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**** REVISED ****

MEETING NOTICE AND AGENDA

Name of Organization: **Committee to Study the Needs Related to the Behavioral and Cognitive Care of Older Persons (Senate Bill 121, 2017 Legislative Session)**

Date and Time of Meeting: Thursday, June 14, 2018
9:00 a.m.

Place of Meeting: Legislative Building, Room 2135
401 South Carson Street
Carson City, Nevada

Note: Some members of the Committee may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following location:

Grant Sawyer State Office Building, Room 4401
555 East Washington Avenue
Las Vegas, Nevada

If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "[Calendar of Meetings/View](#)."

Note: Minutes of this meeting will be produced in summary format. Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.

Note: Items on this agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

I. ROLL CALL.

II. OPENING REMARKS FROM THE CHAIR.
Senator Joyce Woodhouse, Chair

III. PUBLIC COMMENT.

(Because of time considerations, speakers are urged to avoid repetition of comments made by previous speakers. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted in person or by e-mail, facsimile, or mail before, during, or after the meeting.)

*For
Possible
Action*

IV. APPROVAL OF THE MINUTES OF THE APRIL 10, 2018, MEETING.

*For
Possible
Action*

V. WORK SESSION – DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS RELATED TO THE BEHAVIORAL AND COGNITIVE CARE OF OLDER PERSONS, INCLUDING:

- A. The diagnosis and treatment of older persons with behavioral and cognitive health issues, including resources for the diagnosis and treatment; training related to the diagnosis and treatment; and increasing the workforce of professionals who assist with the diagnosis and treatment.
- B. Respite care, including programs, services, training, education and resources that may be provided to caregivers of older persons with behavioral and cognitive health issues.
- C. The provision of housing and other facilities for older persons with behavioral and cognitive health issues, and programs and services that allow older persons with behavioral and cognitive health issues to remain in their home.
- D. Legal Issues, including revisions to certain guardianship provisions and referral of services for persons who require different services because of a dementia diagnosis.

The Work Session Document contains recommendations proposed at this and other meetings of the Committee to Study the Needs Related to the Behavioral and Cognitive Care of Older Persons during the 2017-18 Legislative Interim. The document is available on the [Committee's meeting page](#). A written copy may be obtained by contacting Judy Lyons, Committee Secretary, Fiscal Analysis Division, Legislative Counsel Bureau, at (775) 684-6821.

VI. PUBLIC COMMENT.

(Because of time considerations, speakers are urged to avoid repetition of comments made by previous speakers. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted in person or by e-mail, facsimile, or mail before, during, or after the meeting.)

VII. ADJOURNMENT.

Note: We are pleased to make reasonable accommodations for members of the public with a disability who wish to attend the meeting. If accommodations for the meeting are necessary, please notify the Fiscal Analysis Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call the Fiscal Analysis Division at (775) 684-6821 as soon as possible.

Notice of this meeting was posted in the following Carson City locations: Blasdel Building, 209 East Musser Street; City Hall, 201 North Carson Street; and the Legislative Building, 401 South Carson Street. Notice of this meeting was posted in the following Las Vegas location: Legislative Counsel Bureau, Las Vegas Office, Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was hand delivered for posting to the following Carson City location: Capitol Press Corps, Basement, Capitol Building, 101 North Carson Street. Notice of this meeting was faxed or e-mailed for posting to the following Las Vegas locations: Clark County Government Center, Administrative Services, 500 South Grand Central Parkway; and Capitol Police, Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature's website at www.leg.state.nv.us.

Supporting public material provided to Committee members for this meeting may be requested from Judy Lyons, Committee Secretary, Fiscal Analysis Division of the Legislative Counsel Bureau at (775) 684-6821 and is/will be available at the following locations: Meeting locations and the Nevada Legislature's website at www.leg.state.nv.us.



WORK SESSION DOCUMENT

Committee to Study the Needs Related to the Behavioral and Cognitive Care of Older Persons

Senate Bill 121 (Chapter 522, *Statutes of Nevada 2017*)

June 14, 2018

The following Work Session Document (WSD) was prepared at the direction of the Chair by staff of the Committee to Study the Needs Related to the Behavioral and Cognitive Care of Older Persons (Committee). This document contains a summary of recommendations that were presented during public hearings through communication with individual committee members or through correspondence or communications submitted to the Committee. The WSD is designed to assist committee members in making decisions during the work session. Actions available to the committee members include recommending: (1) legislation to amend *Nevada Revised Statutes* (NRS); (2) transitory sections that do not amend the statutes; (3) resolutions; (4) statements in the Committee's report; and (5) letters of recommendation or support.

The Committee may accept, reject, modify, or take no action on any of the proposals. The recommendations contained herein do not necessarily have the support or opposition of the Committee. Rather, these recommendations are compiled and organized so the members may review them to decide whether they should be adopted, changed, rejected, or further considered. They are not preferentially ordered.

Legislative Counsel Bureau staff may, at the direction of the Chair, coordinate with interested parties to obtain additional information for drafting purposes or for information to be included in the final report. Submitted recommendations may have been modified by being combined with similar proposals or by the addition of necessary legal or fiscal information. It should also be noted that some recommendations may contain an unknown fiscal impact.

Pursuant to NRS 218D.160, the Committee may request the drafting of not more than five legislative measures that relate to the matters within the scope of the study. The approved recommendations for legislation resulting from these deliberations will be prepared as bill draft requests (BDRs) and submitted for introduction to the 2019 Legislature.

Based on the Chair's direction, a total of 22 recommendations have been identified for the Committee's consideration, of which there are nine recommendations for bill draft requests. Staff would note that some of these recommendations can be combined. These recommendations have been provided below and are organized into five topical categories.

- Diagnosis and Treatment
- Training
- Caregiver Support
- Housing
- Legal Issues

Within the categories identified above, the recommendations are in no particular order of importance or priority.

TOPIC AREA: DIAGNOSIS AND TREATMENT

Recommendations 1 – 6 relate to the diagnosis and treatment of older persons with behavioral and cognitive health issues, and resources for the diagnosis and treatment of older persons with behavioral and cognitive health issues.

1. **Send a Committee Letter to** the Board of Medical Examiners encouraging the Board to direct primary care physicians to use the guidelines developed by the Alzheimer's Association to diagnose dementia and Alzheimer's disease.

(Recommendation proposed by Michael Splaine, CEO, Splaine Consulting, and Anakaren Lamas, Ruth Gay and Niki Rubarth, Alzheimer's Association)

2. **Send a Committee Letter to** the Governor and the Office of Grant Procurement, Coordination and Management within the Department of Administration encouraging the Executive Branch to research grants that support pilot projects targeted to deliver better care to older persons, and that any such pilot programs may be evaluated in order for the state to incorporate efficacious programs into its delivery model.

(Recommendation proposed by Jeff Klein, President, Nevada Senior Services)

3. **Send a Committee Letter to** the Director of the Department of Health and Human Services and the Administrator of the Division of Health Care Financing and Policy, encouraging the Division to conduct an analysis on potential cost savings that could result from providing a premium reimbursement for providers and facilities that employ professionals who are required to receive evidence-based education and training in the management of individuals with behavioral and cognitive health issues. The letter should encourage the division to determine if lower levels of assistance, and consequently lower costs, would result from the noted staff training in these facilities.

If the Division concludes that the noted premiums would result in cost savings, the Division should consider recommending the noted premium reimbursements in the next update to the Medicaid State Plan.

(Recommendation proposed by Dr. Dylan Wint, Director of Education in Neurodegenerative Disorders, Lou Ruvo - Cleveland Clinic Center for Brain Health)

4. **Send a Committee Letter to** the Chancellor of the Nevada System of Higher Education, as well as the Deans that oversee the System's Schools of Medicine, encouraging the System to research different ways to expand the pipeline of students receiving higher education in healthcare related fields specializing in geriatric care.

(Recommendation proposed by Barbara Edwards, Principal, Health Management Associates)

5. **Send a Committee Letter to** the Nevada Association of Counties (NACO) encouraging the counties to consider expanding the role of their community paramedicine services to include routine healthcare services for persons with mobility limitations.

(Recommendation proposed by Barbara Edwards, Principal, Health Management Associates)

6. **Include in the Committee's report** the following policy statements:

- a. The Committee supports training in programs focused on recognizing, diagnosing, treating and preventing behavioral and cognitive problems in older persons, as well as support for courses in evidence-based, caregiver-implemented interventions for cognitive and behavioral care for older persons.

(Recommendation proposed by Dr. Dylan Wint, Director of Education in Neurodegenerative Disorders, Lou Ruvo - Cleveland Clinic Center for Brain Health)

- b. The Committee encourages the creation of a mobile crisis unit trained to treat people with dementia in the person's home or in a facility setting to minimize the need to hospitalize or relocate the person to an unfamiliar, and often more costly, service setting.
- c. The Committee promotes collaboration between healthcare organizations and homeless shelters to ensure homeless people with dementia are receiving the proper treatment.

(Recommendations (b) and (c) were proposed by Barbara Edwards, Principal, Health Management Associates)

TOPIC AREA: TRAINING

Recommendations 7 – 9 relate to the training of caregivers and professionals who work with older persons with behavioral and cognitive health issues, as well as recommendations to increase the workforce of professionals who assist and treat older persons with behavioral and cognitive health issues.

7. **Request the drafting of a bill** to make an appropriation to support the Program to Provide Loans to Nursing Students as provided in NRS 396.890 – 396.898, and/or provide funding for the addition of Advanced Practice Register Nurse slots funded through the Western Interstate Commission for Higher Education (WICHE).

(Recommendation proposed by Valerie Wiener, retired State Senator, Task Force on Alzheimer's Disease)

8. **Send a Committee Letter to** the Chancellor of the Nevada System of Higher Education and the Dean of the University of Nevada, Las Vegas Boyd School of Law encouraging the provision of programs that include specific training related to Alzheimer's disease and other forms of dementia to educate law students and the legal community on issues such as competency and guardianship.

(Recommendation proposed by Valerie Wiener, retired State Senator, Task Force on Alzheimer's Disease)

9. **Send a Committee Letter to** the State Bar of Nevada encouraging it to promote awareness and education related to Alzheimer's disease and other forms of dementia through the Board of Continuing Legal Education.

(Recommendation proposed by Valerie Wiener, retired State Senator, Task Force on Alzheimer's Disease)

TOPIC AREA: CAREGIVER SUPPORT

Recommendations 10 – 14 relate to programs, services, training, education and resources that may be provided to caregivers of older persons with behavioral and cognitive health issues.

10. **Request the drafting of a bill** that makes an appropriation to create a “no wrong door” linkage and referral system to expedite help for individuals in need of financial or informational resources related to caring for older persons with behavioral or cognitive health issues.

(Recommendation proposed by Barbara Edwards, Principal, Health Management Associates; and testified on by Cheyenne Pasquale, Aging and Disability Services Division)

11. **Request the drafting of a bill** to expand access to respite with state funds. Expansion of respite could be addressed through an increase in state funding allocated to the Independent Living Grant (ILG).

(Recommendation proposed by Barbara Edwards, Principal, Health Management Associates; Anakaren Lamas, Ruth Gay and Niki Rubarth, Alzheimer’s Association; and Donna DePauw, Caregiver. Further testimony on this subject was provided by Jeff Duncan, Aging and Disability Services Division)

12. Consider the following recommendations that would require private employers to allow their employees to use of sick leave to care for the medical needs of an immediate family member:

- a. **Request the drafting of a bill to** reconsider Assembly Bill 394 from the 2017 Legislative Session, which would require a private employer that provides sick leave benefits to allow an employee to use his or her accrued sick leave for an absence due to an illness, injury, medical appointment or other authorized medical needs of a member of the employee’s immediate family.

(Recommendation proposed by Barry Gold, Advocate, AARP)

- b. **Send a Committee Letter to** the Speaker of the Assembly and the Senate Majority Leader encouraging the 2019 Legislature to override the Governor’s veto of Senate Bill 196 from the 2017 Legislative Session. Under Article 4, Section 35 of the Nevada Constitution, if a bill is vetoed after the adjournment of a legislative session the Legislature may override the veto at its next session with a two-thirds vote of the Senate and a two-thirds vote of the Assembly. Senate Bill 196 would have required certain employers in private employment provide paid sick leave for, among other reasons, the care of a family member with a health condition.

13. **Include in the Committee's report** a policy statement encouraging the Task Force on Alzheimer's Disease to develop recommendations for caregiver training to identify the root cause of difficult behaviors demonstrated by individuals with dementia.

(Recommendation proposed by Michael Splaine, CEO, Splaine Consulting; and Dr. Peter Reed, University of Nevada, Reno, Sanford Center for Aging)

TOPIC AREA: HOUSING

Recommendations 15 – 19 relate to providing housing for older persons with behavioral and cognitive health issues, as well as providing programs and services that allow older persons with behavioral and cognitive health issues to remain in their homes.

14. **Request the drafting of a bill** making an appropriation to fund one mobile day care unit to serve areas of Nevada that do not have permanent adult daycare facilities.

(Recommendation proposed by Barbara Edwards, Principal, Health Management Associates; and Jeff Klein, President, Nevada Senior Services)

15. **Request the drafting of a bill** making an appropriation to fund a set amount of needs-based subsidies for caregivers who enroll their care recipient in a day care program, where the employees have been trained professionally in the treatment of persons with behavioral and cognitive health issues. The Committee may wish to consider identifying certain eligibility requirements for individuals to receive the funds.

(Recommendation proposed by Dr. Dylan Wint, Director of Education in Neurodegenerative Disorders, Lou Ruvo - Cleveland Clinic Center for Brain Health)

16. **Send a Committee Letter to** the Director of the Department of Health and Human Services encouraging the Department to review staffing levels of healthcare professionals and other staff in skilled nursing facilities to determine if they are appropriate.

(Recommendation proposed by Donna DePauw, Caregiver)

17. **Send a Committee Letter to** the Director of the Department of Health and Human Services encouraging the Department to evaluate how the addition of a fourth tier to the reimbursement rates of assisted living providers, as approved by the 2017 Legislature, has impacted the relocation of hard to place individuals to out-of-state facilities for specialized care.

(Recommendation proposed by Barbara Edwards, Principal, Health Management Associates)

18. **Send a Committee Letter to** the Governor, the Director of the Department of Health and Human Services and the Chairs of the Senate Committee on Finance and Assembly Committee on Ways and Means during the 2019 Legislative Session, recommending and expressing support for the evaluation of reimbursement rates provided to community-based providers serving behaviorally complex older adults in comparison to reimbursement rates provided to skilled nursing facilities, in order to determine if the rates provided for the type of facility are comparable with the level of services being provided.

(Recommendation proposed by Jeff Klein, President, Nevada Senior Services)

19. **Include in the Committee's report** the following policy statements:

- a. The Committee encourages the enhancement of telehealth capabilities and the inclusion of remote monitoring and distance education for healthcare professionals and nonprofessional caregivers. In addition, the Committee supports increasing the use of telemedicine services by individuals with training, experience and expertise in cognitive and behavioral care for older persons.

(Recommendation proposed by Barbara Edwards, Principal, Health Management Associates; and Dr. Dylan Wint, Director of Education in Neurodegenerative Disorders, Lou Ruvo - Cleveland Clinic Center for Brain Health)

- b. The Committee supports the establishment and expansion of community-based residential facilities (group home) located in rural communities that have the ability to provide long-term care for a small number of individuals with dementia.

(Recommendation proposed by Barbara Edwards, Principal, Health Management Associates; Michael Splaine, CEO, Splaine Consulting; and Anakaren Lamas, Ruth Gay and Niki Rubarth, Alzheimer's Association. In addition, testimony was provided by Alfred Johnson, Director, Wisconsin Department of Health and Human Service)

- c. The Committee supports expanding community-based services for older persons with cognitive and behavioral health issues, such as in-home personal care services and homemaker services. However, the Committee recognizes that healthcare services cannot be expanded until the healthcare worker shortage is addressed in Nevada.

(Recommendation proposed by Barbara Edwards, Principal, Health Management Associates; and Jeff Klein, President, Nevada Senior Services)

TOPIC AREA: LEGAL ISSUES

Recommendations 20 - 22 address legal issues that older persons with behavioral and cognitive health problems experience in Nevada.

20. **Request the drafting of a bill to** identify a process to ensure individuals who are taken into custody through a Legal 2000 hold, but are later determined to be exempt from being held due to their dementia diagnosis, are reported to the Division of Aging Services so the individual may be returned to their home or assisted in finding appropriate housing.

(Recommendation proposed by Homa Woodrum, Chief Advocacy Attorney, Department of Health and Human Services, Aging and Disability Services Division; and Anakaren Lamas, Ruth Gay and Niki Rubarth, Alzheimer's Association)

21. **Request the drafting of a bill to** change guardianship laws so individuals with dementia can make decisions on their own for as long as they can make decisions. The BDR should allow individuals with dementia to designate specific people who can assist them in supportive decision-making.

(Recommendation proposed by Homa Woodrum, Chief Advocacy Attorney, Department of Health and Human Services, Aging and Disability Services Division)

22. **Request the drafting of a bill to** amend the applicable provisions in Chapter 253 of NRS to require a public guardian, upon referral from law enforcement, adult/elder protective services, or a judge, to investigate the financial status, assets and medical, personal, and family history of the referred individual. Further amend the applicable provisions of Chapter 253 of NRS to require that a public guardian, upon said investigation, petition in a court of competent jurisdiction, to serve as that individual's guardian of the person and/or estate as potentially necessitated by their investigation. This recommendation would require the public guardian to receive otherwise confidential medical, personal, and/or financial records in conjunction with a referral for possible guardianship made by law enforcement, adult/elder protective services, or a judge.

(Recommendation proposed by Homa Woodrum, Chief Advocacy Attorney, Department of Health and Human Services, Aging and Disability Services Division)