

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

**Eightieth Session
April 11, 2019**

The Senate Committee on Health and Human Services was called to order by Chair Julia Ratti at 4:13 p.m. on Thursday, April 11, 2019, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 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 James Ohrenschall, Senatorial District No. 21
Senator James A. Settelmeyer, Senatorial District No. 17

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

DuAne Young (Deputy Administrator, Division of Health Care Financing and Policy, Department of Health and Human Services):

CHAIR RATTI:

I will open the work session on Senate Bill (S.B.) 283:

SENATE BILL 283: Revises provisions relating to prescription drugs. (BDR 38-114)

MEGAN COMLOSSY (Policy Analyst):

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

SENATOR HARDY:

I have personal challenges trying to envision how all this will work through the Prescription Monitoring Program. I realize this is a monumental undertaking. I like several parts of the bill, but at this point I am going to vote no but reserve the right to change my mind.

SENATOR HAMMOND:

I will do the same.

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 283.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HAMMOND AND HARDY VOTED NO.)

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CHAIR RATTI:

I will open the work session on S.B. 418.

SENATE BILL 418: Revises provisions governing the distribution and sale of raw milk. (BDR 51-1073)

Ms. COMLOSSY:

I will read a summary of the bill ([Exhibit D](#)), and there is a conceptual amendment ([Exhibit E](#)) which has just been introduced by Senator David R. Parks. Would it be alright to have the sponsors go over the amendment?

CHAIR RATTI:

Yes, I would prefer to have the sponsors of S.B. 418 come forward and discuss the amendment. We are not reopening the hearing. We just want to make sure we understand the amendment.

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):

The amendment to S.B. 418, Exhibit E, basically incorporates some recommendations proposed by the Washoe County Health District. Their recommendations have to do with signage wherever raw milk is sold. It specifies there should be at least one sign that meets the requirements of section 2.

Section 2 requires signage within five feet of a separate raw milk refrigerator. The signage must be conspicuous to the patrons of the establishment, and each sign must be no smaller than 8 1/2 inches by 11 inches in size. The sign must contain a notice in boldface type, clearly legible, stating, "There are health risks associated with the consumption of unpasteurized milk. According to the Centers for Disease Control and Prevention, consumption of raw milk is 150 times more likely to cause food-borne illness than pasteurized milk." Within the sign, the letters in the words "health warning" must be written in no less than 40-point type, and the letters and all other words in the sign must be written in no less than 30-point type. The bill also requires a warning label on raw milk containers and a separate refrigerator in retail establishments where raw milk is sold.

The amendment does keep county milk commissions; however, the goal is to have uniform oversight from the Department of Agriculture. Again, raw milk is legal and the testing regulations are outlined in the *Nevada Revised Statutes* (NRS).

SENATOR HARDY:

I appreciate the amendment. It goes a long way to make raw milk safer. It is still raw milk, and I will not support this bill. I think the amendment does a great job trying to warn people of the reality of raw milk, and I appreciate that.

SENATOR OHRENSCHALL:

If the bill does move forward, Senator Parks and I will make sure if there are sales at restaurants, there will be warning labels there too. There may need to

be a future amendment. We have agreed to this with the Washoe County Health District and perhaps add a larger role for the health districts.

SENATOR HAMMOND:

I have voted for this in the past. I grew up drinking milk and milking cows. I think the amendment is good. I want to read it further. I will need to hesitate now and say no but reserve the right to change my mind. I believe it is important for people to know what they are getting, and the labels are important. I want to see the other amendment.

SENATOR OHRENSCHALL:

We are still working on some language. In that language, we are creating an increased roll for public health agencies and making sure there is labeling if restaurants do serve raw milk.

CHAIR RATTI:

I have a question about small herds in section 4. Are we only allowing small herds to create this milk; therefore, there will not be a significant volume of distribution? Or will there be a large volume of distribution, and small herds is a different issue altogether?

SENATOR OHRENSCHALL:

My understanding is that section 4 would allow for both. It would allow for a raw milk dairy producer who wants to produce and sell to a retailer. It would also allow for herdshares. An example of a herdshare is where a family purchases a herdshare of a dairy cow from a family farm. Then, that family will schedule times to go to the farm and pick up fresh milk. This is something that has not been allowed in Nevada since 2013; section 4 would bring that back.

SENATOR WOODHOUSE:

I struggled with this one a bit. I am going to go ahead and support it today. I appreciate the work you have done with those who are supporting this measure and by making the rules tighter.

My bottom line is raw milk be safe for the individuals who consume it. I think you have made great progress. If there is anything more we can do to make sure this is good for everyone, especially our children, we want to make sure that happens.

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SENATOR SPEARMAN:
I agree with Senator Woodhouse.

CHAIR RATTI:
I am anxious to see what the rest of the amendment will look like, but I will support it today.

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 418.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HAMMOND AND HARDY VOTED NO.)

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CHAIR RATTI:
I will open the work session on S.B. 344.

SENATE BILL 344: Revises Medicaid reimbursement rates related to family planning services. (BDR 38-743)

Ms. COMLOSSY:
I will read a summary of the bill from the work session document ([Exhibit F](#)).

SENATOR HARDY MOVED TO DO PASS S.B. 344.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RATTI:
I will open the work session on S.B. 363.

SENATE BILL 363: Provides for the creation of the Nevada Stem Cell Center. (BDR 40-1017)

Ms. COMLOSSY:

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

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED S.B. 363.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RATTI:

I will open the work session on S.B. 446.

SENATE BILL 446: Revises provisions relating to Medicaid. (BDR 38-974)

Ms. COMLOSSY:

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

CHAIR RATTI:

I have a question about the ability for a family member to supplement. I believe this is only possible if Nevada pursued a waiver, but it would not be possible in our existing system because of federal rules. I am not sure in the amendment if we are saying we would only do that if we applied for the waiver, or if we would try to do that in our current system.

SENATOR JAMES A. SETTELMAYER (Senatorial District No. 17):

As I understand it if Nevada included this in NRS then it would have the ability to get the waiver to accomplish this. If there is nothing in the NRS, then Nevada does not have the ability to do this in a waiver. I will defer to the expert because this is a confusing subject.

DUANE YOUNG (Deputy Administrator, Division of Health Care Financing and Policy, Department of Health and Human Services):

In the language, we did find there is a Code of Federal Regulations (CFR) that does prohibit such payments. Coinsurance is a different issue. What we found

after consulting with our deputy attorney general (DAG), this is a payment that is above the Medicaid rate. There is no specification as to how that is done except inside the 1915 J Waiver. Our DAGs have weighed in and provided language to Senator Settlemeyer that basically there is nothing that would prohibit it inside this model. If a recipient did choose to add their personal funds to the funds given to them through the State 1915 J Waiver application program, then they could do that, and there is no federal statute to prohibit that from happening.

Inside of the J Waiver State Plan option, there would be the ability for them to pay and supplement with their own funds, and no federal statute would prohibit that. Outside of that option, we cannot find any federal statute that would allow for that, but we do not have a mechanism currently within Medicaid to facilitate that.

CHAIR RATTI:

Nevada does not have a mechanism to facilitate this, but I do not think that anyone is asking us to facilitate it. They are just trying to make sure they are not breaking any laws if they choose that option.

I am still unclear. If we pass this language, or even if we do not pass this language, in the current state without the 1915 J Waiver, can someone who is receiving skilled nursing, supplement with their own income or have a family member supplement?

MR. YOUNG:

A family member is a different option. There is nothing that prohibits that. There is no federal statute that implicitly disallows this; however, because this is a unique situation where someone is paying outside or above the rate, Medicaid has no way to facilitate that. If that payment were to happen, it could hinder their welfare eligibility. It is as if they were paying extra money that may be taken into account when they are made reeligible for Medicaid. If they have extra money to pay for services above and beyond what Medicaid is providing, that extra income may be taken into account when they are reeligible for Medicaid and could put them in danger of not receiving Medicaid.

CHAIR RATTI:

Is there an issue with a family member?

MR. YOUNG:

That is a totally different option. I would have to have legal weigh in. I do not believe from our research and what we have presented today that any CFR conflicts with that. It would not affect the individual recipient's Medicaid eligibility because it would not be counted amongst their income.

CHAIR RATTI:

What I heard you say is even if we do not pass this law, people through Nevada's current program either through a primary care association or their insurance services office, can choose to hand \$20 to their personal care attendant, and there is nothing that prohibits that from happening. There is nothing from a Medicaid standpoint that prohibits that. Is that correct?

MR. YOUNG:

Yes, there is nothing from a Medicaid standpoint that we have found.

CHAIR RATTI:

This amendment makes it explicit that when Nevada applies for the 1915 J Waiver; this would explicitly be allowed. Is that correct?

MR. YOUNG:

Yes it is.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED S.B. 446.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RATTI:

I will open the work session on S.B. 457.

SENATE BILL 457: Revises provisions relating to health care facilities. (BDR 40-1143)

Ms. COMLOSSY:

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

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 457.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RATTI:

I will open the work session on S.B. 472.

SENATE BILL 472: Establishes a database of information concerning health insurance claims in this State. (BDR 40-1145)

Ms. COMLOSSY:

I will read a summary of the bill from the work session document ([Exhibit J](#)).

SENATOR HARDY MOVED TO DO PASS S.B. 472.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RATTI:

I will close the work session. Seeing no further business, this meeting is adjourned at 4:41 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	2		Agenda
	B	4		Attendance Roster
S.B. 283	C	2	Megan Comlossy	Work Session Document
S.B. 418	D	1	Megan Comlossy	Work Session Document
S.B. 418	E	8	Senator David R. Parks	Proposed Amendment
S.B. 344	F	1	Megan Comlossy	Work Session Document
S.B. 363	G	1	Megan Comlossy	Work Session Document
S.B. 446	H	2	Megan Comlossy	Work Session Document
S.B. 457	I	1	Megan Comlossy	Work Session Document
S.B. 472	J	1	Megan Comlossy	Work Session Document