

FOURTH REVISED
MEETING NOTICE AND AGENDA

Name of Organization: Legislative Committee on Senior Citizens, Veterans and Adults
With Special Needs (*Nevada Revised Statutes* [NRS] 218E.750)

Date and Time of Meeting: Friday, August 15, 2014
9 a.m.

Place of Meeting: Legislative Building, Room 3138
401 South Carson Street
Carson City, Nevada

Note: Some members of the Committee may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following location:

Grant Sawyer State Office Building, Room 4401
555 East Washington Avenue
Las Vegas, Nevada

If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "[Calendar of Meetings/View](#)."

Note: Minutes of this meeting will be produced in summary format. Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.

Note: Items on this agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

I. Opening Remarks

Assemblywoman Teresa Benitez-Thompson, Chair

II. Public Comment

(Because of time considerations, speakers are urged to avoid repetition of comments made by previous speakers. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted in person or by e-mail, facsimile, or mail before, during, or after the meeting.)

*For
Possible
Action*

III. Approval of Minutes of the Meeting Held on July 9, 2014, in Carson City, Nevada

*For
Possible
Action*

IV. Work Session—Discussion and Action Relating to:

- A. Employment of Adults With Special Needs
- B. Medical and Other Related Facilities
- C. Health Care Decisions
- D. Services for Senior Citizens and Adults With Special Needs
- E. Services for Persons who are Deaf or Hard of Hearing
- F. Services for Persons who are Blind or Visually Impaired

The “Work Session Document” is attached below and contains recommendations proposed at this and other meetings of the Committee on Senior Citizens, Veterans and Adults With Special Needs. The document is also available on the Committee’s webpage, <http://www.leg.state.nv.us/Interim/77th2013/Committee/StatCom/SeniorVetSpecial/?ID=62>, or a written copy may be obtained by contacting Kirsten Coulombe, Senior Research Analyst, Research Division, LCB, at (775) 684-6825.

V. Public Comment

(Because of time considerations, speakers are urged to avoid repetition of comments made by previous speakers. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted in person or by e-mail, facsimile, or mail before, during, or after the meeting.)

VI. Adjournment

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call the Research Division at (775) 684-6825 as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 North Stewart Street. Notice of this meeting was faxed or e-mailed for posting to the following Las Vegas, Nevada, locations: Clark County Government Center, 500 South Grand Central Parkway; and Capitol Police, Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature’s website at www.leg.state.nv.us.

Supporting public material provided to Committee members for this meeting may be requested from Maysha Watson, Committee Secretary, Research Division of the Legislative Counsel Bureau at (775) 684-6825 and is/will be available at the following locations: Meeting locations and the Nevada Legislature’s website at www.leg.state.nv.us.



WORK SESSION DOCUMENT

**LEGISLATIVE COMMITTEE ON SENIOR CITIZENS,
VETERANS AND ADULTS WITH SPECIAL NEEDS
(NEVADA REVISED STATUTES [NRS] 218E.750)**

August 15, 2014

The following “Work Session Document” has been prepared by staff of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs ([NRS 218E.750](#)) at the direction of the Chair of the Committee. This document contains a summary of proposed recommendations that were either submitted in writing or presented during the Committee’s previous hearings. It is designed to assist the Committee members in developing statements and determining legislative measures to be forwarded to the 2015 Legislative Session of the Nevada Legislature.

The proposals listed in this document are conceptual recommendations arranged by topic in no particular order and do not necessarily have the support of the Committee Chair or members. Members may accept, reject, modify, or take no action on any of the proposals. Although possible actions may be identified within each recommendation, the Committee may choose to take any of the following actions: (1) draft legislation such as a bill draft request or resolution; (2) write a letter on behalf of the Committee; or (3) include a statement in the Committee’s final report. Pursuant to [NRS 218D.160](#), the Committee is limited to ten legislative measures and must submit them for drafting by September 1, 2014, unless the Legislative Commission authorizes submission of a request after that date. (The deadline is extended to September 2, 2014, since September 1 falls on a holiday.)

The Committee members may use a consent calendar to approve proposals that need no further consideration or clarification beyond what is set forth in the “Work Session Document.” Items on the consent calendar primarily include Committee letters and statements in the final report. Any Committee member may request that one or more items on the consent calendar be removed for further discussion and consideration.

Committee members should be advised that Legislative Counsel Bureau (LCB) staff may, at the direction of the Chair, coordinate with interested parties to obtain additional information for drafting purposes or to be included in the final report. Also, recommendations may contain an unknown fiscal impact or be modified by being combined with similar proposals.

Finally, supporting documents for some recommendations may be obtained by contacting Kirsten Coulombe, Senior Research Analyst, Research Division, LCB, at (775) 684-6825.

RECOMMENDATIONS

Recommendations Nos. 1, 2, 3, 5, 6, 8, 9, 11, and 14 included in the listing below have been placed on a Consent Calendar by the Chair to assist the Committee in quickly taking action on certain selected items. Committee members may request to remove items from this list for further discussion and consideration.

Proposals Relating to Employment of Adults With Special Needs

1. **Send a letter** to the Governor, the Department of Health and Human Services (DHHS), the Department of Employment, Training and Rehabilitation (DETR), and the Department of Education in support of Executive Order 2014-16, “Establishing the Governor’s Taskforce on Integrated Employment,” for persons with intellectual and developmental disabilities.

(Recommended by Sherry Manning, Executive Director, Nevada Governor’s Council on Developmental Disabilities)

BACKGROUND: Presenters testified at the May 21, 2014, meeting on the topic of integrated employment and the philosophy of Employment First. Integrated employment focuses on finding jobs for persons with disabilities in the general workforce compared to facility-based employment. According to Ms. Manning, the letter of support will provide additional confirmation of Nevada’s commitment to integrated employment for persons with intellectual and developmental disabilities. See Attachment A for Executive Order 2014-16.

2. **Send a letter** to the Governor, the Senate Committee on Finance, and the Assembly Committee on Ways and Means in support of the request for seven new positions in the Rehabilitation Division, DETR, budget for State Fiscal Year 2016-2017.

(Recommended by Shelley Hendren, Administrator, Rehabilitation Division, DETR)

BACKGROUND: This recommendation was received via e-mail. According to Ms. Hendren, the addition of seven new positions (five Workforce Services Representative IV positions and two Vocational Evaluation II positions) would expand the Job Development Program for clients of the Bureau of Vocational Rehabilitation and the Bureau of Services to Persons Who Are Blind or Visually Impaired to improve the number and quality of successful employment outcomes.

3. **Send a letter** to the Senate Committee on Finance and the Assembly Committee on Ways and Means in support of maintaining efforts by the Rehabilitation Division, DETR, to maximize federal funding for integrated employment.

(Recommended by Scott W. Harrington, Ph.D., Youth Transition Director, Nevada Center for Excellence in Disabilities [NCED], University of Nevada, Reno [UNR])

BACKGROUND: Presenters testified at the May 21, 2014, meeting on the availability of federal funding through the Rehabilitation Service Administration that allows for a 4:1 match of State funds up to a maximum federal match of approximately \$20 million. Currently, DETR enters into a third-party cooperative agreement with the Washoe County School District to supplement State General Funds for the Vocational Opportunities for Inclusive Career Education (VOICE) project, which is available for individuals up to the age of 22 years.

4. **Draft a bill** to require the Aging and Disability Services Division (ADSD), DHHS, in their application process for Jobs and Day Training (JDT) providers to give preference to applicants that employ persons with disabilities at or above minimum wage.

(Recommended by Assemblywoman Teresa Benitez-Thompson, Chair, Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs)

BACKGROUND: At the July 9, 2014, meeting, there was a discussion on the wage level provided to persons with disabilities employed through Jobs and Day Training programs. Concern regarding individuals with disabilities not receiving minimum wage was noted.

5. **Send a letter** to the Governor, the Senate Committee on Finance, and the Assembly Committee on Ways and Means in support of increasing the Medicaid reimbursement rate for providers of Jobs and Day Training in the *Executive Budget* for the 2015-2017 Biennium.

(Recommended by Lisa Foster, Lisa Foster Consulting)

BACKGROUND: Ms. Foster testified at the May 21, 2014, meeting that providers of JDT have not received an increase in their Medicaid reimbursement rate since 2006 although employer related costs have increased. Also, a 2002 Strategic Plan for Provider Rates recommended the State rebase the rate for JDT providers every five years while increasing rates according to the inflation index for the interim years.

The current reimbursement rates for providers of JDT range from \$25.01 an hour to \$100.03 a day. These rates are submitted as part of the *Executive Budget* for the ADSD.

Proposals Relating to Medical and Other Related Facilities

6. **Include a statement in the final report** in support of legislation similar to the Caregiver Advise, Record, Enable (CARE) Act.

(Recommended by Barry Gold, Director, Government Relations, AARP Nevada)

BACKGROUND: Mr. Gold testified at both the May 21 and July 9, 2014, meetings about a proposed CARE Act which would create a system for family caregivers to be recognized, notified, and included in discharge planning from hospital facilities. According to Mr. Gold, an individual legislator will be sponsoring a bill modeled after the CARE Act as detailed in Attachment B.

7. **Draft a bill** to improve resident care in skilled nursing facilities by:
 - a. Establishing staffing ratios in skilled nursing facilities of 4.1 hours of direct care per resident, comprising 2.8 hours for certified nursing assistants and 1.3 hours for licensed staff, as recommended by the National Consumer Voice for Quality Long-Term Care; and
 - b. Establishing a maximum time of 20 minutes by which staff of a nursing facility must respond to a resident's request for assistance through the use of a call light.

(Part a. recommended by Heather Korbolic, State Long-Term Care Ombudsman, ADSD, DHHS, while a. and b. recommended by Assemblywoman Teresa Benitez-Thompson, Chair, Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs)

BACKGROUND: Presenters testified at the January 15 and July 9, 2014, meetings on staffing levels in skilled nursing facilities as part of the discussion on Nevada's grade in the Nursing Home Report Card. Testimony referenced Nevada's level of direct care that averages 2.14 hours per resident and concerns that staffing levels can contribute to deficiencies.

Also, testimony during the January 15, 2014, meeting explained the inspection process for skilled nursing facilities by the Division of Public and Behavioral Health (DPBH), DHHS. Part of the inspection process includes the determination of whether staffing levels meet the needs of residents. Concern about inadequate response times to call lights was noted.

See Attachment C for background information on recommended staffing ratios by the National Consumer Voice for Quality Long-Term Care.

8. **Send a letter** to the DHHS in support of increased positions within the Bureau of Health Care Quality and Compliance, DPBH, for the purpose of conducting inspections at medical and other related facilities.

(Recommended by Assemblywoman Teresa Benitez-Thompson, Chair, Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs)

BACKGROUND: The Bureau of Health Care Quality and Compliance, DPBH, DHHS, has reportedly experienced delays in conducting inspections at medical facilities, such as hospitals, due to an increase in the number of facilities to inspect concurrent with staff vacancies.

9. **Send a letter** to the DHHS in support of increased funding for the State Long-Term Care Ombudsman Program in the *Executive Budget* for the 2015-2017 Biennium.

(Recommended by Heather Korbolic, State Long-Term Care Ombudsman, ADSD, DHHS)

BACKGROUND: Ms. Korbolic testified at the January 15, 2014, on the State Long-Term Care Ombudsman program administered by the ADSD. The Ombudsman program advocates for residents seeking assistance and complaint resolution in long-term care facilities.

Proposal Relating to Health Care Decisions

10. **Draft a bill** to create a Power of Attorney for Health Care Decisions for persons with intellectual or developmental disabilities. This form would be different than the Power of Attorney for Health Care Decisions form set forth in NRS 162A.860. The new form would enable adults over 18 years of age with intellectual or developmental disabilities to receive assistance in making medical decisions.

(Recommended by Mary Bryant, Project Coordinator, Self-Determination, Advocacy and Families, NCED, UNR)

BACKGROUND: Ms. Bryant testified at the May 21, 2014, meeting that the proposed Durable Power of Attorney for Health Care Decisions will enable people with intellectual disabilities to obtain the assistance needed with important medical decisions without having to submit to a guardianship and the resulting loss of control. The document would be written in a way that many people with intellectual disabilities would understand and could sign.

See Attachment D for proposed language of the new Durable Power of Attorney for Health Care Decisions form.

Proposal Relating to Services for Senior Citizens and Adults With Special Needs

11. **Send a letter** to the DHHS in support of an ADSD budget request to update the strategic plans for senior citizens and persons with disabilities, including a revised Nevada *Olmstead* plan in the *Executive Budget* for the 2015-2017 Biennium.

(Recommended by the Nevada Commission on Services for Persons with Disabilities and the Nevada Commission on Aging)

BACKGROUND: Testimony by staff of the ADSD at the July 9, 2014, meeting indicated the current strategic plans for seniors and persons with disabilities and Nevada's *Olmstead* plan were initially adopted as ten-year plans and are now out of date. Discussion also cited concern about recent *Olmstead* enforcement efforts by the United States Department of Justice.

In 2001, the agency costs to implement both plans were \$250,000. Therefore, it is estimated that the ADSD would need approximately the same amount, or more, of the prior costs to update the aforementioned plans.

Proposals Relating to Persons who are Deaf or Hard of Hearing

12. **Draft a bill** to broaden the scope of the Program to Provide Devices for Telecommunication to Persons With Impaired Speech or Hearing by amending the statutes (primarily NRS Chapter 427A, "Services to Aging Persons and Persons With Disabilities") to include assistance services and a non-exclusive list of activities in which the service centers may engage. Below are examples of the list of activities.

- Assist consumers in accessing resources such as hearing aids, electrolarynx, and other assistive devices;
- Expand and build service capacity in areas where need exists but services do not;
- Provide orientation and transition assistance to newly deafened or speech-impaired individuals, including veterans and seniors;
- Support telecommunications equipment distribution; and
- Provide classes in sign language for consumers.

(Recommended by the Nevada Commission on Services for Persons with Disabilities)

BACKGROUND: Testimony at the May 21, 2014, meeting discussed funding for two of the regional centers through a surcharge on all wired and wireless phone lines. In 2013, a budget submitted by the ADSD was contested by the Public Utilities Commission of Nevada (PUCN). The PUCN issued a ruling that limited the services provided by the centers to directly relate to equipment and regulation of interpreters and realtime captioning. The ADSD appealed the ruling, which is now under judicial review by the Nevada Supreme Court.

13. **Draft a bill** to establish an advisory board to assist the ADSD in the oversight of interpreters set forth in NRS Chapter 656A, “Interpreters and Realtime Captioning Providers.” The board would have nine members and the following composition and duties:

- i. One nationally certified interpreter with five or more years of certified interpreting status;
- ii. One Educational Interpreter Performance Assessment (EIPA) and Registry of Interpreters for the Deaf, Inc. (RID) certified interpreter (Educational Certificate: K-12) with five or more years of certified experience;
- iii. One RID consumer of interpreting services with five or more years of certified experience as such a consumer;
- iv. One provider of American Sign Language interpreting services with interpreting experience in one of the following settings: (1) educational; (2) medical; or (3) legal;
- v. One consumer of interpreting services who is deaf;
- vi. One RID certified interpreter;
- vii. One attorney with experience in the Americans with Disabilities Act and business law;
- viii. One Interpreter Preparation Program postsecondary representative; and
- ix. One representative from the ADSD.

a. Duties of the board shall include:

- i. In consultation with the ADSD, processing new applications for registering interpreters in Nevada;
- ii. Monitoring and encouraging additional training opportunities for interpreters;
- iii. Establishing standards for waiver of registration requirements in NRS 656A.100;
- iv. Reviewing and resolving complaints or making recommendations to the ADSD regarding disciplinary action;
- v. Reviewing and evaluating the feasibility of the board becoming a licensing authority over interpreters; and
- vi. Reporting recommendations to the Legislature prior to the 2017 Legislative Session.

b. The board will be subject to the Open Meeting Law; ethics provisions and auditing and budgeting requirements applicable to occupational boards; and the general provisions in NRS Chapter 232A (“Boards, Commissions and Similar Bodies”) regarding residency, vacancies, etc.

c. The Governor shall make the appointments and, after the initial staggered terms, each member shall serve a term of four years.

(Recommended by Kimberlee Holloway, Member, NVRID)

BACKGROUND: Ms. Holloway presented testimony during the May 21, 2014, meeting on the need for an advisory board. Although Chapter 656A of the NRS makes the ADSD responsible for registration and discipline of interpreters in Nevada, the interpreting community is seeking a board to assist the ADSD with its regulatory responsibilities and also to work toward increasing the number and qualifications of interpreters.

**Proposal Relating to Services for
Persons who are Blind or Visually Impaired**

14. **Send a letter** to the Governor, the DHHS, the Senate Committee on Finance, and the Assembly Committee on Ways and Means to support increased funding of approximately \$500,000 in the ADSD budget for the 2015-2017 Biennium for independent living services.

(Recommended by the Nevada Commission on Services for Persons with Disabilities)

BACKGROUND: Presenters testified at the May 21, 2014, meeting regarding the need to expand services available through the independent living services. The ADSD budget request would assist persons who are visually impaired with independent living services, unrelated to employment, to include: (1) orientation and mobility training; and (2) assistive technology evaluations, devices, and training.