

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

**Eightieth Session  
May 29, 2019**

The Senate Committee on Health and Human Services was called to order by Chair Julia Ratti at 8:01 p.m. on Wednesday, May 29, 2019, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E 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 Julia Ratti, Chair  
Senator Pat Spearman, Vice Chair  
Senator Joseph P. Hardy  
Senator Scott Hammond

**COMMITTEE MEMBERS ABSENT:**

Senator Joyce Woodhouse (Excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1

**STAFF MEMBERS PRESENT:**

Megan Comlossy, Committee Policy Analyst  
Eric Robbins, Committee Counsel  
Vickie Polzien, Committee Secretary

**OTHERS PRESENT:**

Suzanne Bierman, Administrator, Division of Health Care Financing and Policy,  
Department of Health and Human Services  
Jared Busker, Children's Advocacy Alliance  
Nova Murray, Deputy Administrator, Division of Welfare and Supportive  
Services, Department of Health and Human Services

Senate Committee on Health and Human Services  
May 29, 2019  
Page 2

Lisa Swearingen, Chief, Eligibility and Payments, Division of Welfare and Supportive Services, Department of Health and Human Services  
Steve Fisher, Administrator, Division of Welfare and Supportive Services, Department of Health and Human Services

CHAIR RATTI:

I will open the hearing on Assembly Bill (A.B.) 494.

**ASSEMBLY BILL 494**: Revises provisions governing financial support for health care for indigent persons. (BDR 38-1204)

SUZANNE BIERMAN (Administrator, Division of Health Care Financing and Policy, Department of Health and Human Services):

I will be presenting A.B. 494 for your consideration. Since 2014, the Board of Trustees of the Fund for Hospital Care to Indigent Persons has transferred funds to Medicaid as the nonfederal share of a supplemental payment to hospitals. This supplemental payment is called the Hospital Indigent Fund or Indigent Accident Fund Supplemental Payment program. The purpose of this Fund is to preserve and increase access to inpatient services for needy Nevadans. Since this program began, the Hospital Indigent Fund supplemental payment total has increased significantly. This has, in turn, caused a decrease in the State's savings generated in other supplemental payment programs.

The language in A.B. 494 allows the Board of Trustees for the Fund to make a voluntary contribution to Medicaid to offset the decrease in savings from other programs. This prevents a negative impact on Medicaid funding while at the same time allowing the Hospital Indigent Fund or Indigent Accident Fund Supplemental Payment program to grow and maximize federal matching funds for hospital reimbursements.

CHAIR RATTI:

I will close the hearing on A.B. 494 and open the hearing on A.B. 234.

**ASSEMBLY BILL 234 (2nd Reprint)**: Makes various changes relating to the Program for Child Care and Development. (BDR 38-305)

ASSEMBLYWOMAN DANIELE MONROE-MORENO (Assembly District No. 1):

I am here to present A.B. 234 for your consideration. I am going to let Mr. Jared Busker walk you through the bill.

JARED BUSKER (Children's Advocacy Alliance):

Assembly Bill 234 looks at our Child Care Subsidy Program. In its current form, it looks at two different parts of the Program. The first requires the Program for Child Care and Development, also known as the Child Care Subsidy Program, to include measures to increase the availability of child care for children with a disability.

These measures may include an enhanced rate of reimbursement for child care provided to a child with a disability by a provider that receives any training or technical assistance deemed appropriate by the Director for the care of the child. That could be an increase to the Child Care Subsidy Program reimbursement rate; the actual rate a child care provider would be paid for serving a child.

The measures may also include providing other economic resources for child care. This could be one-time grants or stipends for a provider to purchase needed equipment to service children at their center, or scholarships for an individual to attend a conference or receive additional training.

They can also provide supplemental services to a childcare facility or persons who provide child care for the purpose of increasing access to child care for children with disabilities. These could include wraparound services to a child, or the State paying for a specialist to go to a childcare center.

Additionally, the bill requires the Department of Health and Human Services (DHHS) to submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Child Welfare and Juvenile Justice. This report will include a description of the measures they have taken to increase access for children with disabilities, and any data concerning how the DHHS has worked to increase that access.

The second part of the bill requires the State, as funding is available, to provide childcare assistance to a child of a parent who is enrolled in an educational or vocational program that awards a degree or certificate at a post-secondary educational institution, as long as that parent is otherwise eligible for a childcare subsidy.

We met with some parents who have gone through the steps to return to school by completing exams, looking into financial aid and completing the application

process. After returning to school, they realize they can no longer work full time; therefore, they are no longer eligible for a childcare subsidy. These parents therefore have decided to forgo returning to school and have continued to work and receive subsidy assistance. The goal for this part of the bill is to help that specific population wanting to return to school so they can continue to receive childcare subsidy assistance while enrolled.

SENATOR HARDY:

If available, where will we get this money? Will it come from accepting gifts, grants or donations?

MR. BUSKER:

The majority of our funds for childcare subsidy programs come from the Child Care and Development Block Grant. This is a federal grant the State receives. We do put in a small State match of approximately \$4 million. There are individuals here who may be able to confirm this number if necessary.

SENATOR HARDY:

Are you looking for additional money from the State?

MR. BUSKER:

We are not looking for an increase in appropriation from the State at this time.

SENATOR SPEARMAN:

This Session we have talked about children who are deaf and blind, which is certainly a disability. Is there anything in A.B. 234 that would help the parents of children who have those challenges access this program?

The reason for my question is that we have parents who have spoken about children who are deaf not being able to get into day care. They were limited in what they can do to further their careers or train for another job.

NOVA MURRAY (Deputy Administrator, Division of Welfare and Supportive Services, Department of Health and Human Services):

The purpose here is to increase access to care for those children with any type of disability. The program is currently doing that, and we are working with a facility for blind children now. There is no money involved. This is a way for us to keep our policies in the *Nevada Revised Statutes* (NRS) versus out of NRS.

SENATOR HARDY:

Is there a fiscal note?

ASSEMBLYWOMAN MONROE-MORENO:

With the amendments made for the Second Reprint the fiscal note was removed.

CHAIR RATTI:

To clarify, this bill asks that the DHHS have a plan, and policies they currently use get codified in that plan. It requires reporting be done to know we have a focused effort ensuring children with disabilities, who are being served primarily by the federal Childcare Subsidy Program, are getting those services. Through that reporting process, we may be able to identify barriers or places where in future Legislative Sessions there would be an opportunity to intervene to ensure we are truly serving the population the way they need to be served.

ASSEMBLYWOMAN MONROE-MORENO:

That is correct.

CHAIR RATTI:

I will close the hearing on A.B. 234 and open the hearing on A.B. 498.

**ASSEMBLY BILL 498 (1st Reprint)**: Revises provisions relating to fictive kin caregivers. (BDR 38-452)

ASSEMBLYWOMAN MONROE-MORENO:

I am here to present A.B. 498 for your consideration. During the Interim, I had the honor to serve as Chair of our Child Welfare and Juvenile Justice Interim Committee. The Children's Advocacy Alliance presented information regarding fictive kin providers. Fictive kin providers are individuals who have a family-like tie to a child, and are the preferred placement for a child when a blood relative is unable or unwilling to provide care for a child. These placements allow a child to grow to adulthood in a family environment and maintain connections to their family, community and their identity.

Kinship caregivers differ from foster parents as they are unlicensed when they first accept children into their home. As they are unlicensed, they are not entitled to the financial support that a non-kin foster parent receives. Most kinship caregivers having a child placed in their care can become financially

burdened. Many of these caregivers are retired and living on fixed incomes. More than one-third are already living at or below the poverty line, and some may be in poor health. This has caused some fictive kin providers to have a declined placement and/or request for the child to be placed elsewhere within months after taking them into their care.

Assembly Bill 498 helps offset the financial burden by allowing fictive kin providers to receive some assistance in providing care.

CHAIR RATTI:

We are putting a piece into the State Plan that makes it clear that the provision to provide assistance for fictive kin is allowed. Are we anticipating this will bring additional resources? How are we getting to that place and be able to accommodate it within our current Temporary Assistance for Needy Families (TANF) program? Where does the resource for helping these additional families come from?

MR. BUSKER:

As the bill was written, the DHHS did not add a fiscal note. We believe they are using their current resources to cover fictive kin providers.

LISA SWEARINGEN (Chief, Eligibility and Payments, Division of Welfare and Supportive Services, Department of Health and Human Services):

The DHHS did add a fiscal note of \$834,000 because to implement this program, we would need a new aid code to track it. However, this is all funded 100 percent out of the TANF block grant. There is no money out of the general fund being used.

CHAIR RATTI:

Is the TANF block grant a fixed dollar amount? Does this bump other families off of TANF in order to accommodate these families or bring down more federal money?

MS. SWEARINGEN:

It will not affect our current caseload. We have enough money in reserves to cover this and it would not affect any of those families.

SENATOR HARDY:

How would the \$834,000 be used?

MS. SWEARINGEN:

That would be used for development time, requirements writing, the building of the system within our eligibility system and developing a new aid code.

SENATOR HARDY:

Are we developing that system now, and if so, is that why it does not count toward this program?

MS. SWEARINGEN:

No. We would not develop that system if we did not implement the fictive kin program.

MS. SWEARINGEN:

That money would sit in our federal block grant to be used for TANF programs.

STEVE FISHER (Administrator, Division of Welfare and Supportive Services, Department of Health and Human Services):

When times are good, the economy is doing well and the unemployment rate is down, we build up a reserve in our TANF block grant funds. When the economy turns at some point and the unemployment rate goes up and families need cash assistance, we dip into those reserves. Today, we have plenty of reserves to cover the caseload which is about 400 children.

MS. SWEARINGEN:

In 2018, 441 children were covered under the fictive kin program.

MR. FISHER:

We are looking at a relatively small population, adding approximately 400 children to the program. We are able to handle that today based on the significant amount of reserves we have.

SENATOR HARDY:

So this is a good time to do it while we have the reserves.

MR. FISHER:

That is correct.

ASSEMBLYWOMAN MONROE-MORENO:

I received an appropriation to hire a consultant to work with the Interim Committee on Child Welfare and Juvenile Justice for the sole purpose of seeing what other states are doing to bring in more federal grant money. As you know, Nevada is at the bottom end of this.

Leaders in our State are going to conferences and hearing what other states are doing that are creative ways for obtaining more federal grant money for child welfare and juvenile justice. Once that is approved and we get the consultant hired, the Interim Committee will go to work to replace funds that will generate additional funds for our State.

CHAIR RATTI:

Is the TANF block grant based on our population, or does it grow or shrink based on economic factors? For the clients you serve, it is an entitlement, and if they meet the minimum qualifications, they get the money.

MR. FISHER:

We get a specific dollar amount each year. It does not change based on population; it is a block grant. For example, we may get \$50 million each year and we have to serve the population within that amount.

And yes, if the clients meet the qualifications, they receive the money.

CHAIR RATTI:

If we do hit a tough economy and have additional need, we will have added 441 children who will still have this entitlement. Have we ever gotten to a point where we ran out of reserves and had to figure out how to limit eligibility?

MR. FISHER:

I have never seen us run out of reserves.

CHAIR RATTI:

Have we ever had to limit eligibility or decrease the benefit?

MR. FISHER:

We would have to tighten our eligibility to perhaps limit the population that is coming into the program should we run out of reserves. We could reduce the benefit amount; that would be an option.



CHAIR RATTI:

As a sense of scale or scope, it is approximately 400 children. Roughly how many children are on the TANF program? Are we increasing the population by 1 percent or a larger percentage?

MR. FISHER:

I am unsure of the caseload number at this time.

MS. SWEARENGIN:

I am unsure of the number as well, but can get back to you with the information.

MR. FISHER:

Of those 400 children, we are not sure how many will actually be eligible for the TANF program. It could be 400 or less. Currently, there are approximately 26,000 who are on the TANF program.

CHAIR RATTI:

As a matter of scale, this is a very small bump in expanding the eligibility to TANF.

MR. FISHER:

That is correct.

CHAIR RATTI:

We have letters of testimony in support of A.B. 498 from Algie Elzy ([Exhibit C](#)), Alison Caliendo ([Exhibit D](#)), Kat Case ([Exhibit E](#)), Mary Zambito ([Exhibit F](#)), Heather Ribarsky ([Exhibit G](#)) and Samantha R. ([Exhibit H](#)).

CHAIR RATTI:

I will close the hearing on A.B 498.

Senate Committee on Health and Human Services  
May 29, 2019  
Page 10

CHAIR RATTI:

Hearing no further business, we are adjourned at 8:29 p.m.

RESPECTFULLY SUBMITTED:

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Vickie Polzien,  
Committee Secretary

APPROVED BY:

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Senator Julia Ratti, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	4		Attendance Roster
A.B.498	C	4	Algie Elzy	Letter in Support
A.B.498	D	1	Alison Caliendo	Letter in Support
A.B.498	E	2	Kat Case	Letter in Support
A.B.498	F	1	Mary Zambito	Letter in Support
A.B.498	G	2	Heather Ribarsky	Written Testimony
A.B.498	H	1	Samantha R	Written Testimony