

**MINUTES OF THE
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-Eighth Session
May 13, 2015**

The Senate Committee on Health and Human Services was called to order by Chair Joe P. Hardy at 3:58 p.m. on Wednesday, May 13, 2015, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Joe P. Hardy, Chair
Senator Ben Kieckhefer, Vice Chair
Senator Mark A. Lipparelli
Senator Joyce Woodhouse
Senator Pat Spearman

GUEST LEGISLATORS PRESENT:

Assemblyman Michael C. Sprinkle, Assembly District No. 30

STAFF MEMBERS PRESENT:

Marsheilah Lyons, Policy Analyst
Eric Robbins, Counsel
Ellen Walls, Committee Secretary

OTHERS PRESENT:

Jill Marano, Deputy Administrator, Family Programs, Division of Child and Family Services, Department of Health and Human Services
Amber Howell, Administrator, Division of Child and Family Services, Department of Health and Human Services
Lisa Foster, Boulder City Chamber of Commerce
Jill Lagan, CEO, Boulder City Chamber of Commerce
David Fraser, City Manager, Boulder City
Tom Clark, Black Rock City, LLC; Sempra Energy

Joan Hall, CEO and President, Nevada Rural Hospital Partners Foundation
Ryan Beaman, President, Clark County Firefighters, Union Local 1908
Erin Seward, MPH, Health Program Manager, Public Health Preparedness Program and EMS Program, Division of Public and Behavioral Health, Department of Health and Human Services
Steven Tafoya, Manager, EMS Program, Emergency Medical Systems, Division of Public and Behavioral Health, Department of Health and Human Services
Kevin Nicholson, Fire Chief, City of Boulder City
Juanita Clark

Chair Hardy:

We will open the work session with the following bills and their respective documents: Assembly Bill (A.B.) 81 ([Exhibit C](#)), A.B. 158 ([Exhibit D](#)), A.B. 243 ([Exhibit E](#)), A.B. 268 ([Exhibit F](#)), A.B. 305 ([Exhibit G](#)) and A.B. 425 ([Exhibit H](#)).

ASSEMBLY BILL 81 (1st Reprint): Revises provisions governing programs of treatment for the abuse of alcohol or drugs. (BDR 40-488)

ASSEMBLY BILL 158 (1st Reprint): Revises and expands provisions relating to obtaining, providing and administering auto-injectable epinephrine in certain circumstances. (BDR 40-66)

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

ASSEMBLY BILL 268 (1st Reprint): Revises provisions relating to foster care. (BDR 38-193)

ASSEMBLY BILL 305 (1st Reprint): Authorizes and provides for the regulation of community paramedicine services. (BDR 40-167)

ASSEMBLY BILL 425: Revises provisions governing emergency medical services. (BDR 40-702)

SENATOR WOODHOUSE MOVED TO DO PASS A.B. 81, A.B. 158, A.B. 243, A.B. 268, A.B. 305 AND A.B. 425.

SENATOR KIECKHEFER SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR SPEARMAN WAS ABSENT FOR THE VOTE.)

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Chair Hardy:

The following bills will be placed on the Consent Calendar: A.B. 81, A.B. 158, A.B. 243, A.B. 305 and A.B. 425. We will open the work session on A.B. 164.

ASSEMBLY BILL 164 (2nd Reprint): Revises provisions relating to access by patients to certain investigational drugs, biological products and devices. (BDR 40-125)

Marsheilah Lyons (Policy Analyst):

I will read from the work session document ([Exhibit I](#)) for A.B. 164. There were no amendments to this bill.

SENATOR KIECKHEFER MOVED TO DO PASS A.B. 164.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR SPEARMAN WAS ABSENT FOR THE VOTE.)

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Chair Hardy:

We will open the work session on A.B. 152.

ASSEMBLY BILL 152 (1st Reprint): Enacts certain requirements governing child care facilities. (BDR 38-623)

Ms. Lyons:

I will read from the work session document ([Exhibit J](#)) for A.B. 152. One amendment is included within [Exhibit J](#).

SENATOR KIECKHEFER MOVED TO AMEND AND DO PASS AS AMENDED A.B. 152.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR LIPPARELLI VOTED NO.
SENATOR SPEARMAN WAS ABSENT FOR THE VOTE.)

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Chair Hardy:

We will open the work session on A.B. 167.

ASSEMBLY BILL 167: Authorizes the storage and carrying of firearms and ammunition on the premises of a family foster home or by certain persons who reside in a family foster home under certain circumstances. (BDR 38-234)

Ms. Lyons:

I will read from the work session document ([Exhibit K](#)) for A.B. 167. One amendment is included in [Exhibit K](#).

Eric Robbins (Counsel):

I will read from [Exhibit K](#) concerning the proposed amendment's changes to A.B. 167.

Senator Kieckhefer:

Mr. Robbins, regarding the language in the proposed amendment, [Exhibit K](#), in section 1, subsection 1 which provides exceptions for storage of firearms—is a person who has a firearm residing in a foster home able to have a concealed firearm in the home?

Mr. Robbins:

Yes, that is permissible.

Senator Spearman:

There are some children in foster care who have emotional challenges. During testimony on this bill, this was cited as a reason existing statute does not accommodate existing holders of concealed weapons permits in regard to foster parenting.

Jill Marano (Deputy Administrator, Family Programs, Division of Child and Family Services, Department of Health and Human Services):

We are neutral concerning A.B. 167. Due to the significant emotional and behavioral health needs of some foster children, easier access to firearms in the home is concerning. The children could put themselves or others in jeopardy should they gain access to firearms located in the home.

Senator Spearman:

Testimony given during the hearing on A.B. 167 suggested there might not be personnel available to verify that a person who has applied to be a foster parent is a concealed weapon permit holder; therefore, this information is not currently disclosed.

Ms. Marano:

Training is needed for our division's foster parent licensing staff in order for them to be able to conduct the licensing procedure properly for people who have firearms in the home. If guns were locked and stored separate from the ammunition, it would create a barrier for children to obtain or use the guns. This was an across-the-board rule—guns were allowed in the foster homes—just not while loaded with ammunition.

Chair Hardy:

We will not be voting on A.B. 167 today and will reschedule the vote on this bill. We will open the work session on A.B. 169.

ASSEMBLY BILL 169 (1st Reprint): Provides for the collection and application of graywater for a single-family residence. (BDR 40-804)

Ms. Lyons:

I will read from the work session document ([Exhibit L](#)) for A.B. 169.

Mr. Robbins:

I will read from the proposed amendment within [Exhibit L](#).

Chair Hardy:

Will this proposed amendment allow an opportunity for an analysis of the possible effect of the graywater system on the treatment works?

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Mr. Robbins:

Yes, the analysis is required to be performed by the treatment works, and would need to be done within 90 days of a request.

Senator Spearman:

I am concerned about the burden this would place on the homeowner. I will vote yes, conditionally, and would like to see my concerns resolved.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED A.B. 169.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Hardy:

We will open the work session on A.B. 248.

ASSEMBLY BILL 248 (1st Reprint): Revises provisions governing reporting of information by physicians to the Department of Motor Vehicles concerning patients with epilepsy. (BDR 40-930)

Ms. Lyons:

I will read from the work session document ([Exhibit M](#)) for A.B. 248. One proposed amendment is included in [Exhibit M](#).

Mr. Robbins:

I will read from the proposed amendment within [Exhibit M](#), which has changes.

SENATOR KIECKHEFER MOVED TO AMEND AND DO PASS AS AMENDED A.B. 248.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR SPEARMAN WAS ABSENT FOR THE VOTE.)

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Chair Hardy:

We will open the work session on A.B. 307.

ASSEMBLY BILL 307 (1st Reprint): Revises provisions relating to services for children with intellectual disabilities and children with related conditions. (BDR S-803)

Ms. Lyons:

I will read from the work session document ([Exhibit N](#)) for A.B. 307. Two proposed amendments are included in the work session document, [Exhibit N](#).

Senator Kieckhefer:

Will the amendment require the State Plan for Medicaid to cover all federal legal expenses, despite what the plan currently states? Are we separating people who are covered by Medicaid into different plans?

Chair Hardy:

Section 2, subsection 4 in the proposed amendment within [Exhibit N](#) would authorize the director of the Department of Health and Human Services to make amendments to the State Plan for Medicaid to the extent authorized by federal law. The director will obtain any Medicaid waivers from the federal government necessary to use money received pursuant to the Medicaid State Plan to pay for the pilot program described in subsection 1.

Senator Kieckhefer:

If it is a requirement to expand Medicaid offerings to some, oftentimes the expansion will be offered to the others covered by Medicaid as well.

Chair Hardy:

The eventual expansion of services appears to be the intent.

Mr. Robbins:

The proposed amendment within [Exhibit N](#) narrows the coverage requirements of the State Plan for Medicaid. Before the proposed amendment was added, the bill required the State Plan for Medicaid to cover the entire pilot program. The proposed amendment only requires the State Plan for Medicaid to cover the pilot program to the extent authorized by federal law. The rationale is federal law does not allow Medicaid to cover food and lodging expenses. These expenses are part of the pilot program. With the proposed amendment, we only want the pilot program to allow what is covered under federal law, to the extent it can.

Senator Kieckhefer:

Who covers the additional expenses for food and lodging?

Mr. Robbins:

Food and lodging expenses could be covered by the amendment within [Exhibit N](#). It allows the Division of Health Care Financing and Policy and the Aging and Disability Services Division to accept gifts, grants and donations to cover related expenses that are not authorized by federal law.

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED A.B. 307.

SENATOR LIPPARELLI SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR SPEARMAN WAS ABSENT FOR THE VOTE.)

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Chair Hardy:

We will now open the hearing on A.B. 324.

ASSEMBLY BILL 324 (1st Reprint): Revises provisions relating to child welfare.
(BDR 38-773)

Assemblyman Michael C. Sprinkle (Assembly District No. 30):

Assembly Bill 324 was written for the Division of Child and Family Services (DCFS) to address federal mandates applicable to the Department of Health and

Human Services. Assembly Bill 324 helps the DCFS and the Department meet these federal mandates.

Ms. Marano:

This bill was driven by the Preventing Sex Trafficking and Strengthening Families Act of 2014. Assembly Bill 324 accomplishes three things. First, runaway and missing youth must be reported to the proper authorities. Currently, this report is required for any missing person under the age of 16; the new law will state the report must be done for any person under the age of 18. Once runaway or missing youth are found, there must be an investigation to determine why the youth ran away and if he or she were victims of sex trafficking or sexual exploitation. Secondly, the bill requires independent living services for youth in foster care to begin at age 14 instead of age 16. The child welfare agency will run credit checks on children once they become 14 years old while in foster care. Thirdly, the DCFS has permanency goals for children in foster care arrangements that are aging out of foster care. Assembly Bill 324 will require that a child cannot be granted Another Planned Permanent Living Arrangement (APPLA) as a permanency goal unless the child is 16 or older. If a child or young adult has an APPLA goal, the court must ask him or her what the desired permanency plan is. The goals could include aging out of foster care, being adopted or reunification with his or her parents.

Chair Hardy:

How old must one be to age out of the foster care system?

Ms. Marano:

The court could order an APPLA for a permanency goal for a child of any age. We have cases where 9- and 10-year-old children have a goal of aging out of foster care, but the upper limit age is 18 years old.

Chair Hardy:

Can such an individual be older than 18 years?

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

Eighteen years old is the oldest an individual can be in the foster care system. At that time, he or she will age out of foster care.

Chair Hardy:

The hearing on A.B. 324 is closed. We will open the hearing on A.B. 308.

ASSEMBLY BILL 308 (1st Reprint): Revises provisions relating to emergency medical services. (BDR 40-798)

Lisa Foster (Boulder City Chamber of Commerce):

I am representing the Boulder City Chamber of Commerce today. I will provide a brief introduction to A.B. 308.

The Boulder City Chamber of Commerce hosts a number of special events. Many of these events raise money for charitable groups. The community has encountered a problem with A.B. No. 286 of the 77th Session, which exempted all other small cities in Nevada except Boulder City and Mesquite concerning emergency medical services (EMS) requirements for special events. The bill created a duplication of efforts for Boulder City. The city has a plan in place for emergency response for special events, and the Chamber has always made sure special events were covered in terms of EMS. As the bill was written, it applied only to Washoe and Clark Counties and exempted cities with populations under 25,000.

Assembly Bill 308 provides for minor changes in the EMS program that was created by A.B. No. 286 of the 77th Session. Some other issues needed resolving in the original bill. We worked on A.B. 308 with Clark County, the Las Vegas Fire Department, the Clark and Washoe County health departments and rural hospital representatives. The bill states that in order to be exempt in the under 25,000 population category in Clark or Washoe Counties, the city must adopt a special event emergency medical plan and have a professional firefighting agency in place. The language is written such that small towns in Washoe and Clark Counties, which, like Laughlin, have volunteers or related firefighting organizations, would still be required to have the county fire department provide this service.

The health departments we worked with requested the Legislature correct what was believed to be a typographical error in the original law, which caused the statewide problem. Assembly Bill 308 changes the number of people considered to be significant—the number of those who have required medical assistance in the history of the event—from 0.07 percent of attendees to 0.7 percent of attendees.

The language further clarifies medical attendants must be licensed and the physicians who provide services for the events must have experience providing emergency services.

We support A.B. 308 without Proposed Amendment 6943 ([Exhibit O](#)).

Jill Lagan (CEO, Boulder City Chamber of Commerce):

As I watched the Floor Session of the adoption of A.B. No. 286 in the 77th Legislative Session, I understood the need to have legislation to provide public safety to those attending special events in Nevada. A higher level of EMS available at events across the State helps address liability concerns and ensures continued event success, greater tourism numbers, safety and enjoyment for residents, along with solid fundraising for many for-profit and nonprofit organizations. We are before you today with a requested change to statute due to unintended consequences that befell the rural communities inside counties with a population over 100,000.

As other rural communities continue to produce events without the formal oversight created by the previous legislation, there are several rural cities within Clark County that are required to make application to the Southern Nevada Health District. This new requirement will ensure proper oversight of public safety at their events, but does not take into consideration that those cities may already have those policies and procedures in place, thereby creating additional undue burden on the event producers by requiring them to apply to, provide compensation for, and be inspected by two governmental agencies—both with the same goal in mind. The changes we are proposing allow for municipalities within Clark County which have career firefighting agencies and have taken the time and attention to create their own internal municipal standards and policies to address needs for public safety unique to their communities.

Assembly Bill No. 286 of the 77th Session has had a significant impact on the rural communities. These communities work hard to bring guests into their cities and townships. Special events are often the lifeblood of the nonprofits hosting the events as fundraisers, and these events are key to the success of the business districts. These events provide needed revenue. To this end, we are hoping to be a part of the solution, not just another opponent to change. There is a strong need for EMS during special events; however, each municipality and township is unique. Cities with higher populations have different response needs with respect to special events. In rural areas, public safety matters are

important; however, the requirements are deemed necessary on a different level and are often best enforced and overseen by local authorities who know their communities best.

The spirit of A.B. No. 268 of the 77th Session was to make sure there were adequate EMS at special events in order to ensure public safety. It did not intend to eliminate events that would become too costly to produce and have a negative impact on the rural communities' economic health. With the eventual opening of the Interstate Highway 11 Boulder City bypass, it is imperative our city host fabulous, fun events to bring tourism to offset the visitation eliminated by the bypass. We want to ensure public safety in partnership with local career emergency and firefighting agencies. These agencies currently have strong and safe EMS plans for special events. They receive support from elected officials who recognize the needs in rural communities. We are grateful to all those who worked to create A.B. 308.

David Fraser (City Manager, Boulder City):

Passage of A.B. 308 does not exempt special events from EMS requirements. Our City takes these requirements seriously and has always required certain levels of police, fire and EMS presence at special events. Our City's police and fire chiefs are involved before the special event happens. There is an EMS plan in place with requirements. These requirements are enforced.

The passage of A.B. 308 is in harmony with A.B. No. 286 of the 77th Session. The original bill included population caps. The Legislature establishes these caps because they want the legislation to apply to cities and counties of a certain size. The decision was made with the last legislation to exempt the rural counties and communities and apply the population caps to urban communities. There are a couple of rural communities within the urban counties. While cities with similar populations as Boulder City became exempt in the initial legislation, Boulder City was not exempted because the county population cap was established in order to apply to Clark and Washoe Counties. Cities the size of Boulder City were intended to be exempt within the initial legislation of A.B. No. 286 of the 77th Session. Assembly Bill 308 will be helpful to nonprofit organizations conducting special events in our community. These events are important. There are people who reside in other communities who enjoy these special events in Boulder City.

We want to continue to have a safe and fun atmosphere at our special events. We have on-site EMS, and often these events are held near our city's hospital and fire department.

Tom Clark (Black Rock City, LLC; Sempra Energy):

I am representing the Burning Man Project. This event occurs in the Black Rock Desert. There are 68,000 participants. This proposed bill is good for events occurring in Nevada. The Burning Man Project EMS plan goes well beyond the requirements of those within the proposed bill, A.B. 308. We have physicians, emergency medical technicians (EMTs) and hospitals necessary and available to ensure our participants' safety.

I am also representing Sempra Energy. We have 550 megawatts of generated solar power within the Boulder City municipality. We support A.B. 308 because what is good for Boulder City is good for our company.

Joan Hall (CEO and President, Nevada Rural Hospital Partners Foundation):

Nevada Rural Hospital Partners Foundation supports A.B. 308 as presented today.

Ryan Beaman (President, Union Local 1908, Clark County Firefighters):

Clark County Firefighters support A.B. 308 with its amendment. When the bill was crafted, township and town needs were considered. In Laughlin, there is an area which has outdoor concerts and bike festivals. The Clark County Fair is in Moapa Valley

Erin Seward, MPH (Health Program Manager, Public Health Preparedness Program & EMS Program, Division of Public and Behavioral Health, Department of Health and Human Services):

We are neutral concerning A.B. 308. We have concerns with section 1, subsection 2 of the bill that states there must be an EMS plan. We ask for a definition of the EMS plan requirements to be placed within the bill.

Steven Tafoya (Program Manager, Emergency Medical Systems, Division of Public and Behavioral Health, Department of Health and Human Services):

I have worked in other states that have the EMS plan for special events defined in statute. This proposed bill should state the requirements of the EMS plan. Simply saying "Call 911" is not a response plan for a special event. It sounds as if Boulder City has a good EMS plan for special events in place, but we are

concerned that in the future this may not be the case in all communities. We are fine with the subsequent language of other sections within the bill.

Chair Hardy:

Have you called and spoken with personnel in Boulder City and Mesquite regarding their EMS plans? These are two cities affected by this legislation.

Mr. Tafoya:

No, we have not, but we plan to contact them.

Kevin Nicholson (Fire Chief, City of Boulder City):

Our EMS plan is similar to what was established under A.B. No. 286 of the 77th Session. I participated with the Southern Nevada Health District to define factors associated with the bill. The EMS plan speaks to attendance, population density and the emergency responders' ability to move through the crowd at a special event. Boulder City is unique. We have areas of rough terrain outside our city limits which are difficult to access. Our EMS plan addresses these types of issues. In essence, the plan outlines the need to have certified personnel when an attendee population threshold of 2,500 is reached during a special event. At that level, EMS personnel are required. If the event is held in areas of difficult terrain, I have the ability to require more EMS support, EMTs and paramedics. I am familiar with the current statutory requirements for the EMS plan for Clark County, as well as the proposed EMS plan under A.B. 308. It meets, and at times exceeds, the plan requirements for Clark County currently in effect.

Chair Hardy:

Is the EMS plan well-known and publicized? Can anyone access the EMS plan if needed?

Mr. Nicholson:

Yes, I can provide the EMS plan to anyone who would like to review it.

Chair Hardy:

Do you know the personnel responsible for the EMS plan in Mesquite? Is the EMS plan available there as well?

Mr. Nicholson:

I know the Mesquite fire chief. He and I will talk about the EMS plans for our cities. I assume Mesquite could adopt the standards we have in place in Boulder City for the EMS response plan at special events.

Chair Hardy:

The hearing for A.B. 308 is closed. I will open the hearing to public comment.

Juanita Clark:

I would like to speak about A.B. 152. In Clark County since 2015, there has been a significant change in the nutrition level of foods in our stores and markets. Food and snacks, especially for children, should be nutritionally sound. There are additives in foods. Items are deleted or added on food packaging labels. I do not agree with giving children genetically modified food. I know some schools have planted gardens for produce. I hope they are not spraying harmful chemicals in these gardens. These issues are important. As a great-grandmother, I am concerned about food issues and the effects of poor nutrition on a child's physical condition.

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Chair Hardy:

There being no further business before the Committee, the meeting is adjourned at 4:54 p.m.

RESPECTFULLY SUBMITTED:

Ellen Walls,
Committee Secretary

APPROVED BY:

Senator Joe P. Hardy, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	5		Attendance Roster
A.B. 81	C	1	Marsheilah Lyons	Work Session Document
A.B. 158	D	1	Marsheilah Lyons	Work Session Document
A.B. 243	E	1	Marsheilah Lyons	Work Session Document
A.B. 268	F	1	Marsheilah Lyons	Work Session Document
A.B. 305	G	1	Marsheilah Lyons	Work Session Document
A.B. 425	H	1	Marsheilah Lyons	Work Session Document
A.B. 164	I	1	Marsheilah Lyons	Work Session Document
A.B. 152	J	1	Marsheilah Lyons	Work Session Document
A.B. 167	K	2	Marsheilah Lyons	Work Session Document
A.B. 169	L	2	Marsheilah Lyons	Work Session Document
A.B. 248	M	3	Marsheilah Lyons	Work Session Document
A.B. 307	N	1	Marsheilah Lyons	Work Session Document
A.B. 308	O	4	Senator Joe P. Hardy	Proposed Amendment 6943