

## SUMMARY OF RECOMMENDATIONS

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

#### *Nevada Revised Statutes 218E.750*

On July 18, 2016, during the fourth and final meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs (*Nevada Revised Statutes* [NRS] 218E.750), the members conducted a work session and voted to forward five recommendations as bill draft requests (BDRs) to the 2017 Legislative Session. The Committee members also voted to have eight letters drafted to various entities expressing their support for specific issues or encouraging certain actions. During the work session, the members also voted to include several statements of support for issues in the Committee's bulletin (interim study report). A summary of each BDR and letter follows, while the statements of support will appear in the Committee's bulletin later this year.

During the drafting process, specific details of the following proposals for legislation and letters may be further clarified by staff in consultation with the Chair or others, as appropriate. If a proposal for legislation or letter includes reference to specific chapters or statutes of NRS, as part of the drafting process, amendments to other related chapters or sections of NRS may be made to fully implement the proposals.

#### **BILL DRAFT REQUESTS**

1. Submit a BDR appropriating \$378,953.28 (\$94,738.32 for each position) to the Aging and Disability Services Division (ADSD), Department of Health and Human Services (DHHS), to convert four sign language interpreter contracted positions to State employee positions at a Grade 37, Step 5. **(BDR -145)**
2. Submit a BDR appropriating \$1,060,000 to ADSD to support the cost of Meals on Wheels (MOW) not covered by the federal government and to provide MOW to eligible individuals currently on the waiting list. **(BDR -152)**
3. Submit a BDR revising the following provisions related to residential facilities for groups (NRS 449.017):
  - a. Define residential facilities for groups, with no more than ten residents, as a single family home. Specify that such facilities are deemed residential and not commercial for the purpose related to building codes and zoning;
  - b. Require residential facilities for groups with two or more residents to maintain a 13R residential sprinkler system **(BDR -146)**; and

- c. Enact a provision that revises minimum wage and overtime requirements and other applicable State laws related to domestic service employees who reside in the household to conform to 29 CFR § 552.102 (2016). **(BDR -149)**
- 4. Submit a BDR to appropriate funds in the amount of \$124,981 per fiscal year (FY) for State FY 2018 and FY 2019 to support the Adopt a Vet Dental Program. **(BDR -147)**
- 5. Submit a BDR making the following revisions to the Veterans Treatment Court (VTC) (NRS 176A.280):
  - a. Appropriate funding in the amount of \$200,222 for a VTC coordinator at the Eighth Judicial District Court level and redraft Assembly Bill 327 (2015), a failed measure **(BDR -148)**;
  - b. Grant authority for the Division of Parole and Probation, Department of Public Safety, to supervise a defendant assigned to a program established pursuant to a VTC;
  - c. Amend applicable sections of NRS to authorize a district court to assume original jurisdiction of a case involving an eligible defendant—upon a motion by the defendant—in addition to the current procedure whereby the district court may assume jurisdiction upon transfer by a justice or municipal court; and
  - d. Amend applicable sections of NRS to create an exception to the prohibition on a prosecuting attorney dismissing a charge of committing battery, which constituted domestic violence, or violating certain laws related to driving under the influence (NRS 484C.110 or 484C.120), in exchange for a plea of guilty, guilty but mentally ill, or nolo contendere to a lesser charge, or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause, or cannot be proved at the time of trial, to allow a defendant who pleads guilty to those crimes to be assigned to a program established pursuant to a VTC. **(BDR -150)**

## LETTERS

- 6. Submit a letter to the Nevada System of Higher Education (NSHE) expressing the Committee's support for the development of a bachelor degree-level sign language interpreter training program and encouraging the development of such a program within one or more NSHE institutions with the goal of increasing the number of highly qualified sign language interpreters in Nevada.
- 7. Submit a letter to the Governor of the State of Nevada and the Director of DHHS recommending and expressing support for strong consideration of the following

National Alliance on Mental Illness (NAMI) Nevada recommendations related to expanding Medicaid managed care:

- a. The State should first evaluate the success of Nevada managed care over the last six years before extending the managed-care experiment to additional and more vulnerable populations. We should look especially closely at the handling of disabled/vulnerable populations currently enrolled in Medicaid managed care organizations (MCOs), particularly individuals enrolled since the 2014 Medicaid expansion;
- b. The State evaluation vendor shall conduct very specialized focus groups with those in Nevada who would be affected by a shift to managed care on a population-by-population basis;
- c. The State should evaluate the adequacy of current long-term services and supports (LTSS) reimbursement rates before moving waiver clients to managed care. If rates are found to be inadequate to assure adequate access to care, rates should be raised before moving this population to Medicaid managed care. This will provide a more appropriate base cost in order to establish appropriate premiums paid to Medicaid MCOs;
- d. The State should conduct a comprehensive access study on par with that required under new rules for the Medicaid fee-for-service (FFS) program;
- e. The State should evaluate the experience of similar Medicaid managed-care expansions in other states. The evaluation should include “managed fee-for-service” or hybrid delivery systems like the program in place in Connecticut. The State should also consider voluntary Medicaid managed-care enrollment for vulnerable populations as an option prior to mandatory enrollment in Medicaid managed care;
- f. The State should conduct focus groups, town hall meetings, and listening sessions to hear the needs and concerns for those affected on a population-by-population basis before considering additional populations and communities in Medicaid managed care, particularly rural communities. Each has unique needs and concerns that should be addressed before moving them to managed care;
- g. The State needs to determine whether current Medicaid FFS and managed-care programs are in compliance with legal mandates, including its obligations under *Olmstead vs. L.C.*, 527 U.S. 581 (1999); Centers for Medicare and Medicaid Services (CMS) person-centered planning rules; the Mental Health Parity and Addiction Equity Act of 2008; and the Patient Protection and Affordable Care Act nondiscrimination rules; and

- h. The State should assure all LTSS waiver waiting lists are eliminated before transitioning these clients to Medicaid managed care.
- 8. Submit a letter to the Director of DHHS conveying support for the following policy positions:
  - a. Regarding the Autism Treatment Assistance Program (ATAP), ADSD, DHHS, policies and programs:
    - (1) Retain parents' ability to hire their own interventionists with the assistance of a fiscal agent;
    - (2) Allow payment to interventionists working under the supervision of a board certified behavior analyst (BCBA), without requiring a registered behavior technician (RBT) credential, until at least such time there is a sufficient RBT workforce;
    - (3) Delay the transfer of individual Medicaid-eligible children to Medicaid providers until there is a Medicaid provider ready, willing, and able to seamlessly accept and treat the child; and
    - (4) Continue to ramp up its efforts to serve children as a Medicaid provider, utilizing children's current interventionists as much as is practicable.
  - b. Regarding Medicaid policy and programs:
    - (1) The RBT rate should be increased to \$43.88, as adopted by TRICARE, without waiting to analyze claims data;
    - (2) Nevada Medicaid should explore with CMS the adoption of the approach taken by ATAP to allow payment for services provided by interventionists under the supervision of a BCBA up to six months while obtaining the RBT credential; and
    - (3) The efforts to grow our BCBA and board certified assistant behavior analyst (BCaBA) workforce should be supported through our higher education system, and encourage the Department of Employment, Training and Rehabilitation to include the BCaBA and RBT in its programs.
- 9. Submit a letter to the United States Department of Veterans Affairs (USDVA) requesting that the agency revisit the formula pertaining to the funding of new veterans homes. Currently, health, safety, structural damage concerns, and renovations are given priority over new constructions in receiving grant funding. The formula does not give priority to the unique need for new facilities in rural states where proximity limits access.

10. Submit a letter to the USDVA requesting a review of the requirements to certify volunteer drivers for transporting veterans to medical appointments. Specifically, encouraging the USDVA to consider revising some of the restrictions for volunteer drivers with manageable chronic health conditions, such as diabetes and hypertension. The restrictions greatly limit the ability to certify retired veterans who have historically been a primary source of volunteer drivers for programs in rural Nevada.
11. Submit a letter to NSHE regarding veterans-related education programs and policies:
  - a. Encouraging the adoption of consistent policies across all NSHE institutions to recognize courses and award educational credit for courses that were part of a veteran's military training or service if the courses meet the standards of the American Council on Education or equivalent standards for awarding academic credit;
  - b. Encouraging the development of policies that create an admission preference for veterans and national guard members applying for admission into competitive academic degree programs, with an emphasis on degree programs that increase the availability of professionals in workforce shortage areas in Nevada, such as degree programs that support K-12 education and health care professionals; and
  - c. Expressing the Committee's support for veterans service offices (VSOs) and veterans resource centers (VRCs) on the campuses of NSHE universities and colleges and encouraging inclusion in the budget request funding for the continuation of VSOs and VRCs that are currently funded through the Trade Adjustment Assistance Community College and Career Training (TAACCCT) Grant Program.
12. Submit a letter to NSHE expressing support for extending the time limit in which Fry Scholarship recipients who enroll at an NSHE institution are eligible to receive a nonresident tuition exemption from the current period of eligibility (within three years of a veteran being discharged or released from military service) to the duration of the time they are eligible to receive the scholarship. According to the USDVA:

The Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship) provides Post-9/11 GI Bill benefits to the children and surviving spouses of Service members who died in the line of duty while on active duty after September 10, 2001. Pursuant to federal guidelines children are eligible as of their 18th birthday (unless they have already graduated high school). A child may be married or over 23 and still be eligible, although their eligibility ends on their 33rd birthday. A surviving spouse will lose eligibility to this benefit upon remarriage. A spouse has 15 years from the date of death of the Service member to use the benefit.

13. Submit a letter to the Governor of the State of Nevada and the Adjutant General of Nevada in the Office of the Military expressing support for the Work for Warriors (WFW) employment assistance program and encouraging State funding of the program beyond September 2018. Testimony indicated the current federal funding that supports the WFW ends in September 2018, at which time the WFW program will end if it does not receive continued funding.