

MEETING NOTICE AND AGENDA

Name of Organization: Legislative Committee on Senior Citizens, Veterans and Adults
With Special Needs (*Nevada Revised Statutes* [NRS] 218E.750)

Date and Time of Meeting: Wednesday, June 20, 2012
9 a.m.

Place of Meeting: Grant Sawyer State Office Building, Room 4401
555 East Washington Avenue
Las Vegas, 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:

Legislative Building, Room 3138
401 South Carson Street
Carson City, 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 "Live Meetings – Listen or 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. Opening Remarks
Senator Shirley A. Breeden, Chair

- II. Public Comment
(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

*For
Possible
Action*

III. Approval of Minutes of the Meeting Held on May 15, 2012, in Las Vegas, Nevada

*For
Possible
Action*

IV. Work Session—Discussion and Possible Action on Recommendations Relating to:

A. Home and Community-Based Services

B. Facilities for Long-Term Care

C. Elder Abuse, Neglect, Exploitation, or Isolation

D. Transportation Services to the Southern Nevada Veterans Administration Medical Center

E. Instruction Permits, Driver's Licenses, and Identification Cards for Veterans

F. Specialty Court Programs for Veterans

The "Work Session Document" is attached below and contains recommendations proposed at this and other meetings of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs during the 2011-2012 Legislative Interim. The document is also available on the Committee's webpage ([Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs \[NRS 218E.750\]](#)) or a written copy may be obtained by contacting Kirsten Coulombe, Senior Research Analyst, Research Division, Legislative Counsel Bureau, at (775) 684-6825.

V. Public Comment

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

VI. Adjournment

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call the Research Division at (775) 684-6825 as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 North Stewart Street. Notice of this meeting was faxed and e-mailed for posting to the following Las Vegas, Nevada, locations: Clark County Government Center, 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.



WORK SESSION DOCUMENT

LEGISLATIVE COMMITTEE ON SENIOR CITIZENS, VETERANS AND ADULTS WITH SPECIAL NEEDS *(Nevada Revised Statutes 218E.750)*

June 20, 2012

The following “Work Session Document” has been prepared by the Chair and staff of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs (*Nevada Revised Statutes* [NRS] 218E.750). It is designed to assist the Committee members in developing statements and determining recommendations to be forwarded to the 2013 Session of the Nevada Legislature.

The recommendations contained herein do not necessarily have the support or opposition of the Committee. Rather, these possible actions are compiled and organized so the members may decide if the recommendations should be adopted, changed, rejected, or further considered. The Committee may vote to send as many statements or letters as they choose; however, pursuant to NRS 218D.160, the Committee is limited to ten bill draft requests (BDRs), including requests for drafting of legislative resolutions. Any BDRs must be submitted to the Legal Division of the Legislative Counsel Bureau on or before September 1, 2012.

The proposals listed in this document are conceptual recommendations arranged by topic, and are not preferentially ordered. The members may accept, reject, modify, or take no action on any of the proposals. Additionally, although possible actions may be identified within each recommendation, the Committee may choose to recommend any of the following actions: (1) draft legislation such as a BDR or resolution; (2) write a letter on behalf of the Committee; or (3) include a statement in the final report.

The source of each recommendation is noted in parentheses, when available. Please note specific sources may not be provided if the proposals were raised and discussed by numerous individuals, or only one main source may be listed when there were also others who contributed.

It should also be noted that some of the recommendations may contain an unknown fiscal impact. During the drafting process, specific details of approved requests for legislation or other Committee action may be further clarified by staff in consultation with the Chair or others, as appropriate. Also, if a recommendation includes reference to specific chapters or statutes of the NRS, as part of the drafting process, amendments to other related chapters or sections of the NRS may be made to fully implement the recommendation.

RECOMMENDATIONS RELATING TO SENIOR CITIZENS AND ADULTS WITH SPECIAL NEEDS

1. Home and Community-Based Services (HCBS)

- A. **Write a statement in the final report** that Nevada should: (1) develop a philosophy that consumer choice and quality of life should drive the long-term support services system; and (2) allocate a greater proportion of Medicaid funding for HCBS rather than nursing home care. (Recommended by Barry Gold, Director of Government Relations, AARP Nevada) (See Exhibit A.)
- B. **Write a letter** to the members of the Senate Committee on Finance and the Assembly Committee on Ways and Means of the 2013 Legislative Session requesting that the Committees consider increasing the level of funding budgeted from the State General Fund for HCBS, for seniors, veterans and adults with special needs. (Recommended by Senator Shirley A. Breeden, Chair) (See Exhibit B.)
- C. **Draft legislation** establishing an interim legislative study on the issue of HCBS in order to identify and recommend improvements and reforms to HCBS. (Recommended by Assemblywoman Teresa Benitez-Thompson, Vice Chair)

NOTE: *The Committee heard testimony during the meeting held on March 21, 2012, about the cost savings associated with providing home and community-based services versus skilled nursing services.*

- 2. **Draft legislation** to require a facility for skilled nursing to conduct an annual assessment of each patient in the facility who is receiving Medicaid benefits to determine if the patient qualifies for a lower level of care or HCBS. (Recommended by Assemblywoman Teresa Benitez-Thompson, Vice Chair) (See Exhibit C.)
- 3. **Draft legislation** to make the following changes concerning criminal background investigations of independent contractors and certain employees of facilities for long-term care. (Recommended by Marla McDade Williams, Deputy Administrator, Health Division, Department of Health and Human Services [DHHS]) (See Exhibit D.)
 - a. Create an exception to the requirement that facilities for long-term care conduct criminal background investigations of independent contractors and temporary employees. A facility would not need to conduct a criminal background investigation of any independent contractor or temporary employee who is placed in the facility by an employment agency that has completed a criminal background investigation on the independent contractor or temporary employee. A criminal background investigation conducted by an employment agency would be valid for as long as the independent contractor or temporary employee maintains continuous employment with the employment agency.

NOTE: *Current law requires a long-term care facility to conduct a criminal background investigation on any independent contractor or temporary employee that is placed in the long-term care facility by the employment agency. If the independent contractor or temporary employee works in more than one facility, each long-term care facility is required to conduct a criminal background investigation on the independent contractor or temporary employee.*

- b. Create an exception to the requirement that facilities for long-term care conduct a criminal background investigation on an employee who possesses a professional license if the professional or occupational board or commission conducted a criminal background investigation as a requirement for licensure.

RECOMMENDATIONS RELATING TO SENIOR CITIZENS

- 4. **Draft legislation** to reinstate members of the clergy and attorneys as mandatory reporters of abuse of those over age 60 in NRS 200.5093. (Recommended by Aging and Disability Services Division, DHHS; Nevada Commission on Aging; and Barry Gold, Director of Government Relations, AARP Nevada) (See Exhibit E.)

NOTE: *In 2005, Section 5 of Assembly Bill 267 (Chapter 324, Statutes of Nevada) removed clergy and attorneys from the list of mandatory reporters of elder abuse for persons over 60 years of age.*

RECOMMENDATIONS RELATING TO VETERANS

- 5. **Write a statement in the final report** encouraging the Regional Transportation Commission of Southern Nevada (RTC) to establish paratransit and fixed-route service to the new Veterans Administration Medical Center in Southern Nevada. (Recommended by Senator Shirley A. Breeden, Chair)

NOTE: *At the March 21, 2012, meeting, representatives from the RTC indicated that: (1) The RTC is working with the United States Department of Veterans Affairs to obtain federal funding to finance fixed-route service to the new veterans medical center; and (2) veterans can request transportation to the new veterans medical center by certain nonprofit organizations which are funded by federal grants.*

6. **Draft legislation** providing that if a person applying to the Department of Motor Vehicles (DMV) for an instruction permit, driver's license, or identification card declares that he or she is a veteran of the Armed Forces of the United States, the person may request that his or her veteran's status be placed on the instruction permit, driver's license, or identification card. Any such person would be required to provide evidence satisfactory to the DMV that he or she has been honorably discharged from the Armed Forces of the United States. (Recommended by Senator Shirley A. Breeden, Chair) (See Exhibit F.)

NOTE: *Currently, NRS 483.292 and 483.852 require the DMV to inquire whether an applicant for an instruction permit, driver's license, or identification card wishes to declare himself or herself as a veteran of the Armed Forces of the United States. If an applicant makes such a declaration, he or she must provide satisfactory evidence of his or her honorable discharge to the DMV. The DMV is required to transmit quarterly to the Office of Veterans' Services, the aggregate number of persons who have, during the immediately preceding quarter, declared that they are veterans of the Armed Forces of the United States. However, the DMV does not have statutory authority to include a person's veteran status on an instruction permit, driver's license, or identification card.*

7. **Specialty Court Programs for Veterans.**

- A. **Write a letter** urging the Eighth Judicial District Court (Clark County) to establish a specialty court program for veterans. (Recommended by Assemblyman Elliot T. Anderson) (See Exhibit G.)
- B. **Draft legislation** to require every district court located in a county whose population is 700,000 or more (currently the Eighth Judicial District Court in Clark County) to establish a specialty court program for veterans. (Recommended by Assemblyman Elliot T. Anderson)
- C. **Include a statement in the final report** encouraging courts to apply for any available federal funding and grants for the purpose of establishing or expanding, as applicable, specialty court programs for veterans. (Recommended by Assemblyman Elliot T. Anderson) (See Exhibit H.)

NOTE:

(1) *NRS 176A.280 authorizes, but does not require, a district court to establish a specialty court program for veterans and members of the military. Currently, the Second Judicial District Court in Washoe County is the only district court that has established such a program. Department 10 of the Las Vegas Township Justice Court in Clark County maintains a monthly calendar for veterans.*

(2) *The Committee heard presentations on specialty court programs for veterans in Nevada and other states. Testimony indicated these programs have been successful in reducing recidivism among veterans and assisting veterans in obtaining a variety of services and benefits.*