

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

**Seventy-Sixth Session
March 21, 2011**

The Committee on Health and Human Services was called to order by Chair April Mastroluca at 1:35 p.m. on Monday, March 21, 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:

Lynn D. Stewart, Clark County Assembly District No. 22

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

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

Chair Mastroluca:

[Roll was called.] Today we are going to have a work session and a Committee bill introduction. We will discuss the introduction of BDR 31-151 first.

BDR 31-151—Revises provisions governing state financial administration.
(Later introduced as [Assembly Bill 450](#).)

Chair Mastroluca:

This is a bill from the 2009 Session (75th) that was submitted by the Assembly Committee on Health and Human Services. I will accept a motion.

ASSEMBLYWOMAN PIERCE MOVED FOR COMMITTEE
INTRODUCTION OF BDR 31-151.

ASSEMBLYMAN FRIERSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Mastroluca:

We will begin the work session with [Assembly Bill 123](#). The Committee's policy analyst, Allison Combs, will give us an update.

[Assembly Bill 123](#): Makes various changes relating to certain facilities that provide health and related care. (BDR 40-159)

Allison Combs, Committee Policy Analyst:

[Assembly Bill 123](#) is a bill that was heard earlier in the session, which came out of the interim study from the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. There are a couple of different components to

this bill. The first requires an itemized statement to be provided upon request to certain individuals, as enumerated in section 2 of the bill. In its original form, the bill also required four annual inspections per year by the Health Division at the facilities listed under section 3. In addition, the bill required that notification of deficiencies discovered during the course of an inspection of a facility be reported to the person receiving the care and certain other persons.

During the hearing, there was some discussion of amendments, but a formal amendment was not submitted. Assemblyman Lynn Stewart, who served on the interim committee, has since submitted an amendment attempting to address the concerns that were raised during the hearing. That amendment is the first of two that are listed in the work session document ([Exhibit C](#)) and reduces the required number of inspections per year from four to one annual inspection, plus other inspections as determined necessary by the Health Division. The second change, to section 9 of the bill, provides that the notice of deficiencies would be reported only if those deficiencies affected the health and safety of a patient. Page 2 of the work session document contains some conceptual language to address these concerns. One other amendment discussed during the hearing, proposed by Assemblywoman Pierce, would expand the list of persons authorized to receive itemized statements to include other natural persons designated by the person receiving the care. This would cover a son or a daughter who is caring for a parent at those facilities.

Chair Mastroluca:

I would like to acknowledge Assemblyman Stewart who is in the audience today. Thank you very much for being here and for carrying the water on this bill; we appreciate it. Is there any discussion on the bill or amendments?

Assemblyman Hambrick:

I realize we are a policy committee, but I am uncertain whether the amendments being offered would have a direct effect upon the fiscal impact of the bill, forcing it go to another committee.

Chair Mastroluca:

Anything is possible, Mr. Hambrick.

Assemblyman Livermore:

The bill does call out fiscal impact on the state, but there is no indication of the amount of that fiscal impact.

Chair Mastroluca:

I believe that the fiscal impact came from the original language of the bill asking for four inspections per year, which would cause a significant fiscal impact to

the state. Now that the required inspections have been reduced to one per year, I would bet there is no fiscal impact or a significantly reduced fiscal note. Could I have Marla McDade Williams come forward and verify that for me?

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

Currently, statute mandates the Health Division to inspect group homes, ambulatory surgery centers, and physician-based offices that provide certain levels of anesthesia once per year. Expanding this requirement to include inspections of homes for individual residential care once per year will add some burden to our current workload. However, making the proposed changes to the bill significantly reduces the original fiscal note that was attached to the bill. The other mandate for the nursing homes would also be a new one for us; however, federal regulations already require us to inspect nursing homes on an average of every 12 months, but no longer than every 15 months. Essentially, we inspect them every year and that is what is built into their fee structure.

Chair Mastroluca:

Does that answer your questions, Mr. Livermore and Mr. Hambrick?

Assemblyman Livermore:

Yes, ma'am.

Assemblyman Hambrick:

Yes, ma'am.

Assemblywoman Pierce:

I wanted to double-check that we know my proposed change does not create a problem with the Health Insurance Portability and Accountability Act (HIPAA).

Chair Mastroluca:

Are you asking a question or making a statement?

Assemblywoman Pierce:

I am asking a question.

Chair Mastroluca:

I believe that the language included in the proposed amendment, which reads "the person designated to receive such statements," satisfies the HIPAA law. Based upon that language, the patient would have already given their permission to share the information. Our legal staff can double-check this concern.

Assemblywoman Pierce:
Okay.

Chair Mastroluca:
Is there any other discussion on the amendments to A.B. 123?

Assemblywoman Smith:
When we originally held a discussion regarding the bill, I had mentioned an interest in wanting to clarify some issues with itemized bills for a government payor. Those issues have not yet been completely clarified. When staff contacted me about the amendment, I asked if we could just let this bill go through. Once I work out what I think is needed, I can then take it up in the Senate, if that works for you.

Chair Mastroluca:
I remember that discussion and I think that makes sense. I will accept a motion on A.B. 123.

ASSEMBLYWOMAN PIERCE MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 123.

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN HAMBRICK AND
LIVERMORE VOTED NO.)

Chair Mastroluca:
Does that include both amendments?

Assemblywoman Pierce:
Yes.

Chair Mastroluca:
We will now move on to Assembly Bill 148.

Assembly Bill 148: Revises provisions governing the voluntary relinquishment of an infant to a provider of emergency services. (BDR 38-589)

Allison Combs, Committee Policy Analyst:
This is a measure that relates to Nevada's safe haven law and requires that if the provider who takes possession of a child is not a law enforcement agency, that provider must report possession of the child to a law enforcement agency

within 24 hours. The language of the bill also requires the law enforcement agency to "investigate through the Clearinghouse established pursuant to NRS 432.170 and other national resources to determine whether the child has been reported as a missing child."

An amendment was proposed during the hearing by the bill's sponsor that would:

1. Clarify that the law enforcement agency must utilize national resources, as necessary, in its investigation into whether the child has been reported as a missing child.
2. Require that the agency which provides child welfare services must maintain information regarding the provider taking possession of the child for statistical and research purposes.

The amendment is included in the work session document ([Exhibit D](#)).

Chair Mastroluca:

Is there any discussion? If not, I will accept a motion.

ASSEMBLYWOMAN SMITH MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 148.

ASSEMBLYMAN FRIERSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Mastroluca:

I will handle the floor statement for A.B. 148. We will now move on to Assembly Bill 154.

Assembly Bill 154: Enacts provisions which guarantee certain rights to children placed in foster homes in this State. (BDR 38-802)

Allison Combs, Committee Policy Analyst:

Assembly Bill 154 establishes certain rights for children placed in foster homes. The rights are enumerated throughout the bill and include being treated with respect, receiving the appropriate medical care, and the right to be free from abuse and neglect. During the hearing, there was reference to some amendments that were needed to fine-tune the language of the bill. The sponsor of the bill has been working on those changes and submitted a written amendment, which is also included in the work session document ([Exhibit E](#)).

Many of the changes in the attached amendment reflect moving the new provisions of the bill to *Nevada Revised Statutes* (NRS) Chapter 432, Public Services for Children. The bill was originally written under NRS Chapter 424, so additional revisions to reference certain definitions in other NRS chapters are needed, such as those for foster homes and treatment facilities. The amendment also changes the references in the bill from "licensing authority" to "agency which provides child welfare services." Additionally, some clarification was made to the rights of children, such as the addition that the right to be treated with respect also includes the right to be treated with dignity. Other language changes deal with the right to communicate confidentially with the agency and the right to not be identified as a foster child by employees of a school district. Language was expanded to include, "but not limited to a school administrator, teacher or instructional aide." The final change deals with the grievance reporting process. Much of the language included in section 8 of the bill is deleted, but the right of the child to "raise and redress any grievance" with various entities is retained.

Chair Mastroluca:

Mr. Frierson, do you have anything to add?

Assemblyman Frierson:

I can only add that this amendment is the culmination of the work of all the stakeholders. It is not perfect by any stretch and I do not know if any piece would be absolutely perfect, but it is something that everyone agreed they could live with, which accurately reflects the existing rights of foster children.

Chair Mastroluca:

Are there any questions or comments on the amendment? [There were none.]
I will accept a motion.

ASSEMBLYWOMAN FLORES MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 154.

ASSEMBLYMAN ANDERSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Mastroluca:

Mr. Frierson will handle the floor statement. Thank you very much for your work on these bills. Is there any further discussion from the Committee? [There was none.] This meeting is adjourned [at 1:51 p.m.].

RESPECTFULLY SUBMITTED:

Mitzi Nelson
Committee Secretary

APPROVED BY:

Assemblywoman April Mastroluca, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: March 21, 2011

Time of Meeting: 1:35 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 123	C	Allison Combs	Work Session Document
A.B. 148	D	Allison Combs	Work Session Document
A.B. 154	E	Allison Combs	Work Session Document