

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-Fourth Session
May 9, 2007**

The Committee on Health and Human Services was called to order by Vice Chair Susan I. Gerhardt at 1:37 p.m., on Wednesday, May 9, 2007, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Sheila Leslie, Chair
Assemblywoman Susan I. Gerhardt, Vice Chair
Assemblyman Bob L. Beers
Assemblyman Joseph P. (Joe) Hardy
Assemblywoman Kathy McClain
Assemblywoman Bonnie Parnell
Assemblywoman Peggy Pierce
Assemblyman Lynn D. Stewart
Assemblywoman Valerie E. Weber
Assemblywoman RoseMary Womack

COMMITTEE MEMBERS ABSENT:

Assemblywoman Ellen Koivisto (excused)

GUEST LEGISLATORS PRESENT:

Senator Barbara K. Cegavske, Clark County Senatorial District No. 8
Senator Steven A. Horsford, Clark County Senatorial District No. 4
Senator Dennis Nolan, Clark County Senatorial District No. 9

Minutes ID: 1065



STAFF MEMBERS PRESENT:

Sarah J. Lutter, Committee Policy Analyst
Katrina Zach, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Thomas Morton, Director, Clark County Department of Family Services,
Sabra Smith-Newby, Director, Clark County Department of
Intergovernmental Relations
Paula Hammack, Supervisor, Clark County Department of Family Services
Gary Peck, Executive Director, American Civil Liberties Union of Nevada
Gerald W. Hardcastle, Juvenile Court Judge, Clark County Eighth Judicial
District Court
Robert Teuton, Assistant District Attorney, Office of the District Attorney
Teresa M. Lowry, Chief Deputy District Attorney, Office of the
District Attorney
Frank Sullivan, Juvenile Hearing Master, Clark County Eighth Judicial
District Court
Glenn Campbell, Private Citizen, Las Vegas, Nevada
Fernando Serrano, Administrator, Division of Child and Family Services,
Department of Health and Human Services
Jason Frierson, Attorney, Clark County Office of the Public Defender,
Bill Welch, President and CEO, Nevada Hospital Association
Brian Rogers, Government Relations, MedicWest Ambulance

Vice Chair Gerhardt:

The meeting will come to order. [Roll.] Mrs. Koivisto is excused. We will start with Senate Bill 356 (1st Reprint).

Senate Bill 356 (1st Reprint): Revises provisions relating to the protection of children from abuse and neglect. (BDR 38-1059)

Senator Steven A. Horsford, Clark County Senatorial District No. 4:

[Read ([Exhibit C](#)).]

[Submitted ([Exhibit D](#)), ([Exhibit E](#)), ([Exhibit F](#)), ([Exhibit G](#)), ([Exhibit H](#)).]

Vice Chair Gerhardt:

Thank you for sharing your personal story with us. I could not agree with you more; it is all about support services. Real change will not occur until financial resources are dedicated to support services. Thank you for your work on this bill. We may not always agree, but our motivation is the same. We want to provide care for children and families.

Thomas Morton, Director, Clark County Department of Family Services:

I support Senator Horsford's bill.

[Read ([Exhibit I](#)).]

Sabra Smith-Newby, Director, Clark County Department of Intergovernmental Relations:

We support the bill.

Vice Chair Gerhardt:

Is anyone neutral? [There was no response.] Does anyone oppose the bill?

Paula Hammack, Supervisor, Clark County Department of Family Services:

I worked for the child welfare system for 15 years, and I am the president of Child Advocacy of the Service Employees International Union. We support improvements that benefit families and children. We also support the development of an interim subcommittee that conducts a study concerning the placement of children in protective custody and foster care. It will create proactive legislation. We have to look at the issue systemically, and the resources required must match the resources available.

Assemblywoman Weber:

What training is needed for risk assessment?

Thomas Morton:

Clark County implemented a four-day training program for safety assessment. We completed the training of six units, and we will complete the remaining seven units by the end of September. The training will incorporate certain revisions to the safety protocols.

Assemblywoman Womack:

I served on a board that deals with the issue of young women being taken from families. It was difficult for many children to be separated from their siblings, and it was common for social workers to remove children from their homes shortly after they were allowed to return. It was like a revolving door for many

children. What is being done to address this problem? How can the welfare system and the courts work together?

Senator Horsford:

I cannot agree with you more. Many children are removed only to be returned after a short time because there is a lack of adequate services. The issues that caused the child to be removed from the home are usually not addressed properly. The bill creates a more comprehensive assessment process which will refer individuals to services. Judge Gerald W. Hardcastle can speak about this issue better than I can. Once a child is in protective custody for more than 24 hours, the child becomes a foster care placement. It is a federal requirement that we cannot get around. It is difficult to do a thorough assessment within 24 hours. Services are not readily available, and it takes time to get access to them. It is my hope that interim studies will focus on these issues.

Assemblywoman Womack:

It is my hope that the courts and the welfare system can work together because they work in opposition to each other sometimes. The harmed party is the child.

Assemblyman Stewart:

I am concerned about the changes in the bill. There are only two paragraphs from the original bill. Why are there so many deletions and additions?

Senator Horsford:

In the spirit of cooperation and compromise, the purple text is what we proposed and those provisions were agreed upon by state and county child welfare agencies. After the bill passed the Senate, people came forward with objections. We want to codify the regulatory requirement based on existing policies and the interim study.

Vice Chair Gerhardt:

We are seeing the end product of many hours of work.

Gary Peck, Executive Director, American Civil Liberties Union of Nevada:

We have been working with Clark County to develop a plan that will move the child welfare system in a positive direction and put an end to the systematic violation of the fundamental rights of children. I am here to support this bill. I believe it minimizes the number of unnecessary and improper removals of children from their homes. We are concerned about congregate care.

**The Honorable Gerald W. Hardcastle, Family Division, Eighth Judicial District
Court Clark County:**

I respect Senator Horsford for bringing this difficult issue forward. I am in favor of an interim committee making statutory recommendations.

I have concerns with the provisions on regulations. We are not talking about the breadth of problems related to foster care. We are talking about addressing the expectations of investigators who are required to make critical decisions. What standard are we going to set? Investigators do not have all the information at hand, or the parents may not be present. The legislation will have an impact on the investigator's decisions. The current law protects the decisions of the detail investigators and the children, and it requires a court hearing within 72 hours to immediately address the removal issues.

I am concerned about the current standard, which asks whether the immediate action is necessary to protect the child from injury, abuse, or neglect. I do not disagree with the proposed language. The use of "immediate" or "imminent" is arbitrary; the words mean the same thing. What degree of harm is required in order for a child to be removed from the home? Serious harm can mean several things. The bill seeks to define serious harm, but I do not think the definition clarifies it. The bill wants the agency to draft regulations, and it is sending the message to investigators to take the risk and leave the child in the home. It is for that reason that I cannot support this portion of the bill. I hope the interim committee will review this issue.

There is a high rate of removal in Clark County, but the rate is attributable to the difficult situations that families face in Nevada, and the lack services, training, and clear agency guidelines. Raising the standard will send a mixed message and is unfair to investigators. I hope this will be referred to the interim committee because this issue is too important.

Senator Horsford said the language is consistent with 37 other states. I reviewed the statutes and it appeared to me that the language occurs in five other states. There is no overwhelming acceptance to this standard, showing that this legislation is extreme in providing less protection for children.

Vice Chair Gerhardt:

You have given years of service to children and families of Nevada, and even though we do not agree on some things, our motivation is the same. Thank you for sharing your perspective. It is my understanding that you want this reviewed by the interim committee and you do not have an amendment.

Judge Gerald W. Hardcastle:

The provision on the regulation should be stricken, and the matter should be referred to the interim committee. Everyone wants to further study the issue. The standard will only confuse people. We should get the best answer.

Robert Teuton, Assistant District Attorney, Office of the District Attorney:

I am here to support Teresa Lowry and Judge Hardcastle. The issue should be looked at by an interim committee, and the language on regulations should be stricken.

Teresa M. Lowry, Chief Deputy District Attorney, Office of the District Attorney:

[Read ([Exhibit J](#)).]

Frank Sullivan, Juvenile Hearing Master, Eighth Judicial District Court Clark County:

I concur with the comments of Judge Hardcastle, and I support the development of the interim committee. A lot of complex issues were addressed. The language on regulations should be stricken.

Glenn Campbell, Private Citizen, Las Vegas, Nevada:

[Submitted ([Exhibit K](#)).]

I disagree with Section 2, which requires statewide standards. I believe there should not be statewide standards. Let us keep the standards local. What is good for Washoe County might not be good for Clark County. Section 2 should be stricken.

Senator Horsford:

Thank you for your attention to this bill. Judging from all the comments, everyone is committed to Nevada's children. I respect the differences of opinion.

I would like to reiterate a few points. The Legislative Counsel Bureau drafted the language in Section 2 directly from State policies. Section 2 does not change the standard; it codifies what the State agreed to do in order to comply with federal guidelines. It is my understanding that federal regulations do not allow different standards at the local level. Children are the same whether they come from Clark County or Washoe County. Those communities might have different services, but the guidelines need to be consistent. Lastly, I believe this issue deserves more study, but we must act on issues that are complex. That is our job; it is what we were elected to do. We tried to bring forward legislation that is reasonable. I am asking for the Committee's consideration in

maintaining Section 2 and moving the provision on the interim committee forward.

Vice Chair Gerhardt:

We will close the hearing on Senate Bill 356 (1st Reprint). We will take a five minute recess.

[Assemblywoman Leslie assumed the chair.]

Chair Leslie:

The meeting will come back to order. Thank you Madam Vice Chair. We will open the hearing on Senate Bill 399 (1st Reprint).

Senate Bill 399 (1st Reprint): Requires the Division of Child and Family Services of the Department of Health and Human Services to coordinate with and assist certain organizations in recruiting and training providers of family foster care and each agency which provides child welfare services in recruiting, training and licensing providers of family foster care. (BDR 38-86)

Senator Barbara K. Cegavske, Clark County Senatorial District No. 8:

Senate Bill 399 (1st Reprint) will require the Division of Child and Family Services (DCFS) to coordinate and assist certain non-profit and community based organizations. Each agency will provide child welfare services in recruiting and training providers of family foster care. Additionally, DCFS is required to coordinate and assist each agency that provides child welfare services in licensing providers of family foster care.

The National Foster Care Program supports and cares for abused or neglected children who have been removed from their homes. These children usually have serious medical or mental health needs. Problems related to foster care involve finding a significant number of caring, stable, and licensed foster care families and treatment providers to ensure the children have stable homes and the services they need. National studies indicate that youth transitioning from foster care are at a greater risk than youth of the general population for involvement in the criminal justice system, alcohol and drug abuse, teen pregnancy, homelessness, unemployment, and dependency on public assistance.

Increased coordination and assistance by DCFS to agencies that provide child welfare services and recruiting, training, and licensing providers of family foster care will have a positive impact on the number of quality foster homes available in Nevada.

Chair Leslie:

Can you talk about the amendment?

Senator Cegavske:

I do not have that. I think it is very minor.

Chair Leslie:

I will discuss that with staff later.

Assemblywoman Gerhardt:

I have a concern with line 32 of Section 1. The child welfare system will be asked to coordinate with agencies in recruiting and training providers. Adding burden to the system is my concern. They are trying to train their own staff.

Senator Cegavske:

We are trying to help them; this bill should assist them. Non-profit and community-based organizations will help the system recruit staff and foster care providers. It is not a burden; they will have more resources.

Assemblywoman Gerhardt:

I could not agree more. Any help they can get would be wonderful. I am worried about the implementation of the training. Was that addressed in the Senate?

Senator Cegavske:

No one was concerned about that.

Chair Leslie:

Is there a representative from DCFS here to testify? Perhaps he could address that.

**Fernando Serrano, Administrator, Division of Child and Family Services,
Department of Health and Human Services:**

The DCFS has a number of contracts with various contractors in Nevada so we can mobilize quickly and provide the necessary training. We will certainly ensure that the provisions of this bill will be carried out.

Assemblywoman Gerhardt:

Would the counties serve in a supervisory role and would the training be turned over to someone else?

Fernando Serrano:

It is my understanding that Clark County and Washoe County would take the lead in training, but DCFS will assist them. If it is necessary, we will send one of our contractors to provide training or we will assist their trainers. We are leaving it up to the counties.

Chair Leslie:

The bill says, "Coordinate with and assist" I hope that DCFS is already coordinating and assisting, but does the bill encourage DCFS to do that?

Fernando Serrano:

We enthusiastically support this bill, and we have the legislative package. The bill fits the package of child welfare issues that we want addressed. Clark County needs 450 foster homes, and we need to improve the systems in rural areas and Washoe County.

Chair Leslie:

I do not disagree, but DCFS could coordinate and assist without legislation. The Committee is trying to be conservative on bills that are passed. I am looking for a reason other than encouraging DCFS to do that.

Fernando Serrano:

The various bills on this issue will codify the new provisions.

Senator Cegavske:

I am a member of the Adoption Exchange Counsel; Judge Nancy Saitta is also a member. There are community-based and non-profit organizations that are not being utilized. I do not have the amendment.

Chair Leslie:

The amendment added the non-profit and community based organizations. Are there non-profit and community-based organizations that are recruiting and training right now?

Senator Cegavske:

They are starting, but getting training is a part of the problem.

Chair Leslie:

Give us an example of a community-based organization that is currently doing this.

Senator Cegavske:

The United Methodist Church provides clothes and other materials for foster children.

Chair Leslie:

Mr. Serrano, do you support the bill?

Fernando Serrano:

Yes.

Assemblywoman McClain:

I do not think it is a bad idea to put that in the statute to show legislative intent.

Chair Leslie:

We will close the hearing on Senate Bill 399 (1st Reprint) if there is no other testimony. We will start the work session with that bill.

ASSEMBLYWOMAN WOMACK MOVED TO DO PASS
SENATE BILL 399 (1st Reprint).

ASSEMBLYWOMAN WEBER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN KOIVISTO,
ASSEMBLYMAN HARDY, AND ASSEMBLYWOMAN PARNELL
WERE ABSENT FOR THE VOTE.)

Chair Leslie:

We are not considering Senate Bill 169 (1st Reprint) and
Senate Bill 266 (1st Reprint) today. We will start our work session with
Senate Bill 195 (1st Reprint).

Senate Bill 195 (1st Reprint): Enacts provisions governing the operation and
use of a recreation area. (BDR 40-492)

Sarah J. Lutter, Committee Policy Analyst:

[Read Senate Bill 195 (1st Reprint) and its proposed amendments ([Exhibit L](#)).]

Chair Leslie:

I assume everyone agreed with the amendments.

Assemblyman Stewart:

How do we know if it is knowingly or unknowingly?

Jason Frierson, Attorney, Clark County Office of the Public Defender:

The word “knowingly” was originally in the bill, and Clark County was not concerned with that. As a matter of compromise, we did not oppose reinserting the term, but hypothetically, it is an issue of litigation. It would depend on whether or not the person knew he was going beyond the barriers of a recreational area. If there were no signs, an individual would not know if he was leaving the recreational area. The provision applies to a person who knows he is leaving the recreational area and an injury occurs.

Chair Leslie:

It is litigation; it will be solved in court.

Jason Frierson:

That is correct. There are a few measures in which we cannot list every possibility and there are certain situations that must be determined by litigation.

Assemblyman Hardy:

I am struggling with that concept. If a person goes off the trail and gets injured or dies, the private property owner is liable.

Chair Leslie:

I do not see it that way.

Jason Frierson:

The bill states the individual has an obligation to follow the rules and be aware of the boundaries and the conditions of the trail. If he lives up to his obligations, then he will know. If a person knowingly goes off the trail, the owner or operator will not be liable for that person.

Chair Leslie:

Mr. Stewart and Dr. Hardy, if the both of you are not convinced, I am happy to hold the bill until next week. [Assemblyman Stewart and Assemblyman Hardy indicated yes.] We will hold the bill and move to Senate Bill 244 (1st Reprint).

Senate Bill 244 (1st Reprint): Revises provisions governing the collection of data relating to the tracking of waiting times for emergency medical services at hospitals. (BDR 40-94)

Sarah J. Lutter:

[Read Senate Bill 244 (1st Reprint) and its proposed amendments ([Exhibit L](#)).]

Chair Leslie:

Is every quarterly report that comes before the Committee available to the public?

Assemblyman Hardy:

I am a member of the Southern Nevada Health District, and I am on leave right now.

Chair Leslie:

Why do we need the amendment that requires quarterly reports be made available to the public? I thought that any report that comes before the Committee is automatically available to the public.

Senator Dennis Nolan, Clark County Senatorial District No. 9:

The emergency medical services (EMS) agencies requested that. A public report would be an impetus for good behavior. There are some records that are not available to the public.

Chair Leslie:

What kind of data cannot be released to the public?

Bill Welch, President and CEO, Nevada Hospital Association:

Any report that comes before the State Board of Health or any of the Legislative committees is considered a public record. The amendment identifies a clear penalty for someone who does not participate. The information will be made public; the information will be published.

Chair Leslie:

That is different. Typically, copies of the materials will be available for the public. I suppose I am not convinced that we need an amendment stating that. The bill states that they must submit a quarterly report.

Assemblywoman McClain:

I believe the quarterly reports let us know whether people are doing what they should be doing. It might be redundant. I do not remember giving anyone the authority to repeal the fourth amendment.

Assemblywoman Gerhardt:

I do not remember that either. I support the first proposal, but not the second proposal. This is a matter of public policy and our constituents are concerned about this issue. It is a decision that we need to make.

Chair Leslie:

You do not agree with the second paragraph of the fourth amendment?

Assemblywoman Gerhardt:

That is correct.

Senator Nolan:

That amendment was adopted during the Senate hearings, and it was proposed by one of the Senators. If things get better, there may not be a need for this process. The opponents disagreed. It is completely at your discretion.

Chair Leslie:

The Committee seems to believe it is their job to decide. What are your feelings on the other proposed amendments?

Senator Nolan:

I would like the representatives from the EMS agencies to speak, as they proposed some of the amendments. Requiring information on a quarterly basis was an amendment to the bill. Originally, the data would be compiled on a monthly basis, but it would be reviewed quarterly.

Chair Leslie:

The discussion centered on the advisory committee during the original hearings. We tried to develop language that did not mandate that they should meet every month but gave them flexibility. Rory Chetelat recommended the language. Four times did not seem enough.

Senator Nolan:

I agree; that was the intent.

Brian Rogers, Government Relations, MedicWest Ambulance:

It cannot be less than quarterly. We would like to have monthly meetings, but it is something we compromised.

Chair Leslie:

I think it meets the needs of everyone. What about the third amendment?

Senator Nolan:

It is a minor amendment; there was consensus.

Brian Rogers:

We discussed it, and we agreed to the cost sharing. Each agency will share the costs. We do not mind dealing with the hardware and software for the transfer

of a care computer, but we are worried something else might be added. We are willing to take our chances on it.

Chair Leslie:

We already discussed the fourth and fifth amendments. Do you have additional remarks?

Senator Nolan:

No.

Brian Rogers:

We worked very hard to reach a consensus. We thank you for your efforts.

Chair Leslie:

I think it is a good bill.

ASSEMBLYWOMAN GERHARDT MOVED TO AMEND AND DO
PASS AS AMENDED SENATE BILL 244 (1ST REPRINT).

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN KOIVISTO AND
ASSEMBLYWOMAN PARNELL WERE ABSENT FOR THE VOTE.)

Chair Leslie:

We will move to Senate Bill 396 (1st Reprint).

Senate Bill 396 (1st Reprint): Revises provisions relating to subsurface
installations. (BDR 40-1386)

Sarah J. Lutter:

[Read Senate Bill 396 (1st Reprint) and its proposed amendments ([Exhibit L](#)).]

Chair Leslie:

Did anyone who participated in the working group feel that the amendments and discussion did not reflect your work?

Assemblywoman Womack:

I would like to thank Dr. Hardy; he taught me how to control a mob.

Chair Leslie:

Are there any concerns with the bill? [There was no response.]

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS
SENATE BILL 396 (1ST REPRINT).

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN KOIVISTO AND
ASSEMBLYWOMAN PARNELL WERE ABSENT FOR THE VOTE.)

Chair Leslie:

We are hearing three bills and planning a work session next week. This meeting is adjourned [3:28 p.m.].

RESPECTFULLY SUBMITTED:

Katrina Zach
Committee Secretary

APPROVED BY:

Assemblywoman Sheila Leslie, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: May 9, 2007

Time of Meeting: 1:37 p.m.

Bill	Exhibit	Witness / Agency	Description
	A	Committee on Health and Human Services	Agenda
	B	Committee on Health and Human Services	Attendance Roster
S.B. 356 (R1)	C	Senator Steven A. Horsford, Clark County Senatorial District No. 4	Prepared Testimony
S.B. 356 (R1)	D	Senator Steven A. Horsford, Clark County Senatorial District No. 4	<i>Foster Care in Nevada</i>
S.B. 356 (R1)	E	Senator Steven A. Horsford, Clark County Senatorial District No. 4	<i>Child Welfare in Nevada</i>
S.B. 356 (R1)	F	Senator Steven A. Horsford, Clark County Senatorial District No. 4	<i>A Great Divide</i>
S.B. 356 (R1)	G	Senator Steven A. Horsford, Clark County Senatorial District No. 4	<i>State Statutes</i>
S.B. 356 (R1)	H	Senator Steven A. Horsford, Clark County Senatorial District No. 4	Mock Up
S.B. 356 (R1)	I	Thomas Morton, Clark County Department of Family Services	Prepared Testimony
S.B. 356 (R1)	J	Teresa M. Lowry, Office of the District Attorney	Prepared Testimony
S.B. 356 (R1)	K	Glenn Campbell, Private Citizen	<i>Opposition to <u>S.B. 356</u></i>

Assembly Committee on Health and Human Services

May 9, 2007

Page 17

S.B. 399 (R1) S.B. 195 (R1) S.B. 244 (R1) S.B. 396 (R1)	L	Sarah J. Lutter, Committee Policy Analyst	Work Session Document
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