

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

**Seventy-Seventh Session  
March 29, 2013**

The Committee on Health and Human Services was called to order by Chair Marilyn Dondero Loop at 12:37 p.m. on Friday, March 29, 2013, 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 [nelis.leg.state.nv.us/77th2013](http://nelis.leg.state.nv.us/77th2013). 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 Marilyn Dondero Loop, Chair  
Assemblywoman Ellen B. Spiegel, Vice Chair  
Assemblywoman Teresa Benitez-Thompson  
Assemblyman Wesley Duncan  
Assemblyman Andy Eisen  
Assemblywoman Michele Fiore  
Assemblyman John Hambrick  
Assemblyman Pat Hickey  
Assemblyman Joseph M. Hogan  
Assemblyman Andrew Martin  
Assemblyman James Oscarson  
Assemblywoman Peggy Pierce  
Assemblyman Michael Sprinkle

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblyman Peter Livermore, Assembly District No. 40

Minutes ID: 701



**STAFF MEMBERS PRESENT:**

Paul V. Townsend, Legislative Auditor, Audit Division, Legislative Counsel  
Bureau  
Kirsten Bugenig, Committee Policy Analyst  
Risa Lang, Committee Counsel  
Terry Horgan, Committee Secretary  
Macy Young, Committee Assistant

**OTHERS PRESENT:**

Christina Vela, Chief Program Officer, St. Jude's Ranch for Children  
Ashley Roberson, Private Citizen, Las Vegas, Nevada  
Alex Ortiz, representing Clark County  
John Jones Jr., representing the Nevada District Attorneys' Association  
Jon Sasser, representing the Legal Aid Center of Southern Nevada  
Kevin Schiller, Director, Department of Social Services, Washoe County  
Amber Howell, Administrator, Division of Child and Family Services,  
Department of Health and Human Services  
Denise Tanata Ashby, representing Children's Advocacy Alliance  
Ken Lange, representing Nevada Youth Care Providers  
Jeff Fontaine, Executive Director, Nevada Association of Counties

**Chair Dondero Loop:**

[Roll was called. Committee rules and protocol were explained.]

Because we have Committee members who have bills in other committees, we are going to take things out of order today and start with Assembly Bill 393.

**Assembly Bill 393:** Expands the rights of children placed in foster care.  
(BDR 38-919)

**Assemblywoman Michele Fiore, Clark County Assembly District No. 4:**

I am here today to introduce Assembly Bill 393. It is a relatively simple bill that deals with siblings who are in the foster care system. Section 1 allows siblings, where practical, to have contact with each other on a regular basis, including on holidays and birthdays. It also restricts the taking away of visits with siblings as a form of punishment. Section 2 requires children to be kept updated on the placement of their siblings, where practical and appropriate and depending upon the age of their siblings.

I introduced this bill at the request of Christina Vela, Chief Program Officer of St. Jude's Ranch for Children. I will introduce her so she can go through the bill with you and answer questions.

**Christina Vela, Chief Program Officer, St. Jude's Ranch for Children:**

[Ms. Vela provided Committee members with a letter and copies of emails in support of the bill ([Exhibit C](#)).] I am here in support of A.B. 393, which expands the rights of children and youth who are living in foster care. During the 2011 Legislative Session, the foster youth bill of rights was passed, which is a great accomplishment in identifying specific rights we want to make sure are preserved for children in foster care.

This bill, A.B. 393, would further expand those rights to specifically protect the rights of siblings. Sibling relationships are oftentimes some of the longest relationships people have in their lives. It is possible many of you have had personal experiences with siblings, or have children of your own, and you recognize how critically important those relationships are in our lives. Those relationships are emotionally powerful and provide a significant source of continuity for children and youth. Children who have good strong relationships with their siblings are linked to feeling less lonely, having fewer behavioral issues, having a higher regard for themselves, and generally experience better outcomes.

Through A.B. 393, and as a state, we would be making a commitment to children and youth about respecting that family bond. We know that children who come into foster care experience very challenging experiences as children, and we hope to recognize that their sibling relationship is something we all respect, understand, and that needs to be preserved.

We want to make sure that children and youth are safe; and so, at times, we recognize that certain siblings should potentially have restricted visits. There may also be a question about the safety and appropriateness of those visits; but in general, we really do believe that preserving this relationship is a very important thing for us to do.

As Ms. Fiore referenced, this bill ensures that siblings who are not placed together, for whatever reason, and as practicable, are able to have regular and frequent visits with each other. One of the key tenets is that they be able to celebrate holidays together. Birthdays are very important for children. The bill would also ensure that sibling contact or visitation is not withheld as a form of punishment. We know that children in foster care experience lots of times of crisis, and at times they may act up. It is frustrating for them to be in foster care. As a practice, at times they may be restricted from doing things

considered privileges, but our goal is to recognize that they have a right to spend time with their siblings. In times of crisis, that relationship is actually something that can be supportive to them.

This bill would also assist in making sure that children understand where their siblings go in foster care. It is not uncommon for children to move around in foster care, and kids can lose track of where their siblings are. We would like to be sure that happens as little as possible.

I have been a professional in child welfare for over 15 years. Over those years, and while I have been working at St. Jude's Ranch for Children, we have a sibling preservation program through Child Focus. We see firsthand the joy that siblings bring to each other's lives and also the damage when that relationship is not valued or preserved. We have also observed the incredible sadness in the eyes of children and youth who have to struggle with things like abandonment from their families or from their parents. Keeping them apart from their siblings adds to that, but it is preventable.

Only a few other states have laws to protect and preserve the precious relationship between siblings, and I applaud their support. I think we can set an example for other states across the country. I am proud to support this bill. Children and youth like Ashley, who will share some of her story, continue to teach us how important that sibling relationship is and really encourage us to continue to do our work better.

Thank you for all you do for children, youth, and families in the state of Nevada. I look forward to the day when this bill is passed and we can continue to work on implementing reform in our child welfare system.

**Ashley Roberson, Private Citizen, Las Vegas, Nevada:**

[Ms. Roberson spoke from prepared text ([Exhibit D](#)).] I am adopted right now, but I am here to talk to you about my personal experience going through the foster care system in Nevada. I was placed in foster care along with my four brothers. There were many times over the years when we were separated and not always able to spend quality time with each other. During difficult times in our lives we were not able to lean on each other for support, and that has made a big impact on me. It continues to make an impact on children across Nevada.

Assembly Bill 393 would help keep siblings together on birthdays and holidays, and would help make sure that kids are no longer kept from seeing each other as a form of punishment. There were times when my older brother had gotten into trouble and I was not able to see him. That did not solve the problem; it only made things harder. If any of my brothers were in trouble, I wanted to be

there as a good influence on them and try to help them make the right decisions. I hope you support these measures. Even though my experience has already happened, I hope that children in the foster care system in the future will not have to go through this during difficult times in their lives.

**Chair Dondero Loop:**

Thank you, Ashley. Some Committee members have questions.

**Assemblyman Eisen:**

I really appreciate these additions to the foster child bill of rights being brought forward. I felt fortunate last session, before I was elected to this body, to sit at the witness table and testify in favor of the adoption of that bill of rights. It was an important step forward for the state of Nevada and for the children in our care.

I do want to clarify. I am looking at section 1, subsection 12, paragraph (e) on page 2 of the bill. At the end of line 35, it states that "contact arranged on a regular basis and on holidays, birthdays, and other significant life events." That is an important consideration; however, who determines what the holidays are and to what extent would that be? Are we talking about the last Friday in April, which is Arbor Day? How do we determine what those days are, and does that add something beyond just the term "significant life event"?

**Christina Vela:**

The language reads "to the extent practicable." We certainly understand that not every holiday is possible. For every child there is an individual child-and-family team process with a case manager and foster parents. That can be something negotiated based on what is really important for the children or youth involved. We feel that having this language requires them to put some effort forward to allowing youth to participate in whatever the special events are that the youth identify and that the team is in agreement with.

**Assemblyman Sprinkle:**

I think this is a great bill and very much necessary. When we talk about "to the extent practicable," especially in regard to the safety of the child in situations where it might not be a good idea, this bill in no way takes away the authority from the caseworker or those people who are determining the case plan for this child as far as preventing that child from being placed in harm's way, correct?

**Christina Vela:**

Yes, that is correct. In section 1, subsection 12, paragraph (e) ([Exhibit E](#)) we added, "unless such contact is contrary to the safety of the children." We feel

that additional language does not take away the ability for a case manager or court to decide that a visit is contrary to the wellbeing of a child.

**Assemblywoman Spiegel:**

I also think this is a great bill and I was very pleased to be able to sign on to it. It is important. I also appreciate your coming up here and sharing some of your story with us. I have a clarifying question about that section. As I was reading it, it was not clear to me that it would apply if it was a large family and some youth were placed in multiple homes, or if there was a sibling who was not in foster care. I was not sure that was the intent. If the language said something like "except as otherwise prohibited by a court order to contact and visit with his and her siblings, including siblings who have not been placed in foster home or in the same home," would that language strengthen it?

**Assemblywoman Fiore:**

As we have worked through this bill with the many supporters who were originally opposed, we have made many amendments. Your language would be okay and actually would strengthen the bill.

**Assemblyman Oscarson:**

I also believe it is important for siblings to be able to stay in touch with each other, and I was particularly impressed with your testimony. If a sibling or child does not want to have that contact, do they have the right to refuse? There may be some instances where contact might not be wanted or needed by an individual.

**Assemblywoman Fiore:**

Someone brought that to our attention this morning, and we believe that is a further amendment we can add. The language could read, "upon request and permission of the child" information could be shared about their placement or about visitation. We agree with empowering youth to have some say about that contact and about that visitation.

**Chair Dondero Loop:**

Ms. Vela, you referred to section 1, subsection 12, paragraph (e) earlier and read "to the extent practicable, to have such contact arranged on a regular basis." You also said something about safety?

**Christina Vela:**

I am referencing our proposed amendment to the language dated yesterday ([Exhibit E](#)).

**Chair Dondero Loop:**

I do not think we have that in front of us yet.

**Assemblywoman Fiore:**

You should have a copy of all the amendments. We worked with the district attorney and some other people on them.

**Chair Dondero Loop:**

We are getting them now, and I see the language.

**Assemblyman Eisen:**

Looking at section 2, subsection 1, paragraph (d) of the proposed amendment ([Exhibit E](#)), I noticed that language related to the "extent practicable, to be placed in close proximity" has been pulled back. Can you explain the reasoning behind that?

**Assemblywoman Fiore:**

We decided we were okay with that change. Are you not okay with this amendment?

**Assemblyman Eisen:**

I am trying to understand the rationale behind pulling that language back. I understood the reason for including that provision. Now I am wondering what caused it to be pulled back.

**Alex Ortiz, representing Clark County:**

We have been working closely with the sponsor of this bill on several issues, one of which is section 2, subsection 1, paragraph (d). The reason we struck that language was because we would not have the ability, for example, with an out-of-state placement. If a sibling were placed out of state, we would not necessarily be able to control that and have the siblings placed as close as possible. As you see, the language states "to the extent practicable, to be placed in close proximity to his or her siblings to facilitate frequent contact." That may not be possible for a child who was placed out of state.

**Christina Vela:**

One other reason that language was stricken from the amendment is that there is already an existing presumption in *Nevada Revised Statutes* (NRS) 432B.550 that states that it is in their best interests for children to be placed together. Somewhere else in the statutes I believe it states when children are not able to be placed together, that a visitation plan must be submitted to the court, and there is reference to the children being placed in close proximity. I believe that was also one of the reasons why it was stricken from this bill.

**Assemblyman Martin:**

I am a sponsor on this bill and really like what you are trying to do. We have had a lot of dialogue about visitation. If a sibling wants to have visitation rights, can anyone interfere with that, for instance a guardian of the sibling? Who has priority over whom? I just want to make certain that the sibling has the ultimate right to request the visitation and no one else can interfere with that visitation providing the other conditions are met.

**Christina Vela:**

There are a lot of individuals involved in the life of a child. I agree with you that the child's desire should take precedence. That is why we want to preserve the relationship and put it in statute, because at times it can defer to different members of the team. Every child has an individualized case plan and a permanency goal, and oftentimes decisions are made to be aligned with that. That is really the intent of the bill—to make sure if the child has the desire and it is not contrary to his wellbeing to have contact with his siblings, that it is allowable and that the statute requires reasonable efforts be made to be sure that happens.

**Assemblyman Oscarson:**

Mr. Ortiz, I liked paragraph (d) where it said, "to the extent practicable, to be placed." That statement says it all rather than leaving it ambiguous. I think it will be ambiguous if that language is not included in the bill. That is not going to make or break my decision to support the bill, but I like that language.

**Chair Dondero Loop:**

Are there any further questions for Mr. Ortiz? [There were none.]

**John Jones Jr., representing the Nevada District Attorneys' Association:**

We are also here in support of the bill with the agreed-to amendments brought forward by Assemblywoman Fiore.

**Chair Dondero Loop:**

Are there any additional questions for those in support? [There was no response.] Is there anyone else in support of A.B. 393?

**Jon Sasser, representing the Legal Aid Center of Southern Nevada:**

We were instrumental in the passage of the foster care bill of rights during the last session. Jennifer Silverman, with our office, made part of the presentation and was very involved. Ms. Silverman has reviewed this bill and has been working with the bill's sponsor about the language. We had one concern that was taken care of in the mock-up ([Exhibit E](#)), and so we are in support of the bill.



**Chair Dondero Loop:**

Is there anyone else in support?

**Kevin Schiller, Director, Department of Social Services, Washoe County:**

I want to voice our support for this. Sibling contact is critical. I support the amendments that have been brought forth; however, I want it on record that I support this bill as written based on the fact that I think it is critical to moving ahead for those kids who are in foster care.

On the issue of who controls sibling contact and how it is requested, the only time it becomes a critical issue is when there is a safety issue. If there were possible abuse between siblings, that is when we might interfere in that process. We would also have to go through the court, because we have to have a documented plan.

**Amber Howell, Administrator, Division of Child and Family Services, Department of Health and Human Services:**

We are also in support of A.B. 393 with the amendments. In 2009 when the federal government analyzed and reviewed our child welfare system, one of the things they looked at was how well Nevada did in placing siblings together. At that time, we were rated one of the highest in the country for placing siblings together, so we do a great job at that. This will help when siblings are not placed together because what do we do and how do we continue to foster that bond? For that, we are very supportive of this measure.

**Denise Tanata Ashby, representing Children's Advocacy Alliance:**

I have provided my testimony in writing ([Exhibit F](#)). We are in full support of A.B. 383. Yesterday, I had a meeting with a group of foster youth who will be coming up to Carson City next week for Children's Week at the Legislature. They all had a very strong interest in this bill. We are hoping they will have a chance to meet with some of you and tell their stories.

**Ken Lange, representing Nevada Youth Care Providers:**

We represent most of the agencies that provide specialized foster care in Nevada. At any given time, our agencies have between 400 and 500 children in their homes. We are a vital part of the foster care system and work diligently to provide support and healing to the children in our care.

My testimony has also been sent to you ([Exhibit G](#)). For the record, I would like to note that the bill before you started as a bill of rights put together by members of Nevada Youth Care Providers. As providers, we know how important the sibling bonds can be. This legislation goes a long way toward helping siblings maintain contact and sustain the bonds that are an important

part of family stability. I appreciate Mr. Schiller's comments and enthusiasm for this sibling piece, and hope that all the agencies responsible for carrying out this legislation will do so. As providers, we make a commitment that we will do our very best to facilitate and support the siblings in our care. We appreciate Assemblywoman Fiore's sponsorship and assistance, as well as that of our previous president, Christina Vela. We appreciate the sponsorship of Assemblywoman Kirkpatrick and that of everyone who supported this bill. It is so important to keep these kids together.

As Ms. Vela testified, you can definitely see the joy in the kids' eyes when they see their siblings, and you can see the disappointment when they do not. Again, we stand in support of this bill and respectfully request your support as well.

**Chair Dondero Loop:**

Are there questions for any of our guests? [There were none.] Is anyone in opposition to A.B. 393? [There was no response.] Is anyone neutral? [There was no response.] Ms. Fiore, would you like to make closing comments?

**Assemblywoman Fiore:**

Thank you for hearing us. This bill is very near and dear to my heart. As a young child, I was separated from my uncles who acted as my brothers in New York City when my grandparents passed away unexpectedly. The City of New York took my uncles away for a while. I was a baby and they were 2 and 3 years of age so we were very close in age. I know how important sibling contact is and I want to thank you for hearing the bill. I hope we can get this bill passed.

**Chair Dondero Loop:**

I will close the hearing on Assembly Bill 393 and open the hearing on Assembly Bill 255.

**Assembly Bill 255: Provides for an audit concerning the use by the Department of Health and Human Services of certain assessments paid by counties to the Department. (BDR S-191)**

**Assemblyman Peter Livermore, Assembly District No. 40:**

[Assemblyman Livermore read his testimony and an explanation of the bill from prepared text ([Exhibit H](#)).] I would like to turn this presentation over to Paul Townsend of the Audit Division of the Legislative Counsel Bureau.

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

As an employee of the Legislative Counsel Bureau (LCB), I cannot oppose or support legislation, but I can describe the process we would be going through in doing this audit and respond to any questions.

As Mr. Livermore mentioned, this is an audit of certain assessments by the Department of Health and Human Services (DHHS). The focus is in four areas: certain detention facilities for children—the regional detention facilities; youth parole; rural child protective services; and the Health Division. Some of these assessments were enacted by the Legislature in the 2011 Session, so they are new. There is some value to an audit when a new process is put in place to make certain these assessments have been properly implemented and that the funds are being spent appropriately. We are available and capable to do the audit.

**Chair Dondero Loop:**

Are there any questions, Committee?

**Assemblyman Sprinkle:**

What was the impetus behind this?

**Assemblyman Livermore:**

I represent the population of Carson City. The municipal government and the mayor wrote me and Senator Ben Kieckhefer, who also represents Carson City, a letter ([Exhibit I](#)) dated October 11, 2012. The letter expresses concern "that the continued burden of the counties with revenue diversions, cost shifts and unfunded mandates by the State will leave local governments unable to provide even essential services to the people we have a mutual obligation to serve."

At the end of the last session, the amount of money that was assessed to the County of Carson City far exceeded what my representation to that public body was. The letter is signed by all members of the board of supervisors and the mayor. The fiscal impact is listed on the third page. The General Fund balance and the measures that had to be taken in order to meet the requirements are also listed, as are the state cost shifts.

The mayor and the board did not request that I testify here today, but as a legislator, I am responsible to the people who pay taxes to this community I live in. I am not making any accusations; I have no information that there were any over- or under-charges for services. I just think it is wise for me to request that the Audit Division of the Legislature audit these departments on behalf of this one county. The other 16 counties may want to watch or validate the audit.

I am hoping that at the conclusion of the audit, that the fees and costs are validated and support the fees and expenses that were paid.

As the representative of my district, I feel strongly that our fees and charges are used wisely. I want them to codify exactly what services could be provided on our own and understand the costs of those services when we ask someone else to do them.

**Chair Dondero Loop:**

I notice that this letter is addressed to you and to Senator Kieckhefer but that the bill is not sponsored by Senator Kieckhefer. Could you address that?

**Assemblyman Livermore:**

As we all know, a massive number of bills came out of bill drafting right before the March 18 deadline. I could not find Senator Kieckhefer; he was probably doing the same thing I was doing—trying to circulate bills to cosponsors. It was not an oversight; I just did not have an opportunity to get him to sign.

**Assemblyman Martin:**

What problem are we trying to solve? What would the scope of the audit be? Would this be putting an undue burden, resource-wise, on the office of LCB Audit? It is a cost versus benefit question. An audit is one form of financial reporting. Is there any other form that could possibly be substituted like a review or even a forensic exam? Mr. Townsend and I have had discussions about the LCB Audit Division also having certified fraud examiners on staff. I would like a little clarity from Mr. Townsend on his interpretation of the scope of the issue and possible solutions.

**Paul Townsend:**

It is fairly well laid out in the audit the specific statutes that require the assessments. As I mentioned, it is a new requirement added in 2011 and is a good thing to take a look at. As far as our resources go, every session there are some audit bills that come through. It is a service we are prepared to take on and want to provide to the Legislature.

We do like to do audits in accordance with *Nevada Revised Statutes* (NRS) Chapter 218G which lays out a very specific structure for our audits. It provides for access to resources, and it provides that, if we did identify any illegal acts, they would be reported to each member of the Legislature as well as to the Attorney General and Governor. It does provide if problems are found and brought up in an audit, there is a follow-up process agencies would have to comply with to make sure the recommendations are implemented. I think it is a

good process. We like to stick with that as much as we can, but we are always willing to do whatever the Legislature would like us to.

**Assemblyman Oscarson:**

On page 2, line 8, it says, "the Audit Subcommittee of the Legislative Commission on or before January 31, 2015." Would this be a one-time audit or a continual audit?

**Assemblyman Livermore:**

It was my intent to have a one-time audit. I do not know what the findings might be or what might happen in the future. I am hoping that it is a very clean audit with no recommendations for modifications or changes. Until the audit is done, I cannot speak to what could be or might be.

**Chair Dondero Loop:**

Are there additional questions from the Committee? [There was no response.] I will call up anyone else in support of A.B. 255. [There was no one.]

**Assemblywoman Pierce:**

I am not without sympathy for this bill or the dilemma. Looking at the big picture, this happens on a federal level. A lot of ideas have come out of Washington about how to cut the federal budget, and it is about cost-shifting to states. Some of this I did not vote for because it did not seem fair. It costs money to run government and it has to come from somewhere. I would have been willing any year to have voted for a broad-based business tax rather than go to the counties for this money.

**Chair Dondero Loop:**

Are there any additional comments from the Committee? Seeing none, we are going to the opposition. [There was no response.] Is anyone neutral?

**Jeff Fontaine, Executive Director, Nevada Association of Counties:**

We are neutral on this bill. As has been described, there were a number of cost shifts enacted in the 2011 Session and assessments to counties. Most of those were from DHHS. Since that time, it has been pretty difficult for both the counties and for the state in terms of implementing those cost assessments. I am aware that counties have received billings they had questions about, and billings that accrued over time exceeded what the projected amounts would be. There have been some implementation problems in the billings, but the Department of Health and Human Services has been very cooperative and willing to help in trying to resolve those issues. Director Michael Willden and his team have sat down with us and tried to work through those problems and they

continue to do so. We are neutral on the bill, but there certainly have been some issues that need to be worked out.

**Chair Dondero Loop:**

Would you please work with the sponsor of the bill if you have amendments? Are you proposing an amendment?

**Jeff Fontaine:**

We are not proposing any amendments.

**Chair Dondero Loop:**

Is there anyone else in the neutral position? [There was no response.] Mr. Livermore, did you have some closing comments?

**Assemblyman Livermore:**

Thank you to the Committee for hearing this bill. In closing, I have the responsibility to be certain the taxpayers of this community are not being charged for someone else's services. I am not saying that is the case; but when I am asked, I want to be certain I can present a clean slate to the people who ask me. That is the intent of the bill.

**Chair Dondero Loop:**

As I do not see anyone wishing to testify on A.B. 255, I will close the hearing on A.B. 255.

Now, we are going to begin our work session. Your binders have been updated to include the work session documents for today which are also on the Nevada Electronic Legislative Information System (NELIS). Assembly Bill 109 has been pulled by its sponsor for further work.

**Assembly Bill 109: Revises the qualifications and training required for certain persons who operate or are employed by a child care facility. (BDR 38-271)**

[This bill was not heard.]

We will start with Assembly Bill 79. Our policy analyst will take us through the bills.

**Assembly Bill 79: Revises provisions relating to early childhood education programs. (BDR 38-199)**

**Kirsten Bugenig, Committee Policy Analyst:**

Assembly Bill 79 was presented by Assemblyman Bobzien and heard on February 27. This bill was brought forth because of the 2011 bill that was vetoed by the Governor.

Assembly Bill 79 requires the Director of the Department of Health and Human Services to establish the Early Childhood Advisory Council. Membership of the Council is appointed by the Director. Some of the Council duties include state-level coordination, needs assessments, establishing guidelines for evaluating school readiness, and making recommendations related to core elements, standards, professional developments for teachers, and increasing parental involvement.

Subsequent to the hearing, a proposed amendment was received from the Governor's Office ([Exhibit J](#)). This amendment intends to clarify that the Early Childhood Advisory Council functions as a state advisory council on early childhood as required by the federal Head Start Act. It also specifies that membership of the Council will be appointed by the Governor.

**Chair Dondero Loop:**

Is there a motion to amend and do pass?

ASSEMBLYMAN HAMBRICK MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 79.

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE  
MOTION.

THE MOTION PASSED UNANIMOUSLY.

Mr. Bobzien will make the floor statement for A.B. 79.

We will go to Assembly Bill 93.

**Assembly Bill 93: Makes various changes concerning investigations relating to child care facilities. (BDR 38-61)**

**Kirsten Bugenig, Committee Policy Analyst:**

Assembly Bill 93 was heard on March 4 and presented by former Senator Valerie Wiener on behalf of the Legislative Committee on Health Care. This bill was brought forth to reflect recommendations made by the Audit Division of the Legislative Counsel Bureau that were made to the Health Division and discussed during the interim. This bill requires an applicant for a license, or licensee, of

a child care facility to notify the Health Division as soon as practicable but not later than 24 hours after the licensee: hires an employee of a child care facility; an employee begins residence at a child care facility; or an employee begins participation in an outdoor youth program.

Ms. McDade Williams of the Health Division proposed an amendment to delay the effective date of this bill to July 1, 2014 ([Exhibit K](#)) because, as currently written, the Health Division regulations would be out of compliance with the statutes until the regulations could be updated to reflect those changes.

**Chair Dondero Loop:**

Is there a motion to amend and do pass?

ASSEMBLYWOMAN SPIEGEL MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 93.

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE  
MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will do the floor statement for this bill.

Now, we will go to Assembly Bill 144.

**Assembly Bill 144:** Revises certain provisions pertaining to anatomical gifts.  
(BDR 40-141)

**Kirsten Bugenig, Committee Policy Analyst:**

[Ms. Bugenig read a description of the bill from her work session document ([Exhibit L](#)).] Assembly Bill 144 was heard on March 15. It was brought forth by Assemblyman Carrillo and Rachel Bowe of the Girl Scouts. This bill was the result of a Girl Scout Gold Award project Ms. Bowe worked on. This creates an exception for anatomical gift donors who at the time of death are at least 16 years of age, are an unemancipated minor, and holder of a valid driver's license. If the donor meets the prescribed requirements, then a parent of the donor is prohibited from revoking or amending an anatomical gift of a donor's body or part. No amendments have been proposed for this bill, but as the Committee members may recall, there was discussion during the hearing that the bill may benefit from the inclusion of a parental consent measure.

**Chair Dondero Loop:**

Is there a motion?



ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO DO PASS  
ASSEMBLY BILL 144.

ASSEMBLYMAN EISEN SECONDED THE MOTION.

Is there any discussion?

**Assemblyman Sprinkle:**

I want to remind the Committee that we had a lot of discussion on potentially amending this bill even after the hearing was closed. We met in the public arena and talked with both the sponsor and Ms. Bowe who brought it forward. We had come up with some really good ideas; however, since then, no further discussion has occurred. The amendment obviously does not exist. In speaking with the sponsor of this bill earlier today, he said that he has not been able to reach the young lady who brought this forward. Because of that, I want to state for the record that I will not be in support of this bill.

**Assemblywoman Fiore:**

I echo Assemblyman Sprinkle's comments because of the amendment we talked about. I thought we agreed about the parental consent, so I will not be in support of this bill.

**Assemblywoman Spiegel:**

Ditto.

**Assemblyman Hickey:**

I would support it with the amendment, so ditto.

**Assemblyman Duncan:**

I would support it with the amendment. I would also note that when I asked the young lady whether a minor had refused to donate their organs that their parents could override that decision, she said she was not in favor of that. I would like to see that amendment to the bill as well, so I will not be voting for the bill.

**Assemblyman Eisen:**

I, too, am somewhat uncomfortable with the language as it exists. My second to the motion was to allow this discussion to take place. I particularly want to echo Mr. Duncan's comments just now about the two-sided nature of the need for this declaration to be clear and I do not believe it is at this point.

**Assemblyman Hambrick:**

I, too, would vote against the motion without an amendment allowing parental approval.

**Assemblyman Martin:**

I could live with the amendment; but I could support this because I believe ultimately it is a consent issue with the 16-year-old. Is there any way to table this and get the amendment?

**Chair Dondero Loop:**

I will ask for a rescinding of the motion due to the concern of the Committee. I would, however, remind the Committee that you know in advance the work session bills and their sponsors. We need to be diligent about following those bills we have to vote on. Also, please tell the Chair prior to the Committee meeting when you have concerns so we do not get into situations where we have to rescind a bill in our work session.

Mrs. Benitez-Thompson, would you like to rescind your motion?

**Assemblywoman Benitez-Thompson:**

As we move forward into the session, these bills are dropping quickly. We have the big deadline of committee passage and first house passage looming, so it is incumbent upon all of us, the minute these work session documents are posted on the agenda, to look at them. Also, read the work session documents as they come out, even if it means late nights.

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO RESCIND  
HER MOTION TO DO PASS ASSEMBLY BILL 144.

ASSEMBLYMAN EISEN SECONDED THE MOTION.

**Chair Dondero Loop:**

We will move that bill off work session and go to Assembly Bill 154.

[Assembly Bill 154](#): Revises provisions concerning child death review teams.  
(BDR 38-611)

**Kirsten Bugenig, Committee Policy Analyst:**

[Ms. Bugenig presented a bill explanation ([Exhibit M](#)).] Assembly Bill 154 was heard March 13. The presenter was Assemblyman Eisen. The bill was brought forth to streamline the process between the executive committee and the administrative committee to try to make conversations between the two teams more direct. This bill consolidates the administrative team into the Executive

Committee to Review the Death of Children. The Executive Committee is required to review reports and recommendations of a multidisciplinary team. The bill also provides that members of the Executive Committee who are administrators of agencies that provide child welfare services and agencies that are responsible for vital statistics, public health, mental health, and public safety, must serve as nonvoting members of the Executive Committee.

Two amendments have been submitted; one by the sponsor, Dr. Eisen, as well as one by Denise Tanata Ashby of the Children's Advocacy Alliance ([Exhibit M](#)). The sponsor's amendment clarifies composition of the Executive Committee membership to include only the members appointed to the Executive Committee shall serve as voting members. The second amendment allows the use of data collected concerning the death of a child for purposes of research to prevent future deaths of children as long as the data is aggregated.

**Chair Dondero Loop:**

Do I have a motion?

ASSEMBLYMAN HAMBRICK MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 154.

ASSEMBLYMAN DUNCAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Are there any additional comments from the Committee? [There was no response.] We are adjourned [at 1:37 p.m.].

RESPECTFULLY SUBMITTED:

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Terry Horgan  
Committee Secretary

APPROVED BY:

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Assemblywoman Marilyn Dondero Loop, Chair

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

## EXHIBITS

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

**Date:** March 29, 2013

**Time of Meeting:** 12:37 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 393	C	Christina Vela, Chief Program Officer, St. Jude's Ranch for Children	Letter and copies of emails in support
A.B. 393	D	Ashley Roberson	Written testimony in support
A.B. 393	E	Assemblywoman Fiore	Proposed amendment
A.B. 393	F	Denise Tanata Ashby, Ex. Dir., Children's Advocacy Alliance	Written testimony in support
A.B. 393	G	Ken Lange, rep. Nevada Youth Care Providers	Written testimony in support
A.B. 255	H	Assemblyman Livermore	Written testimony and bill explanation
A.B. 255	I	Assemblyman Livermore	Letter from the Carson City Mayor and Board of Supervisors
A.B. 79	J	Kirsten Bugenig, Committee Policy Analyst	Proposed amendment
A.B. 93	K	Kirsten Bugenig	Bill explanation and proposed amendment
A.B. 144	L	Kirsten Bugenig	Bill explanation
A.B. 154	M	Kirsten Bugenig	Bill explanation and proposed amendments