

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Eighty-Second Session
March 31, 2023**

The Committee on Health and Human Services was called to order by Chair Sarah Peters at 1:41 p.m. on Friday, March 31, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Sarah Peters, Chair
Assemblyman David Orentlicher, Vice Chair
Assemblywoman Cecelia González
Assemblywoman Michelle Gorelow
Assemblyman Ken Gray
Assemblyman Gregory T. Hafen II
Assemblyman Brian Hibbetts
Assemblyman Gregory Koenig
Assemblyman Duy Nguyen
Assemblywoman Angie Taylor
Assemblywoman Clara Thomas

COMMITTEE MEMBERS ABSENT:

Assemblywoman Sabra Newby (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Patrick Ashton, Committee Policy Analyst
Eric Robbins, Committee Counsel
David Nauss, Committee Counsel
Shuruk Ismail, Committee Manager
Lori McCleary, Committee Secretary
Gina Hall, Committee Secretary
Ashley Torres, Committee Assistant



OTHERS PRESENT:

None

Chair Peters:

[Roll was called. Committee protocol and rules were explained.]

We have a work session today. As a note to the members, we have pulled Assembly Bill 154 from the agenda and will place it on hold for a period of time.

**Assembly Bill 154: Provides for the regulation of the living donation of birth tissue.
(BDR 40-455)**

[Assembly Bill 154 was agendized but not considered.]

We will begin the work session with Assembly Bill 99.

**Assembly Bill 99: Revises provisions governing Medicaid rates of reimbursement.
(BDR 38-564)**

Patrick Ashton, Committee Policy Analyst:

As nonpartisan staff, I cannot advocate nor oppose any measures before you today.

Assembly Bill 99 was heard on March 17, 2023. The bill requires the Director of the Department of Health and Human Services, upon approving an increase of a Medicaid reimbursement rate to an amount greater than the maximum reimbursement rate approved by the United States Secretary of Health and Human Services of the State Plan for Medicaid, to take any action necessary to obtain a corresponding increase in the maximum federally approved reimbursement rate. The Division of Health Care Financing and Policy of the Department shall annually consider cost-of-living increases to Medicaid reimbursement rates. [[Exhibit C](#)].

Assemblywoman Brown-May proposes the attached conceptual amendments [page 2, [Exhibit C](#)]. In summary, the amendments replace the current provisions of the bill with the following provisions:

1. Require the Division to submit a report of its findings from the quadrennial rate reviews pursuant to *Nevada Revised Statutes* (NRS) 422.2704 to the Interim Finance Committee and the Joint Interim Standing Committee on Health and Human Services not later than January 31, 2026, and every four years thereafter.
2. Require the Division to conduct a study to determine the cost to the State General Fund of:

- a. Increasing the reimbursement rates provided to long-term care providers to account for the increase in the cost of living as compared to the date when the rate of reimbursement was most recently established for these providers; and
 - b. Annually adjusting rates of reimbursement provided to long-term care providers to account for future increases in the cost of living.
3. Require the Division to submit a report of the study's findings and certain recommendations to the Interim Finance Committee and the 2025 Legislative Session no later than November 15, 2024.
 4. Define "long-term care provider" as providers of Medicaid home- and community-based waiver services including home health and private duty nursing services.

Chair Peters:

Are there any questions from the Committee? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 99.

ASSEMBLYWOMAN TAYLOR MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 99.

ASSEMBLYWOMAN GORELOW SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN NEWBY WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Brown-May. The next bill on work session is Assembly Bill 100.

Assembly Bill 100: Provides for various programs and studies relating to caregivers. (BDR S-562)

Patrick Ashton, Committee Policy Analyst:

Assembly Bill 100 was heard on March 17, 2023. The bill requires the Department of Health and Human Services, during the 2023-2024 Interim, to:

- Develop evidence-based and culturally sensitive assessments to be administered to family caregivers of individuals with disabilities or health conditions by various health care providers;

- Implement a pilot program to administer these assessments to family caregivers; and
- Annually report on the progress and results of the pilot program to certain entities that provide or oversee services for persons with disabilities and publish the report on an Internet website maintained by the Department.

Further, the bill requires the Department to conduct two separate caregiver studies during the 2023-2024 Interim, which analyze:

- The feasibility, costs, and benefits of requiring hospitals to assess the capacity of such caregivers; and
- The potential to obtain reimbursement from insurers under a certain medical billing code for assessing the knowledge and needs of various types of caregivers, social supports for such caregivers, the willingness of such caregivers to undertake caregiving tasks, and the ability of such caregivers to provide care.

On or before February 1, 2025, the Department shall compile a report concerning the results of each study and post the report on an Internet website maintained by the Department [\[Exhibit D\]](#).

Assemblywoman Brown-May proposes the following amendments [pages 3 through 6, [Exhibit D](#)]:

In section 1:

1. Replace in subsection 1(a) the phrase "hospitals, managed care organizations that provide services to recipients of Medicaid, other providers of publicly funded services for older persons and persons with disabilities, and providers of health care" with "the Department" and add certain requirements to an assessment.
2. Revise subsection 1(d) to require the Department to recruit volunteers for the pilot program.
3. Add to subsection 2(c) "the Legislature" as an additional entity the Department must submit the report to.
4. Delete in subsection 3 definitions for "hospital," "managed care organization," and "provider of health care."

Other amendments:

5. Delete section 2, thereby removing the additional two separate caregiver studies.

Chair Peters:

Are there any questions from the Committee? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 100.

ASSEMBLYWOMAN GONZÁLEZ MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 100.

ASSEMBLYWOMAN GORELOW SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN NEWBY WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Brown-May. The next bill on work session is Assembly Bill 114.

Assembly Bill 114: Revises provisions governing the Nevada Early Childhood Advisory Council. (BDR 38-788)

Patrick Ashton, Committee Policy Analyst:

Assembly Bill 114 was heard on February 20, 2023. The bill revises the membership of the Nevada Early Childhood Advisory Council, and also defines the term "early childhood program" for purposes of the duties of the Council as any program for children less than eight years of age pertaining to certain educational topics [[Exhibit E](#)].

Assemblywoman Thomas proposes the following amendments [page 2, [Exhibit E](#)] to section 1 of *Nevada Revised Statutes* (NRS) 432A.076:

1. In subsection 1(e) [page 2, lines 18 through 21], clarify that the Governor shall appoint either one council member who is a representative of Nevada's Department of Education whose duties include responsibilities for programs under NRS section 619, or who is a representative of the Department of Health and Human Services whose duties include responsibilities for programs under part C of the Individuals with Disabilities Education Act;
2. In subsection 1(q) [page 3, lines 8 through 21], require the Governor to give preference to members who are parents or guardians representing diverse populations of the state; and

3. In subsection 5 [page 4, line 41], replace "or" with "and."

Assemblywoman Peters proposes the following amendment [page 1, [Exhibit E](#)]:

4. In subsection 1(p) [page 3, lines 6 and 7], require the Governor to appoint a representative of a tribal organization after considering any recommendation of an enrolled member of a Nevada Indian tribe, which is submitted by the Nevada Indian Commission, after consultation with the Inter-Tribal Council of Nevada, Inc., or its successor organization.

Chair Peters:

Are there any questions from the members? [There were none.] I will entertain a motion to amend and do pass [Assembly Bill 114](#).

ASSEMBLYWOMAN GONZÁLEZ MADE A MOTION TO AMEND AND DO PASS [ASSEMBLY BILL 114](#).

ASSEMBLYWOMAN THOMAS SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN NEWBY WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Thomas. The next bill on work session is [Assembly Bill 167](#).

[Assembly Bill 167](#): Makes various changes relating to dementia. (BDR 38-787)

Patrick Ashton, Committee Policy Analyst:

[Assembly Bill 167](#) was heard on March 10, 2023. The bill requires the Aging and Disability Services Division of the Department of Health and Human Services to establish and administer a program for dementia care specialists to support and assist in various ways persons with dementia and their families and caregivers.

This bill makes an appropriation of \$531,904 from the State General Fund to the program for dementia care specialists. To the extent funding is available, the Division shall: (1) prepare requests for proposals for the provision of services by dementia care specialists employed by local governmental agencies or nonprofit organizations to carry out the program; and (2) partner or contract with an appropriate educational organization to provide training to dementia care specialists and evaluate the program [[Exhibit F](#)].

Assemblywoman Thomas proposes to amend section 1, subsection 2 by adding a program goal to assist persons with dementia and their families and caregivers whose language is other than English to access the program through translation and interpretation services.

Chair Peters:

In addition, we have a friendly amendment to add Assemblywomen Taylor and González as cosponsors. Are there any questions from the Committee? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 167.

ASSEMBLYWOMAN GONZÁLEZ MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 167.

ASSEMBLYWOMAN GORELOW SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN NEWBY WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Thomas. The next bill on work session is Assembly Bill 201.

Assembly Bill 201: Revises provisions relating to planning for the provision of behavioral health care. (BDR 39-325)

Patrick Ashton, Committee Policy Analyst:

Assembly Bill 201 was heard on March 27, 2023. The bill expands the responsibilities relating to the provision of behavioral health services of the Commission on Behavioral Health of the Division of Public and Behavioral Health (DPBH) and the Division of Child and Family Services (DCFS) of the Department of Health and Human Services (DHHS). The bill requires the Commission to track the spending of federal and state money, quantify and track cost savings, and provide oversight for reinvestments in the children's behavioral health system of care. Further, A.B. 201 mandates DPBH and DCFS to formulate and operate comprehensive state plans for providing behavioral health services to adults and children respectively, and coordinate financial support for these services. Additionally, it requires the adoption of regulations prescribing clinical standards of care for behavioral health services for both adults and children. Finally, the bill amends the responsibilities of regional behavioral health policy boards and mental health consortia to include advising DCFS and submitting reports to relevant agencies [[Exhibit G](#)].

Assemblywoman Peters proposes amendments as conceptualized in the attached mockup [pages 3 through 21, [Exhibit G](#)]. In summary, the amendments:

1. Remove sections 3 and 9 requiring DPBH and DCFS to formulate and operate state plans and make conforming sections throughout the bill;
2. Clarify that DPBH is authorized to certify any behavioral health care facility operating in the state, and adopt any necessary regulations;

3. Require the Joint Interim Standing Committee on Health and Human Services, in collaboration with various state and local entities, to conduct an interim study on the feasibility of a comprehensive state plan to provide a continuum of behavioral health care services for adults and children across the lifespan;
4. Revise section 2 by requiring DHHS instead of the Commission on Behavioral Health to quantify, track, and make recommendations on the spending of federal and state funds on the children's behavioral health system of care and the reinvestment of certain savings;
5. Require DHHS to provide regular updates on the analysis, estimate, and any recommendations on reinvesting any potential cost-savings to the Joint Interim Standing Committee on Health and Human Services and to the Legislature;
6. Add new provisions creating a statewide mental health consortium to represent existing regional mental health consortia. The statewide mental health consortium and each regional mental health consortium may request the drafting of one legislative measure within the scope of the statewide or regional consortium, as applicable, and;
7. Reinstate the requirement that the Subcommittee on the Mental Health of Children of the Commission on Behavioral Health create a statewide plan for the provision of mental health services to children, and adds as members to the subcommittee: (a) a parent of a child with an emotional disturbance who is a member of the statewide mental health consortium, and (b) the chair of the statewide mental health consortium.

Chair Peters:

Are there any questions from the members? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 201.

ASSEMBLYWOMAN GORELOW MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 201.

ASSEMBLYWOMAN THOMAS SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Hafen:

I will be voting no today but reserve my right to change my vote on the floor. Hopefully, I can get to a yes. I need further time to digest the amendment to make sure all of my concerns were addressed.

Assemblyman Koenig:

I ditto what Assemblyman Hafen said.

Chair Peters:

I appreciate the heads up, but I do want to say you do not have to let me know that you reserve your right to change your vote on the floor. Everyone has the right to change their vote. I do appreciate a heads up if you choose to change your vote, but I understand where you are coming from. Is there any other discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN HAFEN, HIBBETTS, AND KOENIG VOTED NO. ASSEMBLYWOMAN NEWBY WAS ABSENT FOR THE VOTE.)

I will take the floor statement. The next bill on work session is Assembly Bill 202.

Assembly Bill 202: Revises provisions governing electronic communication devices in certain health care facilities. (BDR 40-46)

Patrick Ashton, Committee Policy Analyst:

Assembly Bill 202 was heard on March 13, 2023. The bill authorizes a patient in a skilled nursing facility or the patient's representative to request the installation and use of an electronic communication device in a patient's living quarters if certain conditions are met. Among other requirements, the patient or patient's representative must agree to waive the right to privacy of the patient and release the facility and its employees from any liability regarding this right in connection with the use of the electronic communication device. Prior to the installation and use of such device, a patient or patient's representative must obtain the written consent of a patient's roommate or the roommate's representative, if applicable. A facility shall make reasonable efforts to accommodate a patient whose roommate fails to provide such consent. Further, the State Board of Health may adopt pertinent regulations, as necessary.

The bill prohibits:

- A person other than the patient or the patient's representative from intentionally obstructing, tampering with, or destroying any such device or recording made by such a device;
- A person other than the patient or the patient's representative to view or listen to any images or sounds which are displayed, broadcast, or recorded by any such device, except as otherwise authorized;
- A facility's employee from refusing to enter the patient's living quarters or failing to perform any of the employee's duties on the grounds that an electronic communication device is in use in the living quarters; and
- A facility to discriminate or retaliate against a patient because of the installation and use of an electronic communication device.

For violations of these provisions, a person or entity is subject to certain civil and criminal penalties, and a facility may face additional disciplinary action [[Exhibit H](#)].

Jonathan Norman, Nevada Coalition of Legal Service Providers, proposed during the bill hearing to revise section 8 (page 4 of the bill) requiring a guardian who is the representative of a patient to apply to a court for the authority to consent to the installation and use of an electronic communication device if a court has not granted such authority yet.

Chair Peters:

Are there any questions from the Committee? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 202.

ASSEMBLYWOMAN THOMAS MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 202.

ASSEMBLYWOMAN TAYLOR SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN NEWBY WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Summers-Armstrong. The next bill on work session is Assembly Bill 206.

Assembly Bill 206: Revises provisions governing the Nevada Commission for Persons Who Are Deaf and Hard of Hearing. (BDR 38-563)

Patrick Ashton, Committee Policy Analyst:

Assembly Bill 206 was heard on March 17, 2023. The bill adds a twelfth member to the Nevada Commission for Persons Who Are Deaf and Hard of Hearing who must be a registered sign language interpreter and possess certain experience and knowledge [[Exhibit I](#)]. There were no amendments.

Chair Peters:

Are there any questions from the Committee? [There were none.] I will entertain a motion to do pass Assembly Bill 206.

ASSEMBLYWOMAN TAYLOR MADE A MOTION TO DO PASS ASSEMBLY BILL 206.

ASSEMBLYMAN NGUYEN SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN NEWBY WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Brown-May. The next bill on work session is Assembly Bill 277.

Assembly Bill 277: Establishes provisions governing rural emergency hospitals. (BDR 40-637)

Patrick Ashton, Committee Policy Analyst:

Assembly Bill 277 was heard on March 24, 2023. The bill establishes a rural emergency hospital as a unique type of medical facility licensed and regulated by the State Board of Health and the Division of Public and Behavioral Health of the Department of Health and Human Services. The Board must adopt regulations for the licensure of rural emergency hospitals, which take into consideration the unique problems of operating such a facility in a rural area. The Department may apply for a waiver or an amendment to the State Plan for Medicaid to receive federal funding to increase reimbursement rates for rural emergency hospital services. Finally, A.B. 277 authorizes the Division to issue an endorsement as a crisis stabilization center to a rural emergency hospital if certain requirements are met [[Exhibit J](#)].

Chair Peters:

Are there any questions from the Committee?

Assemblywoman González:

I would like to be added as a cosponsor to Assembly Bill 277, please.

Chair Peters:

Assemblywomen González and Thomas would like to be added as cosponsors, along with Assemblyman Hafen, Assemblywoman Taylor, Assemblywoman Gorelow, Assemblyman Hibbetts, Assemblyman Orentlicher, and me. I will entertain a motion to amend and do pass Assembly Bill 277.

ASSEMBLYMAN GRAY MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 277.

ASSEMBLYMAN NGUYEN SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN NEWBY WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Koenig. The last bill on work session is Assembly Bill 289.

Assembly Bill 289: Enacts provisions relating to the natural organic reduction of human remains. (BDR 40-606)

Patrick Ashton, Committee Policy Analyst:

Assembly Bill 289 was heard on March 27, 2023. The bill authorizes the use of natural organic reduction for disposing human remains, which is the contained, accelerated conversion of human remains to soil. The Nevada Funeral and Cemetery Services Board may adopt regulations governing natural organic reduction.

The bill includes natural organic reduction in the definition of "cremation" thereby applying existing penalty provisions for violating requirements governing the disposition of human remains and the licensing, permitting, and certification of operators and facilities for the disposition of human remains.

Upon written consent from local authorities, crematories using only natural organic reduction may be located within certain cities and towns. The bill exempts soil resulting from natural organic reduction from the size requirement for cremated remains and makes several other conforming changes [[Exhibit K](#)]. There were no amendments.

Chair Peters:

Are there any questions from the Committee? [There were none.] I will entertain a motion to do pass Assembly Bill 289.

ASSEMBLYMAN GRAY MADE A MOTION TO DO PASS
ASSEMBLY BILL 289.

ASSEMBLYMAN GONZÁLEZ SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN NEWBY WAS ABSENT
FOR THE VOTE.)

I will assign the floor statement to Assemblyman Carter.

That brings us to the last item on the agenda, which is public comment. [Committee rules and protocol were discussed regarding public comment.] Is there anyone in Carson City or Las Vegas who would like to provide public comment? [There was no one.] Is there anyone wishing to provide public comment by phone? [There was no one.] I will close public comment.

Our next meeting will be Monday, April 3, 2023, at 1:30 p.m. We have a couple of bills on Monday, and we may have a work session. We will send out that information as it is ready.

This meeting is adjourned [at 2:04 p.m.].

RESPECTFULLY SUBMITTED:

Lori McCleary
Committee Secretary

APPROVED BY:

Assemblywoman Sarah Peters, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session document for [Assembly Bill 99](#), presented by Patrick Ashton, Committee Policy Analyst, Legal Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session document for [Assembly Bill 100](#), presented by Patrick Ashton, Committee Policy Analyst, Legal Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session document for [Assembly Bill 114](#), presented by Patrick Ashton, Committee Policy Analyst, Legal Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session document for [Assembly Bill 167](#), presented by Patrick Ashton, Committee Policy Analyst, Legal Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session document for [Assembly Bill 201](#), presented by Patrick Ashton, Committee Policy Analyst, Legal Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session document for [Assembly Bill 202](#), presented by Patrick Ashton, Committee Policy Analyst, Legal Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session document for [Assembly Bill 206](#), presented by Patrick Ashton, Committee Policy Analyst, Legal Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session document for [Assembly Bill 277](#), presented by Patrick Ashton, Committee Policy Analyst, Legal Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session document for [Assembly Bill 289](#), presented by Patrick Ashton, Committee Policy Analyst, Legal Division, Legislative Counsel Bureau.