

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

**Seventy-Eighth Session
March 23, 2015**

The Committee on Health and Human Services was called to order by Chair James Oscarson at 12:17 p.m. on Monday, March 23, 2015, 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/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
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:

Assemblyman Nelson Araujo (excused)



GUEST LEGISLATORS PRESENT:

Assemblywoman Olivia Diaz, Assembly District No. 11

STAFF MEMBERS PRESENT:

Kirsten Coulombe, Committee Policy Analyst
Risa Lang, Committee Counsel
Karen Buck, Committee Secretary
Jamie Tierney, Committee Assistant

OTHERS PRESENT:

Julia Peek, M.H.A., Manager, Office of Public Health Informatics and
Epidemiology, Department of Health and Human Services
Paula Berkley, representing Food Bank of Northern Nevada
Jason Frierson, Private Citizen, Las Vegas, Nevada

Chair Oscarson:

[Roll was taken. Committee rules and protocol were explained.] I will now open the hearing on Assembly Bill 243. Assemblyman Thompson will present Assembly Bill 243.

Assembly Bill 243: Revises provisions relating to testing for the human immunodeficiency virus. (BDR 40-117)

Assemblyman Tyrone Thompson, Assembly District No. 17:

Assembly Bill 243 revises provisions relating to testing for the human immunodeficiency virus (HIV). This bill is brought to you today as a collaborative effort of elected officials, the Southern Nevada Health District, the Department of Health and Human Services, and nonprofit community-based organizations and faith-based organizations. This bill will allow for community-based and faith-based organizations to be trained and to administer HIV rapid tests throughout our state. It is an extreme challenge to engage subpopulations that are experiencing high incidence rates of HIV to get tested. By allowing community-based organizations and faith-based organizations to join forces with health districts throughout the state, we should see better results in decreasing rates, and most importantly, those that test positive are able to access care. Joining me today is Julia Peek, the manager of the Office of Public Health Informatics and Epidemiology of the Department of Health and Human Services. She will give an overview of HIV in our state and then, following her, I will walk you through the bill.

Julia Peek, M.H.A., Manager, Office of Public Health Informatics and Epidemiology, Department of Health and Human Services:

My staff and I prepared some slides to talk about HIV in Nevada, specifically looking at disparities, so you can understand how it is affecting the population ([Exhibit C](#)). Slide number 2 is about race disparity. We broke the data down by race and ethnicity. As you can see here, black Nevadans have a rate of 51.2 per 100,000 population, five times that of white Nevadans.

In the next slide [slide 3, ([Exhibit C](#))], we wanted to specifically look at race, ethnicity, and sex because there are a lot of disparities, as you can tell by what I have highlighted. Among black males, the rate is four times higher than white males. For females, it is a staggering twelve times that of white females. We had 437 new cases of HIV last year in Nevada.

Risk disparity is not unique to Nevada, but men who have sex with men are still the greatest at-risk population [slide 4, ([Exhibit C](#))]. Next is injection drug use (IDU), followed by the combination of men who have sex with men and inject drugs. This is followed by heterosexual contact—females who are known to be having some sort of sexual intercourse with men who have sex with men—which is a unique risk factor. Perinatal exposure is next, and the last one is no identified risk, which is often those females who do not know if their partners are having sex with other men.

Males are almost seven times more likely than females to get HIV [slide 5, ([Exhibit C](#))]. Over one-third of the new HIV cases are diagnosed between the ages of 25 and 34 years. The important thing about that is they could have had the infection for many years before that actual diagnosis, but something prompted them to get that diagnosis. The next bullet point really speaks to that, especially among the new HIV cases between the ages of 13 and 24. Nationally, we are seeing this number go up. There were 74 cases in Nevada in 2012; that climbed to 98 in 2013.

We looked at national research articles and the next two slides speak to that [slides 6 and 7, ([Exhibit C](#))]. We ranked fifteenth nationally among HIV testing in the state with first being the best. There is room for improvement there. Studies have shown that peer testing has been very effective, so in other words, you are getting tested by someone who looks like you and is potentially from the same risk factor group. If you are a man who has sex with men and you have somebody who is in that same group testing you, you are more comfortable sharing your risk factors and then getting tested. Also using a noninvasive test like a rapid oral swab is very effective because people are more willing to get tested.

In Nevada, there are opportunities to do better and Assembly Bill 243 specifically speaks to that. Right now there are barriers for peer and nontraditional testing. We have the opportunity to improve this by ensuring that the staff do not have to be certified laboratory personnel. These oral HIV tests can be purchased at the drug store. We are hoping to have these testers provide the test and then offer counseling and referral to care if the tests are positive, as opposed to people getting positive tests in their homes and not having those resources. This would allow the test to be easily given in community settings with the right personnel to provide them that immediate follow-up. In addition, this allows for the laboratory director to not be a licensed physician and the location not to be a laboratory. It could be done on the streets, in bars, and other settings where we see high-risk populations. We did want to ensure that there is thorough HIV testing, so we want to thank Assemblyman Thompson for allowing us to work on the language with him. We feel that it is a good bill. I am happy to take questions.

Chair Oscarson:

If your preliminary swabs test positive, are you going to follow up with additional testing that would ensure that it was not a false positive result and those kinds of things? How are you going to accomplish that?

Julia Peek:

Chair Oscarson, there are a couple of things that could happen and the Centers for Disease Control and Protection (CDC) have some guidelines about that laboratory testing. They can perform a second rapid test right there by a different company or brand for a confirmatory result. The ideal situation, which is what we will teach the trainers, is that they refer to the local health authority. We would do a blood test and then counseling, and go from there. Both situations are correct per the CDC.

Assemblywoman Titus:

I am a cosigner on this bill because I think it is really important. Lots of folks have the availability to do this rapid testing. However, because there are significant false positives, that diagnosis, unless you have immediate counseling afterwards, can be a very scary product. Folks can have some significantly frightening moments and do some things that are inappropriate. Hopefully, this bill will help alleviate that by having access to diagnosis, access to care, and quick access to counseling because it is critical.

Assemblyman Sprinkle:

The glaring part about this is the counseling aspect should a positive result come back. In regards to doing this on the streets or in bars, it makes me a little concerned if you do that in a very public setting and get a positive

test result. I hope you can go into more detail. What kind of immediate counseling is going to be available on top of doing referrals? Secondly, do you have statistics on how many false positives actually do occur with these tests?

Julia Peek:

We are already doing testing in that type of setting. The local health authorities are providing it. Typically, I have done this testing in the past myself. We set up booths or go into a room that is private. It is not at the bar, but that is a location where we do have people who are at risk that are probably not going to seek care or HIV testing on their own. In regards to counseling, we are going to do intense training with them so they are prepared to counsel that person once they get a positive result. This is a pretty specific and sensitive test, so I think they are accurate up to 95 percent or higher. I do have those statistics. If you do the second test and it comes back positive, that is a high likelihood there is not an error. That person would immediately be counseled initially on the results and would then be referred to care. Typically, our clinics are walk-in clinics, so they are going to be contacted by a disease investigator almost immediately.

Assemblyman Sprinkle:

When you give an initial rapid test and if it comes back positive, do you give a follow-up test right at the same moment?

Julia Peek:

It takes about 20 minutes. They would need to wait at that location for 20 minutes, and then go back in with the same person that tested them to get the results. If the results were positive, they would take the oral test again. A lot of them do not do the second testing at the same location. They are just referred to care at the local health authority for the next day.

Assemblyman Jones:

I noticed there are no fiscal notes with this bill, so how does it interact with the private versus charitable organizations with the county? We are talking about counseling, supplies, and going to various locations. How does that work?

Assemblyman Thompson:

What is great about this is that it has been a collaborative effort, so we have been working with the Southern Nevada Health District and with the state. The peer testers are most of the cost, but those are costs that the Southern Nevada Health District and the state already have. There are already dollars set aside for training. We actually had an HIV academy where we had about ten community members who wanted to do this and went through intensive training for a whole week. That is why the cost is minimal. It is actually a true

helpmate to the state and to the Southern Nevada Health District by putting more testers out in the community.

Chair Oscarson:

Some of the backup documentation includes a letter from Dr. Iser from the Southern Nevada Health District ([Exhibit D](#)), a letter from Social Services in Clark County ([Exhibit E](#)), and an AIDS Healthcare Foundation letter ([Exhibit F](#)). You have lots of support for what you are doing to make sure that these tests are done credibly and that there is follow-up on the folks that need it. How are you going to approach the need in the rural communities and get the message out in those areas?

Assemblyman Thompson:

As you have seen, there was the letter from the Ryan White HIV/AIDS Program, Part A, which is administered through Clark County. There are dollars and resources throughout the state, not just in urban communities, so they are available in the rural communities as well. Hopefully the rates are not as high as in an urban community, but again, we want to keep them low. That is another reason why the peer-to-peer testers, people who know other people, are easier to approach and say, "Hey, you really should get a test." It is helping with all of the communities.

Chair Oscarson:

I just want to make sure that you get that message out there. I know there are a lot of these community health clinics in those places throughout the rural areas that really could use this as a resource.

Assemblyman Moore:

When you say you are doing the tests on the streets and in places like that, how are we safeguarding the testers? What kind of training are they receiving as far as their potential exposure to someone's blood?

Assemblyman Thompson:

This is actually a swab called the rapid test. There is no blood. You will see the bill talks about a laboratory. The word laboratory is now waived because you are not taking any blood. You are just using the swab, testing it for about 30 minutes or less, and coming out with the results. It is also good to do it right then and on the spot because with anything, as we all know, to give someone a referral slip to go to somewhere, the likelihood of that happening is slim. The training is important because we want to make sure that we are ensuring everyone's privacy. People can go to the restroom, behind a building at a bar, or whatever it takes to get the swab and test it from there.

Assemblyman Moore:

If they were to test positive at that point, are they then referred to the polymerase chain reaction test for further and more accurate testing down the road?

Julia Peek:

They could do another oral rapid test right there, but that is not what is typically being done. They would be referred for a blood test.

Assemblyman Trowbridge:

I am going to support this bill, but I do have one concern. That is the misery that someone may go through by getting a positive result on a Friday night and being scheduled for the following Thursday to get a blood test. That is putting someone in a horrible predicament. I would wish there was something that happens that if they have a positive result, such as aggressively offering the opportunity to do a follow-up test, so you do not put people through that situation.

Julia Peek:

The testers are going to be trained by the local health authorities, so that relationship will already have been established. There are walk-in clinics, so we would ensure that person gets in the next business day if it is the evening before. On a Saturday or Sunday, we could refer them to an urgent care facility to get that follow-up test. We could work with them to make sure they do not have that weekend of misery.

Assemblyman Thompson:

That is the whole purpose of the training, as well. Unfortunately, it just happens anyway. When a person takes what is called the Western blot test, it definitely confirms whether the person is positive or not. There is going to be a waiting game anyway. These peer testers are also peer counselors who will be helping them along the way. During that waiting period, they would check on them and give them encouragement. That is why it is so important to have a peer tester who would most likely be someone who has befriended them or may already have some type of relationship with them. This will help keep them as calm as possible to get them over this hump and through the process. When and if they do test positive, the most important thing is to ensure that they now access care through Medicaid or whatever it takes for them to get with a doctor and get their medications.

Assemblywoman Joiner:

I was recently at a homeless count event in Reno, and one of the mobile clinics was down by the Truckee River offering these rapid tests. Everyone was so

excited, not just those of us working the event, but the folks that were going in and getting tested. They had never had it available to them, so the thought that our health authorities could be in the community offering this to folks is fantastic. My question is about Nevada ranking fifteenth nationally with room for improvement with the testing. How are other states doing this? Are other states doing it? Is it considered a best practice? I am wondering if this bill will move the needle on that. This is one of those diseases where the sooner people know, the better it is for their quality of life long-term, as well as fewer people becoming exposed to the disease. If you have any other information from other states, I would be curious about that.

Julia Peek:

We do think this will move the needle. The peer testing, the social networking, and then the nontraditional kinds of settings in the oral tests have shown increases in numbers. To your point, this will not only be local health authorities that are testing but also nontraditional providers, which will not be like the government. We think that will increase numbers, too, because it is intimidating to walk up and get this test, regardless; so having somebody that is more approachable will hopefully increase those numbers.

Assemblyman Moore:

For a person tested in the nontraditional sense, such as behind a club, what type of follow-up is there? If you go to a doctor's office, who does the typical blood test, Southern Nevada Health District is going to follow up with you whether you want them to or not. They are going to show up. What type of follow up is there to keep track of those people? It would be easy for me to not tell you where I live, for example.

Julia Peek:

That is why we were going to have the local health authorities do that part of the training because we want that relationship established. Part of what they are going to be trained on are the requirements in the *Nevada Revised Statutes* and *Nevada Administrative Code* Chapters 441A, which is that reporting. They will be obligated when doing that test to report to the local health authority, who then will come knock on your door to do that follow-up. That relationship will be clear and established. They will receive a certificate stating that they understand that and can test.

Assemblyman Thompson:

Section 1 of Assembly Bill 243 says it requires a county provider of health care or medical facility to counsel a person who has received a positive result for HIV to receive a second test from the initial results. Section 2 and section 4 revise qualifications of a person performing certain tests to detect HIV in a

medical laboratory. It now authorizes a person who has not obtained a license or certification to perform such a test to detect HIV if the person has successfully completed training on how to administer the test, infection control procedures, and counseling for persons who test positive. That is the whole training academy that we talked about. Section 3 prevents the State Board of Health from prescribing additional duties for the director of a laboratory in which only HIV tests are performed. The director of such a laboratory may not be required to be a licensed physician. Those are the main sections that we are looking at now. This has been something that our community as a whole—all these different stakeholders—has been working on for over a year. We are excited about today and are sure that a lot of our faith-based and community-based organizations are going to come to the table and want to help out in the effort.

Chair Oscarson:

Is there any testimony in support? [There was none.] Is there any testimony in opposition? [There was none.] Is there anyone who is neutral? [There was no one.]

Assemblyman Thompson:

In closing, I want to acknowledge and thank the Ryan White HIV/AIDS Program, Part A, in Clark County, the AIDS Healthcare Foundation, the Southern Nevada Health District, and Northern Nevada HOPES ([Exhibit G](#)) for their letters of support. This bill is so important because it is really going to help save lives. There are a lot of people walking around who do not know that they may be infected. However, once we know they are infected, we will be able to get them into care. Thank you for listening to this very sensitive and important issue.

Chair Oscarson:

We will close the hearing on Assembly Bill 243, and we will now open the hearing on Assembly Bill 197. Assemblywoman Diaz, welcome.

Assembly Bill 197: Revises provisions governing out-of-school-time and seasonal or temporary recreation programs. (BDR 38-506)

Assemblywoman Olivia Diaz, Assembly District No. 11:

It is my pleasure today to tell you that anything that you might have read that was the original bill draft is not what we are intending for Assembly Bill 197. Before I make any further comments on Assembly Bill 197, I wanted to play for you an investigative story that Darcy Spears put together that was the genesis for A.B. 197. [Assemblywoman Diaz began a video presentation ([Exhibit H](#)).]

I wanted you to get the gist of why A.B. 197 was thought about. I took over these ideas from my esteemed colleague, former Assemblyman Jason Frierson. I had done some work with out-of-school recreation programs my first session. We saw that it was important to make sure we know who is interacting with our children at all times. The scope of the bill is to make sure that the people who work with children in seasonal or temporary recreation programs do go through a background check. We do not want individuals who should not be working with our children to find ways to circumvent processes or statute where they can be near our children because we are not checking.

The new bill language is on the Nevada Electronic Legislative Information System (NELIS) ([Exhibit I](#)). I am willing to answer any questions you may have. It basically says all the language in green ink would be new except as otherwise provided in subsection 2 of the amendment "A seasonal or temporary recreation program." There are some exemptions because there were some individuals who were concerned that their programs would not be able to run if we required background checks of everyone. That is not our intent. It is for these types of situations or scenarios that we just saw through the mini clip that we viewed.

Assemblywoman Titus:

Thank you for bringing this bill forward because I feel there are some issues and concerns out there. What I see is that you have adopted it already in existing language. I want to clarify some of that. The fees that you have in it are already existing fees and they have not changed. Is that correct?

Assemblywoman Diaz:

Are you looking at the old bill draft language? I do not believe with the new proposed amendment that we bring the scope of fees into it.

Assemblywoman Titus:

I was looking at the one that was uploaded to NELIS. That does clarify my question because there are fees. Originally, this was a two-thirds vote, but with this new language, there will be no need for a two-thirds vote, correct?

Assemblywoman Diaz:

I will defer to the Committee Counsel. I believe it might change that status.

Risa Lang, Committee Counsel:

It may depend on how the bill gets drafted. If the intent is just to require them to do the things that are listed on the proposed amendment and not to be subject to the other provisions in the bill, then the two-thirds would come off. If it stays that some of them are going to have to comply unless they meet

those requirements, then it would stay on. We will get that clarified before we come back with the bill again.

Assemblyman Moore:

Can you explain exactly what programs would be subject to these requirements? If you take your children somewhere, does that mean that everywhere children may congregate and play or that type of thing, those folks would be required to submit to a background check? I am looking for a definition.

Assemblywoman Diaz:

I believe that this would be any type of program. I know that many of the recreation programs that operate already out of schools have to go through these background check screens because they do work in the confines of the school buildings. For us, it is just expanding the universe to make sure that the temporary or seasonal camps or programs, such as sports or arts and crafts, are covered. For parents who have registered and are paying for their children to attend, there needs to be some accountability on the part of the people who are running the program to make sure that the individuals who are working with the children are screened and making sure they are the people that should be working with the children.

Assemblyman Moore:

Like the example that we just saw with the horses, that would specifically mean a camp where the children are going, not just a horse riding place such as the one at Kyle Canyon?

Assemblywoman Diaz:

That is completely correct. We are not trying to cast this net so wide that everybody who interacts with children in a casual way would be subjected to the requirements. The program has to be set up, and the intent needs to be there with something like, "This is for children 8 to 12 or 12 to 14 years of age. We are going to show them how to play basketball or volleyball." Another example is, "We are going to have this really cool cooking club during the summer to eat healthy." If parents are registering their children for this service, then those folks need to make sure their employees go through the background check process.

Assemblyman Thompson:

In certain communities there may be, for example, some gang intervention programs. Unfortunately, but also fortunately, there may be former gang members involved that have served their time, but they are going to be the most awesome mentors for some of these programs. How do we create

an exemption? I understand we want to make it safe, but many times people that have gone through the criminal justice system are going to be great mentors. Would they then not be able to participate? I have a few of these types of programs that are very important in my community.

Assemblywoman Diaz:

We will have to put our heads together because I do see what you are saying, that there are certain circumstances in which someone who might not have the cleanest of records might have a positive impact in the lives of our youth. I do not want to shun some individuals from participating, but we need to be very deliberate in how we craft the language. We need to get together and see what we can do about that.

Assemblyman Thompson:

Could we maybe put the onus on the actual executive directors? I do not know if that is something we could talk about as an amendment or if I am getting too much in the weeds of this bill. There have to be some organizations that will have people who would not pass the background check. However, we really need them to work with our kids.

Assemblywoman Benitez-Thompson:

Assemblywoman Diaz and I had been specifically discussing different aspects of this. I had a constituent in the building that day who asked if this bill would affect different types of sport leagues because he is a coach for two different teams out in the Sun Valley area, which is my district. He let me know that they already require background checks, and so I know a number of very well-established Babe Ruth Leagues and those kinds of more traditional sports teams require that of their volunteers. They would fall into compliance with this very easily. I think this bill is getting at some of those newer programs that have popped up as a cottage industry, especially in northern Nevada, now that we are in the second year of our adjusted school calendar. We have a fall break and then a two-week spring break. Every day my daughter has brought home in her backpack no fewer than two or three advertisements for different types of spring break programs. We get the same thing in the fall. For me, as a parent, there would be some level of comfort to know who indeed is actually licensed and has a legitimate business. Also, the school district puts a disclaimer at the bottom of the fliers that none of these are endorsed by the school district, which is fair. They do not have any liability; they are just distributing information. However, there is not a good way to know who the legitimate people are using volunteers that have been completely background checked. As a parent, I know I would appreciate that reassurance.

Assemblywoman Diaz:

We do want to give our parents that peace of mind because we know that most of us are working full-time jobs while they are on break. We do not have the luxury of being in the home on every single break, but we do want to know that when we cannot be with them, we are leaving them in the best, most capable hands.

Assemblywoman Titus:

I am concerned that by using your news report as a basis for the bill in its initial form, that the new gutted form, as presented, really does not solve the problem of what we were seeing there ([Exhibit H](#)). A background check says whether or not the person has had any legal issues, are they responsible, do they have any child molesting reports, and those kinds of issues. However, the riding camp was really more of a work camp than a riding camp and was falsely advertised. Yes, she may have lost her horses and it may have been cruelty, but this bill may not get to the intent of what your concerns are. Those concerns are absolutely legitimate, but perhaps you will work it out with Committee Counsel to really get to the heart of it. Your intentions are fantastic, but I am not sure that the resolve by what you ended up with in this form is what it should be. That woman should have had a license for a work camp, not a riding camp.

Assemblywoman Diaz:

This language came out of former Assemblyman Frierson's efforts working with a lot of the out-of-schooltime program folks who had a lot of concerns that the way the original bill was drafted would eliminate some of their own programming. That was not at all our intention. We know there are those who are already doing good things for our community, and we do not want to necessarily be eliminating those programs. We will try to strike a balance somehow. We went too far with the original bill draft, and now we may have gone too far the other way. However, we will try to come up with the best possible vehicle.

Chair Oscarson:

I want to make sure the bill keeps the integrity that was originally intended, which was to screen the people who are at those camps taking care of the children who are there, the 8- to 12-year-olds. When it comes to curriculum, I think that is out in the weeds a little bit for what we are thinking about. The curriculum will catch up with itself. If the kids are not happy there, the parents talk, and that word gets around quite quickly. I think the integrity of the individuals that are not only running the camps but those who are sponsoring the camps is what is important here.

Assemblyman Jones:

I would prefer a limited bill. I understand the background checks, and that is fine, but the free enterprise system allows a simple Yelp check, which would have told that woman she should not have been sending her daughter to that camp. We have resources now, and as a parent, I know. Whenever my kids and I look at the reviews for camps, we are doing a little due diligence ourselves. When regulation goes overboard, a lot of times it knocks good programs out. I am for letting the free markets determine our decisions and for parents using technology to do due diligence and be responsible for where they are sending their kids.

Assemblywoman Diaz:

Unfortunately, Yelp will not tell you if someone has a clean background check or not. As statesmen and stateswomen, we are supposed to put policy into place to make sure that we especially take care of those populations that cannot do it for themselves. While I understand your frame of thought, I do not want to make it too onerous. That is why we have agreed to the amendments because the heart of the issue is making sure that individuals working with children are supposed to be around children. Unfortunately, a simple Yelp check will not tell you how many children we have to subject to one person that should not be with our youth. I think that is one too many in my mind.

Assemblywoman Dickman:

You said this bill would apply to people or groups that charge you money to bring your child to them. Does that apply to volunteer things? For example, I teach kids to knit. Would I have to have a background check to do that and what would that cost me to volunteer?

Assemblywoman Diaz:

When you volunteer, I do not believe I would call that a seasonal or temporary recreation program.

Assemblywoman Dickman:

This would be for a group of children who need a summer activity. It seems to me that to coincide with your bill, I should probably have a background check. However, if it were going to cost me money, I probably would not do it anymore.

Assemblywoman Diaz:

I am not sure about the specifics of a knitting club. I know that what I am thinking about are programs like those that Assemblywoman Benitez-Thompson was speaking of, such as fliers going out from our schools saying that they are offering "XYZ Camp" while your kids are on spring break, so sign them up.

We are actually looking at that. I do not know then, as a state, if we would track down people who are volunteering in their neighborhoods to do things because usually you only find out about those through word of mouth. That would be a little more difficult to clamp down on. I am open to suggestions for amendment language. I just want to make sure that we can check out as many people as we can before our kids go to them.

Assemblyman Moore:

The intent of the bill is great, but touching on what Assemblywoman Dickman asked, what about church organizations who have Sunday school for kids or after-school activities? Are these folks subject to this as well?

Assemblywoman Diaz:

I am not 100 percent sure if it would apply at all to church functions. We will have that conversation and see what the majority thinks.

Assemblyman Moore:

Do not get me wrong. I think the intent of the bill is outstanding.

Assemblywoman Joiner:

My question is related to Assemblyman Moore's question. I believe the churches would fall under the nonprofit exclusion that you have in your amendment. I hope that we are able to come to some sort of resolution on this. Maybe a solution might be to say a "for profit recreation program" if there is going to be an exclusion for nonprofits. As a parent, I am very concerned with the proliferation of programs in our district, similar to how Assemblywoman Benitez-Thompson feels. Honestly, it is shocking to me that it is not already required, as I think about the theater camp my daughter went to over winter break. Now I will have to go look. I do not know if they were background checked or not. I am betting not. I hope that we can close that loophole on some of these entities that are making a profit.

Assemblywoman Diaz:

Thank you so much for volunteering that information. Maybe we can do something with it.

Assemblyman Trowbridge:

I would offer my services to settle this in any kind of a subcommittee that you have to address these issues. I can tell horror stories about some of these private recreational programs, which makes you wonder who they are providing recreation for. I would like to participate and feel I can offer a little insight with my 25 years of experience.

Chair Oscarson:

We will be glad to have a working group if Assemblywoman Diaz would so desire. A lot of organizations, such as the Boy Scouts of America, already have a rigorous process whereby people are screened, go through special training, and have all kinds of things happen before their camps can occur. However, there are some bad actors out there, and your intent, Assemblywoman Diaz, is to catch them—the folks that really have no desire or intention to teach children things but to take advantage of them or worse. I appreciate your bringing this bill forward as well and feel we can come to some resolution that will be good legislation and protect our children. That is really what we are looking at, and I offer my help however I can. Assemblyman Trowbridge has years of experience in the parks and recreation areas. I think he will be an invaluable resource to you if you choose to take advantage of his offer. Is there any testimony in support of A.B. 197?

Paula Berkley, representing Food Bank of Northern Nevada:

I have been part of the working group since the bill was introduced and will continue to work so that we come up with something that we can all approve. It is hard to put things in black and white and have it be perfect. We will give it a try.

Chair Oscarson:

Is there any other testimony in support here or in Las Vegas? Is there any testimony in opposition? [There was none.] Is there any neutral testimony? [There was none.]

Jason Frierson, Private Citizen, Las Vegas, Nevada:

I am a former assemblyman for Assembly District No. 8 and am here in support of Assembly Bill 197. For a little background, Assembly Bill 197 represents a four-year effort to address background checks to protect children. Four years ago in 2011, Assemblywoman Olivia Diaz introduced legislation to start the conversation of making sure that community organizations that took care of kids were able to do so safely, and these children and their parents were able to take part in activities with the assurance that background checks were done. Because there was such a variety of programs that had these activities, it was difficult to treat, for example, the Boys and Girls Clubs of America the same way as John Smith's basketball camp. There are a wide variety of folks that put on these camps and programs, so in 2011 there was an effort and language that directed there to be discussion during the interim. The actual legislation that passed dealt specifically with programs run by local government. The reason that those programs were treated differently was because they have their own facilities. Therefore, you do not have to worry about whether the facility is safe and whether or not they have a fire extinguisher. They have staff

in the facility that are trained in cardiopulmonary resuscitation (CPR), and typically, local government has performed background checks for local employees. The discussion in 2011 was to make sure that there was a structure in place ensuring those programs had legislation requiring background checks, staff ratios, a person or two trained in CPR, and those types of things. What was left to talk about during the interim were the nonlocal government programs and the seasonal or temporary programs. Then in 2011, we defined those but we did not put any structure around them.

If you fast forward to 2014, Darcy Spears brought to my attention the fact that there were seasonal and temporary programs being run in this state with no background checks and no accountability whatsoever. The parents were leaving their children with those programs without any assurance that the staff had background checks and there was anybody who was trained to ensure that their safety was taken care of. When she brought that to my attention, it reminded me of the conversation that we had in 2011 and that we had never picked back up with making sure these children were safe. I had asked Assemblywoman Diaz to introduce this bill as an effort to continue that conversation because it was in the spirit of what she had attempted to do in 2011. Therefore, here we are today with Assembly Bill 197, attempting to address specifically seasonal or temporary recreation programs.

You should all have a proposed amendment that narrows it down to specifically seasonal or temporary recreational programs because those are the horse camps, the baseball camps, and the basketball camps—the camps where parents are dropping their kids off during the summer, the spring break, and the winter break. There were no checks and balances, so I reached out to the state folks who deal with licensing and permitting. I also reached out to nonprofits like the Boys and Girls Clubs of America, Three Square Food Bank, and other folks that do some programming to make sure we were not having unintended consequences by putting in statute requirements that they already meet. The language is being presented with the intent of allowing those organizations that already meet those background check requirements to continue doing business as they currently are. However, for the small outfits, the temporary outfits, and the seasonal outfits that are not part of a national nonprofit organization, there would be some requirements and background checks so we know that our children are safe. This is just a step, and we still need to have continued conversations about the out-of-schooltime programs and nonschool programs to see what they have in common and how we can get on the same page. We have churches that take care of kids, and we do not want to prevent them from doing that. That is not the goal here. The goal is to make sure parents who are charged to have their kids participate in a camp have some assurance that the people who are working with their kids are appropriately

trained and have background checks. That is as simple as it is. I do expect us to have continued conversations about the other programs that are defined to make sure we can keep children safe in those programs as well, without hurting the community's ability to take care of kids before and after school. I would be happy to answer any questions.

Assemblywoman Spiegel:

As you were speaking, I was thinking about conventions that I have gone to where they had programming for children of attendees. Is your intention also for programming events that may be set up by out-of-state associations and entities that are just coming into town for conventions? Would those temporary programs be included as well or are they too temporary?

Jason Frierson:

The intention of the bill is to deal with the seasonal or temporary programs that fall within the confines of the current definition, and those were specific subsections dealing primarily with sports, arts and crafts, and dance. At one point, we actually had considered redefining seasonal or temporary programs to make it very clear. We are talking about programs whose primary purpose is one of those four things listed in NRS 432A.029. However, looking at the statute, we did not think that was necessary. The goal is for those programs whose primary purpose falls within that definition to be included. I believe the programs whose primary purpose may not be one of those four but who are also looking after our children, need to be looked at in a broader sense. However, that is a long-term conversation I think we need to have. That was what I was talking about in that there are varying needs, and we have to have everybody at the table for that.

Assemblyman Jones:

You have a very good background and knowledge of these programs. Has there been any actual abuse that has occurred in these after-school programs that you are aware of to make you feel that this bill is really needed?

Jason Frierson:

I do not know how much of the video was played, but there was an injury in that particular horse camp with another individual. Having worked in child welfare and child abuse neglect for more than two years, you do see it. You see people violating supervision requirements and people who are not supposed to be around children using this as a way to be around them. Frankly, I was not made aware of more specifics other than the horse camp and through my experience as a former chief deputy district attorney. This was one of those circumstances where I would rather address it before it happens and prevent it from happening than have to wait for there to be an abused child. When I saw

that there was a gap and a loophole in the policy that Assemblywoman Diaz and I were a part of, this was our attempt to make that effort whole. We are trying to prevent it from happening so we do not have to have an example.

Chair Oscarson:

I have to tell you, Mr. Frierson, knowing your advocacy for kids, what you did at the Office of the District Attorney, and working with Assemblywoman Diaz for four years, you have been representing their needs and the integrity of the process. We need to work together to make sure we can get some good legislation out. I look forward to that. Assemblywoman Diaz, I also look forward to your working with those folks who have offered their service and hope we can move forward with your bill after four years in the making.

Assemblywoman Diaz:

Thank you, Chair Oscarson, for allowing me to present A.B. 197 in a conceptual framework. It has been a work in progress, and I will definitely take up Assemblyman Trowbridge's offer for help and any other Committee member that is interested in being part of this work group. Just let me know, and we will get those meetings going.

Chair Oscarson:

For the record, we will ask again if there is any neutral testimony on the bill? [There was none.] Seeing no further testimony, I will close the hearing on Assembly Bill 197. Is there any public comment in Las Vegas or in Carson City? [There was none.] This meeting is adjourned [at 1:23 p.m.].

RESPECTFULLY SUBMITTED:

Karen Buck
Committee Secretary

APPROVED BY:

Assemblyman James Oscarson, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: March 23, 2015

Time of Meeting: 12:17 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 243	C	Julia Peek, Office of Public Health Informatics and Epidemiology	Overview of Human Immunodeficiency Virus (HIV) Disparity in Nevada Power Point Presentation
A.B. 243	D	Joseph P. Iser, Southern Nevada Health District	Letter of Support
A.B. 243	E	Alisha Barrett, Clark County Department of Social Service	Letter of Support
A.B. 243	F	Whitney Engeran-Cordova, Aids Healthcare Foundation	Letter of Support
A.B. 243	G	Robert Harding, Northern Nevada HOPES	Letter of Support
A.B. 197	H	Darcy Spears, KTNV	Script of Video Presentation
A.B. 197	I	Assemblywoman Olivia Diaz, District No. 11	Proposed Amendment