

# Nevada Silver Haired Legislative Forum



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NEVADA SILVER HAired LEGISLATIVE FORUM

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## SUMMARY OF RECOMMENDATIONS

### NEVADA SILVER HAIRED LEGISLATIVE FORUM

*(Nevada Revised Statutes 427A.320 through 427A.400)*

This summary presents the recommendations approved by the Nevada Silver Haired Legislative Forum.

#### Administration of the Forum

1. Draft legislation amending *Nevada Revised Statutes* (NRS) 427A.390, to read as follows:

The Nevada Silver Haired Legislative Forum may submit a report containing recommendations for legislative action to the Legislative Commission and the Governor before September 1 of each even-numbered year. Pursuant to Chapter 218 of NRS, the Legislative Commission may select up to five recommendations as bill draft requests for transmittal to the Legislative Counsel. (NOTE: Replaces BDR 17-370.)

2. Draft legislation to amend subsection 1 of NRS 427A.380 to allow the Forum to hold three public hearings in any area of the state. (BDR 38-447)
3. Draft legislation to amend subsection 1 of NRS 427A.360 to allow a member to miss a meeting due to an illness without penalty if the member's absence is excused by the Forum President. (BDR 38-447)
4. Draft legislation to amend subsection 1 of NRS 427A.360 to allow a member to miss a meeting for any reason without penalty if the member's absence is excused by the Forum President. (BDR 38-447)

#### Appropriation

5. Draft legislation seeking a General Fund appropriation totaling \$10,000 to support travel and other expenses of the Forum during the 2005-2007 Biennium. The request will include the members' in-kind donation, which will substantiate the request.

### Public Utilities Commission

6. Draft legislation to amend subsections 1 and 3 of NRS 703.030 to change the Public Utilities Commission to five members. Further, amend subsection 2 of NRS 703.030 by deleting the requirement that one member be a professional engineer, and adding a requirement that one member be an individual who is a user of services provided by public utilities. (BDR 58-625)

### Poverty Level

7. Draft legislation to amend subsection 3 of NRS 702.270 to increase from 150 to 175 percent, the federally designated level signifying poverty. This would allow increased eligibility for assistance from the Low-Income Energy Assistance Program and the Weatherization Program, and other programs. (BDR 58-625)

### Communications With Older Patients

8. Draft legislation to amend Chapter 449 of NRS by adding a new section to read as follows:
  1. The person licensed to operate a medical facility, a facility for the dependent, or a home for residential care shall ensure that each employee of the facility or home who provides care to an older patient in the facility or home has the ability to communicate effectively with the older patient, unless the older patient is incapacitated or otherwise unable to communicate.
  2. As used in this section, “older patient” has the meaning ascribed to it in NRS 449.063.

### Interim Study on Guardianships

9. Draft resolution to create a legislative committee during the 2005-2006 interim to study guardianships in Nevada, particularly as they relate to the senior population.

### Identity Theft Protection

10. Send a letter of endorsement to Nevada’s Congressional Delegation to support protection of seniors against identity theft. Additionally, the Forum will send a resolution to the majority and minority leaders of the Nevada Legislature to support protection of seniors against identity theft.



### Single Point of Entry System in Nevada

11. Send a letter to the Nevada Legislature expressing support for the establishment of a Single Point of Entry Program in Nevada. Under this program, callers to a statewide 2-1-1 telephone hotline would be connected to health care and other social service resources including acute and chronic care management services.

### Establishment of an Office of Geriatric Medicine

12. Send a letter to the Legislative Commission and the Governor supporting funding for the necessary positions and expenses over a two-year period for the establishment of an Office of Geriatric Medicine within the University of Nevada School of Medicine.

### Dementia Research

13. Send a letter to Nevada's Congressional Delegation recommending \$1 billion in funding for the National Institutes of Health to support all forms of dementia research designed to improve care for people suffering with the disease. Include in the letter statements in support of adding prescription drug coverage to Medicare and changing Medicare's home care benefit to meet the chronic needs of people.

### Mental Health Issues for Senior Citizens

14. Send a letter to the chairman of the Nevada Mental Health Plan Implementation Commission (Senate Bill 301 [Chapter 445, *Statutes of Nevada 2003*]) expressing support for legislation to care for mentally ill senior citizens in this state. Additionally, send a letter of support for increasing the number of beds in Nevada that are used to provide long-term care to persons with dementia, including without limitation, dementia caused by Alzheimer's disease.

### Transportation in the Rural Areas for Senior Citizens

15. Send a letter on behalf of the Nevada Silver Haired Legislative Forum to the members of the Legislative Commission's Interim Study Concerning the Feasibility of Long-Range Mass Transit Within State and to Urban Areas of Neighboring States (Senate Concurrent Resolution No. 31, [File No. 90, *Statutes of Nevada 2003*]), expressing support of increased bus transportation in the rural areas. (BDR not available at this time.)



**REPORT TO THE 73rd SESSION OF THE NEVADA LEGISLATURE  
BY THE NEVADA SILVER HAired LEGISLATIVE FORUM**

**I. INTRODUCTION**

The Nevada Silver Haired Legislative Forum was created during the 1997 Legislative Session with the enactment of Senate Bill 489 (Chapter 560, *Statutes of Nevada 1997*) to identify and act upon issues of importance to aging persons. Statutory provisions governing the operation of the Forum are codified in Chapter 427A of *Nevada Revised Statutes* (see Appendix A).

Following is a list of members appointed to the Forum by the Legislative Commission:

**Members**

Thelma Clark, Forum President	Clark County Senatorial District No. 10
Mary D. Roberts	Clark County Senatorial District No. 1
Alice Adams	Clark County Senatorial District No. 2
Carolyn Stephens	Clark County Senatorial District No. 3
Verlia Hoggard	Clark County Senatorial District No. 4
Vacant	Clark County Senatorial District No. 5
Vacant	Clark County Senatorial District No. 5
Ronald E. Stoller	Clark County Senatorial District No. 6
Bebe Hoffman	Clark County Senatorial District No. 7
Harriet Trudell, Forum Secretary	Clark County Senatorial District No. 7
Evelyn Cannestra, Forum Vice President	Clark County Senatorial District No. 8
Dee Wideen	Clark County Senatorial District No. 9
Scotty Gosh	Clark County Senatorial District No. 11
Mimi Rodden	Clark County Senatorial District No. 12
Robert E. Erickson	Capital Senatorial District
Margaret Spooner	Central Nevada Senatorial District
Dale Porter	Northern Nevada Senatorial District
Vacant	Washoe Senatorial District No. 1
Donald Kirkwood	Washoe Senatorial District No. 2
Vacant	Washoe Senatorial District No. 3
Jane Maxfield	Washoe Senatorial District No. 4

Additionally, the following persons served as ex officio members of the Forum by virtue of their positions with the National Silver Haired Congress:

#### **Ex Officio Forum Members**

Patricia Wilson, Silver Senator	National Silver Haired Congress
Thelma Clark, Silver Senator	National Silver Haired Congress
Vacant, Silver Representative, District 1	National Silver Haired Congress
Virgil Getto, Silver Representative, District 2	National Silver Haired Congress
Robert Mohr, Silver Representative, District 3	National Silver Haired Congress
Herbert W. Perry, Forum Treasurer, Alternate	National Silver Haired Congress

#### **Staff Contacts**

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## **II. PUBLIC HEARINGS**

The Forum has held nine public meetings in different parts of the state in accordance with the requirements of Chapter 427A of NRS. The meetings were held at the Legislature Building in Carson City, the Grant Sawyer State Office Building in Las Vegas, and the Truckee Meadows Community College in Reno. These meetings were conducted through simultaneous videoconferences. The Forum considered testimony from members of the public, nonprofit organizations, private corporations, and public agencies.

Following is a list of the meeting dates and locations:

- January 26, 2004 – Grant Sawyer State Office Building, Las Vegas;
- March 4, 2004 – Grant Sawyer State Office Building, Las Vegas;
- April 8, 2004 – Legislative Building, Carson City;
- May 5, 2004 – Truckee Meadows Community College, Reno;
- June 4, 2004 – Grant Sawyer State Office Building, Las Vegas;
- July 12, 2004 – Grant Sawyer State Office Building, Las Vegas;
- September 10, 2004 – Grant Sawyer State Office Building, Las Vegas;
- October 13, 2004 – Grant Sawyer State Office Building, Las Vegas; and
- November 16, 2004 – Grant Sawyer State Office Building, Las Vegas.

During the course of its study, the Forum addressed the following topics:

- Administration of the Forum;
- Appropriation;
- Public Utilities Commission of Nevada;
- Poverty Level;
- Communications With Older Patients;
- Interim Study on Guardianships;
- Identity Theft Protection;

- Single Point of Entry System in Nevada;
- Health Care; and
- Transportation in the Rural Areas for Senior Citizens.

### **III. HISTORY OF THE NEVADA SILVER HAired LEGISLATIVE FORUM**

In 1997, Senate Bill 489 (Chapter 560, *Statutes of Nevada 1997*) established the Nevada Silver Haired Legislative Forum (see Appendix B). Chapter 427A of NRS required the Aging Services Division to create the Forum. The mission of the Forum was to discuss and act upon issues of importance to aging persons. The Forum was structured to have 21 members appointed by the Governor based on their residency within each senatorial district. Of the 21 members, no more than 11 were to be of one political party. Further, the Forum was allowed to meet and hold public hearings at least one day during each of the months of June, July, and August in even-numbered years. The bill also set forth provisions for reimbursements and appropriated \$5,000 for Forum use over the biennium.

In the 2001 Legislative Session, Assembly Bill 195 (Chapter 588, *Statutes of Nevada 2001*) was enacted, (see Appendix C). Under the provisions of A.B. 195, the Forum members are nominated by the 21 State Senators in consultation with the Assembly. The nominations are forwarded to the Legislative Commission for the official appointments. The bill also authorized legislators to donate up to \$500 each from their unspent campaign funds for the expenses of the Forum. Assembly Bill 195 provides that staff of the Legislative Counsel Bureau will assist the Forum so it may carry out its duties. In addition, Senate Bill 462 (Chapter 503, *Statutes of Nevada 2001*), appropriated \$5,000 to the Forum for expenses. Any remaining balance of the appropriation reverts to the State General Fund. (see Appendix D).

During the 2003 Legislative Session, Assembly Bill 349 (Chapter 120, *Statutes of Nevada 2003*) was enacted which makes various changes concerning the Forum including allowing more public hearings to meet as often as necessary to conduct its business.

## **IV. BACKGROUND**

The Nevada Silver Haired Legislative Forum is designed to replicate the structure of the National Silver Haired Congress (NSHC). The mission statement for both organizations is to examine issues of importance to senior citizens. Whereas the NSHC focuses on broader, national issues that affect senior citizens, the Forum primarily focuses on senior issues at the state level.

### **A. National Silver Haired Congress**

The NSHC promotes the support of issues involving older adults and intergenerational concerns, and is patterned after the U. S. Congress in its organizational structure. Senators and Representatives of the NSHC match their state's federal congressional districts. To serve as a state NSHC delegate, a person must be at least 60 years old and be either elected by the silver haired organization in their state or appointed by his or her U. S. Congressman or U. S. Senator. Nevada's delegates are appointed by Nevada's Congressional Delegation.

The NSHC meets annually in Washington, D.C. to explore and debate important matters affecting elders. Members discuss alternative approaches and solutions to problems and share them with other senior groups and individuals.

During the NSHC session, each delegate is assigned to at least one of the following committees: Civil/Criminal Justice, Commerce/Consumer Affairs, Finance and Taxation, General, Health, and Social Service Programs. Silver Senators and Representatives submit topics of current interest to the members in their committees, and after all resolutions are reviewed and voted on, the top ten are selected by vote to be the issues that delegates will bring to their respective states to work on during the interim.

### **B. National Silver Haired Congress 2003 Session**

The seventh meeting of the NSHC was held in Washington, D.C., from February 21-24, 2004, and the following resolutions were adopted in priority order as its issues for the coming year:

#### **1. Date for the White House Conference on Aging**

Whereas, the National Silver Haired Congress appreciates and thanks the United States Congress for appropriating the initial funds (\$2.8 million) for the 2005 White House Conference on Aging; Whereas, the National Silver Haired Congress has focused its resolutions and committee work on the critical topics for America's Seniors, representing a broad national cross section of our aging population; Whereas, one of the goals of NSHC is to prepare for the impact the seventy-six million 'baby boomers' will have on programs and services for the elderly, including the current economic/health care crisis; and the conference must, with delegates and leadership, keep it from escalating into further crisis; Now, therefore, be it resolved, that the National Silver Haired Congress urge President George W. Bush to issue the official call for the 2005 White House Conference on



Aging, set a date so that all interested parties can participate in the planning process, and request that members of the National Silver Haired Congress and representatives of the 'baby boomers' be appointed by the United States Congress and the Administration on Aging as delegates.

## **2. English as the Official Language in the United States**

Whereas, House of Representative (HR) 997, currently before the United States Congress, declares English as the official language of the United States in order to establish a uniform English language for naturalization and to avoid errors in translation of the English language texts of the laws of the United States; Whereas, a majority of the states have passed an English language bill, and polls show that 84% of Americans support English as the official language of the United States; Whereas, with 329 separate languages being spoken in the United States, multilingualism tends to separate people, delaying or preventing their becoming Americans; Now, therefore, be it resolved, that the National Silver Haired Congress urge the United States Congress to rescind the Minority Language part of the amended 1965 Voting Rights Act, making English the official language of the United States; pass HR 997, preserving English as the official language; and pass HR 300, rescinding Executive Order 13166.

## **3. National Background Check and Registry for Health Caregivers**

Whereas, current state and national safeguards have been inadequate to prevent abuse of patients by those who care for them; Whereas, although states are required to have nurse aide registries, these registries often are not maintained comprehensively or efficiently; Whereas, because no national registry of abusive health care workers exists, people who have been convicted of abusive actions or serious crimes in one state can travel to another state or from one nursing home or home health agency to another to find work without ever undergoing a criminal background check; Now, therefore, be it resolved, that the National Silver Haired Congress urge the United States Congress to enact legislation to create a National Background Check and Registry of employees of health care facilities, home health agencies, and residential care facilities.

## **4. Medicare v. Privatization**

Whereas, the Medicare program has been successful since its inception in 1966; Whereas, the program has undergone many changes to improve health care coverage; Whereas, attempts to privatize it will undermine the program and possibly cause its demise; Now, therefore, be it resolved, that the National Silver Haired Congress urge the United States Congress to reject any privatization of Medicare.

## **5. Social Security v. Privatization**

Whereas, Social Security is the country's most successful government initiative and is the heart of our nation's social insurance program; Whereas, Social Security provides the guarantee of lifetime income for retired and disabled workers and their survivors with annual cost of living adjustments, a progressive benefit formula, and survivor benefits for families; Whereas, privatizing all or any portion of Social Security has many risks, such as downturns of the market and investment fees, and has no progressive formula for benefits, family insurance benefits, or spousal protection; Now, therefore, be it resolved, that the National Silver Haired Congress urge the United States Congress to take necessary action to keep Social Security solvent without privatizing individual accounts.

## **V. DISCUSSION OF RECOMMENDATIONS**

The Forum held meetings on July 12, 2004, October 13, 2004, and November 16, 2004, where it adopted 15 recommendations under the topics of the Administration of the Forum; Appropriation; Public Utilities Commission; Poverty Level; Communications With Older Patients; Interim Study on Guardianships; Identity Theft Protection; Single Point of Entry System in Nevada; Health Care; and Transportation in the Rural Areas for Senior Citizens.

These proposals are submitted to the Legislative Commission and the Governor and are based upon:

- Testimony received from subject matter experts on senior citizen issues;
- Testimony presented to the Forum at its public meetings;
- A review of written information and comments provided by members of the Forum from the public; and
- The experience and knowledge of the members of the Forum.

### **A. ADMINISTRATION OF THE FORUM**

When the Nevada Legislature created the Forum in 1997, it envisioned an entity that would investigate and make recommendations concerning Nevada's rapidly growing senior population. Mr. Erickson commented that the Forum is a legislative body that has statutory authority and should have the ability to act independently. For this reason, the Forum members find sponsors for any proposed legislative measures. Therefore, the Forum sent a letter dated August 2, 2004, to Senator Randolph J. Townsend, Chair, Legislative Commission, asking the Commission to submit bill draft requests on behalf of the Forum. After discussion, the Commission agreed to the Forum's request. Mr. Erickson noted there was not total support for this action from the Commission members. At its September 10, 2004, meeting, the Forum approved a recommendation to amend Chapter 218 to add a provision similar to *Nevada Revised Statutes* (NRS) 218.2415 to read: "The Nevada Silver Haired Legislative Forum may request directly the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare five legislative measures for a regular legislative session."

At a subsequent meeting, the Forum reconsidered this recommendation, and agreed to the following recommendation:

- Draft legislation amending *Nevada Revised Statutes* (NRS) 427A.390, to read as follows: "The Nevada Silver Haired Legislative Forum may submit a report containing recommendations for legislative action to the Legislative Commission and the Governor before September 1 of each even-numbered year. Pursuant to Chapter 218 of NRS, the Legislative Commission may select up to five recommendations as bill draft requests for transmittal to the Legislative Counsel." (NOTE: Replaces BDR 17-370.)

Currently, NRS 427A.380 requires the Forum to hold three public hearings in three different areas of the State. Because of limited funding, the Forum has tried to accommodate interested parties in outlying areas of the State by employing videoconferencing technology. Videoconferencing of the Forum's meetings in Elko and Reno has not been successful due to technical difficulties. However, videoconferencing in the Carson City and the Las Vegas locations has been successful. Additionally, the Forum has limited funding and concluded that it is more economical to conduct meetings in centrally located areas of the State. After discussion, the Forum agreed to the following recommendation:

- Draft legislation to amend subsection 1 of NRS 427A.380 to allow the Forum to hold three public hearings in three different areas of the state, to holding three public hearings in any area of the State.

Currently, if a member of the Forum is unable to attend three consecutive meetings due to illness, his position becomes vacant. Because of personal and family illness, it is difficult for members to attend every scheduled meeting. After discussion, the Forum agreed to the following recommendation:

- Draft legislation to amend subsection 1 of NRS 427A.360, to allow members to miss meetings with an excused absence from the Forum President.

Senator Maggie Carlton agreed to sponsor this legislation.

Additionally, NRS 427A.360 requires that if a member of the Forum is unable to attend three consecutive meetings for any reason, his position becomes vacant. For a variety of reasons, it is difficult for members to attend every scheduled meeting. Therefore, the Forum approved the following recommendation:

- Draft legislation to amend subsection 1 of NRS 427A.360 to allow members to miss meetings with an excused absence of the Forum President.

## **B. APPROPRIATION**

The Forum discussed its travel request for the 2005-2007 Biennium, and the issue that some members donate their travel expenses back to the Forum. Virgil Getto commented that members should not feel obligated to donate their travel expenses and suggested the Forum request a State General Fund appropriation for the Forum's expenses. Additionally, to substantiate this request, the provision indicates that any State General Fund balance of the Forum as of June 30 is reverted to the State General Fund. After discussion, the Forum agreed to the following recommendation:

- Draft legislation seeking a State General Fund appropriation totaling \$10,000 to support travel and other expenses of the Forum during the 2005-2007 Biennium.

### **C. PUBLIC UTILITIES COMMISSION OF NEVADA**

Currently, the Public Utilities Commission of Nevada (PUCN) has a three-member board. If one member is unable to attend the meeting, the Commission does not have a quorum. Additionally, to have equal representation, the Forum suggested deleting the requirement that one member be a professional engineer, and adding a requirement, that one member be an individual who is a user of service provided by public utilities. After discussion, the Forum approved the following recommendation:

- Draft legislation to amend subsections 1 and 3 of NRS 703.030 to change the Public Utilities Commission to five members. Further, amend subsection 2 of NRS 703.030 by deleting the requirement that one member be a professional engineer, and adding a requirement that one member be an individual who is a user of service provided by public utilities.

Senator Raymond C. Shaffer agreed to sponsor this legislation.

### **D. POVERTY LEVEL**

A universal energy charge is assessed on the retail sale of natural gas and electricity and collected quarterly by the (PUCN). The PUCN transmits 75 percent of the money to the Energy Assistance Program, Welfare Division, Department of Human Resources, for individuals who are unable to pay their utility bills. The remaining 25 percent is transmitted to the Weatherization Program, Housing Division, Department of Business and Industry (DBI). President Clark gave testimony that funding is available in the Energy Assistance Program. Further, she indicated there are people who are unable to pay their utility bills and who are unable to get assistance. Currently, to be eligible for the Weatherization Program, the total gross monthly income of all household members may not exceed 150 percent of the state poverty level. President Clark testified that the poverty level was raised to 175 percent for the Sprint Lifeline Program for seniors because there is a need, and suggested the Forum recommend raising the percentage for the state poverty level in order for more individuals to access the Energy Assistance Program. After discussion, the Forum agreed to the following recommendation:

- Draft legislation to amend subsection 3 of NRS 702.270 to increase from 150 to 175 percent the federally designated poverty level. Among other things, this would allow increased eligibility for assistance from the Low-Income Energy Assistance Program and the Weatherization Program.

### **E. COMMUNICATION WITH OLDER PATIENTS**

The Forum discussed the issue of communication between caregivers and patients in facilities that provide care to the elderly and the importance of effective communication between older patients and their caregivers. To help ensure communication, the Forum agreed to the following recommendation:

- Draft legislation to amend Chapter 449 of NRS by adding a new section to read as follows:
  1. The person licensed to operate a medical facility, a facility for the dependent, or a home for residential care, or the administrator of such a facility or home, shall ensure that each employee of the facility or home that provides care to an older patient in the facility or home has the ability to communicate effectively with the older patient, unless the older patient is incapacitated or otherwise unable to communicate.
  2. As used in this section, “older patient” has the meaning ascribed to it in NRS 449.063.

## **F. INTERIM STUDY ON GUARDIANSHIPS**

At several public hearings this year, the Forum received testimony, including a number of complaints concerning guardianships. The complaints consisted of the following:

1. Abuses. Abuses regarding the operation of a guardianship as referenced in the February 2004 *AARP* Article titled, “Stolen Lives;”
2. Qualifications. The selection process and the qualifications needed for guardianship;
3. Fees. The fees of the attorneys and private guardians are not regulated. Guardians can charge wards for services, which can leave wards without resources and their homes.
4. Regulations. There are no regulations regarding private fiduciaries, which are individuals who act as guardians of wards.
5. Annual Accountings to the Court. *Nevada Revised Statutes* 159.176 requires that the court be provided an annual accounting of the ward’s assets. Inadequate accounting and sometimes no accounting is provided. In Clark County, the Public Guardian adjudicates guardianships; in Washoe County, the family court judges handle guardianships; and in the rural counties general jurisdiction is with the district judges;
6. Ward Not Present During Guardianship Proceeding. Each potential ward should be represented by an attorney during every step of the guardianship proceedings. In guardianship cases, where a ward’s rights are being terminated, Nevada law does not require the ward be represented. The law does require the ward be in court, but the requirement can be set aside if the person is unable to appear in court.
7. Guardianships Handled Differently in Nevada Counties. Even though public guardians fall under the jurisdiction of county agencies, they are not represented by the Office of the Attorney General. In Washoe County, the public guardian’s office must go to a private attorney and pay the attorney out of the ward’s assets or ask the attorney to do the work free of charge. This often delays guardianship by six weeks or more, while the incapacitated person is potentially in harm’s way. Five counties in Nevada have dedicated

public guardians: Carson City, Clark, Douglas, Elko, and Lyon Counties. In some counties, such as Nye County, there is no one to act as a public guardian. In other counties, the county commissioners appoint the public administrator as public guardian. Compensation for public administrators in the rural counties is generated by the estates they process.

Additionally, the Forum received testimony from the Special Advocates for Elders (SAFE), a court-based volunteer project serving senior citizens in Washoe County who are under or facing guardianship. After discussion, the Forum agreed to the following:

- Draft a resolution to create a legislative committee during the 2005-2006 interim to study guardianships in Nevada, particularly as they relate to the senior population. The study should include, but not be limited to:
  1. An analysis of Nevada law on guardianships;
  2. The administration of guardianships in Clark County, Washoe County, and the rest of the state;
  3. The role of the State of Nevada concerning guardianships;
  4. The SAFE Program, its administration, accomplishments, and funding. The feasibility of developing similar projects in Clark County, Carson City, and rural Nevada;
  5. An examination of reports of abuse, neglect, fraud, and other problems pertaining to guardianships; and
  6. Development of recommendations for consideration by the 2007 Legislative Session.

## **G. IDENTITY THEFT PROTECTION**

Robert Mohr noted the significance of identity theft protection and how it has become a serious issue for senior citizens. Mr. Mohr indicated that Representative Jon C. Porter has been holding town meetings in Las Vegas regarding identity theft protection. Upon further discussion, the Forum approved the following recommendation:

- Send a letter of endorsement to Nevada's Congressional Delegation to support protection of seniors against identity theft. Additionally, the Forum will send a resolution to the majority and minority leaders of the Nevada Legislature to support protection of seniors against identity theft.

## **H. SINGLE POINT OF ENTRY SYSTEM IN NEVADA**

United Way of Southern Nevada, on behalf of the Nevada 2-1-1 Statewide Coalition, requested support for the development and implementation of the Nevada 2-1-1 Project. This Project would create a single telephone point of access overlay to the existing community health and social services information and referral programs. Standard 10-digit, 1-800, and local 7-digit access numbers could be replaced with one easy-to-remember phone number.

This single point of contact is designed to simplify access for persons with disabilities to government and non-profit community services and resources by eliminating the need to struggle with hundreds of telephone listings attempting to find the “right” phone number for the “right” service. The Atlanta, Georgia, metropolitan area was the first community to implement the project and now it is being developed in more than 30 locations including communities in Arizona, Texas, and Wisconsin. More than 33 million Americans have access to health and human service information by calling 2-1-1. The 2-1-1 system in Nevada could be supported and complemented by an integrated Internet web of duplicate information that both professionals and consumers can access. After discussion, the Forum agreed to the following recommendation:

- Send a letter to the Nevada Legislature supporting the concept of funding for a Single Point of Entry System in Nevada.

## **I. ESTABLISHMENT OF AN OFFICE OF GERIATRIC MEDICINE**

The Forum discussed the benefits of establishing an Office of Geriatric Medicine within the University of Nevada, School of Medicine. Upon further discussion, the Forum members agreed to the following recommendation:

- Send a letter to the Legislative Commission and the Governor supporting funding for the establishment of an Office of Geriatric Medicine within the Medical School of the University of Nevada and the Community College System of Nevada by requesting the necessary positions and operating expenses over a two-year period.

The Forum agreed to coordinate its efforts with Assemblywoman Genie Ohrenschall since she introduced similar legislation in the 2003 Legislative Session.

## **J. DEMENTIA RESEARCH**

The National Institutes of Health supports dementia research designed to improve care for people suffering with the disease including adding prescription drug coverage to Medicare and changing Medicare’s home care benefit to meet the needs of people with chronic illness. Assembly Bill 323 (Chapter 449, *Statutes of Nevada 2003*) requires dementia-specific training for caregivers in all settings, which will help ensure appropriate and quality care for those with dementia, regardless of where they reside. Upon discussion, the Forum members agreed to the following recommendation:



- Send a letter to Nevada's Congressional Delegation supporting \$1 billion in funding for the National Institutes of Health to include all forms of dementia research designed to improve care for people suffering with the disease. Additionally, the Forum is requesting that Nevada assure that long-term care facilities and community-based services have sufficient staff that is well trained in dementia care. The letter will include statements of support for adding prescription drug coverage to Medicare and changing Medicare's home care benefit to meet the needs of people with chronic illnesses.

## **K. MENTAL HEALTH ISSUES FOR SENIOR CITIZENS**

Section 8 of Assembly Bill 323, (Chapter 449, *Statutes of Nevada 2003*) requires the Department of Human Resources to develop a plan for increasing the number of beds in this state that are used to provide long-term care to persons with dementia, including, without limitation dementia caused by Alzheimer's disease. The plan includes various methods for increasing the number of such beds, such as changing the rate at which Medicaid reimburses facilities for providing long-term care to persons with any form of dementia; the use of financial policies and incentives to encourage and facilitate the development and creation of such beds; and the use or modification of existing public and private facilities in this state for providing long-term care to persons with any form of dementia.

The Division of Health Care Financing and Policy, Division for Aging, and the Bureau of Licensure and Certification, Health Division, created a plan to increase the number of beds that are used to provide care for persons with dementia. The Division developed a rate and corresponding provider qualifications to allow for the implementation of a behavioral health level of reimbursement for nursing facilities. This work was completed on October 31, 2004. It expanded the service levels and reimbursement under the Waiver for the Elderly in Group Care to create a greater incentive for providers to care for residents with behavioral needs. The Division developed provider education programs to improve the quality of care offered in residential facilities for groups and nursing facilities for individuals with dementia. After discussion, the Forum agreed to the following recommendation:

Send a letter to the chairman and members of the Mental Health Implementation Commission (Senate Bill 301 Chapter 445, *Statutes of Nevada 2003*) expressing support for legislation to care for mentally ill senior citizens in this state. Additionally, send a letter of support for increasing the number of beds in Nevada that are used to provide long-term care to persons with dementia, including without limitation, dementia caused by Alzheimer's disease. The Forum is requesting that state resources be maximized to care for people with dementia. Assembly Bill 323 encourages Medicaid to establish additional providers, especially for those with behavioral issues. Because Nevada has an insufficient number of providers, and Nevada Medicaid money for mental health issues are being spent out of state, the Forum is requesting that a greater level of support be placed on this issue by authorizing funding to support the plan presented by Medicaid.

## **L. TRANSPORTATION IN THE RURAL AREAS FOR SENIOR CITIZENS**

Robert E. Erickson suggested the Forum send a letter supporting increased bus transportation in the rural areas. This recommendation would ensure that seniors in the rural areas can secure transportation to the larger urban areas for medical appointments and other business. After discussion, the Forum agreed to the following recommendation:

- Send a letter to the Chairman and Members of the Legislative Commission's Interim Study Concerning the Feasibility of Long-Range Mass Transit Within State and to Urban Areas of Neighboring States (S.C.R. No. 31, [File No. 90, *Statutes of Nevada 2003*]), expressing support for increased bus transportation in the rural areas.

## **VI. CONCLUSION**

Members of the Forum would like to thank everyone who provided testimony and shared their recommendations for improving the lives of Nevada's senior population. Special thanks go to Senator Randolph J. Townsend, Senator Raymond C. Shaffer, and Senator Maggie Carlton for their interest in the activities of the Forum. Additionally, special thanks go to Senator Raymond C. Shaffer and the Bank of America for their contributions to the Forum. Also, the Forum members wish to acknowledge the assistance provided by representatives of Nevada's Department of Human Resources and Nevada's Department of Business and Industry, as well as the input provided by representatives of the University of Nevada.



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APPENDIX A  
*Nevada Revised Statutes* 427A.320 through 427A.400





## **NEVADA SILVER HAIRED LEGISLATIVE FORUM**

**NRS 427A.320 Creation.** The Nevada Silver Haired Legislative Forum is hereby created to identify and act upon issues of importance to aging persons.

(Added to NRS by 1997, 2724; A 2001, 3026)

### **NRS 427A.330 Nomination, appointment and terms of members.**

1. The Legislative Commission shall appoint to the Nevada Silver Haired Legislative Forum a number of members equal to the number of state senators. The persons appointed to the forum must be the persons nominated pursuant to this section. Each member of the senate shall, after consulting with the members of the assembly who reside within his senatorial district, nominate a person who meets the requirements for appointment to the forum set forth in NRS 427A.340.

2. Appointments to the Nevada Silver Haired Legislative Forum must be made by the Legislative Commission before December 1 of an odd-numbered year. The term of a member begins on December 1 of the odd-numbered year of appointment.

3. The members of the Nevada Silver Haired Legislative Forum from Clark County senatorial districts 2, 3, 4, 7 and 8, Washoe County senatorial districts 1 and 3, the Capital senatorial district and the Western Nevada senatorial district serve an initial term of 1 year. The members of the Nevada Silver Haired Legislative Forum from the remaining senatorial districts serve an initial term of 2 years. After the initial terms, each member serves a term of 2 years.

(Added to NRS by 1997, 2724; A 2001, 3026)

**NRS 427A.340 Qualifications of members.** A member of the Nevada Silver Haired Legislative Forum must:

1. Have been a resident of this state for 5 years immediately preceding his appointment;
2. Have been a registered voter in the senatorial district of the senator who nominated him for 3 years immediately preceding his appointment; and
3. Be at least 60 years of age on the day that he is appointed.

(Added to NRS by 1997, 2724; A 2001, 3027)

**NRS 427A.350 Ex officio membership National Silver Haired Congress.** Members of the National Silver Haired Congress from this state shall serve as ex officio members of the Nevada Silver Haired Legislative Forum. If a member of the National Silver Haired Congress ceases to be a member of the National Silver Haired Congress, the ex officio membership of that person in the Nevada Silver Haired Legislative Forum terminates. An ex officio member of the Nevada Silver Haired Legislative Forum has the same rights and responsibilities as the members who are appointed.

(Added to NRS by 1997, 2724)

### **NRS 427A.360 Vacancies in membership.**

1. A position in the Nevada Silver Haired Legislative Forum becomes vacant upon:
  - (a) The death or resignation of a member.
  - (b) The illness of a member that prevents him from attending three consecutive meetings of the Nevada Silver Haired Legislative Forum.

(c) The absence of a member for any reason from three consecutive meetings of the Nevada Silver Haired Legislative Forum.

2. If a vacancy occurs, the Legislative Commission shall appoint a person to serve the remainder of the unexpired term. The Legislative Commission may appoint a person whose membership in the National Silver Haired Congress has ended to fill a vacancy in the Nevada Silver Haired Legislative Forum.

(Added to NRS by 1997, 2725; A 2001, 3027)

**NRS 427A.370 Election, terms and duties of officers; assistance from legislative counsel bureau.**

1. The Nevada Silver Haired Legislative Forum shall elect from among its members, to serve a term of 1 year:

(a) A president, who shall conduct meetings and oversee the formation of committees as necessary to accomplish the purposes of the Nevada Silver Haired Legislative Forum.

(b) A vice president, who shall assist the president and conduct meetings of the Nevada Silver Haired Legislative Forum if the president is absent or otherwise unable to perform his duties.

(c) A secretary, who shall:

(1) Prepare and keep a record of meetings, including, without limitation, the date, time, place and purpose of every meeting; and

(2) At the first meeting every year of the Nevada Silver Haired Legislative Forum, prepare a list of the dates of the meetings that are scheduled for the year.

(d) A treasurer, who shall, with the assistance of the director of the legislative counsel bureau, administer any account established pursuant to NRS 427A.395.

2. The director of the legislative counsel bureau shall provide such persons as are necessary to assist the Nevada Silver Haired Legislative Forum in carrying out its duties.

(Added to NRS by 1997, 2725; A 2001, 3027)

**NRS 427A.380 Public hearings.** The Nevada Silver Haired Legislative Forum may, within the limits of legislative appropriations and any gifts, grants or donations received by the forum:

1. During the period in which the legislature is not in a regular session, hold three public hearings in three different areas of this state and may hold an additional public hearing in any area of this state to prepare the report authorized by NRS 427A.390.

2. Comply with chapter 241 of NRS.

(Added to NRS by 1997, 2725; A 2001, 3028)

**NRS 427A.390 Powers.** The Nevada Silver Haired Legislative Forum may:

1. Submit a report containing recommendations for legislative action to the Legislative Commission and the Governor before July 1 of each even-numbered year.

2. Accept gifts, grants and donations that must be deposited in an account established pursuant to NRS 427A.395.

3. Adopt procedures to conduct meetings of the Nevada Silver Haired Legislative Forum and committees thereof. Those procedures may be changed upon approval of a majority vote of all members of the Nevada Silver Haired Legislative Forum who are present and voting.

(Added to NRS by 1997, 2725; A 2001, 3028)

**NRS 427A.395 Duties concerning money received and expenses incurred.**

1. All money received by the Nevada Silver Haired Legislative Forum must be deposited in a bank, credit union or other financial institution in this state and paid out on its order for its expenses.

2. All expenses incurred by the Nevada Silver Haired Legislative Forum in carrying out the provisions of NRS 427A.320 to 427A.400, inclusive, must be paid from an account established pursuant to subsection 1.

(Added to NRS by 2001, 3026)

**NRS 427A.400 Compensation of members.** Within the limits of legislative appropriations, and any gifts, grants and donations, each member of the Nevada Silver Haired Legislative Forum is entitled to receive for attendance at a meeting of the Nevada Silver Haired Legislative Forum or a committee thereof the per diem allowance and travel expenses provided for state officers and employees generally.

(Added to NRS by 1997, 2726; A 2001, 3028)

**NRS 427A.410 Regulations.** Repealed. (See Chapter 588, *Statutes of Nevada 2001*, at page 3030.)



APPENDIX B  
Senate Bill 489 (Chapter 560, *Statutes of Nevada 1997*)



AN ACT relating to aging persons; requiring the creation of a Nevada silver haired legislative forum to identify and act upon issues of importance to aging persons; making an appropriation; and providing other matters properly relating thereto.

[Approved July 16, 1997]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE  
AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

**Sec. 2.** *The division shall establish the Nevada silver haired legislative forum to identify and act upon issues of importance to aging persons.*

**Sec. 3.** *1. The governor shall appoint 21 persons to the Nevada silver haired legislative forum, of whom not more than 11 may be members of the same political party. The governor shall appoint from each senatorial district a number of members equal to the number of state senators that represent the senatorial district.*

*2. Appointments to the Nevada silver haired legislative forum must be made by the governor before December 1 of an odd-numbered year. The term of a member begins on December 1 of the odd-numbered year of appointment.*

*3. The members of the Nevada silver haired legislative forum from Clark County senatorial districts 2, 3, 4, 7 and 8, Washoe County senatorial districts 1 and 3, the Capital senatorial district and the Western Nevada senatorial district serve an initial term of 1 year. The eight members of the Nevada silver haired legislative forum from the remaining senatorial districts serve an initial term of 2 years. After the initial terms, each member serves a term of 2 years.*

**Sec. 4.** *A member of the Nevada silver haired legislative forum must:*

- 1. Have been a resident of this state for 5 years immediately preceding his appointment;*
- 2. Have been a registered voter in the senatorial district that he is to represent for 3 years immediately preceding his appointment; and*
- 3. Be at least 60 years of age on the day that he is appointed.*

**Sec. 5.** *Members of the national silver haired congress from this state shall serve as ex officio members of the Nevada silver haired legislative forum. If a member of the national silver haired congress ceases to be a member of the national silver haired congress, the ex officio membership of that person in the Nevada silver haired legislative forum terminates. An ex officio member of the Nevada silver haired legislative forum has the same rights and responsibilities as the members who are appointed.*

**Sec. 6.** *1. A position in the Nevada silver haired legislative forum becomes vacant upon:*  
*(a) The death or resignation of a member.*  
*(b) The illness of a member that prevents him from attending three consecutive meetings of the Nevada silver haired legislative forum.*  
*(c) The absence of a member for any reason from three consecutive meetings of the Nevada silver haired legislative forum.*

2. *If a vacancy occurs, the governor shall appoint a person to serve the remainder of the unexpired term. The governor may appoint a person whose membership in the national silver haired congress has ended to fill a vacancy in the Nevada silver haired legislative forum.*

**Sec. 7.** *The Nevada silver haired legislative forum shall elect from among its members, to serve a term of 1 year:*

1. *A president, who shall conduct meetings and oversee the formation of committees as necessary to accomplish the purposes of the Nevada silver haired legislative forum.*

2. *A vice president, who shall assist the president and conduct meetings of the Nevada silver haired legislative forum if the president is absent or otherwise unable to perform his duties.*

3. *A secretary, who shall:*

(a) *Prepare and keep a record of meetings, including, without limitation, the date, time, place and purpose of every meeting; and*

(b) *At the first meeting every year of the Nevada silver haired legislative forum, prepare a list of the dates of the meetings that are scheduled for the year.*

4. *A treasurer, who shall prepare and keep a list of the expenses of the Nevada silver haired legislative forum to be sent to the division for payment.*

**Sec. 8.** *The Nevada silver haired legislative forum may:*

1. *Meet 1 day each month during the regular session of the legislature in the legislative building in Carson City.*

2. *Meet and hold public hearings at least 1 day during each of the months of June, July and August during each even-numbered year.*

3. *Comply with chapter 241 of NRS.*

**Sec. 9.** *The Nevada silver haired legislative forum may:*

1. *Submit a report containing topics for possible legislative action to the governor before September 1 of each even-numbered year.*

2. *Accept gifts, grants and donations that must be deposited in the state treasury for credit to the aging services division's gift account in the department of human resources' gift fund. A gift, grant or donation to the Nevada silver haired legislative forum may be expended only in carrying out the duties of the Nevada silver haired legislative forum.*

3. *Adopt procedures to conduct meetings of the Nevada silver haired legislative forum and committees thereof. These procedures may be changed upon approval of a majority vote of all members of the Nevada silver haired legislative forum who are present and voting.*

**Sec. 10.** *Within the limits of legislative appropriations, and any gifts, grants and donations:*

1. *The division shall pay the expenses of the Nevada silver haired legislative forum.*

2. *Each member of the Nevada silver haired legislative forum is entitled to receive for attendance at a meeting of the Nevada silver haired legislative forum or a committee thereof the per diem allowance and travel expenses provided for state officers and employees generally.*

**Sec. 11.** *The division may adopt such regulations as are necessary to carry out the provisions of sections 2 to 11, inclusive, of this act.*

**Sec. 12.** 1. *There is hereby appropriated from the state general fund to the aging services division of the department of human resources the sum of \$5,000 for the per diem allowance and travel expenses of members of the Nevada silver haired legislative forum. Each member may receive from this appropriation a maximum of 1 day of per diem allowance and travel expenses.*



2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.

**Sec. 13.** This act becomes effective on July 1, 1997.

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APPENDIX C  
Assembly Bill 195 (Chapter 588, *Statutes of Nevada 2001*)



AN ACT relating to aging persons; authorizing the Nevada silver haired legislative forum to operate independently of the aging services division of the department of human resources; requiring the legislative commission to appoint the members of the Nevada silver haired legislative forum; revising the membership of the forum; authorizing a legislator to donate a certain amount of unspent campaign contributions to the forum; and providing other matters properly relating thereto.

[Approved: June 14, 2001]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 427A of NRS is hereby amended by adding thereto a new section to read as follows:

*1. All money received by the Nevada silver haired legislative forum must be deposited in a bank, credit union or other financial institution in this state and paid out on its order for its expenses.*

*2. All expenses incurred by the Nevada silver haired legislative forum in carrying out the provisions of NRS 427A.320 to 427A.400, inclusive, must be paid from an account established pursuant to subsection 1.*

**Sec. 2.** NRS 427A.320 is hereby amended to read as follows:

427A.320 The ~~{division shall establish the}~~ Nevada silver haired legislative forum *is hereby created* to identify and act upon issues of importance to aging persons.

**Sec. 3.** NRS 427A.330 is hereby amended to read as follows:

427A.330 1. The ~~{governor}~~ *legislative commission* shall appoint ~~{21 persons}~~ to the Nevada silver haired legislative forum ~~{, of whom not more than 11 may be members of the same political party. The governor shall appoint from each senatorial district}~~ a number of members equal to the number of state senators . ~~{that represent the senatorial district.}~~ *The persons appointed to the forum must be the persons nominated pursuant to this section. Each member of the senate shall, after consulting with the members of the assembly who reside within his senatorial district, nominate a person who meets the requirements for appointment to the forum set forth in NRS 427A.340.*

2. Appointments to the Nevada silver haired legislative forum must be made by the ~~{governor}~~ *legislative commission* before December 1 of an odd-numbered year. The term of a member begins on December 1 of the odd-numbered year of appointment.

3. The members of the Nevada silver haired legislative forum from Clark County senatorial districts 2, 3, 4, 7 and 8, Washoe County senatorial districts 1 and 3, the Capital senatorial district and the Western Nevada senatorial district serve an initial term of 1 year. The ~~{eight}~~ members of the Nevada silver haired legislative forum from the remaining senatorial districts serve an initial term of 2 years. After the initial terms, each member serves a term of 2 years.

**Sec. 4.** NRS 427A.340 is hereby amended to read as follows:

427A.340 A member of the Nevada silver haired legislative forum must:

1. Have been a resident of this state for 5 years immediately preceding his appointment;

2. Have been a registered voter in the senatorial district ~~[that he is to represent]~~ *of the senator who nominated him* for 3 years immediately preceding his appointment; and
3. Be at least 60 years of age on the day that he is appointed.

Sec. 5. NRS 427A.360 is hereby amended to read as follows:

427A.360 1. A position in the Nevada silver haired legislative forum becomes vacant upon:

- (a) The death or resignation of a member.
- (b) The illness of a member that prevents him from attending three consecutive meetings of the Nevada silver haired legislative forum.
- (c) The absence of a member for any reason from three consecutive meetings of the Nevada silver haired legislative forum.

2. If a vacancy occurs, the ~~[governor]~~ *legislative commission* shall appoint a person to serve the remainder of the unexpired term. The ~~[governor]~~ *legislative commission* may appoint a person whose membership in the national silver haired congress has ended to fill a vacancy in the Nevada silver haired legislative forum.

Sec. 6. NRS 427A.370 is hereby amended to read as follows:

427A.370 *1.* The Nevada silver haired legislative forum shall elect from among its members, to serve a term of 1 year:

~~[1.]~~ *(a)* A president, who shall conduct meetings and oversee the formation of committees as necessary to accomplish the purposes of the Nevada silver haired legislative forum.

~~[2.]~~ *(b)* A vice president, who shall assist the president and conduct meetings of the Nevada silver haired legislative forum if the president is absent or otherwise unable to perform his duties.

~~[3.]~~ *(c)* A secretary, who shall:

~~[(a)]~~ *(1)* Prepare and keep a record of meetings, including, without limitation, the date, time, place and purpose of every meeting; and

~~[(b)]~~ *(2)* At the first meeting every year of the Nevada silver haired legislative forum, prepare a list of the dates of the meetings that are scheduled for the year.

~~[4.]~~ *(d)* A treasurer, who shall ~~[prepare and keep a list of the expenses of the Nevada silver haired legislative forum to be sent to the division for payment.]~~ *, with the assistance of the director of the legislative counsel bureau, administer any account established pursuant to section 1 of this act.*

*2. The director of the legislative counsel bureau shall provide such persons as are necessary to assist the Nevada silver haired legislative forum in carrying out its duties.*

Sec. 7. NRS 427A.380 is hereby amended to read as follows:

427A.380 The Nevada silver haired legislative forum may ~~[-]~~

~~—1.—Meet 1 day each month during the regular session of the legislature in the legislative building in Carson City.~~

~~—2.—Meet and hold public hearings at least 1 day during each of the months of June, July and August during each even-numbered year.~~

~~—3.—~~ *, within the limits of legislative appropriations and any gifts, grants or donations received by the forum:*

*1. During the period in which the legislature is not in a regular session, hold three public hearings in three different areas of this state and may hold an additional public hearing in any area of this state to prepare the report authorized by NRS 427A.390.*

*2. Comply with chapter 241 of NRS.*

**Sec. 8.** NRS 427A.390 is hereby amended to read as follows:

427A.390 The Nevada silver haired legislative forum may:

1. Submit a report containing ~~[topics for possible]~~ *recommendations for* legislative action to the *legislative commission and the* governor before ~~[September]~~ *July* 1 of each even-numbered year.

2. Accept gifts, grants and donations that must be deposited in ~~[the state treasury for credit to the aging services division's gift account in the department of human resources' gift fund. A gift, grant or donation to the Nevada silver haired legislative forum may be expended only in carrying out the duties of the Nevada silver haired legislative forum.]~~ *an account established pursuant to section 1 of this act.*

3. Adopt procedures to conduct meetings of the Nevada silver haired legislative forum and committees thereof. ~~[These]~~ *Those* procedures may be changed upon approval of a majority vote of all members of the Nevada silver haired legislative forum who are present and voting.

**Sec. 9.** NRS 427A.400 is hereby amended to read as follows:

427A.400 Within the limits of legislative appropriations, and any gifts, grants and donations ~~[-~~

~~—1.—The division shall pay the expenses of the Nevada silver haired legislative forum.~~

~~—2.—Each]~~ , *each* member of the Nevada silver haired legislative forum is entitled to receive for attendance at a meeting of the Nevada silver haired legislative forum or a committee thereof the per diem allowance and travel expenses provided for state officers and employees generally.

**Sec. 10.** NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for a candidate to spend money received as a campaign contribution for his personal use.

2. Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city or special election shall:

(a) Return the unspent money to contributors;

(b) Use the money in his next election or for the payment of other expenses related to public office or his campaign;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party;

(3) A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot; or

(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Dispose of the money in any combination of the methods provided in paragraphs (a) to (d), inclusive.

3. Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who is not elected to that office and received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city or special election shall, not later than the 15th day of the second month after his defeat:

- (a) Return the unspent money to contributors;
- (b) Contribute the money to:
  - (1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;
  - (2) A political party;
  - (3) A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot; or
  - (4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);
- (c) Donate the money to any tax-exempt nonprofit entity; or
- (d) Dispose of the money in any combination of the methods provided in paragraphs (a) , (b) and (c).

4. Every candidate for a state, district, county, city or township office who is defeated at a primary or primary city election and received a contribution from a person in excess of \$5,000 shall, not later than the 15th day of the second month after his defeat, return any money in excess of \$5,000 to the contributor.

5. Every public officer who:

- (a) Holds a state, district, county, city or township office;
- (b) Does not run for reelection and is not a candidate for any other office; and
- (c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

shall, not later than the 15th day of the second month after the expiration of his term of office, dispose of those contributions in the manner provided in subsection 3.

6. *In addition to the methods for disposing the unspent money set forth in subsections 2, 3 and 4, a legislator may donate not more than \$500 of that money to the Nevada silver haired legislative forum created pursuant to NRS 427A.320.*

7. The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

~~{7-}~~ 8. As used in this section, “contributions” include any interest and other income earned thereon.

**Sec. 11.** NRS 294A.180 is hereby amended to read as follows:

294A.180 1. Each candidate for a state, district, county, city or township office who is not elected to that office shall, not later than the 15th day of the second month after his defeat, file a report with the secretary of state stating the amount of contributions which he received for that campaign but did not spend and the disposition of those unspent contributions.

2. Each public officer who is elected to a state, district, county, city or township office shall file a report:

- (a) Not later than the 15th day of the second month after his election, stating the amount of campaign contributions which he received but did not spend and the amount, if any, of those unspent contributions disposed of pursuant to ~~[subsection]~~ *subsections 2 and 6* of NRS 294A.160 as of the last day of the first month after his election;

- (b) Not later than January 15th of each year of his term beginning the year after he filed the report required by paragraph (a), stating the amount, if any, of those unspent contributions disposed of pursuant to NRS 294A.160 during the period from the last date covered by his last



report through December 31 of the immediately preceding year and the manner in which they were disposed of; and

(c) Not later than the 15th day of the second month after he no longer holds that office, stating the amount and disposition of any remaining unspent contributions.

3. The reports required by subsections 1 and 2 must be submitted on a form designed and provided by the secretary of state and signed by the candidate or public officer under penalty of perjury.

4. A public officer filing a report pursuant to subsection 2:

(a) Shall file the report with the officer with whom he filed his declaration of candidacy or acceptance of candidacy.

(b) May file the report by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. A county clerk who receives from a legislative or judicial officer, other than a justice of the peace or municipal judge, a report pursuant to subsection 4 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.

**Sec. 12.** NRS 427A.410 is hereby repealed.

**Sec. 13.** On July 1, 2001, or as soon thereafter as practicable, the state controller shall draw his warrant, payable to the Nevada silver haired legislative forum, for the amount of money in the aging services division's gift account in the department of human resources' gift fund that was credited to that account pursuant to NRS 427A.390.

**Sec. 14.** The term of each member of the Nevada silver haired legislative forum who is incumbent on the effective date of this act, expires on November 30, 2001.

**Sec. 15.** This act becomes effective upon passage and approval.

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APPENDIX D  
Senate Bill 462 (Chapter 503, *Statutes of Nevada 2001*)



Senate Bill 462 (Chapter 503, *Statutes of Nevada 2001*)

AN ACT making an appropriation to the Nevada Silver Haired Legislative Forum of the Aging Services Division of the Department of Human Resources; and providing other matters properly relating thereto.

[Approved: June 8, 2001]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** 1. There is hereby appropriated from the state general fund to the Nevada Silver Haired Legislative Forum of the Aging Services Division of the Department of Human Resources the sum of \$5,000.

2. Upon acceptance of the money appropriated by subsection 1, the Nevada Silver Haired Legislative Forum of the Aging Services Division of the Department of Human Resources agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2002, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Silver Haired Legislative Forum through December 1, 2002; and

(b) Upon request of the Legislative Commission, make available to the Legislative Auditor any books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise and irrespective of their form or location, that the Legislative Auditor deems necessary to conduct any audit of the use of the money appropriated pursuant to subsection 1.

**Sec. 2.** Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.

**Sec. 3.** This act becomes effective upon passage and approval.

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APPENDIX E  
Assembly Bill 349 (Chapter 120, *Statutes of Nevada 2003*)





AN ACT relating to older persons; requiring the Board of Medical Examiners and the State Board of Nursing to encourage licensees who treat or care for persons who are more than 60 years of age to receive continuing education in geriatrics and gerontology; removing the limitation on the number of hearings that the Nevada Silver Haired Legislative Forum may hold; and providing other matters properly relating thereto.

[Approved: May 19, 2003]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** NRS 427A.380 is hereby amended to read as follows:

427A.380 *1.* The Nevada Silver Haired Legislative Forum may, within the limits of legislative appropriations and any gifts, grants or donations received by the Forum:

~~1.1~~ *(a)* During the period in which the Legislature is not in a regular session, hold three public hearings in three different areas of this state and may hold ~~[an additional public hearing]~~ *additional public hearings* in any area of this state . ~~[to prepare the report authorized by NRS 427A.390.~~

~~—2. Comply]~~

*(b) During the period in which the Legislature is in a regular session, meet as often as necessary to conduct the business of the Forum.*

*(c) Form committees, which may meet as often as necessary to conduct the business of the Forum.*

*2. The Nevada Silver Haired Legislative Forum and its committees shall comply with the provisions of* chapter 241 of NRS.

**Sec. 2.** NRS 630.253 is hereby amended to read as follows:

630.253 *1.* The Board shall, as a prerequisite for the:

~~1.1~~ *(a)* Renewal of a license as a physician assistant; or

~~1.2~~ *(b)* Biennial registration of the holder of a license to practice medicine, require each holder to comply with the requirements for continuing education adopted by the Board. These requirements may provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

*2. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:*

*(a) The skills and knowledge that the licensee needs to address aging issues;*

*(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;*

*(c) The biological, behavioral, social and emotional aspects of the aging process; and*

*(d) The importance of maintenance of function and independence for older persons.*

**Sec. 3.** NRS 632.343 is hereby amended to read as follows:

632.343 *1.* The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period

before renewal of the license, of 30 hours in a program of continuing education approved by the Board. The licensee is exempt from this provision for the first biennial period after graduation from:

- (a) An accredited school of professional nursing;
- (b) An accredited school of practical nursing;
- (c) An approved school of professional nursing in the process of obtaining accreditation;

or

- (d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

*3. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:*

- (a) The skills and knowledge that the licensee needs to address aging issues;*
- (b) Approaches to providing health care to older persons, including both didactic and clinical approaches;*
- (c) The biological, behavioral, social and emotional aspects of the aging process; and*
- (d) The importance of maintenance of function and independence for older persons.*

Sec. 4. This act becomes effective on July 1, 2003.

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APPENDIX F  
*Nevada Revised Statutes 427A.390, “Powers”*



## **NEVADA SILVER HAIRED LEGISLATIVE FORUM**

**NRS 427A.390 Powers.** The Nevada Silver Haired Legislative Forum may:

1. Submit a report containing recommendations for legislative action to the Legislative Commission and the Governor before July 1 of each even-numbered year.
2. Accept gifts, grants and donations that must be deposited in an account established pursuant to NRS 427A.395.
3. Adopt procedures to conduct meetings of the Nevada Silver Haired Legislative Forum and committees thereof. Those procedures may be changed upon approval of a majority vote of all members of the Nevada Silver Haired Legislative Forum who are present and voting.

(Added to NRS by 1997, 2725; A 2001, 3028)



APPENDIX G  
*Nevada Revised Statutes* 427A.380, “Public hearings”





## NEVADA SILVER HAIRED LEGISLATIVE FORUM

### **NRS 427A.380 Public hearings; meetings; formation of committees.**

1. The Nevada Silver Haired Legislative Forum may, within the limits of legislative appropriations and any gifts, grants or donations received by the Forum:

(a) During the period in which the Legislature is not in a regular session, hold three public hearings in three different areas of this state and may hold additional public hearings in any area of this state.

(b) During the period in which the Legislature is in a regular session, meet as often as necessary to conduct the business of the Forum.

(c) Form committees, which may meet as often as necessary to conduct the business of the Forum.

2. The Nevada Silver Haired Legislative Forum and its committees shall comply with the provisions of chapter 241 of NRS.

(Added to NRS by 1997, 2725; A 2001, 3028; 2003, 647)



APPENDIX H  
*Nevada Revised Statutes* 427A.360, “Vacancies in membership”



## NEVADA SILVER HAired LEGISLATIVE FORUM

### **NRS 427A.360 Vacancies in membership.**

1. A position in the Nevada Silver Haired Legislative Forum becomes vacant upon:

(a) The death or resignation of a member.

(b) The illness of a member that prevents him from attending three consecutive meetings of the Nevada Silver Haired Legislative Forum.

(c) The absence of a member for any reason from three consecutive meetings of the Nevada Silver Haired Legislative Forum.

2. If a vacancy occurs, the Legislative Commission shall appoint a person to serve the remainder of the unexpired term. The Legislative Commission may appoint a person whose membership in the National Silver Haired Congress has ended to fill a vacancy in the Nevada Silver Haired Legislative Forum.

(Added to NRS by 1997, 2725; A 2001, 3027)



## APPENDIX I

*Nevada Revised Statutes* 703.030, “Commissioners: Appointments; terms; qualifications”





## **PUBLIC UTILITIES COMMISSION OF NEVADA**

### **NRS 703.030 Commissioners: Appointment; terms; qualifications.**

1. The Commission consists of three Commissioners appointed by the Governor for terms of 4 years.

2. The Governor shall appoint as members of the Commission persons who have at least 2 years of experience in one or more of the following fields:

- (a) Accounting.
- (b) Business administration.
- (c) Finance or economics.
- (d) Administrative law.
- (e) Professional engineering.

3. Not more than two of the Commissioners may be:

- (a) Members of the same political party.
- (b) From the same field of experience.

[Part 2:109:1919; A 1947, 29; 1953, 252]—(NRS A 1957, 331; 1983, 1308; 1997, 1881)



APPENDIX J  
Single Point of Entry Program in Nevada



211 Planning Grant  
Application to the Healthy Nevada Funds  
Executive Summary

United Way of Southern Nevada, on behalf of the Nevada 2-1-1 Statewide Coalition, is requesting support for the development and implementation of the Nevada 2-1-1 Project to create a hassle-free single telephone point of access overlay to the existing community health and social services information and referral programs. Standard 10-digit, 1-800, and local 7-digit access numbers will be replaced with one easy-to-remember phone number.

This single point of contact will simplify access for persons with disabilities to government and non-profit community services and resources by eliminating the need to struggle with hundreds of telephone listings attempting to find the "right" phone number for the "right" service needed. 2-1-1 is a proven concept. The Atlanta, Georgia metropolitan area was the first to implement the project begin and now it is being developed in more than 30 locations including Arizona, Texas, and Wisconsin. More than 33 million Americans have access to health and human service information by calling 2-1-1. The 2-1-1 project will be supported and complemented by an integrated internet web of duplicate information that both professionals and consumers can access.

In 2003, a statewide coalition of state and local government, non-profit organizations, businesses and telephone companies began meeting with a common goal of bringing 2-1-1 to Nevada. Coalition members include: United Way of Southern Nevada, United Way of Northern Nevada and the Sierras, United Way of the Great Basin, United Way of the Colorado River Region, United Way of the Pioneer Territory, Nevada Division for Aging Services, Nevada Department of Human Resources, State of Nevada Telecommunications, and the University of Nevada, Reno Sanford Center for Aging. Local government representation includes Washoe County Senior Services and Clark County Social Services. Nonprofits participating include HELP of Southern Nevada, Nevada Public Health Foundation, the Nevada Disability and Advocacy Law Center, Economic Opportunity Board, and Crisis Call Center. Businesses participating to date include Sprint, Sierra Pacific Power Company/Nevada Power, Nevada Telephone Association and SBC (Nevada Bell Telephone).

Project accomplishments will be documented by adherence to a business plan currently being created for this project. The business plan will identify a specific progression to the ultimate outcome of a functional statewide 2-1-1 call center.

- Continue developing the coalition membership
- Create standardized criteria for certification of 2 regional call centers (Clark County and Washoe County)
- Create a workable framework to ensure that rural resources and expertise is incorporated into the regional call centers and affiliate specialists
- Determine methods to track calls, needs and demographics
- Market the 2-1-1 system throughout the state

United Way of Southern Nevada, on behalf of the Nevada 2-1-1 Statewide Coalition is requesting \$77,035 in Year 1 and \$69,475 in Year 2 to fund the planning effort for an effective 2-1-1 project in Nevada. This money compliments a \$20,000 grant from United Way of America, which was given to United Way of Southern Nevada to jumpstart planning.

DEPARTMENT OF HUMAN RESOURCES  
UPDATE ON 2-1-1 SYSTEM DEVELOPMENT  
LEGISLATIVE COMMITTEE ON PERSONS WITH DISABILITIES  
June 28, 2004

The Department of Human Resources is pleased to announce funding has been obtained to hire a statewide 2-1-1 coordinator. The United Way of Southern Nevada, on behalf of the 2-1-1 Statewide Coalition, submitted a grant application for tobacco settlement funds through the Task Force for a Healthy Nevada. The Task Force awarded United Way \$140,000 for the 2-year period from July 1, 2004 until June 30, 2006. In addition, United Way of America has also provided \$20,000 in funding to support the development of a 2-1-1 system in Nevada.

As identified in the Strategic Plan for Persons with Disabilities, this single point of contact (2-1-1) will simplify access for persons with disabilities to government and non-profit community services and resources by eliminating the need to struggle with hundreds of telephone listings attempting to find the "right" phone number for the "right" service needed. The 2-1-1 system is a proven concept. More than 33 million Americans in other parts of the nation have access to health and human service information by calling 2-1-1. The 2-1-1 project will be supported and complemented by a supplementary "no wrong door" integrated internet website of information that both professionals and consumers can access.

The creation of a statewide coordinator position will enable this project to move more quickly in the planning, development and implementation activities for 2-1-1. One of the major tasks will be to develop a business plan for this project. The business plan will identify a specific progression to the ultimate outcome of a functional statewide 2-1-1 call center. Activities under the grant include:

- Continue developing the coalition membership
- Create standardized criteria for certification of 2 regional call centers (Clark County and Washoe County)
- Create a workable framework to ensure that rural resources and expertise is incorporated into the regional call centers and affiliate specialists
- Determine methods to track calls, needs and demographics
- Market the 2-1-1 system throughout the state
- Research funding mechanisms to sustain the system.





APPENDIX K  
Dementia Research



## Dementia Research

The Alzheimer's Association is a non-profit community based program, which provides support, services, advocacy and funding for a cure for those living with Alzheimer's disease. As the leading voice for families who care for someone with this disease our Mission is:

“To create a world without Alzheimer's disease and to provide quality of life for those who live with it.”

### **Working in our state capitol and local communities, we call on lawmakers to:**

- Require Nevada to maximize resources within the state to care for the people living with Alzheimer's disease, rather than forcing patients to be placed in facilities far from home.

Assembly Bill 323 was passed during the last session to encourage Medicaid to make some effort in establishing additional providers, especially for those with behavioral issues. We would like to see a greater level of activity on this issue and recommend to the next session to authorize funding to support the plan presented by Medicaid. Nevada Medicaid dollars are being spent out of state because Nevada does not have enough providers. We need to change this, as the situation will only become more complicated as the numbers of those with Alzheimer's disease increase as predicted.

- Invest in services and adopt policies that ease the way for family caregivers

Support for efforts like the Single Point of Entry process under development will help ease the burden of families trying to locate and access programs and services. Increased funding and relaxation of eligibility requirements for all home based support services and day care is crucial.

- Assure that long-term care facilities and community-based services have sufficient staff who are well trained in dementia care

Assembly Bill 323 was passed requiring dementia-specific training for caregivers in all settings. This will help insure appropriate and quality care for those with dementia, regardless of where they reside.

- Protect people with Alzheimer's disease, wherever they live, from abuse, neglect and financial exploitation

While we have good laws in place regarding abuse, neglect and exploitation of seniors, the majority of cases are never prosecuted due to the overloaded judicial and law enforcement systems.

- Invest in practices that translate into quality for people living with Alzheimer's disease.

We encourage legislators to “do the right thing” for families and dementia patients. Issues related to the care, quality of life should be a priority, and appropriate levels of funding should be protected.

**Working alongside Alzheimer’s advocates throughout the nation, we call on Congress and the President to:**

- Increase Alzheimer’s research funding at the National Institutes of Health to \$1 billion to improve care for people already suffering with the disease and to find hope for the future.
- Add prescription drug coverage to Medicare and change Medicare’s home care benefit to meet the chronic needs of people with dementia.

APPENDIX L  
Mental Health for Senior Citizens



AN ACT relating to health care; requiring certain employees of facilities for long-term care to receive education in the care of persons with dementia; requiring the Department of Human Resources to develop a plan for increasing the number of beds in this state that are used to provide long-term care to persons with dementia; and providing other matters properly relating thereto.

[Approved: May 22, 2003]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The Board shall establish minimum continuing education requirements concerning the care of persons with any form of dementia, including, without limitation, dementia caused by Alzheimer's disease, for each person who is:*

*(a) Employed by a facility for skilled nursing, facility for intermediate care or residential facility for groups which provides care to persons with any form of dementia; and*

*(b) Licensed or certified by an occupational licensing board.*

*2. In establishing continuing education requirements pursuant to subsection 1, the Board shall consider any other educational requirements imposed on such employees to ensure that the continuing education requirements established by the Board do not duplicate or conflict with the existing educational requirements imposed on those employees.*

*3. The administrator of a facility for skilled nursing, facility for intermediate care or residential facility for groups which provides care to persons with any form of dementia, including, without limitation, dementia caused by Alzheimer's disease, shall ensure that each employee of the facility who is required to comply with the requirements for continuing education established by the Board pursuant to this section complies with such requirements.*

**Sec. 2.** NRS 449.070 is hereby amended to read as follows:

449.070 The provisions of NRS 449.001 to 449.240, inclusive, *and section 1 of this act* do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility ~~must~~ *shall* comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility or facility for the dependent operated and maintained by the United States Government or an agency thereof.

**Sec. 3. NRS 449.160** is hereby amended to read as follows:

449.160 1. The Health Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.001 to 449.240, inclusive, *and section 1 of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.001 to 449.245, inclusive, *and section 1 of this act* or of any other law of this state or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Human Resources as required by NRS 439A.100 or as provided in any regulation adopted pursuant to this chapter, if such approval is required.

2. In addition to the provisions of subsection 1, the Health Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Health Division shall maintain a log of any complaints that it receives relating to activities for which the Health Division may revoke the license to operate a facility for the dependent pursuant to subsection 2.

4. On or before February 1 of each odd-numbered year, the Health Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Health Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Health Division pursuant to subsection 2.

**Sec. 4. NRS 449.163** is hereby amended to read as follows:

449.163 1. If a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410, 449.001 to 449.240, inclusive, *and section 1 of this act* or any condition, standard or regulation adopted by the Board, the Health Division in accordance with the regulations adopted pursuant to NRS 449.165 may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) Impose an administrative penalty of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(d) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:



(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (c) of subsection 1, the Health Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Health Division may require any facility that violates any provision of NRS 439B.410, 449.001 to 449.240, inclusive, *and section 1 of this act* or any condition, standard or regulation adopted by the Board, to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the residents of the facility in accordance with applicable federal standards.

**Sec. 5. NRS 654.170** is hereby amended to read as follows:

654.170 1. The Board shall issue a numbered license, in such form as it may prescribe, to each applicant who meets the requirements of NRS 654.150 or 654.155 and shall affix its official seal to the license.

2. Each license issued by the Board pursuant to this chapter expires 2 years after the last day of the calendar month in which it was issued and may be renewed on or before that date biennially.

3. Any licensed nursing facility administrator or administrator of a residential facility for groups may renew his license by applying for renewal in the manner prescribed by the Board, submitting the statement required pursuant to NRS 654.145 and paying the renewal fee fixed by the Board.

4. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with ~~the~~ :

(a) *The* requirements for continuing education adopted by the Board ~~and~~ ; *and*

(b) *The duties of the administrator set forth in section 1 of this act.*

**Sec. 6. NRS 654.170** is hereby amended to read as follows:

654.170 1. The Board shall issue a numbered license, in such form as it may prescribe, to each applicant who meets the requirements of NRS 654.150 or 654.155 and shall affix its official seal to the license.

2. Each license issued by the Board pursuant to this chapter expires 2 years after the last day of the calendar month in which it was issued and may be renewed on or before that date biennially.

3. Any licensed nursing facility administrator or administrator of a residential facility for groups may renew his license by applying for renewal in the manner prescribed by the Board and paying the renewal fee fixed by the Board.

4. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with ~~the~~ :

(a) *The* requirements for continuing education adopted by the Board ~~and~~ ; *and*

(b) *The duties of the administrator set forth in section 1 of this act.*

**Sec. 7. NRS 654.190** is hereby amended to read as follows:

654.190 1. The Board may, after notice and hearing, impose an administrative fine of not more than \$2,500 on and suspend or revoke the license of any nursing facility administrator or administrator of a residential facility for groups who:

- (a) Is convicted of a felony, or of any offense involving moral turpitude.
- (b) Has obtained his license by the use of fraud or deceit.
- (c) Violates any of the provisions of this chapter.
- (d) Aids or abets any person in the violation of any of the provisions of NRS 449.001 to 449.240, inclusive, *and section 1 of this act* as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.
- (e) Violates any regulation of the Board prescribing additional standards of conduct for nursing facility administrators or administrators of residential facilities for groups.

2. The Board shall give a licensee against whom proceedings are brought pursuant to this section written notice of a hearing not less than 10 days before the date of the hearing.

3. If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Board.

**Sec. 8. 1.** The Department of Human Resources shall develop a plan for increasing the number of beds in this state that are used to provide long-term care to persons with any form of dementia, including, without limitation, dementia caused by Alzheimer's disease. The plan must include various methods for increasing the number of such beds, including, without limitation:

- (a) Changing the rate at which Medicaid reimburses facilities for providing long-term care to persons with any form of dementia;
- (b) The use of financial policies and incentives to encourage and facilitate the development and creation of such beds; and
- (c) The use or modification of existing public and private facilities in this state for providing long-term care to persons with any form of dementia.

2. The Department of Human Resources shall submit the plan to the Interim Finance Committee and the Legislative Committee on Health Care on or before June 30, 2004.

**Sec. 9. 1.** This act becomes effective on July 1, 2003.

2. Section 5 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

- (a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or
  - (b) Are in arrears in the payment for the support of one or more children,
- are repealed by the Congress of the United States.

3. Section 6 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

- (a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or
  - (b) Are in arrears in the payment for the support of one or more children,
- are repealed by the Congress of the United States.

Department of Human Resources  
AB 323 Report to the  
Interim Finance Committee and  
Health Care Committee  
June 30, 2004

Assembly Bill 323, Section 8 requires the Department of Human Resources to develop a plan for increasing the number of beds in this state that are used to provide long-term care to persons with dementia, including, without limitation dementia caused by Alzheimer's disease. The plan needs to include various methods for increasing the number of such beds, including, without limitation:

- (a) Changing the rate at which Medicaid reimburses facilities for providing long-term care to persons with any form of dementia;
- (b) The use of financial policies and incentives to encourage and facilitate the development and creation of such beds; and
- (c) The use or modification of existing public and private facilities in this state for providing long-term care to persons with any form of dementia.

In response, the Division of Health Care Financing and Policy, Division for Aging and Health Division's Bureau of Licensure and Certification completed work in several areas during the past year and a half and have created a plan to increase the number of beds that are used to provide care for persons with dementia.

1. Develop a rate and corresponding provider qualifications to allow for the implementation of a behavioral health level of reimbursement for nursing facilities. This work will be completed by October 31, 2004.
2. Expand the service levels and reimbursement under the Waiver for the Elderly in Group Care to create a greater incentive for providers to care for residents with behavioral needs. This work has been completed.
3. Develop provider education programs to improve the quality of care offered in residential facilities for groups and nursing facilities for individuals with dementia.

Further delineation of the work completed to date is below.

**Investigation of the development of Behavioral Health Units and Rate Development for a Behavioral Health Reimbursement**

The Division of Health Care Financing and Policy released a Request for Information in February 2003 seeking information from vendors who would be interested in establishing facilities, either stand alone or within existing facilities, that provide skilled nursing units which feature behavioral interventions. To date, five responses have been received. Four companies have made presentations and been interviewed by a nine-member panel comprised of staff from DHCFP, the Division for Aging Services, and the Bureau of Licensure and Certification. Currently, one corporation is actively pursuing plans to open a facility, which

would offer inpatient psychiatric and long-term behavioral health services in a nursing home setting.

Division staff also examined the reimbursement rates being offered to providers in other states for care of behaviorally complex patients in nursing facilities. The examination covered several factors including the purported higher than average cost of labor, out of state nursing homes that presently house Nevada Medicaid recipients, and the classification of this group of recipients and what the appropriate reimbursement rate for their care should be. Medicare's model of reimbursement for labor costs, which includes adjustments for urban and rural areas, was used as a benchmark. Staff examined the enhancements offered in other states for the care of Nevada residents requiring behavioral interventions and found that Utah is the only state that reimburses at a higher rate (\$6.60/day add on) for care. Finally staff reviewed the federal Resources Utilization Groups III (RUG III) developed by Medicare for nursing facility reimbursement. RUG III classify the common health characteristics and the amount and type of care resources used within each facility to assign a relative cost for caring for a resident within a specific facility.

Interestingly, the conclusion drawn from this research indicates that Nevada nursing facilities are being reimbursed at a rate that is both fair and comparable to that of out of state facilities currently being paid to care for Nevada Medicaid recipients. The examination of the wage index and resource utilization groups support the notion that the present reimbursement rates to Nevada facilities is sufficient to include behaviorally complex residents without an additional rate enhancement. However, Nevada facilities continue to show hesitancy to accept these recipients without an enhanced rate. The primary reservation regularly verbalized in monthly discussions with industry representatives during Medicaid's Nursing Facility Task Force is concern with licensing standards. It appears certain it will be necessary to establish an enhanced rate that will satisfy the requirements of nursing facility providers presently within the state. This rate is slated for finalization in the next several months. Corresponding assessments, provider qualifications and policy revisions will accompany the finalization of the rate.

### **Expansion of service levels under the Waiver for Elderly in Adult Residential Care**

The waiver for the Elderly in Group Care has been amended to include a new Assisted Living service type in addition to the existing group care service type. An attachment describing the service type and service level descriptions for both Assisted Living and Personal Care is included. These descriptions are identical to information sent to the Centers for Medicare and Medicaid Services (CMS).

The assisted living package will provide for care in an individual apartment/studio setting with a greater level of choice. For example, the package would allow for some meal preparation in the recipient's own apartment with variety in meal times and food choices. It is anticipated that the individual living in this setting will be desirous and capable of self-direction of care and will actively participate in the scheduling and determining the contents of daily care.

The personal care package provides more direct supervision with some individual choices but is operated in more of a group format. The package will likely provide for care in smaller, home-like settings where recipients share bedrooms with other residents and the daily activities of the home are meant to address all residents in a relatively uniform manner. For example, meals are routinely scheduled in groups in a dining room that does allow for different dietary needs but a limited individualized menu. It is anticipated that the individual living in this setting will be less able or eager to manage the day to day elements involved in care provision.

The reimbursement rate for both service types is based on service level. The service levels will be reimbursed at the same rate regardless of whether the recipient selects the personal care or the assisted living package. Under the assisted living service package, it is expected there will be some increased costs for the individualization of services. Under the personal care package, it is expected there will be increased costs due to the increased expectation of more direct care supervision and provision. The tiered rates, as approved in the Division's budget, are: level one, \$20 a day; level two, \$45 a day; and level three, \$60 a day. Revisions in this payment methodology will occur only after a sufficient amount of data regarding provider costs and recipient care needs is collected.

The current waiver case load is comprised of 211 recipients utilizing the group care service package with 174 (82.46%) at Level 1, 34 (16.11%) at Level 2 and 3 (1.42%) at Level 3 of the care continuum. (The budget design anticipated that most of the current waiver recipients would be qualified for one of the two lower levels of care and that those qualifying for level three would increase as providers became aware of the tiered reimbursement options.)

Because the highest service level is designed to reimburse for the care of residents requiring close supervision and behavioral interventions, the Division is hopeful the group home expansion will be another resource available to address the need to provide long-term care to persons with any form of dementia. DHCFP and Division for Aging staff is currently completing outreach to licensed residential facilities in an attempt to explain the expansion of the waiver and to recruit additional providers.

Staff have developed the attached trend lines for waiver growth, out-of-state nursing facility population, and Medicaid bed occupancy in Nevada nursing facilities as a means to track the impact of the development of reimbursement for behavioral services and the expansion of the Waiver for the Elderly in Adult Residential Care. These measures will be used to track the impact of the policy and coverage changes described above.

### **Provider Education**

Historically, providers have referred to fears of citations and sanctions from the State Licensing Agency, Bureau of Licensure and Certification, as the primary reason why they choose not to care for individuals with dementia and related behavior issues. While it has been difficult to substantiate this concern, the Division for Aging Services and the Bureau of Licensure have initiated a partnership with the Alzheimer's Association of Northern Nevada to develop education sessions for care givers. The idea is to hold "Train the Trainer" sessions that will assist facilities in the development of training programs for their staff members who

are attending to individuals with dementia and secondary behavior issues. The curriculum for these session is being developed and is anticipated to be finished by the end of the summer. This education is aimed at improving the care provided to this population and to diminish the possibility of sanctions for inappropriate or insufficient care provision in both nursing homes and residential facilities for groups.

DHR through the Divisions of Aging Services, Mental Health and Developmental Services, Health and Health Care Financing and Policy will continue to examine the feasibility of amending this plan as necessary.

APPENDIX M  
Communications With Older Patients





## Communication Between Caregivers and Patients in Medical Facilities and Other Similar Locations

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The person licensed to operate, a medical facility, a facility for the dependent or a home for residential care shall ensure that each employee of the facility or home who provides care to an older patient in the facility or home has the ability to communicate effectively with the older patient, unless the older patient is incapacitated or otherwise unable to communicate.

2. As used in this section, “older patient” has the meaning ascribed to it in NRS 449.063.

The term “medical facility” has a defined meaning as that term is used in chapter 449 of NRS. NRS 449.0151 defines medical facility as including:

1. A surgical center for ambulatory patients;
2. An obstetric center;
3. An independent center for emergency medical care;
4. An agency to provide nursing in the home;
5. A facility for intermediate care;
6. A facility for skilled nursing;
7. A facility for hospice care;
8. A hospital;
9. A psychiatric hospital;
10. A facility for the treatment of irreversible renal disease;
11. A rural clinic;
12. A nursing pool;
13. A facility for modified medical detoxification;
14. A facility for refractive laser surgery; and
15. A mobile unit.

The terms “facility for the dependent” and “home for individual residential care” also have defined meanings as those terms are used in chapter 449 of NRS. NRS 449.0045 defines facility for the dependent as including “a facility for the treatment of abuse of alcohol or drugs, halfway house for recovering alcohol and drug abusers, facility for the care of adults during the day or residential facility for groups.” NRS 449.0105 defines a “home for individual residential care” as a “home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two persons who are aged, infirm, mentally retarded or handicapped, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services.”



APPENDIX N  
Transportation in the Rural Areas for Senior Citizens



May 7, 2004

Senator Joseph M. Neal, Chairman, and  
Members of the Legislative Commission's Interim Study  
Concerning the Feasibility of Long-Range Mass Transit  
Within State and to Urban Areas of Neighboring States  
(Senate Concurrent Resolution 31 [File No. 90, *Statutes of Nevada 2003*])  
304 Lance Avenue  
North Las Vegas, NV 89030-3844

Dear Chairman Neal and Members:

As the Chairman of the Nevada Silver Haired Legislative Forum's Transportation Committee, I have been requested to notify your Legislative Commission that increased bus transportation in the rural areas is vital to the senior population.

We would hope that your Legislative Commission could develop a recommendation that would help ensure that seniors in the rural areas can secure transportation to the larger urban areas for medical appointments and other business

Thank you for your consideration of this recommendation.

Sincerely,

Robert E. Erickson  
Nevada Silver Haired Legislative Forum

cc: President Thelma Clark  
Nevada Silver Haired Legislative Forum



APPENDIX O  
Suggested Legislation (Bill Draft Requests)

**The following Bill Draft Requests will be available during the 2005 Legislative Session, or can be accessed after “Introduction” at the following Web site: <http://www.leg.state.nv.us/73rd/BDRList/page.cfm?showAll=1>.**

- |            |  |
|------------|--|
| BDR 17-370 | Authorizes Nevada Silver Haired Legislative Forum to request up to five bill drafts each regular session. (This bill draft request was withdrawn.) |
| BDR 38-447 | Makes various changes to provisions governing the Nevada Silver Haired Legislative Forum   |
| BDR 58-625 | Revises the composition of the Public Utilities Commission of Nevada   |