

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES
Seventy-Fifth Session
March 11, 2009**

The Committee on Health and Human Services was called to order by Chair Debbie Smith at 1:41 p.m. on Wednesday, March 11, 2009, 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/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:

Assemblywoman McClain, Clark County Assembly District No. 15

STAFF MEMBERS PRESENT:

Amber Joiner, Committee Policy Analyst
Darlene Rubin, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Pamela Gallion, M.Ed., Director, Cannon Survey Center, University of Nevada, Las Vegas, Las Vegas, Nevada

Ruth H. Hart, Alternate Delegate, Nevada Silver Haired Legislative Forum, Las Vegas, Nevada

RoseMary Womack, representing Retired and Senior Volunteer Program, Carson City, Nevada

Lucy Peres, President, Nevada Silver Haired Legislative Forum, Las Vegas, Nevada

Herbert Randall, Vice President, Nevada Silver Haired Legislative Forum, Las Vegas, Nevada

Barry Gold, Director, Government Relations, AARP Nevada, Las Vegas, Nevada

Carl Martinez, Member, State Commission of Aging, Las Vegas, Nevada

Frank Mahoney, Founder, Nevada Center for Missing Loved Ones, Henderson, Nevada

Robert Fisher, President/CEO, Nevada Broadcasters Association, Las Vegas, Nevada

June Burton, Private Citizen, Reno, Nevada

Dan Roberts, Publisher and Editor, Vegas Voice, Las Vegas, Nevada

Martin Dean Dupalo, Instructor, Political Science, University of Nevada, Las Vegas, Nevada

Adrienne Abbott, Chair, Nevada Emergency Alert System, Carson City, Nevada

Paul Gowins, Private Citizen, Reno, Nevada

Marla McDade Williams, Bureau Chief, Bureau of Health Care Quality and Compliance, Health Division, Department of Health and Human Services

Captain P. K. O'Neill, Division Chief, Records and Technology Division, Department of Public Safety

Chairwoman Smith:

[Roll called.] We have two presentations today. We will start with Assemblywoman McClain, who is going to present the work of the Interim Committee to Study Issues Relating to Senior Citizens and Veterans. Mrs. McClain chaired that Interim Committee, and we appreciate her work on both issues and look forward to her presentation. Following Assemblywoman McClain's presentation, we will hear from Pamela Gallion, Director of the Cannon Survey Center at University of Nevada, Las Vegas (UNLV), who will present the survey they conducted related to seniors.

Assemblywoman McClain, Clark County Assembly District No. 15:

This is an overview of the work conducted by the Interim Committee, which I chaired, on issues relating to senior citizens and veterans. [Presented *Legislative Counsel Bureau Bulletin 09-04: Senior Citizens and Veterans* ([Exhibit C](#)).] I want to thank the other members who were on that Interim Committee: Senator Warren Hardy, Senator Joe Heck, Senator Joyce Woodhouse, Assemblyman Joe Hogan, and Assemblyman James Settelmeyer; one of whom, Senator Joe Heck, is no longer in the Legislature. The others are in other committees right now; therefore, I am making this presentation.

Earlier this session I sent you a copy of our final report, as well as a copy of *Portrait of Nevada's Seniors* ([Exhibit D](#)), about which Ms. Gallion will speak shortly. These two reports will give you a birds-eye view of some of the issues facing our senior citizens and veterans in the state. Last session it was very obvious to me that there were many issues which were pushed behind other issues, so I was able to pass Assembly Concurrent Resolution No. 35 of the 74th Session, by which the Legislative Commission then appointed the Subcommittee. In order to satisfy the requirements of the Assembly Concurrent Resolution we met six times. We were allotted five meetings, but soon found that five meetings were not nearly enough to talk about all the issues that were coming up, so they granted us an extra meeting. We met in Las Vegas four times and in Carson City twice. We videoconferenced all meetings; even a meeting in Elko on the day that we focused on veterans' issues, held there because of the large veteran population in the Elko area.

Some of the activities we undertook were to evaluate, review, and comment on issues related to senior citizens and veterans, including health and human services, elder abuse and exploitation, financial and physical wellness initiatives, housing and transportation, and public outreach and advocacy. In addition to those legislatively mandated topics, we tackled several other pressing issues relating to seniors, including senior isolation and neglect, the challenges facing seniors living independently in the community, assisted living in long-term care facilities, adult guardianship programs, nutrition services, dental services, mental health services, and social interaction and mobility services, all of which are sorely lacking in this state. We also devoted one entire meeting to topics concerning veterans, and some of those included veterans' benefits, transition assistance programs, counseling and outreach services, the veterans' medical system, educational benefits and programs, compensation and pension benefits, and nursing home programs.

One of the main things we constantly discovered was the need for an additional study of issues relating to the senior citizens and veterans, and that is why one of our bill drafts, which became Assembly Bill 9, would create an ongoing

statutory committee during the interim for senior citizens and veterans, and adults with special needs. While the Interim Study Subcommittee focused on senior citizens and veterans, we soon realized that there are other populations who have specific issues, so we decided to include those populations in our request for a Standing Interim Committee. One of the reasons we wanted a Standing Interim Committee was that when dealing with issues with special populations, especially in the adult community, we found they run the gamut from the Health and Human Services Committee to the Ways and Means, Taxation, Judiciary, and Transportation Committees. So, by having a committee that meets in the interim, we could discuss the issues, come together, make some recommendations that would go back to specific committees, and we would be able to confront those issues a little more easily.

One of our biggest concerns was over senior citizen abuse, neglect, isolation, and exploitation, and it also resulted in legislation. Assembly Bill 8, which was heard this morning in the Judiciary Committee, would create a statewide registry for the collection of information relating to the abuse, neglect, isolation, and exploitation of older persons. This registry would allow people who hire employees that spend a lot of time around people 60 years of age or older to check whether a potential employee had ever had a report substantiated against him for the abuse of an older person. We heard that there were many cases where an elder abuse or an isolation or neglect case would be reported to the proper authorities, but nothing further happened; there was no resolution as far as they knew. But, in reality, a reporter, whether it is a citizen or mandated reporter, always remains confidential once they have made the report, so they would not receive any feedback. The concern was that because no one has that feedback, they were afraid they might inadvertently hire someone who was prone to elder abuse.

The concept behind the registry, much like the child abuse and neglect registry, is to have information on people whose case was substantiated. It may not reach the level of criminal proceedings or may not have gotten that far yet. So, to prevent the hiring of people who may have a criminal background but escaped the background check by jumping from agency to agency, we want to create a registry. We believe that with a registry, prospective employers could call to ask about substantiated cases against particular individuals. At least we could get a handle on those who had a propensity to abuse our seniors. The hearing on Assembly Bill 8 went very well this morning.

We also heard testimony about licensure of various types of facilities and homes where some seniors reside. Concern over licensing led to Assembly Bill 111, which we will hear later. Another one of our bill draft requests addresses the background checks for certain facilities to correct a duplication error that was

created last session. And, finally, we requested a measure relating to property tax exemptions for certain veterans. By the end of the study, it was very clear that issues concerning senior citizens and veterans are some of the most difficult to tackle, especially during difficult financial times. However, it is my hope that the Legislature will continue to focus on these important issues by passing Assembly Bill 9 which would create the ongoing interim committee to continue the good work that we started. If you will refer to your booklet ([Exhibit C](#)), you will see the BDRs in the front. We were only allowed five; we could have passed 25. Also included are several letters to various agencies, and recommendations to the Governor, and to some of our Congressional delegation on other issues. Some of the issues we dealt with for veterans are actually being pursued by the Nevada Office of Veterans Services and some veterans' organizations.

We accomplished a great deal, and I appreciate the hard work of our joint research person, Amber Joiner, who was a tremendous help.

Chairwoman Smith:

Thank you, Assemblywoman McClain, for the great work. It is a long overdue study of those issues. Have you had a lot of participation and input from individuals along the way? I am sure that the organizations that we are used to seeing were active because we have seen many of them in the building today, but I am wondering if you have heard from others?

Assemblywoman McClain:

Yes, we did. There were many organizations who gave us input because I have a very good network. For instance, all of the grantees for Independent Living Grants were there voicing their concerns, especially about lack of funding and not being able to provide as many services as they would like to. AARP, Clark County Social Service, Washoe County Social Service, and Aging Services Division were all active, and there were probably 30 people in my Senior Services Providers Taskforce, which I chair outside of my legislative role, who were active as well.

Chairwoman Smith:

That was the reason I sponsored the veterans purchasing bill. The veterans just could not make it to the top of the list because there were so many others in need, as I found out when I contacted you after the committee was over. I know you had to pick the bills that concerned the bigger issues and affected more people, and that is hard to do.

Assemblywoman McClain:

Yes, it is. And realistically, when you have a committee of six people, you have to have a consensus on which bills they want to go with.

I want to introduce Pamela Gallion, who is the Director of the Cannon Survey Center. To provide some background, a few years ago, when I was chairing the Task Force for the Fund for a Healthy Nevada, it was obvious to everyone that we did not have a good handle on any statistics for seniors. We managed to get a grant for the Cannon Survey Center. What they accomplished during the two-year grant is amazing, and the booklet Ms. Gallion will present is the result of that effort. She was kind enough to permit me to be a co-author on the narrative portion.

Pamela Gallion, M.Ed., Director, Cannon Survey Center, University of Nevada, Las Vegas, Las Vegas, Nevada:

It is an honor to be here to talk about this study, which was conducted by the Cannon Survey Center [*Portrait of Nevada's Seniors* ([Exhibit D](#))] to provide a demographic profile of aging in Nevada. My staff at the Cannon Center made over 212,000 telephone calls over a two-year period to complete 5,000 surveys with Nevadans over the age of 50. Each respondent was asked up to 105 questions. The survey generated 245 data points. This was a statistically and scientifically conducted survey, so we had to screen each household to make sure there was someone over the age of 50 who was willing to talk to us; that was the reason it took 212,000 phone calls. One of the positive offshoots of the study is that most of my staff are senior citizens, and the majority of that money paid their salaries over a two-year period. The study is statistically accurate at +/- 2 percent statewide, +/- 3 percent in Las Vegas and the Carson City-Washoe area, and +/- 5 percent in rural Nevada.

Nevada's population growth from 2000 to 2008 was about 40 percent for all ages under 50 and about 70 percent for ages 50 and above. Using the population projections from the Nevada State Demographer, there are approximately 770,139 Nevada citizens over the age of 50. That represents 28 percent of our 2.7 million population. We included 50-year-olds in this study because our hope was at some point to have this be a longitudinal study so we could track the baby boomers as they move into those older ages. What we discovered was that we have a complete picture of what aging is like in Nevada. We know everything from how often they go to a casino, to how often they go to church, to how much it costs them to live. We know the status of their health, and of their insurance, as the following data will show.

To live in Nevada, the average monthly cost for rent or mortgage payment, utilities, and food is \$1,806.65. The mean average rent/mortgage is

\$1,153.13; a 12 percent increase from the first year of the survey to the second year. The average monthly expenditure on utilities is \$280.86, and the average monthly expenditure on food is \$372.66; an increase of 6 percent between 2006 and 2008. I cannot imagine what it would be like to collect this data now, and I would really love to do that in view of what is happening with the economic downturn. What does this all mean? What does it mean if you have to have \$1,806.65 per month to live? That means that 92,500 Nevadans over the age of 50 cannot afford food, clothing, and shelter. Additionally, an additional 41,609 Nevadans over the age of 50 can barely afford food, clothing, and shelter. That is 134,000 over the age of 50 who are barely getting by. That means they have no money for insurance, and no money for transportation, home maintenance, or medical procedures.

Although not everything in this survey was negative, there were some pockets of disparity. What is it like to live in Nevada on an income under \$25,000? About 28 percent of the over-50 population, about 114,000 individuals, do just that. Sixty-five percent of them are female, 53 percent are age 70 or older; in single-person households, and 29 percent are divorced compared to 15 percent in the over-50 population who have over \$25,000 income a year. Thirty-eight percent are widowed, compared to 13 percent in the other over-50 population. They are much more likely to suffer from a chronic illness; 69 percent versus 55 percent in the rest of the over 50 population. They have twice as many self-reported bad physical health days a month—about 8 to 4—and they also have more self-reported bad mental health days in a month—5.29 versus 3.41.

There are other pockets of disparity that we found by conducting this survey. We know that 3 percent of the over-50 population in Nevada are hungry. That is 23,000 Nevadans that self-reported to be hungry. Again, they are most likely to be females; 65 percent. They fell into two age demographics: 21 percent in the 50 to 54 age group, and another 21 percent in the 60 to 64 age group, who are retired. In fact, 68 percent of Nevada's over-50 hungry are retired. Twenty-one percent have self-reported income of less than \$10,000 annually. Among this subset, 31 percent said they do not always have enough money to buy food. Fifty-two percent said they are not always physically able to shop, cook, or feed themselves. Twenty-three percent have tooth or mouth problems that make eating difficult.

Studies about aging in Nevada revealed that 24 percent of the 50-plus population report only fair or poor health, while approximately 75 percent have good health; that still means that approximately 177,000 Nevadans over the age of 50 self-report their health is only fair or poor. Twenty percent of these individuals have delayed seeking medical care because they worry about the cost. That is over 155,000 Nevadans over the age of 50 who could not seek

medical, dental, or vision care. Nine percent of the 50-plus population have no health insurance. This is up 3 percent from the first time we did the survey in 2006. That is approximately 66,000 uninsured Nevadans over the age of 50. These uninsured Nevadans primarily fall into the 50 to 54 age group. Eighty-seven percent of these uninsured are under the age of 65, which makes sense because they do not have Medicare. But, the sad part is that the 50-to-54-year-olds have a potential span of 11 to 15 years with no health coverage.

The number one reason these seniors do not have health coverage is that it costs too much; 44 percent gave that as a reason. Nineteen percent lost a job with insurance, 11 percent are employed in a job that does not offer insurance, and 4 percent were refused coverage by the insurance company because of preexisting illnesses. Fifty-five percent of all Nevadans over the age of 50 have been diagnosed with a chronic illness, such as high blood pressure, diabetes, or heart disease. Of those, 52 percent are being treated for a chronic illness. We do not know why there is a disparity in that 3 percent. But what that means is that there are 400,000 over the age of 50 who are being treated for a chronic illness, such as high blood pressure, which was 23 percent, diabetes at 14 percent, heart disease at 11 percent, arthritis at 9 percent, and cancer at 5 percent. In addition, 6 percent reported they are limited in performing one or more of the activities of daily living. In real numbers, that is in excess of 46,000 Nevadans over the age of 50 who need help with one or more of the activities of daily living. Once again, the majority, 50 percent, are female. In addition, 88 percent, or 20,550, of them reported that they do not have anyone to help them with their daily activities. Fifty percent of these people—23,000—use an assistive device, such as a wheel chair, a cane, a walker, or a scooter.

It is interesting to note that as Nevadans age, they do not give up driving; they stay on the roads. Ninety percent of the over-50 population—in excess of 700,000 individuals—have a current Nevada driver's license. Eighty-six percent of Nevadans over the age of 50 drive their own personal vehicles, 10 percent rely on friends and family, and 3 percent require other transportation options. What we found is that the curve that starts down at about age 80, when people say they are driven around by family and friends. In most cases that represents a spouse, which is in the demographic, so we have an 80-year-old driving an 85-year-old around.

Ten percent of Nevadans over the age of 50 are the primary caregiver for a person over the age of 60, not including themselves. That is approximately 77,000. Six percent are the primary caregiver for a child under the age of 18; that is approximately 46,000 individuals, and we found primarily a child-parent situation, because we included the 50-year-olds in this study.

Six percent are caregiving for both someone over the age of 60 and someone under the age of 18.

We know how safe most Nevadans feel in their neighborhoods. Eighty-nine percent of Nevadans over the age of 50 feel safe; however, 11 percent feel only slightly safe or not safe at all; that is approximately 85,000 over the age of 50 who do not feel safe in their homes or neighborhoods. Nine percent were attacked, threatened, or had something stolen from them in the past year. That is in excess of 70,000 self-reported crime victims in the over-50 population. Sixty-five percent of these were victimized at home. The two main variables defining unsafe neighborhoods are the area of the state and the income level. Fourteen percent were from the Clark County area versus 6 percent in Washoe and rural Nevada. In addition, lower income levels were much more likely to report that they felt unsafe in their homes. Seven percent were victims of crime and did not report that; a potential of nearly 55,000 unreported crimes for Nevadans over the age of 50. Eleven percent were victims of consumer fraud or had their identity stolen in the past 12 months; approximately 81,000 incidents of consumer identity theft. Eleven percent were victims of consumer fraud; 47 percent of these were male and 53 percent female. The factor that really affected this was use of the Internet; 73 percent have access to a personal computer, 92 percent have access to the Internet, and 67 percent of these victims use the internet daily or several times a day. [Ms. Gallion continued to provide statistics from her study ([Exhibit D](#)).

Chairwoman Smith:

Thank you for that information. Most surprising to me was that I fit into that survey age group. Other surprises, both good and bad, were assumptions that we tend to make that are not quite accurate. Pass on to your staff our thanks for all your good work.

When you make the great number of calls to reach someone who will respond, do you keep contacting people so that you have the right demographics? I am wondering if a certain demographic type will tend to respond to the call before others. How do you reach the right number of people?

Pamela Gallion:

We can control that in the back end of our survey so we constantly monitor the demographic profile of what we are doing. Actually, surveying seniors is much easier than surveying younger people, who rely more on cell phones than land based lines. What we can do is see whether we are too far off on gender, or a particular age group, and make adjustments for that. At a certain point in any survey we may have to disqualify a certain age group as a quota met.

Chairwoman Smith:

When we are walking door-to-door during our campaign season, we can feel that certain people are willing to spend a lot more time with us. Sometimes they invite us in because it seems that they do not have someone to talk to on a daily basis. That was why I asked about your survey process.

Assemblywoman Spiegel:

This is a very impressive body of work that you have compiled. I am intrigued by the percentage of older seniors who have moved here within the past one to five years, and I am wondering if you have found that people move here predominately to be cared for by their children?

Pamela Gallion:

One of the things that consistently comes out of a survey is that other questions are always elicited, for which we have no data. We have other ways of looking at those individuals; we can pull them out as a group and cross-tab them against many of the questions and probably get close to an answer, but there were 245 data points generated. My hope when I talk about this to different groups is that they will have a question that matches the data we have and that we can actually provide that information.

Assemblywoman McClain:

As a comment to Assemblywoman Spiegel, I was amazed at some of these numbers because when one looks at the years of residency, it is expected to be more skewed to the shorter years. Since we have grown so much over the last 20 years, a lot of those people are 20-to 30-year residents now, and that can be seen by looking at the tables about their social interaction. There is a definite comparison to be seen between the social activities engaged in 20 years earlier, where perhaps people would go out more in the evening, and now, where the same people are more neighborhood bound. When that information is combined with self-reporting about their bad mental and physical health days, there is a connection that reveals social interaction actually produces better mental and physical health.

The results of this survey have been so amazing, and I hope we can find the funding to do this again.

Chairwoman Smith:

I agree, especially now that you have that foundation. It would be great if we could figure out a way to continue this into the future.

Assembly Bill 10: Prohibits retaliation or discrimination against registered nurses, licensed practical nurses and nursing assistants who report certain information relating to the safety of patients. (BDR 40-219)

We now need to take some action on two bills. First, on Monday, March 9, in our work session we handled Assembly Bill 10, a measure that prohibits retaliation or discrimination against registered nurses, licensed practical nurses, and nursing assistants who report certain information relating to the safety of patients. We took a vote on that measure, and the Chairman made a mistake in declaring that bill passed. I needed a majority of the Committee present, not a majority of those who were present. I want to be able to correct that action. We were short one vote because we had a couple of Committee members missing that day. What I would like to do is take the opportunity to correct that action by having the Committee vote again. I will accept a motion to rescind the vote on A.B. 10.

ASSEMBLYWOMAN PIERCE MOVED TO RESCIND PRIOR MOTION
ON ASSEMBLY BILL 10.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

Is there any discussion?

Assemblyman Hardy:

Does the person who motions or seconds have to be in the majority opinion?

Chairwoman Smith:

No, this is a rescind not a reconsider. Is there any further discussion? [None.]

THE MOTION PASSED UNANIMOUSLY.

Now I will accept a motion to amend and do pass A.B. 10. This would be with the same amendments that we considered and discussed during our work session on Monday, and you have another copy of that document in front of you.

ASSEMBLYWOMAN SPIEGEL MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 10.

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

Is there any discussion? [None.]

THE MOTION PASSED UNANIMOUSLY.

I want to acknowledge our former colleague, Mrs. RoseMary Womack, and welcome her to the table. Thank you, also, Assemblywoman McClain, for indulging us for a moment of business. Committee will open the hearing now on Assembly Bill 4, which creates the statewide alert system for the safe return of missing older persons. I understand that this came out of your work in the interim committee, and I invite you to present the bill to our Committee.

Assembly Bill 4: Creates the Statewide Alert System for the Safe Return of Missing Older Persons. (BDR 38-148)

Assemblywoman McClain, Clark County Assembly District No. 15:

Assembly Bill 4 was discussed in the Committee but did not make the cut. Assemblywoman Womack originally put it in and then decided she would not run. It was actually a recommendation from the Nevada Silver Haired Legislative Forum, and I was glad to put my name on it.

Everyone is familiar with Amber Alert, activated when a child goes missing and based on certain criteria, the emergency responders and broadcasters work in concert to alert the public via radio, television, and freeway reader boards. This bill would do the same thing for older people. The way it was written was rather broad. In fact, a gentleman came to see me about how broad it is and, in his words, said "I'm over sixty; what if I want to go missing?" The Legislative Counsel Bureau (LCB) wrote the "Silver Alert" along the lines of the Amber Alert, and that is the reason for this large bill that is not exactly what we are thinking about.

The concept behind it is the same as Amber Alert. It is obviously not for anyone who is 60 years old and just wants to hide out overnight. It is intended for individuals stricken with Alzheimer's, dementia, and so on, who have been designated by the courts as incompetent. There are strict criteria. Another point is that the Amber Alert program was never funded; it has been a cooperative effort all this time except for one small grant.

There are some people here in Carson City who wish to speak in support of this bill, and others in Las Vegas who wish to speak. It is a great concept, and the advantage of getting it into statute is that there is a federal bill that has already passed the House and will be going before the Senate. When they pass their Silver Alert legislation they will have money tied to it for grant funding.

**Ruth H. Hart, Alternate Delegate, Nevada Silver Haired Legislative Forum,
Las Vegas, Nevada:**

Our President, Lucy Peres, is in Las Vegas, and I think she will want to speak to you as well. This proposed legislation has been the number one issue in our monthly or semi-monthly meetings. We want a bill to protect our seniors who get lost or disappear, or become confused, before they meet with an accident or loss of life. Since the Amber Alert is already in place, this is a wonderful method to use to find a missing senior. I ask your support for A.B. 4.

Assemblywoman Parnell:

I would like to clarify the definition in section 5, which just states that an older person is someone 60 or over. Is that where you think you need to amend it to narrow the language to a person with dementia or Alzheimer's?

Assemblywoman McClain:

If we keep this language, it would have to be more narrowly defined; however, I would have to get direction on that from legal staff. Furthermore, I think the Amber Alert has such definitions in regulation rather than in statute. The bill also mentions something about the Attorney General's Office, and they were not sure what it was about. Now, however, they are willing to provide a letter that states there is no fiscal impact because we are not requiring them to do this.

Ruth H. Hart:

I would like to add one thing—I am really proud of Nevada. Besides the Nevada Silver Haired Legislative Forum, there is a National Silver Haired Congress, and Nevada was a participant last year and brought this bill forward to the national organization. We were able to persuade them to make the bill their number one effort to go to the Hill, and I, too, went to the U.S. Senate and to Capitol Hill to lobby for this bill. I think it will be a national effort, and I am proud that Nevada was the state that brought it forward. I think Lucy Peres will be able to add to this.

**RoseMary Womack, representing Retired and Senior Volunteer Program,
Carson City, Nevada**

I agreed to put this bill draft request (BDR) in last fall because ten years ago I sat on a committee through Attorney General Frankie Sue Del Papa's Office, along with those who worked with seniors: the Alzheimer's Association, with whom I then worked, and police officers and associations. We supported a bill that was a Silver Alert. Ten years have gone by, and we still do not have a Silver Alert system or a media system for those seniors who go missing.

The Alzheimer's Association was always notified of missing seniors—several every week—because we had an identification program where someone with Alzheimer's or dementia wore a bracelet identifying them and their medical problem. When someone went missing we were notified, not only in Las Vegas, but in Laughlin, Mesquite, and Pahrump, and all the outlying areas. This is a problem that affects Nevada residents and also visitors to our state. Seniors and senior visitors can become very confused and disoriented by the chaotic atmosphere of a casino. It can be very dangerous in places like Downtown Reno and Downtown Las Vegas, where they can walk out on the street, or even in Laughlin, along the River Walk, or in the outlying desert areas. To have an alert system on freeway reader boards that broadcast almost immediately following information that the person is missing could definitely save lives.

We had a case of a retired judge in Las Vegas. He was at the dentist's office across from University of Nevada, Las Vegas (UNLV); he went out the back door instead of the office door. He walked from UNLV to Downtown Las Vegas in 110 degree heat, sandals on his feet, no money in his pocket, and no water. It was only because he walked into a building and panicked when they wanted him to go through the surveillance security system that someone recognized him, and they got him home safely.

While I served in the Legislature two years ago, someone from my district who was a retired truck driver got in his car and was found outside of Albuquerque, New Mexico, because he ran out of money and then out of gasoline, and he threatened a gas station attendant because he was desperate. They called the sheriff's department and four days later returned him home. This happens all the time. My concern is that another ten years will pass and we will still be talking about it. We have the technology; we have the Amber Alert. The Silver Alert is an extension to it that is really necessary for seniors. While we have a chance to do something for the seniors in this legislative session, I hope we pass this out of Committee and consider it during the 2009 Legislative Session.

Chairwoman Smith:

Would you describe to us a little more specifically your intention? It looks like the entire idea is managed through a committee, so the bill really does not give us the specifics of how anything would work, other than how the committee is created and its duties. Please give us an idea of how you plan to amend the bill and what you would like to see happen.

Assemblywoman McClain:

I am not sure, because I have not read the Amber Alert statute. However, I assumed that since I had requested our bill follow the Amber Alert statute, a

committee would be part of that. Amber Alert was never funded. People just moved forward and accomplished the project through cooperation and some grant money. I hope to just piggyback on that, and however we have to change this to make it work, that is what we will do. It is important that Silver Alert gets into statute and that we can use the Silver Alert on the occasions when a senior with dementia disappears.

Chairwoman Smith:

Is it your intention to have a separate committee, or can the current Silver Haired Forum handle this?

Assemblywoman McClain:

There is currently an ad hoc committee. I think Lucy Peres could probably give you more details on it. Also, Bob Fisher, from Nevada Broadcasters, is part of it, as are some of our emergency responders. We have a representative here from Nevada Broadcasters. They have more information about the workings of it.

Assemblyman Hambrick:

I would like to see the definition of "missing senior." I am in favor of the concept. Assemblywoman McClain, you joked about seniors "getting away for the weekend," but I want to make sure something like that does not happen. I have had experience with people who, because of personal situations, just took off for a month. They left a note, "I'm leaving." And when their personal trauma improved, they returned. We have to make sure we have an appropriate definition. I am sure there would be medical people involved, as well as clear and concise language to make sure we do not have a false start. A couple of false starts and law enforcement will not be too pleased with us.

Assemblywoman Parnell:

We all know of people under 60 who have early-onset Alzheimer's disease, so I think one of the decisions to be made is whether the Silver Alert is just for "older persons," or are we talking about "vulnerable adults"? Next, what is the definition of that term? This adds a population that everyone is suggesting we do not need to add, but there are more adults who could go missing because of cognitive issues who are under the age of 60. Therefore, I would recommend that when you draft your amendment, you identify the targeted age group and those who could be missing due to a cognitive impairment and may never be found. I would feel more comfortable seeing the proposed legislation more directed.

Assemblywoman McClain:

You are absolutely right. In fact, I have looked through some of the information from other states that are considering starting a Silver Alert. I think the genesis of the idea is based on Alzheimer's patients who become disoriented and go wandering. A lot of testimony narrowed the definition of an individual who would be eligible to be the subject of an alert as one who has been adjudicated by a court to be incapable of managing his or her own personal affairs, through a guardianship or some other proceedings; or who has a documented diagnosis of mental illness or injury or other condition. That would cover any age group and convey that age is not an appropriate criterion for coverage by an alert system, which makes sense. I applaud the Silver Haired Legislative Forum for going ahead with the Silver Alert. I think the Silver Alert is not simply for someone who has silver hair; rather, it is for people with problems, and those are the kinds of things we can tighten up in the language. Whether it needs to be in *Nevada Revised Statutes (NRS)* or regulations or by-laws with this group, we will figure it out.

Assemblyman Stewart:

Do you anticipate using the same infrastructure as the Amber Alert group?

RoseMary Womack:

Yes.

Chairwoman Smith:

Are there anymore questions? [None.] Let us go to Las Vegas and have Ms. Peres give her testimony.

Lucy Peres, President, Nevada Silver Haired Legislative Forum, Las Vegas, Nevada:

Our group was formed to identify and make recommendations about important issues for seniors. I want to make a disclaimer: When we proposed the Senior Silver Alert to the Forum, they embraced it and thought it was a wonderful idea. But I want everyone to understand that we are a group of seniors aged 60, and until Thelma Clark died, up to 90. We are volunteers and did not get the right players to start this project. We had so much confidence in Assemblywoman McClain, that she would just take care of it for us, and we were remiss in not contacting the appropriate people who would help us get this passed. We have now had meetings with some of the key people and will continue to meet with others whom we need to contact to make sure they are satisfied as well. We feel A.B. 4 is a very worthwhile bill to try to get passed this year, and we would like your support.

Chairwoman Smith:

Thank you, and we appreciate your working on this and your willingness to continue working on it until we get a good product that everyone is happy with. Are there any questions for Ms. Peres? [None.] Let us move on then to the next person at the table in Las Vegas.

Herbert Randall, Vice President, Nevada Silver Haired Legislative Forum, Las Vegas, Nevada:

I echo Lucy Peres' comments and believe that this is something that really needs to be done. More work does need to be done on the bill, but I think it is something very worthwhile. I would appreciate your support very much.

Chairwoman Smith:

Thank you. Any questions? [None.] We will go back to Las Vegas after Mr. Gold testifies.

Barry Gold, Director, Government Relations, AARP Nevada, Las Vegas, Nevada:

I am also a member of AARP, and I prefer to use the term "salt and pepper" as opposed to "silver." To quickly address Assemblyman Hambrick's question, there have been many studies where the question is asked: What is the definition of an older person? It does not seem to matter whether the respondent is 50, 60, 70, 80, or 90; they all give the same answer: someone 10 years older than me. [Mr. Gold then read from his prepared testimony ([Exhibit E](#)).] AARP supports the concept of A.B. 4.

Carl Martinez, Member, State Commission on Aging, Las Vegas, Nevada:

I would like to add my voice endorsing the concept of the Silver Alert. I know we have all been made aware of the successes of the Amber Alert; the response has been incredibly positive. I suppose we envision the same thing for the Silver Alert. We have a large senior population that is growing. Our older folks are getting older; we are living longer lives. I am reminded of a study referenced by one of my colleagues on the commission, which indicated startlingly that upwards of 1 in 5 of the coming baby boomers are going to suffer from dementia, including Alzheimer's. This is really a staggering number of people; are we prepared to deal with that? Probably not, but the Silver Alert will go a long way toward helping those folks who are going to need assistance in the future.

Frank Mahoney, Founder, Nevada Center for Missing Loved Ones, Henderson, Nevada:

I am 64 and a resident of Henderson, Nevada, for over ten years. Our goals are to use our resources and volunteers to assist agencies and families to search for and return reported missing persons, giving special attention to elderly persons

suffering from Alzheimer's. [Mr. Mahoney read from his prepared testimony ([Exhibit F](#)).]

Chairwoman Smith:

Are there any questions? [None.] Thank you for being here today. We have someone else in Las Vegas.

Robert Fisher, President/CEO of Nevada Broadcasters Association, Las Vegas, Nevada:

I am also the chairman of the Nevada Amber Alert Review Committee and the coordinator of Amber Alert for the State of Nevada.

The Nevada Broadcasters is very much in favor of A.B. 4, in concept, of responding to endangered seniors. I believe there is a person in Carson City who is the state chairperson of the Emergency Alert System (EAS), who will be speaking in opposition, not to the Silver Alert program, but because there are no policies and procedures in place for missing persons in the State of Nevada.

Over the last several weeks I have had the honor of meeting with a group of folks here in Las Vegas. It was obvious to all of us that the proposed legislation was not thought out as well as it should have been. As far as the execution, there are problems with the intent, the criteria, the mechanics, and possible problems with the funding. The Broadcasters Association looks forward to working with the Committee to help them further develop the attempt and, hopefully, the successful implementation of the mechanics of finding endangered missing people.

Chairwoman Smith:

I suppose we could probably ask a lot of questions about the bill and the way things currently operate, but it is probably better if we let this group form a small working group and figure out what works with the bill and what we need to fix. If that is all right with you, I think that is the direction we will take.

Robert Fisher:

The only thing I would add is that the reason Amber Alert works, and the group of people I have been meeting with talked about that, is because Amber Alert has nothing to do with "missing children." It has to do with abducted children whose lives are in danger. If we broadcast missing children, there would never be anything else on radio or television. The statistic from the Las Vegas Metropolitan Police Department was that 5,000 elderly had gone missing in a given year. In the State of Nevada last year, there were two Amber Alerts. If the Committee is comfortable with two Amber Alerts, or two Silver Alerts, then we can continue discussing the EAS in the small group. However, I believe

what we will have to come up with, and I think that we can, is an alternative. Everyone is also aware that in the most serious of cases, long before there was an Amber Alert, the media would talk about missing or endangered people. The success of Amber Alert lies in the fact that it is not the "car alarm syndrome." All you have to do is ask the members of the Committee: How do you respond when you hear a car alarm? You do not. That is what we cannot afford to have happen with the EAS, because that is the voice of Homeland Security in the State of Nevada.

Chairwoman Smith:

Thank you, Mr. Fisher, and we will ask you to keep working with this group to see if we can find a resolution. We are going back to Carson City for more testimony.

June Burton, Private Citizen, Reno, Nevada:

I represent myself, and made a promise to a dear friend that on every one of these senior bills I would be here to ask for your support. My only problem with this bill is the definition of "older person" being 60-years old and above. I have had silver-gray hair since I was 45, so perhaps we need to put it down a bit. A person can become disoriented not only because of dementia and Alzheimer's. Due to injuries, I was on some medication. I left my house one night, walked down some railroad tracks, and was lost. That happened in Sun Valley, and I was found several hours later.

I urge you to go with AARP standards which start lower, at age 50, because some of us do have problems and get lost. I want to be looked for if I get lost.

Chairwoman Smith:

Thank you for being here and for honoring your commitment to your friend. We appreciate that.

Let us go back to Las Vegas and testimony in support of A.B. 4.

Dan Roberts, Publisher and Editor, Vegas Voice, Las Vegas, Nevada:

Our publication is the largest monthly senior newspaper in southern Nevada. On behalf of our readers, I appear before you in support of A.B. 4, the Nevada Silver Alert System. [Mr. Roberts read from prepared testimony ([Exhibit G](#)).]

Chairwoman Smith:

Thank you for going to the trouble of getting the petitions signed and all of the things you have done on behalf of this bill. I am sure the advocates appreciate your work as well. Will you provide those petitions ([Exhibit H](#)) to our staff in Las Vegas?

Dan Roberts:

Yes.

Martin Dean Dupalo, Instructor, Political Science, University of Nevada, Las Vegas, Nevada:

Assembly Bill 4 is very sound policy. This afternoon I have heard testimony from several individuals at both locations, and I want to address a few points.

In each of the approximately 13 states that have passed the legislation bringing into effect something similar to a Silver Alert program, the language has been different. No two states have the same language. The language has been broad; it has had different criteria, so I implore you not to focus so much on the exact language and allow it to be broad. You heard Mr. Fisher speak about possible overuse of car alarms, and that is a very sound point. However, in my research of the states that have enacted similar Silver Alert legislation, this has not been the case. The activation has been applied on a very limited basis; it is not something that has been used carelessly by various states. We have not reached that point in any of the states; I do not think we will get to that point here. As you heard earlier, the Amber Alert was activated twice last year. In the states I looked at, on average it seems to be only once per month, at most. It has been fairly successful in those states. It is hard to get a handle on the numbers; earlier we heard some statistics from the Cannon Research Center, but statistics related to missing seniors are simply not available yet.

Although we have spoken about not having the precise language, I would ask that you pass A.B. 4 through your Committee and allow it to have that broad language. I can see no way that it will be used carelessly or irresponsibly.

Chairwoman Smith:

Thank you for that, and I hope you are going to be willing to work with this group and share your research from the other states as I am sure it will be helpful.

I see a lot of people in Las Vegas, and I know many of you signed in and have been listening to the testimony. I wonder if you would stand or raise your hand if you support A.B. 4? [Many stood.] Thank you all for being here.

Now we will hear from anyone in opposition to the bill. If there is anyone in Las Vegas who is opposed, please make your way to the table. Meanwhile, we will hear from those in opposition here in Carson City.

Adrienne Abbott, Chair, Nevada Emergency Alert System, Carson City, Nevada:
I want to clarify that the State Emergency Communications Committee, the Chair and the Committee, are independent of the Nevada Broadcasters Association because we work with all radio and television stations and with the cable operators in the state. We also work closely with the Broadcasters Association.

As a visually-impaired, stroke-surviving heart patient and card-carrying member of the AARP, I am not opposed to the idea behind A.B. 4. However, after hearing today's testimony and talking with some of the people behind this measure, I do not think we have enough information yet to bring it forward. In my conversations with the people behind this measure, one of the things they mentioned is that they see the proposed Silver Alert as a tool to get law enforcement agencies to give more attention to the problem of wandering, missing, endangered seniors. [Ms. Abbott continued to read from prepared testimony, ([Exhibit I](#)).]

Chairwoman Smith:

Thank you Ms. Abbott. You raised a lot of points and we certainly have had the discussion about the search and rescue efforts, as my colleagues from the Committee on Ways and Means remember, that have generated a lot of concern. It sounds like we are on the same page as far as what we need to accomplish. I see a couple of different issues, one being whether we are just putting out an alert that someone is missing versus actually looking for the person, and the actions that go along with that. It seems like we have different issues that we need to talk about and resolve. I am hoping that conversation will go on and we will come back with some good resolutions.

Is there anyone else to testify on this bill? [There were none.] We will close the hearing on A.B. 4. We look forward to hearing back from you, Assemblywoman McClain, when the group has been able to meet on this bill.

We will open the hearing on the next bill, Assembly Bill 111.

Assembly Bill 111: Revises provisions governing certain facilities for the dependent, medical facilities and homes for individual residential care. (BDR 40-99)

This is the bill requested by the Interim Study on Senior Citizens and Veterans and will be presented by Assemblywoman McClain.

Assemblywoman McClain, Clark County District No. 15:

Assembly Bill 111 did come from the Legislative Committee Interim Study and revises licensure requirements for certain homes where seniors live. It was brought to our attention during the Interim Study that the licensing standards for certain residential facilities needed to be strengthened. We are especially concerned about two groups. First, we heard testimony about seniors who were living in facilities where the owner had rented rooms to non-senior boarders. We want to prohibit this kind of mixing from happening for the safety of the seniors. Some incidents occurred during the annual Homeless Stand Down, in Las Vegas, where unscrupulous group home owners would go to the Stand Down knowing that Clark County would give a homeless person \$400 to cover rent. The owners were renting garages, extra rooms, and so on to the homeless while the regular senior residents were there. It would be unknown who was moving in.

Second, we heard testimony about residential facilities for groups that also offered a portion of their facility as independent living. The licensing requirements were not clear regarding the independent living portion, and we thought that it left senior residents potentially at risk.

In response to those concerns, we requested A.B. 111. Section 4 requires a facility for the dependent, a medical facility, or a home for individual residential care to obtain an endorsement on its license by October 1, 2010, if the facility or home also offers housing for independent living. The new endorsement will improve safety by insuring oversight and compliance with laws already in statute relating to health, sanitation, maintenance, and the preparation of meals.

I think part of the problem was in the situation in which a home had an independent living section where people could live until they needed more care. People were housed in the independent living section thinking that they were going to get some of the other services. There was a great deal of confusion. Now, designating that a certain section of the home is specifically for independent living and another section of the home may be for something else will help to eliminate the confusion and will not create false expectations for residents moving to the home.

Section 5 provides that a residential facility for groups that is authorized to have ten or fewer beds, or a home for individual residential care, may not provide accommodations for a person who does not meet the requirements for admission to the facility. The only exception is for a person who is related within the third degree of consanguinity to the resident or employee of the facility. This is to prevent incidents from happening which occurred at the homeless stand down, where they took the rent money and left in a few days.

In the meantime, one does not know what kind of people have interaction with the senior residents. It was hypothesized that the home's owner may have had children and/or a spouse living there, while also renting out to a couple of seniors, and for that reason the qualifier was inserted about the third degree of consanguinity. However, now I am rethinking the employee part of it because in a group home where the owner does not live on the premises and the workers are hired, there seems to be no reason for the workers to have family members there. I would like to think about that a bit more and work with Amber Joiner. In any event, the Committee decided those two changes relating to the licensure requirements would help improve senior safety.

Chairwoman Smith:

The licensing board issues the endorsement, and I see they would go through regulation setting to determine the requirements for the endorsement; is that the intention?

Assemblywoman McClain:

I think the most important aspect of this bill is to keep unscrupulous group home operators from bringing in people who have no business being around our seniors.

Chairwoman Smith:

Homes that abuse the rules and intention of group home care are becoming an increasingly bigger problem. I agree with your thought that perhaps the employees should not be included in this concept because it would not make sense that just because one worked there, he or she could have a relative live there as well.

Assemblyman Stewart:

Could you clarify for me the endorsement and the fee prescribed on page 7, subparagraph 11?

Assemblywoman McClain:

That would be up to the board. They will adopt the regulations as far as the issuance and renewal of the endorsement, based on the intent of the law. I imagine it would probably be the same fees for issuance of the renewal as for issuance of the original license.

Chairwoman Smith:

Are there any other questions? [None.] Barry Gold, I think you are the only one I have signed in to testify in support. If there is anyone else, either in Las Vegas or Carson City, please come to the table now.

Barry Gold, Director, Government Relations, AARP Nevada, Las Vegas, Nevada:
[Mr. Gold spoke from prepared testimony ([Exhibit J](#)).] AARP Nevada supports A.B. 111, regulating care facilities, and providing information to Nevada families.

Paul Gowins, Private Citizen, Reno, Nevada:

I am also a member of a group home, Heaven Bound Lifestyle Center, which provides transitional living for prisoners. I became involved with this legislation because of the difficulties we had in trying to comply with transitional housing for prisoners when they were included in this section in the statute. The primary issue was the numbers. If a group home has ten or fewer persons, that changes the requirements. However, when we went to get licensing, we learned that the State Fire Marshal requires that for homes with five or more persons, a water fire system is mandatory; the cost was around \$25,000. Currently, and for the last three years, there is only one licensed home in that category in the state. When I originally got involved in this, it was to look into that issue. I think we really need to help the independent living homes, especially in the metropolitan area, in view of what has been going on with those homes. If the statute is going to affect those homes the way it did us, then we really need to address that issue with the State Fire Marshal. Even without putting in the sprinkler system, it still cost us \$2,000 per house to bring up the smoke detectors to meet the requirements of the fire department. This issue was nearly devastating to us; we had to restructure our business model because we had eight people, and then we had to go down to five. We had to split houses, and it caused a lot of shuffling to make it work for our people.

The other issue was brought to my attention by the Disability Law Center regarding the word "accommodation." We understand the intent of that, but again, when you use the word "accommodation" in that phrase, we want to make sure it is not in conflict with the Fair Housing Act or the Americans with Disabilities Act. You may want to change that terminology to reflect what you mean. "Accommodation" to me means, for example, a commode chair that is higher because I cannot sit as well.

Therefore, I believe defining those two issues would be very helpful in moving this legislation forward and also making it workable for people who are going to implement it.

Chairwoman Smith:

Thank you, Mr. Gowins; it is always great to hear from someone who has had the personal experience and can share that with us. Are there any questions? [None.]

Marla McDade Williams, Bureau Chief, Bureau of Health Care Quality and Compliance, Health Division, Department of Health and Human Services:

I want to respond to Assemblyman Stewart's question. When we go forward and propose the fees that we will charge to this facility type, it will be based on the work that we anticipate doing when we have to go in to do the endorsement. That is how we allocate all of our fees.

Concerning the issue that Mr. Gowins just brought up about the State Fire Marshal, we will not issue a license unless they meet the State Fire Marshal's requirements. However, the State Fire Marshal has independent authority over any entity in the state, whether it is required to be licensed by us or not. Even though there is a connection there with the facilities we license, the State Fire Marshal still has that independent authority and can require sprinklers for anybody based on their local jurisdictions.

Chairwoman Smith:

Thank you, Marla, for that clarification. It seems that we have State Fire Marshall issues in a few places so we will have to look at that. Any other questions from Committee members? Thank you, Assemblywoman McClain, for being here today and giving us lots of great information and a couple more bills to work on.

I will close the hearing on A.B. 111 and open the hearing on Assembly Bill 20.

Assembly Bill 20: Revises provisions governing homes for individual residential care and other facilities and agencies licensed by the Health Division of the Department of Health and Human Services. (BDR 40-335)

Marla McDade Williams, Bureau Chief, Bureau of Health Care Quality and Compliance, Health Division, Department of Health and Human Services:

This bill is sponsored by the State Health Division, and it proposes to require a home for individual residential care to comply with the *Nevada Revised Statutes* (NRS) concerning criminal background checks, as well as require them to post surety bonds. In 1993, the Legislature required homes that cared for two people or less to be registered with the Health Division. In 1999, the Legislature enacted a law requiring these homes to be licensed, and that legislation directed the State Board of Health to enact minimal standards for licensing that provide for care and sanitation to prevent the abuse, neglect, or exploitation of residents of homes for individual residential care. As such, other more onerous provisions, such as requiring criminal background checks for these operators and their employees, and requiring surety bonds to protect the property of residents, had not been applied to these facility types. However, now that the Division has experienced regulating these facilities, we are asking

for the authority to require these owners and their employees to be subject to criminal background checks, and we are asking that they also be required to post surety bonds.

We currently have 203 of these facilities licensed throughout the State of Nevada. It is our second-highest facility type, the first being group homes of which there are about 335. We are also using this bill to expand the types of convictions that would exclude a person from working in facilities such as nursing homes, group homes, personal care attendant agencies, and home health agencies. If this bill is enacted, the provisions for the exclusions would also apply to the homes for individual residential care.

I will explain the specific provisions of the bill: sections 1, 4, 5, 6, and 7 subject a home for individual residential care to the criminal background check requirements specified in NRS 449.173 to NRS 449.188. Sections 2, 3, and 9 subject a home for individual residential care to the surety bond requirements of NRS 449.065 and NRS 449.067. Currently, these provisions apply only to persons who are 60 years of age or older, and the bond must be payable to the Aging Services Division. The bond covers property damage for those who are 60 or older when the damage is the result of any act or failure to act by the facility or agency to protect the property of the older patient. The Specialist for the Rights of Elderly Persons determines whether the situation rises to one that is covered by the surety. Section 8 clarifies the list of crimes to include certain crimes involving prostitution, solicitation, and lewdness or indecent exposure that are punished as a felony. This section also adds to the list of crimes any other sexually related crime that is punished as a misdemeanor within the immediately preceding seven years, a crime involving domestic violence that is punished as a felony, and a crime involving domestic violence that is punished as a misdemeanor within the immediately preceding seven years.

In discussion with representatives of the Criminal History Repository, it was suggested that we include crimes against a person that had a penalty for a gross misdemeanor. That terminology would capture crimes that are punishable at a more serious level than a misdemeanor, and it would allow for inclusion of out-of-state gross misdemeanor convictions. We are open to amending the bill if that is the desire of the Committee.

Finally, there is a bill in the Assembly Committee on Judiciary that would have the Health Division review all of the criminal history records for all employees throughout the state, so if those provisions move forward either as an amendment to another bill or in that bill, these two bills would have to be reconciled.

Chairwoman Smith:

Regarding the background check, are they fingerprinted, or is it just a background check without fingerprints?

Marla McDade Williams:

The criminal background check requires fingerprints, so anyone who is currently required to have a criminal background check also submits his fingerprints.

Chairwoman Smith:

We have heard in other testimony that there is a long delay in getting the information back?

Marla McDade Williams:

I have not heard that specifically, but I assume that is the case because they are going to the same place and would probably have the same issues.

Chairwoman Smith:

We have had the discussion about the fact that one cannot buy a gun until they have been checked out, and that can be done instantly, but a background check for employment in a child or elder care facility cannot be done quickly. Can you make sure about that for us? I learned that there is a specific federal provision on that issue, and I am trying to figure out what we could do in contacting our Congressional Delegation.

Marla McDade Williams:

I will be happy to do that.

Chairwoman Smith:

Regarding the crime involving domestic violence that is punished as a misdemeanor, can you give me an example of what kind of circumstance that would be?

Marla McDade Williams:

I do not have that answer. Perhaps someone from the Criminal History Repository who has more experience with those actual levels could furnish that information. I know that with the domestic violence provisions, it is not that clear-cut. It is not a conviction for domestic violence, so when they are reviewing those records they are going to have to make some subjective determination that they believe this would qualify as a domestic violence violation.

Chairwoman Smith:

Perhaps someone from the Criminal History Repository could give me a few examples of the differences between the felonies. I know some of it is subjective, but I would just like to see some examples of how that happens.

I wonder why it has taken us so long to get to this point. It has been frustrating for me that group homes have not had the requirements and the oversight that it seems we should have had.

Marla McDade Williams:

I am not sure if I understand the question. Group homes have always had these requirements; they have always been subject to the criminal background requirements, and they cannot hire someone who has that type of conviction. The homes for individual residential care, which are two-person homes, have not had those same requirements.

Chairwoman Smith:

I am sorry; I did not mean group homes but individual residential care.

Marla McDade Williams:

I think it is primarily because the Legislature directed that there would be minimal requirements for those operators. We have to make a policy determination of what is going to be a minimal requirement, and that is why we are before the Legislature; to ask you to tell us whether this goes beyond our authority, or not. And if you agree that they should be subject to it, we have proposed the bill. We do not want to go down the road and impose the requirement ourselves, and then be told we went beyond our scope.

Chairwoman Smith:

I think they do not have a lot of supervision and oversight, so it seems that we need to do something on the front end to protect the residents.

Assemblywoman Parnell:

I just want to point out that we have Ms. Butler and Captain O'Neill here who could probably answer the question about the levels of crime.

Assemblyman Cobb:

Our colleague is still out at the Committee for Commerce and Labor, and he wanted to ask the question, how much money will a residential home business have to put up to secure a bond under A.B. 20?

Marla McDade Williams:

I will have to get back to you on that. I know that there are different levels of bond requirements, but I will look specifically for these two-person homes.

Chairwoman Smith:

If you will respond to Amber Joiner, she can let the rest of the Committee know. I do not see any other questions, so I will accept testimony from others.

Barry Gold, Director, Government Relations, AARP Nevada, Las Vegas, Nevada:

I have to apologize; there is a typo in my testimony for A.B. 20: it says "Mister" Chairman and it should say "Madam" Chairman. Also, it says A.B. 4 and should read A.B. 20.

Assembly Bill 20 offers security and protections for people living in homes for individual residential care by adding them to the list of facilities that have specific requirements for licensing and for employees and independent contractors. [Mr. Gold continued to read from prepared testimony, ([Exhibit K](#)).]

Chairwoman Smith:

Thank you for being here and sticking with us on all the presentations and the bills today. Are there any questions for Mr. Gold? [None.]

Captain P. K. O'Neill, Division Chief, Records and Technology Division, Department of Public Safety:

With me is our Records Bureau Chief, Julie Butler. We are actually signed in to speak neutral on A.B. 20, although we do support it. We just want to make it clear that with the additional requirements being requested to review domestic violence, it may lengthen the delivery of results because research will be required. In Nevada there is no specific domestic violence crime; you have done domestic violence when you have done something, whether battery, assault, burglary, trespassing, et cetera, and there is a relationship to domestic violence; it is an element of the crime that it becomes. It requires additional research by our personnel to determine if domestic violence is an element when there is an arrest and conviction. Currently, our turnaround time for electronic fingerprints submitted to both the state and the Federal Bureau of Investigation (FBI) is about one week or less. On hard print cards, when they are not electronically submitted, the state's turnaround is about seven days, but the FBI's is about ten weeks and growing. They are in some ways trying to force states to do more electronic submissions. We are working on that solution; however, with the economic situation as it is, there may be limits to what we are able to do.

Chairwoman Smith:

Thank you for that information. Could you just give me an example of what type of situation would be a misdemeanor domestic violence crime versus a felony?

Captain P. K. O'Neill:

Simple touching or just pushing the individual away and causing minor harm could be a misdemeanor versus the more serious crime of using a knife or weapon or causing more serious injury to the individual. The conviction would be for the battery; we would have to research to determine the details.

Chairwoman Smith:

Is it the same situation with sexually related crimes? Is the research different for those crimes than for domestic violence? There is also a provision here that specifies prostitution, solicitation, lewdness, or indecent exposure, or any other sexually related crime. Does that present a problem as well?

Captain P. K. O'Neill:

Those really would not present a problem because they are more specific crimes that would come out in the charging document.

Chairwoman Smith:

Are there any questions? [None.] I do not have anyone else signed in to testify on this bill. I will close the hearing on A.B. 20.

Committee, I want to assign the floor statements for the bills that we did in work session on Monday. Assembly Bill 10 is Assemblywoman Leslie's bill so she will do that one, as well as Assembly Bill 196, also her bill. Assembly Bill 122 I will assign to Assemblywoman Pierce who worked on the resolution to that bill, and I will take Assembly Bill 216. Do we have any public comment to come before the Committee? [None.] Meeting adjourned [at 3:33 p.m.].

RESPECTFULLY SUBMITTED:

Darlene Rubin
Committee Secretary

APPROVED BY:

Assemblywoman Debbie Smith, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: March 11, 2009

Time of Meeting: 1:41 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Assemblywoman McClain	Senior Citizens and Veterans, Bulletin No. 09-04
	D	Pamela Gallion	Portrait of Nevada's Seniors
AB 4	E	Barry Gold	Prepared Testimony
AB 4	F	Frank Mahoney	Prepared Testimony
AB 4	G	Dan Roberts	Prepared Testimony
AB 4	H	Dan Roberts	Petitions
AB 4	I	Adrienne Abbott	Prepared Testimony
AB 111	J	Barry Gold	Prepared Testimony
AB 20	K	Barry Gold	Prepared Testimony