

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

**Eightieth Session
February 13, 2019**

The Senate Committee on Health and Human Services was called to order by Chair Julia Ratti at 4:08 p.m. on Wednesday, February 13, 2019, in Room 2149 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 Joyce Woodhouse
Senator Joseph P. Hardy
Senator Scott Hammond

STAFF MEMBERS PRESENT:

Megan Comlossy, Policy Analyst
Eric Robbins, Committee Counsel
Michelle Hamilton, Committee Secretary

OTHERS PRESENT:

Steve Fisher, Administrator, Division of Welfare and Supportive Services,
Department of Health and Human Services
Nova Murray, Deputy Administrator, Division of Welfare and Supportive
Services, Department of Health and Human Services
David Castagnola, Social Services Program Specialist, Division of Welfare and
Supportive Services, Department of Health and Human Services
Jack Robb, Deputy Director, Nevada Department of Wildlife
Chet Van Dellen, Division Administrator, Nevada Department of Wildlife
John Jones, Nevada District Attorneys Association
Jeff Witthun, Director, District Attorney Family Support Division, Clark County
Dena Schmidt, Administrator, Aging and Disability Services Division,
Department of Health and Human Services

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Elaine Brown, Ph.D., Licensed Psychologist, Aging and Disability Services
Division, Department of Health and Human Services
Tracy Brown-May, Director of Advocacy, Board, and Government Relations,
Opportunity Village
Bart Vandame, Director, Going Places
Jessica Adams, Health Program Manager, Aging and Disability Services Division,
Department of Health and Human Services

CHAIR RATTI:

I will call this meeting to order and open the hearing on Senate Bill (S.B.) 17.

SENATE BILL 17: Makes various changes relating to enforcement of child support obligations. (BDR 38-200)

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

I will have Ms. Murray provide a high level overview of the Child Support Enforcement Program, followed by the introduction of S.B. 17 and then we are prepared to answer any questions.

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

The Child Support Enforcement Program (CSEP) currently has 89,000 cases, which is about 1.6 percent of Nevada's population. Of those cases, 50,000 are in arrears by more than \$500. In 2018, the CSEP collected \$221 million for Nevada families. The CSEP has five basic services: locating parents; establishing paternity; establishing financial and medical support; collecting and distributing the collections; and enforcement. Federal law requires that states have processes for withholding and suspending professional, occupational and recreational licenses. The bill comes forward as a coordinated effort through strategic planning between State staff and nine participating counties. There has been three years of hard work toward the passage of this legislation. This bill will provide support for children with noncustodial parents. This will help Nevadans achieve safe, stable and healthy lives. These collaborative efforts have taken the program from 52nd in the nation where it was 10 years ago, to 25th in 2016. Unofficially, we have heard that CSEP may hit 13th in 2017.

Pursuant to federal mandate, existing law authorizes the Nevada Department of Wildlife (NDOW), upon receipt of a court order, to suspend a recreational license for noncompliance with a child support obligation. This effective enforcement remedy is not being used based on the level of effort required to execute the process. It currently requires staff, State and county attorneys to obtain a court order. Additionally, it places a burden on the already overburdened court system.

The CSEP could solve this by supplanting the judicial process with an administrative law that alleviates the workload from the court system, as well as the county and State staff. This would provide a more effective enforcement remedy resulting in an increase of child support collections for Nevada families. The elimination of the six month exemption, when appropriate, helps remedy a greater number of cases. So S.B. 17 seeks to strengthen the efficiency and efficacy of our current enforcement remedy for nonpayment of court ordered child support obligations. It also removes the requirement for district courts to issue an order providing for the suspension of recreational licenses, such as hunting or fishing, held by a person who is in arrears on their child support. This will reduce the burden on court resources and associated program staff and attorneys. It establishes an administrative process, initiated by CSEP for suspending recreational licenses due to noncompliance. This process parallels the current driver's license process that has been in effect for about 22 years. It also allows for due process, which is given to all clients. It removes the provision of an existing law prohibiting the suspension of recreational licenses that expire less than six months after the license is issued. It authorizes NDOW to suspend recreational licenses on notice of receipt from CSEP after the 30 day contested period elapses. It provides for the reinstatement of the recreational licenses when NDOW is notified. The bill expedites the license suspension process, which will result in increased child support collections to families. This existing law was passed over 20 years ago when there was not a centralized database. We believe that is why the six month provision was there, to allow extra time to put something in effect. The goal of this suspension is not necessarily to be punitive, but rather get the attention of nonpayers and encourage regular payments from those individuals.

SENATOR HARDY:

Could taking away a fishing license also take away someone's livelihood? Do the district attorneys know about this?

MS. MURRAY:

The district attorneys are aware of this. This is a collaborative effort between CSEP, the district attorneys and other stakeholders. This has been an effective remedy nationwide and other states use this. We would have to ask NDOW how they feel about taking away someone's livelihood. We just want to get the nonpayers attention.

SENATOR HARDY:

Has someone done a study and can prove this works?

DAVID CASTAGNOLA (Social Services Program Specialist, Division of Welfare and Supportive Services, Department of Health and Human Services):

The requirement to suspend recreational licenses is a federal mandate of all child support programs. Within the western states that have large outdoor recreation-oriented venues, this program has proven to be effective. Based on statistics from the NDOW website, over 150,000 licensing privileges a year are issued. That is a large segment of the population. Outdoor recreation including hunting and fishing, is a multi-million dollar a year industry. The people CSEP is targeting are not subsistence living by hunting and fishing. They are not hunting and fishing to put food on the table. They are people who are spending a large amount of money each year to buy a variety of hunting licenses and tags. If we suspend that, it hits them in the pocketbook. This will get their attention much the same way as the suspension of professional, occupational and driver's licenses. Nevada has State child support offices and nine district attorneys who participate in the child support program. There are ways to get back the license after it has been suspended. They can pay their arrearage in full, or enter into a repayment agreement with the enforcing authority. If they enter into a repayment agreement, they pay something less than the full amount in monthly installments and their license will be reinstated. They have the ability to request a court hearing if they disagree with the amount of arrearage that CSEP believes is owed. Due process is there. We are not trying to penalize people who are putting food on the table. These are people with disposable income who are not paying their child support.

SENATOR HAMMOND:

Nothing would make me happier than to see people who are not paying child support, pay the necessary support for their children. I notice there is quite a lengthy process before suspension. I see that you can suspend or revoke a

license, but is there a process to block them from getting a license? What is the process for reinstating the license?

MS. MURRAY:

We are working on a new database that will automate this process. I hope this will allow NDOW to be able to take that action before they apply for a recreational license. This would mean that something would have to exist on their end. We may want to ask NDOW.

SENATOR HAMMOND:

I leave that question for them when they testify. It looks like reinstatement happens when you sit down in a meeting. Let us say that you do not have a meeting, but you do pay whatever your arrears were. Is there a mechanism or trigger that says now you can be reinstated?

MS. MURRAY:

Currently that process is not automated, but it will be automated in the future. As we put the process in place to suspend that license, we would also keep records of the people we have suspended through our system as they pay their arrears, even if they do not have a meeting. Once they have paid back their arrearage, we would send a notification to the NDOW to release that suspension.

SENATOR HARDY:

Due process, does it happen before or after the suspension?

MR. CASTAGNOLA:

The due process opportunity comes before the suspension. The license holder is notified, and they are given a period to contest and request a court hearing. There is the due process. Prior to going to court, there is a requirement to meet with the enforcing authority to try to reach an agreement without the need to go to court. There is notice, opportunity for discussion and an opportunity for a court hearing. If there is no resolution, then and only then, is the license suspended. There is a separate statute that this bill does not touch. This statute requires applicants to disclose at the time of application for a license whether they are subject to a child support order and if they are in compliance with that order. That statute provides for withholding the license and not issuing it if the individual is not in compliance.

CHAIR RATTI:

Let us get some technical questions answered as to how this will interface with NDOW, and then we will open it up for testimony.

JACK ROBB (Deputy Director, Nevada Department of Wildlife):

The NDOW has on an annual basis, about 89,000 hunting license holders and 140,000 fishing license holders. We have about 70,000 people apply for the big game draw and 30,000 people draw those tags. We send out questionnaires to the 30,000 people who drew those tags. These questions might be, did they hunt, did they harvest, and if they did harvest, what date. If they do not respond to the texts, emails, and postcards, they get suspended. To clear that suspension, they have to pay a \$50 fine. This year, NDOW has about 2 percent of these people who are in suspension status. The big game draw applications start March 18th of this year and that 2 percent are on the sidelines until they pay up. We are used to having suspensions, clearing suspensions and getting people back into the field. There will not be a revenue impact to NDOW, because we have already sold that license. They have the privilege of having that license and we will not reimburse anybody who has had their license suspended.

CHAIR RATTI:

I still have some questions about due process. For example, someone puts in for a bighorn sheep tag. As I understand it, NDOW is not prescreening anyone on this particular issue, so this person would be in the pool. Let us say, they are awarded a tag and at that point the NDOW database would be matched with the child support database. At this point, they would have the opportunity to go through the due process steps. They would get notices, they would get the opportunity to have a meeting, and in that meeting the child support issue can be resolved without the need for court. If it gets resolved NDOW gets a notice from the CSEP that this person is cleared. If it does not get resolved, then he or she still has a bighorn sheep tag up until the court date and the judge could say pull the tags. Is that how it works?

MR. ROBB:

Currently, NDOW does not have the ability to prescreen. Bonus points are a big thing for Nevada hunters. It gives them a better chance of getting a bighorn sheep tag. The NDOW could provide a database of who has the most bonus points and had a hunting license last year. Our licenses are good for 365 days from date of purchase. Maybe we could start the database on last year's

hunting license, because it has not expired. There is a way to prescreen and notify a person that may draw the bighorn sheep tag.

CHAIR RATTI:

I want complete transparency. The draw is in March; when will you know you have been drawn?

MR. ROBB:

The application period is March 18 to April 29, 2019. The draw occurs May 22, 2019. The results are sent out May 24, 2019. The hunting season for desert bighorn sheep opens November 20, 2019.

CHAIR RATTI:

They would have from May until hunting season opened in November to resolve this issue, is that correct?

MR. ROBB:

We could start this process as soon this bill passes.

CHAIR RATTI:

If they are a new person applying, they would still have five to six months to resolve this?

MR. ROBB:

Yes that is correct.

MS. MURRAY:

When the data match is done by the CSEP, the CSEP queries the NDOW database. The CSEP or the district attorney's office will deal with the person in arrears. We work on the due process and the meeting. Not until the person has failed to get through that due process is NDOW notified.

CHAIR RATTI:

As a matter of privacy, no one at NDOW will even know about this until they have had a court date and the arrears have not been resolved. Is that correct?

MS. MURRAY:

It would not have to necessarily go to the court date. It could be the person did not respond to the CSEP. Then we would notify NDOW to suspend the license.

CHET VAN DELLEN (Division Administrator, Nevada Department of Wildlife):

I want to give you a quick overview of the NDOW suspension process. We have been working with the CSEP for many years. We get the suspension request from CSEP and NDOW puts a suspension on your record. That suspension invalidates any current recreational licenses you may have with NDOW, such as hunting, fishing or trapping. You are then blocked from any future sales of recreational licenses until the suspension is lifted. Those suspensions have a beginning and an end date. If there is a termination date that is known, NDOW sets that and the suspension will automatically clear itself. Or NDOW can set that suspension as indefinite, and it would be cleared manually on request from the CSEP.

CHAIR RATTI:

So the person has a license and they are stopped by law enforcement. The license is run, would they know that license is suspended?

Mr. Van Dellen:

Yes they would. What NDOW would do in cases like this, we would provide a report to our law enforcement division. It would contain anyone who has a current suspension and was issued a license prior to that suspension. Law enforcement would know if this person is on this list; they should not be out using that privilege. In addition, if the NDOW database was queried, there would be an alert on that person's record stating that they are suspended and they should not be out in the field acting on any of those privileges that have been revoked.

CHAIR RATTI:

I just want to confirm this. Nevada is federally mandated to do this. Nevada is doing this now. The NDOW and CSEP have a working relationship; however, the process is cumbersome. This bill will make this an administrative process and there is new technology to further streamline the process. Ultimately, you expect revenues to increase dramatically. Is that a fair summary?

MS. MURRAY:

You are correct.

SENATOR HAMMOND:

It sounds like the technology is almost there. As I understand it, your agencies are still trying to interface or are you able to interface now?

MS. MURRAY:

We do have a process in place. It is not as robust as we would like it. The CSEP will develop that process. We have started what we are calling the NVKIDS project. It will replace the current child support database. This project will automate the process. Currently we have a semi-automated process. It is difficult because we have to get the court order and the return on investment is not good. If we were administrative, it would not be so cumbersome to get a court order.

SENATOR HAMMOND:

So when do you feel you will have as you say, a robust system?

MS. MURRAY:

I think the best case scenario will be through the new child support system, which will be completed in 2022. If S.B. 17 passes, we will work with NDOW to have something that functions better than our current process. We will make this an easier process, which will be less burdensome for counties and State staff.

CHAIR RATT:

Is our federal funding at risk?

MS. MURRAY:

Our federal funding is always at risk when we do not follow regulations. I truly feel that we are following regulations by having a process in place. I think we could have a better regulation that would make what we have more effective. I could not swear that we are doing our best if this regulation is not changed.

SENATOR SPEARMAN:

The regulations are in place, because when children are denied the support that they should have, the taxpayers have to pick up the difference. This regulation protects children, is that correct?

MS. MURRAY:

You are correct.

CHAIR RATTI:

We will open the meeting for support testimony.

JOHN JONES (Nevada District Attorneys Association):

I am here on behalf of the Nevada District Attorneys Association. We support S.B. 17.

JEFF WITTHUN (Director, District Attorney Family Support Division, Clark County):
I have been the Clark County District Attorney, Family Support Division Director for the past three and a half years. Before that, I was the Assistant Director for five and a half years. Before that, I worked in the State of Wisconsin Child Support System as an attorney for ten years. I was also the President of the Wisconsin Child Support Association. Wisconsin has a robust recreational license suspension program. I am able to tell you that if you have a statute that works, this program is very persuasive and effective. It gets people who hunt and fish to pay their child support.

I am also the Director of the National Child Support Enforcement Association's Board of Directors in Washington, D.C. I am familiar with the program from a national level. I support amending *Nevada Revised Statutes* (NRS) through S.B. 17. The 42 U.S. Code 666 gives child support programs across the country various tools, such as this recreational license suspension. The purpose of those tools and mandating that they be put in place, is to increase the effectiveness of the child support program. The U.S. Code is where these tools are given, as well as the mandate. Unfortunately, current Nevada law is based entirely on a court process and six month restriction on what are often yearlong licenses and has made the tool unusable at the district attorney and county child support agency level. Even if you did happen to find someone who had such a license and had not paid their arrears, by the time you got them through the court process and complying, they would be in the last six months of their license time-line and you could not suspend it. Therefore, we have not used what in my past experience is a very effective tool in terms of collecting child support.

Deputy Administrator Murray did a great job outlining the fact that over the last eight or ten years, Nevada's child support program as a whole has done a much better job at bringing in child support for children and families. We should remove the six month restriction and put the responsibility on the district attorney's local offices. The courts do not know when someone is in arrears unless we tell them there is someone in arrears. We have the child support

system right in front of us. It is best to burden us to utilize this tool. We certainly have the capability to do that. I can testify that from my standpoint, Clark County has 59% of the entire State child support caseload, with approximately 52,000 of the 88,000 cases. I believe if we can do it, the other local offices can do it. We are prepared to move forward.

I think it is important for all of us to remember that most of our cases are low to middle income class families. Many of them are on public assistance who need their child support. In my opinion, the purpose of this program and why we exist is because child support supports our children. I think this comes first before someone is allowed to spend money for a recreational license to hunt or fish. I think taking care of one's children is a higher priority for the future of our community. I support this bill.

SENATOR HARDY:

What you are describing is a due process that happens afterward. The due process takes longer and it appears the due process is bypassed. We have given notice to the person and they can say I want due process, but we have already taken their license. Did I understand that correctly?

MR. WITTHUN:

What we are trying to do is remove the six month prohibition and this process becomes administrative. The district attorney's local child support offices are better equipped to identify the fact there is a case where someone is not paying their child support. From that point the person is going to get due process. If the case is selected and we see that they have a recreational license, a letter would be sent to them and state, you are behind on your arrears, you need to make payments, please contact us. You have the right at this time to request a court hearing. Before the court hearing, we would like to meet with you and try to resolve this issue and come to some sort of payment agreement. They are giving both of those options in the original letter. Whether they choose to meet with us or not, they still have the right to that hearing. The NDOW is not even aware we have them and may be seeking a suspension. The goal is not to take their license. Our goal is to create a compliant child support payer, based on their orders and ability to pay. They could resolve this in our office and the courts are not involved. If they do not resolve this through a repayment agreement in our office and they want their due process hearing, then they get to go to court. The court would then make the determination whether they are in arrears and have not been paying. At that point, they have an additional

30 days to comply and if they do not comply, we would let NDOW know. We have been through the process, here is the court order. Or if they chose to not deal with us at all, and those 30 days have expired, then we would seek suspension. They have gotten the due process upfront in every case.

CHAIR RATTI:

We will close the hearing for S.B. 17 and open the hearing for S.B. 18.

SENATE BILL 18: Revises provisions relating to persons with intellectual and developmental disabilities. (BDR 39-198)

DENA SCHMIDT (Administrator, Aging and Disability Services Division, Department of Health and Human Services):

This bill will revise the certification and audit process for the Jobs and Day Training (JDT) providers. Currently providers are required to submit annual audits of their financial status, prepared by an independent CPA along with multiple other documents, including tax returns. These requirements are an administrative burden for many of our providers and they disproportionately impact our small providers. By removing the financial review requirements from the NRS, this will allow the Aging and Disability Services Division (ADSD) to provide a certification policy, which would outline what documents are required. This will allow us to develop policies that address the variations and sizes of our providers in accordance with their business model, while still ensuring financial stability, solvency and protecting State interests. We are by no means trying to reduce the certification and audit process; we are making them more appropriate based on the size of the provider.

Jobs and Day Training is provided by contract providers in the community. These services are individually based and developed through a person-centered process, with a desired outcome of completing employment in the community. Currently, as the ADSD moves to person-centered planning, we have the ability to create opportunities that are based on an individual's needs rather than large group settings. We are looking at opportunities where a provider could serve just one or two recipients. This will give us some monitoring flexibility and allow us to encourage more opportunities, especially in our rural communities. The changes are in NRS 435.227. This is where we are changing the language to allow it to be in policy.

The second provision in this bill removes the term, "developmental disability", from NRS 435.365. This particular section is related to our Family Preservation Program (FPP). This is a clean-up of an inadvertent change created by Assembly Bill (A.B.) 224 of the 79th Session, which updated the language throughout the chapter. What that bill did was remove the term and other related conditions and replaced it with the term, "developmental disabilities". Unfortunately FPP is a very small and distinct program that has always served individuals with intellectual disabilities only. The FPP provides monthly financial aid to low income families who care for relatives in their home; who have severe or profound intellectual disabilities or have a child under the age of six who has a developmental delay; who require the support equivalent to that of a person with a severe or profound intellectual disability.

I think there has been some misunderstanding. The ADSD has received some feedback regarding this change. This is not a change that reduces the benefit for this program in any way. It really is just language clean-up. I am not a clinician, but as I understand, there is no such thing as a diagnosis as a severe or profound developmental disability. I have Dr. Brown with me to walk everyone through the difference and why that is not an actual diagnosis.

CHAIR RATTI:

I would like clarification on that. It is my understanding this language change made in 2017 was not just applied to this program, but it was across the board in statute. Why are you asking for the change in this particular program and not all of the programs that were affected in 2017?

Ms. SCHMIDT:

When the language was changed in all of our programs in 2017, the intent was to clarify the term and change it to developmental disability. Most of our programs do serve both populations and diagnosis. The FPP has never served individuals with developmental disabilities. It has always been a program focused on intellectual disabilities.

CHAIR RATTI:

All of the other programs included that language and you are okay with that?

Ms. SCHMIDT:

That is correct.

ELAINE BROWN, PH.D. (Licensed Psychologist, Aging and Disability Services Division, Department of Health and Human Services):

As was mentioned, prior to the language change this program served individuals with an intellectual disability or a related condition, who also had a diagnosis of a severe or profound intellectual disability. What that means is this program has always served individuals who may have other conditions, such as Down syndrome, cerebral palsy, epilepsy and autism, if that family member also has a severe or profound intellectual disability. The program provides financial assistance that allows the child or adult to remain in their family home instead of an institution. With the change from related condition to developmental disability, the program would be serving an individual with profound or severe intellectual disability or profound or severe developmental disability as a diagnosis, whereas, we have always maintained that the individual child and adult have that diagnosis. The World Health Organization Centers for Disease Control and Prevention continued to look at the prevalence of severe or profound intellectual disability for all of these conditions and for all of the other developmental disabilities. The reason for this is a person, child or adult who has that diagnosis is fully dependent for all aspects of daily life. There is no intent to change the program, only to clean up the language around the diagnosis of severe or profound intellectual disability.

CHAIR RATTI:

I am looking at the language of the bill. The bill states before the change a person with an intellectual disability has been diagnosed as having a profound or severe intellectual disability or developmental disability. You are saying there is no such thing as a profound or severe developmental disability, is that correct?

DR. BROWN:

A diagnosis of severe or profound developmental disability is correct.

CHAIR RATTI:

I need some clarification. During the 2017 Session, I believe this is the language that was changed in all of the sections. Do the other sections refer to someone who has been diagnosed with a profound or severe developmental disability?

MS. SCHMIDT:

This program serves severe or profound intellectual disabilities. All the other programs serve intellectual disabilities and developmental disabilities. This is the only program that requires the severe or profound diagnosis.

CHAIR RATTI:

This is the only program that has the severe or profound language? All of the other programs have the full category of intellectual disabilities and developmental disabilities and you are okay with that?

Ms. SCHMIDT:

Yes we are okay with that and that is correct.

SENATOR HARDY:

So somebody who has been getting assistance now is going to be left out, and who are those people?

Ms. SCHMIDT:

The program continues to serve the same population, so nobody would be left out. The FPP continues to serve the same population since it was developed in I believe, 1981.

SENATOR HARDY:

I am not interested in everybody, I am interested in the individuals who would not be helped who are being helped right now. Is there an individual who is not going to be covered by the FPP, who is now covered?

Ms. SCHMIDT:

This language clarification will not affect any individual person in the program.

SENATOR HARDY:

Will it affect the families?

Ms. SCHMIDT:

No, it will not impact them.

CHAIR RATTI:

Is that true, because we did not expand the population after the language was changed in 2017 to include folks with developmental disabilities? Had we followed the letter of the law, would we have expanded the population?

DR. BROWN:

The term intellectual developmental disability replaced the term related condition. So prior, a person could have an intellectual disability or related

condition, and if they had a diagnosis of severe or profound intellectual disability, then they are eligible for the program. The language change in 2017 did not impact that, in terms that we still had individuals with intellectual or developmental disabilities eligible for the program. The criteria is that you have a diagnosis of severe or profound intellectual disability. The person can also have any other developmental disability and a diagnosis of severe or profound intellectual disability.

CHAIR RATTI:

I want to make sure we are understanding this. Prior to 2017, the statute applied to a person with a profound intellectual disability and a related condition, and now it applies to a person with a profound intellectual disability and a developmental disability.

DR. BROWN:

It used to state, an intellectual disability or a related condition.

CHAIR RATTI:

So it stated "or" a related condition meaning that prior to 2017, to be included in this program, it could be somebody with a profound intellectual disability or somebody with a related condition. Is that correct?

MS. SCHMIDT:

If you continue in that section, it states they have to live with a parent and the person with the intellectual disability has been diagnosed as having a profound and severe intellectual disability. I believe it is clarified language. So what we are saying is there is no severe or profound developmental disability. A person with a severe or profound intellectual disability may have a developmental disability or any other variation. If you look back to A.B. 224 of the 79th Session, changing the term "related condition" changed this program and that was not the intent of the bill. There was no intention to change this program to serve additional populations that it was not previously serving.

SENATOR HARDY:

When we say, "or a person with a developmental disability," that was put in on purpose because we wanted to expand. Is there anybody who is going to be left out? Are we leaving out people who we intended to be included, but were not added, because the definition does not exist? Our intent was to include

developmental disability, in addition to what was already covered. So this was not accomplished, is that correct?

Ms. SCHMIDT:

I will have to say this is not the Legislature's mistake, this was our mistake for not catching it. We did not correct the language change during the last session. I believe if the intent was to expand this program we would have clarified that during that process. This would have been part of the record. This program was created for a very specific population. During the hearings for A.B. 224 of the 79th Session, there was no discussion of expanding this particular program to a new population that had not previously been served.

CHAIR RATTI:

I want to make sure we get this right. We will spend some time outside of this meeting to make sure we have some clarity. I would like to open this meeting for testimony in support of S.B. 18.

TRACY BROWN-MAY (Director of Advocacy, Board, and Government Relations, Opportunity Village):

There are two separate provisions within S.B. 18 that you are considering today. We are here in support of the first provision. I will be happy to discuss the second provision. I appreciate your line of questions as we had similar questions.

The first provision is relative to administrative oversight and financial documents that are requested of JDT providers. Opportunity Village is one of southern Nevada's largest providers of JDT services. We currently serve about 1,100 people who have either intellectual and/or developmental disabilities. We are constantly working to improve supports and services to be able to deliver people individualized service. The provision that is currently in this section of the NRS is specific to nonprofits. It is not relative to a for-profit organization trying to provide JDT services. We congratulate ADSD for eliminating a provision that was onerous. We also believe in supporting other nonprofit organizations that provide individualized JDT services. We offer our support on behalf of the first provision.

CHAIR RATTI:

Do you have concerns about the second provision? Do you want to get some of your questions on the record?

MS. BROWN-MAY:

I understand the language change is relative to the Family First Prevention Services Act. We do a lot of work with the American Association on Intellectual and Developmental Disabilities. The entire section of NRS 435 is really specific in regard to support and services provided to both folks who have intellectual and developmental disabilities. Any time we have a change in language, it would primarily be diagnostic. I am not a doctor, so I would look to Senator Hardy and other professionals in that area. But if we pull back who are providing supports and services for us that is always concerning. This is one small provision in NRS 435, so our immediate concern is we would change the language for the rest of the provisions in that section. We would like to see clarification knowing that any proposed change would be specific to that program. Opportunity Village and the folks that we support are not aware of anyone utilizing those funds. We understand that they are a small part in the budget.

BART VANDAME (Director, Going Places):

I am a small provider in northern Nevada called Going Places. I am in support of the first provision of S.B. 18. I am in favor of not having to do the audits and supply documents. For small providers, it is cumbersome to annually go through this process. The only question I would have is why is this only directed to the JDT and not the Supported Living Arrangement (SLA) program? I provide support to both.

CHAIR RATTI:

I do want to note for the record that we have received written testimony from Steve Cohen ([Exhibit C](#)) in opposition to S.B. 18. It is available on the Nevada Electronic Legislative Information System (NELIS) and will be noted in the minutes.

I would like to call ADSD back up and ask them why S.B. 18 only applies to the JDT program and not the SLA program.

JESSICA ADAMS (Health Program Manager, Aging and Disability Services Division, Department of Health and Human Services):

The reason this applies only to the JDT program is this is the only part of the NRS that it is in. This is not part of the NRS for our SLA programs; those are all part of our standards for certification. The standards for certification cover how much a provider has to make in order to get an audit done. This is something that we are looking at and working with our provider groups so that it makes

more sense for people and we are not requiring burdensome processes. This bill only has to do with JDT, because SLA does not exist in this portion of NRS.

CHAIR RATTI:

So the audit does not exist in the SLA, but there are other certification requirements. If you are an SLA provider there are other certification requirements that may feel similar to the process requirements of the JDT program. Currently, you are reviewing that process to see if you are setting it at the right level to be appropriate.

Ms. ADAMS:

That is correct.

CHAIR RATTI:

We are going to close the hearing for S.B. 18. Is there any public comment? Seeing none, we are adjourned at 5:13 p.m.

RESPECTFULLY SUBMITTED:

Michelle Hamilton,
Committee Secretary

APPROVED BY:

Senator Julia Ratti, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	5		Attendance Roster
S.B. 18	C	3	Steven Cohen / Private Citizen	Written Testimony Steve Cohen (S.B. 18)