

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

**Eightieth Session
March 25, 2019**

The Senate Committee on Health and Human Services was called to order by Chair Julia Ratti at 4:10 p.m. on Monday, March 25, 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 Joyce Woodhouse
Senator Joseph P. Hardy
Senator Scott Hammond

GUEST LEGISLATORS PRESENT:

Senator Dallas Harris, Senatorial District No. 11
Senator Heidi Seevers Gansert, Senatorial District No.15

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Dena Schmidt, Administrator, Aging and Disability Services Division,
Department of Health and Human Services
Julie Kotchevar, Administrator, Division of Public and Behavioral Health,
Department of Health and Human Services
Ryan Black, City of Las Vegas
Jennifer Jeans, Legal Aid Center of Southern Nevada; Washoe Legal Services
Jessica Wise, Food Bank of Northern Nevada
Ken MacAleese, Public Policy Chair, Nevada Association for Behavioral Analysis

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CHAIR RATTI:

I will request a Committee introduction of Bill Draft Request (BDR) 57-531.

BILL DRAFT REQUEST 57-531: Revises provisions relating to health insurance.
(Later introduced as [Senate Bill 482](#).)

SENATOR SPEARMAN MOVED TO INTRODUCE BDR 57-531.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RATTI:

I will request a Committee introduction of Bill Draft Request (BDR) 57-788.

BILL DRAFT REQUEST 57-788: Revises provisions relating to health insurance.
(Later introduced as [Senate Bill 481](#).)

SENATOR SPEARMAN MOVED TO INTRODUCE BDR 57-788.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RATTI:

I will open the work session on Senate Bill (S.B.) 18.

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

MEGAN COMLOSSY (Policy Analyst):

I will read the summary of the bill and amendment from the work session document ([Exhibit C](#)).

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SENATOR HARDY:

What are we doing with the amendment?

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

The amendment removes the entire section relating to the family preservation program. We decided, based on the conversations we had with some of the stakeholders, we would rather move that information to the interim and clarify it during the interim process rather than rush it through at this time.

CHAIR RATTI:

I will entertain a motion on S.B. 18.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED S.B. 18.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RATTI:

I will open the work session on S.B. 33.

SENATE BILL 33: Revises provisions governing enforcement of child support obligations. (BDR 38-199)

Ms. COMLOSSY:

I will read the summary of the bill and amendments from the work session document ([Exhibit D](#)).

CHAIR RATTI:

I will entertain a motion on S.B. 33.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED S.B. 33.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RATTI:

I will open the work session on S.B. 115.

SENATE BILL 115: Requires the State Plan for Medicaid to include coverage for donor breast milk. (BDR 38-560)

MS. COMLOSSY:

I will read the summary of the bill and amendments from the work session document ([Exhibit E](#)).

SENATOR HAMMOND:

I have received interest in amending the bill. I have spoken with the Committee legal staff and we have worked through the amendments to see what needs to be added. There is one amendment, which before this bill goes through this Committee and out of Finance, we will work through to see if it is necessary to add additional language. The other amendments coming to my attention are already covered in the bill as the bill is expanding, not limiting.

CHAIR RATTI:

I will entertain a motion on S.B. 115.

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED AND RE-REFER TO FINANCE S.B. 115.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RATTI:

I will close the work session and open the hearing on S.B. 270.

SENATE BILL 270: Requires the Department of Health and Human Services to establish and administer the Nevada Crisis Response System. (BDR 38-792)

SENATOR DALLAS HARRIS (Senate District No. 11):

I am here to present S.B. 270 for your consideration. According to the United States Department of Housing and Urban Development, there are more than 7,000 Nevadans who are homeless. This includes approximately 170 families, 725 veterans, 1,400 unaccompanied young adults between the ages of 18 and 24, and 650 chronically homeless individuals. Clearly, homelessness affects a diverse group of people, families, individuals, couples, children and seniors. In fact, during the 2016–2017 school year, an estimated 20,700 public school students in Nevada experienced homelessness. Nearly 500 of these children were unsheltered, 2,300 spent time in shelters, 2,800 lived in hotels or motels, and 15,150 were in double-up living arrangements.

Homelessness is closely associated with Nevada's current housing crisis and comes with a high cost to the individuals and families who experience it, their communities and the State as a whole.

Research shows communities save money when people have supportive housing, largely because homeless individuals are more likely to experience chronic medical conditions as a result of housing instability. Having access to safe, quality and affordable housing can improve both physical and mental health and numerous other factors. While various State agencies, local governments and nonprofit organizations have taken steps to address homelessness in Nevada, more can be done.

Senate Bill 270 aims to better assist individuals experiencing a housing crisis. This includes those who are transient, at imminent risk of homelessness or homeless. The goal is to improve collaboration and coordination among the many State, local and nonprofit agencies already working to address this problem.

I would like to direct your attention to the proposed amendment ([Exhibit F](#)) based on feedback from the Department of Health and Human Services (DHHS). The bill and proposed amendment require the DHHS to establish and administer the Nevada Housing Crisis Response System. This will create a centralized system at the State level, better coordinating existing efforts to prevent and

reduce homelessness. Through coordination and collaboration we will be helping people experiencing a housing crisis across the State. The Nevada Housing Crisis Response System is required to coordinate with social service agencies, local governments and nonprofit organizations to identify, assess, refer and connect people in crisis to housing assistance and services. These may include emergency services, emergency shelters, interim or permanent housing.

This bill defines persons in crisis as people who are transient, at imminent risk of homelessness or homeless. It requires the Nevada Housing Crisis Response System to operate a system assisting such individuals 24 hours per day, 7 days per week. In addition, the System must develop prevention assistant programs to prevent homelessness. It seeks to help people who need assistance, preserve their current housing, identify an alternative housing arrangement or find immediate housing arrangements for those whose current housing situation is not safe. The System is further authorized to perform any actions that assist people experiencing a housing crisis and help prevent or address homelessness in Nevada.

The proposed amendment, [Exhibit F](#), clarifies the DHHS may adopt necessary regulations to carry out the provisions of this bill. This may require certain community agencies that accept funds from the DHHS to participate in the Nevada Housing Crisis Response System.

Finally, the bill authorizes the Director of the DHHS to solicit, accept and expend any gifts, grants, contributions or other money to carry out the provisions of this bill. Any money received for these purposes must be accounted for separately in the State's General Fund and does not revert to the General Fund at the end of the fiscal year.

Preventing and addressing homelessness requires leadership, collaboration and coordination among State, local and nonprofit agencies. It requires stronger outreach and engagement activities working together and exploring partnership opportunities. By creating a centralized Nevada Housing Crisis Response System, S.B. 270 will empower the State and its communities to maximize the effectiveness of existing programs, and enhance our response to people in a housing crisis.

SENATOR HAMMOND:

You are trying to find someone who can take responsibility and one who can find the assistance that folks may need. Are you thinking about putting one person in this position or do you see this taking more than one person?

SENATOR HARRIS:

I would like to leave flexibility for the DHHS to implement the bill. It is my understanding they currently have mechanisms they can adapt to meet the requirements of the bill. I do not see one particular person taking this on. I consider the DHHS to be the centralized location where people can go for all resources that exist in the State. It would be up to the DHHS to determine how many more staff they may need in order to meet the requirements of the bill. It allows the DHHS to put forward regulations to implement the Nevada Housing Crisis Response System as long as it complies with what we are requesting of them.

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

It is not our intent to use or add additional State staff. There are Continuum of Care Programs operating throughout the State actually doing these activities. After reviewing the bill, our intent is to see how we can fund them to include providing more services, not to create new systems. Other states have rates of 40 percent reduction in homelessness at costs of approximately \$2,200 per intervention. Seven thousand homeless times \$2,200 will not be an inexpensive fiscal note. However, it has resulted in a reduction in communities in Georgia and Washington where they have seen a significant return on investment for this funding.

SENATOR HAMMOND:

I would be interested in seeing how long they have been doing this and the data they have collected on how effective it has been.

MS. KOTCHEVAR:

I will provide you with a report.

SENATOR SPEARMAN:

You said some of this will include persons who may be homeless due to some type of violence. Is it possible to leverage some of the funds from victims of compensation to help carry this out? Not only monetarily, but in terms of staff.

It seems some of the services represented in the bill are being provided by DHHS and it would be a matter of including this in the portfolio. Not so much so they are overloaded, but to better coordinate those activities.

SENATOR HARRIS:

I would note under section 2, subsection 3, paragraph a, of the amendment, the System may perform any other action that "assists persons in crisis". It sounds as though people experiencing any type of violence would be included under this. The intent would be to allow even private dollars to fund that population.

SENATOR SPEARMAN:

We passed legislation last Session that would allow the DHHS to seek grants. You cannot project what a fiscal note may be. However, some of the programs already in place would help mitigate some of the circumstances around whatever fiscal note exists.

SENATOR HARRIS:

Section 1, subsection 2 of the amendment states, "Subject to available funding the Department shall establish and administer the Nevada Housing Crisis Response System." This will allow them to start with sources currently in place. I am also asking them to report to us on the implementation of this bill and am looking forward to receiving statistics on the success.

RYAN BLACK (City of Las Vegas):

The City of Las Vegas is currently spearheading the homeless crisis in Clark County seeking to improve this issue. Often overlooked in homelessness is prevention, and this bill is directed toward prevention. The City of Las Vegas supports S.B. 270.

JENNIFER JEANS (Legal Aid Center of Southern Nevada; Washoe Legal Services):

Stable housing is an issue affecting all clients in each of our practice areas. A central response system to address clients facing an emergency housing crisis would be immensely helpful to clients and attorneys attempting to assist them in other matters. The Legal Aid Center of Southern Nevada supports S.B. 270.

JESSICA WISE: (Food Bank of Northern Nevada):

The Food Bank of Northern Nevada helps as many people as possible within this population to gain access to the Supplemental Nutrition Assistance Program; fresh foods through the mobile pantry. It is important to provide services as

quickly as possible for those who are under threat of becoming homeless or are currently homeless. The Food Bank of Northern Nevada supports S.B. 270.

SENATOR HARRIS:

In closing, this is something small we can do that will have a large impact on this very persistent problem.

CHAIR RATTI:

I will close the hearing on S.B. 270 and open the hearing on S.B. 258.

SENATE BILL 258: Revises provisions relating to applied behavior analysis.
(BDR 39-248)

SENATOR HEIDI SEEVERS GANSERT (Senatorial District No.15):

Senate Bill 258 is a follow-up bill to S.B. No. 286 of the 79th Session. This previous bill created a new board, the Board of Applied Behavior Analysis, previously based in the Board of Psychological Examiners. It created a State certified behavioral interventionist as there were not enough registered behavioral technicians (RBTs). Working with children with behavioral issues requires a National Certification for RBTs.

We also required background checks for the RBTs and the State certified behavioral interventionists. We found the number of RBTs has grown exponentially in the last two years. There were under 100 across the State and we are now approaching 700. This bill removes the State certified behavioral interventionists, replacing it with RBTs.

The Board of Applied Behavior Analysis was recently created and staff appointed. We have not reached the point where they have created what this Board will look like. Because the Board was recently created, the Division of Aging and Disability Services was going to be working with them as it was an upstart Board. This bill transfers many of the responsibilities to the Board. It is not ready to take on all of the responsibilities other boards have that have been established for some time, including research and investigation. Dr. MacAleese can speak to working collaboratively with the Aging and Disabilities Division of the Department of Health and Human Services.

Registered behavioral technicians are certified and go through a background check at a national level. This language is not apparent today. Part of another

bill I am sponsoring around background checks is a follow-up to S.B. No. 287 of the 79th Session.

We have been working with the Department of Public Safety, enabling us to accept a signed document to be used verifying someone met the standards for a background check, rather than duplicate the background check. If a RBT has a qualified background check completed within six months, with requirements similar to ours and has been signed off, this would meet what is required by Nevada.

This bill determines whether the Board of Applied Behavior Analysis or Aging and Disabilities Services Division is responsible for certain duties. It eliminates the State certified behavioral interventionists throughout the bill, and the area concerning the background check.

KEN MACALEESE (Public Policy Chair, Nevada Association of Behavioral Analysis): I will read my written testimony ([Exhibit G](#)) and refer to the proposed amendment ([Exhibit H](#)) in support of S.B. 258.

CHAIR RATTI:

Will licensed State certified behavioral interventionists be losing their license due to the position being removed from statute?

SENATOR GANSERT:

No one has that license at this time. Right now we have approximately 700 RBTs which is the level of care we were looking to provide.

CHAIR RATTI:

There is the proposed amendment, [Exhibit H](#), titled "Proposed Revisions/Friendly Amendments." Are you still working on language in this amendment and do you need time to complete this language before a work session?

SENATOR GANSERT:

Right now you do not have the language for background checks, so I could not provide an actual proposed amendment for this language change.

CHAIR RATTI:

There is already broad agreement on what we are seeing in this amendment and it is appropriate for a conceptual amendment.

SENATOR GANSERT:
Yes, that is accurate.

CHAIR RATTI:
Can you describe where you are headed with the background check?

SENATOR GANSERT:
Currently, when someone gets a background check as a member of a nonprofit organization or is licensed with an association, the background check must be duplicated. We worked with the Department of Public Safety to come up with a way for this bill, and another bill, to accept acknowledgment that an individual passed a background check at a certain level. Number 5 of the amendment states "Alter Sec 18, 3 RBT Fingerprinting/Background Check", [Exhibit H](#), and will allow someone applying for registration in Nevada as an RBT to provide a form to the national organization stating the requirements for background checks have been met. There is no custody issue; they are not taking a background check and passing it to someone else. This suffices for what Nevada needs as a background check.

This holds true due to the follow-up bill to S.B. No. 287 of the 79th Session. Perhaps we have volunteers who do background checks and they work for Americor in the school system. If Americor has someone who has passed their background check, this would suffice, as long as it was done in the last six months.

SENATOR SPEARMAN:
In our last Committee meeting, we had questions about what happens when there appears to be negligent behavior and someone's life is in jeopardy. Would the background check, completed in the last six months, include any pending investigations or only completed investigations?

SENATOR GANSERT:
It only includes whatever information is available at the time the background check is completed. If the background check is six months old and something happened within that six-month period, you will not have that information unless you rerun the background check. This is a consistent issue. You can always be chasing a background check as it is dynamic. Things change over time.

We contemplated going back to the redundancy. When people pay money to get a background check they get frustrated if they have to repeat it. In this case, for the RBTs this is a national organization where background checks are required in order to receive their certification. For Nevada, we are just registering them. The national organization has taken on the burden of ensuring they meet certain requirements to become an RBT, part of which is the background check.

CHAIR RATTI:

I will close the hearing on S.B. 258.

The Committee has received a proposed amendment to S.B. 115 from the Southern Nevada Breastfeeding Coalition ([Exhibit I](#)).

Remainder of page intentionally left blank; signature page to follow.

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CHAIR RATTI:

Seeing no further business we are adjourned at 4:51 p.m.

RESPECTFULLY SUBMITTED:

Vickie Polzien,
Committee Secretary

APPROVED BY:

Senator Julia Ratti, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	4		Attendance Roster
S.B. 18	C	5	Megan Comlossy	Work Session Document
S.B. 33	D	4	Megan Comlossy	Work Session Document
S.B. 115	E	3	Megan Comlossy	Work Session Document
S.B. 270	F	2	Senator Dallas Harris	Proposed Amendment
S.B. 258	G	1	Ken MacAleese / Nevada Association of Behavioral Analysis	Testimony of Support
S.B. 258	H	3	Ken MacAleese / Nevada Association of Behavioral Analysis	Proposed Conceptual Amendment
S.B. 115	I	2	Southern Nevada Breastfeeding Coalition	Proposed Amendment