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TESTIMONY

BILL: AB 326 Provides for licensing and regulation of facilities for assisted living

DEPARTMENT OF HUMAN RESOURCES

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Good afternoon Chairperson Koivisto and members of the Committee. I am Mary Liveratti, Deputy Director of the Department of Human Resources. I would like to provide some background information on assisted living and to support the bill as amended. First we would like to thank Assemblywoman Buckley for her leadership in bringing forward this legislation and in helping all interested groups to be involved in the process. Throughout the process the focus has been on residents of assisted living and their families, while at the same time encouraging this much needed industry.

Assisted Living refers to a type of care that combines housing and services. Assisted living allows older persons and persons with disabilities who are unable to stay at home, but do not need 24 hour skilled nursing care, to move into a residential setting with services designed to meet their needs. These individuals need assistance with their activities of daily living and are no longer able to live without assistance. They may have cognitive impairments, may be incontinent, may require monitoring or assistance with medication or with the monitoring of their health conditions.

Care plans are individualized for each resident and can be changed as the needs of the person changes, so a person can "age in place." Care and services are delivered with an emphasis on resident choice and involvement in decision-making. A core philosophy of assisted living is centered on maintaining an individual's independence, dignity and privacy. In addition, the resident retains the right to assume risk, tempered only by the individual's ability to assume responsibility for that risk. Sounds simple enough, doesn't it? In essence, it is how you or I or anyone else wants to be treated.

Currently there is no State licensure definition for an assisted living facility. Assisted living facilities, if licensed, are licensed as residential facilities for groups, which vary between small homes for several people to large facilities. There are no regulations specifically for assisted living. Consumers are often confused as to what is or isn't included in assisted living.

During the last legislative session, a group was formed to try to define assisted living. This group consisted of industry representatives, the Bureau of Licensure and Certification, which provides regulatory oversight, Aging Services, and Medicaid. Although no consensus was reached, SB 74 was passed that added assisted living facility to the definition of residential facility for groups, effective July 1, 2003. The date was purposely set, to allow the possibility to define assisted living separately. Unless changed by this Legislature, assisted living will be included in NRS 449.017 which defines a residential facility for groups.

Over the past eighteen months, a work group has attempted to define assisted living and provide some standardization for this type of care. After much deliberation on the part of the industry, Bureau of Licensure and Certification, Medicaid, Aging Services, aging advocates and others, it has been determined that the best way to achieve this standardization is through the adoption of regulations for assisted living services. We feel the regulatory process will allow more flexibility in the development of standards and qualifications for this emerging segment of the residential care industry.

The initial fiscal note submitted by the Health Division was \$235,550 for FY 2004 and \$212,937 for FY 2005. If amended, the fiscal note will be reduced to about \$10,000 which will cover the cost to adopt regulations.

Thank you for the opportunity to present information on this bill. I would be happy to answer any questions you might have.