

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

**Seventy-Sixth Session  
May 6, 2011**

The Committee on Health and Human Services was called to order by Chair April Mastroluca at 1:18 p.m. on Friday, May 6, 2011, 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](#)), 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/76th2011/committees/](http://www.leg.state.nv.us/76th2011/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](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman April Mastroluca, Chair  
Assemblywoman Peggy Pierce, Vice Chair  
Assemblyman Elliot T. Anderson  
Assemblywoman Teresa Benitez-Thompson  
Assemblyman Steven Brooks  
Assemblyman Richard Carrillo  
Assemblywoman Lucy Flores  
Assemblyman Jason Frierson  
Assemblyman Pete Goicoechea  
Assemblyman John Hambrick  
Assemblyman Scott Hammond  
Assemblyman Pete Livermore  
Assemblyman Mark Sherwood  
Assemblywoman Debbie Smith

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator David R. Parks, Clark County Senatorial District No. 7  
Senator Shirley Breeden, Clark County Senatorial District No. 5

**STAFF MEMBERS PRESENT:**

Mary Shope, Coordinator, Nevada Silver Haired Legislative Forum  
Kirsten Coulombe, Committee Policy Analyst  
Risa Lang, Committee Counsel  
Mitzi Nelson, Committee Secretary  
Olivia Lloyd, Committee Assistant

**OTHERS PRESENT:**

Herbert E. Randall, Ed.D., Forum President, Nevada Silver Haired  
Legislative Forum  
Bob Fisher, President and CEO, Nevada Broadcasters Association  
Reba June Burton, Nevada Silver Haired Legislative Forum,  
Washoe County Senatorial District No. 2  
Barry Gold, Director, Government Relations, AARP Nevada  
Gina Haugh, Memory Care Director, Regency Palms, Las Vegas, Nevada;  
and Member, Regional Leadership Council, Southern Nevada  
Region, Desert Southwest Chapter, Alzheimer's Association  
Patrick Sanderson, representing Nevada Alliance for Retired Americans  
Larry Fry, Secretary, Northern Nevada Chapter, Coalition of Assisted  
Residential Environments  
Matthew L. Sharp, representing Nevada Justice Association  
Renny Ashleman, representing Nevada Health Care Association  
Marla McDade Williams, Deputy Administrator, Health Division,  
Department of Health and Human Services

**Chair Mastroluca:**

[Roll was called.] Today we have two bills on our agenda. We will begin with Senate Bill 245 (1st Reprint), which creates the Statewide Alert System for the Safe Return of Missing Endangered Older Persons.

**Senate Bill 245 (1st Reprint): Creates the Statewide Alert System for the Safe Return of Missing Endangered Older Persons. (BDR 38-710)**

**Senator David R. Parks, Clark County Senatorial District No. 7:**

This was a bill I was asked to submit. I think it is a great piece of legislation and a program that is certainly warranted. I would like to turn over the presentation to individuals who are very keenly aware of the program. I would like to ask Dr. Herbert Randall in Las Vegas to make his remarks at this time.

**Herbert E. Randall, Ed.D., Forum President, Nevada Silver Haired Legislative Forum:**

First, I would like to thank Senator Parks for sponsoring S.B. 245 (R1) and Assemblyman Anderson for being a joint sponsor. Work was started on a bill over two years ago to create a Statewide Alert System for the Safe Return of Missing Endangered Older Persons (often referred to as Silver Alert) for Nevada. However, the bill died in committee during the last legislative session, because there were several concerns that could not be worked out in time. [Dr. Randall continued to read from prepared testimony (Exhibit C).] In conclusion, the Nevada Silver Haired Legislative Forum (NSHLF) supports S.B. 245 (R1) to create the Statewide Alert System for the Safe Return of Missing Endangered Older Persons, and urges your support.

**Chair Mastroluca:**

Are there any questions? I do not see any. Senator Parks, is there someone that you would like to speak next?

**Senator Parks:**

I would like to introduce Mr. Bob Fisher, who is with the Nevada Broadcasters Association. I believe there may be several other individuals in Las Vegas who would also like to speak on behalf of the bill.

**Chair Mastroluca:**

Before we move on, Assemblywoman Benitez-Thompson has a question.

**Assemblywoman Benitez-Thompson:**

You had used the word "endangered." When you use this word, do you mean the person has some type of medical diagnosis that would make him especially fragile and vulnerable? How broad would the term be? I would love to see it as broad as possible, but I am not sure if that is the intent.

**Senator Parks:**

I do not think we want it to be overly broad, so that every ten minutes there would be an alert. Individuals would have to satisfy a specific set of circumstances listed in the bill: someone who is over 60, has a diagnosis of a medical or mental health condition that places him in danger of serious physical harm, and who is possibly missing under suspicious or unexplained circumstances. We wanted to be quite narrow so that it did not sweep in every possible case. There may be others who could expound upon that idea, but that is the general intent of the bill.

**Assemblywoman Benitez-Thompson:**

So, medical condition and mental health are the major concerns. Thank you.

**Chair Mastroluca:**

I do have a few questions, but I think I will wait until we hear the next few speakers.

**Bob Fisher, President and CEO, Nevada Broadcasters Association:**

I am also the State AMBER Alert coordinator. We believe that following the initial Senate hearing, all concerns have been worked out. We had a number of conversations and meetings and we like the changes that have been made. We wanted to make sure we were embracing the new technology that is available. We are going to use this new technology to be a vanguard with regard to creating a Silver Alert system. I will point out to those of you who live in northern Nevada, there was a Silver Alert issued by the City of Reno Police Department using AlertID earlier this week. This system should be very familiar to people in northern Nevada. AlertID has also moved into southern Nevada. According to their records, up to 3,200 people in the neighborhood and greater area participated in the search. The missing person was safely recovered. It was a real-life example of what can happen. We strongly support this bill.

**Chair Mastroluca:**

Are there questions?

**Assemblyman Hambrick:**

Senator Parks testified that there was an attempt to narrow the criteria for using the alert to ensure it is not overly used. I like the bill and most likely will be voting in favor of it. On the medical side, I want to make sure there are some safeguards. I want to make sure we avoid incidents of domestic disputes where a grandparent or in-law says, "I have had enough. I am out of here." I am not sure if that issue can ever be fully addressed.

**Bob Fisher:**

Your concern is one that was raised and addressed during the series of meetings we had. One of the things that was brought into play two years ago with the Statewide Alert System for the Safe Return of Abducted Children (commonly known as AMBER Alert) is the very specific criteria for its use. We believe that the narrowed criteria, as now defined in the proposed bill, will address this issue. The bottom line is that the alert is administered by local law enforcement. They are very much aware of your concern. We believe it will be fine.

**Assemblyman Hambrick:**

Would you also work with the local medical community? Could you approach the missing elder's family doctor to obtain information without violating the Health Insurance Portability and Accountability Act (HIPAA) requirements? Is the medical community going to be part of this mix to give law enforcement a little more confidence?

**Bob Fisher:**

I believe so, because the entire purpose of limiting the criteria is so that there is physician involvement.

**Chair Mastroluca:**

I believe a lot of this language did come from the existing AMBER Alert language. Is that correct?

**Bob Fisher:**

Yes, it did, but that was not the intention of the NSHLF. That was something that was done during the bill draft and something we had to change. An AMBER Alert is a whole different ball game than a Silver Alert.

**Chair Mastroluca:**

Section 7 states that the alert is a "voluntary partnership" among those who participate. In section 7, subsections 2 and 3, it talks about law enforcement or other agencies that choose to participate in the system. It is not a requirement that every law enforcement agency or every media outlet participate. However, in section 8, the bill reads that the Department of Public Safety is required to "Develop a plan for carrying out the System" and "Oversee the System." It reads, "The Department shall . . . adopt regulations . . ." further down in section 8, subsection 3. It seems that in some places the language is permissive and in some places it is not. Is that intentional?

**Bob Fisher:**

It is intentional. The State of Nevada does not have a missing persons policy or a department of missing persons. There is no kind of infrastructure for that. When questions were asked at the original hearing, there were a lot of answers that could not be given because we can only speculate or compare with other states. We feel the next two years will be very important with this legislation. Questions will be answered. Data and facts will be collected. If there is some incongruity, it was done by design, not by accident.

**Herbert Randall:**

We have spoken with many entities, such as members of the Las Vegas Metropolitan Police Department, the Henderson Police Department, and the Boulder City Chief of Police, who is the President of the Sheriffs' and Chiefs' Association. They all stated almost unequivocally that they would participate. They already do many of the things called for by this legislation. A Silver Alert system would help them do their job. I agree with Mr. Fisher. It was intentional. We left it voluntary in case any fiscal problems arose. However, all of the representatives we spoke with stated they were almost absolutely sure they would join and participate. The documents that were uploaded on the Nevada Electronic Legislative Information System (NELIS) for the initial hearing before the Senate Committee on Health and Human Services have more links and additional information on this topic.

**Chair Mastroluca:**

Thank you for that explanation. Section 10 provides immunity from civil liability for people who assist in the safe return of an endangered older person. Is that also included in the AMBER Alert language? Was there a particular reason to add that provision?

**Bob Fisher:**

The only way the Nevada Broadcasters Association would approve of doing AMBER Alert was with immunity. I think most people are aware of the fact that law enforcement agencies have immunity. The fact is, when you are dealing with parents whose child is missing, they all want an AMBER Alert. Each agency can report exactly how many requests they get. We work hard to educate the public that an AMBER Alert is strictly for an abducted child whose life is in danger. There is going to be the same kind of dilemma with the Silver Alert. The question will be, "Why did that person get a Silver Alert and my mother did not?" The criteria have to be very specific. Based upon our experiences over the years with AMBER Alert all over the nation and including Nevada, there is no question that there has to be some protection for the people who are going out on a limb to participate in this very important project.

**Chair Mastroluca:**

Would the basic Good Samaritan law not cover that?

**Senator Parks:**

I am not sure if that came up in any of the discussions. Dr. Randall may have encountered that.

**Chair Mastroluca:**

I asked because the AMBER Alert statute gives broadcasters and others immunity from civil liability based upon the incorrect broadcast of the information. This language appears to be a little broader. Maybe someone else who testifies can speak to that. Are there any more questions?

**Assemblyman Brooks:**

I like the bill and I think it is long overdue. I think it is something we need and I am glad to see that it has returned. My grandfather had Alzheimer's and it would send him wandering. We would have to look for him. I think a measure like this is going to be particularly important as our baby boomers get older. I applaud you for the efforts. If you can add me to this bill, I would be more than happy to be a cosponsor.

**Senator Parks:**

Thank you.

**Reba June Burton, Nevada Silver Haired Legislative Forum, Washoe County  
Senatorial District No. 2:**

I am asking for your support on S.B. 245 (R1). I wanted to speak because some of you may not know that the Nevada Silver Haired Legislative Forum is composed of your appointees. Each Senate district, in conjunction with the appropriate member of the Assembly, chooses a member. There is one member for each Senate district. The Forum was created by *Nevada Revised Statutes* (NRS), Chapter 427A, section 320 to identify and act upon issues of importance to aging persons and to submit a report containing recommendations for legislative action to the Legislative Commission and the Governor before September 1 of each even-numbered year. During the interim periods, we look into senior issues for you and report back. Some of you have not yet had an opportunity to make an appointment to the Forum. We are hoping you can all get to know us and we can remain on the Forum. This particular bill is the only recommendation we submitted this session. This legislation is very important. I think it is important to note that we are not an outside organization; we are your spokespersons, doing a job for you. Thank you.

**Chair Mastroluca:**

Are there any questions? Is there anyone who would like to testify in support of S.B. 245 (R1) in Las Vegas? If so, please come forward at this time. You are also welcome to submit your testimony in writing if you want to add something into the record.

**Barry Gold, Director, Government Relations, AARP Nevada:**

Many states have systems for older adults that are like the AMBER Alert program for missing children. [Mr. Gold continued to read from prepared testimony ([Exhibit D](#)), regarding AARP's support for the creation of a Silver Alert system.] On behalf of our 305,000 members across the state, AARP Nevada supports S.B. 245 (R1) and urges this Committee to pass it.

**Chair Mastroluca:**

Are there any questions?

**Gina Haugh, Memory Care Director, Regency Palms, Las Vegas, Nevada; and  
Member, Regional Leadership Council, Southern Nevada Region, Desert  
Southwest Chapter, Alzheimer's Association:**

I actively participate in advocacy work for the Alzheimer's Association. I am also the Director of Regency Palms Assisted Living's memory care building. Regency Palms offers a secured environment specializing in care for those diagnosed with Alzheimer's disease and related dementias. In my line of work, we are always on the alert for wandering residents. [Ms. Haugh continued to read from prepared testimony ([Exhibit E](#)) regarding the benefits and need for an alert program for at-risk senior citizens.] In closing, I strongly believe this Committee, and all of those involved, can work out the logistics to move forward with S.B. 245 (R1) and implement a successful Silver Alert action plan to protect our Nevada citizens. Thank you.

**Chair Mastroluca:**

Are there any questions? Is there anyone else in Las Vegas who would like to testify? [There were none.] Is Mary Shope in the room?

**Mary Shope, Coordinator, Nevada Silver Haired Legislative Forum:**

As a Legislative Counsel Bureau staff member, I cannot advocate for or against this bill. [Ms. Shope submitted a statement of support from the Nevada Silver Haired Legislative Forum ([Exhibit F](#)).] I would like to identify all the members in the room: Dr. Herbert Randall; Mrs. Roberts, from Clark County Senatorial District No. 1; Mrs. Peres, a Silver Senator of the National Silver Haired Congress; and Mrs. Verlia Davis Hoggard, who represents Clark County Senatorial District No. 4. They are all in support of this bill and have worked extremely hard. They would like to thank all of the partners, sponsors,

cosponsors, Assemblyman Anderson, the Nevada Broadcast Association, Cleveland Clinic Lou Ruvo Centers for Brain Health in Nevada, and the Alzheimer's Association. They believe this will truly help all Nevadans. Thank you.

**Chair Mastroluca:**

Is there anyone in Carson City who would like to testify on S.B. 245 (R1)?

**Patrick Sanderson, representing Nevada Alliance for Retired Americans:**

We are 100 percent behind this bill and we thank the sponsors for bringing it forward.

**Chair Mastroluca:**

Thank you for your testimony, I very much appreciate it. Is there anyone else in support of S.B. 245 (R1)?

**Larry Fry, Secretary, Northern Nevada Chapter, Coalition of Assisted Residential Environments:**

Our organization represents administrators of licensed group care facilities in Nevada, including those that care for Alzheimer's patients. About 25 percent of the 4,300 licensed assisted living and group care beds in Nevada are occupied by Alzheimer's patients. We are strongly in support of this bill. This is a great tool for providing additional resources in the unfortunate event that a resident goes missing or otherwise may be in danger. We want to thank Senator Parks for all his hard work in bringing this forward.

**Chair Mastroluca:**

Are there any questions from the Committee? Is there anyone else in Las Vegas or Carson City who would like to testify in support of S.B. 245 (R1)? [There were none.] Is there anyone who would like to testify in opposition to S.B. 245 (R1)?

**Matthew L. Sharp, representing Nevada Justice Association:**

We have limited opposition to the bill. We certainly have no complaint about the concept of the bill or what the NSHLF is trying to accomplish. Our concern is with section 10 of the bill, which deals with the immunity provision. We would request that the language in this bill be correlated with the existing AMBER Alert immunity provision, so that both statutes are basically the same. We would like to avoid any uncertainty that would lead to litigation regarding the intent of the scope of the immunity. We would propose to strike the words "reasonably related to" in section 10, subsection 1, which reads "is immune from civil liability for any act reasonably related to the dissemination of that information." The sentence would then read, "is immune from civil liability

for the dissemination of that information." This change would make the language consistent with AMBER Alert language. I would be happy to answer any questions.

**Chair Mastroluca:**

Are there any questions?

**Assemblyman Sherwood:**

Have there been any liability issues or legislation around the AMBER Alert as it is currently written in Nevada statute?

**Matthew L. Sharp:**

No, there has not. That is why I would propose that change. In the existing statute under AMBER Alert it reads, "from civil liability from the dissemination of that information." [Section 380 of Chapter 432 of NRS reads, "from civil liability based upon the broadcast of that information" and "from civil liability based upon the information that is placed on the website."] That seems pretty clear to me. I cannot imagine why anyone would sue for the dissemination of that information; however, in the event that someone did, this language would provide immunity. The concern is when you put in words like "reasonably related," litigation might be brought to debate the intent of those words. It makes more sense to mirror the AMBER Alert provision.

**Chair Mastroluca:**

Are there any other questions for Mr. Sharp? [There were none.] I would ask that you meet with the bill's sponsors and see if that is something to which they would be amenable. Is there anyone who would like to testify in opposition to S.B. 245 (R1), either in Las Vegas or Carson City? Is there anyone neutral? [There were none.] With that, I will close the hearing on S.B. 245 (R1). I will now open the hearing on Senate Bill 420 (1st Reprint).

**Senate Bill 420 (1st Reprint):** Makes various changes relating to the operation of certain facilities for long-term care. (BDR 40-158)

**Senator Shirley Breeden, Clark County Senatorial District No. 5:**

Thank you for the opportunity to come before you this afternoon in support of S.B. 420 (R1). This bill is on behalf of the interim Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs, chaired by former Assemblywoman McClain. As you know, long-term care facilities are home to some of our most vulnerable populations, such as people recuperating from a medical condition, those with lifelong disabilities, and the elderly who can no longer remain at home due to the need for a higher level of care. The Committee heard testimony relating to the safety and quality of care in

Nevada's long-term care facilities during its January 2010 meeting. There were three primary concerns that arose from the testimony presented. The first concern was with "patient dumping," described as a purposeful strategy by facilities to remove difficult patients by refusing to allow readmittance from the hospital. The second was a lack of transparency of facility management and ownership in order for individuals to report concerns. The last concern dealt with low staffing levels and training results, as well as poor safety and quality in some of the facilities. This bill addresses those concerns. Mr. Renny Ashleman and Ms. Marla McDade Williams worked tirelessly with Chair McClain over the interim on the bill and the amendment included in the first reprint. Mr. Ashleman will go through the bill.

**Chair Mastroluca:**

Are there any questions? [There were none.]

**Renny Ashleman, representing Nevada Health Care Association:**

Our organization represents intermediate care facilities and facilities for skilled nursing. Section 3 of the bill takes up the issue of what is referred to as a "bed hold," or how long a bed is kept available to a patient who is temporarily transferred to another medical facility, typically, but not invariably, a hospital. It requires that the facility provide information stating the number of days that are available for a bed hold to the patient or their representative at the time of his first admission to the facility. It also provides that if a patient exceeds the bed-hold period, he is allowed to resume his residency as soon as a bed becomes available. There is one important caveat; the facility must still be suitable for properly caring for that patient upon his return. Sometimes a patient is transferred to another facility because the level of care provided by the facility is no longer adequate, based on the patient's condition. For instance, a patient might be transferred from an intermediate to a skilled nursing facility or to a hospital. Not all nursing homes or other types of facilities are identical in their capabilities. Some do not have certain therapy modalities or are not appropriate for the care of the mentally ill or Alzheimer's patients. If the patient becomes mentally ill or his Alzheimer's status changes, a patient may have to be transferred to another facility. We left room in the bill for that situation.

A second part of the bill, section 9, subsection 1, paragraph (c), requires residential facilities to "post contact information for the administrator and the designated representative of the owner or operator of the facility," so that the patient and his family have an ability to know who to contact in case there is a problem. Similar language is found in section 9, subsection 2, which requires facilities for intermediate care to post their license to operate the facility, as well as the organizational structure of the management of the facility. This will

allow residents and their families to know who is involved in the ownership and administration of the facility, and contact information for the administrator and the designated representative of the owner or operator. These all must be posted in a conspicuous place in the facility, so that people can have ready access to the information. The other changes coordinate this provision into other parts of the law, so that it is integrated properly. I would be happy to answer any questions.

**Chair Mastroluca:**

Are there any questions?

**Assemblyman Goicoechea:**

I appreciate you bringing this legislation forward. My mother had severe Alzheimer's for a long period of time. Is there a ballpark number for how long a facility would hold a bed for a patient?

**Renny Ashleman:**

The time allowed varies fairly widely from one institution to another. I would estimate an average would be about five days. Most facilities do have vacancies. It is pretty hard to keep an institution 100 percent full all the time. If you give the returning patient the first crack at an opening, that should accommodate the vast majority of the patients or residents involved.

**Assemblyman Goicoechea:**

Thank you. Even though a person has Alzheimer's, moving out of the comfort zone of where he has been living can be very traumatic.

**Chair Mastroluca:**

Are there further questions? I was wondering if we have documented issues that show the numbers of patients who are being dumped from facilities in Nevada?

**Marla McDade Williams, Deputy Administrator, Health Division, Department of Health and Human Services:**

I do not believe we have anything that classifies the information that way. We are the agency responsible for following up any complaints, if there are allegations of that sort. I can go back and see how we classify those types of complaints and bring that information back at some point.

**Chair Mastroluca:**

Do you know if this bed-hold policy is common in other states?

**Marla McDade Williams:**

I am sorry; I do not know.

**Chair Mastroluca:**

Okay.

**Renny Ashleman:**

I do not know how much of it has been put into law, but I think all of the national and regional chains have bed-hold policies in writing to keep uniformity among their establishments. I presume it is fairly common. I do not know if any of the facilities require that you hand the information over to the patient. Presumably they do. The bed-hold policy is a common one throughout the United States.

**Chair Mastroluca:**

All right. Is there anyone else you would like to have testify? Ms. McDade, did you have a statement? [There was no response.] Is there anyone else who would like to testify in support of S.B. 420 (R1)?

**Barry Gold, Director, Government Relations, AARP Nevada:**

When the AARP testified before the Committee on Assembly Bill No. 9 of the 75th Session, we spoke about senior issues. The two issues we are discussing today in S.B. 420 (R1) are exactly what AARP Nevada presented to the Committee at that time. We are very pleased that these have been revisited in this bill. Residents of nursing homes should be protected from hardship when they are temporarily transferred to a hospital for needed care and then are not allowed to return. [Mr. Gold continued to read from prepared testimony ([Exhibit G](#)).] Families and residents of nursing homes need to know that they are protected and S.B. 420 (R1) provides them with some of the necessary information to make the best decisions regarding where to go to get the care they need. On behalf of our 305,000 AARP members across the state, AARP Nevada supports S.B. 420 (R1) and urges this Committee to pass it.

**Chair Mastroluca:**

Thank you, Mr. Gold. Assemblyman Anderson has a question.

**Assemblyman Anderson:**

I am curious about the patient-dumping practice. A patient is admitted into the hospital from the emergency room (ER) for a specific reason, right? A group home cannot just say, "Hey, you are going to the ER today." How do they dump a patient? Do they just make up something or point out something that was not being treated before? Can you explain to me why ERs are admitting people who do not have any issues?

**Barry Gold:**

These are anecdotal stories. I do not know the exact details of any of them. We have all heard many of these stories. We have heard that many times it involves people with behavioral problems or those who may be somewhat unstable. People who are in nursing homes tend to be pretty sick individuals. Nursing homes are taking sicker patients than ever before. These are people that might already be on the threshold. The patient is sent to the ER with an explanation of the reason he is being sent there. Many times, the hospital feels it is safer to hold that patient and take a look rather than "treat them and street them"—to send him back out. They observe the situation to try to find out what is going on. These are anecdotal studies, but people in the aging network that I talk to all say the same thing.

**Assemblyman Anderson:**

That does make sense. Are you saying that the group homes have a plan where they have a new patient ready to admit before they send the unwanted patient to the ER?

**Barry Gold:**

We are not speaking about group or residential care homes; we are talking about skilled or intermediate care nursing facilities. I am not sure the facilities have someone waiting in line for his bed. It may be someone who gives them a difficult time, who takes a lot of staff time, or a patient they are having a problem with. It is not that they are trying to replace his bed. The thought process is more, "We do not want this difficult patient here anymore. If we send him off, we do not have to take him back." They are not necessarily being replaced.

**Assemblyman Goicoechea:**

I can respond to my colleague, having gone through this with my mother. It may not be that the nursing facility is making up a fictitious ailment. A patient can fall, break a hip, and be admitted to a hospital but then not be readmitted back to the facility when he is discharged. Fortunately, my mother is a very good patient and they welcome her back. In those cases where an individual might be a problem to deal with or require more care, the patient is sent to the hospital when a real medical problem occurs. When he is discharged, the patient discovers he no longer has a bed. It can be very traumatic. The patient is used to that facility and the surroundings he has been in. I have gone through this for over ten years. It is a problem. It does happen. But the reason for the trip to the ER is not something the facility drums up. Something legitimate happens and the nursing home uses that opportunity to move the patient out of its facility.

**Chair Mastroluca:**

Are there any other questions? [There were none.] Is there anyone else in Las Vegas or Carson City who would like to testify in support of S.B. 420 (R1)?

**Larry Fry, Secretary, Northern Nevada Chapter, Coalition of Assisted Residential Environments:**

We strongly support this improved version of S.B. 420 (R1).

**Chair Mastroluca:**

Is there anyone else who would like to testify on S.B. 420 (R1), either in support, opposition, or as neutral? I do not see anyone. Senator, do you have any closing remarks?

**Senator Breedon:**

I would like to thank you for hearing the bill. I have a similar story with an aunt in Arizona. I have to admit she was cranky. She was hospitalized for seven days and came back to find her possessions packed and waiting in a box. I had no clue what to do. We had to sit there for three hours until they found her a bed in another facility. It is very traumatic, not only for the patient, but for the family members as well. I would appreciate your support.

**Chair Mastroluca:**

Thank you for sharing your personal aspect of the story. It brings home the fact that this situation is something any one of us could be dealing with at any point. With that, I will close the hearing on S.B. 420 (R1). Are there any other comments from the Committee? Is there any public comment? [There was none.] With that, this meeting is adjourned [at 2:18 p.m.].

RESPECTFULLY SUBMITTED:

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Mitzi Nelson  
Committee Secretary

APPROVED BY:

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Assemblywoman April Mastroluca, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Health and Human Services

**Date:** May 6, 2011

**Time of Meeting:** 1:18 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.B. 245 (R1)	C	Herbert Randall	Prepared Testimony
S.B. 245 (R1)	D	Barry Gold	Prepared Testimony
S.B. 245 (R1)	E	Gina Haugh	Prepared Testimony
S.B. 245 (R1)	F	Mary Shope	Submitted Testimony
S.B. 420 (R1)	G	Barry Gold	Prepared Testimony