

*

EXEMPT

S.B. 500

SENATE BILL NO. 500—COMMITTEE ON FINANCE

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

APRIL 8, 2019

Referred to Committee on Finance

SUMMARY—Revises provisions governing financial support for assisted living facilities. (BDR 40-1202)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Executive Budget.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets *[omitted material]* is material to be omitted.

AN ACT relating to assisted living facilities; removing a required allocation of money to pay for certain assisted living facilities and assisted living supportive services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Fund for a Healthy Nevada, which receives a portion of the proceeds received by the State from any settlement with or judgment against a manufacturer of tobacco products. (NRS 439.620) Existing law requires the Department of Health and Human Services to use the money in the Fund for certain purposes. Such purposes include making an annual allocation of \$200,000 from the Fund to pay for assisted living facilities that meet certain criteria and certain assisted living supportive services. (NRS 439.630) This bill removes the requirement for the Department to make that allocation, thereby authorizing the Department to use that money for any other purpose described in NRS 439.630.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439.630 is hereby amended to read as follows:
439.630 1. The Department shall:
(a) Conduct, or require the Grants Management Advisory Committee created by NRS 232.383 to conduct, public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:



* S B 5 0 0 *

- 1 (1) Promote public health;
- 2 (2) Improve health services for children, senior citizens and
- 3 persons with disabilities;
- 4 (3) Reduce or prevent the abuse of and addiction to alcohol
- 5 and drugs; and
- 6 (4) Offer other general or specific information on health care
- 7 in this State.

8 (b) Establish a process to evaluate the health and health needs of
9 the residents of this State and a system to rank the health problems
10 of the residents of this State, including, without limitation, the
11 specific health problems that are endemic to urban and rural
12 communities, and report the results of the evaluation to the
13 Legislative Committee on Health Care on an annual basis.

14 (c) Subject to legislative authorization, allocate money for direct
15 expenditure by the Department to pay for prescription drugs,
16 pharmaceutical services and, to the extent money is available, other
17 benefits, including, without limitation, dental and vision benefits
18 and hearing aids or other devices that enhance the ability to hear, for
19 senior citizens pursuant to NRS 439.635 to 439.690, inclusive. From
20 the money allocated pursuant to this paragraph, the Department may
21 subsidize any portion of the cost of providing prescription drugs,
22 pharmaceutical services and, to the extent money is available, other
23 benefits, including, without limitation, dental and vision benefits
24 and hearing aids or other devices that enhance the ability to hear, to
25 senior citizens pursuant to NRS 439.635 to 439.690, inclusive. The
26 Department shall consider recommendations from the Grants
27 Management Advisory Committee in carrying out the provisions of
28 NRS 439.635 to 439.690, inclusive. The Department shall submit a
29 quarterly report to the Governor, the Interim Finance Committee,
30 the Legislative Committee on Health Care and any other committees
31 or commissions the Director deems appropriate regarding the
32 general manner in which expenditures have been made pursuant to
33 this paragraph.

34 (d) Subject to legislative authorization, allocate, by contract or
35 grant, money for expenditure by the Aging and Disability Services
36 Division of the Department in the form of grants for existing or new
37 programs that assist senior citizens and other specified persons with
38 independent living, including, without limitation, programs that
39 provide:

40 (1) Respite care or relief of informal caretakers, including,
41 without limitation, informal caretakers of any person with
42 Alzheimer's disease or other related dementia regardless of the age
43 of the person;

44 (2) Transportation to new or existing services to assist senior
45 citizens in living independently; and



* S B 5 0 0 *

(3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

➡ The Aging and Disability Services Division of the Department shall consider recommendations from the Grants Management Advisory Committee concerning the independent living needs of senior citizens.

(e) ~~Allocate \$200,000 of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Director to:~~

~~— (1) Provide guaranteed funding to finance assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147; and~~

~~— (2) Fund assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147 and assisted living supportive services that are provided pursuant to the provisions of the home and community-based services waiver which are amended pursuant to NRS 422.3962.~~

~~➡ The Director shall develop policies and procedures for distributing the money allocated pursuant to this paragraph. Money allocated pursuant to this paragraph does not revert to the Fund at the end of the fiscal year.~~

~~(f)~~ Subject to legislative authorization, allocate to the Division money for programs that are consistent with the guidelines established by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services relating to evidence-based best practices to prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco. In making allocations pursuant to this paragraph, the Division shall allocate the money, by contract or grant:

(1) To the district board of health in each county whose population is 100,000 or more for expenditure for such programs in the respective county;

(2) For such programs in counties whose population is less than 100,000; and

(3) For statewide programs for tobacco cessation and other statewide services for tobacco cessation and for statewide evaluations of programs which receive an allocation of money pursuant to this paragraph, as determined necessary by the Division and the district boards of health.

~~(g)~~ (f) Subject to legislative authorization, allocate, by contract or grant, money for expenditure for programs that improve the health and well-being of residents of this State, including, without limitation, programs that improve health services for children.



* S B 5 0 0 *

~~[(h)]~~ (g) Subject to legislative authorization, allocate, by contract or grant, money for expenditure for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the Department shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite care or relief of informal caretakers for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

~~[(h)]~~ (h) Subject to legislative authorization, allocate money for direct expenditure by the Department to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive. The Department shall consider recommendations from the Grants Management Advisory Committee in carrying out the provisions of NRS 439.705 to 439.795, inclusive.

~~[(h)]~~ (i) Maximize expenditures through local, federal and private matching contributions.

~~[(k)]~~ (j) Ensure that any money expended from the Fund will not be used to supplant existing methods of funding that are available to public agencies.

~~[(k)]~~ (k) Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities, state colleges and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

~~[(m)]~~ (l) To make the allocations required by paragraphs (e), (f) ~~and (h)]~~ and (g) : ~~and (h)]~~

(1) Prioritize and quantify the needs for these programs;

(2) Develop, solicit and accept applications for allocations;

(3) Review and consider the recommendations of the Grants Management Advisory Committee submitted pursuant to NRS 232.385;

(4) Conduct annual evaluations of programs to which allocations have been awarded; and



(5) Submit annual reports concerning the programs to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

~~[(a)]~~ (m) Transmit a report of all findings, recommendations and expenditures to the Governor, each regular session of the Legislature, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

~~[(e)]~~ (n) After considering the recommendations submitted to the Director pursuant to subsection 6, develop a plan each biennium to determine the percentage of available money in the Fund for a Healthy Nevada to be allocated from the Fund for the purposes described in paragraphs (c) ~~[(d), (f), (g)]~~ to (h) ~~[and (i)]~~ , *inclusive*. The plan must be submitted as part of the proposed budget submitted to the Chief of the Budget Division of the Office of Finance pursuant to NRS 353.210.

~~[(p)]~~ (o) On or before September 30 of each even-numbered year, submit to the Grants Management Advisory Committee, the Nevada Commission on Aging created by NRS 427A.032 and the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211 a report on the funding plan submitted to the Chief of the Budget Division of the Office of Finance pursuant to paragraph ~~[(e)]~~ (n).

2. The Department may take such other actions as are necessary to carry out its duties.

3. To make the allocations required by paragraph (d) of subsection 1, the Aging and Disability Services Division of the Department shall:

(a) Prioritize and quantify the needs of senior citizens and other specified persons for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens and other specified persons upon approval of the Interim Finance Committee;

(d) Award grants, contracts or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the allocations made by the Aging and Disability Services Division pursuant to paragraph (d) of subsection 1 to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

4. The Aging and Disability Services Division of the Department shall submit each proposed grant or contract which would be used to expand or augment an existing state program to



1 the Interim Finance Committee for approval before the grant or
2 contract is awarded. The request for approval must include a
3 description of the proposed use of the money and the person or
4 entity that would be authorized to expend the money. The Aging
5 and Disability Services Division of the Department shall not expend
6 or transfer any money allocated to the Aging and Disability Services
7 Division pursuant to this section to subsidize any portion of the cost
8 of providing prescription drugs, pharmaceutical services and other
9 benefits, including, without limitation, dental and vision benefits
10 and hearing aids or other devices that enhance the ability to hear, to
11 senior citizens pursuant to NRS 439.635 to 439.690, inclusive, or to
12 subsidize any portion of the cost of providing prescription drugs,
13 pharmaceutical services and other benefits, including, without
14 limitation, dental and vision benefits and hearing aids or other
15 devices that enhance the ability to hear, to persons with disabilities
16 pursuant to NRS 439.705 to 439.795, inclusive.

17 5. A veteran may receive benefits or other services which are
18 available from the money allocated pursuant to this section for
19 senior citizens or persons with disabilities to the extent that the
20 veteran does not receive other benefits or services provided to
21 veterans for the same purpose if the veteran qualifies for the benefits
22 or services as a senior citizen or a person with a disability, or both.

23 6. On or before June 30 of each even-numbered year, the
24 Grants Management Advisory Committee, the Nevada Commission
25 on Aging and the Nevada Commission on Services for Persons with
26 Disabilities each shall submit to the Director a report that includes,
27 without limitation, recommendations regarding community needs
28 and priorities that are determined by each such entity after any
29 public hearings held by the entity.

30 **Sec. 2.** This act becomes effective on July 1, 2019.

