Assembly Bill No. 461–Assemblymembers
Orentlicher and Backus

CHAPTER.....

AN ACT relating to powers of attorney; requiring the Department of Health and Human Services, acting through the Aging and Disability Services Division of the Department, to conduct a program to educate and inform residents of this State concerning planning for long-term care; requesting the Guardianship Commission created by the Nevada Supreme Court to study and make recommendations relating to the Uniform Health-Care Decisions Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Aging and Disability Services Division of the Department of Health and Human Services to provide certain services to aging persons and persons with disabilities. (Chapters 427A and 435 of NRS) **Section 60** of this bill requires the Department, through the Division, to conduct a program to educate and inform residents of this State concerning planning for long-term care.

Existing law sets forth provisions governing durable powers of attorney for health care decisions. (NRS 162A.700-162A.870) Under existing law, a person may create an advance health-care directive, which existing law defines as a power of attorney for health care, by using a form set forth in the Uniform Health-Care Decisions Act. (NRS 162A.715, 162A.855) Existing law also contains definitions from the Uniform Health-Care Decisions Act of "guardian," "health care" and "nursing home." **Section 80.5** of this bill requests that the Guardianship Commission created by the Nevada Supreme Court: (1) examine the remaining provisions of the Uniform Act and the implementation of the Act in other jurisdictions; and (2) make recommendations to the Joint Interim Standing Committee on Health and Human Services concerning the potential enactment of the Uniform Act in this State.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Sections 1-59 and 59.5. (Deleted by amendment.)

Sec. 60. Chapter 427A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department, through the Division, shall conduct a program to:

(a) Develop and carry out a public awareness campaign to provide information to the public about the importance of planning for long-term care that provides information relevant to the changing demographics of this State. A public awareness

campaign carried out pursuant to this paragraph must engage with various forms of media, including, without limitation, television and digital platforms, to ensure the campaign reaches a wide audience throughout this State.

(b) Create and maintain on the Internet website of the Division comprehensive information on the resources and tools available to residents of this State to assist residents of this State with planning for long-term care.

(c) Coordinate with financial planners, providers of health care, insurance companies and community organizations to provide throughout this State workshops, seminars and educational sessions that provide information on planning for long-term care.

(d) Prepare planning guides, brochures and other printed material and make such material available to the public, community centers and other relevant organizations that may distribute such materials to residents of this State. The materials prepared and made available pursuant to this paragraph must incorporate a range of educational material, including electronic and physical materials, that offer detailed information about options for long-term care, tools for planning for long-term care and financial assistance with long-term care that is available to residents of this State.

2. In carrying out the provisions of subsection 1, the Department, through the Division, shall:

(a) Incorporate best practices from other states and engage a diverse range of stakeholders, including, without limitation, financial planners, providers of health care, insurance companies, senior advocacy groups, nonprofit and grassroots organizations, and local government agencies that work with the elderly population in this State, with an emphasis on engaging with organizations with significant connections to the elderly population in this State and have a thorough understanding of the unique needs and challenges experienced by different segments of the elderly population in this State.

(b) Address specific demographic segments within the elderly population in this State, including, without limitation, persons who are not proficient in the English language, veterans and residents of rural communities, to ensure the inclusivity and accessibility of resources.

3. The Department, through the Division, may implement the provisions of subsection 1 in phases, with initial priority given to areas of this State with a high concentration of elderly persons

and person with limited access to long-term planning resources. The Department may select counties in this State to host pilot programs to test and refine outreach and delivery strategies for implementation statewide.

4. The Department, through the Division, shall develop a framework to monitor, evaluate and assess the effectiveness of the program set forth in subsection 1, and to adapt the program as necessary. In monitoring, evaluating, assessing and adapting the program, the Department, through the Division, shall gather input from participants and stakeholders, including, without limitation, nonprofit and grassroots organizations.

5. On or before February 1 of each year, the Administrator shall submit a report to the Director of the Legislative Counsel Bureau for transmittal:

(a) In even-numbered years, to the Legislative Commission and the Joint Interim Standing Committee on Health and Human Services; and

(b) In odd-numbered years, to the next regular session of the Legislature.

6. The Division may adopt regulations to carry out the provisions of this section.

Secs. 61-65, 65.5, 66-68, 68.3, 68.5, 68.7, 69, 69.5, 70, 70.3, 70.5, 70.7, 71-73, 73.3, 73.5, 73.7, 74, 74.3, 74.7, 75, 75.5 and 76-80. (Deleted by amendment.)

Sec. 80.5. The Legislature hereby respectfully requests that the Guardianship Commission created by the Nevada Supreme Court:

1. In the normal course of business of the Commission, examine:

(a) The provisions of the Uniform Health-Care Decisions Act that have not been enacted in this State;

(b) The manner in which the Uniform Health-Care Decisions Act has been implemented in other jurisdictions; and

(c) The effects of such implementation in other jurisdictions; and

2. Provide recommendations to the Joint Interim Standing Committee on Health and Human Services, in writing or at a meeting of the Committee, concerning:

(a) Whether any or all of the provisions of the Uniform Health-Care Decisions Act which have not yet been enacted in this State should be enacted;

(b) If the Commission recommends the enactment of any additional provisions of the Uniform Health-Care Decisions Act in

this State, any modifications to those provisions that the Commission deems advisable;

(c) The potential benefits and drawbacks of enacting any or all of the provisions of the Uniform Health-Care Decisions Act in this State; and

(d) Any other subjects related to the Uniform Health-Care Decisions Act, as the Commission deems advisable.

Sec. 81. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 82. (Deleted by amendment.)

Sec. 83. This act becomes effective upon passage and approval.

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