



NEVADA LEGISLATURE

NEVADA SILVER HAired LEGISLATIVE FORUM

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

SUMMARY MINUTES AND ACTION REPORT

The first meeting of the Nevada Silver Haired Legislative Forum (NSHLF) for the 2013-2014 interim period was held on Tuesday, August 27, 2013, at 9:30 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was video-conferenced to Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada, and to the Conference Room, Chilton Circle Modular, Great Basin College, Elko, Nevada.

A copy of this set of "Summary Minutes and Action Report," including the "Revised 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>. In addition, copies of the audio-video 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:

Herbert E. Randall, Ed.D., President, Silver Senator
Barbara Altman, Clark County Senatorial District No. 9
Clo Banks, Clark County Senatorial District No. 3
Colleen Bell, Senatorial District No. 5
Joann M. Bongiorno, Senatorial District No. 7
Evelyn A. Canestra, M.S.W., Senatorial District No. 8
Verlia Davis Hoggard, Senatorial District No. 4
Rick Kuhlmeier, Senatorial District No. 2
Paul A. LaCombe, Ph.D., Senatorial District No. 21
Lucy Peres, Silver Senator
Russ Schoenbeck, Silver Representative
Ronald E. Stoller, Senatorial District No. 6
La Lonnie Strait, Silver Representative
Clare Tobler, Senatorial District No. 12
Harriet Trudell, Senatorial District No. 10

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

John Paul (Jack) Ginter, Jr., Senatorial District No. 14

John Yacenda, Ph.D., M.P.H., P.A.H.M., Senatorial District No. 16

COMMITTEE MEMBER PRESENT IN ELKO:

Ray B. Jones, Senatorial District 19

COMMITTEE MEMBERS ABSENT:

Reba June Burton, Senatorial District No. 15

Mary D. Roberts, Senatorial District No. 1

Margaret Spooner, Senatorial District 17

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Mary Shope, Coordinator, NSHLF, Administrative Division, Las Vegas Office

CALL TO ORDER AND OPENING REMARKS

Herbert E. Randall, Ed.D., Forum President, called the Nevada Silver Haired Legislative Forum's (NSHLF) meeting to order. President Randall welcomed guests, new Forum members, and members of the public.

Colleen Bell, Senatorial District No. 5, stated it was her pleasure to be a Forum member and to represent her senatorial district. She mentioned her interests include senior issues and interests.

John Paul (Jack) Ginter, Jr. Senatorial District No. 14, provided an overview of his background as a professional mortgage consultant, advising seniors. Mr. Ginter stated he was grateful for his appointment.

Paul A. LaCombe, Ph.D., Senatorial District No. 21, summarized his professional and personal background. He stated he retired from academe and is presently a member of the clergy. Dr. LaCombe stated he has called Las Vegas his home for the past 10 years.

John Yacenda, Ph.D., M.P.H., P.A.H.M., Senatorial District No.16, stated he is an advocate of senior rights, and looks forward to serving the State.

Ms. Shope called the roll call and a quorum was determined to be present.

PUBLIC COMMENT

President Randall called for public comment; however, no testimony was presented.

DISCUSSION AND REVIEW OF ISSUES AFFECTING SENIORS AT THE 77TH (2013) REGULAR SESSION OF THE NEVADA LEGISLATIVE AND THE 27TH (2013) SPECIAL SESSION, INCLUDING RECOGNITION OF LEGISLATORS FOR SPONSORED LEGISLATION AND PROCLAMATION COMMENDING THE FORUM

President Randall introduced Senator Joyce Woodhouse, Senator Mark Manendo, and Assemblyman James Healey. ([Exhibit B](#)), ([Exhibit C](#)), and ([Exhibit D](#)) The Forum presented the Legislators with "Thank You" art as an expression of the Forum's appreciation.

Dr. Randall referenced AB 173, which was introduced by Assemblyman Healey. He indicated AB 173 prohibits electric utilities from requiring residential customers pay electric service rates based on the time of use of electricity. (Note: The Forum's No. 2 Recommendation dealt with this subject.)

President Randall recognized Senator Manendo's support for seniors that included sponsorship and passage of SB 178, which authorizes the Forum to submit one BDR in future Sessions.

Dr. Randall reflected on the Older Americans Day at the Session. He acknowledged Senator Woodhouse's support for seniors by her sponsorship of this special day.

Furthermore, President Randall recognized Assemblywoman Irene Bustamante Adams, Assemblyman Paul Aizley, and Secretary of the Senate, Mr. David Byerman, for attending the meeting in recognition of their colleagues.

Sergeant Luis Ayala-Zapata, Department of Public Safety, Nevada Highway Patrol, Urban Operations-Northern Command, West, provided an update of the Silver Alert program. He stated the Department sent the final regulation to the Attorney General's Office as part of the administrative process. Sergeant Ayala-Zapata reassured the Forum that if needed, a Silver Alert could be activated while awaiting the regulatory process and final approval.

Ms. Shope highlighted the events supporting Older Americans Month 2013, Unleash the Power of Age. The Forum was honored with a State of Nevada Proclamation for its advocacy and dedication for Nevada's older citizens during Older Americans Day's at the Nevada Legislature ([Exhibit E](#)), A Proclamation by the Governor proclaiming May 2013 as Older Americans Month in Nevada ([Exhibit F](#)), Governor Sandoval's Certificate of Recognition of Mr. Frank Pati, the Nevada Senior Citizen of the Year Award ([Exhibit G](#)), and Governor Sandoval's letter dated May 20, 2013, recognizing the Forum's commitment and dedication. ([Exhibit H](#))

PRESENTATION CONCERNING ELDER ABUSE

Thom Gover, Chief Deputy Attorney General, Special Prosecutions Division, Nevada Office of the Attorney General, provided an overview of the Special Prosecution Unit, which has the authority to investigate and prosecute elder abuse cases. ([Exhibit I](#)) He stated the unit works closely with law enforcement, public guardians, Elder Protection Services at Nevada Department of Health and Human Services, and the many District Attorneys' Offices. Mr. Gover mentioned his unit has the discretion to screen elder abuse complaints for validity to determine the prosecutorial status; whether to accept or deny prosecution.

Ms. Peres inquired about enhanced penalties for seniors. Mr. Gover stated the attorney has the discretion to enhance the penalty of the underlying crime. Dr. Yacenda inquired about the adequacy of the staffing in relationship to the importance of elder abuse prosecution. Mr. Gover agreed that additional resources for investigation would be beneficial in obtaining evidence for successful prosecutions. Ms. Altman inquired about the denial to prosecute cases. Mr. Gover reiterated that criminal prosecution is based on sufficient evidence that supports the standard of prosecution.

Ms. Davis Hoggard, Dr. Yacenda, and Ms. Bongiorno suggested that licensed social workers and psychologists be utilized during the investigations. Ms. Cannestra shared a concern about exploitation by family members, public guardians, and caregivers.

Mr. Gover indicated that most cases involve family members, but that these familiar relations do not guarantee a defense.

Ms. Barbara Stone, resident of Washoe County and volunteer at the Sanford Center of Aging through the University of Nevada, Reno, shared her concern about the horrific conditions at nursing care facilities. She requested the Forum look into strengthening the regulatory oversight of nursing facilities. Mr. Gover addressed this concern about neglect, physical pain and mental suffering caused by caregivers. He stated when an investigation occurs at a health care facility receiving Medicaid funding, the Medicaid Fraud Control Unit has the authority for prosecution.

President Randall raised the concern about the “after the fact” complaint of elder abuse and the failure to obtain sufficient evidence. Mr. Gover reassured the Form members that seniors are protected because there is a criminal remedy for the failure to report abuse, neglect, exploitation or isolation of an older person.

Tina Gerber-Winn, Deputy Administrator, Aging and Disability Services Division, Nevada Department of Health and Human Services provided an overview of the Division’s services and statistics. ([Exhibit J](#)) She mentioned that the Division’s authority does not allow staff to take over the care of the person or intervene if the senior does not want assistance. In these situations, she stated their division offers assistance through many community resources.

Ms. Gerber-Winn explained the mandatory elder abuse reporting. She stated that the majority of cases involving failures to report are handled in an educational manner instead of criminal prosecution. She stated a BDR introduced in the last Session, which would have expanded reporting requirement to include attorneys and members of the clergy, failed. Ms. Gerber-Winn stated the Division assists any person age 60 years or older. She indicated complaints of elder abuse are investigated within 3 days, as required by law, but mentioned if forensic financial resources were made available to the Division, this would enhance its investigative abilities.

Jill Berntson, Chief of Elder Rights, Aging and Disability Services Division, Nevada Department of Health and Human Services responded to a point regarding licensed nursing personnel. Ms. Bongiorno raised concerns about the lack of thorough background checks, language barriers, and lack of support from out-of-state health care corporations. Dr. Yacenda shared a concern that perpetrators are not investigated and prosecuted, especially when victims move out of state. Ms. Berntson stated the Division investigates the complaint of elder abuse with referrals to law enforcement agencies. Dr. Yacenda asked the Forum to consider this issue for future legislation.

APPROVAL OF MINUTES OF THE SEPTEMBER 18, 2012 MEETING

President Randall tabled the approval of the minutes for September 18, 2012.

DISCUSSION AND APPROVAL OF THE TREASURER'S REPORT FROM SEPTEMBER 01, 2012 TO JULY 31, 2013 AND APPROVAL OF RECENT EXPENDITURES

Joann M. Bongiorno, Treasurer of the NSHLF, provided an overview of the "Nevada Silver Haired Legislative Forum Summary of Receipts and Expenditures of Sources/Uses of Funds and Encumbrances," for the monthly periods of 09/30/2012 – to 07/31/2013. ([Exhibit K](#))

Ms. Bongiorno explained the recent expenditures, which included travel to Carson City for Older Americans Day at the Nevada Legislature.

The NSHLF APPROVED THE FOLLOWING ACTION:

LUCY PERES MOVED TO APPROVE THE EXPENDITURES FOR TRAVEL TO THE NEVADA LEGISLATURE. THE MOTION WAS SECONDED BY RUSS SCHOENBECK AND PASSED UNANIMOUSLY.

Ms. Shope reviewed the 2013-2014 and 2014-2015 Fiscal Year budgets with the appropriations of \$4,200 and \$8,050, respectively. She mentioned the Forum still has its Special Reserve Fund.

President Randall and Forum members discussed the 2012–2013 Fiscal Year budget, including their concerns' regarding unused monies. He suggested remedies be sought with advice from Fiscal or Administration.

The NSHLF APPROVED THE FOLLOWING ACTION:

EVELYN CANNISTRA MOVED TO APPROVE THE TREASURER'S REPORT FROM SEPTEMBER 01, 2012 TO JULY 31, 2013. THE MOTION WAS SECONDED BY VERLIA DAVIS HOGGARD AND PASSED UNANIMOUSLY.

STATUS REPORT ON THE NEVADA SILVER HAIRED CONGRESS AND NATIONAL COUNCIL OF SILVER HAIRED LEGISLATORS

President Randall stated the Nevada Senior Citizen of the Year Award, which recognizes the accomplishments made by senior citizens, honored Mr. Frank Pati.

DISCUSSION AND REVIEW OF NEVADA SILVER HAired LEGISLATIVE FORUM'S GOALS AND OBJECTIVES

President Randall reviewed the Goals and Objectives and provided a progress report. ([Exhibit L](#)). He stated the goal to strengthen the Forum's membership shows improvement. The next goal involving regularly scheduled meetings was addressed and the solution of calendaring future meeting in advance on the 3rd Tuesday of every other month should be effective. Ms. Davis Hoggard requested off site meetings, but unfortunately off site meetings are expensive to host. President Randall mentioned the enhancement to Nevada Legislature's webpage that provides a hyperlink to the Forum's webpage. Members suggested consulting professional webmasters to develop the Forum's webpage. Instead, President Randall suggested the underlying problem centers on the lack of ideas for the webpage, not the programming by LCB's Information Technology Services Unit. He requested that the members submit their ideas for improving the webpage. Although President Randall encouraged members to forward their photography or ideas, he stated the brochure was near completion. Next, President Randall recognized the members who are participating with organizations in efforts of cooperative extension. Ms. Davis Hoggard and Mr. Rick Kuhlmeier offered contact information for distribution avenues for meeting notices.

STATUS REPORT ON THE NATIONAL SILVER HAired CONGRESS AND NATIONAL COUNCIL OF SILVER HAired LEGISLATORS

Ms. Lucy Peres, President of the Nevada Delegation of the National Silver Haired Congress informed the members that the Congress would host its annual meeting during September 2014.

President Randall inquired about the National Council of Silver Haired Legislators. Ms. Davis Hoggard reported that its annual meeting was cancelled due to the lack of participation.

ELECTION OF FORUM OFFICERS FOR 2013 - 2014 TERM

President Randall opened the floor for nominations for the Office of President.

PRESIDENT

The NSHLF **APPROVED THE FOLLOWING ACTION:**

LUCY PERES MOVED TO NOMINATE HERBERT E. RANDALL FOR ANOTHER TERM AS PRESIDENT, BY ACCLAMATION. THE MOTION WAS SECONDED BY RICK KUHLMAYER AND PASSED UNANIMOUSLY.

VICE PRESIDENT

President Randall opened the floor for nominations for the Office of Vice President. On behalf of the Forum members, President Randall and Ms. Peres recognized Mr. Ronald E. Stoller's service as Vice President.

The NSHLF **APPROVED THE FOLLOWING ACTION:**

PRESIDENT RANDALL MOVED TO NOMINATE CLARE TOBLER FOR VICE PRESIDENT. THE MOTION WAS SECONDED BY LUCY PERES AND PASSED UNANIMOUSLY.

SECRETARY

President Randall opened the floor for nominations for the Office of Secretary.

The NSHLF **APPROVED THE FOLLOWING ACTION:**

PRESIDENT RANDALL MOVED TO NOMINATE CLO BANKS FOR ANOTHER TERM AS SECRETARY. VERLIA DAVIS HOGGARD MOVED THAT MS. BANKS BE ELECTED BY ACCLAMATION. THE MOTION WAS SECONDED BY LUCY PERES AND PASSED UNANIMOUSLY.

TREASURER

President Randall opened the floor for nominations for the Office of Treasurer.

The NSHLF **APPROVED THE FOLLOWING ACTION:**

VERLIA DAVIS HOGGARD MOVED TO NOMINATE JOHN YACENDA FOR TREASURER. THE MOTION WAS SECONDED BY PAUL (JACK) GINTER, JR. RUSS SCHOENBECK MOVED TO NOMINATE LALONNIE STRAIT FOR TREASURER. THIS MOTION WAS SECONDED BY LUCY PERES.

WITH NOMINATIONS CLOSED, THE FORUM VOTED LALONNIE STRAIT TO BE THE NEXT TREASURER FOR THE FORUM.

DISCUSSION OF FUTURE AGENDA ITEMS, MEETING DATES, AND EXPENDITURES

President Randall opened the discussion on future agenda items, meeting dates, and expenditures. He elicited members to consider future legislative recommendations.

President Randall suggested members dedicate time to advance the goals and objectives. Members supported community and statewide outreach efforts that would include senior

publications, speaking engagements and/or advisory boards, public service announcements, and preparation for Older Americans Month in Nevada, May 2014.

DISCUSSION OF FUTURE AGENDA ITEMS, MEETING DATES, AND EXPENDITURES

President Randall stated the Forum has scheduled Tuesday, October 15, 2013, and Tuesday, December 17, 2013 for meetings. Additionally, the Forum will pursue scheduling future meetings approximately every other month in 2014.

President Randall asked members to consider topics, speakers, and resources for future meetings. He indicated that elder abuse, exploitation, isolation and neglect and elder hunger would be addressed at the upcoming meeting. Ms. Davis Hoggard recommended the Forum start developing the legislative program for the next Session.

PUBLIC COMMENT

Ms. Leslyn Rand Raso, volunteer at the Senior Outreach Program, Sanford Center for Aging, on the behalf of Dr. Sina Ward, Director of Senior Outreach Services, shared her concerns regarding elder abuse. Ms. Rosa testified that Sanford Center for Aging has encountered difficulties with follow up communications on elder abuse complaints filed with the Elder Protective Unit, Aging and Disability Services Division. She requested that Nevada statutes address this concern.

Dr. John Yacenda provided testimony that addresses some of his concerns covering financial and material exploitation of seniors and conditions in assisted living facilities. ([Exhibit M](#)) President Randall requested Dr. Yacenda provide additional bill draft language for review and consideration.

Ms. Evelyn Cannestra shared many of Dr. Yacenda's concerns. She stated family and social relations are strained when living in group homes. She concurred that elder abuse should be addressed.

Mr. Kuhlmeier expressed his gratitude for the Forum's efforts to stop the merger of the Nevada Bureau Services to the Blind and Visually Impaired into the Bureau of Vocational Rehabilitation within the Department of Employment, Training and Rehabilitation.

Ms. Shope shared informational items including conferences, health fairs, and research study. ([Exhibit N](#)) She explained the expense claim form for the members.

ADJOURNMENT

There being no further business to come before the Forum, President Randall adjourned the meeting at 12:26 p.m.

Respectfully submitted,

Mary Shope, Coordinator
Nevada Silver Haired Legislative Forum

APPROVED BY:

Herbert E. Randall, Ed.D., President
Nevada Silver Haired Legislative Forum

Date: _____

APPROVED BY:

Clo Banks, Secretary
Nevada Silver Haired Legislative Forum

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Revised Meeting Notice and Agenda” for August 27, 2013, provided by Mary Shope, Coordinator, NSHLF, Administrative Division, Legislative Counsel Bureau.

[Exhibit B](#) is the legislative biography of Joyce Woodhouse, provided by Mary Shope, Coordinator.

[Exhibit C](#) is the legislative biography of Mark Manendo, provided by Mary Shope, Coordinator.

[Exhibit D](#) is the legislative biography of James Healey, provided by Mary Shope, Coordinator.

[Exhibit E](#) is the State of Nevada Proclamation honoring the Nevada Silver Haired Legislative Forum, dated this 16th day of May 2013 and Majority Leader Denis and President Herbert E. Randall during the Floor Session, receiving the Proclamation on behalf of the NSHLF, provided by Mary Shope, Coordinator.

[Exhibit F](#) is the proclamation titled “State of Nevada, Executive Department, A Proclamation by the Governor, Older Americans Month in Nevada, May 2013”, provided by Mary Shope, Coordinator.

[Exhibit G](#) is Governor Sandoval’s Certificate of Recognition of Mr. Frank Pati, the Nevada Senior Citizen of the Year Award, provided by Mary Shope, Coordinator.

[Exhibit H](#) is Governor Sandoval’s letter addressed to the NSHLF, dated May 20, 2013, provided by Mary Shope, Coordinator.

[Exhibit I](#) is the collection of documents highlighting the Special Prosecution Division, Office of the Attorney General, titled “Criminal Prosecution of Elder Abuse, Neglect, Exploitation and Isolation”, provided by Thom Gover, Chief Deputy Attorney General, Special Prosecutions Division, Nevada Office of the Attorney General.

[Exhibit J](#) are the collection of documents titled “Aging and Disability Services Division, Elder Protective Services, August 2013”, provided by Tina Gerber-Winn, Deputy Administrator, Aging and Disability Services Division and the webpage for Elder Protective Service, as provided by Mary Shope, Coordinator.

[Exhibit K](#) are the documents titled “State of Nevada Legislative Counsel Bureau, Budget Report, Account Summary for the Fiscal: 2012 – 2013 Period Ending 09/30/2012 through 07/31/2013”, provided by Mary Shope, Coordinator.

[Exhibit L](#) is the document titled “Goals and Objectives Progress Chart”, provided by President Randall.

Exhibit M is the document titled “Testimony of Dr. John Yacenda, Member NSHLF” dated August 27, 2013, provided by Dr. Yacenda.

Exhibit N is the collection of the following informational announcements: “Aging Services Directors Organization, ASDO Annual Caregiver Conference”, “An Invitation to Participate in the Senior Dimensions Fall Fairs”, “2013 ADSD Conference”, and “Washoe County Master Plan for Aging Service”, provided by Mary Shope, Coordinator.

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.