

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.

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

AN ACT relating to assisted living facilities; revising provisions governing the manner in which certain money allocated to pay for assisted living facilities is used; 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: (1) provide guaranteed funding to finance assisted living facilities that meet certain criteria prescribed in statute; and (2) fund such assisted living facilities and assisted living supportive services provided pursuant to the home and community-based services waiver under Medicaid. (NRS 439.630) This bill instead requires such money to be used to award competitive grants to finance the establishment or expansion of assisted living facilities that provide services pursuant to the provisions of the home and community-based services waiver. This bill additionally requires the Director of the Department to reallocate to the Aging and Disability Services Division of the Department any money remaining after awarding grants to eligible applicants. This bill requires the Division to use that money for certain independent living programs of the Division.



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:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent the abuse of and addiction to alcohol and drugs; and

(4) Offer other general or specific information on health care in this State.

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

(c) Subject to legislative authorization, allocate money for direct expenditure by the Department to pay for 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, for senior citizens pursuant to NRS 439.635 to 439.690, inclusive. From the money allocated pursuant to this paragraph, the Department may 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 senior citizens pursuant to NRS 439.635 to 439.690, inclusive. The Department shall consider recommendations from the Grants Management Advisory Committee in carrying out the provisions of NRS 439.635 to 439.690, inclusive. The Department shall submit a quarterly report to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate regarding the general manner in which expenditures have been made pursuant to this paragraph.

(d) Subject to legislative authorization, allocate, by contract or grant, money for expenditure by the Aging and Disability Services Division of the Department in the form of grants for existing or new



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1 programs that assist senior citizens and other specified persons with
2 independent living, including, without limitation, programs that
3 provide:

4 (1) Respite care or relief of informal caretakers, including,
5 without limitation, informal caretakers of any person with
6 Alzheimer's disease or other related dementia regardless of the age
7 of the person;

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

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

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

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

18 ~~the~~
19 ~~— (1) Provide guaranteed funding~~ *award competitive grants* to
20 finance *the establishment or expansion of* assisted living facilities
21 that ~~[satisfy the criteria for certification set forth in NRS 319.147;~~
22 ~~and~~

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

28 ~~[➡]~~ The Director shall develop policies and procedures for
29 ~~[distributing the money allocated]~~ *awarding grants* pursuant to this
30 paragraph. ~~[Money]~~ *If any money* allocated pursuant to this
31 paragraph ~~[does not revert to the Fund at the end of the fiscal year.]~~
32 *remains after awarding grants to all eligible applicants, the*
33 *Director must reallocate such money to the Aging and Disability*
34 *Services Division of the Department to be used for the purposes*
35 *described in paragraph (d).*

36 (f) Subject to legislative authorization, allocate to the Division
37 money for programs that are consistent with the guidelines
38 established by the Centers for Disease Control and Prevention of the
39 United States Department of Health and Human Services relating to
40 evidence-based best practices to prevent, reduce or treat the use of
41 tobacco and the consequences of the use of tobacco. In making
42 allocations pursuant to this paragraph, the Division shall allocate the
43 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) 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.

(h) 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.

(i) 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.

(j) Maximize expenditures through local, federal and private matching contributions.

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

(l) Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit



1 organizations, universities, state colleges and community colleges.
2 A condition of any such contract or grant must be that not more than
3 8 percent of the contract or grant may be used for administrative
4 expenses or other indirect costs. The procedures must require at
5 least one competitive round of requests for proposals per biennium.

6 (m) To make the allocations required by paragraphs (f), (g)
7 and (h):

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

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

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

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

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

19 (n) Transmit a report of all findings, recommendations and
20 expenditures to the Governor, each regular session of the
21 Legislature, the Legislative Committee on Health Care and any
22 other committees or commissions the Director deems appropriate.

23 (o) After considering the recommendations submitted to the
24 Director pursuant to subsection 6, develop a plan each biennium to
25 determine the percentage of available money in the Fund for a
26 Healthy Nevada to be allocated from the Fund for the purposes
27 described in paragraphs (c), (d), (f), (g), (h) and (i). The plan must
28 be submitted as part of the proposed budget submitted to the Chief
29 of the Budget Division of the Office of Finance pursuant to
30 NRS 353.210.

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

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

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

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



1 (b) Develop, solicit and accept grant applications for allocations;
2 (c) As appropriate, expand or augment existing state programs
3 for senior citizens and other specified persons upon approval of the
4 Interim Finance Committee;

5 (d) Award grants, contracts or other allocations;

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

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

13 4. The Aging and Disability Services Division of the
14 Department shall submit each proposed grant or contract which
15 would be used to expand or augment an existing state program to
16 the Interim Finance Committee for approval before the grant or
17 contract is awarded. The request for approval must include a
18 description of the proposed use of the money and the person or
19 entity that would be authorized to expend the money. The Aging
20 and Disability Services Division of the Department shall not expend
21 or transfer any money allocated to the Aging and Disability Services
22 Division pursuant to this section to subsidize any portion of the cost
23 of providing prescription drugs, pharmaceutical services and other
24 benefits, including, without limitation, dental and vision benefits
25 and hearing aids or other devices that enhance the ability to hear, to
26 senior citizens pursuant to NRS 439.635 to 439.690, inclusive, or to
27 subsidize any portion of the cost of providing prescription drugs,
28 pharmaceutical services and other benefits, including, without
29 limitation, dental and vision benefits and hearing aids or other
30 devices that enhance the ability to hear, to persons with disabilities
31 pursuant to NRS 439.705 to 439.795, inclusive.

32 5. A veteran may receive benefits or other services which are
33 available from the money allocated pursuant to this section for
34 senior citizens or persons with disabilities to the extent that the
35 veteran does not receive other benefits or services provided to
36 veterans for the same purpose if the veteran qualifies for the benefits
37 or services as a senior citizen or a person with a disability, or both.

38 6. On or before June 30 of each even-numbered year, the
39 Grants Management Advisory Committee, the Nevada Commission
40 on Aging and the Nevada Commission on Services for Persons with
41 Disabilities each shall submit to the Director a report that includes,
42 without limitation, recommendations regarding community needs
43 and priorities that are determined by each such entity after any
44 public hearings held by the entity.



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

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