



## **NEVADA LEGISLATURE LEGISLATIVE COMMITTEE ON HEALTH CARE**

*(Nevada Revised Statutes [NRS] 439B.200)*

### **SUMMARY MINUTES AND ACTION REPORT**

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The sixth meeting of the Nevada Legislature's Legislative Committee on Health Care was held on Tuesday, June 12, 2012, at 9 a.m. in Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, 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/76th2011/committee/>. 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 LAS VEGAS:**

Assemblywoman April Mastroluca, Chair  
Senator Valerie Wiener, Vice Chair  
Senator Shirley A. Breeden  
Senator Joseph P. Hardy, M.D.  
Assemblywoman Maggie Carlton  
Assemblyman Crescent Hardy

#### **LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Marsheilah D. Lyons, Principal Research Analyst, Research Division  
Risa B. Lang, Chief Deputy Legislative Counsel, Legal Division  
Asher Killian, Senior Deputy Legislative Counsel, Legal Division  
Anne Vorderbruggen, Senior Research Secretary, Research Division

#### **OPENING REMARKS**

- Assemblywoman April Mastroluca, Chair, welcomed members, presenters and the public to the sixth meeting of the Legislative Committee on Health Care.

#### **PUBLIC COMMENT**

- Barry W. Lovgren, private citizen, Carson City, Nevada, addressed the Committee regarding his concerns about the Substance Abuse Prevention and Treatment Agency

(SAPTA) in the Division of Mental Health and Developmental Services. (Please see [Exhibit B](#).) Mr. Lovgren encouraged the Committee to call for a review of SAPTA.

**APPROVAL OF MINUTES OF THE MEETING HELD ON TUESDAY, APRIL 10, 2012, IN LAS VEGAS, NEVADA.**

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

SENATOR WIENER MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE APRIL 10, 2012, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY SENATOR HARDY AND PASSED UNANIMOUSLY.

**CONSIDERATION OF REGULATIONS PROPOSED OR ADOPTED BY CERTAIN LICENSING BOARDS PURSUANT TO NRS 439B.225**

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

*LCB File No. R113-11, State Board of Nursing*  
*LCB File No. R041-12, Board of Medical Examiners*  
*LCB File No. R042-12, Board of Medical Examiners*

- Risa B. Lang, Chief Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau (LCB), noted that LCB File No. R113-11 was previously discussed in this Committee. She stated that because of the concerns that were expressed at that time, the State Board of Nursing has deleted the provisions dealing with nurse anesthetists and resubmitted the regulation as a revised proposed regulation. (Please see [Exhibit C](#).)
- Debra Scott, M.S.N., R.N., F.R.E., Executive Director, State Board of Nursing, stated that the two sections that were controversial were removed from the proposed regulation.

In response to Assemblywoman Carlton’s question regarding why the number of hours an advanced practitioner of nursing is required to practice under the close supervision of a physician or advanced practitioner of nursing was changed from 800 hours to 1,000 hours in the proposed regulation, Ms. Scott said that change was made to make the number of required hours consistent for people who renew and for those who endorse to get licensure in Nevada.

- Lawrence P. Matheis, Executive Director, Nevada State Medical Association, stated that the concerns previously expressed by the Nevada State Medical Association have been addressed in the revised proposed regulation and they do not have a problem with the proposed regulation as revised.
- Ms. Lang provided summaries of LCB Rule No. R041-12 and LCB Rule No. R042-12, proposed by the Board of Medical Examiners. (Please see [Exhibit D](#) and [Exhibit E](#).)

Responding to a question by Senator Hardy, Lyn E. Beggs, J.D., General Counsel, Board of Medical Examiners, stated the limited license is set forth in statute and does not allow unlimited practice. She noted that the proposed regulation is simply an administrative matter regarding how the licenses are granted.

In response to Assemblywoman Carlton's inquiry if the proposed regulation would change the way J1 Visa applications are dealt with to get doctors into the underserved areas, Ms. Beggs stated that it would not affect J1 Visa applicants.

- Chair Mastroluca asked if there were any public comments regarding the proposed regulations (Agenda Item VIII); however, no testimony was presented.

## **UPDATE AND RECOMMENDATIONS REGARDING UNLICENSED HEALTH CARE IN NEVADA**

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

- Tracey D. Green, M.D., State Health Officer, Health Division, and Acting Medical Director, Division of Mental Health and Developmental Services, Department of Health and Human Services (DHHS), stated that she has been working with former Attorney General Frankie Sue Del Papa and the regulatory boards to create a system for handling the increasing number of people acting or imposter as medical providers in a number of different areas across the medical profession. She noted that some alternatives have been identified to curb these activities and provide some kind of punishment for those found guilty of this activity.
- Frankie Sue Del Papa, Task Force on Unlicensed Healthcare, summarized the action plan that has been developed in collaboration with the Health Division, DHHS, and the health-related boards and commissions. Ms. Del Papa stated that the final step in the process will be for her to do one more evaluation after the next legislative session. She stated that the information on the action plan is available online at the website of the Health Division.

Ms. Del Papa described the following recommendations contained in the action plan:

- That the Health Division maintain the momentum that has been established regarding unlicensed health care in Nevada.
- That the Health Division work with the health community to meet periodically to monitor the problem and continue to identify solutions.
- That the Executive Directors of the major health care boards be supported.
- That the Health Division and the Office of the Attorney General consider supporting legislation giving certain health boards and commissions additional authority.
- That the Health Division and the Office of the Attorney General reexamine the definition of "direct supervision" between supervising physicians and medical assistants.

- That the State Health Officer annually attend one statewide meeting between the sheriffs and chiefs to keep the lines of communication open between the health community and law enforcement.
- That law enforcement resources continue to be shared between urban and rural Nevada.
- That the important role played by the Office of the Attorney General in facilitating and coordinating the information flow among agencies be recognized.
- That the Health Division conduct an annual review of resources available to Nevada's most vulnerable populations.
- That the Health Division stay engaged with the Nevada faith community.
- That the Attorney General share the report with her colleagues, both to inform and to invite conversation.
- That the Governor share the report with the National Governor's Association and his colleagues.

Ms. Del Papa noted that the action plan document is in its comment period, which will end Friday, June 15, 2012. She stated that contained within the document are a 35-page summary of a report on unlicensed medical activity and a 50-state statutory review.

- Brett Kandt, Executive Director, Nevada's Advisory Council for Prosecuting Attorneys, and Special Deputy Attorney General, Office of the Attorney General, stated that he has submitted to the Committee proposed new language to stiffen criminal penalties for the practice of unlicensed health care. (Please see [Exhibit F](#).) He noted the proposed language has been supported by law enforcement and prosecutors.

Continuing, Mr. Kandt said the proposal would create two new statutes in Chapter 200 of NRS regarding crimes and punishments. One would address the general issue of unlicensed health care procedures that result in death or substantial bodily harm, and the second would address the issue of an unlicensed surgical procedure. Mr. Kandt noted the second proposed statute also contains a definition of "surgical procedure," which was developed in consultation with the Las Vegas Metropolitan Police Department.

- Senator Hardy raised a question regarding the definition of "surgical procedure," and Mr. Kandt responded that, to the extent the definition can be revised and improved upon, he would support that.

Discussion ensued between Assemblywoman Carlton and Mr. Kandt regarding the definition of "surgical procedure." Assemblywoman Carlton suggested that if there is currently a definition of "surgical procedure" in statute or regulation, it should be adapted for unlicensed health care to avoid confusion, and Mr. Kandt stated he would support that wholeheartedly.

- Mr. Kandt stated that on behalf of the Office of the Attorney General and Nevada's Advisory Council for Prosecuting Attorneys, they support the recommendations of the

regulatory boards for a uniform set of tools that they could utilize to address the issue of unlicensed health care practice.

In response to Chair Mastroluca's question about whether it was the intention of the Office of the Attorney General to bring forth their recommendations as a bill draft request or were intending for the Committee to do that, Mr. Kandt said the Attorney General indicated to him that she wanted the Committee to carry the recommendations as the Committee saw fit.

- Larry L. Pinson, Pharm.D., Executive Secretary, State Board of Pharmacy, reviewed the seven recommendations contained in the letter submitted by the State Board of Cosmetology, Board of Dental Examiners of Nevada, Board of Medical Examiners, State Board of Nursing, State Board of Osteopathic Medicine, and State Board of Pharmacy ([Exhibit G](#)) as follows:

1. The unlicensed practice of the health care professions should be considered a category D felony, and law enforcement agencies should be given the authority to seize the property, drugs, and assets used in the crime for purposes of forfeiture.
2. Med spas or similar entities should be required to be licensed through the Health Division if dangerous drugs or controlled substances are present.
3. Each board should have the authority to cite and fine those who represent themselves as licensed practitioners when they are not duly licensed or perform acts that require them to be licensed.
4. Each board should have the authority to seek from the district court an injunction prohibiting unlawful conduct.
5. Each board should have the authority to write and enforce a cease and desist letter.
6. Each board should have the authority to enter the premises where an individual licensed by that board is practicing.
7. Each board should have the authority to investigate based on an anonymous complaint.

In response to a question by Assemblywoman Carlton about whether the intent was to give the additional authorities to all health professional boards, Debra Scott, M.S.N., R.N., F.R.E., Executive Director, State Board of Nursing, stated that the discussion was that these are authorities the boards need to be able to do their jobs, but the question would be whether the smaller boards have the resources.

Discussion ensued between Assemblywoman Carlton and Ms. Scott regarding anonymous complaints.

- Vincent Jimno, Executive Director, State Board of Cosmetology, stated anonymous complaints often lead to legitimate complaints and his board investigates all anonymous complaints, but does not go any further unless probable cause has been established to believe there was a violation or there is sufficient cause to warrant further

investigation. He noted they check with the Office of the Attorney General regularly and anything their board does is reviewed by their Deputy Attorney General.

Discussion ensued between Senator Hardy and Mr. Jimno regarding the smaller professional boards not having the resources to investigate complaints. Mr. Jimno suggested that the State encourage the larger boards to assist the smaller boards, whenever possible, and that the boards utilize the investigators from the Office of the Attorney General.

- Glenn Savage, Environmental Health Director, Southern Nevada Health District (SNHD), said that many of the complaints received by the SNHD are anonymous. He stated that they investigate complaints as a medical waste concern and whether the waste is properly handled. Mr. Savage said what they find in the garbage cans and dumpsters gives some credence to an anonymous complaint and that information is provided to the appropriate agency. Mr. Savage stated that the SNHD, local boards of health, and many different boards do work together to address this difficult problem that exists in their community.
- Assemblywoman Carlton questioned the intent of the recommendation by the regulatory boards that medical spas be licensed, and asked if the Board of Pharmacy could become involved with the medical spas where drugs are present.
- Chair Mastroluca stated that part of the issue is the fact that there is no definition of a medical spa in the NRS, and the first step may be to create that definition.
- Mr. Pinson concurred, and said Assemblywoman Carlton's comment about the Board of Pharmacy taking care of the medical spas where drugs are present is a viable possibility. He noted that by getting a definition, they would be able to determine at which medical spas drugs are present.

In response to Assemblywoman Carlton's question if this is a request of the Committee to address the issue or if the Board of Pharmacy would be asking for a bill draft, Mr. Pinson said it would be a request of the Committee.

- Chair Mastroluca recommended that the Committee also request that there be a definition for medical aesthetician.

Discussion ensued between Assemblyman Hardy and Mr. Pinson regarding how inspections of the medical spas would be managed.

- Chair Mastroluca called for public comments on unlicensed health care in Nevada (Agenda Item VI); however, no testimony was presented.

## **UPDATE AND RECOMMENDATIONS REGARDING LOCAL FARMS PREPARING AND SERVING FOODS TO THE PUBLIC, INCLUDING FARM TO FORK INITIATIVES**

- Laura Bledsoe, Quail Hollow Farm Community Supported Agriculture, reported that the Committee has received the current draft of proposed legislation to address the

farm-to-fork issue ([Exhibit H](#)); however, because of concerns recently expressed by other agencies, it is not yet final.

- Chair Mastroluca noted that the Committee's legal counsel has put the proposed legislation in a format that shows the new language and any removed language. (Please see [Exhibit I](#).)

In response to Senator Wiener, Ms. Bledsoe said the concerns recently expressed involve pickles being part of the processed foods, and that meat and poultry must be prepared in a permitted and regularly inspected facility. She noted, however, that the statement was made that processors could be named as self-inspecting facilities, which means that the health authority would not be present during all processing operations and the processors would be able to conduct butchering and processing operations on-site in conjunction with permitted events such as farm-to-fork functions as well as for off-site sales to the public.

- Dawn Rafferty, Administrator, Plant Industry Division, State Department of Agriculture, stated that she and Peggy McKie, Agriculturist, State Department of Agriculture, were present in response to an inquiry from Assemblywoman Carlton that the Department explain and clarify the producer's certificate that is provided by the State Department of Agriculture. She noted that the State Department of Agriculture does give producer's certificates pursuant to NRS 576.128 and the intent of that statute is to ensure that products sold at farmers' markets were produced on the seller's farm.
- Ms. McKie stated that the certificates are issued for agricultural products of the soil that are in their natural and unprocessed state. She said the Department does not certify products that are processed, meat products, or any other livestock products at this time. Ms. McKie noted the producer's certificates were created to facilitate the development of farmers' markets in Nevada. The certificate illustrates that the farmer produced the crops at the location of the farm, and is simply a verification of production.
- Chair Mastroluca expressed her concern about including the selling of canned goods in the proposed legislation because the testimony and discussions in the Committee did not include the issue of canned goods.
- Ms. Bledsoe stated that the farm-to-fork dinner brought an awareness of the fact that Nevadans have very limited rights concerning the food they choose for themselves and their families. She said that what she was hoping to do with this legislation is a small step forward in the ability of consumers to have some choices where food comes from and who provides it, as long as it is wholesome food.
- Joseph L. Pollock, R.E.H.S., Program Manager, Environmental Health Section, Public Health and Clinical Services, Health Division, Department of Health and Human Services (DHHS), referred to a publication by the Association of Food and Drug Officials regarding "cottage foods," which are similar to the foods listed in the proposed legislation, and offered to provide information on nonpotentially hazardous foods to the Committee.

Continuing, Mr. Pollock stated that all of the health authorities are involved and have come to a consensus that the facilities providing products at temporary events could be permitted as meat and poultry processors, and inspections would be conducted annually to make sure that the minimum requirements were met. Mr. Pollock said that a teleconference is being planned with Jeff Rowes, Senior Attorney, Institute for Justice; Mr. and Mrs. Bledsoe; and the health authorities, after which they would be able to provide the final language and information on the nonpotentially hazardous foods.

- Chair Mastroluca noted that there may not be time in the remaining meetings of the Committee for additional testimony on this issue. She suggested that Mr. Pollock provide staff with the document regarding “cottage foods,” he referred to earlier.

In response to Chair Mastroluca, Mr. Pollock stated that the facility would be a fully permitted meat processor with the State. He noted that the DHHS is allowed to designate self-inspectors and the DHHS would conduct an annual inspection and may or may not be present when the meat is being processed. The self-inspection would be done by the operators and the disclaimer contained in the proposed legislation would not be required and would be removed.

Discussion ensued between Chair Mastroluca and Mr. Pollock regarding disclaimers and self-inspection by facilities. Mr. Pollock stated that the intent of the proposed legislation is that the facility have the ability to serve the meat at special events, as well as directly to the public as locally raised meat; however, the meat could not be resold.

There was discussion between Senator Wiener and Mr. Pollock regarding the posting of inspection reports at the facility that is inspected and permitted as self-inspecting. Senator Wiener stated that letting the public know that the facility is self-inspected is an important component in educating the public so they can make an informed decision.

Discussion ensued between Senator Hardy and Mr. Rowes regarding whether food could be labeled as “farm fresh.”

- Senator Wiener suggested that since everything sold at the facility would not be packaged, in addition to labeling, there should also be signage to inform the public about the products being sold.
- Chair Mastroluca requested that Ms. Bledsoe submit, in writing, to the Committee’s staff the intent of what they wish to accomplish with the proposed legislative changes so the Committee will have a clear picture of the proposal.
- Assemblyman Hardy stated that, if it is appropriate, he would sponsor the requested bill draft in the Assembly.
- Mr. Rowes stated there will be a final conference call with the Nevada officials, after which the language for the proposal would be finalized and submitted to the Committee through staff, without the need for further testimony.



- Chair Mastroluca responded that would be fine, but if Assemblyman Hardy is going to carry the bill, the Committee probably will not have any further discussions regarding the proposal. .
- Joseph P. Iser, M.D., Dr.P.H., M.Sc., Washoe County District Health Officer, stated that the Washoe County Health District is in alignment with the DHHS and the State Department of Agriculture and will work with all the involved parties. He noted that he is a former investigator with the United States Food and Drug Administration and food safety is of particular importance to him.
- Ms. Bledsoe thanked the Committee for allowing their recommendation to move forward, and Assemblyman Hardy for being willing to sponsor the bill draft.
- Senator Wiener noted that the initial conversations with the Committee were about the farm-to-fork dinner, but the proposal has now been expanded to allow the sale of meat off premises at a farmers' market.
- Ms. Bledsoe confirmed that, in working with the officials, the concept has been broadened to allow the consumer to purchase the products from the farm without having to travel a long distance. She clarified that the products would not be sold for resale.
- Chair Mastroluca called for public comment on local farms preparing and serving foods to the public (Agenda Item IV); however, no testimony was presented.

## **UPDATE CONCERNING CERTAIN MENTAL HEALTH SERVICES IN NEVADA**

### ***Mental Health Care and the Affordable Care Act Emergency Mental Health Services***

- Richard Whitley, M.S., Administrator, Health Division, and Acting Administrator, Division of Mental Health and Developmental Services (MHDS), Department of Health and Human Services (DHHS), stated that he and Tracey D. Green, M.D., State Health Officer, Health Division, and Northern Medical Director, MHDS, DHHS, have been in charge of MHDS since October 2011, in addition to their roles in public health. He said that Dr. Green will begin their presentation with a brief status on where Nevada is with the Affordable Care Act (ACA) as it relates to behavioral health.
- Dr. Green provided information on (1) the Medicaid Expansion; (2) the four systems that will be in place for reimbursement; (3) the new eligible; (4) federal funding for the new eligibles; (5) Nevada MHDS data; and (6) essential health benefits, which must include mental health and substance abuse disorder services, including behavioral health treatment. (Please see [Exhibit J](#).)
- Mr. Whitley continued the presentation on mental health care and the ACA, as outlined in [Exhibit J](#). He stated that behavioral health and substance abuse or addiction need to be integrated for billing purposes and for program integration. Mr. Whitley said the billing piece is an important system change that needs to occur so the community organizations

that receive SAPTA funding can get reimbursed. He noted that at a recent meeting with the treatment providers, it was found that of the 24 providers of SAPTA services, only 5 currently bill, so they are not maximizing the existing available resources.

Mr. Whitley pointed out that the service system for behavioral health is fragmented, as illustrated in the chart on Page 12 of [Exhibit J](#). He described the data matching that is being done with the detention centers in Washoe County and Clark County to identify the frequent admissions, noting that the data will be used to identify where resources need to be focused to address the problem of frequent admissions and incarceration of people who are known to suffer with a severe mental illness.

In response to Senator Wiener, Mr. Whitley stated that in Washoe County the primary problem that was identified for reengaging in the system was that the person did not have a medical appointment before running out of the medications provided upon discharge from detention.

Continuing with his testimony, Mr. Whitley stated that the DHHS also serves a regulatory role, which has been one of monitoring the facilities that currently exist; however, the DHHS has not identified what else there is that is not currently made available for business opportunity. He noted that two facility types that Nevada does not currently use are psychiatric home health agencies and community mental health centers. Mr. Whitley said that having a pay source is only one piece of the problem and the Department needs to work to build community capacity and strengthen the provider network.

Discussion ensued between Senator Wiener and Mr. Whitley regarding the additional people who will be accessing care under the ACA and the capacity of the provider network.

Responding to Senator Wiener's inquiry about how much greater the access to care challenge will be under the ACA, Bill Welch, President and Chief Executive Officer, Nevada Hospital Association (NHA), stated that a 70 percent increase in the Medicaid population is anticipated. He noted the State is currently at capacity and it will be necessary to look outside the traditional arena of where this type of care is provided. Mr. Welch said that capacity can be improved by a better integrated delivery system, an expansion of the alternate health care sites, and working with the Nevada System of Higher Education to retool the workforce they are educating.

- Dr. Green continued her presentation with a discussion of emergency room overcrowding and stated that clients are being sent directly to the emergency rooms to receive medical clearance prior to being admitted to a State or private facility.
- Mr. Whitley noted that the statute addressing medical clearance, Chapter 433A of NRS, is fairly permissive about where the medical exam should take place. He stated that, in working with the hospitals, one of the things that was identified was that there was a "myth" that even if the person had been seen by a licensed physician or a physician's assistant, the person still needed to receive medical clearance from an emergency room.

- Dr. Green concluded her presentation with a discussion of the alternative sites that are being established for medical clearance, and getting chronic inebriates to community triage centers for medical clearance and assessment, instead of hospital emergency rooms.
- Bill Welch, previously identified, stated that the issue is that there are mental health and substance abuse patients who are being brought to emergency rooms for medical clearance based upon a perception of a regulation, not a law or regulation. Mr. Welch discussed the goal of the NHA, and the focus of the task force formed by the NHA to partner with the State on potential solutions. (Please see [Exhibit K.](#))
- Dan Musgrove, Las Vegas, Nevada, thanked Dr. Green, Mr. Whitley, and Mr. Welch for their work to improve mental health services in Nevada.
- Chair Mastroluca stated that she also appreciates the education the presenters have provided on this issue and she thanked them for their leadership in trying to find solutions.
- Senator Wiener commented that she was present at a meeting many years ago where it was stated that it was either 14 or 17 times more costly to run someone through the emergency room than to triage them to the appropriate facility. She thanked the people who have the compassion and the commitment to change how the State does business and serve the people of Nevada in the way they should be served.

### ***Children's Mental Health***

- Chair Mastroluca stated that Kevin Schiller, Director, Washoe County Department of Social Services, and Lisa Ruiz-Lee, Director, Clark County Department of Family Services, were not able to be present. She noted that Mr. Schiller did provide written testimony. (Please see [Exhibit L.](#))
- Kelly Wooldridge, Deputy Administrator, Children's Mental Health, Division of Child and Family Services (DCFS), DHHS, provided information on: (Please see [Exhibit M.](#))
  - The definition of children's mental health (behavioral health) in Nevada;
  - The oversight of children's mental health in Nevada;
  - The Commission on Mental Health and Developmental Services;
  - Mental health consortiums in Clark and Washoe Counties and rural Nevada;
  - Community stakeholders involved in children's mental health;
  - Funding sources for children's mental health;
  - Children's mental health providers in Nevada;
  - The number of children served in Fiscal Year 2011;

- Early childhood mental health;
- Children's clinical services outpatient services;
- Wraparound in Nevada;
- Outpatient Psychiatric Services;
- Treatment Homes;
- The most common identified problems at admission;
- The ages, and custody status of the children served. and
- The survey results of the children and families who received the services.

Discussion ensued between Chair Mastroluca and Ms. Wooldridge regarding the racial and ethnicity breakdown of children served by children's mental health services in Nevada. Ms. Wooldridge stated that the breakdown by ethnicity was not included in the presentation and she will provide that information for the Committee.

In response to Chair Mastroluca's question regarding the problems identified at admission, Ms. Wooldridge stated that adjustment problems have gone down, depression and child neglect have increased, and attention deficit hyperactivity disorder has decreased in the last year. Scott Reynolds, Chair, Nevada Children's Behavioral Health Consortium, DCFS, DHHS, stated that he is the Chief Student Support Services Officer for the Washoe County School District, and when the economic downturn occurred, within the schools they saw an increase in depression, more adjustment kinds of concerns, and more suicidal ideation and completion.

There was discussion between Senator Wiener and Ms. Wooldridge regarding the survey results of the children and families who received the services from the State.

- Mr. Reynolds stated there has been a significant increase in behavioral and mental health needs for children. He noted it will be necessary to collaborate with various agencies at even higher levels to maximize the services provided. Mr. Reynolds said there is a renewed effort across the State to look at what can be done in a prevention effort, starting at the school level and focusing on positive behavioral supports, with strong family engagement.

Responding to Senator Breeden, Ms. Wooldridge said she has statistics for the Division of Child and Family Services showing readmission rates for children who are released from a particular program and would provide that information.

- Amber Howell, Administrator, Division of Child and Family Services, DHHS, stated she was present to respond to questions since Mr. Schiller and Ms. Ruiz-Lee were not able to attend the meeting.

### ***Co-Occurring Disorders***

- Lesley R. Dickson, M.D., Chair, Governor's Committee on Co-Occurring Disorders (COD Committee), and Executive Director and State Legislative Representative,

Nevada Psychiatric Association, discussed the COD Committee and provided information and updates on some of the recommendations made in the 2011 report of the COD Committee. (Please see [Exhibit N](#).) Dr. Dickson stated that the COD Committee have concluded they have met their mandates and voted to disband. She commented that one of the advantages to disbanding the COD Committee is that it allows the members to be appointed to another board or commission, since a person cannot be appointed if they are a member of any other board, commission, or similar body. She noted that the COD Committee lost one of its most expert members because of that requirement.

Dr. Dickson highlighted the following recommendations included in the COD Committee's 2011 report:

- That there be a welcoming policy that is posted in all agencies that provide mental health and substance abuse treatment;
- That the funding of the specialty courts be maintained;
- That legislation be supported to create an outpatient commitment law;
- Create better triaging and psychiatric intervention outside the emergency room setting for immediate medical clearance and psychiatric evaluation to alleviate the problem of hospital emergency rooms being overwhelmed with patients with mental illness;
- Support improved communication between the criminal justice system and the mental health system; and
- Identify ways to recruit dually trained professionals.

Discussion ensued between Senator Wiener and Dr. Dickson regarding the status of the recommendation of the COD Committee to disband.

- Senator Hardy inquired about what is being done to solve the problem of reinstating Medicaid coverage immediately upon discharge from prison for persons who have lost the coverage because they were incarcerated.
- Dr. Dickson stated that some of the prisons have social workers who will begin the paperwork before the people leave the prisons, but that is not so common in the jails because decisions to discharge people from jail can be made very rapidly. She noted that work is being done to provide a standardized form that can be given to people as they leave the jail, which they can take to the Social Security Administration office.

In response to Senator Hardy, Dr. Dickson noted it is the law that Medicaid has to stop if a person is in prison. She noted that jail is short-term and, whether someone gets their Medicaid discontinued, depends on whether the jail reports to the Social Security Administration.

Discussion ensued regarding coverage and reimbursements by Medicaid and Medicare for persons who are in prisons and jails, and the ability of seriously mentally ill persons who do

not have the work history to ever become eligible for Social Security, which is why they get SSI and Medicaid, and the loss of those benefits while incarcerated.

- Dr. Dickson stated that prisons and jails have limited funds, and when people are released who have been put on psychiatric medications, they are given a small amount of medication, if any, and it is not enough to allow the person to get to a mental health clinic to have their medications renewed. She noted there is interest in the community in a “peer to peer service,” where people who also suffer from some of these illnesses but are made stable, partner with someone who is coming out of a psychiatric hospital or incarceration to provide services such as transportation. Dr. Dickson stated it would make a big difference if this were done; however, it is difficult to get these service providers certified and reimbursed for their activities.

In response to Chair Mastroluca’s inquiry about why the COD Committee wants to disband, Dr. Dickson said they have made many recommendations that need to be instituted, which is not their job, and if the Committee were to continue meeting they would probably write a report very similar to the one they have already written.

- Chair Mastroluca called for public comment on the Update Concerning Certain Mental Health Services in Nevada (Agenda Item V); however, no testimony was provided.

**UPDATE CONCERNING LEGISLATIVE COMMITTEE ON HEALTH CARE’S TASK FORCE TO DEVELOP A STATE PLAN TO ADDRESS ALZHEIMER’S DISEASE (A.C.R. 10 [FILE NO. 42, *STATUTES OF NEVADA 2011*])**

- Marsheilah D. Lyons, Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB), stated that Senator Wiener, who is the Chair of the Legislative Committee on Health Care’s Task Force to Develop a State Plan to Address Alzheimer’s Disease (A.C.R. 10), has a recommendation she would like to present to the Committee for their consideration. Ms. Lyons noted that the members of the Task Force are Charles Bernick, M.D., Albert Chavez, Virginia Cunningham, Ruth Gay, Sandra Owens, Ph.D., and Wendy Simons.
- Senator Wiener noted that the members of the Task Force are all volunteers and experts in their field. She stated that the five meetings of the task force have been scheduled through October and there is a lot of work to do. Because of their expertise, and the requirements and demands on the members, Senator Wiener requested they be given the authority to allow the members to designate an alternate who could sit in for them if they are not able to participate in meetings.
- Senator Hardy suggested that the Legislative Counsel Bureau be used as the repository of the names of the alternates.
- Senator Wiener stated that the task force members would be asked to provide the names of two people who could be alternates in case they could not participate so the names could be cleared in advance to ensure they are appropriate and there would be no conflict because of their service in some other committee or commission.

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

SENATOR HARDY MOVED THAT THE MEMBERS OF THE LEGISLATIVE COMMITTEE ON HEALTH CARE'S TASK FORCE TO DEVELOP A STATE PLAN TO ADDRESS ALZHEIMER'S DISEASE BE AUTHORIZED TO SUBMIT TO THE LEGISLATIVE COUNSEL BUREAU THE NAMES OF TWO ALTERNATES WHO COULD PARTICIPATE IN TASK FORCE MEETINGS WHEN THE MEMBER IS NOT ABLE TO BE PRESENT. THE MOTION WAS SECONDED BY SENATOR BREEDEN AND PASSED UNANIMOUSLY.

- Chair Mastroluca called for public comment on the Update Concerning Legislative Committee on Health Care's Task Force to Develop a State Plan to Address Alzheimer's Disease (Agenda Item VII); however, no testimony was provided.

#### **PUBLIC COMMENT**

- Chair Mastroluca called for public comment; however, none was provided.
- Chair Mastroluca announced that the next, and seventh, meeting of the Committee will be Tuesday, July 10, 2012. She stated that the August meeting of the Committee will be the work session.

## **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 1:35 p.m.

Respectfully submitted,

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Anne Vorderbruggen  
Senior Research Secretary

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Marsheilah D. Lyons  
Principal Research Analyst

APPROVED BY:

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Assemblywoman April Mastroluca, Chair

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



## LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Marsheilah D. Lyons, Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is the written testimony of Barry W. Lovgen, Carson City, Nevada, dated June 5, 2012.

[Exhibit C](#) is a document titled “Digest for Revised Proposed Regulation, LCB File No. 113-11 (State Board of Nursing),” and a document titled “Revised Proposed Regulation of the State Board of Nursing, LCB File No. R113-11,” dated May 18, 2012, provided by Risa B. Lang, Chief Deputy Legislative Counsel, Legal Division, LCB.

[Exhibit D](#) is a document titled “Digest for Proposed Regulation, LCB File No. R\_041-12 (Board of Medical Examiners),” and a document titled “Proposed Regulation of the Board of Medical Examiners, LCB File No. R041-12,” dated April 9, 2012, provided by Risa B. Lang, Chief Deputy Legislative Counsel, Legal Division, LCB.

[Exhibit E](#) is a document titled “Digest for Proposed Regulation, LCB File No. R\_042-12 (Board of Medical Examiners),” and a document titled “Proposed Regulation of the Board of Medical Examiners, LCB File No. R042-12,” dated April 11, 2012, provided by Risa B. Lang, Chief Deputy Legislative Counsel, Legal Division, LCB.

[Exhibit F](#) is a document titled “Proposed New Language,” submitted by Brett Kandt, Executive Director, Nevada’s Advisory Council for Prosecuting Attorneys, and Special Deputy Attorney General, Office of the Attorney General.

[Exhibit G](#) is a letter dated June 5, 2012, to Assemblywoman April Mastroluca, Chair, Legislative Committee on Health Care, from Vincent Jimno, Executive Director, Nevada State Board of Cosmetology; Kathleen Kelly, Executive Director, Nevada State Board of Dental Examiners; Douglas Cooper, CMBI, Executive Director, Nevada State Board of Medical Examiners; Debra Scott, MSN, RN, FRE, Executive Director, Nevada State Board of Nursing; Barbara Longo, CMBI, Executive Director, Nevada State Board of Osteopathic Medicine; and Larry L. Pinson, PharmD, Executive Secretary, Nevada State Board of Pharmacy, regarding “Discussion and recommendations for statutory changes to support a regulatory agency’s efforts to protect the public through effective regulation of unlicensed persons and licensees who practice beyond their established scope.”

[Exhibit H](#) is a letter dated June 6, 2012, to Assemblywoman April Mastroluca, Chair, Legislative Committee on Health Care, from Jeff Rowes, Senior Attorney, Institute for Justice, regarding “Latest Draft of Proposed Legislation.”

[Exhibit I](#) is a document illustrating proposed changes to *Nevada Revised Statutes* (NRS) 446.020 and NRS 583.515 provided by the Legal Division of the LCB.

[Exhibit J](#) is a Microsoft PowerPoint handout titled “Update Concerning Certain Mental Health Services in Nevada,” submitted by Richard Whitley, M.S., Administrator, Health Division, and Acting Administrator, Division of Mental Health and Developmental Services (MHDS),

Department of Health and Human Services (DHHS); and Tracey D. Green, M.D., State Health Officer, Health Division, and Northern Medical Director, MHDS, DHHS.

[Exhibit K](#) is a document titled “Interim Legislative Committee on Health Care, June 11, 2012, Mental Health Update,” presented by Bill Welch, President and Chief Executive Officer, Nevada Hospital Association.

[Exhibit L](#) is a Memorandum dated June 11, 2012, to the Nevada Legislative Subcommittee on Health Care from Kevin Schiller, Director, Washoe County Department of Social Services, regarding “Written Update on Children’s Mental Health in Washoe County, Agenda item V. C.”

[Exhibit M](#) is a Microsoft PowerPoint presentation handout titled “Children’s Mental Health Services in Nevada,” provided by Kelly Wooldridge, Deputy Administrator, Children’s Mental Health, Division of Child and Family Services (DCFS), DHHS, and Scott Reynolds, Chair, Nevada Children’s Behavioral Health Consortium, DCFS, DHHS.

[Exhibit N](#) is a document titled “The Governor’s Committee on Co-Occurring Disorders, Presentation to the Legislative Committee on Health Care,” dated June 12, 2012, submitted by Lesley R. Dickson, M.D., Chair, Governor’s Committee on Co-Occurring Disorders, and Executive Director and State Legislative Representative, Nevada Psychiatric Association.

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.