



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 fourth meeting and work session of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs (NRS 218E.750) was held on Wednesday, June 20, 2012, 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 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 Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBER PRESENT IN CARSON CITY:

Assemblyman Pete Livermore

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

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Kirsten Coulombe, Senior Research Analyst, Research Division
Heidi A. Chlarson, Principal Deputy Legislative Counsel, Legal Division
Sally Trotter, Principal Administrative Assistant, Research Division

OPENING REMARKS

- Senator Shirley A. Breeden, Chair, called the fourth meeting and work session of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs to order. She welcomed members and the public and provided instruction on protocol for the work session. Chair Breeden pointed out an informational flyer provided by the Las Vegas Urban League regarding support services for veterans' families ([Exhibit B](#)).

PUBLIC COMMENT

- Barry Gold, Director of Government Relations, AARP Nevada, thanked committee members for their efforts on behalf of seniors, veterans, and adults with special needs.

APPROVAL OF MINUTES OF THE MEETING HELD ON MAY 15, 2012, IN LAS VEGAS, NEVADA

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

SENATOR HARDY MOVED TO APPROVE THE MINUTES OF THE MAY 15, 2012, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY VICE CHAIR BENITEZ-THOMPSON AND PASSED UNANIMOUSLY.

WORK SESSION ([Exhibit C](#))

DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS RELATING TO:

- *Home and Community-Based Services*
- *Facilities for Long-Term Care*
- *Elder Abuse, Neglect, Exploitation, or Isolation*
- *Transportation Services to the Southern Nevada Veterans Administration Medical Center*
- *Instruction Permits, Driver's Licenses, and Identification Cards for Veterans*
- *Specialty Court Programs for Veterans*

1. Recommendations Regarding Home and Community-Based Services (HCBS)

- **Write a statement in the final report** that Nevada should: (1) develop a philosophy that consumer choice and quality of life should drive the long-term support services system; and (2) allocate a greater proportion of Medicaid funding for HCBS rather than nursing home care. (Recommended by Barry Gold, Director of Government Relations, AARP Nevada)

- Kirsten Coulombe, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB) read the recommendation.
- Chair Breeden asked for any comment or discussion on the recommendation; however, no comments were presented.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN ANDERSON MOVED TO APPROVE RECOMMENDATION NO. 1A TO INCLUDE A STATEMENT IN THE FINAL REPORT. THE MOTION WAS SECONDED BY VICE CHAIR BENITEZ-THOMPSON AND PASSED UNANIMOUSLY.

Write a letter to the members of the Senate Committee on Finance and the Assembly Committee on Ways and Means of the 2013 Legislative Session requesting that the Committees consider increasing the level of funding budgeted from the State General Fund for HCBS, for seniors, veterans, and adults with special needs. (Recommended by Senator Shirley A. Breeden, Chair)

- Ms. Coulombe read the recommendation and pointed out an overview of approved funding slots for HCBS waivers and a wait list total provided by the Fiscal Division, LCB, behind Tab B ([Exhibit C](#)).
- The Committee **APPROVED THE FOLLOWING ACTION:**

VICE CHAIR BENITEZ-THOMPSON MOVED TO WRITE A LETTER AS STATED IN RECOMMENDATION NO. 1B. THE MOTION WAS SECONDED BY ASSEMBLYMAN ANDERSON AND PASSED UNANIMOUSLY.

Draft legislation establishing an interim legislative study on the issue of HCBS in order to identify and recommend improvements and reforms to HCBS. (Recommended by Assemblywoman Teresa Benitez-Thompson, Vice Chair)

- Ms. Coulombe stated the Committee heard testimony during the March 21, 2012, meeting regarding the cost savings associated with providing HCBS versus skilled nursing services.
- Vice Chair Benitez-Thompson commented on the importance of the services provided by the State and the interface between the State, counties, and local supportive services to keep people in their homes. She noted the benefits of a collaborative effort and stated that she suggested an interim study to supply ideas for improvements and reforms.
- Senator Hardy suggested that the Committee draft legislation for the 2013 Session that would expedite the process to facilitate the implementation of home health care services. He mentioned drafting a “place holder BDR” for the 2013 Session that would include an interim study.

- Heidi A. Chlarson, Principal Deputy Legislative Counsel, Legal Division, LCB, discussed the issues regarding the Committee's options concerning this recommendation. She stated that the Committee could recommend that the issue be studied by the relevant committees in the 2013 Session.

There was discussion between Vice Chair Benitez-Thompson and Senator Hardy regarding the recommendation. Vice Chair Benitez-Thompson agreed with Senator Hardy's suggestions. Senator Hardy remarked that the legislation noting the intent of the BDR should be studied during the legislative session with follow up if needed, during the interim.

- Chair Breeden asked for a motion to revise the recommendation to include Senator Hardy's suggestions.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO DRAFT A BDR TO IDENTIFY AND RECOMMEND IMPROVEMENTS AND REFORMS TO THE HCBS. THE MOTION WAS SECONDED BY ASSEMBLYMAN LIVERMORE AND PASSED UNANIMOUSLY.

Recommendations Regarding Facilities for Long-Term Care

2. **Draft legislation** to require a facility for skilled nursing conduct an annual assessment of each patient in the facility who is receiving Medicaid benefits to determine if the patient qualifies for a lower level of care or HCBS. (Recommended by Assemblywoman Teresa Benitez-Thompson, Vice Chair) (see [Exhibit C](#))

- Ms. Coulombe explained the second recommendation regarding HCBS. She pointed out information behind Tab B ([Exhibit C](#)) provided by the Division of Health Care Financing and Policy, Department of Health and Human Services.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR HARDY MOVED TO APPROVE RECOMMENDATION NO. 2. THE MOTION WAS SECONDED BY ASSEMBLYMAN ANDERSON AND PASSED UNANIMOUSLY.

3. **Draft legislation** to make the following changes concerning criminal background investigations of independent contractors and certain employees of facilities for long-term care. (Recommended by Marla McDade Williams, Deputy Administrator, Health Division, Department of Health and Human Services [DHHS])
 - a. Create an exception to the requirement that facilities for long-term care conduct criminal background investigations of independent contractors and temporary employees. A facility would not need to conduct a criminal background investigation of any independent contractor or temporary employee who is placed in the facility

by an employment agency that has completed a criminal background investigation on the independent contractor or temporary employee. A criminal background investigation conducted by an employment agency would be valid for as long as the independent contractor or temporary employee maintains continuous employment with the employment agency.

NOTE: *Current law requires a long-term care facility to conduct a criminal background investigation on any independent contractor or temporary employee that is placed in the long-term care facility by the employment agency. If the independent contractor or temporary employee works in more than one facility, each long-term care facility is required to conduct a criminal background investigation on the independent contractor or temporary employee.*

- b. Create an exception to the requirement that facilities for long-term care conduct a criminal background investigation on an employee who possesses a professional license if the professional or occupational board or commission conducted a criminal background investigation as a requirement for licensure.
- Ms. Coulombe explained the two points included in Recommendation No. 3 and noted supporting documentation submitted by the Health Division, DHHS, behind Tab D (see [Exhibit C](#)).
- **SENATOR HARDY MOVED TO APPROVE RECOMMENDATION NO. 3.**

Prior to a vote, there was discussion between Assemblyman Anderson and Ms. Williams, regarding the current five-year period for background checks to be valid. Assemblyman Anderson questioned why the requirement is for a five-year period instead of one or two years. Ms. Williams commented that currently the Department of Public Safety (DPS) is developing a “wrap back” system that would inform the Health Division and the employer if an employee was arrested during the five-year time period. She added that the five-year time period is in statute and the Legislature would need to determine if it should be changed. Ms. Williams stated any change relating to the period of validity for background checks could affect workloads and increase costs. She commented that the “wrap back” system would make the five-year period adequate.

- Assemblyman Anderson asked if the “wrap back” system would be in place at the time the bill was introduced.
- Ms. Williams responded that the DPS would have more information and stated they could work hand-in-hand for the authority and the establishment of the system.
- Chair Breeden stated that she had similar concerns. She clarified the five-year period would include all employees. Chair Breeden added that possibly the time period could be addressed during the 2013 Legislative Session.
- Senator Hardy commented that all of the points could be included in the same BDR.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR HARDY REVISED THE MOTION TO APPROVE RECOMMENDATION NO. 3 TO INCLUDE OPTIONS A AND B. THE MOTION WAS SECONDED BY VICE CHAIR BENITEZ-THOMPSON AND PASSED UNANIMOUSLY.

Recommendation Regarding Elder Abuse, Neglect, Exploitation, or Isolation

- 4. Draft legislation** to reinstate members of the clergy and attorneys as mandatory reporters of abuse of those over age 60 in NRS 200.5093. (Recommended by Aging and Disability Services Division, DHHS; Nevada Commission on Aging; and Barry Gold, Director of Government Relations, AARP Nevada)

NOTE: *In 2005, Section 5 of Assembly Bill 267 (Chapter 324, Statutes of Nevada) removed clergy and attorneys from the list of mandatory reporters of elder abuse for persons over 60 years of age.*

- Ms. Coulombe provided a history regarding the recommendation and directed the Committee's attention to the information received in support of the recommendation. She noted a copy of Assembly Bill 267 from the 2005 Legislative Session; the current statute on persons required to report the abuse, neglect, exploitation, or isolation of an older person (NRS 200.5093), as well as NRS 432B.220 regarding persons required to report the abuse and neglect of a child; and a letter containing recommendations by the Legislative Subcommittee of the Commission on Aging located behind Tab E ([Exhibit C](#)).
- Assemblyman Anderson voiced his concerns regarding the mandatory reporting by attorneys. He remarked on the importance of the attorney-client relationship and stated he will await discussion and recommendations during the 2013 Session on this legislation.
- Senator Hardy advised that he shares the same concerns regarding mandatory reporting by members of the clergy and discussed religious protections. He stated he would vote against the recommendation.
- Ms. Chlarson explained there would be exceptions included in the legislation for attorneys and members of the clergy if the knowledge was acquired during a confession, or if an attorney acquired the knowledge from a client who had been or may be accused of abuse.
- Barry Gold, Director of Government Relations, AARP Nevada, testified in support of adding members of the clergy and attorneys back into the statute. He remarked that removal of these entities weakened the statutes. Mr. Gold stated that adding members of the clergy and attorneys back into the statute would make the reporting of child abuse and elder abuse equally important.

- Assemblyman Anderson commented that child abuse and elder abuse are equally important issues. He reiterated his concern with attorney-client privilege and added that he would approve the recommendation to move forward in anticipation of scrutiny by the Committees in the 2013 Legislative Session.
- Chair Breeden agreed the entire body of the Legislature would need to examine this issue.
- The Committee **APPROVED THE FOLLOWING ACTION:**

VICE CHAIR BENITEZ-THOMPSON MOVED TO APPROVE RECOMMENDATION NO. 4. THE MOTION WAS SECONDED BY ASSEMBLYMAN ANDERSON AND PASSED. SENATOR HARDY VOTED NO.

Recommendation Regarding Transportation Services to the Southern Nevada Veterans Administration Medical Center

- 5. Write a statement in the final report** encouraging the Regional Transportation Commission of Southern Nevada (RTC) to establish paratransit and fixed-route service to the new Veterans Administration Medical Center in Southern Nevada. (Recommended by Senator Shirley A. Breeden, Chair)

NOTE: *At the March 21, 2012, meeting, representatives from the RTC indicated that: (1) The RTC is working with the United States Department of Veterans Affairs to obtain federal funding to finance fixed-route service to the new veterans medical center; and (2) veterans can request transportation to the new veterans medical center by certain nonprofit organizations which are funded by federal grants.*

- Ms. Coulombe provided an explanation of this recommendation. There was no discussion.

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

VICE CHAIR BENITEZ-THOMPSON MOVED FOR APPROVAL OF RECOMMENDATION NO. 5 AS STATED. THE MOTION WAS SECONDED BY SENATOR MANENDO AND PASSED UNANIMOUSLY.

Recommendation Regarding Instruction Permits, Driver's Licenses, and Identification Cards for Veterans

- 6. Draft legislation** providing that if a person applying to the Department of Motor Vehicles (DMV) for an instruction permit, driver's license, or identification card declares that he or she is a veteran of the Armed Forces of the United States, the person may request that his or her veteran's status be placed on the instruction permit, driver's license, or identification card. Any such person would be required to provide evidence satisfactory to the DMV that he or she has been honorably discharged from the Armed Forces of the United States. (Recommended by Senator Shirley A. Breeden, Chair)

NOTE: *Currently, NRS 483.292 and 483.852 require the DMV to inquire whether an applicant for an instruction permit, driver's license, or identification card wishes to declare himself or herself as a veteran of the Armed Forces of the United States. If an applicant makes such a declaration, he or she must provide satisfactory evidence of his or her honorable discharge to the DMV. The DMV is required to transmit quarterly to the Office of Veterans' Services, the aggregate number of persons who have, during the immediately preceding quarter, declared that they are veterans of the Armed Forces of the United States. However, the DMV does not have statutory authority to include a person's veteran status on an instruction permit, driver's license, or identification card.*

- Ms. Coulombe pointed out a compilation of other state laws regarding this issue provided by the National Conference of State Legislatures (NCSL); a copy of the current statutes referenced; and an example of the monthly and quarterly reports that the DMV provides to the Office of Veterans Services included behind Tab F ([Exhibit C](#)).
- Senator Hardy asked if any medical information was noted on driver's licenses. He wondered if it would be possible to include medical conditions such as allergies, seizures, or diabetes.
- Terrie L. Carter, Administrator, Management Services and Programs Division, DMV, responded that a cost analysis has been requested from the vendor who provides driver's licenses to the DMV, in anticipation of this type of legislation. She commented that the DMV has not investigated any additional information or costs of adding medical issues or medical conditions to driver's licenses. Ms. Carter remarked that a "v" designation would be added next to the organ donor designation to indicate veteran's status if an individual provided information indicating they are a veteran with an honorable discharge.

- Caleb Cage, Director, Nevada Office of Veterans Services (NOVS), stated that the NOVS met with the DMV to discuss the programming fees and charges to add the veteran status to driver's licenses. He said it was his understanding that there would be an institutional fee charged by the vendor to add the designation, and he commented on preliminary discussion of providing funds to offset the initial setup fee. Mr. Cage stated that NOVS will attempt to make this as cost effective for the agencies and keep the fiscal impact as low as possible for the State.
- Senator Hardy stated that in 2005 this issue and the costs were researched, and it was his understanding that the medical conditions could be added to the new driver's license without any additional costs. Senator Hardy said he was unaware of implementation costs and commented on the importance of protecting people's lives. He opined that medical conditions should be added at the time the veteran's designation was included.

Discussion ensued among Assemblyman Livermore, Mr. Cage, and Ms. Carter regarding fees to add the veteran designation. Mr. Livermore wondered if the fee would be charged to a veteran one-time or annually. Mr. Cage explained that funds have been set aside to cover the initial costs with the vendor and a standard replacement fee would be included in conjunction with the driver's license renewal. Ms. Carter clarified the set-up cost is a one-time fee and that no fee would be charged to a veteran to obtain a veteran's designation on his or her driver's license.

- Assembly Anderson asked Mr. Cage to discuss how adding this designation would benefit veterans.
- Mr. Cage remarked there would be both tangible and intangible benefits. He commented that the obvious would be the recognition of veteran status for discounts by retail outlets, hunting and fishing licenses, and improved services at the State level. Mr. Cage added that the DMV could then direct veterans to the NOVS for additional services. He stated that the NOVS would benefit by the data provided to better serve the State's veteran population.
- Chair Breeden stated she would accept a motion to adopt the recommendation with a revision to include Senator Hardy's comments.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR HARDY MOVED TO APPROVE THE RECOMMENDATION AS REVISED TO INCLUDE A DESIGNATION ON DRIVER'S LICENSES AND IDENTIFICATION CARDS FOR HEALTH CONDITIONS IN ORDER TO IMPLEMENT THE MEASURE THAT WAS PASSED IN 2005 AND TO EXTEND IT TO VETERANS AND THE GENERAL POPULATION. THE MOTION WAS SECONDED BY SENATOR MANENDO AND PASSED UNANIMOUSLY.

7. Recommendations Regarding Specialty Court Programs for Veterans.

Write a letter urging the Eighth Judicial District Court (Clark County) to establish a specialty court program for veterans. (Recommended by Assemblyman Elliot T. Anderson)

Draft legislation to require every district court located in a county whose population is 700,000 or more (currently the Eighth Judicial District Court in Clark County) to establish a specialty court program for veterans. (Recommended by Assemblyman Elliot T. Anderson)

Include a statement in the final report encouraging courts to apply for any available federal funding and grants for the purpose of establishing or expanding, as applicable, specialty court programs for veterans. (Recommended by Assemblyman Elliot T. Anderson)

NOTE:

(1) NRS 176A.280 authorizes, but does not require, a district court to establish a specialty court program for veterans and members of the military. Currently, the Second Judicial District Court in Washoe County is the only district court that has established such a program. Department 10 of the Las Vegas Township Justice Court in Clark County maintains a monthly calendar for veterans.

(2) The Committee heard presentations on specialty court programs for veterans in Nevada and other states. Testimony indicated these programs have been successful in reducing recidivism among veterans and assisting veterans in obtaining a variety of services and benefits.

- Ms. Coulombe explained the first component in Recommendation No. 7. She reminded the Committee that presentations and testimony regarding specialty courts for veterans in Nevada and other states indicated these courts reduce recidivism rates and assist veterans in obtaining a variety of services and benefits. Ms. Coulombe brought attention to Tab G of [Exhibit C](#), the current NRS that authorizes district courts to establish a specialty court for veterans. She explained that Clark County District Court, Department 10, maintains a monthly calendar for veterans but does not have a specialty court for veterans.
- Assemblyman Anderson stated that his preference is for Clark County District Court to follow the example of Washoe County and establish a specialty court for veterans. He remarked that he would contact the Court, other groups, and community providers that are involved with veterans to move forward with this issue. Assemblyman Anderson added that he would be comfortable recommending legislation if Clark County does not act on the recommendation in a letter. He explained that testimony provided by Washoe County indicated that any additional costs are negligible and encouraged Clark County to apply for available federal

funding and grants. Assemblyman Anderson discussed the savings that would be realized once a veteran's court is instituted.

- Prior to any action, Chair Breeden asked staff to explain the other components of the recommendation.
- Ms. Coulombe discussed the current authorization in NRS to establish a court. She directed the Committee to a list of federal funding opportunities in Tab H ([Exhibit C](#)) provided by the NCSL.
- **ASSEMBLYMAN ANDERSON MOVED TO ADOPT ALL THREE ITEMS IN RECOMMENDATION NO. 7. ASSEMBLYMAN LIVERMORE SECONDED THE MOTION.**
- Prior to a vote, Senator Hardy requested that a response to the letter be received by the first Tuesday in November, which he added could affect any draft legislation. He commented that the intent of the letter would be to give the court system the opportunity to establish a veteran's court. Senator Hardy asked that the letter convey the message that once a veteran's court system is established, no further legislation would be necessary.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN ANDERSON MOVED TO REVISE HIS MOTION TO INCLUDE SENATOR HARDY'S RECOMMENDATIONS. THE MOTION WAS PREVIOUSLY SECONDED BY ASSEMBLYMAN LIVERMORE AND PASSED UNANIMOUSLY.

PUBLIC COMMENT

- Charles Duarte, Administrator, Division of Health Care Financing and Policy, DHHS, testified regarding his concerns with respect to language in Recommendation No. 1. He commented that the use of the statement "allocate a greater portion of funding to Medicaid funding for HCBS rather than nursing home care" could be problematic when appropriating funds for both HCBS and facility-based long-term care. Mr. Duarte remarked that "allocate" assumes the amount of total funding is set and then divided. He offered to assist the Committee and staff to evaluate HCBS and work with legislative staff on any studies. Mr. Duarte pointed out that 60 percent of Medicaid clients are in HCBS. He noted that 40 percent of funds used for nursing home care are supported by provider taxes and matched by federal funds.
- Barry Gold, previously identified, commented it would be appropriate to include in the statement "expand the portion of Medicaid funding for HCBS," and balance the amount of dollars directed to HCBS and nursing home facilities.
- Chair Breeden directed staff to work with the DHHS and Mr. Gold to revise the language in Recommendation No. 1.

- Assemblyman Livermore asked Mr. Duarte if the expansion to the portion of Medicaid funding for HCBS would increase costs for rural Nevada counties.
- Mr. Duarte explained there is a stop loss in place to protect counties so they are not paying more than what is legislatively approved in the budget. He added that an increase in the number of funded services in home and community-based settings would help the State and counties. Mr. Duarte commented that over the last six years the DHHS has retained a flat institutional census and decreased the number of bed days over the last decade. He remarked that funding for HCBS would assist counties and the State by making less costly services available to county and State-funded recipients of long-term care.

Responding to Assemblyman Livermore's query regarding the parity of the stop loss level among all the counties, Mr. Duarte said that different counties have different stop loss amounts depending on the county's obligation that was determined during the last legislative session. He noted that the budget is capped for new groups of recipients.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 10:26 a.m.

Respectfully submitted,

Sally Trotter
Principal Administrative Assistant

Kirsten 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 Coulombe, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is a flyer regarding “Supportive Services for Veteran Families,” submitted by the Las Vegas Urban League, Las Vegas, Nevada.

[Exhibit C](#) is the “Work Session Document” dated June 20, 2012, prepared by Kirsten Coulombe, 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.