

SENATE BILL NO. 402—SENATORS RAWSON, AMODEI, CARE, MATHEWS,
MCGINNESS, NEAL, O'DONNELL, SCHNEIDER, SHAFFER, TITUS,
WASHINGTON AND WIENER

MARCH 19, 2001

Referred to Committee on Finance

SUMMARY—Creates advisory task force on long-term care. (BDR 17-972)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in Executive
Budget.

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

AN ACT relating to health care; creating the advisory task force on long-term care;
prescribing its powers and duties; making an appropriation; and providing other
matters properly relating thereto.

1 WHEREAS, The requirement that persons in this state impoverish
2 themselves to become eligible for long-term care benefits places many
3 persons in need of long-term care in a very difficult situation when
4 determining how to receive the health care services that they need to
5 survive; and

6 WHEREAS, The growing number of persons in need of long-term care is
7 of grave concern to the legislature; now, therefore,

8
9 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
10 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

11
12 **Section 1.** Chapter 218 of NRS is hereby amended by adding thereto
13 the provisions set forth as sections 2 to 6, inclusive, of this act.

14 **Sec. 2.** *As used in sections 2 to 6, inclusive, of this act, “task force”*
15 *means the advisory task force on long-term care created pursuant to*
16 *section 3 of this act.*

17 **Sec. 3. 1.** *The advisory task force on long-term care, consisting of*
18 *eight members, is hereby created. The task force consists of:*

19 *(a) Three members of the senate appointed by the majority leader of*
20 *the senate;*

21 *(b) Three members of the assembly appointed by the speaker of the*
22 *assembly;*

23 *(c) One member appointed by the governor; and*



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- 1 (d) *One member who is employed by the aging services division of the*
2 *department of human resources appointed by the director of the*
3 *department.*
- 4 2. *The legislative commission shall select the chairman and vice*
5 *chairman of the task force from among the legislative members of the*
6 *task force. Each such officer holds office for a term of 2 years beginning*
7 *on July 1 of each odd-numbered year. The chairmanship of the task*
8 *force must alternate each biennium between the houses of the*
9 *legislature.*
- 10 3. *Any legislative member of the task force who does not return to*
11 *the legislature continues to serve until the next session of the legislature*
12 *convenes.*
- 13 4. *Vacancies on the task force must be filled in the same manner as*
14 *original appointments.*
- 15 5. *The task force shall report annually to the legislative commission*
16 *concerning its activities and any recommendations for legislation.*
- 17 **Sec. 4.** 1. *The members of the task force shall meet throughout*
18 *each year at the times and places specified by a call of the chairman or a*
19 *majority of the task force. The director of the legislative counsel bureau*
20 *or a person he has designated shall act as the nonvoting recording*
21 *secretary. The task force shall prescribe regulations for its management*
22 *and government. Five members of the task force constitute a quorum,*
23 *and a quorum may exercise all the powers conferred on the task force.*
- 24 2. *Except during a regular or special session of the legislature, the*
25 *legislative members of the task force are entitled to receive the*
26 *compensation provided for a majority of the members of the legislature*
27 *during the first 60 days of the preceding regular session for each day or*
28 *portion of a day during which they attend a meeting of the task force or*
29 *are otherwise engaged in the business of the task force, plus the per diem*
30 *allowance provided for state officers and employees generally and the*
31 *travel expenses provided pursuant to NRS 218.2207.*
- 32 3. *The members of the task force who are not legislators serve*
33 *without compensation, but are entitled to receive the per diem allowance*
34 *and travel expenses provided for state officers and employees generally.*
- 35 4. *The compensation, per diem allowances and travel expenses of the*
36 *members of the task force must be paid from the legislative fund.*
- 37 5. *The member of the task force who is an employee of the aging*
38 *services division of the department of human resources must be relieved*
39 *from his duties without loss of his regular compensation so that he may*
40 *perform his duties relating to the task force in the most timely manner*
41 *practicable. The aging services division shall not require the employee to*
42 *make up the time he is absent from work to fulfill his obligations as a*
43 *member of the task force or take annual leave or compensatory time for*
44 *the absence.*
- 45 **Sec. 5.** *The task force may:*
- 46 1. *Identify and evaluate the alternatives to institutionalization for*
47 *providing long-term care, including, without limitation:*



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- 1 (a) *An analysis of the costs of the alternatives to institutionalization*
2 *and the costs of institutionalization for persons receiving long-term care*
3 *in this state;*
- 4 (b) *A determination of the positive and negative effects of the different*
5 *methods for providing long-term care services on the quality of life of*
6 *persons receiving those services in this state;*
- 7 (c) *A determination of the personnel required for each method of*
8 *providing long-term care services in this state; and*
- 9 (d) *A determination of the methods for funding the long-term care*
10 *services provided to all persons who are receiving or who are eligible to*
11 *receive those services in this state.*
- 12 2. *Evaluate the feasibility of obtaining a waiver from the Federal*
13 *Government to integrate and coordinate acute care services provided*
14 *through Medicare and long-term care services provided through*
15 *Medicaid in this state.*
- 16 3. *Evaluate the feasibility of obtaining a waiver from the Federal*
17 *Government to eliminate the requirement that elderly persons in this*
18 *state impoverish themselves as a condition of receiving assistance for*
19 *long-term care.*
- 20 4. *Conduct investigations and hold hearings to carry out the*
21 *provisions of this section.*
- 22 5. *Apply for any available grants and accept any gifts, grants or*
23 *donations to assist the task force in carrying out the provisions of this*
24 *section.*
- 25 6. *Direct the legislative counsel bureau to assist in its research,*
26 *investigations and analysis.*
- 27 **Sec. 6. 1. If the task force conducts investigations or holds**
28 *hearings pursuant to section 5 of this act:*
- 29 (a) *The secretary of the task force or, in his absence, a member*
30 *designated by the task force may administer oaths.*
- 31 (b) *The secretary or chairman of the task force may cause the*
32 *deposition of witnesses, residing within or outside of this state, to be*
33 *taken in the manner prescribed by rule of court for taking depositions in*
34 *civil actions in the district courts.*
- 35 (c) *The chairman of the task force may issue subpoenas to compel the*
36 *attendance of witnesses and the production of books and papers.*
- 37 2. *If a witness refuses to attend or testify or produce books or papers*
38 *as required by the subpoena, the chairman of the task force may report to*
39 *the district court by a petition which sets forth that:*
- 40 (a) *Notice has been given of the time and place of attendance of the*
41 *witness or the production of the books or papers;*
- 42 (b) *The witness has been subpoenaed by the task force pursuant to*
43 *this section; and*
- 44 (c) *The witness has failed or refused to attend or produce the books or*
45 *papers required by the subpoena before the task force that is named in*
46 *the subpoena, or has refused to answer questions propounded*
47 *to him.*
- 48 *The petition may request an order of the court compelling the witness to*
49 *attend and testify or produce the books and papers before the task force.*



- 1 **3.** *Upon such a petition, the court shall enter an order directing the*
2 *witness to appear before the court at a time and place to be fixed by the*
3 *court in its order, the time to be not more than 10 days after the date of*
4 *the order, and to show cause why he has not attended or testified or*
5 *produced the books or papers before the task force. A certified copy of*
6 *the order must be served upon the witness.*
- 7 **4.** *If it appears to the court that the subpoena was regularly issued by*
8 *the task force, the court shall enter an order that the witness appear*
9 *before the task force at the time and place fixed in the order and testify or*
10 *produce the required books or papers. Failure to obey the order*
11 *constitutes contempt of court.*
- 12 **Sec. 7.** 1. There is hereby appropriated from the state general fund
13 to the advisory task force on long-term care created pursuant to section 3 of
14 this act the sum of \$125,000 for the expenses of the task force in carrying
15 out the provisions of sections 2 to 6, inclusive, of this act.
- 16 2. Any remaining balance of the appropriation made by subsection 1
17 must not be committed for expenditure after June 30, 2003, and reverts to
18 the state general fund as soon as all payments of money committed have
19 been made.
- 20 **Sec. 8.** This act becomes effective on July 1, 2001.

