

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON SENIOR CITIZENS, VETERANS AND ADULTS WITH SPECIAL NEEDS

Nevada Revised Statutes (NRS) 218E.750

This summary presents the recommendations approved by the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs at its meeting on August 16, 2022. The bill draft requests (BDRs) will be forwarded to the director of the Legislative Counsel Bureau for transmittal to the 2023 Session of the Nevada Legislature.

RECOMMENDATIONS FOR LEGISLATION

Programs to Assist Seniors With Dementia and Their Caregivers

1. Propose legislation to include structured family caregiving as a covered home- and community-based service for certain Nevada Medicaid participants. This program would include:
 - a. A choice for participants to have a spouse or other legally responsible individual as a caregiver;
 - b. A choice for participants of the community settings where they receive care;
 - c. A requirement that caregivers become employed by a personal care agency (PCA) or intermediary service organization (ISO) and receive training stipulated by the Aging and Disability Services Division (ADSD), Department of Health and Human Services (DHHS), for participants' personal plan of care; and
 - d. A daily stipend based on a percentage (65 percent) of the per diem rate paid to the PCA/ISO. **(BDR –297)**
2. Propose legislation to require DHHS; the University of Nevada, Reno School of Medicine; and the University of Nevada, Las Vegas School of Medicine to establish a system of care for the diagnosis and care of Nevadans with dementia called the Nevada Memory Network. This system of care would require an appropriation from the State General Fund of approximately \$684,573 to meet the biennial budget requirements. In establishing the program, these entities will:
 - a. Contract for the services of memory assessment clinics. Clinics would expand capacity by hiring or contracting with neurologists, neuropsychologists, and geriatricians to perform the duties described in the request: to diagnose dementia in patients referred by primary care providers, create plans of care, and train primary care providers in screening for and treating dementia. Clinics will use telehealth where appropriate to perform these duties for patients and providers in rural Nevada; and
 - b. Employ or contract with four community-based dementia care navigators to perform the duties described in the request: to provide care coordination and referrals to

community-based services and in-home care, monitor the well-being of care providers, and provide support to care providers, including respite care. **(BDR –298)**

Support of Services for Veterans and Military Spouses

3. Propose legislation to appropriate State General Funds to support the Adopt a Vet Dental Program in the amount of \$1 million for the 2023–2025 Biennium—\$500,000 is intended for programs in northern Nevada and \$500,000 is intended for programs in for southern Nevada. **(BDR –299)**

Proposals to Assist Vulnerable Adults

4. Propose legislation to:
 - a. Create a Vulnerable Adult Protection Order under [Chapter 33 of NRS](#) to protect vulnerable adults against abuse, neglect, or exploitation by allowing vulnerable adults to seek an order of protection on their own behalf and by allowing Adult Protective Services (APS), ADSD, DHHS, to act as a petitioner in certain circumstances. This would be a redraft of [Assembly Bill 407](#)—which is a failed measure from the 2021 Legislative Session—with proposed amendments to:
 - i. Include details in the definition of a “vulnerable adult”;
 - ii. Expand the actions that a court may order for an adverse party in the event a protective order is issued;
 - iii. Expand the warnings included in the protective order to outline punishments for violation of an order; and
 - iv. Revise punishments for violation of a temporary or extended order; and
 - b. Establish independent authority for APS to apply for access warrants in cases of suspected abuse and/or neglect of vulnerable adults. The execution of the access warrant would include:
 - i. A partnership effort with law enforcement and/or a peace officer;
 - ii. Probable cause standard; and
 - iii. Additional language to instruct the person in control of the premises and prevent them from barring access or interfering in the investigation. These provisions would ensure APS can meet independently with the adult suspected of being abused and/or neglected without coercion or undue influence. **(BDR –300)**
5. Propose legislation to establish a baseline of eviction protections for all individuals in residential facilities for group residents that mirrors federal regulations ([CFR 42 § 441.530](#)); complies with the requirements of the Centers for Medicare and Medicaid Services’ (CMS) [Settings Rule](#); incorporates a notification process to alert the Long-Term Care Ombudsman Program, ADSD, DHHS, within 30 days of a proposed eviction; provides for penalties for facilities that do not follow the process with enforcement mechanisms; and designates a forum to adjudicate eviction disputes. **(BDR –301)**

Proposals to Update Guardianship Laws

6. Propose legislation to amend provisions of [Chapter 159 of NRS](#) to make the statute more consistent with the [Protected Persons' Bill of Rights](#), which is geared toward preserving as much autonomy and independence as possible for protected persons given their unique circumstances. More specifically, the amendments would:
 - a. Require petitions for temporary guardianship to identify the specific risk that warrants the temporary guardianship, and the court should limit the scope of the temporary guardianship to address the specific identified need ([NRS 159.0523](#) and [159.0525](#));
 - b. Clarify that the protected person has the right to decide with whom to visit and communicate, and this includes the right to decide with whom they do not wish to communicate and visit (absent a court order in very specific circumstances) ([NRS 159.333](#));
 - c. Allow protected persons to appeal court orders that have significant life-changing impacts on the protected person's life, such as an order restricting the protected person's ability to communicate with a friend or family or when the court grants the guardian permission to move the protected person out of state ([NRS 159.375](#));
 - d. Terminate a guardianship if a protected person presents sufficient evidence showing the guardianship is no longer needed and the burden shifts to the party opposing termination to show why the guardianship should not be terminated ([NRS 159.1905](#));
 - e. Require the court to make written findings on each of the reasonableness factors when attorneys seek fees from a protected person's estate ([NRS 159.344](#));
 - f. Remove the award of attorney's fees when the notice of intent to seek fees from the protected person's estate is not timely filed ([NRS 159.344](#));
 - g. Prohibit attorneys from seeking fees under who fail to seek fees through the process outlined in [NRS 159.183](#) and [159.344](#);
 - h. Reimburse an attorney as a guardian ad litem and not as an attorney at attorney rates if a court appoints an attorney to act as a guardian ad litem ([NRS 159.0455](#));
 - i. Include the petitioner's and the proposed guardian's phone and email information in the petition for appointment of a guardian and have the needs assessment attached to the petition ([NRS 159.044](#)); and
 - j. Require written findings in the order granting guardianship that less restrictive alternatives are not available to meet the needs of the proposed protected person ([NRS 159.054](#) and [159.055](#)). **(BDR –302)**

RECOMMENDATIONS FOR COMMITTEE ACTION

7. Send a letter to Nevada's Department of Education (NDE) expressing the Committee's desire for NDE to work with the Heroes to Education Program to assist service members, veterans, and military spouses transition into careers in public education. The Program is intended to be a public-private partnership to help fill K–12 positions, including education support staff, security, and/or resource specialists. This letter would also encourage the creation of a state coordinator position to oversee and manage the Program and two facilitators or recruiters, within the Department, to collaborate with nonprofit organizations and local, state, and federal agencies to better connect veterans to available K–2 employment opportunities throughout Nevada.
8. Send a letter to the Division of Health Care Financing and Policy, DHHS, to seek approval from the CMS—expressing the importance of providing telehealth options for seniors, veterans, and adults with special needs in Nevada, particularly in rural communities—to allow Nevada Medicaid to finance the [Project ECHO](#) applications for telehealth providers in Nevada.
9. Send a letter to the governor and the Division of Public and Behavioral Health, DHHS, expressing the Committee's support of the Nevada Interagency Advisory Council on Homelessness to Housing, emphasizing the increasing need for greater coordination of state agencies and consolidated efforts to address the growing need for safe and healthy housing and wraparound services for Nevada seniors, veterans, and adults with special needs.