



NEVADA LEGISLATURE
LEGISLATIVE COMMITTEE ON SENIOR CITIZENS,
VETERANS AND ADULTS WITH SPECIAL NEEDS
(Nevada Revised Statutes 218E.750)

SUMMARY MINUTES AND ACTION REPORT

The third meeting of the Nevada Legislature's Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs was held on April 13, 2010, at 9 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 2135 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, are available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/75th2009/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblywoman Kathy McClain, Chair
Senator Shirley A. Breeden
Senator Joyce Woodhouse
Assemblywoman Ellen B. Spiegel
Assemblyman Lynn D. Stewart

COMMITTEE MEMBER ABSENT:

Senator Dennis Nolan (excused)

OTHER LEGISLATOR PRESENT:

Assemblywoman Sheila Leslie

LEGISLATIVE COUNSEL BUREAU (LCB) STAFF PRESENT:

Amber J. Joiner, Senior Research Analyst, Research Division
Risa B. Lang, Chief Deputy Legislative Counsel, Legal Division
Natalee M. Binkholder, Deputy Legislative Counsel, Legal Division
Ricka Benum, Senior Research Secretary, Research Division

OPENING REMARKS

- Chair McClain called the meeting to order, and roll was called.

APPROVAL OF MINUTES OF THE MARCH 10, 2010, MEETING

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

SENATOR WOODHOUSE MOVED TO APPROVE THE MINUTES OF THE MARCH 10, 2010, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY SENATOR BREEDEN AND PASSED UNANIMOUSLY.

PRESENTATIONS RELATING TO THE PREVENTION OF THE ABUSE, NEGLECT, ISOLATION, AND EXPLOITATION OF SENIOR CITIZENS AND ADULTS WITH SPECIAL NEEDS IN NEVADA

Overview of Demographics Relating to Crimes Against Senior Citizens in Nevada

- Pam Gallion, Director, Cannon Survey Center, University of Nevada, Las Vegas (UNLV), reported on the demographic profile of Nevada's seniors with the aid of a Microsoft PowerPoint presentation ([Exhibit B](#)). Ms. Gallion recognized the University of Nevada Cooperative Extension (NRS 396.600) for providing the financial assistance to conduct a more in-depth study than otherwise would have been possible. She noted that to achieve the results of the 2006-2007 survey her staff spoke with approximately 2500 persons, and asked each person a total of 105 questions. She reported that with the current study, only 1205 persons were interviewed and responded to a total of 69 questions. Ms. Gallion outlined statistics on Nevada's senior population, which included: (1) how long the seniors have lived in the State; (2) their average income; (3) the monthly cost of living; (4) figures on health and medical data; and (5) daily activities, and crime statistics.

Ms. Gallion commented that the statistics show that as the economy has worsened, so has the physical and mental health of Nevada's senior citizens. In addition, she noted that 71 percent of the seniors interviewed are either retired or semi-retired, and that there are 50,000 seniors who would prefer to be working. Ms. Gallion pointed out that the statistics indicate that 28,872 of Nevada's senior citizens are financially unable to purchase food and often go hungry.

A discussion developed between Chair McClain, Assemblyman Stewart, and Ms. Gallion on the type of questions contained in the survey. Ms. Gallion responded that information pertaining to the number of grandparents raising grandchildren can be obtained from the data, but it will require additional time. She reiterated to Assemblyman Stewart that many of the questions pertaining to healthy lifestyle choices were eliminated due to the budget considerations.

- Senator Breeden inquired whether Ms. Gallion could ascertain a way to identify the persons interviewed so they may be contacted by service agencies, such as the local food banks.
- Ms. Gallion explained that the random digit dial method of collecting the data does not allow the staff to know the person being interviewed. She added that when the final report is complete, it will illustrate a variety of indicators and be a more in-depth report.
- Assemblywoman Spiegel recalled a recent presentation that encouraged recruiting senior citizens to relocate to Nevada for the benefit of the economy. She asked Ms. Gallion whether the seniors who move to Nevada could possibly require a high level of social services from State providers within a relatively short time frame after moving. Ms. Gallion agreed and determined that seniors needing social services shortly after relocating is a likely possibility.

A general discussion ensued which focused on statistics of the relatively high number of seniors who have recently moved to the State and their approximate income brackets. She requested Ms. Gallion to provide that data to the Committee at its June meeting. Assemblyman Stewart suggested that the statistics be used to determine whether the new residents are utilizing more or less social services than people who have lived in the State for a longer period of time. He indicated this would establish whether persons relocating to Nevada are an asset or a burden.

Presentation on Senior Protection Investigations and Prosecutions, and Related Efforts by the Office of the Attorney General

- Brett Kandt, Executive Director, Nevada Prosecution Advisory Council, and Special Deputy Attorney General, Office of the Attorney General (AG), addressed the efforts of the AG's Office to protect seniors. Mr. Kandt outlined four primary objectives: (1) working with the Elder Abuse Task Force to develop better communications between the various State and local agencies; (2) focusing on prevention through public awareness and education of elder abuse, fraud, and exploitation; (3) improving the reporting, investigating, and prosecutions of crimes against seniors through training and specialization; and (4) compiling statistics to highlight the problem of elder abuse and exploitation in the State.

Mr. Kandt outlined the divisions that comprise the AG's Senior Protection Unit as the: (1) Senior Medicare Patrol; (2) Medicaid Fraud Control Unit; (3) Bureau of Consumer Protections; and (4) Identity Theft Program. In addition, he provided an update on the procedures of investigations and prosecutions implemented under Assembly Bill 226 (Chapter 268, *Statutes of Nevada 2007*). He explained that the Senior Protection Unit receives and tracks reports of elder abuse, acts as a resource to local authorities, and has limited jurisdiction to investigate and prosecute elder abuse cases in consultation

with the district attorney who has jurisdiction over the case. Mr. Kandt said that there were no additional resources allocated to the AG's office for the Unit. He briefed the Committee on the AG's focus to address mortgage fraud cases, and noted that the AG's staff is actively prosecuting many cases with senior victims.

Concluding, Mr. Kandt addressed multi-disciplinary teams (MDTs) and pointed out that an AG sponsored MDT would have the authority to review any allegations of elder abuse, neglect, exploitation, isolation, or any death of an older person that is alleged to be from abuse or neglect. Also, the AG would have no supervisory authority over a MDT, and the information shared by the team members is confidential by law.

Responding to Chair McClain, Mr. Kandt explained that the AG's office is actively applying for federal grants to supplement existing resources.

Presentation Relating to Identifying and Responding to Elder Abuse

- Lu Torres, Executive Director, The Rape Crisis Center (RCC), Las Vegas, reported on the availability of a three-year grant through the United States Department of Justice, Office of Justice Programs, Office of Victims of Crime. Ms. Torres explained the grant amount is approximately \$300,000. However, it is not an appropriate grant for a RCC application, since it encompasses all areas of elder abuse. She expressed optimism that community interest has increased from other local organizations, and she suggested compiling a MDT to apply and take the lead on the grant by utilizing members from community organizations.
- Chair McClain requested Ms. Torres to furnish a copy of the grant, so that she may recruit additional interested persons.
- Elena Espinoza, Director of Client Services and Programs, RCC, addressed the types of entities that would be ideal to form the MDT or task force to apply for the three-year grant. Ms. Espinoza explained that senior abuse is most often coupled with other types of abuse that occur simultaneously. She pointed out that should the team be successful in obtaining the grant, it will be necessary to identify the multiple factors that contribute to abuse and exploitation. Ms. Espinoza provided a written copy of her testimony ([Exhibit C](#)). She emphasized that to be successful the MDT must be culturally competent, learn how to respond to elder abuse, explore State and community-based services, and to outline the roles and responsibilities of each member of the MDT.
- Chair McClain commented on the spectrum of family violence and the need to address the issue in its entirety. She noted that a person who would abuse a child is likely to mistreat their parents, and that it is necessary to bring public awareness to the issue of elder abuse.

Update Relating to the Licensing of Residential Care Facilities, Assisted Living Facilities, Homes for Individual Residential Care, Personal Care Agencies, and Administrators of Residential Care Facilities to Support Prevention

- Wendy Simons, Assisted Living Consultant, Reno, provided an update on what she perceived as a trend toward increased accountability, better outcomes for the clients, and more interest in compliance on behalf of the personal care agencies. Ms. Simons reported that persons in the industry are working with the Assisted Living Advisory Council (ALAC) to make regulator changes to expand training requirements and medication administration accountability. She commented that there are those noncompliant administrators that take up a majority of the resources and are slow to respond to correct deficiencies. She determined these difficulties to be a combination of items and outlined the issues in her prepared testimony ([Exhibit D](#)). Ms. Simons observed that problems arise when there is: (1) a lack of accountability with executive directors, who may not be properly supervised by the Board of Examiners for Long Term Care Administrators (BELTCA) (NRS 654.050); and (2) little or no protective oversight in larger properties that may operate in several states and do not take Nevada's laws and regulations seriously. She noted that the non-compliant and substandard facilities are generating the highest costs in regulatory oversight. Ms. Simons provided the following recommendations:
 1. Require mandatory elder abuse training for all personnel in dependent care facilities, including the facility owners;
 2. Allow the Bureau of Health Care Quality and Compliance (BHCQC), Health Division, Department of Health and Human Services (DHHS), the ability to assess immediate fees for the most egregious situations that require excessive agency monitoring; and
 3. Establish a mechanism to allow the BHCQC to recover costs for substantiated complaint investigations.
- Assemblywoman Spiegel inquired whether family members are notified when substantiated complaint investigations are complete and advised of the findings.
- Ms. Simons responded from the perspective of a facility provider and stated that with any complaint it is good business practice to find a timely resolution. When a complaint is registered with the BHCQC or other regulatory authority, a paper trail is set up and interviews begin with all parties involved. She determined the client's family and advocates to be an important factor for a good outcome.

During further discussion with Assemblywoman Spiegel and Senator Breeden, Ms. Simons commented that within any entity or agency that provides care for the frail elderly, every person associated therein, should consider themselves mandated self reporters of abuses or

deficiencies. She added that not all businesses are managed by those standards. Ms. Simons reminded the Committee that following a survey by the BHCQC, the grades of every care facility are posted on the Health Division's website: http://health.nv.gov/HCQC_HealthFacilities.htm.

- Marla L. McDade Williams, MPA, Deputy Administrator, Health Division, DHHS, confirmed that all complaints against any licensed facility in which a statement of deficiency was generated and substantiated, are posted on the Bureau's website. The BHCQC also posts the plan of correction from the facility as well as any sanction notice. Ms. Williams further explained that the resolution depends on the severity of the issue; the problem may be corrected by the plan of correction submitted, or by another statement of the deficiency stating no violations were found.

Ms. Williams clarified that the residential facilities for groups are the only facility type that has the grading system in place. The BHCQC is required by statute to inspect each facility once a year and all of those grades are posted on the website. She pointed out that the other facility types are inspected every 18 months, and the inspection results are posted. However, there is no grade associated with those inspections.

A general discussion ensued with Assemblyman Stewart inquiring as to the specific number of deficiencies that must be met to achieve certain grades. Ms. Simons outlined the current grade categories to clarify the scoring system. Ms. Williams noted the requirement that a provider be resurveyed if they score a C or D grade, but the regulations do not state at how many resurveys are allowable, or at what point a provider with the D grade should have their license revoked. She said consideration must be given to the scope and severity of each instance. Ms. Williams noted that the BHCQC is considering changes be made in the regulations, rather than requesting statutory action.

Following questions from Assemblywoman Spiegel regarding the scoring system, Ms. Simons and Ms. Williams provided examples of the general findings associated with an inspection survey, and the scope of severity assigned to each deficiency. Ms. Williams offered to provide a matrix to the Committee to illustrate potential grading, as it relates to the points involved in the scope and severity of the findings. She noted that the survey structure document would help clarify the deficiencies, and said that not all violations are related to patient abuse. Chair McClain expressed concern for the residents of non-compliant facilities, and asked if changes should be implemented in statute rather than by regulation. Ms. Williams indicated that the BHCQC is moving forward to define the grading system and that the Bureau has the mechanisms in place to take immediate action in serious situations and to close down facilities, which it does exercise following due process to revoke a license. Currently, there is nothing stated by either regulation or statute that family members be notified if a loved one is in a non-compliant facility.

PRESENTATIONS RELATING TO VETERANS IN NEVADA

Presentation Relating to Nevada's Office of Veterans' Services' (NOVS) Legislative Symposium

- Tim Tetz, Executive Director, NOVS, reviewed the Veterans Legislative Symposium and outlined the process used to compile veteran information. Mr. Tetz offered his presentation with the aid of a Microsoft PowerPoint presentation ([Exhibit E](#)), and outlined the 2008 Per Capita Veteran Population. He explained that for the first time in 60 years, the State does not have a current count on the number of veterans living in Nevada. In addition, he noted that the 2010 census did not include the question whether there was a veteran living in the household; therefore, the 2008 figure is the best estimate available. The NOVS estimates there are approximately 339,000 veterans in Nevada, or 12 percent of the population; the national average is 8 percent per capita. Mr. Tetz discussed the items identified during the Veterans Legislative Symposium and issues of concern to the State's veterans. Mr. Tetz introduced the members of the Nevada Veterans' Services Commission (NRS 417.150).

He stated that since 2009 the State funding of the NOVS has been cut by 26 percent in Fiscal Year (FY) 2010 and 36 percent in FY 2011. In addressing the needs of the agency, Mr. Tetz listed: (1) the expansion at the Southern Nevada Veterans' Cemetery which is federally funded, but the State does need to fund the furniture, fixtures, and equipment; (2) a Capital Improvement Program (CIP) request pending before the 2011 Legislative Session for the next expansion at the veterans' cemetery; and (3) the failing "wanderguard" and nurse paging system at the Nevada State Veterans' Home (NSVH-Boulder City).

He updated the Committee on the NSVH-Sparks which is located at the Northern Nevada Mental Health Facility Campus. Mr. Tetz said there are 75,000 veterans within 75 miles of Reno, Nevada, and the goal is to have a long-term skilled nursing facility veterans' home to care for them. (See page 8 of [Exhibit E](#).)

- Ronald L. Gutzman, Commissioner, Nevada Veterans' Services Commission, commended the work of Mr. Tetz and thanked the Committee for its work.
- William I. Bauman, Commissioner, Nevada Veterans' Services Commission, Henderson, thanked Mr. Tetz for his presentation and report on the Symposium.
- Sally Wiley, Commissioner, Nevada Veterans' Services Commission, and a Gold Star Mother, Gardnerville, Nevada, she is fortunate to be appointed to the Commission under the guidance of Mr. Tetz.

Presentation Relating to Women Veterans in Nevada

- Carole L. Turner, Deputy Executive Director, NOVS, Las Vegas, discussed the following items addressed in her handout ([Exhibit F](#)).
 1. Real and perceived inequities exist relative to the unique and unmet needs of women veterans;
 2. Failure to recognize the impact of a women's military service on their ability to access the benefits and services they are eligible to receive;
 3. The incidence of military sexual trauma (sexual harassment and assault) is 20 times greater among female service members compared to males;
 4. Women veterans are the minority in the Veterans' Affairs (VA) healthcare system, and there is a systematic lack of expertise in women's health that results in increased referral rates to community providers for gender-specific care; and
 5. Poor care environments for women veterans including an inadequate number of domiciliary, transitional, and long-term care beds; lack of privacy; mixed gender inpatient and mental health facilities; and a lack of coordinated care concepts.

Concluding, Ms. Turner reported on the discussions and topics from the third annual Women Veterans Summit held in Las Vegas. She discussed the importance of reaching out to women veterans to help them resolve difficulties in receiving their benefits. She summarized the four primary issues outlined at the Summit: (1) correct the misperception that women are not veterans; (2) heighten public awareness regarding women's military service and contributions; (3) educate providers and policymakers about the unique needs and experiences of women veterans; and (4) demand that the VA provide skilled, sensitive, and responsive VA staff and leaders.

In response to an inquiry from Assemblywoman Spiegel regarding the definition of a veteran under NRS, Ms. Turner suggested that any questionnaire language include the wording: "did you serve in the military" rather than "are you a veteran."

Presentation Relating to the Veterans Court Calendar in the Drug Court Program, Eighth Judicial District Court of Nevada, Clark County

- Steven Roll, Specialty Courts Manager, Eighth Judicial District Court of Nevada, Clark County, spoke on the newly established veterans' calendar. Mr. Roll stated that the system has identified the veterans involved in the adult drug court program and established a separate calendar to hear cases pending for those persons. Any veteran associated with other specialty courts are also eligible to participate in the veterans' calendar. Mr. Roll indicated that community providers who attend the court calendar

include: the Criminal Justice Liaison with the VA, representatives from the NOVS, and attorneys that typically provide pro bono services.

General discussion revealed that the court calendar is fairly small in the number of participants and currently meets one day a week. Mr. Roll explained that although some felony charges may be assigned to the specialty court, in general violent nature crimes are not included in the program. He indicated there that there is an element of shame experienced by veterans involved in the criminal justice system, especially if associated with alcohol or drug problems, and mental illness.

Presentation Relating to the Work of the Veterans Court, Second Judicial District Court of Nevada, Washoe County

- The Honorable Peter I. Breen, Senior Judge, Veterans Court, Second Judicial District Court of Nevada, Washoe County, Reno, reported that the veterans court is a multi-jurisdictional specialty court enabled by the 2009 Legislature and is modeled after the mental health court. Judge Breen stated that upon successful completion the court records may be sealed and there may be dismissal of the charges. He explained that when they started the court they brought in veteran clients from the other specialty courts. He was pleased to report that the veterans court has had seven graduates, and all the cases were crimes associated with drug abuse and/or mental health illnesses. Judge Breen stated that the veterans court is now ready to expand and take cases from the justice and municipal court dockets, in addition to the district courts.

Judge Breen emphasized that no funds were made available to the courts to establish treatment programs; the treatment component for the veterans' court must be found elsewhere. He noted that to be able to expand, it will be necessary to locate the financial resources for treatment within the existing specialty courts or turn to the NOVS or the VA. Otherwise the size of the court will be limited by the funds available to serve the population.

- Assemblywoman Sheila Leslie, Washoe County Assembly District No. 27, speaking as the Specialty Court Coordinator, Second Judicial District Court of Nevada, Washoe County, urged the specialty court representatives in southern Nevada not to be discouraged with the small number of clients, which is typical for specialty courts. She credited the NOVS and the VA in assisting the veterans court to gain knowledge of the federal regulations, rules, and the acronyms used by the federal agencies. Assemblywoman Leslie noted the varied age range of the clients, which span from 25 to 74 years of age. She explained that the program was offered to all persons identified as veterans already involved in the existing specialty court structure, and every client accepted. Assemblywoman Leslie commented that clients experience less stigma appearing before a veterans court docket, rather than a drug or mental health court docket. She added there is a noticeable camaraderie among the participants and a willingness to help each other.

She reported that she attended a recent national conference focused on criminal justice and the mentally ill, and learned that there is a growing trend to create veterans courts. In addition, specialty courts in other states use the veteran data solicited during court proceedings to connect veterans with the appropriate community resources and VA services. Assemblywoman Leslie pointed out that under NRS 176.015 "Prompt hearing; court may commit defendant or continue or alter bail before hearing; statement by defendant; presentation of mitigating evidence; rights of victim; notice of hearing," every judge shall ask, before sentencing, whether the defendant is a veteran. Many judges are not sure what to do with the veteran information, but they do obtain it. She proposed the possibility of using the information to refer Nevada veterans involved in the criminal justice system to the VA resources centers or to the NOVS.

- Chair McClain commented that she also was unaware of the requirement to obtain veteran information in the court setting, and indicated the need to compile the veteran information.

PRESENTATIONS RELATING TO ADULTS WITH SPECIAL NEEDS IN NEVADA

Presentation Relating to Adults With Developmental Disabilities

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

- Sherry Manning, Executive Director, Nevada Governor's Council on Developmental Disabilities, DHHS, stated the Council is a Governor-appointed body and is authorized under the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, which is designed to improve service systems for individuals with developmental disabilities. Ms. Manning offered a summary of the characteristics of the Act, which are to:
 1. Provide assistance to States and public and private nonprofit agencies and organizations to assure that all persons with developmental disabilities receive the services and other assistance and opportunities necessary to enable such persons to achieve their maximum potential through increased independence, productivity, and integrations into the community;
 2. Enhance the role of the family in assisting persons with developmental disabilities to achieve their maximum potential;
 3. Provide interdisciplinary training and technical assistance to professionals, para-professionals, family members, and individuals with developmental disabilities;
 4. Advocate for public policy change and community acceptance of all people with developmental disabilities and their families so that such persons receive the

services, support and other assistance and opportunities necessary to enable such persons to achieve their maximum potential;

5. Promote the inclusion of all persons with developmental disabilities, including persons with the most severe disabilities, in community life;
6. Promote the interdependent activity of all persons with developmental disabilities, including persons with the most severe disabilities; and
7. Create grants to support a system in each State to protect the legal and human rights of persons with developmental disabilities.

Ms. Manning said that it is through “systemic change” that the Council achieves its goals, and works in partnership with the Nevada Center for Excellence in Developmental Disabilities, University of Nevada, Reno, and the Nevada Disability, Advocacy and Law Center. Ms. Manning submitted a pamphlet ([Exhibit G](#)) which defines a developmental disability and describes the makeup of the Council. In addition, she explained that the Council has provided funding to assist in a statewide employment summit to bring together organizations and persons with developmental disabilities to gather data to determine what employment needs are needed. She indicated the Council is beginning its next five year State plan which will begin August 2011 and has sent surveys to request data and areas of emphasis from persons with developmental disabilities.

Presentation Relating to the Services in Nevada for Adults With Physical Disabilities

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

- Carol Sala, Administrator, Aging and Disability Services Division (ADSD), DHHS, summarized the programs that provide services for adults with physical disabilities that are provided through the ADSD. The merger is responsible for the oversight of programs that make every effort to help persons maintain their independence. Ms. Sala focused her testimony on: (1) Personal Assistance Service Program; (2) Traumatic Brain Injury Rehabilitation; (3) Assistive Technology for Independent Living Program; (4) Communication Access Programs; and (5) Disability Rx. She submitted her written testimony ([Exhibit H](#)) and provided an informational handout ([Exhibit I](#)).
- Chair McClain inquired whether the ADSD had recommendations to submit that would require changes in the NRS.
- Todd M. Butterworth, Chief, Disabilities Services, ADSD, DHHS, responded that the agency has not identified any significant statutory concepts; the ADSD is looking at making budget-neutral changes. Mr. Butterworth offered to discuss the issue with the Commission on Services for Persons with Disabilities (NRS 426.7235) and provide details if necessary.

- Assemblywoman Spiegel brought up an issue where assisted technology devices that are utilized by disabled students in the public school system are warehoused after use and not offered to the graduating students for purchase. She commented the items are going to waste by sitting in warehouses. She inquired whether Mr. Butterworth was familiar with the situation and suggested that language be added to make the equipment available to the students on a depreciated basis.
- Mr. Butterworth responded that he recently learned that the assisted technology devices were being shelved, and likely not even utilized by other students. He said that during a recent Nevada Assistive Technology Council, DHHS, meeting the issue was discussed and that the concern from the disability community is that persons with disabilities should have the first right of refusal to purchase the equipment and retain it after high school. He reported that he has received information that equipment retained by the school districts is not being passed on to other students and is just being stored. Mr. Butterworth reported that at present the Nevada Advisory Board on Transition Services (NRS 426), which works to coordinate the transition from high school to adult life, the Bureau of Vocational Rehabilitation, Rehabilitation Division, Department of Employment, Training and Rehabilitation, and Disabilities Services, ADSD, DHHS, are involved and encourage the school districts to amend their policies. He added that he is unsure if the issue should be addressed in statute, but he noted that it would be a worthwhile discussion with the school districts.

SUMMARY OF KEY PROVISIONS RELATING TO SENIOR CITIZENS, VETERANS, AND ADULTS WITH SPECIAL NEEDS IN RECENT FEDERAL HEALTH CARE REFORMS

- Amber J. Joiner, Senior Research Analyst, Research Division, LCB, explained that much of the information contained in the Patient Protection and Affordable Care Act is not yet available, since a large amount requires clarification through the regulatory and rule-making process. Ms. Joiner spoke specifically to the Elder Justice Act provisions of the health care measures. She provided the Committee with a handout ([Exhibit J](#)) and additional items of interest ([Exhibit K](#), [Exhibit L](#), [Exhibit M](#), [Exhibit N](#), [Exhibit O](#), and [Exhibit P](#)) that provide extensive health care information and timelines from varied sources.
- Chair McClain requested clarification that any employed person will automatically be enrolled in the National Voluntary Long-Term Care Insurance Program, unless the person opts out.
- Barry Gold, Director of Government Relations, AARP Nevada, commented that the organization would undertake a major effort to educate the members on what is included in the Health Care Reform Act and how to access benefits and services. Mr. Gold explained to Chair McClain the “Class Act,” the Voluntary Self-insured Program that will offer an automatic opt-in for businesses (with 10 or more employees)

through a payroll deduction program, and he added that participants are vested after a five-year period. Mr. Gold noted that there are funds available in the Patient Protection and Affordable Care Act for the States to support aging and disability resource centers. He offered additional comments on portions of the measure that are not yet finalized and agreed there would be an extensive regulatory process.

PUBLIC COMMENT

- Mr. Gold (identified above) brought up the scenario of “bed-holds.” He explained that when patients leave a nursing home facility for a hospital stay, oftentimes they have no place to return to when they are discharged from the hospital. Mr. Gold said if the patient is problematic, the care facility does not want to take the patient back. He added that he wanted to make the Committee aware that the situation causes difficulties for Nevada seniors and their families, but that he was not knowledgeable enough to speak on the details of the problem.
- Assemblywoman Spiegel inquired whether nursing homes have the ability to ask the patient to leave. Mr. Gold responded he is not aware of discharge situations other than nonpayment issues, or when patients are no longer being eligible for nursing care coverage.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 2:10 p.m.

Respectfully submitted,

Ricka Benum
Senior Research Secretary

Amber J. Joiner
Senior Research Analyst

APPROVED BY:

Assemblywoman Kathy McClain, Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Amber J. Joiner, Senior Research Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit B](#) is the Microsoft PowerPoint presentation titled “Portrait of Nevada’s Seniors 2010 Senior Study, Demographic Profile of Nevada’s Over 50 Population,” prepared by Pamela Gallion, M.Ed., Director, Cannon Survey Center, University of Nevada, Las Vegas.

[Exhibit C](#) is prepared comments submitted by Lu Torres, Executive Director, The Rape Crisis Center, (RCC) Las Vegas, dated April 13, 2010, titled *Elder Abuse Identifying and Responding*, presented by Elena Espinoza, Director of Client Services and Programs, RCC, Las Vegas.

[Exhibit D](#) is the prepared testimony of Wendy Simons, Assisted Living Consultant, Reno, dated April 13, 2010.

[Exhibit E](#) is the Microsoft PowerPoint presentation titled *Review of the 2010 Veterans Legislative Symposium*, presented by Tim Tetz, Executive Director, Nevada’s Office of Veterans’ Services’ (NOVS), Reno, dated April 13, 2010.

[Exhibit F](#) is the prepared comments of Carole L. Turner, Deputy Executive Director, NOVS, Las Vegas, titled “Women Veterans in Nevada, Testimony,” dated April 13, 2010.

[Exhibit G](#) is a pamphlet titled “Nevada Governor’s Council on Developmental Disabilities” submitted by Sherry Manning, Executive Director, Nevada Governor’s Council on Developmental Disabilities, Department of Health and Human Services (DHHS), Carson City.

[Exhibit H](#) is the prepared testimony of Carol Sala, Administrator, Aging and Disability Services Division (ADSD), DHHS, Carson City, dated April 13, 2010.

[Exhibit I](#) is an informational document titled “Aging and Disability Services Division” submitted by Carol Sala, Administrator, ADSD, DHHS, Carson City.

[Exhibit J](#) is a document titled “Summary of Key Provisions Relating to Seniors Citizens, Veterans, and Adults with Special Needs in Recent Federal Health Care Reforms,” dated April 13, 2010, prepared by Amber J. Joiner, Senior Research Analyst, Research Division, Legislative Counsel Bureau, Carson City.

[Exhibit K](#) is a summary prepared by the National Conference of State Legislatures (NCSL) titled “NCSL Health Reform Fact Sheet, Key Provisions That Take Effect Immediately” submitted by Amber J. Joiner, Senior Research Analyst, Research Division, LCB.

[Exhibit L](#) is a Health Reform Implementation Timeline titled “Focus on Health Reform” from the Henry J. Kaiser Family Foundation, dated March 31, 2010, submitted by Amber J. Joiner, Senior Research Analyst, Research Division, LCB.

[Exhibit M](#) is a section by section summary of the Elder Justice Act prepared by the Elder Justice Coalition, A National Advocacy Voice for Elder Justice in America, by John B. Breaux, Honorary Chair, and Robert B. Blancato, National Coordinator, provided by Amber J. Joiner, Senior Research Analyst, Research Division, LCB.

[Exhibit N](#) is a document titled “Explaining Health Care Reform: Key Changes to the Medicare Part D Drug Benefit Coverage Gap” from the Henry J. Kaiser Family Foundation, dated March 2010, submitted by Amber J. Joiner, Senior Research Analyst, Research Division, LCB.

[Exhibit O](#) is a handout titled “Questions & Answers – TRICARE and Patient Protection and Affordable Care Act” available through the official website of the TRICARE Management Activity, provided by Amber J. Joiner, Senior Research Analyst, Research Division, LCB.

[Exhibit P](#) is an article from the *NavyTimes* titled “Senate Votes to Protect Tricare Beneficiaries” by Rick Maze, Staff Writer, dated April 2010, submitted by Amber J. Joiner, Senior Research Analyst, Research Division, LCB.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.