

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

**Seventy-Eighth Session
February 11, 2015**

The Committee on Health and Human Services was called to order by Chair James Oscarson at 1:32 p.m. on Wednesday, February 11, 2015, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman James Oscarson, Chair
Assemblywoman Robin L. Titus, Vice Chair
Assemblyman Nelson Araujo
Assemblywoman Teresa Benitez-Thompson
Assemblywoman Jill Dickman
Assemblyman David M. Gardner
Assemblyman John Hambrick
Assemblywoman Amber Joiner
Assemblyman Brent A. Jones
Assemblyman John Moore
Assemblywoman Ellen B. Spiegel
Assemblyman Michael C. Sprinkle
Assemblyman Tyrone Thompson
Assemblyman Glenn E. Trowbridge

COMMITTEE MEMBERS ABSENT:

None



GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Kirsten Coulombe, Committee Policy Analyst
Risa Lang, Committee Counsel
Nancy Weyhe, Committee Secretary
Jamie Tierney, Committee Assistant

OTHERS PRESENT:

Jane Gruner, Administrator, Aging and Disability Services Division,
Department of Health and Human Services
Ed Guthrie, Executive Director, Opportunity Village, Las Vegas

Chair Oscarson:

[Roll was taken. Committee rules and protocol were explained.] We need to introduce a committee bill draft request to become a bill: BDR 40-66, which was requested by the Interim Committee on Health Care.

BDR 40-66—Authorizes certain entities to obtain and provide or administer auto-injectable epinephrine in certain circumstances. (Later introduced as [Assembly Bill 158](#).)

This will be fine-tuning a bill that we heard and approved last year for epinephrine, Senate Bill No. 453 of the 77th Session. This has already been very successful in saving lives in our schools for those people who have had allergy and anaphylaxis reactions. Please know that voting in favor of introducing a BDR does not imply a commitment to support the measure later. This action just allows the BDR to become a bill and be referred to a committee for possible hearing.

ASSEMBLYWOMAN TITUS MOVED FOR COMMITTEE
INTRODUCTION OF BDR 40- 66.

ASSEMBLYMAN SPRINKLE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Oscarson:

I will now open the hearing on Assembly Bill 29.

Assembly Bill 29: Revises provisions governing the care and treatment of persons with intellectual disabilities and related conditions. (BDR 39-324)

Jane Gruner, Administrator, Aging and Disability Services Division, Department of Health and Human Services:

I am here to present Assembly Bill 29, which revises provisions governing the care and treatment of persons with intellectual disabilities and related conditions. [Submitted written testimony (Exhibit C).] This bill provides corrective language to address sections in the statute governing delivery of service for individuals with intellectual disabilities or a related condition that were left out when the Division of Mental Health and Developmental Services were split.

This bill provides corrective language. During the 2013 Legislative Session Assembly Bill No. 488 of the 77th Session consolidated intellectual disabilities into the Division of Aging and Disabilities Services from Mental Health and Developmental Services. During that process, some of that language did not get assigned to the right location. This bill will help make the language clearer. This bill also requires certification from the Aging and Disability Services Division for all facilities, the provision of jobs and day training, and makes all providers accountable to the Division for the quality of their services.

This bill also provides additional, clearer language. It adds partnerships, firms, corporations, or associations, including, without limitation, nonprofits as providers. It has a broader view of who can apply to become certified for these types of services. We have supported employment now, so we have some very small providers. This will make it so they can do services for us and also requires them to be certified so we can assure quality.

Chair Oscarson:

To clarify, this is really a clean-up bill, is that correct?

Jane Gruner:

Correct.

Chair Oscarson:

I like in section 2 where it says, "Nothing in this chapter purports to deprive any person of any legal rights without due process of law." I like that being put in there, and I appreciate that very much.

Assemblyman Jones:

It seems the only thing that is being added is the certification provision. Is that it?

Jane Gruner:

The certification was actually in another part of our law. We are just making it clearer. It is already in the law, so this just cleans it up.

Assemblyman Jones:

What exactly is the certification? How much effort goes into it? What does it actually cover?

Jane Gruner:

It is very extensive. Part of the reason we do that is because many of the individuals with intellectual disability the organizations are supporting are not able to stand up for themselves. They may not be able to verbalize when something is happening to them. We have to assure that the providers doing this service have the skills to be able to provide for the individuals that they are working with.

Assemblyman Thompson:

In section 3, subsection 1, you are striking out the word "Division" and putting in "Administrator." Why make that change? It seems that the Division would be a collective voice of opinions and expertise versus one person calling all the shots and doing all the adoption of regulations.

Jane Gruner:

The reason it was switched is that in the end, it is the administrator that is making the final call. We always work as a team, so that would continue. It is just making a cleaner and quicker process.

Chair Oscarson:

I recall from last session we had a couple of those clean-ups to "Administrator." In one way, that makes the administrator completely accountable and responsible for those decisions rather than the division. It puts it right into the hands of one individual, so I think that is a good thing.

Assemblywoman Benitez-Thompson:

You mentioned that this language is necessary because there is a transition process to supported employment, which means smaller employers or a larger number of employers. Could you talk to the Committee more about what the transition from sheltered versus supported employment is? That is a national

trend right now. I think that would give some good context to what we are talking about.

Jane Gruner:

Nationally, our goal for intellectual disabilities is that all individuals are able to work. We are going to support them in finding employment. Part of that effort must be involved in what happens between school and when they enter the workforce. They have to have experiences to really understand what work means and to have the ability to learn those processes. We have developed a program where a job-support coach works individually with a person with intellectual disabilities and gives them opportunities to try different jobs. They work on job skills, and they work on any of the social skills that would be needed to be able to work in a workplace. We have several companies that have been very willing and able to jump in and use individuals with intellectual disabilities in their workforce. What they find is that they make fabulous employees, and that the individual enjoys it and the other staff enjoy it. This will help break the cycle of poverty that can happen when all of someone's supports come from the state or the federal government.

The other aspect of this is that it is a much more integrated setting. We really want people to have those types of opportunities, but it does mean that we have individual people doing many of the services now, versus nonprofits.

Assemblywoman Benitez-Thompson:

The traditional model that has been in place has been a sheltered workshop, where persons with intellectual disabilities come into a sheltered place, are given tasks, and then are paid for the different types of tasks they do. However, with the shift to supported employment, we are seeing those individuals who can and are able to come out of sheltered workplaces to work in the community in places of business. When we heard testimony during the interim on the Legislative Committee on Seniors, Veterans and Adults with Special Needs, some of those employers, such as Starbucks, were highlighted. Could you talk a bit more or give a couple more examples of these employers who are so willing to help engage these people?

Jane Gruner:

We have several employers. International Game Technology (IGT) is one of the companies that has employed several people, along with other small electronic companies across the state. I could provide a list of employers that currently are providing employment for individuals.

I would like to stress that when people are out working in the community, they are getting minimum wage. In the sheltered environments, they are not working

for minimum wage. They might get a few hours of being paid, but it is not across the board. Once you are in supported employment, you are actually getting minimum wage which helps you then support yourself. That has been a very great aspect of this new product that we are putting forth. The Bureau of Vocational Rehabilitation is working side by side with us to assure that people have the right kind of training.

The new Workforce Innovation and Opportunity Act that was just introduced federally has focused on transition-aged youth. It does not have them go directly to sheltered employment right out of school, and instead gives them work experiences so they can understand what work is, and that they do not get too comfortable in a setting where they might not be getting paid or not having the same opportunities to learn job skills. Our facility-based locations have been instrumental in moving forward and working on pilot projects and introducing new opportunities for people to get out into the community. They are a great community provider with us and as we move forward, they will be part of the solution.

Chair Oscarson:

We will now take testimony in support of the bill. Is there anyone in the audience either here or in Las Vegas?

Ed Guthrie, Executive Director, Opportunity Village, Las Vegas:

Opportunity Village is a community training center that is a nonprofit organization that provides services to people with intellectual and developmental disabilities. We would like to testify in favor of the bill, and we also wanted to follow up on some of the comments made by Assemblywoman Benitez-Thompson and Jane Gruner.

Opportunity Village is the largest provider of services in the state of Nevada. We provide services both in facility-based programs and in community-based placements. People with disabilities have been very successful in working with businesses such as Boulder Station, Valley Health Systems, Trader Joe's, and Dignity Health-St. Rose Dominican, among others, and we place people in jobs in those businesses. We also run our own contracts, where we hire people with disabilities and pay them at or above the minimum wage, along with full health insurance for the individual. In fact, the individuals get access to the same health insurance that I get. Those individuals would work at McCarran International Airport. We also serve all the meals to all the airmen and airwomen at Nellis Air Force Base, and we clean about 4.5 million square feet of government and commercial office space.

There are a lot of things people with intellectual disabilities can and should have the opportunity to do out in the community; however, not all people choose to be in the community, and the sheltered employment programs have provided a safety net for some people. Some of those individuals would normally be in an adult day care program but have chosen to be in a work program rather than an adult day care program. Others are individuals whose behaviors would not be accepted in a normal workplace, and we have the ability to provide them the support they need so they are able to manage those behaviors in a more sheltered setting.

In Las Vegas, many of the jobs that we are able to provide people are in the evenings and on weekends because of the tourist industry. The hospitality industry needs most of its people in the evenings and on weekends. Many of the individuals, more than half, still live with a member of their family. It may be their mother, their mother and father, or it might even be a brother or a sister. Those family members have schedules to work as well. The schedule of the individual with disabilities has to meet the needs not only of the individual but of their family, so that the other family members can go out and make the money necessary to continue to provide support for that individual in the family setting. Again, we are very much in favor of the bill. We are very much in favor of community employment for individuals with disabilities. We just want to make sure that all individuals have the right to make choices that meet their needs and the needs of their family.

Chair Oscarson:

I have had the pleasure and the opportunity of working with you over the interim and touring your facility and seeing the great work you do in southern Nevada. I appreciate the services you provide. Thank you for taking the time to come and share your testimony with us.

Assemblyman Araujo:

Thank you for all your hard work that you do to help our vulnerable population here in Nevada.

Assemblyman Jones:

Could you tell us how you interface with the government while continuing to be a private organization?

Ed Guthrie:

Many years ago, Opportunity Village decided that if we were going to be able to provide the types of services that we wanted for individuals with disabilities, we could not rely on any governmental agency to provide the majority of that funding. We had to find alternate sources of revenue to be able to provide

those services. Consequently, we spend an awful lot of our time and effort going out and raising the money necessary to provide those services. In our last financial statements, you will find that less than 25 percent of the total revenue for Opportunity Village is fee-for-service revenue for the state of Nevada from both the Aging and Disabilities Services Division and the Department of Employment Training and Rehabilitation. The balance of that revenue is revenue that is earned from contract revenue and/or revenue that we raise from private donors, either through special events such as the Magical Forest and the Great Santa Run, or through individual private donations. We have been able to work with family foundations and other individuals to make strong commitments to individuals with disabilities.

The Aging and Disabilities Services Division has a waiting list of close to 200 people that want jobs and day-training services as we speak. At least 60 percent of those individuals are attending Opportunity Village, and their services are sponsored by private donors rather than through state funds. Every two years we go out and try to put our money where our mouth is and get our donors to recognize the need that these individuals have and to help meet that need where the state has run short on revenue necessary to provide those services.

Assemblyman Jones:

Thank you and I applaud you. As a private organization, you do an excellent job.

Chair Oscarson:

I wish there were more people in Las Vegas to hear us sing your accolades. We appreciate what you do and how you do it.

Ed Guthrie:

Thank you, Mr. Chair. If I were doing it to hear accolades, I would have quit a long time ago.

Chair Oscarson:

Do we have anyone in opposition in Las Vegas or in Carson City? [There was no one.] Do we have anybody neutral? [There was no one.] I will close the hearing on A.B. 29. Is there any public comment in Las Vegas? [There was none.] Is there any public comment in Carson City? [There was no one.] Any other member comments?

Assemblyman Jones:

I would like to emphasize that Opportunity Village is well recognized at doing such an excellent job, and they are mainly a private organization.

Chair Oscarson:

There being no further business come before us, the meeting is adjourned [at 1:56 p.m.].

RESPECTFULLY SUBMITTED:

Nancy Weyhe
Committee Secretary

APPROVED BY:

Assemblyman James Oscarson, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: February 11, 2015

Time of Meeting: 1:32 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 29	C	Jane Gruner, Administrator, Division of Aging and Disability Services, Department of Health and Human Services	Written Testimony