

Minutes of Meeting - HEALTH AND WELFARE COMMITTEE - 56th
ASSEMBLY SESSION - March 29, 1971

Present: Glaser, Smalley, Prince, White, Poggione, Valentine,
Wilson, Swallow, and Homer

Absent: None

Guests: Margie Richards, Deputy Attorney General; Mac Arthur
Wright, Legal Aid Society; Dolores Feemster, W.A.R.C.;
Viola Henderson, W.A.R.C.; Phyllis Brown, W.A.R.C.;
Willie Kimble, W.A.R.C.; Michael E. McAlender, W.A.R.C.;
Michelle Bonari, W.A.R.C.; Robert Misavage, W.A.R.C.;
James Scott, W.A.R.C.; Shirley Duncan, W.A.R.C.;
Jaylene M. Henderson, W.A.R.C.; Sandy Connolly, W.A.R.C.;
Elaine Martillion N.A.A.C.; Manuel Wedge, State and
Washoe Association for Retarded Children; Dr. McAllister,
Division of Mental Health and Retardation; Ulysses S.
Woodard N.A.A.C.P.; Father Louis A. Vitale, Commission
for Social Justice and Peace of Reno; Connie Spuibel,
L.W.V.; Arlene West, League of Women Voters; Linda
Eastwood, W.A.R.C.; Harriet Calsbeek, W.A.R.C.; Glen
Mearl, Services for the Blind; Mervin Flanders, Services
for the Blind; Bernice Randall, Board of Cosmetology;
Ray Minia, Board of Cosmetology; Dorothy Feeney, Secretary
for Board of Cosmetology; Barbara Stewart, Student;
William J. LaBadie, State Welfare Division; Dave Tom-
linson, State Welfare Division; James Anderson.

Meeting was convened by Chairman Wilson at 3:40 P.M.

A.B. 507: Increases penalty for fraud in receipt of assistance
under aid to dependent children program.

Mr. Valentine stated this was just to concur with the other laws.
If a person is caught frauding in other agencies, they are penalized
so this group should not be any different.

Arlene West, League of Women Voters, gave a prepared statement
which is attached. (Attachment 1) She felt that a misdemeanor
is sufficient. She couldn't see where misrepresentation can be
a punishment of ten years.

Father Louis A. Vitale, Commission for Social Justice and Peace
of the Reno Diocese; felt this type of legislation would move
Nevada back about 500 years. The reason some of these people do
not report everything is because they are afraid of what will
happen to them at the present so imagine what this type of leg-
islation would do to them. He wanted to know if a person
is so-called cheating just because they make a few extra dollars
to pay their rent. Even though this is breaking the law, he could
hardly see how this could be grand larceny. He felt the present
laws should be given chance first. If this doesn't work, later
more severe measures could be taken.

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James Anderson felt that if the existing penalties had been more aggressive, and if the cheating problems persisted, then there might be justification for this type of legislation. He felt, though, that the existing penalties have not been given a fair chance. Out of 51 cases, only 2 have actually gone to court. He stated he has given a mother and two children clothing because they only get \$102 per month. Out of this they pay rent, utilities, food, and clothing. That money just isn't enough. If a mother goes out and gets extra money that is cheating and it is wrong according to law but he didn't see who could be blamed for trying to put food on the table. He felt this committee should give the state a breather. Before any addition legislation is passed, attempts should be used to enforce existing legislation.

Father Louis stated that by Mr. Anderson giving this mother clothes for her children and if she doesn't report it, this would be grand larceny.

Mr. LaBadie stated this is considered a casual gift and isn't considered as an attempt to fraud.

Mr. Wright, Legal Aid Society, stated most of these people are scared to death of any fine. A misdemeanor is sufficient because to them they can't tell the difference. He also wanted to know why this bill is aimed at aid to dependent children only, why not the old-age services also. He felt this is discriminating to the ADC group. He also stated clothing such as that that Mr. Anderson gave some lady is counted as income.

Mr. Tomlinson stated the division does exempt "casual income".

Mr. Wilson wanted to know just who makes the determination if something is casual income or not. Mr. Tomlinson stated the Welfare Division. Mr. Wright felt this should be spelled out in the bill. Mr. Tomlinson stated it was spelled out in other sections of the Welfare Laws.

Father Louis felt that if a person was caught so-called cheating, why not just take them off the rolls. This would do more good than a fine because they could not afford a fine.

A.B. 708: Authorizes welfare division to make continuing investigations as to eligibility of recipients of assistance.

League of Women Voters of Nevada introduced a prepared statement.
(Attachment 2)

Mr. Smalley wanted to know just what kind of investigations the Welfare Division wanted to make.

William LaBadie, Welfare Division, stated just normal investigations. Everyone must be checked that is on ADC every 6 months. All others once a year.

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After reading over this bill, Mr. Wilson wanted to know how the division could expect a recipient that can't read or write to bring records and books and this type of thing to hearings.

Mr. LaBadie stated they are not talking about this type of person. They are talking about those people that have businesses.

Mr. Wilson stated that this did happen to a person that cannot read or write, and she was requested to bring such material with her to a hearing.

Others parts of the bill were discussed. Mr. Wright brought up the fact that the Welfare Division could terminate a recipient without a fair hearing.

Mr. Valentine informed him that this says if a person refuses to appear he can be terminated.

Mr. LaBadie concurred with Mr. Valentine. If a person requests a hearing, they get one.

S.B. 326: Establishes state comprehensive health planning agency.

Dr. Carr sent proposed amendments for this bill that will be discussed by the Committee at a later date.

A.B. 771: Proposes various amendments relating to care, treatment, and hospitalization of mentally ill.

Dr. McAllister, Division of Mental Health and Retardation, discussed each section of the bill with the Committee. This bill allows the Superintendent of the State Hospital to dispose of a mentally ill patients' personal belongings and property for part of their bill if they have no family. BDR 39-656 is essentially the same as A.B.771 only it is for retarded persons.

S.B. 31: Revises operation of community training centers for retarded persons.

Manuel Wedge, State and Washoe Association for Retarded Children, introduced to the Committee a survey of mental retardation programs in the State of Nevada. (Attachment 3) He stated some of these children can live an almost normal life. These children can be taught certain things so that they can go out and work. He stated he would like evaluation programs so they will know just how capable some of these retarded children are. The main purpose of this is to rehabilitate some of these individuals that have never had an opportunity to really learn certain things.

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Mr. Wedge stated the appropriate budget for this has already been worked out in the Senate Finance Committee. Now all they need is the approval of the program itself from this committee.

S.B. 256: Amends law granting benefits and privileges to blind persons.

Mervin Flanders, Services for the Blind, stated the purpose of this bill is just clarification of benefits and privileges for blind persons. He felt the state should have authority over the federal and federal authority over the state, for the taxing of vending stands. The money that would ordinarily be tax could be used to buy new equipment and clean their stands up. This would be under the control of the Services for the Blind. Some of these stands are below standards. With the Services for the Blind having control of them, this would bring them up to the right standards.

Meeting adjourned at 5:35 P.M.

ASSEMBLY

AGENDA FOR COMMITTEE ON HEALTH AND WELFARE

208

Date March 29 Time P.M. Recess Room 328

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
<u>A.B. 507</u>	<u>Increases penalty for fraud in receipt of assistance under aid to dependent children program.</u>	<u></u>
<u>A.B. 708</u>	<u>Authorizes Welfare Division to make continuing investigations as to eligibility of recipients of assistance.</u>	<u></u>
<u>S.C.R. 15</u>	<u>Expresses intent of legislature on juveniles' commitment to correctional institutions.</u>	<u></u>
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*Please do not ask for counsel unless necessary.

HEARINGS PENDING

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STATEMENT BEFORE THE NEVADA ASSEMBLY HEALTH & WELFARE COMMITTEE

BY THE LEAGUE OF WOMEN VOTERS OF NEVADA

March 29, 1971

Re. AB 507

The League of Women Voters thanks you for allowing time that interested parties may comment on AB 507. In attempting to understand this bill we could not help but wonder at its intent. We believe that all persons should be treated with respect and dignity, on or off welfare. And we further believe that a welfare recipient is no less honest than his fellow man.

In 1969, there were at least 25.4 million Americans, 13% of our total population, for whom poverty officially was a way of life. Only 40% of that total were reached by any aid. Supposedly our goal is to move people off of welfare and out of poverty. However, here in Nevada we pay only 42% of what we set as a family's basic need. Current legislation before this Legislature is aimed at stricter regulations and increases in eligibility investigations but not in social services. And AB 507 is designed to increase the existing punishment for fraud from a misdemeanor to grand larceny. Let us examine this change. A recent court ruling has shown that the welfare division did not abide by federal notification and hearing requirements when it removed 3,000 women and children from its rolls. It was also brought out in the case that sometimes recipients do not understand required procedures and assume they have done their part by notifying a caseworker of changes in their status. Obviously both sides can be in error sometimes knowingly, usually innocently, even jointly.

We would like to ask why this bill is only aimed at the ADC recipients. Is it that mothers and children are less honest than old age and blind recipients? Is it that this bill is singling out the group that is now becoming vocal? Three fourths of the ADC recipients are children. If we incarcerate a mother, do we improve her plight and move her family off the welfare rolls? Do we save our state money? It is true the state will no longer pay an ADC allotment of \$1.07 average per day per child. Instead we will pay for the mother's detention and \$2.70 per day for each child in a foster home or \$10 per day for each child in a children's home.

Further, this bill calls for a possible fine up to \$5,000 for misrepresentation. Since we are dealing with the poor, the League fails to see the logic behind this punishment or detention for one to ten years.

In closing, we would simply like to ask what good can legislation such as AB 507 possibly do, either for the state of Nevada or more importantly for her poor? We urge no further consideration of this bill.

BY THE LEAGUE OF WOMEN VOTERS OF NEVADA

March 29, 1971

Re. AB 708

Thank you for allowing us time to speak before your committee. The League's membership (locally, statewide, and nationally) has agreed on certain needed welfare reforms, and we have already brought before this Committee our full position in this area. One part of that position pertains to AB 708. We believe in simplified procedures that will preserve human dignity. Simplified procedures of spot checking for welfare recipients will protect their basic rights and also provided needed information on eligibility.

There are three specific parts to AB 708 to which we would like to speak. Part 1 of Sections 1 and 3 deletes the reconsidering of grants according to "the rules of the welfare division." Surely some set standard of operations would be much better than no written policy in frequency of checks. Conceivably this could be overdone to the extent a recipient would feel harassed and unsure of his status. Many of the problems that have arisen over eligibility stem from uncertainty and lack of understanding of requirements on the part of recipients.

Part 2 of sections 1 and 4 and Part 4 of section 2 does not set standards for when a subpoena would be necessary. Full authority is given to the state welfare administrator, or his designated representative. However, such an action with subpoena power should certainly have recorded uniform standards of operation as a guide to the welfare division and as an assurance to the welfare recipient.

Finally, this bill would remove the right to a fair hearing for those welfare recipients failing to comply with subpoenas. Since recent Supreme Court decisions have shown the absolute necessity of fair hearings, the League worries that such a law will put Nevada out of compliance with federal regulations.

Judge Foley states in his opinion of March 19, 1971: "...But when the State Welfare Administration has seen fit to enter persons on its rolls as recipients under the AFDC program and to pay them certain sums of money on a monthly basis, they cannot be deprived of such benefits unless they first be given notice and an opportunity to receive a pretermination hearing, as required by the due process clause of the Constitution of the United States..."

Nevada already has a standard of operation for removing persons from welfare rolls who are ineligible. If these standards are followed correctly they will insure the rights of the recipients, compliance with federal regulations, and removal of persons ineligible for assistance.

The League does not want to see over-reaction on the part of the Legislature when, in fact, fault lies not only with some recipients but partially with the welfare division itself.

We urge no further consideration of this bill.

According to the 1970 census, Nevada's population has reached almost 500,000. The United States Children's Bureau reports that 3% of all children are retarded to the extent that they will benefit little or none from attendance in a regular classroom program. Using the 3% statistic, there are approximately 15,000 retarded children and adults in the state of Nevada. Even with the use of a 1% figure, which is sometimes used for the more severely retarded, there is still a minimum of 5,000 retarded in the state of Nevada.

Despite these great numbers of mentally retarded citizens, the problem in the state of Nevada has been ignored and neglected far too long. Nevada remains as the only state in 50 that does not have a program of aid to the totally and permanently disabled. Nevada is also the only state that does not provide a separate residential facility for those retarded citizens who require residential care. The public schools still do not provide both trainable and educable classes for all of the retarded of school age. In addition, good evaluation services are not available in the state except for Clark and Washoe counties. Nevada remains a state that has tended to put aside a problem which affects more citizens over a longer period of time than any other single handicap.

RESIDENTIAL FACILITIES

The only state sponsored residential program for the mentally retarded is now housed in the state hospital for the mentally ill in Sparks, Nevada. The Mental Retardation Unit at the State Hospital houses approximately 150 residents of all ages and all degrees of mental retardation. The waiting list for residential care at the state hospital is now reported to be in the area of 40 to 50.

In the legislative session of 1967, money was appropriated to build eight residential cottages each to house 6 retarded children between the ages of 6 and 18. Four of the cottages were planned for Washoe county and the other four for Clark County. At this date, February, 1971, almost four years later, construction has just begun on the cottage program which when completed will provide living space for 28 children in Reno and 28 in Las Vegas. This meager beginning will not seriously effect the great need that exists in the state of Nevada.

The only private residential facility for retarded children in the state is the Eagle Valley School near Carson City. Of approximately 14 residents, none of them are provided any program other than care. At the present time, the Inter-Community Exceptional Children's Home, which operates schools in Long Beach and Bloomington, California is constructing an additional private facility in Clark County. For the past few months, construction on that facility has stopped due to the fact that the builder has run into financial problems. The only other residential

facilities are two small apartments operated by the Clark County Association for Retarded Children and used for mildly retarded adults who can live by themselves with minimal supervision. The apartment house program operated by the Clark County Association for Retarded Children provides housing for 19 people. In Reno, the Washoe Association for Retarded Children is now beginning construction of an apartment residential-educational program and will provide for approximately the same number of individuals.

Approximately 200,000 retarded children and adults in the United States reside in public residential facilities for the mentally retarded. The average is one per 1,000 population. In Nevada, only .33 per 1,000 population of its citizens reside in the mental retardation unit at Nevada State Hospital. Nevada resides securely at the bottom of the list along with the state of Arkansas in the provision of residential facilities for its retarded citizens who require that type of care. If Nevada were to achieve the national average of one per 1,000 population, residential facilities would be needed to house a minimum of 500 individuals rather than the 140 who are now presently inadequately housed at the mental retardation unit in Nevada State Hospital.

Mentally retarded citizens who are handicapped through no fault of their own must often wait out a long waiting list before they can be accepted into mental retardation programs. This does not compare well with the fact that neither in Nevada nor in any other state is any individual placed on a waiting list for acceptance into a prison or for a regular classroom in the public schools.

PUBLIC SCHOOL SPECIAL EDUCATION PROGRAMS

Educable classes for mildly retarded children are generally available throughout the state of Nevada. Classes for the trainable are available for children in Clark and Washoe counties and to a certain extent in a few other school districts. There remain many school age retarded children who are not receiving the benefits of either trainable or educable classes because the public schools are not fulfilling their obligation to provide the best education possible for all children of school age. The state of Nevada needs a law requiring that every school age child be enrolled in a public school special class or that schooling be provided in another district or in another state if necessary.

COMMUNITY TRAINING CENTERS

The most significant aid for providing community programs for the mentally retarded resulted from the passage of SB300 in the 1969 session of the legislature. At that time, an appropriation was made to aid the establishment of community training centers throughout the state. A total appropriation of \$300,000 with \$150,000 available for each year of the bienium was included in SB300. As a direct result of the community training centers

bill three new programs sponsored by associations for the mentally retarded have been started; one each in Churchill, Elko, and Ormsby counties. In addition, programs which were already underway in Clark and Washoe counties have expanded greatly.

SB31 introduced by Senator Monroe in the 1971 legislative session is now before the senate finance committee for consideration. This bill would make certain amendments in the present law and provide a higher appropriation for community training center programs. A higher appropriation is desperately needed if the state is to continue its advance in providing adequate services to the mentally retarded. It is much more economical to care for a child who is living with his own family than it is to provide complete and total care in a residential situation such as that at Nevada State Hospital.

Appended to this paper are three exhibits which provide statistics supporting the need for funding the community training centers in a more substantial way.

2-22-71

EXHIBIT A

Growth of Community Mental Retardation Programs under auspices of Associations for Retarded Children since passage of the Community Training Centers Bill.

<u>Enrollees of:</u>	<u>Before July 1, 1969</u>	<u>Currently</u>
Clark County ARC	35	91
Churchill ARC	0	5
Elko ARC	0	9
Ormsby ARC	0	7
Washoe ARC	<u>25</u>	<u>81</u>
	60	193

Per diem cost at Nevada State Hospital is established at \$21.11 per person or \$7,705 per person per year. There is a minimum savings of \$6,705 per year per person for the state when compared with the maximum of \$1,000 per enrollee in a Community Training Center.

For 193 individual enrollees, the savings to the state in one year would be \$1,294,065.

EXHIBIT B

Results of Community Training Center Programs.

Enrollees:	<u>Clark</u>	<u>Churchill</u>	<u>Elko</u>	<u>Ormsby</u>	<u>Washoe</u>
who have been transferred to public school programs	11			4	16
placed on jobs in business and industry	9				17
now living at home who have been residents at Nevada State Hospital or other institutions	12				4
placed in programs while in residence at Nevada State Hospital	1				39

Figures not available for Churchill, Elko, and Ormsby

EXHIBIT C

Estimated need for 1971-1973

<u>County</u>	1971-1972		1972-1973	
	<u>Enrollees</u>	<u>Money</u>	<u>Enrollees</u>	<u>Money</u>
Clark	100	\$100,000	120	\$120,000
Churchill		12,000		12,000
Elko		12,000		12,000
Ormsby		12,000		12,000
Washoe	100	<u>100,000</u>	120	<u>120,000</u>
		\$236,000		\$276,000

In addition, the Zion Methodist Center in Las Vegas is reporting an enrollment of 28 mentally retarded enrollees and is funded as a Community Training Center.

The Division of Mental Hygiene and Mental Retardation also reports that White Pine and Lander Counties plan to submit funding application within the near future.