

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

**Eightieth Session
February 20, 2019**

The Senate Committee on Health and Human Services was called to order by Chair Julia Ratti at 4:05 p.m. on Wednesday, February 20, 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:

Alex Ortiz, Clark County
Mason Van Houweling, CEO, University Medical Center, Clark County
Joan Hall, President, Nevada Rural Hospital Partners
Julie Kotchevar, Deputy Administrator, Division of Public and Behavioral Health,
Department of Health and Human Services
Helen Foley, Nevada Assisted Living Association
Devin Brooks, Brooks Behavioral Health Center
Sarah Adler, President, National Alliance on Mental Illness
Barry Gold, AARP
Tracy Brown-May, Opportunity Village
Michael Hackett, Nevada Academy of Nutrition and Dietetics

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Allison Schnitzer, Nevada Academy of Nutrition and Dietetics
Madeline Belaustegui, Nevada Academy of Nutrition and Dietetics
Kristina LaBouff, Nevada Academy of Nutrition and Dietetics
Nikki Bailey-Lundahl, Nevada Nurses Association
Catherine O'Mara, Nevada State Medical Association
Aurora Buffington, Southern Nevada Food Council
Kathy Bakst

CHAIR RATTI:

I will call this meeting to order and open the hearing for Senate Bill (S.B.) 77.

SENATE BILL 77: Revises provisions governing purchasing by a county hospital and a hospital in a county hospital district. (BDR 40-488)

ALEX ORTIZ (Clark County):

I am here today with Mason Van Houweling, who will present S.B. 77 on behalf of Clark County.

MASON VAN HOUWELING (CEO, University Medical Center, Clark County):

My name is Mason Van Houweling, and I am the CEO of the University Medical Center (UMC) located in Las Vegas. I am here to present my testimony (Exhibit C) on S.B. 77. At this time I will answer any questions the Committee may have.

CHAIR RATTI:

This sounds like a great idea, and we all want to see more savings for UMC. We know your budget is funded by the taxpayers. I just want to make sure there are not any unintended consequences. Does this in any way make it difficult to compete for services for local companies, small business and vendors? How would this affect the opportunities for small business, since you are a significant player in your community?

MR. VAN HOUWELING:

Nevada Revised Statutes 332 and 338, which apply to prevailing wages, would continue also, all local cover contracts would still be applied. We want to make sure we are supporting local businesses. I do not see this affecting local business. If they chose, they can be part of the group purchasing organization (GPO). There is a process for them to apply.

CHAIR RATTI:

I want to make absolutely sure any potentially displaced vendors get that information so they know they can be part of the GPO.

MR. VAN HOUWELING:

Yes they will.

CHAIR RATTI:

Is there anyone here who would like to testify in support of S.B. 77?

JOAN HALL (President, Nevada Rural Hospital Partners):

I am representing Nevada Rural Hospital Partners, seven of our members are county or district hospitals that would be affected by this. Those hospitals are in Battle Mountain, Lovelock, Winnemucca, Ely, Caliente, Hawthorne, and Yerington. We belong to the GPO. We would benefit from language interpretation services, equipment maintenance services, document destruction, coding services, pest control and peer review services. We could benefit by using the reduced cost of the GPO services.

CHAIR RATTI:

We are going to close the hearing for S.B. 77 and open the hearing for Senate Bill (S.B.) 92. I will have Vice Chair Spearman, conduct the meeting, while I present this bill.

SENATE BILL 92: Revises provisions concerning certain group housing.
(BDR 40-526)

SENATOR JULIA RATTI (Senatorial District No. 13):

I had the privilege of serving on the Interim Health Committee. During that time, the Interim Health Committee received the results of an audit that looked at some of the challenges we faced serving the seriously mentally ill population through congregate living situations. During this Legislative Session you will see multiple bills that will address some of the findings of the audit. The problem S.B. 92 tackles is unlicensed referral agencies, who are typically receiving patients as they are discharged from the hospital. They are then referring that patient to a congregate living situation that may or may not be a licensed home. The hospital may feel they have a qualified discharge and their patient is going to a safe and appropriate setting; however, these individuals or entities are not licensed and we have no way of making sure that is happening. In fact, there

are instances where we know that folks are getting referred to settings that are not appropriate. This bill seeks to remedy this situation by licensing the referral agencies and making sure they are providing referrals to appropriate settings.

This bill also gives some direction to the Department of Health and Human Services (DHHS) to dig a little bit deeper and try to unearth unlicensed congregate group settings. There may be instances where folks are living in a group home setting in which it looks like a group home, acts like a group home but has never gotten a license. We are asking DHHS to provide an aggressive approach to find and unearth some of these unlicensed congregate settings. If the setting should be licensed, the DHHS will make sure it gets a license. This way, we can provide due diligence to ensure it is appropriate for the clients it serves.

JULIE KOTCHEVAR (Deputy Administrator, Division of Public and Behavioral Health, Department of Health and Human Services):

The first section of S.B. 92 broadens the definition of what is a referral agency. Currently, you have to be licensed as a referral agency only if you refer to one type of licensed home—a residential facility for groups. So, if you refer to any other type of home, you are not required to be a licensed referral agency. This was a gap that allowed identified referral agencies to make referrals to either unlicensed homes or licensed homes, but there was no oversight of the people making those referrals. This would broaden the definition to include anyone making a referral to a housing arrangement who provides support for anyone who is a vulnerable person including: people who have a mental illness, intellectual disability, developmental disability, physical disability, the aged or infirm. This covers people we consider vulnerable populations who would be served in these settings.

The second section of the bill requires the Division of Public and Behavioral Health (DPBH) to conduct a review of unlicensed homes to look at how to identify them and whether we can establish regulations to identify which ones should be licensed. We are trying to balance the rights of people to rent a room or to live with roommates without over-regulating people's housing arrangements. At the same time, we are honing in on housing arrangements that provide support to people such as food, shelter, some sort of assistance or behavioral support. Where is the line separating when you need to be licensed versus not needing a license? We will look at strategies to identify them in more automated ways, such as looking for business license terms like independent

living home. For example, the term independent living home might appear on a business license of a home that is not licensed with us. If they are calling themselves an independent living home, are they licensed? If they are not licensed, maybe we would check whether they should or should not be licensed.

VICE CHAIR SPEARMAN:

Seeing there are no questions from the Committee, is there anyone here in support of S.B. 92?

HELEN FOLEY (Nevada Assisted Living Association):

I am here today, representing the Nevada Assisted Living Association. We support this legislation. We saw during the audits many nefarious things going on. There were people living in squalor and several types of housing arrangements. We know this bill is a good first start. There will be several other bills this Session. We support making sure the referrals are regulated.

DEVIN BROOKS (Brooks Behavioral Health Center):

I am the owner of Brooks Behavioral Health Center. I want to state that unlicensed homes have been an issue in our community. I would like to add, we have some unlicensed transitional homes that are terrible and some are amazing. We would like to see some language to assist the transition for those unlicensed transitional homes that are a benefit to the State. I support S.B. 92.

SARAH ADLER (President, National Alliance on Mental Illness):

I am the President for the National Alliance on Mental Illness (NAMI), Western Nevada Affiliate and a Nevada lobbyist for NAMI. I am joined by many members of NAMI. I would like to present testimony ([Exhibit D](#)) in support of S.B. 92. Too often our justice system seems like our public health system. We do not seek to amend the bill, we see it as a good start.

MS. HALL:

We support this bill as it helps those vulnerable residents who need a lot of help.

Barry Gold (AARP):

My name is Barry Gold and I am here to represent AARP. The decision to leave your own home and live in some type of residential facility or the decision to place your loved one in some type of residential facility, is probably the hardest

and biggest decision a family or person will ever make. Having a referral agent who has knowledge about this process helps people make those decisions. We need to make sure these referral agents know what they are doing and, just as important, there is someone looking at the referral agents to make sure they know what they are doing. These referral agents need to be licensed to give transparency and oversight to the people who are looking to leave their own home or place their loved ones in a home. On behalf of the 348,000 AARP members across the State, we urge you to support S.B. 92.

TRACY BROWN-MAY (Opportunity Village):

We are in support of S.B. 92. We believe in oversight to protect the vulnerable populations many of us serve. Typically, people who have intellectual and developmental disabilities are not together in one bill; however, seeing the results of the audit we are here to offer our support.

VICE CHAIR SPEARMEN:

We will close the hearing on S.B. 92 and I will return control of the meeting to Chair Ratti.

CHAIR RATTI:

We will open the hearing on Senate Bill (S.B.) 95.

SENATE BILL 95: Revises provisions governing diets that are ordered or prescribed for patients. (BDR 40-445)

SENATOR PATRICIA SPEARMAN (Senatorial District 1):

I am here to present S.B. 95 on behalf of the Legislative Committee on Health Care, which I chaired during the 2017-2018 Interim. This bill takes a step toward improving patient's outcomes, reducing the cost of health care and shortening the length of hospital stays. It was proposed at the request of a representative of the Nevada Academy of Nutrition and Dietetics. It enables licensed dietitians to independently order special diets and ensure medical facilities must provide diets as ordered or prescribed.

Specifically, S.B. 95 requires medical facilities to take any actions necessary to adhere to a diet ordered or prescribed by a licensed dietitian, physician, physician assistant, dentist, advanced practice registered nurse or podiatric physician. Such facilities must maintain documentation demonstrating

compliance with these requirements and provide it to the DPBH of the DHHS upon request.

This is a timely bill. One of my constituents was prescribed a renal diet and the facility they were in did not provide it. Upon further examination, the facility did not even have the food. Had it not been for the dietician, this person could have gone without the proper nutrition. This bill will help improve the health of Nevadans.

MICHAEL HACKETT (Nevada Academy of Nutrition and Dietetics):

I am here on behalf of the Nevada Academy of Nutrition and Dietetics (NvAND). Another purpose of this legislation is to have State law conform to the Centers for Medicare and Medicaid Services (CMS) Ruling issued in 2014 addressing this particular issue. We have individuals in Las Vegas who can answer questions from the perspective of the NvAND. They can answer clinical questions as well as the cost benefit we feel is going to be achieved by hospitals if this legislation is passed.

CHAIR RATTI:

Let us take the prepared testimony from Las Vegas and then open the meeting up for questions.

ALLISON SCHNITZER (Nevada Academy of Nutrition and Dietetics):

I am a registered and licensed dietitian here in Las Vegas. I am also the State Policy Representative for the NvAND. I am here to read testimony ([Exhibit E](#)) in support for S.B. 95.

MADELINE BELAUSTEGUI (Nevada Academy of Nutrition and Dietetics)

My name is Madeline Belaustegui and I have been a registered dietitian working in a clinical setting in Las Vegas for almost four years. I am here to read testimony ([Exhibit F](#)) in support of S.B. 95.

KRISTINA LABOUFF (Nevada Academy of Nutrition and Dietetics):

My name is Kristina LaBouff. I am a registered and licensed dietitian who has been working in the clinical field in Las Vegas for five years. I am also the secretary of the NvAND. I am here to testify ([Exhibit G](#)) in support of S.B. 95.

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NIKKI BAILEY-LUNDAHL (Nevada Nurses Association):

My name is Nikki Bailey-Lundahl and I am here to represent the Nevada Nurses Association. The nurses are in support of S.B. 95. We believe it streamlines the process and allows the provider to give better patient care.

MS. HALL:

My name is Joan Hall and I am here today representing Nevada Rural Hospital Partners. We are in support of S.B. 95. We just wish there were more dietitians.

CATHERINE O'MARA (Nevada State Medical Association):

My name is Catherine O'Mara and I am here today representing the Nevada State Medical Association. We are in support of S.B. 95. The physician community believes registered and licensed dietitians are an important partner. We support improved evidenced based nutrition care for our patients.

AURORA BUFFINGTON (Southern Nevada Food Council):

My name is Aurora Buffington and I am the convener for the Southern Nevada Food Council, as well as a registered and licensed dietitian. I am here to testify in support of S.B. 95 ([Exhibit H](#)). I have also provided the public with a letter of support ([Exhibit I](#)).

CHAIR RATTI:

We are going to close the hearing for S.B. 95.

We have three bills with all support and no opposition. I will accept a motion to Do Pass for S.B. 77.

SENATOR HARDY MOVED TO DO PASS S.B. 77.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANAMOUSLY.

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CHAIR RATTI:

I will accept a motion to Do Pass S.B. 92.

SENATOR WOODHOUSE MOVED TO DO PASS S.B. 92.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANAMOUSLY.

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CHAIR RATTI:

I will accept a motion to Do Pass S.B. 95.

SENATOR HARDY MOVED TO DO PASS S.B. 95.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANAMOUSLY.

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CHAIR RATTI:

We will now open the meeting for public comment.

KATHY BAKST:

My name is Kathy Bakst and I am a family member of NAMI Western Nevada Affiliate. I have an adult son who is severely mentally ill. He has lived in seven of those group homes that were closed down. I was in them pretty much daily for the past two or three years. Currently, I keep him in an apartment with a caregiver because the group homes were inadequate. Not only were they inadequate because they were underfunded and not a healthy place, there was no rehab or any type of help for my son. There were no daily meetings, there were no activities, there was nothing going on. We definitely need to pass S.B. 92, because there needs to be more oversight. There were social workers that did not pay attention to what was going on in the homes. It was a bad situation I would not send my worst enemy to one of those homes. I could give you 50 stories of bad things that happened. I hope you pass this bill.

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CHAIR RATTI:

I want to remind everyone S.B. 92 is just one of several bills covering this topic.
I appreciate your engagement and helping us to make good decisions.

This meeting is adjourned at 4:53 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. 77	C	2	Mason VanHouwelling / University Medical Center	Written Testimony
S.B. 92	D	2	Sarah Adler / National Alliance on Mental Illness	Written Testimony
S.B. 95	E	1	Allison Schnitzer / Nevada Academy of Nutrition and Dietetics	Written Testimony
S.B. 95	F	1	Madeline Belaustegui / Nevada Academy of Nutrition and Dietetics	Written Testimony
S.B. 95	G	2	Kristina LaBouff / Nevada Academy of Nutrition and Dietetics	Written Testimony
S.B. 95	H	1	Aurora Buffington / Southern Nevada Food Council	Written Testimony
S.B. 95	I	2	Aurora Buffington / Southern Nevada Food Council	Handout Support Letter