

2023 Nevada Legislature – Bill Recommendations

AB 208 (BDR 297)

Legislative Committee on Senior Citizens, Veterans, and Adults with Special Needs

Revises provisions governing Medicaid creating Structured Family Caregiving as a covered HCBW service for certain Medicaid participants. This program would include

- A choice for participants to have a spouse or other Legally Responsible Individual (LRI) as caregivers;
- A choice for participants of the community settings where they receive care;
- A requirement that caregivers become employed by a PCA or intermediary services organization (ISO) and receive training stipulated by ADSD for participants' personal plan of care; and
- A daily stipend based on a percentage (65%) of the per diem rate paid to PCA/ISO.

Proposed by Charles Duarte, Nevada Public Policy and Advocacy Director of the Alzheimer's Association

BDR 298

Legislative Committee on Senior Citizens, Veterans, and Adults with Special Needs

Establishes a program for the diagnosis and treatment of dementia, including:

- Proposes a system of care with partnerships between DHHS and UNR/UNLV medical schools for the diagnosis and care of Nevadans with dementia, called the Nevada Memory Network.
- Contract for the services of memory assessment clinics. Clinics would expand capacity by hiring or contracting with neurologists, neuropsychologists and geriatricians to diagnose dementia in patients referred, create care plans and train primary care providers. Clinics will use telehealth to reach rural Nevada.
- Employ or contract with four community-based dementia care navigators to perform the duties described; provide care coordination and referrals to communities based on services and in home care, monitor the well being of care providers, and provide support to care providers including respite care.

Proposed by Charles Duarte, Nevada Public Policy and Advocacy Director of the Alzheimer's Association

BDR 300

Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs

Create a Vulnerable Adult Protection Order under Chapter 33 of NRS to protect vulnerable adults against abuse, neglect, or exploitation by allowing vulnerable adults to seek an order of protection on their own behalf and by allowing Adult Protective Services (APS), ADSD, DHHS, to act as a petitioner in certain circumstances.

Establish independent authority for APS to apply for access warrants in cases of suspected abuse and/or neglect of vulnerable adults. The execution of the access warrant would include:

1. A partnership effort with law enforcement and/or a peace officer;
2. Probable cause standard; and
3. Additional language to instruct the person in control of the premises and prevent them from barring access or interfering in the investigation.

These provisions would ensure APS can meet independently with the adult suspected of being abused and/or neglected without coercion or undue influence.

BDR 301

Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs

Proposes legislation to establish a baseline of eviction protections for all individuals in residential facilities for group residents that mirrors federal regulations (CFR 42 § 441.530); complies with the requirements of the Centers for Medicare and Medicaid Services' (CMS) Settings Rule; incorporates a notification process to alert the Long-Term Care Ombudsman Program, ADSD, DHHS, within 30 days of a proposed eviction; provides for penalties for facilities that do not follow the process with enforcement mechanisms; and designates a forum to adjudicate eviction disputes.

BDR 302

Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs

Proposes legislation to amend provisions of Chapter 159 of the NRS to make the statute more consistent with the Protected Persons' Bill of Rights, which is geared toward preserving as much autonomy and independence as possible for protected persons given their unique circumstances.

SB 45 (BDR 295)

Nevada Silver Hair Legislative Forum

The Nevada Silver Hair Forum is proposing to revise the monthly amount of personal income that Medicaid recipients who are receiving certain long-term care may retain as a personal needs allowance to be consistent with the PNA for Medicaid HCBS clients in residential facilities for groups/assisted living facilities.

Currently, HCBS waiver clients who reside in group homes receive a PNA that is increased based on the yearly Social Security Administration's COLA. These individuals receive Supplemental Social Security Income, or a federal benefit rate currently of \$841, a supplemental state payment of \$391, and may keep a PNA of \$137. The remaining \$1,097 goes to the operator of the group home (see enclosed a DWSS letter template). The PNA is proportionate to the COLA increase. For instance, the COLA for 2022 increased the PNA for waiver clients by 5.9 percent from \$129 to \$137 per month.

Overall, the difference in the PNA between Medicaid nursing facility residents (\$35) and Medicaid waiver clients residing in group homes (\$137) is currently \$102 monthly.

AB 119 (BDR 311)

Joint Interim Standing Committee on Judiciary

Establish the Elder Abuse Fatality Review Committee within the Department of Health and Human Services and require the Committee to identify and review deaths that may have been caused by or related to elder abuse. In appropriate cases, the Committee shall refer the results of any such review to the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons, Office of the Attorney General, created by NRS 228.265 for further action.

Based on its reviews, the Elder Abuse Fatality Review Committee will develop recommendations to improve the responses of adult protective services, health care providers, law enforcement officers, prosecutors, victim assistance providers, and other stakeholders. The Committee shall:

- (1) Promote policy changes in the public and private sectors;
- (2) Improve the services provided to victims of elder abuse, including, without limitation, by identifying gaps in services provided to victims of elder abuse and reducing barriers to service for victims of elder abuse; and
- (3) Increase public awareness regarding elder abuse.

SB 61 (BDR 427)

Office of the Attorney General

This bill provides that the holding of an account in joint tenancy does not, in and of itself, convey to the persons named on the account legal ownership of the account and the deposits and proceeds of the account in a manner that would preclude such a person from committing exploitation involving the control or conversion of any deposits or proceeds of the account or from being prosecuted for a crime involving the theft of any deposits or proceeds of the account; and providing other matters properly relating thereto.

AB 167 (BDR 787)

Sponsored by Assemblywoman Claire Thomas

Establishes the Dementia Care Specialist Program.

Provides \$532,000 for three DCS positions.

ADSD will RFP the funding to local government or non-profit organizations.

Includes funding for training and evaluation.

QUESTIONS?

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