

HEALTH, WELFARE AND STATE INSTITUTIONS

Minutes of Meeting - April 8, 1975

The nineteenth meeting of the Health, Welfare and State Institutions Committee was held on April 8, 1975 at 3:10 p.m.

COMMITTEE MEMBERS PRESENT: Chairman Lee E. Walker  
Senator Neal  
Senator Gojack  
Senator Young

OTHERS PRESENT: See Exhibit A

S.B. 374 - Enacts the Nevada Mental Health and Mental Retardation Law.

In his third day of testimony on S.B. 374, Dr. Dickson began with Section 103 of S.B. 374 and explained the changes contained in the bill.

Dr. Dickson advised that Section 103 suggests that a person who has been judged to be incompetent would have to be re-evaluated every 6 months; this section also sets out the responsibility to the Division for doing this.

Section 106, page 22 -- This section discusses the potential utilization of clerical records. Subsection 1 adds social agencies as those who can receive records if the client authorizes it. Subsection 4 indicates that the records can be used for statistical and evaluation purposes if the record camouflages the identify of the client. Subsection 5 indicated that a record could be used on behalf of a client in order to get payments for a client.

Section 108, page 22 -- This section allows the moving of a person from one facility to another to provide the least restrictive care.

Section 111, page 23 -- This section would operate as enabling legislation if the Legislature provides new services for children of Nevada.

Section 113, page 23 -- Dr. Dickson advised that this is an attempt to make sure their services are coordinated with other services in the State.

Section 120, page 24 -- They would like to amend this section by adding the wording "or mental retardation" following "mental health" on lines 20, 21, 22, and 27.

Section 121, page 24 -- This section is a generalized concept of accepting gifts for only the Institute; they can also do it for the other centers.

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Section 122, page 24 -- Dr. Dickson advised that this section extends their ability to have a canteen in the other centers. This would be most likely to apply to the Las Vegas Mental Health Center).

Section 124, page 25 -- This section provides that, if a person is declared indigent, the county of his residency prior to admittance will be responsible for care.

Section 126, page 25 -- Section 42, referred to in this section, indicates that, in establishing a fee schedule, they must have the agreement of the advisory board.

Section 128, page 26 -- This allows the Division to collect payment from a third party, such as Medicaide and Medicare.

Section 130, page 26 -- This section allows the counties to collect if they believe a person is not indigent or able to pay.

Section 131, page 26 -- Senator Gojack asked who would determine if a client should pay. Dr. Dickson advised that it would probably be looked at from the O.E.O. indigency standards to see if he will be left at that level. Senator Young asked if they receive payment for treatment and if so, do they have a method of investigating the person's financial background. Dr. Dickson stated that they do not collect very much money. With respect to all in patients, an individual fee is set. They try to evaluate the income tax level, the number of dependents, etc. Dr. Dickson further stated that they have not taken a legal stance on this. Senator Walker asked what their alternative would be. Dr. Dickson referred to section 124, paragraph 2, which states that if a person is declared indigent, the county of his residence prior to being admitted shall be responsible for the full cost of his care and treatment. This could cost a maximum to Clark County of \$630,000; a maximum to Washoe County of \$1,000,000; and a maximum to the rural counties of \$260,000. Another option would be that the counties be responsible for some of the indigency. The way it is now, the money would come into the general fund but would be credited to the receipts and recovery, and the general funds money dropped by an equivalent amount. The total cost for mental health facilities would be the same but it would put more responsibility on the counties. Dr. Dickson gave the following three options: 1) Leave as is; 2) take a percentage of that cost and make it the responsibility of the counties; or 3) to limit the range of this statute to court-ordered admissions. In this area, we are then talking about areas in which the county has accepted the authority to utilize the Division's services but not the responsibility in terms of financial responsibility. If this were limited to court-ordered admissions, it then breaks down as: Maximum cost to Clark County of \$435,000; maximum to Washoe County of \$79,000; and a maximum to the rural counties of \$83,000. These figures are derived by

taking the total number of patients and what percentage would fall under indigency right now. Senator Young asked who would pay the costs of judicial commitments; Dr. Dickson replied that the counties would.

Barbara Brady, Clark Co. Social Services, stated that it could cost them \$3,000,000 in Clark County. She has gone over this with their attorney and they feel that this may also include in-patients the way it is written. She is concerned that it could be misinterpreted after the bill is passed. From their experience with who goes into Southern Nevada Memorial Hospital, more than 60% will be considered as indigent.

Senator Gojack asked why the cost for non court-ordered admittances in Washoe County is so much higher than in Clark County. Dr. Dickson advised that they have found that the closer you are to a facility where you can get free services, the more it will be used.

Senator Young asked if the State's financial expenditure would increase because of the more sophisticated approach in detecting, diagnosing and treating. Dr. Dickson feels it would level out by reducing hospitalization and increasing out-patient services.

Section 132, page 26 -- Dr. Dickson advised that there is a typographical error in this section: line 46 should read "...Each agreement and bond shall be to the State...." Following brief discussion, it was decided that subsection 2 be amended to read "personal needs and burial expenses".

Section 141, page 28 -- Dr. Dickson advised that this section suggests that they cannot deprive a person of full civil and legal rights except as shown in this section. Senator Young questioned the definition of "clear and convincing evidence" on page 28, line 43. Following discussion on this matter, Dr. Dickson agreed to return to the committee with a revision to this section.

Section 142, page 29 -- Dr. Dickson advised that subsection 3 is aimed toward the right to education. They would like to encourage other agencies to give these services also.

Section 144, page 29 -- This section is changing the term "mentally retarded child" to "mentally retarded persons", in that all persons have been called children in the past regardless of their age. This new language suggests that all persons are entitled to care, training and treatment. Senator Young feels that this is expanding the scope, and could possibly be a basis for litigation. Mr. Peter Combs, Attorney for the Division, agreed that it does expand somewhat the coverage of this section.

Section 145, page 30 -- This section replaces "resident" for "inmate", and "facility" for "institution".

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Section 149, page 30 -- Dr. Dickson advised that subsection 1 allows the administrator to handle transfers between programs, and subsection 3 allows the assistant administrator to discharge persons. Senator Young asked that following a court committal, is it optional with the administrator to discharge an individual from any further effect of the court. Mr. Combs stated that it has been necessary to submit a 10-day notice to the court. Senator Young asked if there has been a change in the existing law so that they can merely discharge. Mr. Combs replied in the affirmative. Senator Young feels that there should be a notice going back to the court for their records.

Section 150, page 31 -- Following Dr. Dickson's reading of this section, Senator Young asked why in this section it detains the child until further order of the court, while in the prior section (149) the discharge is accomplished by the administrator without notice to the court. Dr. Dickson feels that we should amend the previous section rather than this section. Dr. Dickson is to prepare language to this effect.

Section 151, page 31 -- Dr. Dickson advised that this section basically talks about transfers to hospitals. Senator Young questioned subsection 3, page 32, line 21, which states "shall become a charge upon the State of Nevada". Dr. Dickson advised that if a person is admitted and they or their guardians are unable to pay, this would then fall upon the State. Senator Young feels this would be a tremendous financial responsibility for the State. Dr. Dickson stated that the alternative would be for the counties to pay.

Section 156, page 33 -- Dr. Dickson advised that this section does not read the way they had intended. As it is written, it would destroy an existing program they have for the foster homes. They would like this section to be changed back to the way it was, by leaving the brackets in on lines 36 and 40 and deleting the new language on lines 40 through 43. Mr. Middleton stated that, as the bill is presently written, they would have to return at least 28 persons to the Institute from the community.

Section 159, page 34 -- Dr. Dickson advised that since the definition of a training center was left out in this section, they would like to make this definition subsection 1, making it necessary to re-number the remaining sections.

Section 160, page 35 -- Dr. Dickson advised that in view of the fact that S.B. 298 has already been passed and addresses itself to that which is contained in this section, they would like to replace this section with the wording contained in S.B. 298.

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Section 165, page 36 -- Dr. Dickson advised that they would like to amend this section on line 20, subsection 2 to read: "... of further care and treatment within a division facility of a mentally retarded client....."

Section 166, page 36 -- Dr. Dickson advised that, although he understands what they were trying to get at in this section, he feels that the present language may be somewhat dangerous; therefore, he would like to come up with better language.

Section 168, page 37 -- Senator Walker advised that since the procedures are not set out in the statutes, they should amend this to include "regulations adopted by the administrator".

Section 174, page 38 -- Dr. Dickson advised that this suggests that programs may cover community mental health centers. Senator Walker expressed concern with the language contained in this section, in that it may imply that they could take over the center. Dr. Dickson agreed that it might create a problem; therefore, he will change this language.

Section 188, page 41 -- Dr. Dickson advised that this section talks about the ratio. The ratio was 70-30 (see line 42) - 70% of what the county may raise the budget. We could reimburse them by State appropriations 70% of that. So if they raised their budget \$100,000, the Division could add to it \$70,000. Dr. Dickson further advised that they have changed this to 90%, but feels the language is still probably not all they should have in it. Dr. Dickson feels that they should have 90% of the total budget because it is difficult for the counties to raise enough money to initially get it off the ground.

Barbara Brady stated that the counties do not have any money left over for any other programs. The counties might like this kind of bill if they had the money to do it.

Section 192, page 43 -- Dr. Dickson advised that the new language contained in this section is much clearer. Senator Young asked we mandated a county director in each county; Dr. Dickson replied that they open the option but do not mandate it.

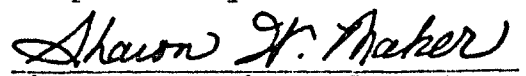
Discussion was held on Sections 194 and 195, with Senator Young commenting that they should conform with existing laws.

Senator Walker advised that further testimony will be taken on Friday, April 11. The meeting was adjourned at 5:45 p.m.

APPROVED:

  
 Lee E. Walker, Chairman

Respectfully submitted,

  
 Sharon W. Maher, Secretary

ROOM # \_\_\_\_\_  
DAY \_\_\_\_\_

DATE \_\_\_\_\_

NAME	ORGANIZATION	ADDRESS
Jean Waldette	Div. MHA & MR	Reno
Lois Sunday	Opd. Human Resources	Carson
Long Dumphy	Franciscan Center	Las Vegas
Kenneth H. Flayzer	Div. of MHA/MR	Reno
Claudia Ferritto	Div. of MHA-MR	Reno
Luven O'Brien	Div. of MHA & MR	Reno
Tommy Stapleton MA	NDA	Reno
Halp O'Carey	NSP	2400 S. Virginia
Tom R. S.	NMHI	P.O. Box 2466 Reno Nevada
Zora O Young	NMHA	P.O. Box 2466 Reno NV 89505
Don Maedel	None	Reno (975 Ryland)
James Tapleton	UNE	Reno (Washington)
Andrea Rathbun	Div. of MHA/MR	Reno
Blaine Rose	Relax	CC
Shay Porter	intern	CC
John R. Kimball	member 16 day adv. comm. for aging	CC
Barbara J Brady	Club of Social Justice	Las Vegas
Richard Dunken	County of Clark	Carson City
Bob Bennett	Nevada Clark County Comm.	Boulder City
Frank JARENKOPF	Washoe County	Reno
D. Carpenter	"	"
H. Nixson	Churchill County	Fallon
Elizabeth Patechab	Ch. Adv. Advisory Board on MHA & MR	Lakeland
Roma C. Nixson	NMHI	Sparks
Richard D. Rugh	Nev. State Med. Assn.	Reno - no testimony
Guby Dunco	Clark Co. Welfare Rights	Las Vegas
David Phillips	Citizen	Las Vegas