$64,917 replaced with federal Title III-B funds; and
  3. Projected salary/vacancy savings of \$149,801 cut from the Elder Protective Services Homemaker program.
- Mr. Willden emphasized that consideration was given so that the reductions would have as little impact as possible on persons currently receiving services. He continued with an explanation of the additional budget reductions delineated in pages 11 through 14 of [Exhibit C](#). He outlined a simplified version of the sales tax distribution plan which basically allocates one-third each to the schools, the State, and local governments. During a declining sales tax situation, Nevada law requires that the schools are held harmless and revenue is shifted from the State to the schools. Mr. Willden stated that the rise in the Department's caseload is directly related to a worsening economy; when more clients require health care and public assistance, more demand is made on the services provided by the DHHS. He stated that there is a \$61 million deficit in the State General Fund and Medicaid based on the projections of current caseloads and the forecasted revenue issues. In addition, much of the increases in caseloads are directly related to disabled and senior persons. He reminded the members that the disabled and aged account for 30 percent of the caseload, but 70 percent of the costs.

A discussion ensued regarding the lack of reserves, feasible solutions, and long-term suggestions regarding the possible review of the systems used to build revenues.

### ***Services for Social Interaction, Mobility, and Physical Activity for Senior Citizens***

- Grady Tarbutton, Director, Senior Services, Department of Washoe County Social Services, focused his comments on implementing a strategic plan to ensure that Washoe County has the ability to meet the future needs of the senior population. He outlined the vision of "life-long communities" where emphasis is placed on integrated policies and regulatory structures that support aging in place. Mr. Tarbutton's testimony highlighted the following items: (1) accessible, adaptable, and affordable housing; (2) financial options such as tax incentives and investment funds; (3) zoning ordinances for smart growth and mixed use of commercial, single family homes, and senior housing; (4) linking organizations with partnerships such as public health agencies and health prevention associates; and (5) information regarding

community access to services. He discussed the model concepts implemented in successful livable communities located in Atlanta, Georgia; Baltimore, Maryland; and Milwaukee, Wisconsin; and suggested that the Subcommittee encourage similar types of community developments. A complete copy of Mr. Tarbutton's presentation is available as [Exhibit D](#).

- Anita Gant, Gerontology Coordinator, Senior Adult Services, City of Henderson, spoke on the services provided at the senior facility, which is located in a renovated church, and outlined information regarding the activities provided in the numerous programs available during extended hours. The growth experienced in the senior community has contributed to the 3,000 senior citizens visiting the senior center daily. The focus of the Senior Adult Services is on improvement programs such as grief and other types of support groups, discussions on chronic pain, educational speakers, emergency assistance, legal aid, and transportation services, which are available from home to the senior center. Ms. Gant noted that the center currently serves 440 meals a day, and there are 250 clients receiving meals from the home-bound senior nutrition program.
- Chairwoman McClain commented that many people are unaware that the local recreation departments offer a number of varied services for seniors citizens.
- Ed Jost, M.B.A., Division Manager, Senior Citizen Programs Division, Department of Leisure Services, City of Las Vegas, described the mission to empower older adults to contribute to their own physical and emotional health and well-being through an array of activities and programs. Mr. Jost said a major goal of the various programs is to keep seniors connected and avoid situations of isolation; the elderly are able to leave their homes, become involved with groups, and remain mentally alert.

Mr. Jost listed a few of the activities and programs of the Department of Leisure Services which include: (1) sponsoring safe hikes; (2) a variety of exercise and dance classes; (3) water programs, such as swimming laps and water aerobics; (4) developing programs that encourage seniors to be up and moving around and staying mentally active; and (5) the Senior Citizens Law Project. Concluding, he encouraged support for affordable housing and asked the Subcommittee to recognize the needs of senior citizens on fixed incomes. (Mr. Jost's handout is available as [Exhibit E](#).)

- Sharon Lopez, Program Administrator, Parks and Recreation Department, Clark County, provided information on the rural and urban community centers and outlined the benefits and programs. (Please refer to [Exhibit F-1](#).) Ms. Lopez stated rural centers have opened in: (1) Indian Springs; (2) Laughlin; (3) Overton; (4) Sandy Valley; and (6) Searchlight. She noted that two of the locations are dedicated as senior-use only facilities, with swimming pools opened to just senior citizens, and the pools are heated to higher temperatures and offer exercise classes for arthritis relief. Ms. Lopez offered a Microsoft PowerPoint presentation ([Exhibit F-2](#)), which provides a complete overview of the activities provided.

### *Transportation Options for Senior Citizens*

- Sandra M. Stanko, Director of Transit Services, Regional Transportation Commission (RTC) of Southern Nevada, provided an overview of the transportation services for senior citizens and the disabled. The RTC of Southern Nevada is both the transit authority and the transportation planning agency for Clark County. Ms. Stanko utilized a Microsoft PowerPoint presentation to outline the fixed-route system which was implemented in 1992. Highlights from Ms. Stanko's comments included the following items: (1) rapid transit system and associated services; (2) flexible demand response schedule; (3) specialized services; and (4) eligibility criteria and fee schedules for paratransit services. A complete copy of Ms. Stanko's entire presentation is available as [Exhibit G](#).

A discussion followed that focused on the challenges linked to high fuel prices and the difficulties associated with maneuvering during times of peak traffic congestion and operating in dedicated lanes to reduce round trip times to conserve fuel.

- Lea M. Rogers, Paratransit Administrator, RTC of Washoe County, informed the Subcommittee that in recent years the State has funded over 22,000 bus rides through grants to the RTC of Washoe County. Ms. Rogers outlined the RTC paratransit and transit services and the eligibility process which is similar to the southern Nevada criteria. Washoe County has four transportation programs which include: (1) RTC Ride; (2) RTC Sierra Spirit; (3) RTC Intercity; and (4) RTC Access; all vehicles are wheelchair accessible. In addition to outreach efforts, Ms. Rogers mentioned the following items:
  1. Mobility instructors who teach passengers how to utilize their travel time with efficient transfers to accomplish as many errands as possible at the lowest cost;
  2. An estimated 242,200 passengers were served in FY 2008, in compliance with the Americans with Disabilities Act Complementary Paratransit Service on the RTC Ride program;
  3. The Washoe Senior Ride program, which is a sales tax supported service that subsidizes taxicab fares rather than running empty buses; and
  4. Implementation of additional routes for senior citizens and persons with disabilities which include Gerlach and Incline Village; Pyramid Lake Paiute Indian Reservation; the areas of Reno and Sparks; and the Tahoe Area Regional Transit.

A complete copy of Ms. Rogers' Microsoft PowerPoint presentation is available as [Exhibit H](#).

- Jim Mallery, Transportation Planner, Intermodal Division, Nevada's Department of Transportation (NDOT), provided testimony with the use of a Microsoft PowerPoint presentation ([Exhibit I](#)). Mr. Mallery summarized the primary goals for rural public



transportation, which include safe transport for the disabled and senior citizens offered in an affordable and reliable manner that enhances the quality of their lives while maintaining independence. He noted the transit services are provided to more than 45 rural communities and the majority of the 24 Native American Reservations and Colonies statewide.

Mr. Mallery stressed the significance of offering over a million rides per year primarily in northern Nevada which allows the senior residents to remain in their community of choice. He pointed out the importance of implementing public-private partnerships to involve communities. He stated the American Public Transit Association estimates that for every \$1 invested on public transit, there is a return of \$6 to the local economy. The NDOT administers approximately \$10 million of federal rural transit funds annually for programs statewide, and every program requires a local match that is often difficult for local providers. Mr. Mallery estimates that approximately \$20 million will be administered in the next few years and that purchasing the transit vehicles is an involved process with stringent guidelines since federal funds are utilized.

In addition, Mr. Mallery addressed issues relating to seamless transfers between rural and urban transit systems, the difficulties involved in implementing new services, and service needs that are not being met. He added that NDOT has purchased over 400 transit vehicles that operate in rural areas statewide and discussed the problems associated with purchasing replacement vehicles for programs where people already rely on established services. The busses and vehicles travel five million miles per year and are without a severe accident or fatality. He expounded on recent discussions with Esmeralda and Nye County Commissioners and local officials of Tonopah to establish transit services between Reno and Las Vegas.

Concluding, Mr. Mallery explained that Assembly Bill 629 (Chapter 348, *Statutes of Nevada 2007*) appropriated \$250,000 to NDOT to fund public transportation in rural areas. He requested the Subcommittee to support and encourage the future development of rural transit by promoting and sustaining the matching funds necessary at local levels to make the appropriation effective.

- Carole L. Turner, Deputy Director, Office of Veterans' Services, Las Vegas, spoke on transportation options available to Nevada veterans. Ms. Turner provided a brief overview of the Disabled American Veterans van transportation system and the Veterans Administration (VA), U.S. Department of Veterans Affairs, Shuttle Service, which is available for veterans in need of transport services for medical care in both northern and southern Nevada. Ms. Turner outlined the specific routes to area clinics in the Las Vegas area. She added that the majority of nonveteran specific transportation systems are subsidized, usually by the individual, who pays a portion of the cost. (Please refer to [Exhibit J](#) for a copy of Ms. Turner's testimony.)
- William Baumann, Disabled American Veterans (DAV), Las Vegas, testified that the DAV transportation network and van systems which began in 1987, transports veterans to medical facilities. Mr. Baumann estimated that the program has logged over 420 million miles and has successfully transported 11 million veterans. He stated that

during 2007, there were 632,684 miles logged transporting veterans in the most northern portion of Nevada and along the northern California border. Mr. Baumann emphasized that all drivers involved with the program are volunteers, and the system is primarily for veterans who have no other means of transportation; veterans in need are given priority.

Concluding, Mr. Baumann explained that the vans are supplied by various veterans' organizations through numerous fundraisers; the program does not receive federal support or funds from local entities. However, the cost of fuel, maintenance, and upkeep is augmented by the VA.

- Beverly Edis, private citizen, Carson City, addressed the Subcommittee on the Senior Exercise Program instructed by Glen Martin over the last ten years. Mrs. Edis described Mr. Martin at nearly 90 years of age, who still teaches exercise classes three times a week at the senior citizens center. Mrs. Edis explained that the exercises strengthen muscles and increase balance and that the success of the resistance training program is evident by the decrease in seniors moving to care facilities. (Please refer to [Exhibit K](#) for information provided by Mrs. Edis.)

#### *Self-Directed In-Home Care Services for Senior Citizens*

- Laura Coger, Program Manager, Consumer Direct Personal Care, Carson City, addressed the issue of health and personal care for clients who desire to schedule and define their own care. Ms. Coger explained that her interest and experience is based on being a family caregiver; she is the daughter of a disabled veteran and her niece suffered a stroke at age 20 and remains disabled.

Ms. Coger emphasized the current shortage of trained and proficient caregivers and recognized the need to maintain a candidates' list of skilled caregivers, so others who need services have an access point. She explained that is the primary function of Consumer Direct Personal Care and reported that they work well with the Medicaid system. Ms. Coger outlined the Medicaid eligibility requirements and explained the agency works within the guidelines of the many waiver programs. (Please refer to [Exhibit L](#).)

Responding to an inquiry from Chairwoman McClain, Ms. Coger explained that approximately half of caregivers are family members; others are friends or acquaintances from church. She said that Consumer Direct covers the costs for training that are not billable to Medicaid, and noted that it is a for-profit agency, but keeps its costs at a low enough rate to be affordable. Ms. Coger said the essential role of Consumer Direct is in the capacity of a fiscal agent; the company bills Medicaid, pays the caregiver, and takes out costs for administration. Summarizing, she explained that unlike traditional care giving agencies, Consumer Direct is the employer of record, but the person receiving the care is the employer of fact. This type of agency is a result of the *Olmstead v. L.C. ex rel. Zimring*, 119 S.Ct. 2176 (1999), with people receiving care in the least restrictive environment.



## OVERVIEW OF LONG-TERM CARE FACILITIES FOR SENIOR CITIZENS

### *Review of Regulations Governing Assisted Living, Group Care, and Skilled Nursing Facilities*

- Paul Shubert, Health Facilities Surveyor IV, Bureau of Licensure and Certification BLC, Health Division, DHHS, provided information regarding the regulations of long-term care facilities. Mr. Shubert prepared a Microsoft PowerPoint presentation ([Exhibit M](#)) to illustrate the responsibilities of the BLC which include: (1) licensing or certifying of facilities; (2) investigation of complaints; and (3) promoting quality health care through regulation, education, and enforcement. Mr. Shubert's presentation included the pertinent *Nevada Revised Statutes* (NRS) associated with each type of long-term care facility. In addition, he outlined the regulations of the four types of long-term care facilities (page 4 of [Exhibit M](#)). He clarified that the BLC issues licenses for the facility and does not license the staff; the facility is also held to standards set by the State Fire Marshal Division, Department of Public Safety.
- Chairwoman McClain requested that Mr. Shubert expound on the number of showers and toilets required in smaller facilities, with ten or fewer beds.
- Mr. Shubert stated that the structural requirements state the amount of space in each resident's room. He explained there must be one toilet per every four residents, and one tub or shower for every six residents. A single occupancy room must have at least 80 square feet of floor space; a multiple-occupant room must have at least 60 square feet of floor space per resident, and not more than three residents in any one bedroom.
- Chairwoman McClain asked whether long-term group homes are designated for only senior citizens or disabled persons. She asked for assurance that other residents could not include persons with substance abuse problems.
- Mr. Shubert responded that is not always the case, and he indicated that residents may have a dual diagnosis of mental illness and substance abuse problems. He outlined the five types of residential facilities designated as group residences as: (1) homes for residents with mental health or mental illness issues; (2) facilities for elderly or the disabled; (3) homes for Alzheimer's patients; (4) homes for the mentally deficient; and (5) homes for those with chronic illnesses, such as cancer, different stages or types of diseases, or Acquired Immune Deficiency Syndrome.

In addition, Mr. Shubert explained that the populations of the first two types of group homes can be mixed to cohabitate with all types except the Alzheimer's facility; the other homes may have multiple endorsements. However, residential facilities for groups are separate from alcohol and drug abuse treatment facilities, half-way houses for recovering alcohol and drug abusers, and transitional living for former inmates or released offenders.

- Chairwoman McClain clarified that each type of facility must have its own endorsement, specific to the type of residents, and is licensed by the BLC for that particular type of client.

In the discussion that followed Mr. Shubert made it clear that the statutory definition allows for only two elderly or disabled persons to reside in a facility for the elderly or the disabled, while it is possible for that same group home to rent rooms to others than clients it is licensed to house. If a complaint is filed, it is investigated by the BLC and a determination would be made whether the other residents require services, in which case the licensing would be questioned.

- Mr. Shubert stated that a regulatory or statutory change would be necessary to disallow a licensed facility from offering rooms to boarders or renters. He finalized his presentation and described other residential facilities and additional community-based settings which are not licensed and receive no oversight from the BLC. He pointed out that there are many independent living apartments within licensed facilities. These types of facilities have a licensed-side, with half of the beds being licensed and providing the required services and the other half may be unlicensed. He noted that during the 2007 Legislature, Senate Bill 314 (Chapter 460, *Statutes of Nevada 2007*) passed and requires notice be given to residents regarding services that are not provided in facilities with independent living beds. Concluding, Mr. Shubert said the DHHS has developed a brochure outlining the long-term housing options, and it is anticipated to be available on the Department's website in the near future.
- Assemblyman Hogan inquired about the number of complaints and whether the BLC as the regulatory authority is sufficient and has the legal ability to regulate the industry. Secondly, Mr. Hogan asked whether the BLC has the capability to provide information that pertains to a specific group home or the operators.
- Mr. Shubert responded that in southern Nevada, approximately 500 complaints are received annually, and as a State agency it struggles with resources. He described the process for low-level investigations and that the BLC determines how to resolve or enforce an issue or problem. Mr. Shubert stated that the level of fines the BLC may impose is a small amount which peaks at \$1,000; to a nursing home organization that has the potential to make millions of dollars, the amount is not really a deterrent. Each complaint the BLC investigates entails a significant amount of paperwork, filing, certified mailings, et cetera. He added that the BLC does not have the resources to provide and maintain a database to provide information on the facilities or the group home operators. The BLC is currently able to grade the residential facilities for group homes with an A, B, or C distinction, and the operators have the right to dispute the evaluation. He noted the time involved to visit the group homes and recertify a facility. However, he emphasized that members of the public may visit the BLC offices and request to review the statement of deficiencies for a facility; regulations require that residential and skilled nursing facilities clearly post the letter of deficiency within the facility. Finally, he said that the goal of the BLC is to maintain a database with information on the problem areas of licensed facilities.

### ***Payment Options for Long-Term Care Facilities***

- Susan Rhodes, Social Work Supervisor, Clark County Social Service, provided information on the payment alternatives in long-term care facilities. Ms. Rhodes utilized a Microsoft PowerPoint presentation ([Exhibit N](#)) and focused on the types of public payments for care which include: (1) Medicare; (2) Medicaid; (3) county match Medicaid; and (4) Clark County Social Service long-term care assistance.

Ms. Rhodes stated that most people do not understand the difference between skilled care and custodial care and explained that the criteria for Medicare payments are implemented only after a prequalifying 72-hour medical stay. She stressed that Medicare does not pay for custodial care. A common belief is that Medicare is a payment option for skilled care, which is not true. Ms. Rhodes also explained that Medicaid pays for semi-private rooms and meals, skilled nursing and rehabilitation services, and certain other services and supplies inclusive in the need to maintain skilled care. Concluding, Ms. Rhodes provided a brief description of the county match program, which began in 1988 with each county buying into Medicaid for their clients and then reimbursing the State for the non-federal share of the cost.

### ***Long-Term Care Insurance***

- Rebecca E. Alvarado, Actuary I, Life and Health Section, Division of Insurance, Department of Business and Industry, provided a brief outline on the available options for long-term care insurance. Ms. Alvarado commented on the following items:
  1. Accelerated or early access to death benefit options (which may have tax consequences);
  2. Riders on life insurance policies; and
  3. Comprehensive long-term care policies.

A copy of Ms. Alvarado's testimony is available as [Exhibit O-1](#) and additional documents are offered as [Exhibit O-2](#) and [Exhibit O-3](#).

### **APPROVAL OF THE "SUMMARY MINUTES AND ACTION REPORT" OF THE MEETING HELD ON FEBRUARY 5, 2008, IN LAS VEGAS**

**(As directed by Chairwoman McClain, this agenda item was taken out of order.)**

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

**ASSEMBLYMAN SETTELMAYER MOVED TO APPROVE THE MINUTES OF THE FEBRUARY 5, 2008, MEETING IN LAS VEGAS.**

**THE MOTION WAS SECONDED BY SENATOR WOODHOUSE,  
WHICH PASSED UNANIMOUSLY.**

**DISCUSSION OF POSSIBLE BILL DRAFT REQUESTS (BDRs) RELATING TO  
INDEPENDENT LIVING AND LONG-TERM CARE**

- Assemblywoman RoseMary Womack, Clark County Assembly District No. 23, spoke on the unintended consequences of A.B. 352 (Chapter 315, *Statutes of Nevada* 2007). Assemblywoman Womack explained that the bill's passage set forth the requirement that employees working more than 36 hours per week must obtain a Sheriff's card to enter a dwelling unit operated exclusively for persons over age 55. The new law amended NRS 118A.335 "Landlord prohibited from employing certain persons without a work card under certain circumstances; requirements governing issuance and renewal of work card; exceptions." She added that employees of assisted living communities were already required to obtain background checks and fingerprint cards which are kept on file with the Records and Technology Division, Central Repository for Nevada Records of Criminal History, Department of Public Safety (DPS). In addition, she noted that the DPS investigations are more stringent.

Mrs. Womack told the Subcommittee she is associated with the Mountain Springs Assisted Living Center, as its Executive Director, and has been involved with senior issues for over 15 years. She explained that the duplicate investigative requirement for the facility's employees amounts to an additional \$85 per employee to obtain a Sheriff's card. The current cost for fingerprinting is \$20, and \$45 for the Federal Bureau of Investigation, U.S. Department of Justice, background check. Mrs. Womack proposed that legislation be drafted to amend the provisions of NRS 118A.335 to remove the duplication of background checks that was created for certain facilities by the passage of A.B. 352. (Please refer to [Exhibit P.](#))

- Wendy Simons, Co-Chair, Assisted Living Advisory Council, Reno, concurred with the comments provided by Assemblywoman Womack, and apologized that the officials of the assisted living industry and the residential care communities were inattentive and let A.B. 352 slip by during the last session. Ms. Simons stated that while well intended, the law has caused duplication of regulatory requirements and can be remedied by amending the statute and still provide the intended protection for senior communities. Ms. Simons suggested the solution would be to amend that statute to state that employees working for or in facilities that are currently licensed by the BLC and meet the requirement for those employees under NRS 449.176 "Investigation of criminal history of applicant for license to operate certain facility" through NRS 449.188 "Denial, suspension or revocation of license to operate certain facility or agency: Conviction of applicant or licensee of certain crime or continued employment of person convicted of certain crime" be exempt for the requirements contained in NRS 188A.335. (A copy of Ms. Simon's testimony is available as [Exhibit Q.](#))

A brief discussion followed and Chairwoman McClain commented on the language relating to the number of hours an employee works weekly. Ms. Simons recommended the

removal of the language referring to the number of hours and suggested that any person employed in senior communities should be required to undergo a background investigation, observing that a 10-hour employee is as risky as a 40-hour employee.

- Assemblyman Settlemeyer recalled the Assembly Committee on Commerce and Labor hearing on A.B. 352 and indicated there was discussion regarding whether or not a hired person or employee would be required to enter a senior's home, and gave the example of a person hired for yard work. He recalled that the language addressing the hours was included in the discussion when it was determined that a person hired to do yard work should be categorized differently and submit to different investigations than someone employed to work inside a senior citizen's residence.
- Captain PK O'Neill, Chief, Records and Technology Division, Central Repository for Nevada Records of Criminal History, DPS, responded to Chairwoman McClain's inquiry of what background checks consist of and whether or not alcohol related crimes were included. Captain O'Neill stated that incidents of driving under the influence would be indicated during a background check. He offered recent statistics associated with NRS 449.176: between July 2006 and September 2007, 74,836 background investigations were conducted on prospective employees. Of those, 872 were determined by the FBI to have criminal records outside Nevada's jurisdiction; 600 of the background checks indicated criminal records within Nevada; and a total of 14,072 persons did not pass the investigation process and were denied employment.
- Lucy Peres, Silver Senator, Ex-Officio Member, National Silver Haired Congress, and President, Nevada Silver Haired Legislative Forum (NRS 427A.320 through NRS 427A.400), testified on the Silver Alert program, modeled after the nationwide Amber Alert program for missing children. Ms. Peres stated that the concept has been adopted in five states and she recommended it be implemented in Nevada. The Silver Alert would give prompt public notice if an elderly or vulnerable person becomes disoriented or confused to the point they are unable to find their way back home and is determined to be missing. She said a search could be undertaken in a timely manner and the likelihood would be greater that the person could be found in time to avoid serious harm or death. (Please refer to [Exhibit R.](#))
- Chairwoman McClain stated an important factor is that the Silver Alert program would be implemented without cost to the State, and essentially would be associated with the Amber Alert program.
- The Chairwoman reminded the Subcommittee of the upcoming work session meeting and encouraged the members and all interested parties to submit suggestions for possible BDRs. She added that staff would contact the presenters from past meetings for their input. Chairwoman McClain stated her preference was to avoid resolutions and to utilize BDRs for actual legislation, adding that one necessary resolution would be to urge the U.S. Congress to pass the Elder Justice Act, which was introduced on March 29, 2007. Chairwoman McClain emphasized her priority to use a BDR to create

a standing statutory committee for senior citizens' issues and stated it could encompass special populations.

## **PUBLIC COMMENT**

- Rena´ E. Starks, President and Chief Executive Officer, International Association of Mortgage Brokers, and Honorary Chair of the Women's Chamber of Commerce, Las Vegas, provided comments on education and wellness for senior citizens. Ms. Starks said she determines the pressures associated with home foreclosures, and noted the stress of default and losing their homes directly relates to senior behavioral problems, such as Alzheimer's disease. She said many senior citizens are burdened and essentially "pushed over the edge" from the anxiety of not having the correct and necessary answers.

Ms. Starks said she has developed educational materials for the three types of reverse mortgage ([Exhibit S](#)) including: (1) the high cost mortgage; (2) the cash advantage; and (3) guaranteed equity. She outlined the process of a deed in lieu of foreclosure and the methods used by unscrupulous companies and mortgage companies.

## **ADJOURNMENT**

There being no further business to come before the Subcommittee, the meeting was adjourned at 3:40 p.m.

Respectfully submitted,

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Ricka Benum  
Senior Research Secretary

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Amber J. Joiner  
Senior Research Analyst

APPROVED BY:

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Assemblywoman Kathy McClain, Chair

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



## LIST OF EXHIBITS

**Exhibit A** is the “Meeting Notice and Agenda” provided by Amber J. Joiner, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

**Exhibit B** is a Microsoft PowerPoint presentation titled “Building Options for Adults Placed Out of State With Behavioral Challenges Associated Alzheimer’s, Dementia or Similar Disabilities” submitted by the Honorable Frances Doherty, Second Judicial District Court of Nevada, Washoe County, dated January 23, 2008.

**Exhibit C** is a compilation of budget information prepared by the Department of Health and Human Services (DHHS), and presented by Michael J. Willden, Director, DHHS, and Carol Sala, Administrator, Aging Services Division, DHHS, dated May 7, 2008.

**Exhibit D** is a Microsoft PowerPoint presentation titled “A Framework for Action: Building a ‘Lifelong Community’—Implementing the Washoe County Senior Services Strategic Plan” prepared by Grady Tarbutton, Director, Senior Services, Department of Washoe County Social Services, dated April 17, 2008.

**Exhibit E** is a fact sheet distributed by the City of Las Vegas Department of Leisure Services, prepared by Ed Jost, M.B.A., Division Manager, Senior Citizen Programs Division, Department of Leisure Services, City of Las Vegas.

**Exhibit F-1** is a fact sheet titled “Clark County Parks & Recreation—Where FUN Happens! Programs and Services for Seniors” prepared by Sharon Lopez, Program Administrator, Parks and Recreation Department, Clark County, dated May 7, 2008.

**Exhibit F-2** is a Microsoft PowerPoint presentation titled “Clark County Parks & Recreation—where FUN happens! Programs and Services for Seniors” presented by Sharon Lopez, Program Administrator, Parks and Recreation Department, Clark County.

**Exhibit G** is a Microsoft PowerPoint presentation titled “Regional Transportation Commission of Southern Nevada” presented by Sandra M. Stanko, Director of Transit Services, Regional Transportation Commission (RTC) of Southern Nevada, Las Vegas.

**Exhibit H** is a Microsoft PowerPoint presentation titled “Overview of Services For Senior Citizens Living Independently In the Community—Transportation Options for Senior Citizens” submitted by Lea M. Rogers, Paratransit Administrator, RTC of Washoe County, Reno, dated May 7, 2008.

**Exhibit I** is a Microsoft PowerPoint presentation titled “Goals for Rural Public Transportation” dated March 18, 2008, presented by Jim Mallery, Transportation Planner, Intermodal Division, Nevada’s Department of Transportation.

**Exhibit J** is the prepared testimony of Carole L. Turner, Deputy Director, Office of Veterans' Services, Las Vegas, dated May 7, 2008.

**Exhibit K** is an article reprinted from the *Archives of Internal Medicine*, October 25, 1999, Volume 159 (Copyright 1999) *American Medical Association* titled "Original Investigation—Effects of Exercise Training on Older Patients With Major Depression" by James A. Blumenthal, PhD; Parinda Khatri, PhD; Robert Waugh, MD; Melissa A. Napolitano, MA; Leslie M. Forman, MD; Mark Appelbaum, PhD; P. Murali Doraiswamy, MD; K. Ranga Krishnan, MD, submitted by Beverly Edis, on behalf of Glen Martin, Resistance Exercise Program, Carson City.

**Exhibit L** is a series of documents submitted by Laura Coger, Program Manager, Consumer Direct Personal Care, Carson City, which includes the following:

- A letter dated April 29, 2008, to Chair McClain and Subcommittee members, regarding issues relating to senior citizens and veterans, titled "Self-Directed In-Home Care Services for Senior Citizens";
- A fact sheet titled "CDPC Information Sheet";
- An informational handout titled "Nevada Medicaid's PCS Program Offers Distinct Choices for In-Home Care"; and
- A fact sheet titled "Nevada Medicaid Personal Care Services Program."

**Exhibit M** is a Microsoft PowerPoint presentation titled "Overview of Long Term Care Facilities for Senior Citizens" submitted by Paul Shubert, Health Facilities Surveyor IV, Bureau of Licensure and Certification, Health Division, DHHS.

**Exhibit N** is a Microsoft PowerPoint presentation titled "Payment Options for Long-Term Care Facilities Clark County Social Service 2008" submitted by Susan Rhodes, Social Work Supervisor, Clark County Social Service, Las Vegas.

**Exhibit O-1** is the prepared testimony of Rebecca E. Alvarado, Actuary I, Life and Health Section, Division of Insurance, Department of Business and Industry, dated March 18, 2008.

**Exhibit O-2** is a booklet titled "A Shopper's Guide To Long-Term Care Insurance" prepared by the National Association of Insurance Commissioners, Kansas City, Missouri.

**Exhibit O-3** is an article from *BusinessWeek*, titled "Profiting on Mortality Death Bonds—May be the most macabre investment scheme ever devised by Wall Street" by Matthew Goldstein, dated July 30, 2007.

**Exhibit P** is a series of documents submitted by Assemblywoman RoseMary Womack, Clark County Assembly District No. 23, which consists of the following:

- A Bill Summary from the 74<sup>th</sup> Regular Session of the Nevada State Legislature titled “Assembly Bill 352 (Enrolled)” prepared by the Research Division, Legislative Counsel Bureau, Nonpartisan Staff;
- The prepared testimony of Assemblywoman Womack;
- A copy of *Nevada Revised Statutes* (NRS) 449.188, which includes a hiring statement for Mountain Springs;
- A letter of information dated June 21, 2007, from Michael Haley, Washoe County Sheriff, outlining the provision of NRS 188A.335, by Charles Palian, Chief Records Clerk, Administration Bureau, Washoe County Sheriff’s Office, Reno;
- A copy of NRS 118A.335; and
- A copy of the Washoe County Sheriff’s Office “Application for Work Permit.”

**Exhibit Q** is the written testimony and supplemental information provided by Wendy Simons, Co-Chair, Assisted Living Advisory Council, Reno.

**Exhibit R** is a copy of a proposed resolution titled “Silver Alert Notification Network For Missing Elder Citizens” prepared by Lucy Peres, Silver Senator, Ex-Officio Member, National Silver Haired Congress, and President, Nevada Silver Haired Legislative Forum.

**Exhibit S** is a series of documents submitted by Rena’ Starks, President and Chief Executive Officer, International Association of Mortgage Brokers (IAMB), and Honorary Chair of the Women’s Chamber of Commerce, Las Vegas, which consists of the following:

- A handout from Homekeepers, LLC, TM Homekeepers Training School MBS 2007, prepared by the IAMB, Rena’ E. Starks, RSS Writers and Trainer;
- A document titled “Message of Sorrow: Dear United States Veterans” prepared by the IAMB, RSS Trainer: Rena’ E. Starks;
- An informational handout titled “IAMB Answers to the Foreclosure Problems that will keep Americans in their homes: The ‘Short Pay’” by Rena’ E. Starks, Expert Witness, Master Trainer, Master of Mortgage Lending; and
- A document titled “DEED In Lieu of Foreclosure.”

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](http://www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) or telephone: 775/684-6827.