

SENATE BILL NO. 541—COMMITTEE ON
HUMAN RESOURCES AND EDUCATION

(ON BEHALF OF THE TASK FORCE FOR THE
FUND FOR A HEALTHY NEVADA)

MARCH 26, 2007

Referred to Committee on Human Resources and Education

SUMMARY—Makes various changes concerning the policies and procedures of the Task Force for the Fund for a Healthy Nevada. (BDR 40-241)

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; making various changes concerning the policies and procedures of the Task Force for the Fund for a Healthy Nevada for administering and distributing contracts and grants; requiring the Task Force to develop policies and procedures for any subcommittee of or advisory group to the Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Task Force for the Fund for a Healthy Nevada is required to allocate, by contract or grant, a certain amount of money in the Fund for a Healthy Nevada for programs related to the use of tobacco, programs that improve health services for children and programs that improve the health and well-being of persons with disabilities. (NRS 439.630) To carry out this duty, the Task Force is required to develop policies and procedures for the administration and distribution of contracts and grants, which must require at least one competitive round of requests for proposals per biennium. This bill extends the period between the minimum required competitive rounds of requests for proposals from 2 years to 4 years. However, this bill requires each entity that has been awarded a contract or grant on a competitive basis to submit an application for a noncompetitive renewal of the contract or grant not later than 2 years after the contract or grant was awarded.

This bill also requires the policies and procedures developed by the Task Force for the administration and distribution of contracts and grants to include certain specific policies and procedures concerning the funding of programs, including



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priority for funding and the reduction or elimination of funding. This bill further requires the Task Force to develop policies and procedures that must be followed by any subcommittee or advisory group to the Task Force that includes a member of the Task Force in evaluating applications for and making recommendations concerning allocations from the Fund for a Healthy Nevada.

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

Section 1. NRS 439.630 is hereby amended to read as follows:

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

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

(1) Promote public health;

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

(3) Reduce or prevent the use of tobacco;

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

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

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

(c) Reserve not more than 30 percent of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Department to pay for prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits for senior citizens pursuant to NRS 439.635 to 439.690, inclusive. From the money reserved to the Department pursuant to this paragraph, the Department may subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits to senior citizens pursuant to NRS 439.635 to 439.690, inclusive. The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in carrying out the provisions of NRS 439.635 to 439.690, inclusive. The Department shall submit a quarterly report to the Governor, the Task Force for the Fund for a Healthy Nevada and the Interim Finance Committee regarding the general manner in which expenditures



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1 have been made pursuant to this paragraph and the status of the
2 program.

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

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

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

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

14 ➔ The Aging Services Division of the Department shall consider
15 recommendations from the Task Force for the Fund for a Healthy
16 Nevada concerning the independent living needs of senior citizens.

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

20 (1) Provide guaranteed funding to finance assisted living
21 facilities that satisfy the criteria for certification set forth in NRS
22 319.147; and

23 (2) Fund assisted living facilities that satisfy the criteria for
24 certification set forth in NRS 319.147 and assisted living supportive
25 services that are provided pursuant to the provisions of the home
26 and community-based services waiver which are amended pursuant
27 to NRS 422.2708.

28 ➔ The Director shall develop policies and procedures for allocating
29 money which is reserved pursuant to this paragraph.

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

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

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

41 (g) Allocate, by contract or grant, for expenditure not more than
42 20 percent of all revenues deposited in the Fund for a Healthy
43 Nevada each year for programs that prevent, reduce or treat the use
44 of tobacco and the consequences of the use of tobacco.



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(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 expenses or other indirect costs. ~~The~~ *Except as otherwise provided in this paragraph, the* procedures must require at least one competitive round of requests for proposals per biennium. *The procedures for making an allocation by contract or grant pursuant to paragraph (g), (h) or (i) must require:*

(1) At least one competitive round of requests for proposals every 4 years; and



(2) The submission by each entity which is awarded such a contract or grant of an application for a noncompetitive renewal of the contract or grant not later than 2 years after the contract or grant is awarded. Upon receipt of such an application, the Task Force may:

(I) Renew the contract or grant with the same amount of funding;

(II) Renew the contract or grant with a reduction in the amount of funding; or

(III) Decline to renew the contract or grant.

(n) Ensure that the policies and procedures developed pursuant to paragraph (m) for making an allocation by contract or grant pursuant to paragraph (g), (h) or (i) include, without limitation, policies and procedures for:

(1) Identifying the types of programs to receive priority for funding for each category of program set forth in paragraphs (g), (h) and (i);

(2) Encouraging entities that are awarded contracts or grants pursuant to paragraph (g), (h) or (i) to obtain funding from additional sources; and

(3) Setting a minimum level of funding for contracts or grants that are awarded pursuant to paragraphs (g), (h) and (i).

(o) Develop, for any subcommittee of or advisory group to the Task Force that includes at least one member of the Task Force, policies and procedures which that subcommittee or advisory group must follow in:

(1) Evaluating applications for allocations from the Fund for a Healthy Nevada; and

(2) Making recommendations concerning such allocations to the Task Force.

(p) To make the allocations required by paragraphs (g), (h) and (i):

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

~~(2)~~ Develop, solicit and accept applications for allocations;

~~(3)~~ (2) Conduct annual evaluations of programs to which allocations have been awarded; and

~~(4)~~ (3) Submit annual reports concerning the programs to the Governor and the Interim Finance Committee.

~~(6)~~ (q) Transmit a report of all findings, recommendations and expenditures to the Governor and each regular session of the Legislature.

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



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

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

7 (a) Prioritize and quantify the needs of senior citizens for these
8 programs;

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

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

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

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

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

18 5. The Aging Services Division of the Department shall submit
19 each proposed grant or contract which would be used to expand or
20 augment an existing state program to the Interim Finance
21 Committee for approval before the grant or contract is awarded. The
22 request for approval must include a description of the proposed use
23 of the money and the person or entity that would be authorized to
24 expend the money. The Aging Services Division of the Department
25 shall not expend or transfer any money allocated to the Aging
26 Services Division pursuant to this section to subsidize any portion of
27 the cost of providing prescription drugs and pharmaceutical services
28 to senior citizens pursuant to NRS 439.635 to 439.690, inclusive, or
29 to subsidize any portion of the cost of providing prescription drugs
30 and pharmaceutical services to persons with disabilities pursuant to
31 NRS 439.705 to 439.795, inclusive.

32 6. The Department, on behalf of the Task Force, shall submit
33 each allocation proposed pursuant to paragraph (g), (h) or (i) of
34 subsection 1 which would be used to expand or augment an existing
35 state program to the Interim Finance Committee for approval before
36 the contract or grant is awarded. The request for approval must
37 include a description of the proposed use of the money and the
38 person or entity that would be authorized to expend the money.

39 **Sec. 2.** This act becomes effective on July 1, 2007.

