

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

**Seventy-Fifth Session
May 30, 2009**

The Committee on Health and Human Services was called to order by Chair Debbie Smith at 1:54 p.m. on Saturday, May 30, 2009, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)) and the Attendance Roster ([Exhibit B](#)) 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/75th2009/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 Debbie Smith, Chair
Assemblywoman Peggy Pierce, Vice Chair
Assemblyman Ty Cobb
Assemblyman Mo Denis
Assemblyman John Hambrick
Assemblyman Joseph (Joe) P. Hardy
Assemblywoman Sheila Leslie
Assemblywoman April Mastroluca
Assemblywoman Bonnie Parnell
Assemblywoman Ellen B. Spiegel
Assemblyman Lynn D. Stewart

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Paul V. Townsend, Legislative Auditor, Audit Division
Amber Joiner, Committee Policy Analyst
Darlene Rubin, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Brian Patchett, President/CEO, Easter Seals Southern Nevada, Las Vegas, Nevada
Lynn O'Mara, Health Planning Program Manager, Health Division, Department of Health and Human Services

Chairwoman Smith:

[Roll called. Chairwoman Smith adjourned the previous meeting of Wednesday, May 27, 2009.]

We will open the hearing on Senate Bill 286 (1st Reprint).

Senate Bill 286 (1st Reprint): Establishes provisions relating to early intervention services. (BDR 40-637)

Brian Patchett, President/CEO, Easter Seals Southern Nevada, Las Vegas, Nevada

I would like to talk about Senate Bill 286 (1st Reprint). This is a bill related to early intervention services. Early intervention services are those services that specifically help children ages birth to three years old and their families. They are designed to improve independence and provide life-long benefits. We know that if we get into a home with a family that has a disabled child, the outcomes for that child are going to be tremendous and certainly much better than they would be had services not been received. Early intervention is a critical service. Easter Seals, along with other community providers, and the Nevada Bureau of Early Intervention Services (BEIS) provide these services. I would like to thank the people that I work with at BEIS, Senator Cegavske for her efforts with this, Karen Taycher of Nevada Parents Encouraging Parents (PEP), the members of the Special Education Parents Advisory Council (SEPAC) for their support, the Governor's Council on Developmental Disabilities, of which I am a member, for its support of this bill, and also Dennis Mallory from the American Federation of State, County and Municipal Employees (AFSCME) for the wonderful conversations he and I have had related to this.

Our goal with this bill is, first, to put early intervention into state statute. It has basically been based on a letter signed by the Governor. This bill would introduce that into statute. Second, we are looking for an independent, evaluation audit of the entire early intervention system including what we do at Easter Seals, to see if we can do it better programmatically and more efficiently and effectively, cost-wise, as well. The bill does mention specifically that we would continue as we are with the BEIS and some community providers providing the service.

I thank all who have helped and supported us at Easter Seals as we started down the path of delivering these services over the last couple of years.

Assemblyman Stewart:

I appreciate the efforts of early intervention. I think it is very necessary. At section 1, subsections 3 and 4, it talks about the billing and requesting that insurance pay for it. What if insurance does not pay for it; is it up to the family or the state?

Brian Patchett:

The way the system is structured now, which is very similar to what we are putting in statute, if there is private insurance that pays for this, or if there is Medicaid that covers this, we bill those first before we bill the state. The cost does not come back to the parent at any point. We are trying to utilize the resources that are out there before we go to state dollars.

Assemblyman Stewart:

How does this work? Are you changing how it works at all?

Brian Patchett:

The bill is simply putting this into state statute, emphasizing what we already do in practice.

Assemblyman Hambrick:

I notice that there is a fiscal impact, both from the Legislative Counsel Bureau (LCB) and from the Department of Health and Human Services (DHHS). Are these funds going to be absorbed, or is this a new tax on the budget?

Brian Patchett:

Initially the bill looked different from the amended version. As amended, those fiscal notes were removed, and what is left is simply the audit which is to be absorbed, as I understand it.

Paul V. Townsend, Legislative Auditor, Audit Division, Legislative Counsel Bureau:

I was just going to comment similarly. I originally had prepared a fiscal note; this was going to be an annual evaluation. When the bill was amended to a one-time event, I felt I could do it with our existing budget and the fiscal note no longer applied.

Chairwoman Smith:

So the \$200,000 fiscal note does not apply?

Paul Townsend:

That is correct.

Chairwoman Smith:

Ms. O'Mara, what about the \$339,000 fiscal note?

Lynn O'Mara, Health Planning Program Manager, Health Division, Department of Health and Human Services:

It is my understanding that with the amendment our fiscal note was removed as well.

Chairwoman Smith:

I just need clarification about whether this bill varies from what we do now; does it impact current employees and the jobs that they have?

Lynn O'Mara:

I have some familiarity with our BEIS program and will do my best to answer the question. This codifies into statute what we are already doing. There really would be no change to what we are doing. It merely puts it into statute and holds the Division as well as the Department accountable.

Chairwoman Smith:

I always wonder about that: why we need to write something down that we are doing. Other questions, Committee? [None.] Mr. Patchett, do you have any other comments?

Brian Patchett:

Yes. I met with Dennis Mallory from AFSCME, and we have had a couple of conversations. One of the commitments I made to him at that time was that, as we approach doing this, I will ask for him to invite someone to be part of the group that scopes out the audit, to make sure that staff from BEIS is fully represented in that process.

Assemblyman Hardy:

I am sensitive right now to the administration. Have we talked with the administration on the reception this bill would receive?

Chairwoman Smith:

As far as whether the administration supports the bill, Ms. O'Mara or Mr. Patchett, do you have an answer?

Brian Patchett:

The sponsor is Senator Cegavske. It is my understanding that the people in the administration would be favorable to this; those I have spoken to have expressed that.

Chairwoman Smith:

I guess I am fairly shocked that would be a formal statement—that because of the sponsor, a bill will not get vetoed. Ms. O'Mara, do you have a comment about whether we know the administration's position?

Lynn O'Mara:

I am not aware of the administration's position; however, these are things that the Health Division is already doing and would continue with.

Chairwoman Smith:

And that is my question: Why do we need the bill? Okay, we will take those comments under consideration.

Assemblyman Hardy:

Sometimes we hear statements like, if we have this bill it provides the blessing of the state to go to an organization, or provides an opportunity so that grants become more available, or we become more competitive. Is that the case here?

Lynn O'Mara:

It probably would allow us to have just a little more competitiveness in getting grants; however, because this already has federal funding to all states, we would continue to get Part C funding. It might help us to get additional grants to broaden the program, if there were such opportunities. The federal government at this point seems to favor when states step up and actually put things into statute to say they support various programs. However, early intervention services seem to be something that funding is available for in all states. It just depends on the program, the grant applications, and how well they are presented in their track record.

Assemblywoman Mastroluca:

I just want to clarify that the Department is already doing this because it is federally mandated. Are you just putting it into statute, even though we have to do it, because the government tells us to?

Lynn O'Mara:

The program has already been in place, and we do get federal funding and have to follow the federal requirements. This bill does put it into statute and codifies what we have been doing. I was not involved at the front end of this bill, so I really cannot answer the question as to the reason behind it.

Assemblywoman Mastroluca:

We could accomplish the same thing with a letter of intent if you want something in writing.

Brian Patchett:

When we first started doing this bill we were working with Part C Early Intervention as well as BEIS, and one of the concerns we had, and many parents and others had, was that some states have actually been able to change the early intervention system and turn away the federal funds. We did not want that to happen in Nevada. That is why we felt if we put it into state statute, it would ensure that early intervention services would go forward as they currently are.

Chairwoman Smith:

Did we have a bill similar to this last session? Have we previously entertained this language, or is this new?

Brian Patchett:

We had a bill last session, but it was different from this bill. This is doing something completely different.

Chairwoman Smith:

Any other questions? [None.] Mr. Patchett, thank you for being here to present the bill on the Senator's behalf. We appreciate that.

Assemblywoman Leslie:

Mr. Townsend, since I am a current member of the Audit Subcommittee, Lorne Malkiewich gave me a list of all the pending bills that affect the Audit Subcommittee. It is two pages long, and this bill is among those. I think he gave it to me with the concern that he wanted to make sure I was aware, which I was not, of all the bills out there that could potentially affect your Division. I know you are experiencing the same budget cutbacks as

everyone else. Therefore, how would you prioritize? Three of the bills have been approved by the Governor already. So, when you say you can absorb it, you can absorb this bill and everything else on the list?

Paul Townsend:

Yes. There is a list that shows, I believe, about 11 bills that involve duties of the Audit Division, and two of those have been passed and approved by the Governor: Senate Bill 12 and Assembly Bill 103, which are more extensions of work we are doing that was required from the 74th Legislative Session. Those do not really impact much. As to the remainder of the bills, it depends on how many pass, and it would result in some delays in our normally scheduled audits. When a bill passes, it does become a priority for us; we will accept that first, which will bump some of the others. But of those listed, the only other one that has passed is Assembly Bill 432, and that is not a very large audit, so at this point we are waiting to see how things end up.

Assemblywoman Leslie:

Okay, I will take a look at the other ones, but that is my only concern because every time we put something ahead of the regular audits, those regular audits uncover so many things and save the state so much money. I have done it myself. I do not want us to get into the habit of overloading Paul Townsend with so much to do that the regular work does not get done.

Chairwoman Smith:

Are there any questions or comments? [None.] Is there anyone in the audience who would like to testify in support of, opposition to, or neutral on S.B. 286 (R1)? [None.] I will close the hearing on S.B. 286 (R1).

Assemblyman Stewart:

I would like to thank you for your leadership during this session. We might never all be together again. I also want to thank the former chairwoman, Sheila Leslie, for her many years of service and concern for health matters and for the great service that both she and you, Mrs. Smith, have performed for the state.

Chairwoman Smith:

Thank you, Mr. Stewart; I was going to do the same thing. I realized the other day when I thought we had our last meeting that I had missed the opportunity, so I am glad this bill came over so we could get back together again. I have thanked you all at our committee dinner, but I want to say again that I really do appreciate this Committee's work and diligence. You were very responsive on all the issues that we needed to take up, and I think our Committee's record so far is very good on the bills that we processed and what has actually

been signed. Virtually all the Hepatitis C bills that were so important to the Committee have been signed by the Governor, and we have had very few bills in conference committee, so that is a good sign. I have been telling people that it looks like the only claim to fame I may get out of this session is the sewer-lateral bill.

It is all an example of the hard work that the Committee has done, and I appreciate it. And to former Chairwoman Leslie, I appreciate your giving me this opportunity and your guidance and leadership and helpfulness on the Committee. We will certainly miss your participation in the future, and this Legislature will sorely miss all that you have to contribute. You are the only one on this Committee who is going away. So, thank you for your years of service and your contributions to health issues in this state, which have been significant, and I hope you know that and know how grateful, in a very bipartisan way, the Legislature is for all the work you have contributed.

Assemblywoman Leslie:

Thank you so much.

Chairwoman Smith:

And I will take one last opportunity to thank our fantastic staff, Olivia Lloyd, Darlene Rubin, Chris Kanowitz, Kristen Roberts, our legal analyst, and Amber Joiner. Where would we be without Amber Joiner, who was with me every step of the way. Thank you all.

[This meeting was adjourned at 4:37 p.m. on Sunday, May 31, 2009.]

RESPECTFULLY SUBMITTED:

Darlene Rubin
Committee Secretary

APPROVED BY:

Assemblywoman Debbie Smith, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: May 30, 2009

Time of Meeting: 1:54 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster