

ASSEMBLY CONCURRENT RESOLUTION NO. 9—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF LEGISLATIVE COMMITTEE ON HEALTH CARE)

FEBRUARY 4, 1999

Referred to Committee on Health and Human Services

SUMMARY—Urges Department of Human Resources to increase access to services of personal care assistants for recipients of Medicaid. (BDR R-1125)

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

ASSEMBLY CONCURRENT RESOLUTION—Urging the Department of Human Resources to increase access to the services of personal care assistants for recipients of Medicaid.

- 1 WHEREAS, Persons with disabilities are often forced to live in long-term
- 2 care facilities when they become unable to perform certain activities of
- 3 daily living; and
- 4 WHEREAS, Many of these persons would be able to remain in their
- 5 homes with the assistance of a personal care assistant; and
- 6 WHEREAS, Persons who receive services from personal care assistants
- 7 rather than living in a long-term care facility enjoy a higher quality of life,
- 8 experience increased independence and contribute more to society; and
- 9 WHEREAS, The Health Care Financing Administration of the United
- 10 States Department of Health and Human Services has recognized that
- 11 Medicaid programs are biased towards institutional care rather than
- 12 providing home-based and community-based care; and
- 13 WHEREAS, The Health Care Financing Administration has appointed a
- 14 task force to study this problem, is adopting new regulations to reduce the
- 15 bias towards institutional care and is encouraging states to be more creative
- 16 so that more recipients of Medicaid are able to remain in their homes; and
- 17 WHEREAS, Recipients of Medicaid in this state have experienced
- 18 difficulty in obtaining the services of personal care assistants because the
- 19 rate of reimbursement does not attract the necessary portion of the
- 20 workforce to provide this type of service and because of the requirement
- 21 that personal care assistants purchase industrial insurance; and

1 WHEREAS, Additional problems with the use of personal care assistants
2 in the Medicaid program in this state exist because the Department of
3 Human Resources does not have an adequate system in place to provide a
4 substitute when a personal care assistant unexpectedly is unable to work as
5 scheduled; and

6 WHEREAS, Presently the Department of Human Resources only
7 provides personal care assistants who are independent contractors and does
8 not actively recruit a sufficient number of personal care assistants to handle
9 the high turnover rate in this profession; and

10 WHEREAS, The Nevada Legislature recognizes the need to provide
11 persons with disabilities the necessary support to enable them to maintain
12 independence and continue as productive members of society; now,
13 therefore, be it

14 RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE
15 CONCURRING, That the Nevada Legislature hereby urges the Department
16 of Human Resources to:

17 1. Provide easier access to and promote the use of personal care
18 assistants to recipients of Medicaid;

19 2. Authorize the use of personal care assistants and provide
20 reimbursement for the use of personal care assistants any time that such
21 use is authorized by law;

22 3. Develop an approach to providing the services of personal care
23 assistants for recipients of Medicaid that is focused on the needs of the
24 recipients;

25 4. Budget for increased use of personal care assistants by recipients of
26 Medicaid;

27 5. Increase the rate of reimbursement to personal care assistants who
28 provide services for recipients of Medicaid to ensure that the rate provided
29 is at least equal to the rate provided to other persons who provide
30 substantially similar services;

31 6. Contract with private agencies for the provision of services of
32 personal care assistants for recipients of Medicaid and develop penalties
33 for such agencies if they do not fulfill the terms of the contract; and

34 7. Develop solutions concerning the cost of industrial insurance for
35 personal care assistants who are independent contractors; and be it further

36 RESOLVED, That the Chief Clerk of the Assembly prepare and transmit
37 a copy of this resolution to the Director of the Department of Human
38 Resources.