

SENATE BILL NO. 164—COMMITTEE ON
HUMAN RESOURCES AND EDUCATION

FEBRUARY 26, 2007

Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions governing the Task Force for the Fund for a Healthy Nevada. (BDR 40-95)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 public health; revising provisions relating to the administrative support provided to the Task Force for the Fund for a Healthy Nevada; revising provisions governing allocations for distributions from the Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires the Legislative Counsel Bureau and the Department of
2 Health and Human Services to provide administrative support to the Task Force for
3 the Fund for a Healthy Nevada. (NRS 439.625) **Section 1** of this bill removes the
4 Legislative Counsel Bureau from that role and instead requires the Legislative
5 Counsel Bureau to provide research and assistance on fiscal matters at the request
6 of a member of the Task Force who is a Legislator.
7 **Section 2** of this bill sets out a procedure for the processing of grant
8 applications by the Department on behalf of the Task Force.

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

- 1 **Section 1.** NRS 439.625 is hereby amended to read as follows:
2 439.625 1. The Task Force for the Fund for a Healthy
3 Nevada is hereby created. The membership of the Task Force
4 consists of:



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1 (a) Three members appointed by the Majority Leader of the
2 Senate, one of whom must be a Senator and one of whom must be a
3 member of a nonprofit organization dedicated to health issues in this
4 State;

5 (b) Three members appointed by the Speaker of the Assembly,
6 one of whom must be an Assemblyman and one of whom must be a
7 member of a nonprofit organization dedicated to health issues in this
8 State; and

9 (c) Three members appointed by the Governor, one of whom
10 must have experience with and knowledge of matters relating to
11 health care.

12 ➤ Each member appointed pursuant to this subsection must be a
13 resident of this State and must not be employed in the Executive or
14 Judicial Branch of State Government. Each person who appoints
15 members pursuant to this subsection shall ensure that insofar as
16 practicable, the members whom he appoints reflect the ethnic and
17 geographical diversity of this State.

18 2. At its first meeting on or after July 1 of each odd-numbered
19 year, the Task Force shall select the Chairman and Vice Chairman
20 of the Task Force from among the legislative members of the Task
21 Force. Each such officer shall hold office for a term of 2 years or
22 until his successor is selected. The chairmanship of the Task Force
23 must alternate each biennium between the houses of the Legislature.

24 3. For each day or portion of a day during which a member of
25 the Task Force who is a Legislator attends a meeting of the Task
26 Force or is otherwise engaged in the work of the Task Force, except
27 during a regular or special session of the Legislature, he is entitled
28 to receive the:

29 (a) Compensation provided for a majority of the members of the
30 Legislature during the first 60 days of the preceding session;

31 (b) Per diem allowance provided for state officers and
32 employees generally; and

33 (c) Travel expenses provided pursuant to NRS 218.2207.

34 ➤ The compensation, per diem allowances and travel expenses of
35 the legislative members of the Task Force must be paid from the
36 Legislative Fund.

37 4. Members of the Task Force who are not Legislators serve
38 without salary, except that they are entitled to receive travel
39 expenses provided for state officers and employees generally. The
40 travel expenses of:

41 (a) A member of the Task Force who is an officer or employee
42 of a local government thereof must be paid by the local government
43 that employs him.

44 (b) Each remaining member of the Task Force must be paid
45 from the Legislative Fund.



1 5. Each member of the Task Force who is an officer or
2 employee of a local government must be relieved from his duties
3 without loss of his regular compensation so that he may perform his
4 duties relating to the Task Force in the most timely manner
5 practicable. A local government shall not require an officer or
6 employee who is a member of the Task Force to:

7 (a) Make up the time he is absent from work to fulfill his
8 obligations as a member of the Task Force; or

9 (b) Take annual leave or compensatory time for the absence.

10 6. The ~~[Legislative Counsel Bureau and the]~~ Department shall
11 provide such administrative support to the Task Force as is required
12 to carry out the duties of the Task Force. The State Health Officer
13 shall provide such technical advice and assistance to the Task Force
14 as is requested by the Task Force. *The Legislative Counsel Bureau*
15 *shall provide research and assistance with fiscal matters at the*
16 *request of a member of the Task Force who is a Legislator.*

17 **Sec. 2.** NRS 439.630 is hereby amended to read as follows:

18 439.630 1. The Task Force for the Fund for a Healthy
19 Nevada shall:

20 (a) Conduct public hearings to accept public testimony from a
21 wide variety of sources and perspectives regarding existing or
22 proposed programs that:

23 (1) Promote public health;

24 (2) Improve health services for children, senior citizens and
25 persons with disabilities;

26 (3) Reduce or prevent the use of tobacco;

27 (4) Reduce or prevent the abuse of and addiction to alcohol
28 and drugs; and

29 (5) Offer other general or specific information on health care
30 in this State.

31 (b) Establish a process to evaluate the health and health needs of
32 the residents of this State and a system to rank the health problems
33 of the residents of this State, including, without limitation, the
34 specific health problems that are endemic to urban and rural
35 communities.

36 (c) Reserve not more than 30 percent of all revenues deposited
37 in the Fund for a Healthy Nevada each year for direct expenditure
38 by the Department to pay for prescription drugs, pharmaceutical
39 services and, to the extent money is available, other benefits,
40 including, without limitation, dental and vision benefits for senior
41 citizens pursuant to NRS 439.635 to 439.690, inclusive. From the
42 money reserved to the Department pursuant to this paragraph, the
43 Department may subsidize any portion of the cost of providing
44 prescription drugs, pharmaceutical services and, to the extent money
45 is available, other benefits, including, without limitation, dental and



1 vision benefits to senior citizens pursuant to NRS 439.635 to
2 439.690, inclusive. The Department shall consider recommendations
3 from the Task Force for the Fund for a Healthy Nevada in carrying
4 out the provisions of NRS 439.635 to 439.690, inclusive. The
5 Department shall submit a quarterly report to the Governor, the Task
6 Force for the Fund for a Healthy Nevada and the Interim Finance
7 Committee regarding the general manner in which expenditures
8 have been made pursuant to this paragraph and the status of the
9 program.

10 (d) Reserve not more than 30 percent minus \$350,000 of all
11 revenues deposited in the Fund for a Healthy Nevada each year for
12 allocation by the Aging Services Division of the Department in the
13 form of grants for existing or new programs that assist senior
14 citizens with independent living, including, without limitation,
15 programs that provide:

16 (1) Respite care or relief of family caretakers;

17 (2) Transportation to new or existing services to assist senior
18 citizens in living independently; and

19 (3) Care in the home which allows senior citizens to remain
20 at home instead of in institutional care.

21 ➤ The Aging Services Division of the Department shall consider
22 recommendations from the Task Force for the Fund for a Healthy
23 Nevada concerning the independent living needs of senior citizens.

24 (e) Reserve not more than \$200,000 of all revenues deposited in
25 the Fund for a Healthy Nevada each year for allocation by the
26 Director to:

27 (1) Provide guaranteed funding to finance assisted living
28 facilities that satisfy the criteria for certification set forth in NRS
29 319.147; and

30 (2) Fund assisted living facilities that satisfy the criteria for
31 certification set forth in NRS 319.147 and assisted living supportive
32 services that are provided pursuant to the provisions of the home
33 and community-based services waiver which are amended pursuant
34 to NRS 422.2708.

35 ➤ The Director shall develop policies and procedures for allocating
36 money which is reserved pursuant to this paragraph.

37 (f) Reserve \$150,000 of all revenues deposited in the Fund for a
38 Healthy Nevada each year, if available, for allocation by the Aging
39 Services Division of the Department in the form of contracts or
40 grants for existing or new programs that provide dental benefits to
41 persons who are domiciled in this State and are 62 years of age or
42 older:

43 (1) Who satisfy the residency requirement set forth in
44 subsection 2 of NRS 439.665; and



(2) Whose incomes are not over the amounts set forth in subsection 2 of NRS 439.665, as adjusted pursuant to the provisions of that section.

(g) Allocate, by contract or grant, for expenditure not more than 20 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco.

(h) Allocate, by contract or grant, for expenditure not more than 10 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that improve health services for children.

(i) Allocate, by contract or grant, for expenditure not more than 7.5 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the Task Force shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite for persons caring for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

(j) Reserve not more than 2.5 percent of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Department to subsidize any portion of the cost of providing prescription drugs and pharmaceutical services to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive. The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in carrying out the provisions of NRS 439.705 to 439.795, inclusive.

(k) Maximize expenditures through local, federal and private matching contributions.

(l) Ensure that any money expended from the Fund for a Healthy Nevada will not be used to supplant existing methods of funding that are available to public agencies.

(m) Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities, state colleges and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for administrative



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1 expenses or other indirect costs. The procedures must require at
2 least one competitive round of requests for proposals per biennium.

3 (n) To make the allocations required by paragraphs (g), (h)
4 and (i):

5 (1) Prioritize and quantify the needs for these programs;

6 (2) Develop, solicit and accept applications for allocations ~~(g)~~
7 *and submit those applications to the Department for processing*
8 *pursuant to subsection 6;*

9 (3) Conduct annual evaluations of programs to which
10 allocations have been awarded; and

11 (4) Submit annual reports concerning the programs to the
12 Governor and the Interim Finance Committee.

13 (o) Transmit a report of all findings, recommendations and
14 expenditures to the Governor and each regular session of the
15 Legislature.

16 2. The Task Force may take such other actions as are necessary
17 to carry out its duties.

18 3. The Department shall take all actions necessary to ensure
19 that all allocations for expenditures made by the Task Force are
20 carried out as directed by the Task Force.

21 4. To make the allocations required by paragraphs (d) and (f)
22 of subsection 1, the Aging Services Division of the Department
23 shall:

24 (a) Prioritize and quantify the needs of senior citizens for these
25 programs;

26 (b) Develop, solicit and accept grant applications for allocations;

27 (c) As appropriate, expand or augment existing state programs
28 for senior citizens upon approval of the Interim Finance Committee;

29 (d) Award grants, contracts or other allocations;

30 (e) Conduct annual evaluations of programs to which grants or
31 other allocations have been awarded; and

32 (f) Submit annual reports concerning the allocations made by
33 the Aging Services Division pursuant to paragraphs (d) and (f) of
34 subsection 1 to the Governor and the Interim Finance Committee.

35 5. The Aging Services Division of the Department shall submit
36 each proposed grant or contract which would be used to expand or
37 augment an existing state program to the Interim Finance
38 Committee for approval before the grant or contract is awarded. The
39 request for approval must include a description of the proposed use
40 of the money and the person or entity that would be authorized to
41 expend the money. The Aging Services Division of the Department
42 shall not expend or transfer any money allocated to the Aging
43 Services Division pursuant to this section to subsidize any portion of
44 the cost of providing prescription drugs and pharmaceutical services
45 to senior citizens pursuant to NRS 439.635 to 439.690, inclusive, or



1 to subsidize any portion of the cost of providing prescription drugs
2 and pharmaceutical services to persons with disabilities pursuant to
3 NRS 439.705 to 439.795, inclusive.

4 6. *The Department, on behalf of the Task Force, shall*
5 *process each application for an allocation pursuant to paragraph*
6 *(g), (h) or (i) of subsection 1 and make recommendations to the*
7 *Task Force for awards of money. Such recommendations must be*
8 *based upon the priorities set by the Task Force pursuant to*
9 *paragraph (n) of subsection 1. The Task Force may:*

10 (a) *Approve or deny a recommendation made by the*
11 *Department.*

12 (b) *Allocate, from any unexpended funds available pursuant to*
13 *paragraph (g), (h) or (i) of subsection 1, money for a program,*
14 *study or evaluation that was not funded through the grant process*
15 *or not recommended for funding by the Department.*

16 7. The Department, on behalf of the Task Force, shall submit
17 each allocation proposed pursuant to paragraph (g), (h) or (i) of
18 subsection 1 which would be used to expand or augment an existing
19 state program to the Interim Finance Committee for approval before
20 the contract or grant is awarded. The request for approval must
21 include a description of the proposed use of the money and the
22 person or entity that would be authorized to expend the money.

23 **Sec. 3.** This act becomes effective on July 1, 2007.

