



NEVADA LEGISLATURE
SUBCOMMITTEE TO CONDUCT A
STUDY OF POSTACUTE CARE
(Assembly Bill 242 [Chapter 306, Statutes of Nevada 2015])
SUMMARY MINUTES AND ACTION REPORT

The first meeting of the Nevada Legislature's Subcommittee to Conduct a Study of Postacute Care was held on Tuesday, November 17, 2015, at 5 p.m. in Room 2135 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/78th2015/committee/>. In addition, copies of the audio or video record are available through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835) and may be available online at <http://www.leg.state.nv.us/Granicus/>.

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Assemblywoman Robin L. Titus, M.D., Chair
Assemblywoman Teresa Benitez-Thompson

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Joseph (Joe) P. Hardy, M.D., Vice Chair
Senator Joyce Woodhouse

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Marsheilah D. Lyons, Chief Principal Research Analyst, Research Division
James W. Penrose, Senior Principal Deputy Legislative Counsel, Legal Division
Cathy Crocket, Program Analyst, Fiscal Analysis Division
Mandi Davis, Program Analyst, Fiscal Analysis Division
Gayle Nadeau, Senior Research Secretary, Research Division

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

AGENDA ITEM I—OPENING REMARKS

Chair Robin L. Titus, M.D., called the meeting of the Subcommittee to Conduct a Study of Postacute Care to order and provided introductory remarks.

AGENDA ITEM II—PUBLIC COMMENT

Barry Gold, Director of Government Relations, AARP Nevada, expressed concern that providers, advocates, and consumers are not able to participate in the planning process for transition to managed care through Medicaid in Nevada.

Jeffrey B. Klein, Chair, Legislative Subcommittee for the Nevada Commission on Aging, and President and CEO of Nevada Senior Services, expressed concern about the increasing population of Nevadans 75 years of age and older who are affected by the shortage of health care workers and caregivers relative to helping this age group remain in their homes.

Christopher A. Vito, MHA, Chair, Adult Day Care Advisory Council (ADCAC), Bureau of Health Care Quality and Compliance (BHCQC), Division of Public and Behavioral Health (DPBH), Department of Health and Human Services (DHHS); Board Member, National Adult Day Services Association, Fuquay Varina, North Carolina; and President and CEO of Nevada Adult Day Healthcare Centers, Las Vegas, Nevada, discussed adult daycare, trends, and evolution of the country's health care system—specifically Medicare.

Shawn McGivney, M.D., President and Founding Board Member, Residential Care Home Community Alliance of Nevada (RCHCAN), representing RCHCAN and the Association of Homecare Owners of Northern Nevada, addressed issues important to the residential care home industry. Please see Exhibit B, Exhibit B-1, and Exhibit B-2.

Katiushka Posada, owner of Baby Boomers Activities Club, Las Vegas, Nevada, testified about the following aspects of her adult day care business: (1) staff salary; (2) requirements that her business have medication and personal care assistants; and (3) only daytime care is provided.

AGENDA ITEM III—DISCUSSION REGARDING THE SUBCOMMITTEE WORK PLAN AND MEETING SCHEDULE

Chair Robin L. Titus, M.D., provided an overview of the requirements of Assembly Bill 242 (Chapter 306, *Statutes of Nevada*) of the 2015 Session for the Subcommittee to Conduct a Study of Postacute Care.

Marsheilah D. Lyons, previously identified, discussed the work plan and meeting schedule for the Subcommittee during the 2015–2016 Interim. Please see Exhibit C.

AGENDA ITEM IV—PRESENTATIONS REGARDING THE QUALITY OF POSTACUTE CARE IN NEVADA

A. Medicare and Medicaid Quality Measures

Donna S. Thorson, M.S., Certified Professional in Healthcare Quality, Project Manager, Healthinsight Nevada, testified about nursing home quality measures. Please see Exhibit D.

Discussion ensued regarding the time frame for adding two quality measures for nursing homes: (1) readmission to hospitals; and (2) discharge to the community.

Elizabeth Aiello, Deputy Administrator, Division of Health Care Financing and Policy (DHCFP), DHHS, pointed out that Nevada Medicaid functions within DHCFP. She discussed quality measures; Medicaid's medical services program; institutional care; the complaint process; Medicaid's nontraditional home- and community-based service and waiver programs; client meetings with waiver case managers; and how to improve quality of care systems in Nevada. Please see Exhibit E.

Jennifer Frischmann, Chief, Long-Term Support Services, DHCFP, DHHS, asserted that coordination and integration of care among providers of social- and medical-based services is critical to improving the quality of care for Nevadans, and she noted there will be new home- and community-based regulations implemented by 2019.

B. Postacute Care Facilities

Kyle Devine, Chief, BHCQC, DPBH, DHHS, defined "acute care" versus "postacute care" and named the facilities that BHCQC considers are providing postacute care services in the State. Please see Exhibit F, Exhibit G, and Exhibit H.

Discussion ensued regarding: (1) types and breakdown of complaints DPBH receives relative to postacute care; and (2) which division is responsible for supportive living arrangements (SLAs) in Nevada.

Daniel Mathis, President and Chief Executive Officer, Nevada Health Care Association, focused his presentation on the quality of care in Nevada, and he noted that Medicaid and Medicare make up the largest revenue sources for skilled nursing facilities in the State. Please see Exhibit I, Exhibit I-1, Exhibit I-2, Exhibit I-3, Exhibit I-4, and Exhibit I-5.

Lucia Mathis, Nevada Assisted Living Centers (NALC), discussed her handout regarding the National Research Corporation's voluntary program, called "My InnerView," that assesses resident and family satisfaction of assisted living centers (ALC). Please see Exhibit J.

Discussion ensued regarding: (1) the statistical relevance of the sampling noted in the "My InnerView" document; (2) the number of complaints that temporarily close ALCs while

investigations are being conducted; and (3) the shortage of investigators relative to the timeliness of investigations.

Joan S. Hall, R.N., B.S.N., President, Nevada Rural Hospital Partners (NRHP), discussed the long-term spectrum of care in rural Nevada, and she noted NRHP's goal is to maintain individuals' independence in the safest setting and with increased quality of care. Please see Exhibit K.

Jennifer Williams-Woods, State Long-Term Care Ombudsman, Aging and Disability Services Division (ADSD), DHHS, testified about the role of Nevada's long-term care ombudsman program and its duties in acute care settings while advocating for residents. Please see Exhibit L.

Discussion ensued regarding: (1) the number of long-term care ombudsmen in the State; (2) whether ADSD is "complaint driven;" (3) the coordination of care and the authority directing the ombudsmen; (4) advocating for long-term care patients and the vision for the quality of postacute care in the State; and (5) potential shifts from residential care to SLAs.

C. Postacute Care Licensed Professionals

Debra Scott, M.S.N., R.N., F.R.E., Executive Director, State Board of Nursing (SBN), provided an overview of the role of the SBN and addressed licensing and certifications for personnel in medical facilities in Nevada. Please see Exhibit M.

Discussion ensued regarding: (1) data for advanced practice registered nurse (APRN) licensures and the numbers of APRNs working in rural areas of Nevada; and (2) the nursing shortage in Nevada, recruitment of nurses, and graduating more nursing majors in the State.

M. Jeanne Hesterlee, R.N., Health Facilities Inspection Manager, BHCQC, DPBH, DHHS, discussed the differences between medical facilities and nonmedical facilities and testified about the role of BHCQC relative to regulating facilities' adherence to applicable *Nevada Revised Statutes* and regulations. Please see Exhibit N.

AGENDA ITEM V—DISCUSSION CONCERNING ALTERNATIVES TO INSTITUTIONALIZATION FOR POSTACUTE CARE SERVICES AND THE EFFECTS ON THE QUALITY OF LIFE OF PERSONS RECEIVING SUCH SERVICES

Jack Mayes, Executive Director, Nevada Disability Advocacy and Law Center (NDALC), testified regarding the role of the NDALC, noting the NDALC advocates for community-based and supportive services for persons with disabilities so they may live in the most integrated setting possible. Please see Exhibit O.

Jill Bernston, Deputy Administrator, ADSD, DHHS, provided a brief overview of the Division and shared its major focus is to operate three waiver programs that support alternatives to institutionalization for postacute care. Please see Exhibit P.

Discussion ensued regarding: (1) the cost of services that ADSD provides, particularly the waiver programs; (2) certification and supervision of SLAs; and (3) Alzheimer's as a mental health disorder, an intellectual disability, or a disease.

Elizabeth Aiello, previously identified, provided a historical perspective and long-term view of DHCFP's programs. She also discussed the home- and community-based waiver program and the goal to "rebalance" services so more individuals may live at home rather than in an institution. Please see Exhibit E.

Jennifer Frischmann, previously identified, explained that adult day care programs are a service covered under the federal State Plan Home and Community-Based Services Medicaid authority.

Discussion ensued regarding: (1) adult day care services; (2) common DHCFP complaints; (3) the "Katie Beckett Eligibility Option" to keep children from low-income families in the community; and (4) the "Money Follows the Person Grant."

Laura Coger, Nevada Program Manager, Consumer Direct Services for Nevada, LLC; Cochair South, Personal Care Agency Advisory Council, DPBH, DHHS; and Vice President, Personal Care Association of Nevada, discussed alternatives to institutionalization for postacute services and the effects on the quality of life for persons receiving such services. Please see Exhibit Q, Exhibit Q-1, and Exhibit Q-2.

James Donohue, Regional Sales Manager, Altus Hospice Care Las Vegas, focused his testimony on quality measures in the hospice and home health settings. Please see Exhibit R.

AGENDA ITEM VI—PUBLIC COMMENT

Chair Titus called for public comment; however, no testimony was presented.

AGENDA ITEM VII—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 8:19 p.m.

Respectfully submitted,

Gayle Nadeau
Senior Research Secretary

Marsheilah D. Lyons
Chief Principal Research Analyst

APPROVED BY:

Assemblywoman Robin L. Titus, Chair

Date: _____

EXHIBITS

EXHIBIT	WITNESS/ENTITY	DESCRIPTION
Exhibit A	Marsheilah D. Lyons, Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB)	Agenda
Exhibit B	Shawn McGivney, M.D., representing the Residential Care Home Community Alliance of Nevada (RCHCAN) and the Association of Homecare Owners of Northern Nevada (AHONN)	Prepared testimony
Exhibit B-1	Shawn McGivney, M.D., representing RCHCAN and AHONN	Residential care home industry statement
Exhibit B-2	Shawn McGivney, M.D., representing RCHCAN and AHONN	Long-term care data of costs and services comparisons; state-by-state assisted living regulations; group homes; and support services for people with disabilities
Exhibit C	Marsheilah D. Lyons, Chief Principal Research Analyst, Research Division, LCB	Work plan and meeting schedule for the Subcommittee to Conduct a Study of Postacute Care
Exhibit D	Donna S. Thorson, M.S., Certified Professional in Healthcare Quality Project Manager, Healthinsight Nevada	Presentation regarding nursing home quality measures
Exhibit E	Elizabeth Aiello, Deputy Administrator, Division of Health Care Financing and Policy (DHCFP), Department of Health and Human Services (DHHS)	Presentation regarding the quality of postacute care relative to Medicaid quality measures in Nevada
Exhibit F	Kyle Devine, Chief, Bureau of Health Care Quality and Compliance (BHCQC), Division of Public and Behavioral Health (DPBH), DHHS	Presentation regarding facilities in Nevada providing postacute care services
Exhibit G	Kyle Devine, Chief, BHCQC, DPBH, DHHS	Graphic of the types of postacute care resources in Nevada
Exhibit H	Kyle Devine, Chief, BHCQC, DPBH, DHHS	Memorandum to Chair Titus regarding bans on admission and denials of payment for new admissions to postacute care facilities in Nevada

Exhibit I	Daniel Mathis, President and Chief Executive Officer (CEO), Nevada Health Care Association (NHCA)	Two documents: (1) presentation regarding the Nevada Health Care Association and the American Health Care Association (AHCA); and (2) the <i>2014 Quality Report</i> of AHCA
Exhibit I-1	Daniel Mathis, President and CEO, NHCA	Two data sheets: (1) highlights about the rising trend in quality improvements from the AHCA's <i>2014 Quality Report</i> ; and (2) assisted living goals from AHCA and the National Center for Assisted Living's (NCAL) Quality Initiative for Assisted Living.
Exhibit I-2	Daniel Mathis, President and CEO, NHCA	Four documents: (1) Long-term care (LTC) <i>Nursing Facility Operational Characteristics Report</i> ; (2) LTC <i>Nursing Facility Patient Characteristics Report</i> ; (3) LTC <i>Nursing Facility Standard Health Survey Report</i> ; and (4) LTC <i>Nursing Facility Standard Health Survey Citation Report</i>
Exhibit I-3	Daniel Mathis, President and CEO, NHCA	An overview of the AHCA and NCAL's quality initiative
Exhibit I-4	Daniel Mathis, President and CEO, NHCA	(1) one-page a data sheet regarding the AHCA and NCAL's survey of state quality rankings; and (2) a two-page spreadsheet regarding the AHCA and NCAL's survey of state quality rankings noting "best" and "worst" states
Exhibit I-5	Daniel Mathis, President and CEO, NHCA	<i>Nevada 2015 Executive Summary</i> , prepared by "My InnerView" of the National Research Corporation
Exhibit J	Lucia Mathis, Nevada Assisted Living Centers (NALC)	Charted data regarding a resident and family satisfaction survey of assisted living centers conducted by "My InnerView," a voluntary national program of the National Research Corporation

Exhibit K	Joan S. Hall, R.N., B.S.N., President, Nevada Rural Hospital Partners	Presentation regarding the spectrum of long-term postacute care in rural Nevada
Exhibit L	Jennifer Williams-Woods, State Long-Term Care Ombudsman, Aging and Disability Services Division (ADSD), DHHS	Presentation regarding the role of Nevada's long-term care ombudsman program
Exhibit M	Debra Scott, M.S.N., R.N., F.R.E., Executive Director, State Board of Nursing	Testimony outline and data sheets regarding advanced practice registered nurse licensure in Nevada
Exhibit N	M. Jeanne Hesterlee, R.N. Health Facilities Inspection Manager, BHCQC, DPBH, DHHS	Prepared testimony
Exhibit O	Jack Mayes, Executive Director, Nevada Disability Advocacy and Law Center	Prepared testimony
Exhibit P	Jill Bernston, Deputy Administrator, ADSD, DHHS	Prepared testimony
Exhibit Q	Laura Coger, Nevada Program Manager, Consumer Direct Services for Nevada (CDSN), LLC; Cochair, Personal Care Agency Advisory Council (PCAAC); and Vice President, Personal Care Association of Nevada (PCAN)	Prepared testimony
Exhibit Q-1	Laura Coger, Nevada Program Manager, CDSN, LLC; Cochair, PCAAC; and Vice President, PCAN	Data sheet regarding Nevada's Medicaid Personal Care Services Program
Exhibit Q-2	Laura Coger, Nevada Program Manager, CDSN, LLC; Cochair, PCAAC; and Vice President, PCAN	Data sheet about and resources of the Personal Care Association of Nevada
Exhibit R	James Donohue, Regional Sales Manager, Altus Hospice Care Las Vegas	Presentation regarding home health quality measures in the hospice and home health settings

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 and other materials distributed at the meeting 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.