

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

**Eightieth Session
February 20, 2019**

The Committee on Health and Human Services was called to order by Chair Michael C. Sprinkle at 1:37p.m. on Wednesday, February 20, 2019, 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/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblyman Michael C. Sprinkle, Chair
Assemblyman Richard Carrillo, Vice Chair
Assemblyman Alex Assefa
Assemblywoman Bea Duran
Assemblywoman Michelle Gorelow
Assemblyman Gregory T. Hafen II
Assemblywoman Lisa Krasner
Assemblywoman Connie Munk
Assemblywoman Rochelle T. Nguyen
Assemblyman Tyrone Thompson
Assemblywoman Robin L. Titus

COMMITTEE MEMBERS ABSENT:

Assemblyman John Hambrick

GUEST LEGISLATORS PRESENT:

Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27

STAFF MEMBERS PRESENT:

Marsheilah Lyons, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Christian Thauer, Committee Manager and Secretary
Alejandra Medina, Committee Assistant



OTHERS PRESENT:

Barry Gold, Director, Government Relations, AARP Nevada
Mackenzie Baysinger, representing the Human Services Network
Constance McMullen, representing the Personal Care Association of Nevada
Marissa Schwartz, representing Nevada Assisted Living Association
Robin V. Reedy, Executive Director, National Alliance on Mental Illness Nevada

Chair Sprinkle:

[Roll was called. Committee policies were explained.] I open the hearing on Assembly Bill 122.

Assembly Bill 122: Requires the Department of Health and Human Services to seek a federal waiver so that certain care for persons who are aged, infirm or disabled may be included in the State Plan for Medicaid. (BDR 38-100)

Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27:

I am Assemblywoman Teresa Benitez-Thompson. I represent District No. 27 in northwest Reno, and I am here today to present A.B. 122, dealing with Medicaid waivers for adult day care, assisted living, and respite care services in smaller counties. I am here today at the request of Senator Woodhouse, Senate District No. 5, who served as chair of the 2017 to 2018 Interim Committee to Study the Needs Related to the Behavioral and Cognitive Care of Older Persons.

Before I discuss the provisions of the bill, I would like to provide some background information on the interim committee itself. Senate Bill 121 of the 79th Session created the committee to study issues regarding the behavioral and cognitive care needs of older persons in Nevada. The interim committee comprised three members of the Senate and three members of the Assembly. Senator Joyce Woodhouse served as chair of the committee. The committee was required to examine, research, and identify potential sources of state funding available to assist and support caregivers who are caring for older persons with behavioral and cognitive health issues. It was also tasked with assessing the potential for establishing a higher rate of reimbursement by Medicaid for nursing facilities.

Another requirement for the committee was to examine the potential sources of state funding to assist Nevada Care Connection and Nevada 2-1-1 in the creation of the No Wrong Door system to assist caregivers. A final task of the committee was to examine the provision of education and training for health care professionals in the screening, diagnosis, and treatment of behavioral and cognitive diseases prevalent in older persons.

Assembly Bill 122 aims to increase the options for providing community-based services, such as adult day care, assisted living, and respite care in rural parts of Nevada. The measure as drafted requires Nevada's Department of Health and Human Services (DHHS) to apply for a Medicaid waiver to authorize coverage for adult day care, assisted living, and respite care

services provided by at least one facility that is operated by DHHS and is located in smaller counties— all those except for Clark and Washoe, to be precise.

When I talked about what the committee did, I should mention that about 50 to 60 recommendations were brought to us from stakeholders during the interim. We had to pare that number down to match the number of bill draft requests that had been allocated to us. Assembly Bill 122 is based on one of those ideas that were selected. I am mentioning that as I want to make sure you know that there was a multitude of other good ideas brought to us, and many of those are still in process with other stakeholders. We had very full hearings with lots of stakeholders present and great ideas presented to us when we initiated the conversation on what we could do. Paring those ideas down was really quite hard.

As to the intent of A.B. 122, the study committee recognized the contribution of family caregivers and the need to provide them with support. During the interim, Nevada Senior Services testified that over 59 percent of caregivers in Nevada who care for individuals with Alzheimer's disease or dementia report high levels of emotional distress and 38 percent report high levels of physical distress, which affect the health and safety of both the caregiver and those who receive care. In order to alleviate some of the stress incurred by caregivers, Nevada Senior Services promotes the use of adult day care and respite care. However, there is a critical shortage of home-based or adult day care services in Nevada. In many rural and frontier areas there are no respite services of any kind available. Assembly Bill 122 is one attempt to improve access to these services.

While further refinement of the measure is necessary, the intent of the bill is twofold: It is, first of all, to create a payment and regulatory framework for the development of small mixed-use facilities in rural Nevada. Currently, adult day care and respite care cannot be combined; they have to be in separate facilities. Additional authority is required to combine assisted living with respite and adult day care. Secondly, the intent of the bill is also to create opportunities for local governments and the state to collaborate in the development of these types of facilities. These collaborations might consist of a county providing a physical location and the state providing staffing to support certain home- and community-based services within rural communities.

These ideas are a work in progress; however, I will work with another member of the study committee, Senator Goicoechea, Senate District No. 19, on whose heart this initiative rests very dearly, as well as the Aging and Disability Services Division and the Division of Health Care Financing and Policy of DHHS to make necessary improvements to the measure. The aim of this bill is to put Nevada in the best position to develop programs that keep people living with disabilities in their homes and communities and to support family caregivers in rural Nevada. I encourage your support in this effort, and I am happy to answer questions.

Chair Sprinkle:

Committee, do you have any questions?

Assemblywoman Titus:

Thank you for bringing the bill forward; it addresses an important issue. I think some clarifications could be helpful. My understanding is that the reason why the bill is necessary is related to what Medicare pays and does not pay. Typically, Medicare does not pay for these kind of services. We thus need to look at how and where the state can be involved through Medicaid—is that correct? I know Medicaid pays for long-term care nursing, and many of my patients are on that. But then there is this disconnect—when Medicare will not pay for somebody coming into a home or Medicare will not pay for respite care. So, am I right in my understanding that we are looking at expanding the services we can provide?

Assemblywoman Benitez-Thompson:

Correct; section 1 of A.B. 122 is language that requires DHHS to apply for a waiver in federal law to allow us to do this within the State Plan for Medicaid. The waiver would provide us with the flexibility to try some out-of-the-box things, such as a combination of assisted living that would also have respite and adult day care. If there is only one facility available, this would enable us to provide multiple services in one setting.

Assemblyman Carrillo:

Thank you for bringing this bill forward. Section 1, subsection 3(c) defines respite care as "care for a person who is aged, infirm, or disabled." When it states, "disabled," does this also include those with a mental health disability?

Assemblywoman Benitez-Thompson:

I will have DHHS clarify that, but I think that when we are talking about respite care we are specific to aged, infirmed, and persons with disability, and I do not think that this definition typically means intellectual disability. I do not believe that we are referencing the mental health chapter here. I will, however, have DHHS correct me should I be wrong.

If I understand your question correctly, when a person's primary diagnosis is mental health-related, and he or she is not otherwise aged and does not otherwise have an intellectual disability, is there a stand-alone respite for those with a mental health diagnosis?

Assemblyman Carrillo:

For clarification, if the person is considered disabled or she or he would have a mental health disability, does that fall under the category of respite care?

Assemblywoman Benitez-Thompson:

I do not believe so, but I will have DHHS correct me if I am wrong. But as a stand-alone diagnosis for that population, I do not believe so.

Chair Sprinkle:

During the interim, when you were coming up with this idea conceptually, did you reach out to the federal U.S. Department of Health and Human Services to know how confident you can be that we can get this waiver?

Assemblywoman Benitez-Thompson:

We know we have the ability to apply for a waiver. The specific logistics and how this could actually work is still a work in progress. The details of what this would look like still need to be fleshed out. While many of the community members have an interest in creating the actual framework for doing this, we do not have a specific project that is in the works right now. The bill would basically just tell DHHS to apply for the waiver and try their best.

Assemblywoman Duran:

Is this including the family, or is this bill just meant for our seniors who do not have family? What is the purpose of the bill in this respect?

Assemblywoman Benitez-Thompson:

When we look at the specific facilities mentioned in the bill—assisted living, adult day care, and respite care—the intent is for relief for the family, for the caregivers. Typically in my experience, the families are very involved. For example, in facilities for the care of adults during the day, it is usually family members that are signing them up, taking them there, dropping them off, and picking them up at the end of the day. The same is true in respite care facilities. As concerns assisted living, to my knowledge, competent seniors can live in an assisted living facility on their own, but usually there is also a lot of family involvement.

Chair Sprinkle:

Committee, do you have any more questions? [There were none.] We open it up for support.

Barry Gold, Director, Government Relations, AARP Nevada:

Nevada's older adults need the freedom and the ability to live wherever in the state they want. Hopefully we can provide some of those services to keep them living independently wherever they want. The home- and community-based services system is designed to keep people living independently in the community where they want to live. They do not only do that, however, but they are also fiscally very prudent. If we can keep people living in their homes, it prevents them from being institutionalized. What I will tell you is that we can keep four or five people living at home for the cost of one person in a nursing home. We really need to avoid premature institutionalization. Any services we can provide in the rural areas will help, because there is such a lack of services there.

While this bill still needs some refinement as to how we are really going to do this, we need to find ways to provide some of these services that do allow people to live independently in the community. You will hear later on in the budget hearings about how we need to increase the funding for this. The bill will help with that effort, because there is currently a waiting list for some of these services. This bill will really help ensure that people who live in the rural areas can get the services they need to continue living independently. For the new people in the Legislature who have not heard me say this before, on behalf of the 348,000 AARP members across the state, we strongly urge you to support this bill.

Mackenzie Baysinger, representing the Human Services Network:

Good public policy which recognizes the needs of clients and provides adequate resources to support services is essential to improving the quality of life in Nevada. We firmly believe in increasing availability of options, and urge you to support A.B. 122.

Constance McMullen, representing the Personal Care Association of Nevada:

I believe that the professional care givers that are members of personal care agencies should be included in the bill. I do support the bill. I think that we need more waiver services. For some of the waiver services there is more than a year-long waiting list. We just do not have enough.

Marissa Schwartz, representing Nevada Assisted Living Association:

[Marissa Schwartz reads from an email text she submitted which will become part of the record as ([Exhibit C](#))]. We very much appreciate the work of Senator Woodhouse and the Interim Committee to Study the Needs Related to the Behavioral and Cognitive Care of Older Persons. There is always the need for additional dollars to provide funding for senior care in our state, especially in rural areas.

The one question we have relates to the requirement that facilities must be operated by DHHS. We believe that there are many nonprofits and for-profit organizations that could provide either assisted living, respite care, or day care for seniors, and we believe that the language of this bill is slightly too restrictive. Therefore we propose to delete page 2, line 10 [section 1, subsection 1, paragraph (a)] of A.B. 122. The state should be able to contract with private companies for these services.

Robin V. Reedy, Executive Director, National Alliance on Mental Illness Nevada:

I am here to support A.B. 122. I would love to see the question answered as to the applicability of the mental health issues. Even those with mental health issues do age and have to be taken care of. But this is a great step, especially for the rural counties.

Chair Sprinkle:

Is there anyone else wishing to come forward in support in northern or southern Nevada? [There was no one.] Is there anyone wishing to come forward under opposition? [There was no one.] Is there anyone wishing to come forward as neutral? [There was no one.]

Assemblywoman Benitez-Thompson:

Since the bill is still a work in progress, I invite any of the comments and suggestions for amendments that were made to be submitted. I think that there were good ideas. I would also welcome any Committee members who might have a vested interest in the bill to continue the conversation with us. The Committee came up with many good ideas and some really great things that can benefit our community.

Chair Sprinkle:

I close the hearing on A.B. 122. I open for public comment; is there anyone wanting to come forward in northern or southern Nevada? [There was no one.] The meeting is adjourned [at 1:56 p.m.].

RESPECTFULLY SUBMITTED:

Christian Thauer
Committee Secretary

APPROVED BY:

Assemblyman Richard Carrillo, Vice Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a written statement submitted by Marissa Schwartz, representing Nevada Assisted Living Association.