

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747
Fax No.: (775) 684-6600

LEGISLATIVE COMMISSION (775) 684-6800
MICHAEL ROBERSON, *Senator, Chair*
Rick Combs, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821
PAUL ANDERSON, *Assemblyman, Chair*
Cindy Jones, *Fiscal Analyst*
Mark Krmpotic, *Fiscal Analyst*



RICK COMBS, *Director*
(775) 684-6800

BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830
ROCKY COOPER, *Legislative Auditor* (775) 684-6815
SUSAN E. SCHOLLEY, *Research Director* (775) 684-6825

MEETING NOTICE AND AGENDA

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

Date and Time of Meeting: Monday, July 18, 2016
9 a.m.

Place of Meeting: Grant Sawyer State Office Building, Room 4401
555 East Washington Avenue
Las Vegas, 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:

Legislative Building, Room 2135
401 South Carson Street
Carson City, 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
Senator Joseph (Joe) P. Hardy, M.D., Chair

II. Public Comment

(Because of time considerations, each speaker offering comments during the period for public comment will be limited to not more than 3 minutes. 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 June 13, 2016, in Las Vegas, Nevada

For Possible Action

IV. Presentation of the *America's Health Rankings Senior Report: A Call to Action for Individuals and Their Communities, 2015 Edition*

Laurine Tibaldi, M.D., Chief Medical Officer, UnitedHealthcare of Nevada

For Possible Action

V. Work Session—Discussion and Possible Action on Recommendations Relating to:

A. Proposals Relating to Adults With Special Needs

B. Proposals Relating to Senior Citizens

C. Proposals Relating to Veterans

The “Work Session Document” is attached below and contains proposed recommendations. The document is also available on the [Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs meeting page](#), or a written copy may be obtained by contacting Marsheilah D. Lyons, Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau, at (775) 684-6825.

VI. Public Comment

(Because of time considerations, each speaker offering comments during the period for public comment will be limited to not more than 3 minutes. 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.)

VII. 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 and Las Vegas, Nevada, locations: Blasdel Building, 209 East Musser Street; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Legislative Counsel Bureau, Las Vegas Office, Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was faxed, e-mailed, or hand delivered for posting to the following Carson City and Las Vegas, Nevada, locations: Capitol Press Corps, Basement, Capitol Building, 101 North Carson Street; Clark County Government Center, Administrative Services, 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 Debbie Gleason, 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.

**Legislative Committee on Senior Citizens, Veterans and
Adults With Special Needs**

(Nevada Revised Statutes 218E.750)

**WORK SESSION
DOCUMENT**



July 18, 2016

Prepared by the Research Division
Legislative Counsel Bureau



WORK SESSION DOCUMENT

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

July 18, 2016

The following “Work Session Document” (WSD) was prepared by the Chair and staff of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs (Committee). This document contains a summary of recommendations presented during public hearings, through communication with individual Committee members, or through correspondence or communications submitted to the Committee. The WSD is designed to assist the Committee members in making decisions during the work session. Actions available to the Committee members include: (1) legislation to amend NRS; (2) transitory sections that do not amend the statutes; (3) resolutions; (4) statements in the Committee’s final report; and (5) letters of recommendation or support.

The Committee may accept, reject, modify, or take no action on any of the proposals. The recommendations contained herein do not necessarily have the support or opposition of the Committee. Rather, these recommendations are compiled and organized so the members may review them to decide whether they should be adopted, changed, rejected, or further considered. They are not preferentially ordered.

Legislative Counsel Bureau staff may, at the direction of the Chair, coordinate with interested parties to obtain additional information for drafting purposes or for information to be included in the final report. The recommendations may have been modified by being combined with similar proposals or by the addition of necessary legal or fiscal information. It should also be noted that some of the recommendations may contain an unknown fiscal impact.

The Committee may request the drafting of not more than ten legislative measures that relate to the matters within the scope of the Committee. The approved recommendations for legislation

resulting from these deliberations will be prepared as bill draft requests (BDRs) and submitted for introduction to the 2017 Legislature.

RECOMMENDATIONS

Proposals Relating to Adults with Special Needs

1. Submit a BDR creating the Nevada Commission for the Deaf and Hearing Impaired and the Advisory Council for the Deaf and Hearing Impaired (ACDHI) and abolishing the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities (SOCS). The purpose of the Commission is to promote and advocate for Nevadans who are deaf or hearing impaired; provide information and referral to services and resources that promote equality and opportunity in educational, occupational, and social arenas that impact their daily lives; and review local and State government systems to ensure that deaf and hearing impaired individuals have a right to equal access to government resources, services, and programs. The Commission:
 - a. Consists of seven voting members, appointed by the Governor and Legislative Leadership for three-year terms;
 - b. Meets at least once each calendar quarter and at other times at the call of the Chair or a majority of its members; and
 - c. Each voting member is entitled to receive a salary, while engaging in the business of the Commission.
 - d. Receives staff support from the following newly created positions:
 - Director;
 - State Interpreter Coordinator;
 - Rights Representative;
 - Equipment Distribution Coordinator;
 - Office Manager/Secretary; and
 - One Deaf and Hard of Hearing Specialists (Deaf-Blind, included).
 - e. Receives guidance and input from a nine-member at-large ACDHI. The Council consists of the following members:

- Two representatives who are deaf or hard of hearing (HH) from the Nevada Association of the Deaf;
- One Superintendent of Public Instruction from Nevada's Department of Education;
- Two parents of/with deaf/HH child or children;
- One representative from vocational rehabilitation;
- One representative from the Commission on Services for Persons with Disabilities (CSPD), Aging and Disability Services Division (ADSD), Department of Health and Human Services (DHHS);
- One representative from mental health; and
- One general consumer representative.

(Recommendation proposed by Gary Olsen, Chair, SOCS, CSPD, ADSD, DHHS.)

2. 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 interpretations 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.

(Recommendation proposed by Gary Olsen, Chair, SOCS, CSPD, ADSD, DHHS.)

3. Submit a BDR appropriating funding to convert sign language interpreter contracted positions to State employee positions.

(Recommendation proposed as a result of testimony received at the June 13, 2016, Committee hearing.)

4. Send a letter to the Governor of the State of Nevada and the Director of DHHS recommending and expressing support for:

- a. Strong consideration of the following National Alliance of Mental Illness (NAMI) Nevada recommendations related to expanding Medicaid Managed Care:

- (1) Before extending the managed-care experiment to additional and more vulnerable populations, we should first evaluate the success of Nevada managed care over the last six years. 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;

- (2) 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;
- (3) 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 cost base in order to establish appropriate premiums paid to Medicaid MCOs;
- (4) The State should conduct a comprehensive access study on par with that required under new rules for the Medicaid fee-for-service program;
- (5) 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 also should consider voluntary Medicaid managed-care enrollment for vulnerable populations as an option prior to mandatory enrollment in Medicaid managed care;
- (6) Before considering additional populations and communities, particularly rural communities, in Medicaid managed care, 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. Each has unique needs and concerns that should be addressed before moving them to managed care;
- (7) The State needs to determine whether current Medicaid fee-for-service and managed-care programs are in compliance with legal mandates, including its obligations under Olmstead, Centers for Medicare and Medicaid Services (CMS) person-centered planning rules, the Mental Health Parity and Addiction Equity Act, and the Affordable Care Act nondiscrimination rules; and

- (8) The State should assure all LTSS waiver waiting lists are eliminated before transitioning these clients to Medicaid managed care.

(Recommendation proposed by Sandra K. Stamates, President, and Charles Duarte, Policy Chair, NAMI Nevada, and supported by Barbara Paulsen, Nevadans for the Common Good; Barry Gold, Director of Government Relations, AARP Nevada; Jon L. Sasser, Esq, Statewide Advocacy Coordinator, Legal Services, Washoe Legal Services and the Legal Aid Center of Southern Nevada, and Legislative Chair, CSPD; Ed Guthrie, CEO Emeritus, Opportunity Village.)

5. Draft a letter to the Director of DHHS conveying support for the following policy positions:

- a. Regarding Autism Treatment Assistance Program (ATAP) policies and programs:

- (1) Parents' current ability to hire their own interventionists with the assistance of a fiscal agent should be retained;
- (2) Payment to interventionists working under the supervision of a Board Certified Behavior Analyst (BCBA), without requiring a Registered Behavior Technician (RBT) credential, should be allowed, until at least such time there is a sufficient RBT workforce;
- (3) Delay the transfer of Medicaid-eligible children to Medicaid providers for individual children 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 the children's current interventionists as much as is practicable.

- b. Regarding Medicaid policy and programs:

- (1) Increase the RBT rate to the \$43.88 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 interventionist under the supervision of a BCBA up to six months while obtaining the RBT credential; and
- (3) Support the efforts to grow our BCBA and Board Certified assistant Behavior Analyst (BCaBA) workforce through our higher education system and encourage the Department of Employment, Training and Rehabilitation to include the BCaBA and RBT in their programs.

(Recommendation proposed by Ed Guthrie, CEO Emeritus, Opportunity Village.)

Proposals Relating to Senior Citizens

6. Submit a BDR to appropriate funds to support the portion of Meals on Wheels cost not covered by the federal government.

(Recommendation proposed by Barbara Paulsen, Nevadans for the Common Good.)

7. Submit a BDR revising the following provisions related to residential facilities for groups:
 - 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 to maintain a 13R residential sprinkler system in facilities with two or more residents; and
 - c. Waive minimum wage and overtime requirements and other applicable State laws related to live-in domestic service employees to conform to 29 CFR § 552.102, which states:

(a) Domestic service employees who reside in the household where they are employed are entitled to the same minimum wage as domestic service employees who work by the day. However, section 13(b)(21) provides an exemption from the Act's overtime requirements for domestic service employees who reside in the household where employed. But this exemption does not excuse the employer from paying the live-in worker at the applicable minimum wage rate for all hours worked. In determining the number of hours worked by a live-in worker, the employee and the employer may exclude, by agreement between themselves, the amount of sleeping time, meal time and other periods of complete freedom from all duties when the employee may either leave the premises or stay on the premises for purely personal pursuits. For periods of free time (other than those relating to meals and sleeping) to be excluded from hours worked, the periods must be of sufficient duration to enable the employee to make effective use of the time. If the sleeping time, meal periods or other periods of free time are interrupted by a call to duty, the interruption must be counted as hours worked. See regulations part 785, § 785.23.

(b) Where there is a reasonable agreement, as indicated in (a) above, it may be used to establish the employee's hours of work in lieu of maintaining precise records of the hours actually worked. The employer shall keep a copy of the agreement and indicate that the employee's work time generally coincides with the agreement. If it is found by the parties

that there is a significant deviation from the initial agreement, a separate record should be kept for that period or a new agreement should be reached that reflects the actual facts.

(Recommendation proposed by Helen Foley on behalf of the Residential Care Home Community Alliance of Nevada, Inc. and the Association of Homecare Owners of Northern Nevada.)

Proposals Related to Veterans

8. Send a letter to the United States Department of Veterans Affairs (USDVA) requesting the agency to revisit the formula pertaining to the funding of new veterans homes. Currently, health and safety concerns, renovations, and structural damage concerns 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.

(Recommendation proposed by Katherine Miller, U.S. Army Colonel (RET.), Director, Department of Veterans Services [DVS].)

9. Send 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.

(Recommendation proposed by Michael Musgrove, Vice Chair, Nevada Veterans Services Commission, DVS.)

10. Submit a BDR to appropriate funds in the amount of \$124,981 per fiscal year for State Fiscal Year 2018 and 2019 to support Adopt a Vet Dental Program.

(Recommendation proposed by Linda J. Haigh, Founder, Adopt a Vet Dental Program, Northern Nevada Dental Health Programs, Community Health Alliance.)

11. 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 (EJDC) level. Proposal outlined in Assembly Bill 327 (2015), a failed measure;
 - b. Grant authority for parole and probation to supervise misdemeanants under the jurisdiction of the specialty courts and allow for the transfer of misdemeanants from municipal and justice courts to district court VTCs (NRS 176A.280 et. seq.); and

- c. Resolve statutory conflicts pertaining to domestic violence and driving under the influence offenses by authorizing judges to use discretion: (1) to place a veteran accused of these offenses in the VTC; and (2) to dismiss related charges upon successful completion of the program, post adjudication.

(Recommendations presented by Justice Michael L. Douglas, Supreme Court of Nevada; David Barker, Chief District Judge, EJDC, Department 18, Civil and Criminal Division, Clark County; and Melissa A. Saragosa, Justice of the Peace, Department 4, Las Vegas Township, Clark County.)

12. Send 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 work force 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 and veterans resource centers on the campuses of NSHE universities and colleges and encouraging inclusion in the budget request funding for the continuation of veterans services offices and veterans resource centers that are currently funded through the Trade Adjustment Assistance Community College and Career Training (TAACCCT) Grant Program.

(Recommendation discussed at the June 13, 2016, Committee meeting.)

13. Send 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.

(Recommendation proposed by Ross D. Bryant, Director, The Military and Veteran Services Center, University of Nevada, Las Vegas.)

14. Send 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 that the current federal funding that supports the WFW ends on September 2018, at which time the WFW program will end if it does not receive continued funding.

(Recommendation discussed at the February 22, 2016, Committee meeting.)