

SENATE BILL NO. 340—COMMITTEE ON HEALTH AND EDUCATION

MARCH 23, 2009

Referred to Committee on Health and Education

SUMMARY—Revises provisions governing the allocation of certain money from the Fund for a Healthy Nevada. (BDR 40-1133)

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 governing the allocation by the Department of Health and Human Services of certain money from the Fund for a Healthy Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law establishes the Fund for a Healthy Nevada in the State Treasury,
2 into which the State Treasurer is required to deposit: (1) fifty percent of all money
3 received by the State pursuant to any settlement entered into by the State and a
4 manufacturer of tobacco products; and (2) fifty percent of all money recovered by
5 the State from a judgment in a civil action against a manufacturer of tobacco
6 products. (NRS 439.620) Existing law requires the Department of Health and
7 Human Services to allocate, by contract or grant, for expenditure not more than 15
8 percent of available revenues from the Fund for a Healthy Nevada for programs
9 that prevent, reduce or treat the use of tobacco and the consequences of the use of
10 tobacco. (NRS 439.630) This bill requires that the money be allocated for programs
11 that are consistent with the guidelines of the Centers for Disease Control and
12 Prevention of the United States Department of Health and Human Services relating
13 to evidence-based best practices to prevent, reduce or treat the use of tobacco and
14 the consequences of the use of tobacco. This bill further requires that the money be
15 allocated: (1) to the district board of health in each county whose population is
16 100,000 or more (currently Clark and Washoe Counties) for expenditure for such
17 programs in the respective county; (2) for such programs in counties whose
18 population is less than 100,000 (all counties other than Clark and Washoe
19 Counties); and (3) for evaluations, statewide tobacco cessation programs and other
20 statewide services deemed necessary by the Health Division of the Department of
21 Health and Human Services and district boards of health. This bill also removes the
22 requirement that the Department or the Grants Management Advisory Committee



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23 conduct public hearings regarding existing or proposed programs that reduce or
24 prevent the use of tobacco.

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

1 **Section 1.** NRS 439.630 is hereby amended to read as follows:
2 439.630 1. The Department shall:
3 (a) Conduct, or require the Grants Management Advisory
4 Committee created by NRS 232.383 to conduct, public hearings to
5 accept public testimony from a wide variety of sources and
6 perspectives regarding existing or proposed programs that:
7 (1) Promote public health;
8 (2) Improve health services for children, senior citizens and
9 persons with disabilities;
10 (3) ~~Reduce or prevent the use of tobacco;~~
11 ~~(4)~~ Reduce or prevent the abuse of and addiction to alcohol
12 and drugs; and
13 ~~(5)~~ (4) Offer other general or specific information on health
14 care in this State.
15 (b) Establish a process to evaluate the health and health needs of
16 the residents of this State and a system to rank the health problems
17 of the residents of this State, including, without limitation, the
18 specific health problems that are endemic to urban and rural
19 communities, and report the results of the evaluation to the
20 Legislative Committee on Health Care on an annual basis.
21 (c) Allocate not more than 30 percent of available revenues for
22 direct expenditure by the Department to pay for prescription drugs,
23 pharmaceutical services and, to the extent money is available, other
24 benefits, including, without limitation, dental and vision benefits
25 and hearing aids or other devices that enhance the ability to hear, for
26 senior citizens pursuant to NRS 439.635 to 439.690, inclusive. From
27 the money allocated pursuant to this paragraph, the Department may
28 subsidize any portion of the cost of providing prescription drugs,
29 pharmaceutical services and, to the extent money is available, other
30 benefits, including, without limitation, dental and vision benefits
31 and hearing aids or other devices that enhance the ability to hear, to
32 senior citizens pursuant to NRS 439.635 to 439.690, inclusive. The
33 Department shall consider recommendations from the Grants
34 Management Advisory Committee in carrying out the provisions of
35 NRS 439.635 to 439.690, inclusive. The Department shall submit a
36 quarterly report to the Governor, the Interim Finance Committee,
37 the Legislative Committee on Health Care and any other committees
38 or commissions the Director deems appropriate regarding the



1 general manner in which expenditures have been made pursuant to
2 this paragraph.

3 (d) Allocate, by contract or grant, for expenditure not more than
4 30 percent of available revenues for allocation by the Aging
5 Services Division of the Department in the form of grants for
6 existing or new programs that assist senior citizens with independent
7 living, including, without limitation, programs that provide:

8 (1) Respite care or relief of informal caretakers;

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

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

13 ➔ The Aging Services Division of the Department shall consider
14 recommendations from the Grants Management Advisory
15 Committee concerning the independent living needs of senior
16 citizens.

17 (e) Allocate \$200,000 of all revenues deposited in the Fund for a
18 Healthy Nevada each year for direct expenditure by the Director to:

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

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

27 ➔ The Director shall develop policies and procedures for
28 distributing the money allocated pursuant to this paragraph. Money
29 allocated pursuant to this paragraph does not revert to the Fund at
30 the end of the fiscal year.

31 (f) Allocate ~~f, by contract or grant, for expenditure~~ to the
32 *Health Division* not more than 15 percent of available revenues for
33 programs that *are consistent with the guidelines established by the*
34 *Centers for Disease Control and Prevention of the United States*
35 *Department of Health and Human Services relating to evidence-*
36 *based best practices* to prevent, reduce or treat the use of tobacco
37 and the consequences of the use of tobacco. *In making allocations*
38 *pursuant to this paragraph, the Health Division shall allocate the*
39 *money, by contract or grant:*

40 (1) *To the district board of health in each county whose*
41 *population is 100,000 or more for expenditure for such programs*
42 *in the respective county;*

43 (2) *For such programs in counties whose population is less*
44 *than 100,000; and*



(3) For statewide programs for tobacco cessation and other statewide services for tobacco cessation and for statewide evaluations of programs which receive an allocation of money pursuant to this paragraph, as determined necessary by the Health Division and the district boards of health.

(g) Allocate, by contract or grant, for expenditure not more than 10 percent of available revenues for programs that improve health services for children.

(h) Allocate, by contract or grant, for expenditure not more than 10 percent of available revenues for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the Department shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite care or relief of informal caretakers 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.

(i) Allocate not more than 5 percent of available revenues for direct expenditure by the Department to 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 and hearing aids or other devices that enhance the ability to hear, to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive. The Department shall consider recommendations from the Grants Management Advisory Committee in carrying out the provisions of NRS 439.705 to 439.795, inclusive.

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

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

(l) 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 procedures must require at least one competitive round of requests for proposals per biennium.



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(m) To make the allocations required by paragraphs (f), (g) and (h):

- (1) Prioritize and quantify the needs for these programs;
- (2) Develop, solicit and accept applications for allocations;
- (3) Review and consider the recommendations of the Grants

Management Advisory Committee submitted pursuant to NRS 232.385;

(4) Conduct annual evaluations of programs to which allocations have been awarded; and

(5) Submit annual reports concerning the programs to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

(n) Transmit a report of all findings, recommendations and expenditures to the Governor, each regular session of the Legislature, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

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

3. To make the allocations required by paragraph (d) of subsection 1, the Aging Services Division of the Department shall:

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

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

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

(d) Award grants, contracts or other allocations;

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

(f) Submit annual reports concerning the allocations made by the Aging Services Division pursuant to paragraph (d) of subsection 1 to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

4. The Aging Services Division of the Department shall submit each proposed grant or contract which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant or contract is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The Aging Services Division of the Department shall not expend or transfer any money allocated to the Aging Services Division pursuant to this section to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision



1 benefits and hearing aids or other devices that enhance the ability to
2 hear, to senior citizens pursuant to NRS 439.635 to 439.690,
3 inclusive, or to subsidize any portion of the cost of providing
4 prescription drugs, pharmaceutical services and other benefits,
5 including, without limitation, dental and vision benefits and hearing
6 aids or other devices that enhance the ability to hear, to persons with
7 disabilities pursuant to NRS 439.705 to 439.795, inclusive.

8 5. A veteran may receive benefits or other services which are
9 available from the money allocated pursuant to this section for
10 senior citizens or persons with disabilities to the extent that the
11 veteran does not receive other benefits or services provided to
12 veterans for the same purpose if the veteran qualifies for the benefits
13 or services as a senior citizen or a person with a disability, or both.

14 6. As used in this section, “available revenues” means the total
15 revenues deposited in the Fund for a Healthy Nevada each year
16 minus \$200,000.

17 **Sec. 2.** This act becomes effective on July 1, 2010.

