



SUMMARY OF RECOMMENDATIONS

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY
ISSUES RELATING TO SENIOR CITIZENS AND VETERANS
(Assembly Concurrent Resolution No. 35, File No. 109, *Statutes of Nevada 2007*)
June 19, 2008**

On June 19, 2008, during the sixth and final meeting of the Legislative Commission's Subcommittee to Study Issues Relating to Senior Citizens and Veterans (Assembly Concurrent Resolution No. 35, File No. 109, *Statutes of Nevada 2007*), the members conducted a work session and voted to forward five bill draft requests (BDR) to the 2009 Legislative Session. The Subcommittee members also voted to have 13 letters drafted to various entities expressing their support for specific issues or encouraging certain action. During the work session, the members also voted to include several statements of support for issues in the Subcommittee's final report. A summary of each BDR and letter follows, while the statements of support will appear in the Subcommittee's Bulletin (Interim Study Report) later this year.

During the drafting process, specific details of the following proposals for legislation and letters may be further clarified by staff in consultation with the Chair or others, as appropriate. If a proposal for legislation or letter includes reference to specific chapters or statutes of the *Nevada Revised Statutes* (NRS), as part of the drafting process, amendments to other related chapters or sections of the NRS may be made to fully implement the proposals.

BILL DRAFT REQUESTS

1. Draft legislation to create an ongoing statutory committee on "Special Adult Populations" to address issues concerning groups such as senior citizens, veterans, and disabled adults. The Committee may study, among other important issues, the following topics:
 - A. Model guardianship laws and ways to improve protections for older persons involved in the guardianship system, including ways to improve investigation and monitoring systems; and
 - B. Ways to improve long-term care facilities in Nevada, which may include: (1) a reduction in out-of-state placements; (2) the creation of both an acute and long-term special unit to treat people suffering dementia who have challenging behaviors; (3) the development of a long-term care gero-psych unit for treatment in both the north and south as an alternative to long-term care facilities; and (4) the creation of

a Program for Assertive Community Treatment, similar to the Division of Mental Health and Developmental Services' Programs for Assertive Community Treatment (PACT), that would provide follow-up care and track the progress of residents.

2. Draft legislation requiring the Aging Services Division, Department of Health and Human Services (DHHS), to create a central registry of information relating to substantiated cases of abuse, neglect, isolation, or exploitation committed against an older person. The information in the registry would include information related to cases of abuse, neglect, isolation, or exploitation gathered pursuant to NRS 200.5093. The Division could release information in the registry to an employer who provides services to older persons under certain circumstances. This legislation and the requirements for the registry should be modeled after NRS Sections 432.0999 through 432.130, which relate to a registry of information concerning the abuse or neglect of a child.
3. Draft legislation to revise licensing requirements for residential facilities for groups and homes for individual residential care in the following ways:
 - A. Require the Bureau of Licensure and Certification, Health Division, DHHS, to license an independent living portion of a facility when it is housed within a residential facility for groups with more than ten beds; and
 - B. Prohibit licensees of residential facilities for groups with ten beds or fewer and homes for individual residential care from renting rooms to boarders who do not meet the residency requirements of the type of group home for which they are licensed. An exception is that any person related within the third degree of consanguinity to a resident or staff person of the home may also reside there.
4. Draft legislation that amends the provisions of NRS 118A.335 to remove the duplication of background checks that was created for certain facilities by the passage of Assembly Bill 352 (Chapter 315, *Statutes of Nevada*) in 2007. The amendment should state that employees working in facilities that are currently licensed by the Bureau of Licensure and Certification, and that meet the requirements for those employees under NRS 449.176 through 449.188, are exempt from the requirements listed in NRS 118A.335.
5. Draft legislation to change property tax provisions for certain veterans:
 - A. Provide for a 100 percent property tax or privilege tax exemption for 100 percent service-connected disabled and individually unemployable veterans (NRS 361.090); and
 - B. Increase the amount of property tax exemption for veterans and add a new tier for those who are 40 to 59 percent disabled (NRS 361.091).

LETTERS

1. Write a letter to the Senate Committee on Judiciary and the Assembly Committee on Judiciary during the 2009 Legislative Session to encourage them to review the changes made to NRS 200.5093 by Section 5 of Assembly Bill 267 (Chapter 324, *Statutes of Nevada 2005*) and consider reinstating members of the clergy and attorneys as mandatory reporters of abuse. If the language were reinstated exactly as it existed in statute prior to A.B. 267, then the following people would have to report suspected incidences of abuse, neglect, or isolation of persons over age 60: every clergyman, practitioner of Christian Science, or religious healer, unless he acquired the knowledge of abuse, neglect, exploitation, or isolation of the older person from the offender during a confession; and every attorney, unless he has acquired the knowledge of abuse, neglect, exploitation, or isolation of the older person from a client who has been or may be accused of such abuse, neglect, exploitation, or isolation.
2. Write a letter to Assemblyman Marcus L. Conklin, Chair of the Legislative Commission's Subcommittee to Study Mortgage Lending and Housing Issues (NRS 218.682), requesting that he and the Subcommittee members consider the following recommendation that was brought to the attention of the Subcommittee to Study Issues Relating to Senior Citizens and Veterans: The State should require that the Division of Mortgage Lending, Department of Business and Industry (DBI), have total regulatory power and authority over the education and licensing of *all* mortgage brokers. This would require all originators of loans in the State of Nevada to hold a proper mortgage broker license, including those who are currently exempt under the provisions of NRS 645B.015, such as brokers in certain banks, credit unions, and other financial agencies.
3. Write a letter to Nevada's Congressional Delegation urging the passage of the Elder Justice Act (U.S. Senate Bill 1070 and House Resolution 1783).
4. Write a letter to district attorneys' offices in Nevada requesting that they take steps to improve the identification and prosecution of crimes against older persons. Specifically, the letter will encourage them:
 - A. To identify cases involving crimes against persons older than 60 so that the prevalence of crimes involving seniors can be tracked more accurately and data regarding the types of crimes that involve seniors can be more easily sorted and responded to;
 - B. To prosecute cases even when the victim is not available or willing to testify; and

- C. Not to engage in plea bargaining for cases involving crimes against older persons that are punishable as gross misdemeanors or felonies.
5. Write a letter requesting that Nevada's State Demographer, Office of the State Demographer, Nevada System of Higher Education (NSHE), collect and report demographic information about persons age 60 or older in Nevada, not only age 65, as is currently the practice. The federal government uses 65 years of age as the definition of a senior, but Nevada laws vary, and many use age 60 as the definition of an older person or senior.
 6. Write a letter to the Elder Abuse Task Force, the Attorney General, Aging Services Division, district attorneys, Clark County Protective Services, the Henderson Police Department, the Las Vegas Metropolitan Police Department, the North Las Vegas Police Department, and the Reno Police Department to encourage the use of multidisciplinary team approaches when handling cases of elder abuse, exploitation, neglect, or isolation. Send a copy of the letter to Governor Jim Gibbons and members of the Legislature.
 7. Write a letter to local governments to encourage them to take the following action:
 - A. Develop or support pilot projects that would help create aging-in-place resources for local communities. The project could be modeled after the Atlanta Regional Commission's "Lifelong Communities" and "Fifty Forward" strategy, and Fairfax County, Virginia's "Age Friendly Community - 50+." Also promote the use of adult day health care centers as an alternative to nursing homes, and encourage the expansion of funding for home- and community-based programs to provide cost-efficient services that keep people in their homes living with dignity and independence at lower costs than nursing homes or residential facilities; and
 - B. Improve transportation for senior citizens in the community by: encouraging livable communities where services are conveniently located; supporting funding for existing clustered services such as senior centers that provide meals, recreation, and legal services; supporting transit-oriented development and public-private partnerships; supporting funding for public transportation; encouraging "complete streets" designed for safe, convenient access for all users including bicyclists, motorists, pedestrians, and transit riders of all ages and abilities; supporting measures that simplify the processes for obtaining information; and requiring that transportation and land use decisions be made with equal consideration.
 8. Write a letter to Governor Jim Gibbons, the Senate Committee on Finance, the Assembly Committee on Ways and Means, the Senate Committee on Human Resources and Education, and the Assembly Committee on Health and Human Services encouraging the continued support of the Senior Rx program, including pharmacy, dental, and vision programs.

9. Write a letter to the Senate Committee on Human Resources and Education and the Assembly Committee on Health and Human Services during the 2009 Legislative Session to encourage them to examine the following issues: the possible need to appropriate additional funds for oversight and supervision of health care facilities, including the funding of surveyors; and the creation of mechanisms to ensure public protection and immediate actions to protect consumers. Also encourage them to examine affordable prescription drug legislation and programs, including: pharmacy benefit manager transparency; oversight and reporting of pharmaceutical marketing practices and the payments and gifts to physicians; and restrictions on marketing practices known as “prescriber profiling,” which allow pharmaceutical companies to target doctors and reward salespeople for what doctors prescribe.
10. Write a letter to Governor Jim Gibbons and State agency administrators that are involved with the aging population (e.g., Nevada’s Department of Transportation (NDOT); Aging Services Division, DHHS; Bureau of Licensure and Certification, Health Division, DHHS; Division of Health Care Financing and Policy, DHHS; and the Mortgage Lending Division, DBI) requesting that they conduct “internal scans” of their services. During the internal scan, agencies would examine their ability to provide services for the senior population currently in the State, project the needs in the future, integrate aging issues into their planning processes, and plan how they anticipate meeting the needs in the future. This could be modeled on the State of New York’s “Project 2015,” or Arizona’s “Aging Arizona 2020” project. Also request in the letter that the results of the internal scans be reported to the Nevada Commission on Aging; the Aging Services Division, DHHS; and the Legislative Commission’s committee or subcommittee that is responsible for senior issues at the time of the report’s release.
11. Write a letter to NDOT to encourage it to consider including in its executive budget a request for provisions similar to those in Assembly Bill 467 from the 2007 Legislative Session. This measure would have appropriated funds to NDOT to fund rural transit operations, including the Elderly and Persons with Disabilities Program and the Non-Urbanized Areas Public Transit programs.
12. Write a letter to the appropriate military entities in the federal government and Nevada’s Congressional Delegation, as appropriate, urging the following:
 - A. The provision of a more seamless transition for service members to receive medical services when they return home from duty. The letter would encourage the creation of a system of mandatory registration with the Nevada branch of the Office of the Military for health and other services before service people leave active duty. Also, strategies to increase awareness of, and attendance at, TAP (Transition Assistance Program) seminars should be explored;

- B. The creation of a memorandum of understanding between the Office of the Military and State of Nevada agencies (especially health agencies) to facilitate better coordination of services and records sharing. This would allow for more seamless transitions between active duty and redeployment regarding the coordination of health services;
 - C. The ability to use contracted medical care in highly rural communities so that veterans do not have to travel long distances and pay for overnight accommodations for themselves and their families to receive care; and
 - D. The authorization for military personnel in all branches to transfer their Government Issue (GI) Bill benefits for education to their dependents.
13. Write a letter to the NSHE encouraging the provision of the following:
- A. Programs to help recruit more mental health providers to the State. Some programs might include: providing scholarships or loan forgiveness programs for mental health professionals who serve in rural areas of the State for a certain length of time; funding continuing education credits for mental health professionals to receive specialized training in post traumatic stress disorder (PTSD); or, instead of funding the continuing education credits, grant double credit towards continuing education for those who pay for a class in PTSD. This letter should also be sent to the School of Medicine, Division of Health Sciences, NSHE; and
 - B. A program in the universities similar to the “Boots to Books” program in Glendora, California. The course teaches interpersonal skills; transition issues; and methods of adapting to civilian life at home, school, and work. Options include incorporating such skills into a first-year experience course that already exists at the university, or to create a course specifically for veterans.