

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

**Seventy-Sixth Session
March 4, 2011**

The Committee on Health and Human Services was called to order by Chair April Mastroluca at 12:08 p.m. on Friday, March 4, 2011, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, 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/. 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 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:

None

STAFF MEMBERS PRESENT:

Allison Combs, Committee Policy Analyst
Kirsten Coulombe, Committee Policy Analyst
Risa Lang, Committee Counsel
Mitzi Nelson, Committee Secretary
Linda Whimple, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

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

Chair Mastroluca:

[Roll was called.] This afternoon we will be having a work session. The work session document is available on Nevada Electronic Legislative Information System (NELIS) for today's meeting. I will now ask Ms. Combs to go through the work session document for us, starting with Assembly Bill 36.

Assembly Bill 36: Makes various changes concerning the Fund for Hospital Care to Indigent Persons. (BDR 38-282)

Allison Combs, Committee Policy Analyst:

The first bill on work session is Assembly Bill 36. It makes various changes relating to the Fund for Hospital Care to Indigent Persons. The Fund creates a funding stream to account separately for some accounting expenses for Nevada Association of Counties (NACO), and also revises the Board for the fund. There are several amendments for consideration in the bill. All four are listed on the work session document (Exhibit C). Mr. Fontaine submitted an amendment subsequent to the original hearing on the bill to address each of these revisions and the proposed amendment is attached to A.B. 36 in NELIS and also in the work session document. They are summarized on the first page of the work session document. All four revisions were discussed during the hearing.

The first revision is to remove the new language which would provide that the money accounted for separately would be used to reimburse NACO for their administrative costs, so those provisions would come out of the bill. The remaining provisions deal with the Board and would provide that rather than the two options of having five county commissioners, or at the selection of the Governor, four county commissioners, and a director of social services that the

Board would always be composed of four county commissioners and a director of social services.

Second, once the director is selected, he could appoint a designee; the language is not written quite to accommodate that, but it is our understanding that would be the intent. The Legal Division would certainly take care of that if it were adopted. The last revision would provide that the appointed Board of Trustees would serve two-year terms instead of one-year terms.

Chair Mastroluca:

Thank you very much. Is there any discussion on the bill? [There was no response.] I would entertain a motion.

ASSEMBLYMAN BROOKS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 36.

ASSEMBLYMAN CARRILLO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Mastroluca:

We will move on to Assembly Bill 50.

Assembly Bill 50: Revises provisions relating to the licensure of medical and related health facilities. (BDR 40-445)

Allison Combs, Committee Policy Analyst:

Assembly Bill 50 is a measure that was requested by the Health Division and was heard on February 11, 2011. It authorizes the Division to charge and collect from unlicensed medical facilities the actual costs incurred for enforcing provisions governing licensure and operation of the facilities. It also revises the existing statutes to provide that a home for residential care falls now within the definition of a "facility for the dependent," so it makes a number of statutory changes to accommodate that revision, and provides that those facilities are now subject to the licensing and operating requirements for those facilities. It also removes the exemption from paying licensure fees for the facilities for the care of adults during the day.

There was one amendment proposed during the hearing itself, which is attached to the work session document ([Exhibit D](#)). It was proposed by Mr. Bruce Arkell from Nevada Senior Advocates. The stated intent of the amendment was to require that the Bureau of Health Care Quality and Compliance limit its fee to the actual costs incurred by the Bureau. There was some testimony that that is

currently what is done by the Division with regard to their fees that actual costs are covered. There is a *Nevada Revised Statutes* section that addresses it already. So the amendment may not have the intent that it is proposing and appears that it will be a bigger issue than what was originally raised in the bill.

Chair Mastroluca:

Thank you very much. Is there any discussion on the bill?

Assemblyman Sherwood:

I am not pulling the original bill up in NELIS. Was this the one with the elder care? Can we get a quick summary of why we like this or not?

Chair Mastroluca:

The bill authorizes the Health Division to charge and collect from unlicensed medical facilities and facilities for the dependent of the actual cost incurred by the Health Division for enforcing the provisions governing licensure and operation of such facilities including cost of investigations and inspections. This week a lot of people have been confusing this with the bill that would do the four times a year inspections. This is not that bill.

Assemblyman Sherwood:

Okay. The people that testified for this were . . .

Chair Mastroluca:

Ms. McDade Williams.

Assemblyman Goicoechea:

I believe that Ms. McDade Williams spoke to the fact they had put these regulations through and the Governor was on board with the fee increases. Or am I missing this?

Chair Mastroluca:

Ms. McDade Williams, would you please come to the table and help us out?

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

The bill itself does not require us to do regulations, but, yes, the bill is supported in terms of being able to charge unlicensed facilities for the cost of doing those inspections.

Chair Mastroluca:

That would be strictly the actual cost? There is no ability or allowance to make a profit?

Marla McDade Williams:

That is correct. Through our budget process, we settle what our hourly rate for our inspection time is and then we track time and effort when we go out and do any type of investigation. So we will take that hourly amount, apply it to the time, and bill for that amount. So it just covers our costs. It does not build any profit.

Assemblyman Livermore:

I am a little concerned about the bill because of the actual cost. Generally speaking, it would be nice—especially on individual residential care—if you had an idea what the cost range per hour might be. In some cases, these people are accepting people in homes and are receiving a fee for that. I would like to make sure that the fee they are accepting that they have some ability to recover what your inspection cost might be. I am not seeing that here. It is just a blanket, “We are going to charge them fairly,” and I do not know how to measure that.

Chair Mastroluca:

We actually covered that in the original testimony. Ms. McDade Williams reassured us that these costs would be posted and available as inspections were taking place.

Assemblyman Livermore:

I am sure you are correct, but I do not see that reflected anywhere in the bill.

Marla McDade Williams:

There are several components to it. The first component is that our budget is approved by the Legislature, so the hourly rate that gets applied is established through the legislative budget process. Last year it was one rate. For the current year it is a rate of \$82 per hour. That rate is never going to change, regardless of what type of facility we inspect.

The facilities themselves pay a fee for the privilege of being licensed. That fee goes through the regulations process. Every facility knows every year what that fee is going to be, and it is based on the time and effort it takes to inspect that particular facility type.

The third component is that the fees outlined in the bill go to unlicensed facilities—facilities that have not paid the licensure fee that all of the other facilities that are providing care have paid. So it covers our cost to investigate those unlicensed facilities. That is all this bill deals with in terms of those fees applied. It would be to entities that are providing care and collecting payment for someone to provide a level of care, but they have not paid the state’s licensure fee for that opportunity.

Chair Mastroluca:

Thank you very much. Are there any more questions or discussion?

Assemblyman Goicoechea:

I appreciate Ms. McDade's remarks, because I think that was the crux of the bill. We have facilities that are licensed and paying the freight for those that are unlicensed and they were bound to investigate. So with that I think it is a good bill.

ASSEMBLYMAN GOICOECHEA MOVED TO DO PASS WITHOUT AMENDMENT.

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN LIVERMORE VOTED NO.)

Chair Mastroluca:

Is there anyone in Carson City for public comment? [There was no response.]

The meeting was adjourned [at 12:22 p.m.].

RESPECTFULLY SUBMITTED:

Mitzi Nelson
Recording Secretary

Linda Whimple
Transcribing Secretary

APPROVED BY:

Assemblywoman April Mastroluca, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: March 4, 2011

Time of Meeting: 12:08 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 36	C	Allison Combs	Work Session Document
A.B. 50	D	Allison Combs	Work Session Document