

**MINUTES OF THE  
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-ninth Session  
April 12, 2017**

The Senate Committee on Health and Human Services was called to order by Chair Pat Spearman at 3:56 p.m. on Wednesday, April 12, 2017, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Pat Spearman, Chair  
Senator Julia Ratti, Vice Chair  
Senator Joyce Woodhouse  
Senator Joseph P. Hardy  
Senator Scott Hammond

**GUEST LEGISLATORS PRESENT:**

Senator Michael Roberson, Senatorial District No. 20

**STAFF MEMBERS PRESENT:**

Megan Comlossy, Policy Analyst  
Eric Robbins, Counsel  
Martha Barnes, Committee Secretary

**OTHERS PRESENT:**

Robert List, Service Corporation International  
Esther Bateman, Director, Trust Administration, Service Corporation International  
Caressa Hughes, Managing Director, Service Corporation International

**CHAIR SPEARMAN:**

I will open the hearing on our work session with Senate Bill (S.B.) 481.

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**SENATE BILL 481**: Creates the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired. (BDR 38-604)

MEGAN COMLOSSY (Policy Analyst):

This bill was heard in Committee on April 10, as noted in the work session document ([Exhibit C](#)).

Senate Bill 481 makes various changes to the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons with Speech Disabilities. The bill changes the Subcommittee's name to the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech impaired; requires the Governor to appoint the Director of the Commission, who is in the unclassified service of the State; and revises membership requirements and duties of the Commission.

Brian Patchett, Chair, Nevada Commission on Services for Persons with Disabilities, proposed a conceptual amendment to: provide that the Director of the Commission is an unpaid position and perform duties at the direction of the Commission; eliminates section 3, subsections 2 through 6, relative to the Director being paid; and requires the Aging and Disability Services Division, Department of Health and Human Services, to assist with providing facilities, equipment and supplies required by the Commission.

Following the hearing, Senator Spearman proposed an amendment to require the Legislative Committee on Health Care, during the 2017-2018 Interim, to study possible methods of providing the funding necessary to make the Director of the Commission a paid position.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 481.

SENATOR RATTI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will work tirelessly during the Interim to make sure we can obtain the funding or some type of apparatus that will allow the Commission to function as any other commission so that members of the deaf, hard of hearing, speech impaired and speech challenged community are not left out.

I will open the work session on S.B. 366.

**SENATE BILL 366**: Revises provisions relating to Medicaid and the release of health insurance claims data under certain conditions. (BDR 38-927)

Ms. COMLOSSY:

This bill was heard on April 5 as noted in the work session document ([Exhibit D](#)).

Senate Bill 366 requires the Director of the Department of Health and Human Services (DHHS) to prepare a semiannual report, which discloses certain employers in the State that have 50 or more employees enrolled in Medicaid and whether the employees have access to an employer-based health plan. The report must be posted on the DHHS Website and submitted to the Governor and the Legislature.

In addition, the bill creates the Advisory Committee on Medicaid Innovation within the Division of Health Care Financing and Policy (DHCFP), of the DHHS, and requires an insurer that provides health insurance coverage pursuant to a contract with the Public Employees' Benefits Program to report certain data, among other things.

Senator Cancela proposed amended language to eliminate all but sections 1, 2, 4, and 5 of the bill. These sections relate to the report required by the director of DHHS, the creation of the Advisory Committee, and the requirement of the Committee to study certain issues and make recommendations to the director; and delete the word "private" in the last line of section 5 requiring the Advisory Committee to make recommendations to increase access to health insurance generally, not just for private health insurance.

The other amendment was proposed by the DHCFP. This amendment clarifies that the report the director of DHHS is required to post and submit pursuant to

section 2, subsection 2 of the bill must meet de-identification requirements of the Health Insurance Portability and Accountability Act of 1996.

The Director shall produce a version of the report meeting the de-identification requirements of the Health Insurance Portability and Accountability Act of 1996 and post the de-identified report to: (a) The Governor, and (b) The Director of the Legislative Counsel Bureau for transmittal to the Legislature.

SENATOR RATTI MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 366.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will pause the work session and open the hearing on S.B. 295.

**SENATE BILL 295**: Revises provisions governing endowment care funds for cemeteries. (BDR 40-840)

SENATOR JOSEPH P. HARDY (Senatorial District No. 12):

This particular bill deals with cemeteries and the ability to have an endowment care of those cemeteries. It harkens me back to my boyhood when I cut through the cemetery off of University Terrace in Reno. I suspect the passing of this bill will help maintain cemeteries.

ROBERT LIST (Service Corporation International):

As a way of introduction, the Service Corporation International runs funeral homes and cemeteries around the Country.

ESTHER BATEMAN (Director, Trust Administration, Service Corporation International):

Senate Bill 295 addresses the ability to allow cemeteries to distribute income. When someone purchases a plot in a cemetery, a portion of the money is meant to go into an endowment care fund. The endowment care fund is meant to

maintain the cemetery in perpetuity. Only interest income is currently being distributed in order to maintain the cemetery.

The cemeteries are not generating enough income to maintain themselves based on the lower interest rates. They are having to go into junk bonds and other high yield components to maintain themselves. A government bond returns to the person what was originally contributed by using a lower percentage yield. The passing of this bill allows for cemeteries to distribute funds based on total return or unitrust. This is already in the Principal and Income Act, *Nevada Revised Statutes* (NRS) 164.796, that is used for endowments for foundations in many of the universities and health centers.

The market value of the account will allow distribution at a percentage between 3 percent and 5 percent annually. Whether the market is up or the market is down, the set amount will be distributed. We worked with the trustee at the financial institution that ultimately makes a decision about what percent makes sense in what situations regarding the ultimate expenditure.

The bill also makes provisions to ensure there will not be too much money taken out of the account. There are two provisions in the bill. One provision states if the market goes down by 20 percent, there will be no distributions. The second provision allows the Commissioner of the Division of Insurance, who oversees the cemeteries, to say the fund has decreased below what the customers have deposited, so there will be no distributions or a reduced distribution rate.

We are asking for the bill to allow the cemeteries to benefit from all of the distribution of trusts in place for other industries.

MR. LIST:

This is a bill that has been introduced and approved in a number of states that modernizes the ability to maintain cemeteries for our loved ones.

CARESSA HUGHES (Managing Director, Service Corporation International):

I manage all of the government relations for the company and have been working on this issue with other states, regulators and industry members. It has received unanimous support from governments and has been implemented in nine states. We hope Nevada will be No. 10. This money will only be used for the maintenance of the cemeteries.

The University of Nevada, Las Vegas Foundation and the University of Nevada, Reno both use this unitrust method as well. The ability to convert a trust to a unitrust has been in law since 2009. We want the cemeteries to have the same method of trusting. We are not taking anything away or changing any of the current laws, but we are providing the cemeteries with another choice for a distribution method. We know in the states where this has been implemented, the trust fund is growing and providing more of a distribution to maintain the cemeteries. We have six mortuaries here in Nevada, and one of the properties is Palm Mortuary in Las Vegas. I have also provided a copy of my written testimony which I summarized ([Exhibit E](#)).

CHAIR SPEARMAN:

I will close the hearing on [S.B. 295](#) and open the work session on [S.B. 59](#).

**[SENATE BILL 59](#)**: Requires the reporting of certain information to the database of the program to monitor prescriptions for certain controlled substances. (BDR 40-386)

Ms. COMLOSSY:

The bill was heard in Committee on March 20 as noted in the work session document ([Exhibit F](#)).

[Senate Bill 59](#) requires law enforcement officers who encounter certain situations involving prescribed controlled substances or who receive a report of a stolen prescription for a controlled substance while acting in their official capacity to report certain information to their employer. The employer of such law enforcement officers must upload this information to the State's prescription monitoring program database as soon as practicable and may postpone uploading such information if it will interfere with an active criminal investigation. Law enforcement officers who make a good faith effort to comply with these requirements are immune from civil and criminal liability for any act or omission relating to the transmission of such information.

During the hearing, the attached amendment, [Exhibit F](#), was proposed by Brett Kandt, Chief Deputy Attorney General.

The amendment clarifies that the bill's provisions apply to law enforcement officers acting in their official capacity in the regular course of an investigation.

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It requires the State Board of Pharmacy to allow a coroner or medical examiner to have access to the prescription monitoring program under certain circumstances.

It provides a coroner or medical examiner immunity from civil or criminal liability for any act or omission relating to the transmission of information pursuant to this bill.

It also revises provisions of existing law related to the prescription monitoring program to expand the list of controlled substances addressed to include those listed in the U.S. Drug Enforcement Administration schedule V. The drug classification schedules currently included are II, III and IV.

An additional amendment was proposed that is not included in the work session document ([Exhibit G](#)). This amendment, proposed by the Office of the Attorney General, would only expand provisions relating to the prescription monitoring program to non-opioid drugs that are schedule V drugs.

SENATOR HARDY:

The schedule V will have to be an opioid in order to be included in the virtual schedule V. In other words, we will not include epilepsy drugs in the schedule V that are precluded.

CHAIR SPEARMAN:

Yes, that is my understanding.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 59.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on S.B. 151.

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**SENATE BILL 151**: Provides for the establishment of a public health laboratory in certain counties. (BDR 40-752)

Ms. COMLOSSY:

This bill was heard in Committee on March 8 as noted in the work session document ([Exhibit H](#)).

Senate Bill 151 requires the district board of health in a county whose population is 700,000 or more, currently Clark County, to establish, equip and maintain a public health laboratory.

The laboratory is required to: (1) analyze the purity of food and drugs; (2) investigate cases and suspected cases of human exposure to certain dangerous agents; (3) investigate cases and suspected cases of infectious diseases and debilitating conditions; and (4) undertake other laboratory duties in the interest of public health.

Bradley Mayer, representing the Southern Nevada Health District proposed the attached amendment, which authorizes, rather than requires, the district board of health to establish, equip, and maintain a public health laboratory.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 151.

SENATOR RATTI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on S.B. 233.

**SENATE BILL 233**: Requires the State Plan for Medicaid and health insurance plans to provide certain benefits. (BDR 38-817)

Ms. COMLOSSY:

This bill was heard in Committee on March 6 as noted in the work session document ([Exhibit I](#)).

Senate Bill 233 makes various changes to health insurance coverage requirements in Nevada. Specifically, it requires all public and private health insurance plans made available in Nevada to provide certain preventive services without any co-pay, coinsurance, or higher deductible. The bill requires certain forms of contraceptive drugs, devices, and services be covered, including up to a 12-month supply of contraceptives or a therapeutic equivalent. In addition, S.B. 233 requires a pharmacist to dispense up to a 12-month supply of contraceptives or a therapeutic equivalent upon the request of a patient who has a valid prescription.

Following the hearing, the sponsor proposed a conceptual amendment, [Exhibit I](#), which makes various changes.

SENATOR RATTI MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 233.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS HAMMOND AND HARDY VOTED  
NO.)

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CHAIR SPEARMAN:

I will open the work session on S.B. 323.

**SENATE BILL 323**: Revises provisions governing the Supplemental Nutrition Assistance Program. (BDR 38-627)

Ms. COMLOSSY:

This bill was heard in Committee on March 29 as noted in the work session document ([Exhibit J](#)).

Senate Bill 323 makes various changes to the Supplemental Nutrition Assistance Program. Specifically, the bill requires the Department of Health and Human Services to: (1) calculate the 36-month period so it begins and ends on fixed dates and runs continuously; (2) seek a waiver to exempt certain people from work requirements; (3) establish a workfare program to assist beneficiaries

in meeting work requirements; and (4) contract with appropriate entities to determine whether beneficiaries meet work requirements.

An amendment was proposed during the hearing and is attached to the work session document, [Exhibit J](#). The amendment ensures the Division of Welfare and Supportive Services (DWSS) will appropriately enact their discretion to prioritize people who face significant barriers to employment for exemptions to the work requirement. It authorizes DWSS to contract with the appropriate persons and requires the Department consult monthly or as needed with persons or entities who provide services concerning certain provisions and to comply with the requirements of this bill. It revises the effective date to July 1.

CHAIR SPEARMAN:

I just presented a bill in the Senate Committee on Government Affairs that I think will meld very nicely with this bill. The bill addresses those who are living in Nevada Section 8 and other public housing who are there not because they want to be. There is a moral obligation for us to help our brothers and sisters.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 323.

SENATOR RATTI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on S.B. 324.

**SENATE BILL 324**: Authorizes employees of certain facilities and organizations to check vital signs and provide related services. (BDR 40-372)

Ms. COMLOSSY:

This bill was heard in Committee on April 3 as noted in the work session document ([Exhibit K](#)).

Senate Bill 324 requires the State Board of Health, Division of Public and Behavioral Health (DPBH), Department of Health and Human Services, to adopt

regulations authorizing an employee of a residential facility for groups, an agency to provide personal care services in the home, a facility for the care of adults during the day, or an intermediary service organization to check vital signs, administer insulin, and perform a blood glucose test.

An amendment was proposed during the hearing by DPBH and is attached to the work session document, [Exhibit K](#). The amendment allows the folks who are providing these services be exempt from certain other provisions of NRS.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED  
[S.B. 324](#).

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on [S.B. 325](#).

[SENATE BILL 325](#): Revises provisions governing medical assistance to certain children. (BDR 38-941)

Ms. COMLOSSY:

This bill was heard in this Committee on April 3 as noted in the work session document ([Exhibit L](#)).

[Senate Bill 325](#) requires the Director of the Department of Health and Human Services to include in the State plan for Medicaid and the Children's Health Insurance Program authorization for certain lawfully residing children under 21 years of age, who have resided in the United States for less than five years, to enroll in these programs. There were no amendments proposed for this measure.

As a special note, Federal law provides that an alien is not eligible for any federal means-tested public benefit for a period of five years from the date of entry into the United States. Federal law contains an exemption that authorizes a state to elect to allow children under 21 years of age, who are lawfully

residing in the United States and who have resided in the United States for less than five years, to enroll in Medicaid and the Children's Health Insurance Program.

SENATOR WOODHOUSE MOVED TO DO PASS S.B. 325.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on S.B. 394.

**SENATE BILL 394**: Revises provisions relating to Medicaid managed care and required coverage provided by health insurers. (BDR 38-950)

Ms. COMLOSSY:

This bill was heard in the Committee on April 5 as noted in the work session document ([Exhibit M](#)).

Senate Bill 394 requires the Director of the DHHS to seek any necessary waiver of certain provisions of federal law to allow a Medicaid managed care plan to be offered for purchase to individuals otherwise ineligible for Medicaid through the Silver State Health Insurance Exchange (SSHIX). The Director of DHHS must also seek a waiver to allow individuals to use the federal income tax credit and cost-sharing reductions authorized by the Patient Protection and Affordable Care Act (ACA) to purchase coverage through a Medicaid managed care plan available on the SSHIX.

To the extent authorized by federal law and pursuant to waivers granted, S.B. 394 allows any person who is not otherwise eligible for Medicaid to purchase coverage on the SSHIX through a Medicaid managed care plan. The director of DHHS sets the annual premium of such plans; benefits are the same as for other Medicaid recipients; and no federal funds may be used to provide such coverage.

In addition, S.B. 394 aligns Nevada law with federal law by prohibiting health insurers from: denying, limiting, or excluding a benefit or requiring an insured pay a higher premium, deductible, coinsurance or co-pay based on the health status of the insured, his or her spouse or dependent; and imposing an annual lifetime limit on monetary value of certain essential health benefits which must be covered.

The bill requires the Department of Health and Human Services to issue regulations establishing the services that must be covered as essential health benefits, under the Affordable Care Act.

Finally, health insurers in Nevada must extend coverage for an adult child of the insured up to 26 years of age.

Two amendments were proposed for this measure.

Danny Thompson, representing Laborers' International Union Local No. 872, AFL-CIO, presented the attached amendment in [Exhibit M](#) during the bill hearing. It requires a health maintenance organization to provide certain data to a group purchaser who files a written request for the information.

Following the hearing, Chair Spearman requested a conceptual amendment to delete sections 2, 3 and 48 of the bill which: (1) requires DHHS to seek necessary waivers to allow Medicaid managed care plans to be offered for purchase through the SSHIX to people otherwise ineligible for Medicaid; (2) makes such coverage available on the SSHIX; and (3) revises the definition of "qualified health plan" to include a Medicaid managed care plan.

Instead, Chair Spearman proposed requiring the Legislative Committee on Health Care to study the requirements proposed by section 2 of the bill in collaboration with the Department of Health and Human Services; the Division of Insurance, Department of Business and Industry; the Silver State Health Insurance Exchange; and other stakeholders during the 2017-2018 Interim.

In addition, the Interim Legislative Committee on Health Care must evaluate strategies for the State to maintain the current level of health insurance coverage should the ACA be repealed and make recommendations to the 2019 Legislature.

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CHAIR SPEARMAN:

The intent of this bill is to make sure that the 400,000 Nevadans who currently depend on the Affordable Care Act for health insurance have some coverage. Although it does not cover every cost, it is important to note many of our hospitals before the ACA were receiving 100 percent of zero for uncompensated care. This bill provides some financial remuneration. I was concerned we would not have anything in place if the ACA is repealed, but I want to be cautious about putting something in place with unintended consequences to complicate matters further.

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 394 AND RE-REFER TO THE SENATE COMMITTEE ON FINANCE.

SENATOR RATTI SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS HAMMOND AND HARDY VOTED NO.)

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CHAIR SPEARMAN:

I will open the work session on S.B. 432.

**SENATE BILL 432**: Authorizes the filing of a motion for the termination of parental rights as part of a proceeding relating to the abuse or neglect of a child. (BDR 38-475)

Ms. COMLOSSY:

This bill was heard in Committee on April 5 as noted in the work session document ([Exhibit N](#)).

Senate Bill 432 makes various changes related to the termination of parental rights. The bill provides that if a juvenile court determines a child is in need of protection, a child welfare agency may file a motion for the termination of parental rights as part of the proceeding concerning the abuse or neglect of the child.

The bill provides provisions of existing law governing the termination of parental rights apply to all proceedings concerning the termination of parental rights

commenced by a child welfare agency to the extent they do not conflict with this bill.

The bill establishes provisions concerning notice of the hearing on the motion for the termination of parental rights.

It also establishes procedural provisions relating to an evidentiary hearing on a motion for the termination of parental rights.

The bill requires a court to make a final decision within certain time periods. It also requires that a petition for the restoration of parental rights be filed as part of a proceeding concerning the abuse or neglect of a child in certain circumstances.

There was an amendment proposed by Clark County that makes various changes to the bill. The amendment has been revised since it was first proposed during the hearing and is part of the work session document, [Exhibit N](#).

The amendment eliminates the first class mail option for notice related to a hearing of termination of parental rights in section 3.

It allows for the name and address of the prospective adoptive parent to be kept confidential and stipulates the prospective adoptive parent will be served notice of the hearing but will not receive the confidential motion for termination of parental rights.

It provides that Indian tribes must be served with the notice of the hearing and a copy of the motion.

It requires that detailed written findings in the matter of termination of parental rights be rendered within 30 days of the conclusion of the evidentiary hearing, while allowing the judge discretion as to whether the decision will also be rendered orally in court.

SENATOR RATTI MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 432.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on S.B. 480.

[SENATE BILL 480](#): Revises provisions relating to the protection of children.  
(BDR 38-1089)

Ms. COMLOSSY:

This bill was heard in the Committee on March 31 as noted in the work session document ([Exhibit O](#)).

Senate Bill 480 requires certain health care providers to notify a child welfare agency if the provider knows or has reasonable cause to believe that an infant is affected by a fetal alcohol spectrum disorder or prenatal substance abuse, regardless of whether the substance used was legal or illegal. The bill requires a child welfare agency to refer a newborn infant and the affected family to certain counseling, training, and other services to ensure safety of the infant and to address health and treatment needs related to a substance use disorder.

The amendment is part of the work session document, [Exhibit O](#), and was proposed by the Division of Child and Family Services, Department of Health and Human Services, during the bill hearing. It revises the definition of "fetal alcohol spectrum disorder" to eliminate reference to "permanent" birth defects.

In addition, the amendment eliminates language which requires a child welfare agency to refer the family of an infant with fetal alcohol spectrum disorder to certain service providers who contract with the agency, and eliminates requirements for those providers to notify the agency of a family's failure to participate in such services, among other things.

As a special note, the bill brings the State law into alignment with the federal Child Abuse Prevention and Treatment Act (CAPTA) and satisfies eligibility requirements for certain grants set forth in CAPTA.

SENATOR RATTI MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 480.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Spearman:

I will open the work session on S.B. 483.

**SENATE BILL 483**: Creates a procedure for the establishment of paternity in proceedings concerning a child in need of protection. (BDR 38-344)

Ms. COMLOSSY:

This bill was heard in the Committee on April 10, as noted in the work session document ([Exhibit P](#)).

Senate Bill 483 creates a procedure for establishing paternity in proceedings concerning a child in need of protection. Specifically, the bill provides if a petition alleging a child is or may be in need of protection is filed with a court and the paternity of the child has not been legally established, a motion to establish paternity may be filed with the court. A court may enter a recommendation or order establishing the legal paternity of a child during such a proceeding concerning a child in need of protection in certain circumstances and must order tests for the typing of blood or taking of specimens for genetic identification of a child, the mother, and alleged father in certain circumstances. A court recommendation or order must provide for the issuance of a new birth certificate that includes the name of the natural father, if necessary.

An amendment was proposed by the Division of Child and Family Services, Department of Health and Human Services, to replace all references to the Division of Welfare and Supportive Services with the Division of Child and Family Services in section 5.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED S.B. 483.

SENATOR RATTI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on S.B. 484.

**SENATE BILL 484**: Revises provisions relating to the licensing of foster homes.  
(BDR 38-348)

Ms. COMLOSSY:

This bill was heard in the Committee on April 10, as noted in the work session document ([Exhibit Q](#)).

Senate Bill 484 makes various changes related to the licensing of foster homes and revises the reasons for which a license to operate a foster home may be denied, suspended or revoked.

Clark County proposed an amendment included in the work session document, [Exhibit Q](#). The amendment provides that if a relative of a child does not pass the required background check, the licensing authority may issue a special license to that relative. The amendment further revises the reasons for which a license may be denied, suspended, or revoked.

SENATOR HAMMOND:

There is another proposed amendment agreed upon by all parties. In section 2, subsection 10 of the proposed amendment we would add "or fictive kin" to the language referencing a relative to a child who does not pass the background check. It is a friendly amendment, extending the exception that is allowed for the fictive kin to become foster parents even though they did not pass the criminal background check.

Because we are attempting to comply with federal law, the federal money that would come into the program would not be at risk because we are making an exception. Even if the relative is kin, the money to take care of that child would come out of the State General Fund. If Clark County made the determination the relative is fictive kin, the same thing would happen if the relative does not pass the background check. Again, the money would come out of the General Fund because we are providing the relative with a special exemption. We do not know how many people are considered fictive kin, although there are about

95 such people in Clark County, but the determination is made by the county if it is a suitable spot to place the child.

SENATOR RATTI MOVED TO AMEND AND DO PASS AS AMENDED S.B. 484 ADDING FICTIVE KIN TO THOSE FOR WHOM A SPECIAL LICENSE MAY BE ISSUED.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on S.B. 509.

**SENATE BILL 509**: Authorizes the imposition of an assessment on certain providers of health care. (BDR 38-980)

Ms. COMLOSSY:

This bill was heard in the Committee on April 5, as noted in the work session document ([Exhibit R](#)).

Senate Bill 509 authorizes the Division of Health Care Financing and Policy of the Department of Health and Human Services, after polling providers of health care in a certain group and receiving an affirmative vote of the majority of providers in the group, to impose by regulation an assessment on providers in the group. The revenue generated must be expended to increase payments to Medicaid providers. The Division may impose an administrative penalty on a provider who fails to pay an assessment in a timely manner and deduct the amount of the unpaid assessment or administrative penalty from future payments owed to the provider by Medicaid.

An amendment is included in the work session document, [Exhibit R](#), and proposed during the bill hearing. The conceptual amendment provides that an assessment may only be imposed upon the affirmative vote of a supermajority of the providers in a provider group, among other things.

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SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS  
AMENDED S.B. 509.

SENATOR RATTI SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR HARDY VOTED NO.)

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CHAIR SPEARMAN:

I will now reopen the hearing on S.B. 295 to entertain a motion.

SENATOR WOODHOUSE MOVED TO DO PASS S.B. 295.

SENATOR RATTI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Ms. COMLOSSY:

As clarification to the amended language in S.B. 483, the Division of Welfare and Supportive Services in section 5 should be replaced with "an agency which provides child welfare services."

Remainder of page intentionally left blank; signature page to follow.

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CHAIR SPEARMAN:

Since we have concluded the business of the Committee for today, we are adjourned at 4:48 p.m.

RESPECTFULLY SUBMITTED:

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Martha Barnes,  
Committee Secretary

APPROVED BY:

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Senator Pat Spearman, Chair

DATE: \_\_\_\_\_

| <b>EXHIBIT SUMMARY</b> |                                 |    |  |   |
|------------------------|---------------------------------|----|--|---|
| <b>Bill</b>            | <b>Exhibit /<br/># of pages</b> |    | <b>Witness / Entity</b>                            | <b>Description</b>                                    |
|                        | A                               | 2  |  | Agenda  |
|                        | B                               | 7  |  | Attendance Roster                                     |
| S.B. 481               | C                               | 1  | Megan Comlossy                                     | Work Session Document                                 |
| S.B. 366               | D                               | 1  | Megan Comlossy                                     | Work Session Document                                 |
| S.B. 295               | E                               | 1  | Caressa Hughes / Service Corporation International | Written Testimony                                     |
| S.B. 59                | F                               | 10 | Megan Comlossy                                     | Work Session Document                                 |
| S.B. 59                | G                               | 1  | Megan Comlossy                                     | Proposed Amendment from the Attorney General's Office |
| S.B. 151               | H                               | 3  | Megan Comlossy                                     | Work Session Document                                 |
| S.B. 233               | I                               | 4  | Megan Comlossy                                     | Work Session Document                                 |
| S.B. 323               | J                               | 3  | Megan Comlossy                                     | Work Session Document                                 |
| S.B. 324               | K                               | 2  | Megan Comlossy                                     | Work Session Document                                 |
| S.B. 325               | L                               | 1  | Megan Comlossy                                     | Work Session Document                                 |
| S.B. 394               | M                               | 6  | Megan Comlossy                                     | Work Session Document                                 |
| S.B. 432               | N                               | 7  | Megan Comlossy                                     | Work Session Document                                 |
| S.B. 480               | O                               | 13 | Megan Comlossy                                     | Work Session Document                                 |
| S.B. 483               | P                               | 1  | Megan Comlossy                                     | Work Session Document                                 |
| S.B. 484               | Q                               | 12 | Megan Comlossy                                     | Work Session Document                                 |
| S.B. 509               | R                               | 2  | Megan Comlossy                                     | Work Session Document                                 |