

BULLETIN 19-18

**Nevada Silver Haired Legislative Forum
(NRS 427A.320)**



Legislative Counsel Bureau

FEBRUARY 2019

NEVADA SILVER HAired LEGISLATIVE FORUM

Nevada Revised Statutes 427A.320

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Nevada Revised Statutes

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](#))

FOREWORD

Provided by John A. Yacenda, Ph.D., M.P.H., P.A.H.M., Forum President, Senate District 16

Cogito, ergo sum! Of this conclusion I am certain, as was René Descartes in 1637. Indeed, “*I think, therefore I am!*” is not the motto nor credo of the Nevada Silver Haired Legislative Forum, but it is a hint that we are an appointed legislative body that is alive with ideas; a body that is not afraid to take on, as did Jean-Paul Sartre in his book, *Being and Nothingness*, in our call to action; a body that listens to testimony, challenges presenters, processes, and deliberates on those matters that touch the lives of seniors throughout the State of Nevada!

I am very honored to serve currently my fourth term as President of the Nevada Silver Haired Legislative Forum and to have the opportunity in this biennial report to welcome our new Governor, Steve Sisolak, and applaud Nevada’s now-historic women-majority Legislature. I especially want to thank all the senators for your past and current appointments to the Forum and all the members of the Assembly, who were consulted in the appointment process. I would like to recognize the efforts of the Legislative Counsel Bureau’s Research Division, which, in spring 2018, again assumed staffing duties for the Forum. In closing these remarks, I especially want to remember the service and dedication of Forum members, some now deceased or otherwise unable to serve, who have left us with fond memories.

When I first met with the entire Forum membership at the beginning of the interim, we laid out our general meeting schedule plans and solicited themes of interest to their constituencies (we provided a list of areas of common interest that have been addressed over the years with special localized content). Their reaction sets the mood, and as the interim unwinds, we do the listening, questioning, and debating, while allowing grunts and groans, yet in the end coming up with ways to officially utilize our statutory responsibilities by formally endorsing or objecting to policy decisions, offering policy recommendations, writing letters and resolutions of policy interest and program intent, and completing the Forum’s bill draft request (BDR).

In *Being and Nothingness*, Sartre establishes a philosophical and mathematical justification for the existence of “nothing” having presence. Although I was, for a portion of Governor Guinn’s administration, Deputy Director of Nevada’s Department of Health and Human Services, I was for a longer time a university college dean. This theme of “nothing” having presence is the principle upon which I built the rallying cry for the members of the Nevada Silver Haired Legislative Forum. Put simply, if you can imagine or conceive that a **space** is empty or “full of nothing,” then you have identified the existence of that **space**. And when Forum members begin the interim, I always ask them to believe in the existence of that **space** when I share my vision of our call to action: *Once identified, vigorously act upon issues of importance to seniors!*

You see, our **spaces** are those places where there are **gaps** in services; all of these are **real** and represent the **unmet needs** of seniors. We are the old folks and we know it, but we will do all we can to support state and local governmental agency program staff to fix what is not working!

Identify your district’s Forum member, and invite him or her to witness the hardships seniors are facing in the district or to come join the grand opening of a new health or wellness program.

Welcome your Forum member to be the one who “stands-in-the-**gap**” in your district, promoting increased funding for senior programs “that work” and encouraging incentive funding for senior programs designed to meet identified **unmet needs**! Be you a member of the Nevada State Assembly or Senate, your appointed Forum member is your ally!

Forum staff has prepared an excellent bulletin for the Legislature and the Governor. I do hope you will have an opportunity to review matters included in this report that are important to your senior constituents and embrace the evolutionary change to the Forum structure proposed in the Forum’s 2019 BDR from its current structure created in 1997.

EXECUTIVE SUMMARY

[Senate Bill 489](#) of the 1997 Legislative Session created the Nevada Silver Haired Legislative Forum (NSHLF) to identify and act upon issues of importance to aging persons. Its membership, powers, and duties are codified in [Nevada Revised Statutes \(NRS\) 427A.320 through 427A.400](#). Additionally, [NRS 218D.220](#) authorizes the Forum to submit one bill draft request (BDR) on or before September 1 preceding the regular session, unless the Legislative Commission authorizes the submission of a BDR after that date. On August 30, 2018, the Legislative Commission extended the Forum's BDR submission deadline to no later than October 15, 2018. Before September 1 of each even-numbered year, the Forum may submit a report containing recommendations for legislative action to the Legislative Commission and the governor.

As of October 2018, the Forum had 25 members, including active and ex officio members. The Forum is to be comprised of members equal to the number of state senators (21) who, among other requisite qualifications, must have been a registered voter for three years preceding their appointment in the senatorial district of the senator who nominates them for appointment. The seat representing Senate District 21 was vacant.¹ Members of the National Silver Haired Congress (NSHC) from Nevada serve as ex officio members of the Forum; Nevada currently has two silver senators and three silver representatives.

The Forum held five meetings during the 2017–2018 Interim. All meetings were open to the public and conducted through simultaneous videoconferences between legislative meeting rooms at the Grant Sawyer State Office Building in Las Vegas, Nevada, and the Legislative Building in Carson City, Nevada.

The Forum's BDR, which was discussed at the work session on [October 9, 2018](#), proposes amending the Forum's organizational structure, membership, terms and duties of office, and ex officio membership of the NSHC delegates.

SUMMARY OF RECOMMENDATIONS

This summary presents the recommendations approved by the NSHLF during the 2017–2018 Interim at its meeting on October 9, 2018. The Forum voted to forward one BDR to the 80th Session of the Nevada Legislature.

Recommendation for Legislation

Organization of the Nevada Silver Haired Legislative Forum

1. Request the drafting of a bill to amend [NRS 427A.320 through 427A.400](#) regarding the Forum's organizational structure, membership, terms and duties of office, and ex officio

¹ Pursuant to [NRS 427A.330](#), a senator shall nominate a person for appointment to the Forum. Senator Mark A. Manendo resigned from representing Senate District 21 on July 18, 2017, without a successor as of October 2018. No new Forum member was nominated and appointed for Senate District 21. Therefore, the Forum seat was vacant during the 2017–2018 Interim.

membership of the NSHC delegates to: (1) exclude ex officio members from serving as officers of the Forum; (2) grant ex officio members voting privileges if they meet certain qualifications; (3) clarify the terms and duties of the president and vice president; (4) create two new officer positions; (5) eliminate the officer positions of secretary and treasurer; and (6) increase the available BDRs from one to three. **(BDR 38–534)**

Recommendations for Committee Action

Medicaid-Related Issues Impacting Senior Citizens

2. Send a letter to the governor, the Senate Committee on Finance, the Assembly Committee on Ways and Means, and the Department of Health and Human Services (DHHS) urging an increase in Medicaid reimbursement rates for various services and programs including, but not limited to, adult day care (ADC) facilities, augmented personal care services at community-based residential facilities, in-home personal care assistance services, and services provided at skilled nursing homes. The letter shall state that the current Medicaid reimbursement rates: (1) do not adequately cover certain service expenses, which leads to difficulties with hiring new staff and maintaining current staff; and (2) contribute to an ongoing caregiver crisis in the state, adversely affecting seniors dependent on caregiving services.
3. Send a letter to the governor, the Senate Committee on Finance, the Assembly Committee on Ways and Means, and DHHS urging the elimination of the cap on the number of people who can be served under the Home and Community Based Waiver for the Frail Elderly (HCBW-FE).

Respite Services

4. Include a statement in the Forum’s final report requesting additional sources of funding for respite services for middle-income families. Currently, respite services grants are available for those with lower incomes, while moderately higher income earners cannot afford care for their loved ones.
5. Send a letter to the governor and DHHS urging: (1) policy positions that financially support ADC providers; (2) the Department to convene a group of Nevada ADC providers to review the regulations governing the ADC industry; and (3) the creation of a plan to modify regulations determined by the ADC industry to be overly burdensome. Testimony indicated these actions would assist ADC providers to develop and open more ADC centers throughout the state. Current low reimbursement rates and strict regulations disincentivize the development of new, for-profit ADC centers.

Compensation and Training for Certain Geriatric Care Professionals

6. Send a letter to the governor and DHHS expressing the Forum’s concerns and requesting action regarding the current lack of access to personal care assistant (PCA) services for low- to middle-income seniors and their families. Limited education and training opportunities for PCAs and a reported pay gap between state-reimbursed and privately compensated PCA services contribute to the lack of access.

7. Send a letter to the chair of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs and include a statement in the Forum's final report supporting the Committee's decision to continue the study, as required by [Assembly Bill 299](#) (2017), to review and study the training programs implemented by certain homes and facilities.
8. Send a letter to the governor and DHHS urging them to evaluate and adjust:
 - a. Discrepancies in compensation and benefits for social workers employed by the state and those employed in the private sector and by county and federal governments;
 - b. Disparate compensation of social workers employed by Elder Protective Services (EPS), Aging and Disability Services Division (ADSD), DHHS, and Child Protective Services (CPS), Division of Child and Family Services (DCFS), DHHS. For example, CPS social workers may be promoted up to "Social Worker III," whereas EPS social workers cannot receive this type of class promotion; and
 - c. The workload of state-employed social workers, including the clients-to-social-worker ratio, to decrease staff turnover and burnout rates; and
 - d. Geriatric training opportunities for Nevada social workers, since Nevada's senior population is growing faster than the number of social workers with education and training in this field.

Community Care Need Projections

9. Prepare a Forum resolution urging the Nevada Legislature to create an interim study for the 2019–2020 Interim that would study projections regarding the care needs of different communities in the state. The resolution shall specify requirements for the study to develop a projection model, layer the model on different communities based on demographics, and assist Nevadans in promoting and recognizing the care needs of their respective communities.

Stigma of Seniors

10. Prepare a Forum resolution to raise awareness of the stigma seniors may face in our society and to advocate on behalf of seniors who face this stigma. Include information on how seniors may experience discrimination, institutional stereotyping, and prejudice, which may lead to social isolation. Explain how this isolation can cause anxiety, depression, helplessness, and a loss of productivity and self-esteem. Such stigma may have various effects on the overall mental and physical health of a senior. The resolution shall also specify that the isolation of seniors increases a senior's vulnerability to abuse and self-neglect as his or her social structure dissolves over time.

Supported Decision-Making Agreements

11. Send a letter to the chairs of the Senate and Assembly Committees on Health and Human Services and include a statement in the Forum’s final report supporting BDR 13–164, which would implement supported decision-making agreements and was requested by the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs at its meeting on July 19, 2018.

Flexibility of Caregiver Sick Leave

12. Send a letter to the chairs of the Senate and Assembly Committees on Health and Human Services and include a statement in the Forum’s final report supporting BDR 53–169 concerning the flexibility of caregiver sick leave. The BDR is a redraft of [AB 394](#), known as the “Caregiver Flexibility Sick Leave Bill,” which did not pass in the 2017 Legislative Session. The BDR was requested by the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs at its meeting on July 19, 2018.

Regulations Addressing Businesses Operating in the Long-Term Care Industry

13. Send a letter to the chairs of the Senate and Assembly Committees on Health and Human Services and include a statement in the Forum’s final report supporting legislation regarding residential facilities for groups, community-based living arrangements, and certain unregulated residential facilities as proposed by the Legislative Committee on Health Care at its meeting on September 24, 2018. The committee proposed legislation to direct DHHS to review unlicensed group homes to ensure quality and safety protections to safeguard vulnerable populations, evaluate the impact of overregulation, and broaden the definition of a referral agency in [NRS 449.0305](#) by expanding the licensing requirement to additional business types.
14. Include a statement in the Forum’s final report supporting BDR 40–170, which would relocate provisions regarding community-based living arrangement services ([NRS 433.605](#)) under [Chapter 449](#) of NRS. The BDR was requested by the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs at its meeting on July 19, 2018.
15. Include a statement in the Forum’s final report to advocate for legislation to establish mandated staff-to-client ratios in long-term care facilities that must be based on the individual needs of the residents.

Strategic Planning Efforts of the Aging and Disability Services Division

16. Include a statement in the Forum’s final report to extend an official declaration to all providers of long-term services and supports, the governor, and DHHS expressing the Forum’s strong concurrence and alignment with ADSD’s strategic planning efforts. Include the Forum’s support for the principles of access, dignity, independence, integration, quality, and sustainability, which are core components of these efforts.

17. Include a statement of support in the Forum’s final report to advocate for the findings and suggestions of ADSD’s *Nevada’s No Wrong Door Strategic Plan 2015–2018*. A focus of the statement shall be on person-centered planning and the barriers seniors may face if person-centered planning is not practiced by any long-term services and supports provider. The statement shall also evaluate options and opportunities for professionals who do not have the resources to implement person-centered services.

I. INTRODUCTION

The NSHLF is a nonlegislative committee that consists of appointed and ex officio members who are senior citizens in the state of Nevada. Its authorization and duties are set forth in [Chapter 427A](#) of NRS. Created during the 1997 Legislative Session with the enactment of [SB 489](#), the Forum's purpose and responsibility is to identify and act upon issues of importance to seniors in Nevada. Before September 1 of each even-numbered year, the Forum may submit a report containing recommendations for legislative action to the Legislative Commission and the governor.

The creation of the NSHLF, its membership, powers, and duties are codified in [NRS 427A.320 through 427A.400](#). Membership consists of 21 appointed members, which reflects a number equal to the number of senators in the state. Pursuant to [NRS 427A.330](#), senators nominate individuals to serve on the Forum, and the Legislative Commission appoints them. Nevada delegates of the NSHC serve as ex officio members of the Forum. Additionally, [NRS 218D.220](#) authorizes the Forum to submit one BDR on or before September 1 preceding the regular session, unless the Legislative Commission authorizes the submission of a BDR after that date.

As of its final meeting on October 9, 2018, the Forum consisted of 20 appointed members and 5 ex officio members—two silver senators and three silver representatives. The Forum position for Senate District 21 was vacant because a representative had not been nominated prior to the resignation of Senator Mark A. Manendo on July 18, 2017.

The Forum held five meetings during the 2017–2018 Interim. The first meeting was held on November 15, 2017. Due to the retirement of Forum Coordinator Mary Shope, and a subsequent transition of staffing duties to the Research Division, the next meeting was delayed until May 22, 2018. As a result, Forum President Yacenda requested and received approval from the Legislative Commission to submit the Forum's BDR no later than October 15, 2018.

During the interim, the Forum focused on studying multiple issues, such as the provision of respite services, compensation and training for geriatric care professionals, and cases involving Elder Protective Services and the Long-Term Care Ombudsman Program (LTCOP), ADSD, DHHS. Additionally, the Forum evaluated its own organizational structure, membership, terms and duties of office, and ex officio membership of the NSHC delegates.

Each meeting had a primary focus as follows:

1. [November 15, 2017](#)—Elections, Status Reports, and Overview Presentations

At the Forum's first meeting, testimony and presentations informed Forum members about legislation passed during the 2017 Legislative Session, provided status reports from the Forum's treasurer and the Nevada Delegation of the NSHC and the National Council of Silver Haired Legislators, and culminated in the election of Forum officers for the 2017–2018 Interim. Additionally, members received an overview of [Senate Joint Resolution 17](#) of the 2015 Session, which relates to rights of crime victims, and a presentation on the Task Force on Alzheimer's Disease.

2. [May 22, 2018](#)—Respite Services, Elder Rights and Elder Abuse Provisions, and Prescription Reader Regulations

Presentations at the second meeting examined respite services and related caregiving issues impacting senior citizens from different perspectives, provided Forum members with an overview of changes regarding elder rights and elder abuse provisions of NRS, and updated the Forum about the implementation status of the “prescription reader” regulations authorized by [SB 131](#) (2017).

3. [July 10, 2018](#)—Elder Protective Services and Long-Term Care Ombudsman Program

Presentations at the third meeting provided an overview of EPS and LTCOP. Both agencies introduced their respective missions, powers, and duties and reported on the types of cases and complaints they usually investigate. Forum members and agency representatives subsequently shared their observations and discussed certain issues and related implications for the senior communities in the state.

4. [August 23, 2018](#)—Review of Geriatric Care Professions and Forum Reorganization

Presentations at the fourth meeting were intended to review certain professions that provide care to seniors, specifically social workers and PCAs, and to discuss a possible reorganization of the Forum. Representatives from the Department of Public Safety also provided an update on the use of the statewide Silver Alert system for the safe return of missing endangered older persons.

5. [October 9, 2018](#)—Final Work Session

At the fifth and final meeting, Forum members considered multiple suggestions regarding: (1) the Forum’s organizational structure, membership, terms and duties of office, and ex officio membership of the NSHC delegates; (2) Medicaid-related issues impacting senior citizens; (3) respite services; (4) compensation and training for certain geriatric care professions; (5) regulations addressing businesses operating in the long-term care industry; and (6) other issues affecting seniors in Nevada. The Forum voted on various recommendations for consideration by the governor, the Legislature, and DHHS to fulfill the Forum’s legislative duty to identify and act upon issues of importance to aging persons.

The Forum approved one BDR, two resolutions expressing support for a specific issue or encouraging certain action, several letters, and several statements to be included in the Forum’s final report. The [Summary of Recommendations](#) provides a complete list of approved recommendations.

More information about the Forum’s activities—including minutes, recordings of meetings, and copies of presentations and other exhibits—may be accessed on the Legislature’s website for the [2017–2018 Interim](#).

II. BACKGROUND

The NSHLF was designed to replicate certain organizational parts of the NSHC, a nonpartisan organization for senior citizens that resembles the United States Congress. The NSHC's mission is to advocate for national issues and concerns on behalf of senior citizens, and membership is patterned after the U.S. Senate and House of Representatives. "Silver senators" and "silver representatives" represent their assigned states and may be elected or appointed. Members must be at least 60 years of age, registered voters, and U.S. citizens. During the 1997 Legislative Session, Nevada delegates of the NSHC advocated for the creation of a state-level silver haired forum with a similar mission and structure to the NSHC, but with a focus on senior issues specific to Nevada.

The same year, the NSHLF was established by [SB 489](#) (1997). The Forum's mission was, and continues to be, identifying and acting upon issues of importance to aging persons. The bill initially required the governor to appoint 21 members—1 from each senatorial district—with members of the NSHC Nevada delegation automatically serving as ex officio members. The Aging Services Division (ASD) of the Department of Human Resources served as the Forum's oversight agency. The bill required the body to hold three public hearings in even-numbered years, mandated reimbursement for travel and per diem allowances, and required an initial appropriation of \$5,000 from the State General Fund for the Forum's operational budget.

During the 2001 Legislative Session, [AB 195](#) amended various provisions related to the Forum, including transitioning the body from the Executive Branch's financial and organizational umbrella to the Legislative Branch. The Legislative Commission became the appointing authority, and the Forum was authorized to administer its own finances and meeting duties with the assistance of the LCB instead of being overseen by the ASD. The bill also required each state senator to nominate a member from his or her district for appointment to the Forum. Members of the NSHC Nevada delegation continued to serve as ex officio members. The Forum was required to hold three meetings in different areas of the state.

Forum requirements were further amended by [SB 31](#) during the 2005 Legislative Session. The bill gave the Forum president the authority to excuse absent members, removed restrictions on the number and location of meetings, and revised certain dates for officer terms and reporting deadlines. The Forum requested in SB 31, but did not receive, authorization to submit five BDRs.

The Forum's organizational structure was revised most recently in [AB 593](#) of the 2007 Legislative Session. It clarified that the Legislative Commission has until the end of December each year to appoint Forum nominees. If the Legislative Commission does not appoint or reappoint nominees, current members retain their positions until they are reappointed or the Commission appoints their successors.

Finally, during the 2013 Legislative Session, [SB 178](#) authorized the Forum to submit one BDR related to matters affecting seniors prior to the beginning of a regular legislative session. Testimony indicated the Forum wanted its own BDR, since previously it had difficulties finding a sponsor for its proposed legislation.

III. DISCUSSION OF TESTIMONY AND RECOMMENDATIONS

At its final meeting and work session on October 9, 2018, the NSHLF considered a total of 17 proposals for legislation, letters, resolutions, and statements to include in its final report. Additional information regarding all recommendations considered is available in the Forum's Work Session Document at: <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/13250>.

A. Organization of the Nevada Silver Haired Legislative Forum

At the Forum's meeting on [August 23, 2018](#), Forum President Yacenda provided testimony regarding the Forum's current organizational structure and its possible reorganization. He also explained differences between appointed members and ex officio members. Appointed members must meet qualifications set forth in [NRS 427A.340](#), are nominated by the senator in their district, and are appointed for a two-year term by the Legislative Commission; meanwhile, ex officio members are neither appointed by the Legislative Commission nor do they have term limits. The President's testimony concluded with the recommendation to request the drafting of a bill amending the Forum's organizational structure, membership, terms and duties of office, and ex officio membership of the NSHC delegates. The members subsequently voted and approved the recommendation for further consideration at the Forum's final work session.

At its final meeting and work session on [October 9, 2018](#), the Forum approved a BDR based on testimony and discussion heard at the August 23 meeting. The BDR proposes to revise the Forum's organizational structure, including ex officio member qualifications, general membership, terms and duties of office, and provide the Forum with three BDRs.

Ex Officio Members

The BDR proposes aligning ex officio membership requirements with certain requirements of appointed members, as outlined in [NRS 427A.340](#).² Specifically, it excludes ex officio members from serving as Forum officers and prohibits them from being able to vote until they have been Nevada residents for at least five years and are 60 years of age or older.

Membership and Terms and Duties of Office

The BDR also proposes modifying the Forum's officer positions and term limits. It eliminates the positions of secretary and treasurer and requires the president, with the assistance of the LCB instead of the treasurer, to administer any account in which money received by the Forum is deposited. The BDR instead creates two new officer positions, each representing either the geographical north or south of the state. These officers will be responsible for gathering information regarding issues of importance for seniors and reporting it at each Forum meeting. The BDR also clarifies that the president and vice president coordinate and facilitate Forum activities and meetings together. Finally, the BDR increases the term of the president from one to two years, with a limit of no more than two, two-year terms (consecutive or staggered).

² Subsection 2 of NRS 427A.340 requires an appointed member to be a registered voter in the senatorial district of the senator who nominated the member. Since ex officio members are not appointed, the qualification appears not to apply to them.

Bill Draft Requests

The BDR proposes increasing the number of BDRs the Forum may submit to the Legislature from one to three.

Recommendation 1

Request the drafting of a bill to amend [NRS 427A.320 through 427A.400](#) regarding the Forum's organizational structure, membership, terms and duties of office, and ex officio membership of the NSHC delegates to: (1) exclude ex officio members from serving as officers of the Forum; (2) grant ex officio members voting privileges if they meet certain qualifications; (3) clarify the terms and duties of the president and vice president; (4) create two new officer positions; (5) eliminate the officer positions of secretary and treasurer; and (6) increase the available BDRs from one to three. **(BDR 38–534)**

B. Medicaid-Related Issues Impacting Senior Citizens

At the Forum's meeting on May 22, 2018, two presenters provided testimony in support of revising and increasing Medicaid reimbursement rates. Constance McMullen, Lobbyist, Personal Care Association of Nevada, and Publisher and Editor, *Senior Spectrum Newspaper*, mentioned federal requirements are increasing the cost of business for personal care agencies. Therefore, increased reimbursement rates would help personal care agencies offset these costs. Jeffrey Klein, FACHE, President and Chief Executive Officer, Nevada Senior Services, Inc., explained that Nevada's reimbursement rates for ADC services are comparatively low, which disincentivizes businesses from developing more facilities. Furthermore, he noted that low Medicaid reimbursement rates result in low caregiver salaries, which deters potential employees from working in the industry and leads to high staff turnover.

At its final meeting and work session on October 9, 2018, the Forum received information from staff regarding the Medicaid HCBW-FE. The waiver assists the most vulnerable seniors who already meet a nursing home level of care and do not have the financial means to finance their own care. As of August 2018, nearly 540 qualified seniors were waiting for placement on the waiver due to a cap on the number of people who can be served under the waiver. The cap puts a burden on seniors and their families, most of whom face long waiting periods to qualify and receive placement on the HCBW-FE. It also increases the risk for seniors' health conditions worsening and unwanted placements in nursing homes. These issues will only magnify with Nevada's fast-growing senior population. Eliminating the cap would reduce waiting periods for seniors to receive HCBW-FE benefits.

Recommendation 1

Send a letter to the governor, the Senate Committee on Finance, the Assembly Committee on Ways and Means, and DHHS urging an increase in Medicaid reimbursement rates for various services and programs including, but not limited to, ADC facilities, augmented personal care services at community-based residential facilities, in-home personal care assistance services, and services provided at skilled nursing homes. The letter shall state that the current Medicaid reimbursement

rates: (1) do not adequately cover certain service expenses, which leads to difficulties with hiring new staff and maintaining current staff; and (2) contribute to an ongoing caregiver crisis in the state, adversely affecting seniors dependent on caregiving services.

Recommendation 2

Send a letter to the governor, the Senate Committee on Finance, the Assembly Committee on Ways and Means, and DHHS urging the elimination of the cap on the number of people who can be served under the HCBW-FE.

C. Respite Services

Respite services provide family caregivers a break or respite from the daily challenges of caring for a senior with special needs. Respite services differ in time and scope—ranging from a few hours to several days. Care may be provided by professionals in the home or in qualified centers. During the interim, the Forum heard ample testimony on this topic.

At the Forum meeting on May 22, 2018, Donna DePauw, family caregiver and legal guardian, Carson City, Nevada, and Sally Ott, family caregiver, Stagecoach, Nevada, shared their experiences caring for their spouses and challenges finding adequate respite services. Ms. DePauw expressed her concerns regarding the affordability of care options for middle-income families and advocated for additional funding to assist family caregivers. Jeffrey Klein, previously identified, discussed the fact that insufficient ADC centers exist in most of the state's counties to cover the need for respite service, and low reimbursement rates contribute to this shortage.

Recommendation 1

Include a statement in the Forum's final report requesting additional sources of funding for respite services for middle-income families. Currently, respite services grants are available for those with lower incomes, while moderately higher income earners cannot afford care for their loved ones.

Recommendation 2

Send a letter to the governor and DHHS urging: (1) policy positions that financially support ADC providers; (2) the Department to convene a group of Nevada ADC providers to review the regulations governing the ADC industry; and (3) the creation of a plan to modify regulations determined by the ADC industry to be overly burdensome. Testimony indicated these actions would assist ADC providers to develop and open more ADC centers throughout the state. Current low reimbursement rates and strict regulations disincentivize the development of new, for-profit ADC centers.

D. Compensation and Training for Certain Geriatric Care Professionals

The Forum addressed at multiple meetings the need for a qualified geriatric care workforce in Nevada. It evaluated issues concerning the limited professional caregiver workforce and the impact of low reimbursement rates. As previously stated, Constance McMullen and Jeffrey Klein testified

that issues with pay disparities aggravate the limited professional caregiver workforce issue for geriatric care providers. The Forum also received testimony from staff of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs regarding the Committee's recommendation to continue a study on training for employees in certain homes and facilities.

The Forum also heard testimony regarding constraints on the social worker workforce in the state. At its meeting on July 10, 2018, Dena Schmidt, Administrator, ADSD, DHHS, discussed challenges with recruiting and retaining social workers for EPS. At the August 23, 2018, meeting, Carlton D. Craig, Ph.D., Director/Professor, School of Social Work, University of Nevada, Las Vegas, discussed the shortage of social workers at state agencies in Nevada, highlighting limited geriatric training and specialization opportunities. Sandy Lowery, L.C.S.W., L.C.A.D.C., Deputy Executive Director, Board of Examiners for Social Workers, presented various anecdotal reasons for social workers leaving the field and state agencies, including burnout, high caseloads, low salaries, and retirement. Testifiers noted discrepancies in compensation and benefits between social workers employed by the state and those in the private sector and employed at the county and federal levels. Based on this testimony, the Forum approved three recommendations, summarized below.

Recommendation 1

Send a letter to the governor and DHHS expressing the Forum's concerns and requesting action to address the current lack of access to PCA services for low- to middle-income seniors and their families. Include in the letter that limited education and training opportunities for PCAs and a reported pay gap between state-reimbursed and privately compensated PCA services contribute to lack of access.

Recommendation 2

Send a letter to the chair of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs and include a statement in the Forum's final report supporting the Committee's decision to continue the study, as required by [AB 299](#) (2017), to review and study the training programs implemented by certain homes and facilities.

Recommendation 3

Send a letter to the governor and DHHS urging them to evaluate and adjust:

- a. Discrepancies in compensation and benefits for social workers employed by the state and those employed in the private sector and by county and federal governments;
- b. Disparate compensation of social workers employed by Elder Protective Services and Child Protective Services. For example, CPS social workers may be promoted up to "Social Worker III," whereas EPS social workers cannot receive this type of class promotion;
- c. The workload of state-employed social workers, including the clients-to-social worker ratio, to decrease staff turnover and burnout rates; and

- d. Geriatric training opportunities for Nevada social workers, since Nevada’s senior population is growing faster than the number of social workers with education and training in this field.

E. Community Care Need Projections

While the Forum did not hear testimony related to this issue, Forum President Yacenda proposed, and the body approved, a recommendation on community care need projections. Nevada appears to face increasing demands for care, significant care inequality—especially in communities with a high percentage of senior citizens—and limited resources to address these issues. Community care needs projections may help community managers, policymakers, and practitioners identify and direct resources to communities with the highest need (see resolution in [Appendix A](#)).

Recommendation 1

Prepare a Forum resolution urging the Nevada Legislature to create a study for the 2019–2020 Interim that would study projections regarding the care needs of different communities in the state. The resolution shall specify requirements for the study to develop a projection model, layer the model on different communities based on demographics, and assist Nevadans in promoting and recognizing the care needs of their respective communities.

F. Stigma of Seniors

While the Forum did not hear testimony regarding the stigma of seniors and the resulting social isolation, President Yacenda proposed, and the body approved, the recommendation described below (see resolution in [Appendix B](#)).

Recommendation 1

Prepare a Forum resolution to raise awareness of the stigma seniors may face in our society and to advocate on behalf of seniors who face this stigma. Include information on how seniors may experience discrimination, institutional stereotyping, and prejudice, which may lead to social isolation. Explain how this isolation can cause anxiety, depression, helplessness, and a loss of productivity and self-esteem. Such stigma may have various effects on the overall mental and physical health of a senior. The resolution shall also specify that the isolation of seniors increases a senior’s vulnerability to abuse and self-neglect as his or her social structure dissolves over time.

G. Supported Decision-Making Agreements

At its meeting on August 23, 2018, the Forum received written information about supported decision-making based on the work session of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. Supported decision-making is a process of creating an agreement between an adult with a disability and a trusted supporter or supporters that empowers an adult to make decisions about his or her own life matters without third-party input.

Recommendation 1

Send a letter to the chairs of the Senate and Assembly Committees on Health and Human Services and include a statement in the Forum’s final report supporting BDR 13–164, which would implement supported decision-making agreements and was requested by the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs at its meeting on July 19, 2018.

H. Flexibility of Caregiver Sick Leave

At its meeting on August 23, 2018, the Forum heard public comment from Barry Gold, Director, Government Relations, AARP Nevada. He asked the Forum to support BDR 53–169 concerning the flexibility of caregiver sick leave. The BDR, which was requested by the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs, requires a private employer to provide sick leave benefits to employees for absences due to illness, injury, medical appointments, or other authorized medical needs for employees’ family members.

Recommendation 1

Send a letter to the chairs of the Senate and Assembly Committees on Health and Human Services and include a statement in the Forum’s final report supporting BDR 53–169 concerning the flexibility of caregiver sick leave. The BDR is a redraft of [AB 394](#) (2017), known as the “Caregiver Flexibility Sick Leave Bill,” which did not pass in the 2017 Legislative Session. The BDR was requested by the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs at its meeting on July 19, 2018.

I. Regulations Addressing Businesses Operating in the Long-Term Care Industry

At its meetings on August 23, 2018, and October 9, 2018, the Forum heard testimony from Shawn McGivney, M.D., R.F.A., Member, Assisted Living Advisory Council, Division of Public and Behavioral Health, DHHS. He presented issues concerning unlicensed long-term care facilities and the adverse effects of unregulated homes on licensed long-term care facilities, such as residential facilities for groups.

At its meeting on July 20, 2018, Jennifer Williams-Woods, State Long-Term Care Ombudsman, Office of the State Long-Term Care Ombudsman, ADSD, DHHS, discussed the lack of nationwide mandatory staff-to-client ratios for long-term care facilities. She also discussed the importance of mandatory staffing ratios that are based on residents’ needs and facility types.

Recommendation 1

Send a letter to the chairs of the Senate and Assembly Committees on Health and Human Services and include a statement in the Forum’s final report supporting legislation regarding residential facilities for groups, community-based living arrangements, and certain unregulated residential facilities on health care as proposed by the Legislative Committee on Health Care at its meeting on September 24, 2018. The committee proposed legislation to direct DHHS to review unlicensed group homes to ensure quality and safety protections to safeguard vulnerable

populations, evaluate the impact of overregulation, and broaden the definition of a referral agency in [NRS 449.0305](#) by expanding the licensing requirement to additional business types.

Recommendation 2

Include a statement in the Forum’s final report supporting BDR 40–170, which would relocate provisions regarding community-based living arrangement services ([NRS 433.605](#)) under [Chapter 449](#) of NRS. The BDR was requested by the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs at its meeting on July 19, 2018.

Recommendation 3

Include a statement in the Forum’s final report to advocate for legislation to establish mandated staff-to-client ratios in long-term care facilities that must be based on the individual needs of the residents.

J. Strategic Planning Efforts of the Aging and Disability Services Division

The ADSD has a policy called *Nevada’s No Wrong Door Strategic Plan 2015–2018*, which is currently in the implementation process. No Wrong Door (NWD) systems assist individuals with physical and mental disabilities, as well as professionals, in navigating the often complex long-term services and supports in a community to find the most optimal, individualized care options. Nevada formed a NWD Advisory Board in 2015, which developed and passed a three-year implementation plan to improve the state’s long-term services and supports by establishing a NWD system across all communities, populations, and incomes in Nevada.

While the Forum did not hear related testimony regarding these activities, Forum President Yacenda proposed, and the body approved, the recommendations described below.

Recommendation 1

Include a statement in the Forum’s final report to extend an official declaration to all providers of long-term services and supports, the governor, and DHHS expressing the Forum’s strong concurrence and alignment with ADSD’s strategic planning efforts. Include the Forum’s support for the principles of access, dignity, independence, integration, quality, and sustainability, which are core components of these efforts.

Recommendation 2

Include a statement of support in the Forum’s final report to advocate for the findings and suggestions of ADSD’s *Nevada’s No Wrong Door Strategic Plan 2015–2018*. A focus of the statement shall be on person-centered planning and the barriers seniors may face if person-centered planning is not practiced by any long-term services and supports provider. The statement shall also evaluate options and opportunities for professionals who do not have the resources to implement person-centered services.

IV. SUGGESTED LEGISLATION

The following BDR* will be available during the 2019 Legislative Session at the following website: <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/BDRs/List>.

BDR 38–534 Revises provisions governing the Nevada Silver Haired Legislative Forum.

*The following explains the number or letter preceding the dash in the BDR number that is assigned by the Legal Division during the drafting process:

BDR 40–368 A number denotes the NRS Title (i.e., Title 40), which encompasses the main subject of the bill draft.

BDR R–369 The letter “R” denotes the bill draft is a resolution.

BDR S–370 The letter “S” denotes the bill draft is a special act.

V. APPENDICES

Letters approved by the Forum can be found on the Forum’s webpage at <https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2017/Committee/1369/Overview>.

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Appendix A
Resolution: Community Care Need Projections

NEVADA SILVER HAired LEGISLATIVE FORUM

(Nevada Revised Statutes 427A.320)

Urging the Nevada Legislature to Create an Interim Study for the 2019–2020 Interim That Would Study Projections Regarding the Care Needs of Different Communities in the State

RESOLUTION

WHEREAS, The Nevada Silver Haired Legislative Forum was created to identify and act upon issues of importance to aging persons; and

WHEREAS, Nevada faces increasing inequalities in care provision, limited resources, and rising demands for care. Nevada’s senior population is one of the fastest growing in the nation that grew nearly 60 percent between 2006 and 2016; and

WHEREAS, It is of particular importance to identify senior communities that are in greatest need of care provision and ensure the state’s limited care resources are appropriately allocated to maximize quality and quantity concerning care provision; and

WHEREAS, Community needs assessments assist community leaders in identifying and defining vulnerable senior population segments that require improved care and by creating strategies that lead to meaningful changes in their respective communities; and

WHEREAS, The Forum suggests the study and development of a community care needs projection model, based on a statewide community needs assessment, which would assist Nevadans in recognizing and promoting the care needs of their respective senior community; and

WHEREAS, Specific requirements of this projection model shall include key characteristics of each studied community, such as demographics, health status, mortality rate, and other local factors that may affect health and future care needs; and

WHEREAS, The projection model shall further evaluate current community policies, institutions, and systems that assess care needs and provide various care services to seniors; now, therefore, be it

RESOLVED BY THE NEVADA SILVER HAired LEGISLATIVE FORUM, That the Forum hereby urges the Nevada Legislature to create a study for the 2019–2020 Interim that would research projections regarding the care needs of different Nevada senior communities; and be it further

RESOLVED, That the resulting community care need projection model shall assist the Nevada Legislature in targeting communities with the most vulnerable senior population segments, who then shall have appropriate and sufficient care resources allocated.

Appendix B
Resolution: Stigma of Seniors

NEVADA SILVER HAIRED LEGISLATIVE FORUM
(Nevada Revised Statutes 427A.320)

**Raising Awareness of the Stigma Seniors May Face in Our Society and to
Advocate on Behalf of Seniors Who Face This Stigma.**

RESOLUTION

WHEREAS, The Nevada Silver Haired Legislative Forum was created to identify and act upon issues of importance to aging persons; and

WHEREAS, Stereotypical and discriminatory attitudes exist toward old age, the process of aging, and seniors, which the Forum considers a stigma; and

WHEREAS, Discriminatory practices against seniors, especially in employment, as well as in other social roles, diminish their opportunities for a higher quality of life and undermine their personal dignity. For instance, age discrimination results in either not getting hired or missing promotions and being laid off or fired; and

WHEREAS, The Forum is advocating on behalf of seniors who face this stigma and do not have a voice in our society; and

WHEREAS, This stigma may cause anxiety, depression, helplessness, loss of productivity and self-esteem, and social isolation that leads to negative effects on seniors' overall mental and physical health. Affected seniors are more vulnerable to abuse and self-neglect and tend to have a higher mortality rate; and

WHEREAS, Abusers may manipulate and isolate vulnerable seniors to gain undue influence over them, which is a form of psychological abuse and could be considered criminal behavior; and

WHEREAS, Socially isolated seniors are at risk of increased self-neglect, which manifests in chaotic medication management, dehydration, malnutrition, poor personal hygiene, and other unattended health conditions; now, therefore, be it

RESOLVED BY THE NEVADA SILVER HAIRED LEGISLATIVE FORUM, That the Forum hereby urges all parties involved in caring for seniors to continue working together to find solutions in effectively managing the aging process and overcoming the stigma associated with being a senior; and be it further

RESOLVED, That the Forum hereby raises awareness of this stigma and encourages all people to be innovative and creative in their support of seniors while helping them lead meaningful and quality lives with dignity, joy, and respect.