



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

SUMMARY MINUTES AND ACTION REPORT

The third meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs (NRS 218E.750) was held on Tuesday May 15, 2012, at 1 p.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138 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, is available on the Nevada Legislature’s website at <http://www.leg.state.nv.us/interim/76th2011/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau’s (LCB’s) Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Shirley A. Breeden, Chair
Assemblywoman Teresa Benitez-Thompson, Vice Chair
Senator Joseph P. (Joe) Hardy, M.D.
Senator Mark A. Manendo
Assemblyman Elliot T. Anderson

COMMITTEE MEMBER PRESENT IN CARSON CITY:

Assemblyman Pete Livermore

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Kirsten L. Coulombe, Senior Research Analyst, Research Division
Heidi Chlarson, Principal Deputy Legislative Counsel, Legal Division
Sally Trotter, Assistant Supervisor of Secretarial Services, Research Division

OPENING REMARKS

- Senator Shirley A. Breeden, Chair, called the third meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs to order. She welcomed members and the public and provided instructions on meeting protocol.

PUBLIC COMMENT

- Chair Breeden called for public comment; however, no testimony was presented.

APPROVAL OF MINUTES OF THE MEETING HELD ON MARCH 21, 2012, IN LAS VEGAS, NEVADA

- **THE COMMITTEE APPROVED THE FOLLOWING ACTION:**

VICE CHAIR BENITEZ-THOMPSON MADE A MOTION TO APPROVE THE MINUTES OF THE MARCH 21, 2012, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN LIVERMORE AND PASSED UNANIMOUSLY.

OVERVIEW OF SPECIALTY COURT PROGRAMS FOR VETERANS

Presentation on Specialty Court Programs for Veterans in Other States

- Jim Reed, Group Director–Environment, Energy and Transportation, National Conference of State Legislatures (NCSL), provided a Microsoft PowerPoint presentation overview of veterans treatment courts. Mr. Reed discussed the various psychological problems and associated criminal behaviors that can result in incarceration. He noted veterans treatment courts in Alaska and New York (the Buffalo model) and outlined the rationale for veteran’s courts. (Please see [Exhibit B](#), [Exhibit B-1](#), and [Exhibit B-2](#).)
- Alison Lawrence, Policy Specialist, Criminal Justice Program, NCSL, continued the presentation with the history of veteran’s courts and mentioned 12 states that have laws authorizing these courts. She noted that veteran’s courts fall under a larger recidivism reduction initiative and provide an alternative to incarceration while addressing the needs of a specific target population. Ms. Lawrence stated that Nevada has been recognized as a leader in specialty courts, both in operation and in success. She highlighted Nevada’s Specialty Court Funding Committee and commented on the importance of an oversight body to the effectiveness of specialty courts. Ms. Lawrence said in 2009, Nevada was among the first states to adopt a veteran’s court law. She discussed eligibility requirements and pointed out that violent offenders are not eligible for veterans court services.

In conclusion, her presentation included an overview of:

- Additional action other states have taken including: framework of best practices, intensive judicial monitoring, screening and assessments for program eligibility and treatment needs, recommendation of case plans, and compliance monitoring;
- Ten key components used as a primary model for drug courts;
- The importance of employment services, money management, parenting skills, and rewards and sanctions programs; and
- Funding options including the Justice Assistance Grant, which she explained is for purposes related to law enforcement courts, corrections, and preventions.

Ms. Lawrence commented on the importance of determining an offender's military status during the jail intake process and identifying available services.

- Mr. Reed explained how other states address military training, accommodations for transfer of spouses' professional licenses, unemployment compensation for "trailing" spouses, and minimizing school disruption for military children during transition. He noted the importance of coordinating services and placing an indication of veteran status on driver's licenses.

Responding to Assemblyman Livermore's inquiry regarding public defense counsel, Ms. Lawrence affirmed that representatives of both the defense and the prosecution make decisions to place a veteran into this program and monitor the status of compliance. She added that anyone involved in the veteran's court has the right to defense. Ms. Lawrence explained that the defense costs are covered by local court budgets.

In response to Vice Chair Benitez-Thompson's query regarding the process for diagnosing veterans with mental illness and post-traumatic stress disorder in veterans' court programs, Ms. Lawrence said most statutes require a veteran be diagnosed before being accepted into the court program. She added that if a veteran has been diagnosed with a mental illness within 60 days of entry into the veteran's court program, it is not typically necessary to obtain another diagnosis. Ms. Lawrence noted that the veteran's court decides if it will contract with a service provider or use an in-house person for a diagnosis.

- Mr. Reed remarked that a large number of veterans are not aware of the benefits and services for which they are eligible. He noted this process provides an opportunity to familiarize them with those services.

- Chair Breeden pointed out an Executive Order by Governor Brian Sandoval granting reciprocity for military spouses.

Responding to Chair Breeden's request for any recommendations with neutral cost impact, Mr. Reed commented that the NCSL Taskforce on Military and Veterans Affairs is working with the United States Department of Defense and has a number of programs it would like states to implement. He also mentioned a variety of approaches that other states are taking and stated that he will supply this information to the Committee.

Presentation on Specialty Court Programs for Veterans in Washoe County

- The Honorable Peter Breen, Senior District Court Judge, Second Judicial District Court, Washoe County, stated that he observed a reformation of the entire criminal justice system taking place across the United States. He provided background information on specialty courts and the Washoe County veteran's court. Judge Breen commented that any other court could refer an individual to the veteran's court. He outlined the eligibility criteria for participating in the veteran's court.
- Sheila Leslie, Specialty Courts Coordinator, Second Judicial District Court, Washoe County, pointed out the steady upward, participant trend from 2009 to present. She outlined court demographics, noting that participation is 91 percent male and 9 percent female, with an average age of 45 and 1/2 years. Ms. Leslie talked about the importance of the referral process; the categories of crimes heard; case resolution statistics; and the most common mental health conditions participants suffer from. She discussed three case studies.
- Judge Breen concluded with observations of the differences between the veteran's court and other specialty court programs. He compared veteran participants and civilian participants in regards to compliance, medical needs, and rates of completion. (Please see [Exhibit C.](#))

Responding to Assemblyman Anderson's inquiry regarding any cost savings associated with the veteran's court, Ms. Leslie commented that the court receives no additional State or county funding. She stated the Washoe County veteran's court has one funded position and noted various community organizations that provide services. Ms. Leslie added there are no actual costs to the court for treatment services. She said the funds from the Administrative Office of the Courts provided for the initial costs to begin the veteran's court program.

Ms. Leslie remarked that there have not been any studies completed to date regarding cost savings; however, she remarked the amount of dollars saved by mental health courts in "jail days" is "astonishing." She opined that once a study is completed on veteran's courts, significant savings would be evident.

In response to Assemblyman Anderson's query regarding savings by not utilizing district attorney staff on specialty court teams, Judge Breen affirmed that there is no district attorney staff on the specialty courts teams, including the veteran's courts, which does provide savings.

Responding to Assemblyman Livermore's inquiry regarding unemployment, Ms. Leslie explained that most individuals are unemployed when they enter the veteran's court. She noted that the court works with the veteran to obtain employment, veterans benefits, and housing. Ms. Leslie remarked on the efforts of employers to provide employment opportunities to veterans.

In response to Chair Breeden's inquiry regarding a community service component to the sentencing of veterans, Judge Breen stated that there is more emphasis on employment. He commented that there are sanctions if programs are not completed.

Presentation on Specialty Court Programs for Veterans in Clark County

- Judge Melanie Andress-Tobiasson, Justice of the Peace, Las Vegas Township, Clark County Department 10, commented on the veterans' involvement and commitment to their treatment programs. She provided a background on how veterans cases are handled in the Justice Court. Judge Tobiasson talked about assistance provided at the local Stand Downs, which she noted led to the beginning of organizing veterans cases on the docket. She said in the past two years the courts have collaborated with the VA and other partners to assist veterans. She mentioned the opportunities provided to veterans and the participants success rates. Judge Tobiasson noted a future goal to request funding for additional staff. She added that her court has heard over 100 cases in the last two years.

Responding to Assemblyman Anderson's inquiry regarding the number of veterans turned away because of a felony charge, Judge Tobiasson said many felonies are reduced down to misdemeanors, so the cases can remain in the Justice Court.

- Assemblyman Anderson asked what is needed to align the Clark County court with the Washoe County model.
- Judge Tobiasson discussed plans to identify, apply for, and receive increased funding. She noted the importance of expanding the system. Judge Tobiasson affirmed the need for expanded services. She commented that district court involvement could provide a more efficient operation.
- Chair Breeden stated that information from NCSL would be forwarded to Judge Tobiasson and the Committee will seek recommendations for the 2013 Legislative Session.

- Steven Roll, Specialty Courts Manager, Clark County Courts Administration, discussed the veteran's court calendar within the adult drug court at the district court level and the VA liaison and court coordinators that link veterans with agencies that will assist them.

There was discussion between Vice Chair Benitez-Thompson and Mr. Roll regarding the referral process, a drug court calendar for veterans' court hearings, and the single-entry point through the drug court.

In response to Chair Breeden, Mr. Roll affirmed that veteran's court cases heard in district court have only one judge convening, The Honorable Kathleen E. Delaney, District Court Judge, Department 25, Eighth Judicial District (Clark County).

- Assemblyman Anderson discussed the need to publicize court services available to veterans in Clark County and provisions for multiple entry points.
- Mr. Roll opined that a collaborative effort should be made by community stakeholders to plan and establish a multi-jurisdictional court.

Responding to Senator Hardy, Mr. Roll stated that District Court Judge Delaney would be the appropriate person to take action on the establishment of a multi-jurisdictional court.

DISCUSSION OF FEDERAL BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II

- Caesar Elpidio, Founder and President of the Filipino-American Veterans and Families of America-Nevada Chapter, provided a brief overview of the organization. He reported that currently, six Filipino-American veterans in Nevada are attempting to receive federal benefits. Mr. Elpidio stated that the organization has exhausted its efforts and is requesting that the Committee write a letter to the President of the United States asking for an Executive Order. He remarked that currently there is a bill in Congress, (United States House of Representative Bill [HR] 210, "Filipino Veterans Fairness Act of 2011") that is stalled in a subcommittee and a pending class action lawsuit against the Veterans Administration (VA) filed in an effort to obtain the benefits for WWII Filipino-American veterans.

Mr. Elpidio mentioned that 24,000 veterans have been denied federal benefits. He cited the lack of information in the VA's National Personal Records Center as the determining factor for denial of benefits. Mr. Elpidio said representatives of his organization had met with a Cabinet Secretary last year to ask for an Executive Order requesting that the VA accept alternative authenticated foreign documents as proof of service. He pointed out letters from Congressman Joe Heck, Governor Brian Sandoval, and a response to Governor Sandoval from Eric K. Shinseki, U.S. Secretary of Veterans Affairs. (Please see [Exhibit D](#), [Exhibit D-1](#) and [Exhibit D-2](#).)

- Luke Perry, Press and Government Affairs Director, Filipino-American Veterans and Families of America–Nevada, presented a video of the VA Director in Manila, Philippines, providing instruction to Filipino veterans on the process to receive benefits available to all U.S. Filipino WWII veterans and certain widows of veterans. Nevada’s three members of the U.S. House of Representatives have expressed their support of the measure; however, the bill remains in a congressional subcommittee. He stated that the one-time lump sum benefit was authorized through the American Recovery and Reinvestment Act of 2009, Filipino Veterans Equity Compensation Fund. Mr. Perry urged the Committee to provide a resolution to the President of the United States requesting an Executive Order. (Please see [Exhibit D-3](#).)
- Mr. Elpidio presented a book ([Exhibit D-4](#)) and invitation to the Committee to a Memorial Remembrance Dinner.
- Chair Breeden thanked the presenters for their invitation and stated that the requested letters would be drafted. She inquired if a response had been received to Governor Sandoval’s letter dated December 21, 2011, to U. S. Secretary of Veterans Affairs Eric K. Shinseki.
- Mr. Perry said the Governor was very receptive and read a letter from Secretary Shinseki, dated February 2, 2012, to Governor Sandoval. (Please see [Exhibit D-5](#)).

In response to Chair Breeden’s query regarding efforts for Filipino WWII veterans in other states, Mr. Perry stated that California had taken a lead and reported that California had the largest congressional delegation supporting H.R. 210.

- Chair Breeden asked for a motion to send letters on behalf of the Filipino WWII Veterans.
- **THE COMMITTEE APPROVED THE FOLLOWING ACTION:**

SENATOR MANENDO MOVED TO SEND A LETTER TO NEVADA’S CONGRESSIONAL DELEGATION THANKING THEM FOR THEIR SUPPORT OF THE BILL AND ASKING THEM TO ACT ON IT; AND TO SEND LETTERS TO NEVADA’S TWO UNITED STATES SENATORS ASKING THEM TO COSPONSOR THE LEGISLATION AND TAKE ACTION ON IT; AND TO SEND A LETTER TO THE PRESIDENT OF THE UNITED STATES. THE MOTION WAS SECONDED BY ASSEMBLYMAN ANDERSON AND PASSED BY UNANIMOUS VOTE.

PRESENTATION ON THE SUICIDE MORTALITY RATES OF NEVADA'S MILITARY VETERANS

- Luana J. Ritch, Ph.D., Chief, Bureau of Health Statistics, Planning, Epidemiology, and Response, Health Division, Department of Health and Human Services (DHHS), and Misty Vaughan Allen, M.A., State Suicide Prevention Coordinator, Office of Suicide Prevention, DHHS, provided a Microsoft PowerPoint presentation on the Suicide Mortality of Nevada Veterans. Dr. Ritch pointed out that Nevada veterans' suicide rate is higher than the national rate and the suicide rate for the entire population. She discussed: (1) suicide rates by gender and veteran status; (2) percent of suicide by age; (3) suicide methods by veterans; (4) rates of motor vehicle deaths of veterans; (5) risk factors and preventive factors; and (6) a chart detailing the current veteran access to care map. Dr. Ritch outlined a veteran-focused system that would track, follow-up, and include continual contact. (Please see [Exhibit E.](#))

She discussed problems young veterans encounter in accessing services. Dr. Ritch stated that the DHHS is working with other entities including the Federal Substance Abuse & Mental Health Services Administration Technical Assistance Services, the National Policy Academy, and the Nevada Green Zone Initiative Wellness Sector Planning (total wellness approach). Dr. Ritch commented that the *Suicide Mortality in Nevada's Military Veterans 2008-2010* report could be accessed on the Health Division's website at: www.health.nv.gov. (Please see [Exhibit E-1.](#))

Responding to Assemblyman Anderson's inquiry regarding any information from the court system on suicide deaths, Dr. Ritch said that the only source of information was from death certificates. She discussed a pilot program in northern Nevada to match various data sets in the Health Division with mental health and criminal justice data. Dr. Ritch commented the next step would be to observe issues beyond the incidences of suicide and other data to provide more information on risk factors in the veteran population.

- Chair Breeden referenced an article from *The New York Times*, April 25, 2012, edition that reported on autopsies conducted on veterans indicating the presence of a degenerative condition called CTE (chronic traumatic encephalopathy) due to head trauma, common in boxers and football players. She asked if there was any indication of CTE in veterans.
- Dr. Ritch explained that findings on death certificates indicate the primary cause of death. She added that across the nation and in Nevada, there are processes for review of deaths of children and victims of domestic violence, but there is no review for suicide deaths for veterans or any other population. Dr. Ritch said there have been studies that indicate a high risk for veterans to receive brain trauma.

PRESENTATION ON MEDICAID SERVICES AVAILABLE TO CERTAIN SENIORS AND ADULTS WITH SPECIAL NEEDS

- Chuck Duarte, Administrator, Division of Health Care Financing and Policy, DHHS, provided an overview of the Medicaid services provided to senior citizens and adults with special needs. He pointed out that Medicaid is publicly financed and is not a government health care delivery system. Mr. Duarte stated that most people are unaware that one of every four children and a very large number of seniors are served by Nevada Medicaid. He explained that Medicaid is actually five programs in one and described the coverage provided to low-income families; low-income infants, children and pregnant women; individuals with disabilities; individuals in long-term care; and low-income Medicare beneficiaries. He stated that Medicaid is the largest source of long-term care in the State. Mr. Duarte explained that some recipients could have dual-eligibility for both Medicaid and Medicare. Mr. Duarte reported there are 43,000 dual-eligible individuals in Nevada. He mentioned Medicaid mandatory and optional services that include nursing facility and home health care services, durable medical equipment and supplies, and nonemergency transportation services.

Mr. Duarte discussed four home community-based service (HCBS) waiver programs. He provided a graph of current caseloads; institutional and HCBS waiver spending by State fiscal year; and pointed out the DHHS focus on funding of support services to transfer individuals from institutional settings to community living. Mr. Duarte mentioned that the DHHS agencies have been successful in retaining the nursing home census at the same level for the past six years.

Continuing, he discussed in-home personal care services, number of recipients, and expenditures. Mr. Duarte concluded with an overview of the Facility Oversight and Community Integration Services (FOCIS) program and the Money Follows The Person Demonstration Grant received from the federal government to support the rebalance of the long-term care system and to transition individuals to independent living. (Please see [Exhibit F.](#))

In response to Assemblyman Livermore's query regarding services available to individuals that are above the federal poverty level, Mr. Duarte stated that limited services are available and noted options to "spend down" and exhaust assets to be eligible for services. He explained there is a lien process available recouped by the Medicaid Estate Recovery Program to help offset medical care expenses incurred by Medicaid.

- Assemblyman Livermore noted problems encountered by the elderly who are not eligible and forego necessities in order to qualify to receive services.

Responding to Chair Breeden's request for clarification on the estate recovery lien process, Mr. Duarte stated that only the recipient's share of the proceeds are attached for the cost of care.

- Vice Chair Benitez-Thompson asked if a bundled payment system would alleviate the costs in the fee-for-service structure.
- Mr. Duarte stated that a waiver application was submitted to United States Department of Health and Human Services Secretary Kathleen Sebelius to request authority to integrate care for dual-eligible recipients. He commented that many states, including Nevada, want to provide bundled services to dual-eligible recipients. Mr. Duarte discussed plans to implement patient-centered medical homes that would provide behavioral, medical, and long-term medical services, and integrate both benefits and funds provided by Medicaid and Medicare. He stated that the DHHS intends to work with other State agencies and the Legislature to provide bundled services through these homes.

In response to Vice Chair Benitez-Thompson's inquiry regarding anticipated growth in Medicaid numbers through the Patient Protection and Affordable Care Act (PPACA), Mr. Duarte stated that there is a large population of indigent, childless adults awaiting Social Security or Social Security Disability benefits that are currently uninsured who through the PPACA will be Medicaid eligible to receive medical, mental health, and substance abuse services.

Discussion ensued between Vice Chair Benitez-Thompson and Mr. Duarte regarding expansion of HCBS and wait times. Mr. Duarte noted that the PPACA has some options available for expansion of these services. He stated that the DHHS has a prioritization system for HCBS waiver slots to alleviate wait time. Mr. Duarte explained that the financial and medical determinations process is sometimes lengthy and contributes to wait time.

There was continued discussion between Vice Chair Benitez-Thompson and Mr. Duarte regarding the FOCIS program. Mr. Duarte said that FOCIS is a proactive program and discussed the process to identify and assess persons who are amenable to receive community-based services.

Responding to Vice Chair Benitez-Thompson's question regarding identification of appropriate placements, Mr. Duarte said that criteria are based on the level of need.

- Vice Chair Benitez-Thompson requested that a breakdown on numbers of FOCIS transitions and diversions in Clark and Washoe Counties and the rural areas be supplied to the Committee.

DISCUSSION OF CRIMINAL BACKGROUND CHECKS FOR EMPLOYEES OF CERTAIN FACILITIES LICENSED BY THE BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE, HEALTH DIVISION, DHHS

- Marla McDade Williams, B.A., M.P.A., Deputy Administrator, Health Division, DHHS, introduced Leticia Metherell, R.N., C.P.M., Health Facilities Manager, who

outlined the main functions of the background check website and its use by government agencies to conduct screenings to determine employment and licensing clearance status. (Please see [Exhibit G](#) and [Exhibit G-1](#).)

- Senator Hardy voiced his appreciation of the time-saving benefits provided by the background check system. He asked about any preclusion to expand to other entities.
- Ms. Williams stated that nothing prohibits the Health Division from expanding the system to other entities. She added that a broader initiative would need to involve collaboration with the Department of Public Safety (DPS).

In response to Chair Breeden's inquiry about cost savings, Ms. Metherell stated that savings would be realized by electronic notification. Ms. Williams commented that employers would save because of a faster turnaround in background checks and not having to maintain individual registries.

- Ms. Williams addressed other considerations including the requirement to extend background checks to hospice and long-term care hospitals that are currently excluded. She explained that Chapter 449 ("Medical and Other Related Facilities") of NRS would need to be amended to include nursing pools under the background check requirements and to address issues related to home health agencies. Ms. Williams noted concerns with contract and temporary employment agencies; licensed individuals who are temporarily employed in a facility that may be required to complete a second background check; and problems with how often a background check is required. She discussed inconsistencies with identification of disqualifying crimes in employment qualifications, differences in payment responsibility for background checks, and agencies that lack authority to conduct background checks. She added that the Health Division is collaborating with the DPS and the Central Repository for Records of Criminal History to address these issues.

Discussion ensued among Assemblyman Livermore, Ms. Williams, and Ms. Metherell regarding background check costs and payment responsibility. Ms. Williams stated that facilities are either required by statute to pay half the cost and the employee is responsible for the remainder, or if not in statute, the entity makes the determination. She explained that DPS bills for a background check fee and there is an additional cost to perform the background check. Ms. Williams pointed out additional costs for website maintenance. She stated there is a statutory provision that allows an agency to charge for the fee. Ms. Metherell clarified that usually facilities will pay for the background check and then bill the employee for an amount up to 60 percent of the cost.

REPORT ON THE IMPLEMENTATION OF COMMUNITY LIVING PROGRAM GRANTS FOR SENIORS IN WASHOE COUNTY

- Grady Tarbuton, Director, Washoe County Senior Services, commented on the increase in the U.S. population of persons over the age of 65 and the dramatic growth

in the number of senior residents in Washoe County. He explained the assistance provided by Washoe County including nutrition programs, home-delivered meals, legal and social services, and services provided through the Aging and Disability Resource Center and the challenges in providing these resources to the ever-increasing Washoe County senior population. Mr. Tarbutton discussed the proposed community living pilot project, which he noted is a collaborative effort between Washoe County and the Aging and Disability Services Division (ADSD), DHHS.

His presentation highlighted the U.S. Administration on Aging's Community Living Program model that partners with other agencies to provide a more efficient service delivery; and Washoe County's proposed expansion of home and community-based services for veterans, seniors, and individuals with disabilities; nursing home diversion; care transitions; and a business plan to establish project outcomes and improve access to services. He noted that the ADSD will provide oversight on the project and Washoe County will report to the Committee during the 2013-2014 interim. (Please see [Exhibit H.](#))

Responding to Chair Breeden's query regarding a time frame and funding, Mr. Tarbutton stated that Washoe County Senior Services will work with ADSD to provide outcomes and should see results within one to one and one-half years. He discussed additional funds that may be available due to the direct service provided; partnership with the VA for home care-based services; and cost savings realized by reducing costs-per-case using the care transitions program.

DISCUSSION ON PERSONS REQUIRED TO REPORT THE ABUSE, NEGLECT, EXPLOITATION, OR ISOLATION OF OLDER PERSONS

- Patrick King, Assistant Bar Counsel–Reno, State Bar of Nevada, discussed the duties of the bar counsel and its responsibility to counsel attorneys on ethical issues. He noted the importance of the trust relationship between an attorney and client. Mr. King pointed out certain exceptions in the Nevada Rules of Professional Conduct, Rule 1.6, “Confidentiality of Information,” when a lawyer may reveal information relating to representation of a client to prevent certain death or substantial bodily harm; to prevent a fraudulent act; or if an attorney may have facilitated a fraudulent act for a client. He outlined various circumstances where an attorney may request counsel regarding an ethics decision when there may be a potential violation to Rule 1.6. Mr. King noted that an attorney's failure to report could result in the loss of licensure. He said the State Bar would not find a conflict if the requirement to include an attorney as a mandatory reporter of elder abuse is reinstated.

Discussion ensued between Senator Hardy and Mr. King regarding mandatory reporting of elder abuse by attorneys. Senator Hardy discussed the mandate for physicians to report suspected child abuse. Mr. King opined that an attorney would understand the need to have an “opinion of abuse or exploitation,” based on Rule 1.6. He noted it would be appropriate to include “reasonably certain” language to embody a good faith analysis. Mr. King remarked that the law would provide a level of immunity and commented that

mandatory reporting would provide attorney protection. Senator Hardy stated there were numerous discussions regarding “good faith” in previous legislative sessions. He noted many challenges with this issue.

- Assemblyman Anderson stated that his concerns about making attorneys mandatory reporters of elder abuse are relieved by Mr. King’s testimony.

There was discussion between Assemblyman Anderson and Mr. King regarding amendment by legislation to the Nevada Rules of Professional Conduct. Mr. King stated the Supreme Court has jurisdiction over the Rules.

- Mary Liveratti, Administrator, ADSD, DHHS, testified that when the law on reporting the abuse, neglect, and exploitation of seniors was enacted 24 years ago, attorneys and members of the clergy were mandatory reporters. She stated that during that 24-year period there was never an issue. Ms. Liveratti added that the current standard for reporting requires a mandated reporter to have reasonable cause to believe that an elderly person has been abused.

SOLICITATION AND COMMITTEE DISCUSSION OF POSSIBLE RECOMMENDATIONS RELATING TO SENIORS, VETERANS, AND ADULTS WITH SPECIAL NEEDS IN ADVANCE OF THE JUNE 20, 2012, COMMITTEE MEETING AND WORK SESSION

- Chair Breeden called for recommendations; however, no recommendations were presented. She advised that written recommendations would be accepted.
- Assemblyman Anderson advised he would submit recommendations.
- A statement was submitted to the Committee by Barry Gold, Director of Government Affairs, AARP Nevada, to be included in the record. (Please see [Exhibit I.](#))

PUBLIC COMMENT

- Chair Breeden called for public comment; however, no testimony was presented.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 5:23 p.m.

Respectfully submitted,

Sally Trotter
Assistant Supervisor of Secretarial Services

Kirsten L. Coulombe
Senior Research Analyst

APPROVED BY:

Senator Shirley A. Breeden, Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Kirsten L. Coulombe, Senior Research Analyst, Research Division, LCB.

[Exhibit B](#) is a Microsoft PowerPoint presentation titled “Overview of Veteran Treatment Courts,” by Allison Lawrence, Policy Specialist, Criminal Justice, and Jim Reed, Staff to NCSL Military and Veterans’ Affairs Task Force, National Conference of State Legislatures (NCSL), Denver, Colorado.

[Exhibit B-1](#) is an article titled “Coming Home,” *State Legislatures*, Vol. 20, April 2012, by James B. Reed, submitted by Alison Lawrence, Policy Specialist, Criminal Justice Program, NCSL, Denver, Colorado.

[Exhibit B-2](#) is an article titled “Easing the Path to College,” *State Legislatures*, Vol. 26, April 2012, by Michelle Camacho Lo, provided by Alison Lawrence, Policy Specialist, Criminal Justice Program, NCSL, Denver, Colorado.

[Exhibit C](#) is a Microsoft PowerPoint presentation titled “Veteran’s Court,” dated May 2012, presented by The Honorable Peter Breen, Senior District Court Judge, Second Judicial District Court, Washoe County, and Sheila Leslie, Specialty Courts Coordinator, Second Judicial District Court, Washoe County, Reno, Nevada.

[Exhibit D](#) is the written testimony of Caesar I. Elpidio, Founder and President of the Filipino-American Veterans and Families of America-Nevada Chapter, dated May 15, 2012, with documentation containing evidence of proof of service for the six Nevadan Filipino World War II Veterans.

[Exhibit D-1](#) is a letter dated February 8, 2012, to The Honorable Jeff Miller, Chairman, House Committee on Veterans’ Affairs, from Dr. Joe Heck, U.S. Representative, 3rd District, Nevada, regarding the Filipino Veterans Equity Compensation Fund.

[Exhibit D-2](#) is a letter dated December 21, 2011, to Secretary Eric Shinseki, Department of Veterans Affairs, from Nevada Governor Brian Sandoval.

[Exhibit D-3](#) is a document containing links to a video interview of the Manila Veteran Affairs Director’s announcement of the Filipino Veterans Equity Compensation Fund and an interview by The Filipino Channel of Silverio Cuaresma, Nevada’s oldest Filipino WWII veteran, provided by Luke Perry, Press and Government Affairs Director, Filipino-American Veterans and Families of America-Nevada, Las Vegas.

[Exhibit D-4](#) is a book titled *Denial & Restitution by America*, by Francisco G. Cedula, 2nd Reprint, October 2010, provided by Luke Perry, Press and Government Affairs Director, Filipino-American Veterans and Families of America-Nevada, Las Vegas.

[Exhibit D-5](#) is a letter dated February 2, 2012, to The Honorable Brian Sandoval, Governor of Nevada, from Eric K. Shinseki, Secretary of Veterans Affairs, regarding procedures for determining valid military service.

[Exhibit E](#) is a Microsoft PowerPoint presentation titled “Suicide Mortality of Nevada Veterans, 2008-2010,” submitted by Luana J. Ritch, Ph.D., Chief, Bureau of Health Statistics, Planning, Epidemiology, and Response (BHSPER), Health Division, Department of Health and Human Services (DHHS).

[Exhibit E-1](#) is a report titled *Suicide Mortality in Nevada’s Military Veterans, 2008-2012* (www.health.nv.gov), written and compiled by Luana J. Ritch, Ph.D., Chief, BHSPER, Health Division, DHHS, and Jennifer L. Thompson, B.S., Biostatistician II, BHSPER, Health Division, DHHS.

[Exhibit F](#) is a Microsoft PowerPoint presentation titled “Medicaid Overview,” dated May 15, 2012, offered by Chuck Duarte, Administrator, Division of Health Care Financing and Policy, DHHS.

[Exhibit G](#) is the written testimony of Leticia Metherell, R.N., C.P.M., Health Facilities Manager, Bureau of Health Care Quality and Compliance, Health Division, DHHS.

[Exhibit G-1](#) is an excerpt from the Nevada State Health Division, April 2012 Newsletter, titled “Background Check Grant,” provided by Kirsten L. Coulombe, Senior Research Analyst, Research Division, LCB.

[Exhibit H](#) is a Microsoft PowerPoint presentation titled “A State-County Partnership to serve seniors in (*sic*) Washoe County,” submitted by Grady Tarbutton, Director, Washoe County Senior Services, Reno.

[Exhibit I](#) is the written comment of AARP, dated May 15, 2012, submitted by Barry Gold, Director of Government Affairs, AARP Nevada.

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.