

WORK SESSION DOCUMENT

Nevada Silver Haired Legislative Forum *Nevada Revised Statutes 427A.320*

May 23, 2002

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The following work session outline was prepared by staff of the Nevada Silver Haired Legislative Forum. The Nevada Silver Haired Legislative Forum has proposed the following recommendations, which were based upon:

- Testimony received from subject matter experts on senior citizen issues;
- Testimony presented to the Forum at its public meetings;
- A review of written information and comments provided by members of the Forum from the public; and
- The experience and knowledge of the members of the Forum.

The possible actions listed in the document do not necessarily have the support or opposition of the Forum. These possible actions simply are compiled and organized so the members may review them to decide if they should be adopted, changed, rejected, or further considered. Sponsors of recommendations may be noted in parentheses. Any recommendations adopted by the Forum will be submitted in report form to the Legislative Commission and Governor Kenny C. Guinn for consideration.

PROPOSED RECOMMENDATIONS

Affordable Housing

1. Urge the Legislative Commission and Governor Kenny C. Guinn to request legislation requiring for-profit and nonprofit developers producing low-income housing through the Low-Income Housing Tax Credit Program of Nevada's Housing Division, Department of Business and Industry, to build a specified percentage of units as senior housing. See Exhibit A. (Proposed by Kathy McClain, Clark County Senior Advocate Program, May 13, 2002.)
2. Include a statement in the report for the Nevada Silver Haired Legislative Forum to encourage Nevada's Housing Division, Department of Business and Industry, to develop programs that create an economic incentive for builders to produce low-income housing for seniors similar to the Low-Income Housing Tax Credit Program. (Proposed by Kathy McClain, Clark County Senior Advocate Program, April 29, 2002.)

Care Giving for Senior Citizens

3. Urge the Legislative Commission and Governor Kenny C. Guinn to request legislation to amend Section 449.037 of *Nevada Revised Statutes* (NRS) to require nonmedical providers of services to the elderly to receive accreditation through a nationally recognized company such as Accreditation Commission for Health Care, Inc. The accreditation requirements would ensure that there are written policies and procedures for nonmedical providers, and that caregivers receive the necessary training and background checks. See Exhibit B. (Proposed by Tammy Sisson, Lend-a-Hand Senior Services, May 10, 2002.)
4. Include a statement in the report for the Nevada Silver Haired Legislative Forum recommending that Governor Kenny C. Guinn establish a task force to study and develop a training program for facility and residential caregivers to the elderly or disabled. A training program would augment *Nevada Administrative Code* 449.2758

by specifying a standard of education that caregivers would receive. See Exhibit C. (Proposed by Wendy Simon, Residential Care Facility Administrator, May 10, 2002.)

Elder Abuse, Neglect, and Exploitation

5. Urge the Legislative Commission and Governor Kenny C. Guinn to request legislation to require nursing homes to meet a minimum standard of nursing hours per resident per day. The proposed requirement of 3.2 nursing staff hours would include Registered Nurses, Licensed Practical Nurse/Licensed Vocational Nurses, and Certified Nursing Assistants. (Proposed by Mark A. Morrow, Founding Partner, Nursing Home Justice Center, April 29, 2002.)
6. Urge the Legislative Commission and Governor Kenny C. Guinn to request legislation to amend subsection 2 of NRS 200.5092 and subsection 4(b) of NRS 41.1395 to modify the definition of “exploitation” to more effectively protect Nevada’s senior population from financial exploitation. See Exhibit D. (Proposed by Sandie Durgin, Supervisor, Abuse and Neglect Detail, Las Vegas Metropolitan Police Department, April 29, 2002.)
7. Urge the Legislative Commission and Governor Kenny C. Guinn to request legislation to amend the provisions of NRS 433A.160 to provide an emergency admission exemption of patients diagnosed with dementia. Admission is not to exceed 72 hours. See Exhibit E. (Proposed by Sally Ramm, Specialist for the Rights of the Elderly, April 29, 2002.)

Funding of Services for Senior Citizens

8. Include a statement in the report for the Nevada Silver Haired Legislative Forum requesting the Legislative Commission and Governor Kenny C. Guinn review funding allocations available through the Tobacco Master Settlement Agreement to provide more services for programs designed to assist senior citizens. (Proposed by Kathy McClain, Clark County Senior Advocate Program, April 29, 2002.)
9. Urge the Legislative Commission and Governor Kenny C. Guinn to request legislation introducing a multistate powerball or lottery in Nevada to provide additional revenue that could be used to enhance programs for senior citizens. (Proposed by Kathy McClain, Clark County Senior Advocate Program, April 29, 2002.)
10. Include a statement in the report for the Nevada Silver Haired Legislative Forum recommending that additional funds be budgeted to the Bureau of Licensure and Certification, Department of Human Resources, enabling the Bureau to increase the number of investigators in the field monitoring the quality of care being provided to senior citizens in nursing homes. (Proposed by Kathy McClain, Clark County Senior Advocate Program, April 29, 2002.)
11. Urge the Legislative Commission and Governor Kenny C. Guinn to request legislation to impose a one-half percent senior citizen health excise tax on food sales from limited-service eating places to provide additional funding to support a prescription drug benefit under Nevada’s Senior Prescription Drug Program (Senior Rx) and other senior citizen programs. (Proposed by Margaret Spooner, Member, Nevada Silver Haired Legislative Forum, April 29, 2002.)

Geriatric Education

12. Include a statement in the report for the Nevada Silver Haired Legislative Forum urging a requirement for all health care professionals to take geriatric training. In addition, the Forum recommends that geriatric training be included as a component of continuing education curricula of practicing physicians and nurses. (Proposed by Thelma Clark, Member, Nevada Silver Haired Legislative Forum, March 15, 2002.)

Public Utilities

13. Urge the Legislative Commission and Governor Kenny C. Guinn to request legislation to amend NRS 703.030 changing the effective date from October 1, 2003, to March 1, 2003. This change would increase from three to

five the number of members of the Public Utilities Commission of Nevada (PUCN) seven months sooner than the law currently contemplates. In addition, this proposal would change the qualifications of members sooner than the law currently contemplates. See Exhibits F and G. (Proposed by Thelma Clark, Member, Nevada Silver Haired Legislative Forum, March 15, 2002.)

14. Urge the Legislative Commission and Governor Kenny C. Guinn to request legislation to amend the provisions of NRS 703.030 to prohibit the appointment of a person to the PUCN if that person has a conflict of interest at the time of the appointment. In addition, any person appointed to the PUCN shall be required to take an oath declaring that his or her appointment does not constitute, nor will it result in a conflict of interest. See Exhibit F. (Proposed by Thelma Clark, Member, Nevada Silver Haired Legislative Forum, March 15, 2002.)
15. Urge the Legislative Commission and Governor Kenny C. Guinn to request legislation to amend NRS 703.110 to require that if a majority of the PUCN commissioners are disqualified from hearing a case before the PUCN, the decision on that case may be postponed until the Governor appoints another commissioner. See Exhibits F and G. (Proposed by Thelma Clark, Member, Nevada Silver Haired Legislative Forum, March 15, 2002.)
16. Include a statement in the report for the Nevada Silver Haired Legislative Forum to Governor Kenny C. Guinn urging that the electrical power industry in Nevada not be deregulated. (Proposed by Thelma Clark, Member, Nevada Silver Haired Legislative Forum, March 15, 2002.)

Medical Malpractice Insurance

17. Include a statement in the report for the Nevada Silver Haired Legislative Forum urging the Legislature to reform tort actions to address the current medical malpractice insurance problem facing health care providers in Nevada. Include a statement of support of the tort reform provisions of legislation as in Assembly Bill 17 sponsored by Assemblyman John W. Marvel in the 2001 Legislative Session (this bill was not enacted). See Exhibit H. (Proposed by Virgil Getto, Member, Nevada Silver Haired Legislative Forum, March 15, 2002.)
18. Include a statement in the report for the Nevada Silver Haired Legislative Forum urging the Nevada Legislature to continue to study the issue of medical malpractice and to take appropriate action to resolve this very important issue in Nevada. (Robert McCune, Member, Nevada Silver Haired Legislative Forum, March 15, 2002.)

National Silver Haired Congress

19. Send a letter on behalf of the Nevada Silver Haired Legislative Forum to the National Silver Haired Congress expressing support for the top ten resolutions of the National Silver Haired Congress. See Exhibit I. (Proposed by Robert McCune, Member, Nevada Silver Haired Legislative Forum, May 9, 2002.)

Prescription Drug Benefit

20. Include a statement in the report for the Nevada Silver Haired Legislative Forum recommending the Nevada Legislature send a resolution to the United States Congress urging them to take necessary action to amend Medicare to add a prescription drug benefit for all Medicare recipients. See Exhibit J. (Proposed by Thelma Clark, Member, Nevada Silver Haired Legislative Forum, April 29, 2002.)

Services for Senior Citizens

21. Send a letter on behalf of the Nevada Silver Haired Legislative Forum to the Task Force for the Fund for a Healthy Nevada (NRS 439.625) in support of the work of the Office of Geriatric Medicine, Chronic Illness, and Disability, Sanford Center for Aging. (Proposed by Dr. Lawrence J. Weiss, Director, Sanford Center for Aging, University of Nevada, Reno, March 15, 2002.)
22. Include a statement in the report for the Nevada Silver Haired Legislative Forum recommending additional

funding for the University of Nevada, School of Medicine, Reno, to allow for the hiring of additional faculty dedicated to teaching geriatrics. (Proposed by Thelma Clark, Member, Nevada Silver Haired Legislative Forum, April 29, 2002.)

23. Urge Governor Kenny C. Guinn to request legislation to amend Assembly Bill 474 (Chapter 538, *Statutes of Nevada 1999*) expanding the Senior Rx program to include the following health care services: vision care, dental care, hearing care, durable medical equipment, and medication management services. (Proposed by Kathy McClain, Clark County Senior Advocate Program, April 29, 2002.)
24. Include a statement in the report for the Nevada Silver Haired Legislative Forum encouraging nonprofit agencies to seek grant assistance for organizations that offer independent living services to senior citizens. Examples of these services include transportation services, household chores, minor home repairs, and yard work. Such grants should be contingent on the provision that those programs become self-funded (through private/public partnerships) and sustainable. (Proposed by Kathy McClain, Clark County Senior Advocate Program, April 29, 2002.)