

The next change comes under NRS 127.310, the revision to clarify other sections of same chapter to apply to this section. Currently the section only allows for adoptive placements by licensed child placing agencies. It does not allow for placements by the Welfare Division, natural parents or guardians. References to other sections of the chapter that allow for these added placements are recommended. (lines 49,50, page 4 and lines 1, 2, page 5 AB-172) (EXHIBIT "A")

Mr. Getto questioned the revision relating to change from two required investigations to one. He was concerned a time lapse between the filing of petition for placement and notice of proposed adoptive placement would preclude recognition of possible adverse changes in situation that may be detrimental to adoptive subject.

He was informed the Welfare Division supervised the placements.

Mr. Craddock suggested a time limit between the two investigations. The circumstances surrounding the case may change so the adoption would not be necessary. The investigation would be obsolete after a certain period of time.

Mr. Labodie stated a second investigation could be made if circumstances warranted.

Mr. Joe Braswell of the Inter-Tribal Council of Nevada, was concerned this bill (AB-172) may conflict with federal laws concerning indian rights and jurisdiction. He recommended the Committee obtain legal opinion on ramifications of this aspect of the proposed legislation. The child (indian as defined by law) does not have to be domiciled on a indian reservation before 95-608 applies. (Public Law 95-608)

There was no other opposition to AB-172.

Chairman Bennett called for testimony on AB-173.

Janet Fish, Nevada State Welfare Division, spoke in favor of this bill stating the definition of "adult" had been expanded to mean a "person 18 year of age or older whose behavior indicates that he is mentally or physically incapable of adequately caring for himself". The original draft included this definition. (line 11, page 1, AB 173). This would enable the Division to provide better services.

Mr. Labodie stated they had some suggested amendments because the final printing of the bill was not as totally intended by the original draft.

Mr. Craddock stated he did not believe the change suggested for Section 4, (line 11, page 1) altered the printed material.

Ms. Fish said the intent was to enable the Division to care for adults unable to care for themselves.

To Section 9, the last sentence following "mental Health" (line 5, page 2, AB 173) should be added "Protective placement does not include commitment to a mental hygiene or mental retardation facility." There are current statutes that cover placement in these facilities.

The Welfare Division proposed change to Section 10 of AB 173 by adding, line 7, page 2, following "1397a" "and utilized in accordance with a comprehensive annual services program plan whose purpose is to prevent and remedy the abuse, exploitation, and neglect of adults; and those services provided by the division as a matter of state law and regulation." The Division felt the addition would make this section more clear.

To Section 12, after line 17 should be added "The adult who is the subject of the petition has the right to be present and represented by counsel at the hearing." The remainder of the section should be renumbered. This would ensure the adult has his rights protected.

Section 13, number 2 (line 49, page 2 and line 3, page 3) the words "the director" deleted, and "the administrator of the division or his designee" should be substituted. "Reason - to prevent what could be harmful delay if a person is in immediate danger and immediate protective services need to be provided."

Section 13, page 3, after line 13, should be added "the adult who is the subject of the petition has the right to be present and represented by counsel at the hearing." The remainder of page should be renumbered.

Following section 15, line 24, page 3 add new Section 16 to read "Within 6 months after the entry of an order for protective placement or other services, the court shall review the order to determine whether the order should be vacated, modified or continued. if it is determined the order should be modified or continued, the court shall set another date for review, not more than 1 year from the date of the modification or continuance." "Reason: To ensure that all court orders are appropriate and changed if the needs of the adult change."

Section 18, lines 39 through 43, should be changed to read as follows " To the extent that money is provided by their respective counties, and without limiting the power of the division, each board of county commissioners and the agents appointed pursuant to NRS 428.010, may at their option, but without creating any obligation upon the division, exercise the powers and perform the duties provided to the division by sections 2 to 19, inclusive of this act." This section was redrafted to make sure that counties may, at their option, provide the services. The intent was not state that they "shall" exercise the powers. (EXHIBIT "B")

Mr. Glover asked for clarification of the word "adult", and if the useage in this bill (AB 173) was consistant with definitions elsewhere. He was informed that consistency was not necessary as its useage was defined in this measure.

Mr. Brady asked if the purpose of this law was to give the division the authority to do what they were already doing.

Ms. Fish stated the purpose was to enable them to investigate and take appropriate actions when they found a person who was unable to care for himself, being exploited and misused. Sometimes the person with whom the subject resides refuses to allow Welfare Division people admittance or access to exploited individual.

Mr. Getto asked, under section 12, if a person had no family or relation, who represented them in a hearing proceeding. He was informed the person had a right to council and if he could not afford it, council would be appointed for him by the court.

Mr. Getto asked if there now was a law that gave guardianship over persons unable to take care of themselves as far as personal belongings were concerned.

Mr. Labodie answered the Division attempted to get guardians, other than Division people, for these persons. The Division did not want this responsibility because of possible conflict of interest.

Mr. Holland in response to a question from Mr. Getto pertaining to time involved in securing guardians, answered it could take a relatively short time, a few weeks; or in a large county, like Clark it could take a few months. That is not involved in this bill.

Verla Davis, Clark County Social Service, stated she had experience with securing guardians and thought the length of time involved depended somewhat on the emergency of the situation. Ms. Davis stated she supported AB 173. Clark County Social Service has a senior protective services program. Their biggest problem is trying to help people who have neglected themselves, and there is no responsible person involved. This bill will alleviate some of those problems. They are in agreement with amendments proposed by State Welfare.

Clark County Social Service does have a problem with Section 19. Ms. Davis said they would like to think someone guilty of abusing, neglecting or exploiting an adult unable to care for himself is guilty of more than a misdemeanor. They would like that section to read "Except as provided otherwise in Section 2, any person who abuses, neglects or exploits an adult who is unable to care for himself is guilty of at least a misdemeanor." We think this should be a gross misdemeanor or felony. This is a needed bill.
(EXHIBIT "C")

Mr. Labodie stated the State Welfare Division had no problem with increasing penalty in Section 19.

Mr. Darrel D. Luce, Christian Science Church, supported AB-173, specifically section 15 that contains enabling language that would provide for a Christian Scientist to rely on his religion for his health care.

Susan Haase, Nevada Association for Retarded Citizens, urged an amendment to expand the definition of "caretaker" Section 5, line 12, page 1, AB 173, to include an entity. Ms. Haase said the Association would like the line to read (line 12) "Caretaker" means a person or entity who has assumed....." This would give the Welfare Department the authority to investigate complaints made against nursing homes or any other institution.

Chairman Bennett called for testimony in favor AB 194.

Mr. Ken Shaddy, Nevada State Barbers Health and Sanitation Board, stated the proposed bill conformed to their request. It included not only the money requested but the provisions of a bill that passed the senate unanimously the past session. Unfortunately, in the busy schedule at the close of the session, it did not get acted upon. That was Senate Bill 339, which is included in AB 194. Their position is that in the last three years, there has been a lot of services they have not been able to render because of lack of money. Four years ago per diem was raised to forty dollars a day.

Mr. Shaddy presented an income and expense breakdown. (EXHIBIT "D") In response to question from Mr. Brady, Mr. Shaddy stated all the expenses were not included in the breakdown.

Cost of examination for licensing has increased. A new examination prepared by a professional testing organization is now in use. The time required to complete the examination has increased from one to two hours. The secretary's salary is another proposed increase. The present secretary was appointed eighteen years ago and at that time the salary for the position was \$1200. That salary has not been increased.

Mr. Shaddy stated the requested increase for license fees from ten dollars to not more than twenty dollars did not mean the license fees were going to immediately be increased to twenty dollars. They wish to raise them now by five dollars. The language is enabling language so that a request will not have to be made again in a relative short time for another increase. (line 5, page 2, AB 194). The state association for barbers supports this change.

Actual income \$15,000 and expenditures were within \$100 That was before the new type examination. There are additional expenses upcoming. This increase in fees is badly needed.

Mr. Craddock stated the barbers board was audited annually

there were no irregularities.

In response to a question from Mrs. Cavnar, Mr. Shaddy said they were deleting the words on lines 2,3 and 4 of page 2 referring to certification of freedom from tuberculosis and other communicable diseases because these certificates did not insure the registered barber would remain free of these diseases. The Counsel Bureau removed this wording. New applicants are still required to have health certificates.

Mrs. Cavnar stated it was her opinion that a person working in such close contact with others, such as barbers, should have periodic health checks.

Mr. Shaddy said if a health problem were reported to them, or they had reason to suspect a health problem, they could require the individual to undergo physical examination before renewing a license.

Mrs. Cavnar said she would check with legal council regarding this particular aspect of the bill.

The reason for the provision (Sec 3 part 4, lines 21,22, page 2) relating to practicing under another's licenses is that there have been actual instances of this and the only one that could be punished is the person practicing without the licenses and not the person who permitted his license to be used by another.

Mr. Craddock requested the witness comment on Section 4 (beginning line 28, page 2) pertaining to increase in inspection fee.

Mr. Shaddy said there now was no charge for inspecting a barbershop. The cost of traveling about the state to inspect new shop has risen so much, plus an increase in shops to be inspected, the increase to twenty-five dollars was needed and justified. The travel alone for the inspection of a shop in Winnemucca was over fifty dollars. The cost of inspecting local shops is not high and the fees should average out to cover the overall costs.

Ray Ehr Gott, Nevada State Barber & Beauty Association spoke in favor of the bill, proposed law changes and increases. He thinks more shop inspections would improve the profession to insure better sanitation and better protection for customers.

Mr. Ehr Gott stated he would like to propose continuing education for barbers and beauticians to keep the profession up to date. There are continuing changes with products and techniques and the public should be entitled to benefit and partake of these. They would like to see shop interiors improved.

Mr. Getto asked if continuing education would be required of licensees and was informed that that was their intent.

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Mr. Getto asked if continuing education would be imposed by rules and regulations?

Mr. Ehrgott replied they would propose it to go into the statutes. It would be another bill. His organization had nothing to do with licensing.

Mrs. Cavnar asked Mr. Shaddy if there was a provision for frequency of inspection and was informed it was at least once a year. They would like to have continuing inspection but that would require a full time inspector which they do not have.

Mr. Getto questioned the twenty-five dollar limitation in Section 4. He asked why the association did not say "not to exceed" in order to give them more latitude.

Mr. Shaddy said they did not feel that much of an increase would be generated by barbershop inspections. This is for new barber-shops. They are not increasing at a large rate.

Chairman Bennett adjourned the meeting at 6:10 P.M.

Respectfully submitted:



MARJORIE D. ROBERTSON, Secretary

ADOPTION LEGISLATION - NRS CHAPTER 127SECTION 127.240

We feel that the intent of previous adoption legislation was that an independent adoptive placement should not be made without prior notification of the proposed placement to the Welfare Division. Some attorneys have felt that prior notification is not required if natural parents or guardians arrange the adoptive placements. Currently NRS 127.240 does not mention the requirement of prior notification. Approximately 2/3 of all independent adoptive placements are made without prior notification. We have found the courts reluctant to remove children from independent adoptive placements even though the Welfare Division has found the placements unsuitable. These placements have occurred because the Welfare Division did not receive notification of the proposed placement.

Therefore we recommend adding to NRS 127.240 that the requirements of NRS 127.280 apply for placements arranged by parents or guardians.

SECTIONS 127.260 and 127.270

We recommend deleting NRS 127.260 and revising NRS 127.270 since temporary licenses can no longer be issued for child placing agencies.

SECTION 127.280

We propose the revision of NRS 127.280 to simplify procedures. Currently the law requires one investigation when a petition for adoption is filed and another investigation when a notification of a proposed adoptive placement is received. This revision would eliminate the need for two investigations. Currently both types of investigations cover the same areas.

SECTION 127.310

We propose the revision to NRS 127.310 to clarify that other pertinent sections of this chapter apply to this section. As it is currently written, NRS 127.310 only allows for the adoptive placements by licensed child placing agencies. It does not allow for placements by the Welfare Division, natural parents or guardians. Therefore we propose adding references to the other sections of the chapter that allow for placements by the Welfare Division, natural parents and guardians.

ML/fb

EXHIBIT "A"

A.B. 173 AMENDMENTS

- A. Section 4. Expand the definition of adult to: "Adult" means any person 18 years of age or older whose behavior indicates that he is mentally or physically incapable of adequately caring for himself.

Reason: To better identify the group of persons that would be served with this statute. The original draft submitted to the Legislative Counsel Bureau included the expanded definition.

- B. Section 9 immediately following the words "Mental Health" at the end of the section, the following sentence should be added:

Protective placement does not include commitment to a mental hygiene or mental retardation facility.

REASON: To clarify that protective placement in mental health or mental retardation facilities is not included in this law, since there are current laws that cover placement in these facilities.

- C. Section 10 should be changed to read as follows:

"Protective services" means those services for which money may be received by the state pursuant to 42 U.S.C. §1397a and utilized in accordance with a comprehensive annual services program plan whose purpose is to prevent and remedy the abuse, exploitation, and neglect of adults; and those services provided by the division as a matter of state law and regulation.

REASON: To ensure that this law will be in compliance with any changes in the Comprehensive Annual Services Program Plan or 42 U.S.C. Section 1397a.

- D. Section 12. Add between numbers 2 and 3 and renumber the remainder of the Section.

The adult who is the subject of the petition has the right to be present and represented by counsel at the hearing.

REASON: To ensure that the adult has his rights protected.

- E. Section 13, Number 2, the words "the administrator of the division or his designee" should be substituted for the words "the director of the Department of Human Resources."

Section 13, Number 2, the words "the administrator of the division or his designee" should be substituted for the words "the director".

REASON: To prevent what could be a harmful delay if a person is in immediate danger and immediate protective services need to be provided.

BDR 38-367
NRS 431

PROTECTIVE SERVICES FOR ADULTS

Currently the Welfare Division and Clark County Social Services are providing protective services for adults and both agencies have encountered problems which would be minimized if there was some authority to act on behalf of the adult.

This legislation will provide a mechanism for reporting incidents of suspected abuse or neglect, immunity from reporting, and a legal base for investigating the complaint by either the Welfare Division or a county agency as stated in Section 18 of BDR 38-367.

This legislation will also enable the Welfare Division to provide appropriate in-home care or out-of-home placement for persons who are physically or mentally unable to care for themselves and are unable to participate in the planning process.

In-home care could include such services as arranging for home delivered meals, grocery shopping, meal preparation, housekeeping and personal hygiene care. Out-of-home placement could include arranging for admission to an Adult Family Care Home, Adult Group Care Facility, Intermediate Care Facility, Skilled Nursing Facility, or hospital.

The division recognizes that there are adult citizens who may be in need of protective services. These services should, to the maximum degree of feasibility, allow the individual the same rights as other citizens, and at the same time protect the individual from exploitation, neglect and abuse. This chapter is designed to establish those services and assure their availability to all persons when in need of them, and to place the least possible restriction on personal liberty.

As of 1976, 46 states provided adult protective services as part of their Title XX Comprehensive Annual Services Program Plan. Out of 36 states responding to a survey completed by the State of Virginia in December 1977, 17 states had legislation governing the provision of this service.

Adult Protective Services provided by:

NSWD	10/1/77 - 9/30/78	
Las Vegas	14	
Reno	71	
Carson	1	
Elko	5	
Fallon	1	
Total	92	(unduplicated count)

Clark County Social Services (all areas of the county)
7/1/77 - 6/30/78

185 Seniors



JIM CARPENTER, Vice-President
60 E. Ninth Street
Reno, Nevada 89501

EDDIE L. CIPRIANI, President
1957 Idaho Street
Carson City, Nevada 89701

K. R. SHADDY, Secretary
612 South Decatur Blvd.
Las Vegas, Nevada 89107

NEVADA STATE BARBERS HEALTH AND SANITATION BOARD

EXAMINATION EXPENCES

- 1. 1977-----\$ 2,766.00
- 2. 1978-----\$ 3,808.00 (+ \$ 1,042.00) ACTUAL
- 3. SECRETARY SALARY
- 4. 1977-----\$ 1,200.00
- 5. 1978-----\$ 2,400.00 PROJESTED COST INCREASE \$2,242.00

INCOME

- 6. REGISTERED BARBER & APPRENTICE BARBER LICENSES
- 7. 1978----614 @ \$ 10.00 \$ 6,140.00
- 8. BARBER SHOPS
- 9. 1978----199 @ \$ 5.00 995.00
\$ 7,135.00
- 10. 1979 (PROJECTED) 614 @ \$ 15.00 \$ 9,210.00
199 @ \$ 10.00 \$ 1,990.00
- 11. \$11,200.00 INCREASE \$ 4,065.00
- 12. SUBTRACT SET COSTS OF \$ 2,242.00 BALANCE OF \$1,823.00
- 13. ACTUAL BANK BALANCE AS OF FEBRUARY 1, 19
- 14. 1976--\$2,850.33 1977--\$2,837.38 1978--\$2,937.91
- 15. 1979--\$1,615.36
- 16. RESERVE ACCOUNT IN BANK \$3,521.28.
- 17. APPLICANTS FOR EXAMINATION BY YEAR:
- 18. 1975--61 1976--64 1977--78 1978--62

EXHIBIT "D"