



BRIAN SANDOVAL  
Governor

STATE OF NEVADA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
AGING AND DISABILITY SERVICES DIVISION

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ROMAINE GILLILAND  
Director

JANE GRUNER  
Administrator

**MEETING NOTICE AND AGENDA**

Name of Organization: Nevada Commission on Aging  
Subcommittee Concerning Legislative Issues  
  
(*Nevada Revised Statute* [NRS] 427A.034)

Date and Time of Meeting: Thursday, July 10, 2014  
10:00 a.m.

Place of Meeting: Aging and Disability Services Division  
445 Apple Street, Suite 104  
Reno NV 89503

To Join the Telephone Conference: Call-in number: 888-363-4735  
Access Number: 8529740

**MINUTES**

I. Call to Order/Roll Call

Members Present: Jeff Klein, Lucy Peres, Grady Tarbutton, Lawrence Weiss, Barry Gold, Lisa Krasner, Senator Mark Manendo  
Guests: Chuck Damon, Connie McMullen  
Members absent: Diane Ross  
Staff Present: Jane Gruner, Tina Gerber-Winn, Elysa Kleidosty, Sally Ramm, Tammy Ritter, Heather Korbolic

II. Public Comment (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on the agenda as an action item.)  
No Public Comment

III. Approval of Minutes of June 5, 2014 Meeting.

**(For possible action)**

Jeff Klein, Chair

Lucy moved to approve the minutes.

Senator Manendo seconded the motion to approve the minutes.

Minutes were approved.

Item Taken Out of Order

IV. Review and Update the Schedule of Events for Presenting the Legislative Issues and White Papers to Legislators, Candidates and Interested Members of the Public.

**(For possible action)**

Jeff Klein, Chair

Jeff said he sent out e-mails inviting grantees and constituent groups to join in the forums and the White Papers. Several organizations including Nevada Hand, Catholic Charities, Senior Law Program and Helping Hands have agreed to host forums. He asked for help with updating the spreadsheet since there are some rural areas that are not being represented.

Jeff also said that there has been some reaching out to former legislators with a known history of supporting senior issues, and that more of these individuals should be identified and contacted.

Jeff said that he will be assigning two of his staff members from Nevada Senior Services to assist and that, as materials develop, they will be circulated among the group.

Connie said she would like the COA to send a letter to the AB9 Committee to recommend that they do a BDR or sponsor a letter for a number of sponsorship issues, including the updates in the Olmstead money.

Jane said to add it to the July 21<sup>st</sup> COA meeting agenda as an action item.

Jeff said to send ideas to him so that they can be re-circulated.

Item Taken Out of Order

V. Discuss New Regulations for Home and Community Based Waivers Including Developing a White Paper for the Commission on Aging.

**(For possible action)**

Tammy Ritter, Chief, Community Based Services

Chuck Damon, Health Care Coordinator III, Medicaid

Barry Gold, Director of Government Relations, AARP

Tammy said that Aging and Developmental services are working with Medicaid on development of a transition plan that is required by CMS. She stated that they will be looking at Florida's transition plan as an example since it has already been approved by CMS. She said that a large component of how they plan to meet some of the requirements is through the person-centered planning process. She said that in late 2013, a new set of regulations were given by CMS relating to level of care, plan of care, and health safety and welfare. Tammy said that they will be trying to adopt an internal transition plan specific to the Division that

is more operational in nature, versus the more administratively-based Medicaid plan that still meets the CMS requirements. She also said that with the new requirements comes the need for more quality measurements, which will perpetuate the need for more staff as well as more training for internal staff and providers.

Jeff asked Tammy if there was a timeline for the new transition plan.

Tammy said they haven't gotten that far and that their focus thus far has been on budget and how to fit into Medicaid's transition plan.

Grady said that this is also about the clients, not just the providers. He asked if what the clients need to know and whether or not there is a transition plan for the clients to make sure those who need service get it.

Jane and Tammy said there will really be no change in that area.

Tammy said that the regulations for clients are geared to ensure they have certain rights that the rest of us might take for granted.

Tammy also stated that as of July 1<sup>st</sup> of this year, they are one step closer to the goal having long term services and supports having a single waiver for nursing facility level of care, as CMS approved merging Assisted Living into HCBW. She also said they are moving on and preparing for the WIN waiver to merge with the Waiver for the Frail Elderly.

Tammy said the focus now will be trying to see that the waiver fits the regulations that Medicaid comes up with.

Jeff said he had concerns that the new regulations might rule out the possibility of "bundling" a variety of services in one site, especially in rural areas.

Jane stated that it is not about the location, but rather how people receiving services are integrated into the community, and that there is an integrated approach to service.

Barry brought up that the point of the Steering Committee was to be able to have stakeholder input during the process of coming up with the draft plan. He said one of the biggest things the new regulations are going to affect is residential living, because of the need for a lease. He said that leases have to fit certain state and legal standards as well as contain wording that offers protection from eviction. He also said that a goal of the subcommittees or "work groups" of the Steering Committee is to put out information to get stakeholder input up front.

Jeff brought up the issue of non-licensed facilities in Nevada and how it will affect compliance. He asked Barry whether or not the Steering Committee had discussed this problem.

Heather said there is a difference between an unlicensed group home and a supported living arrangement. She said a supported living arrangement is supported by regional centers or mental health, and that they have to go through a certification process. She said that unlicensed group homes are group homes that are operating throughout the state without any qualifications, licensing or training.

Jeff said that he is concerned about these facilities and possible compliance violation with regard to the waiver programs.

Heather said that she is not worried there will be a compliance issue with the supported living arrangements through the ID as far as the HCBW waiver because they have a certification process and that they all have lease agreements.

Tammy stated she has also seen the lease agreements from the assisted living facilities and that they are covered. She said it is more of the smaller homes and some of the other facilities that they are unsure of, which is why they need to go out and do further investigation.

Heather said that another issue with regard to lease agreements is capacity and that according to Nevada law, if you are signing a lease agreement, you must have mental capacity to do so.

Grady wanted to know what would be happening with non-residential facilities such as adult day health centers with regard to the new regulations.

Tammy said that Medicaid is leading the initiative on that but that Aging and Disability needs to come up with an internal plan because, operationally, the Division is responsible for making sure the new requirements are met.

Jeff asked Chuck what was happening on the Medicaid side.

Chuck said that as far as the home and community-based settings and person-centered planning, they have done a complete matrices assessment to identify needs and gaps with relation to the new policies and regulations. He also said that they have started on their transition plan and that it should be out relatively soon. He also said that one of his main goals with the plan is consistency so that things do not change from program to program and that providers all have the same information.

Heather and Jane discussed the importance of choice in person-centered planning and working with all providers to make sure they are on board.

Heather also said that she wanted to make clear that these regulations are enforced for all residents in long term care, not just waiver recipients.

Item Taken Out of Order

VI. Report on the Legislative and Budget Plans for the Aging and Disability Services Division.

Jane Gruner, Administrator

Jane stated that the Division, which has recently taken on all new employees in its Fiscal office, is working on its budget, which is due on July 29th. It will be out for everyone's review on August 29th.

Jeff asked if there was anything the committee could do to be of support or assistance.

Jane stated that the committee could get out and meet legislators with items in the White Papers. She said that the more people know about the Committee and its mission, the more people will be on board to support.

Item Taken Out of Order

VII. Review, Update and Make Recommendations on the Goals of the Subcommittee, Including but Not Limited To:

- An FAQ With a Literature Review including Links
  - Forums and Town Hall Meetings
  - Seniors Day at the Legislature, February 9, 2015
- (For possible action)**

Jeff Klein, Chair

Jeff stated that he is in the process of confirming the contract for the Senior Day at the Legislature, which is scheduled for February 9<sup>th</sup>. He also mentioned that AARP has offered to partner in. He said he will begin to work out the details for that day, but that the plan involves utilizing the White Papers as a platform for educating the Legislature.

Lucy stated that the scheduled date of February 9<sup>th</sup> is the last day for the Legislature to submit a BDR and therefore may not be a good day. She asked if Larry could check it out.

Larry said he would give it a look, but there were significant restrictions with the calendar that required the date to be scheduled either very early on or very late. Grady stated that, because of time constraints and because the legislators will likely be very busy during this time, it may be beneficial to have a back-up strategy involving one-on-one visits with people.

Jeff suggested that they pick a date during the session when Committee members could be present at the same time and meet with legislators. He said this strategy was used last session, and it worked well.

Jeff stated that the pre-ask list should be out in the next few weeks and hopefully the ask-list should be out to the COA by the July 21<sup>st</sup> meeting. He said that they will be working that through the other committees of jurisdiction between now and then to have the preliminary BDR list ready by the 9<sup>th</sup>.

Jeff also said to let legislators they meet and agencies that are hosting forums and town hall meetings know and invite them to join the committee on the same day.

Jane suggested creating a list and having it ready by the July 21<sup>st</sup> COA meeting. Jeff suggested that, as pre-meeting materials are developed, to have them sent to Sally to be circulated among the group.

Jeff also suggested talking to the Attorney General to see where she stands on some of the Elder Rights issues.

Item Taken Out of Order

VIII. Discussion and Determination of Action by Subcommittee Regarding the Reauthorization of the Older Americans Act and the Funding of the Elder Justice Act.

(For possible action)

Jeff Klein and Barry Gold

Jeff said that is his understanding on this is that it is still locked in committee. He said that he is meeting with Senator Heller tomorrow and will be pushing this issue. He said it is an area he believes would require letters from the commission.

Heather asked if Jeff would like for her to send out some blanket support letters. Jeff said yes and for her to send them to Sally so they could be circulated among the group. He said he wants to write up a draft and have it ready by the July 21 COA meeting.

Grady said that the reason it is being held up in committee is due to a state funding formula. He also said that the request is for Senator Heller to co-sponsor the bill and to solve the funding formula later.

Jeff said that Elder Justice Act funding is bottled up also. He said it is also on his ask list for Senator Heller.

Sally said she thought it was also included in the re-authorization for the Older Americans Act. She also said that the Elder Justice Act funding would go to federal agencies because the foundation of it is made up of a multidisciplinary of federal agencies.

Jeff said that the intention is to put an ask together for Senator Heller after the Aging Summit that is specific to his interests, and that legislators need to be educated and motivated to support the aging population in Nevada.

IX. Consider and Make Recommendations for Topics and/or Agenda Items and Date for Next Meeting. (For possible action)

Jeff Klein, Chair

Next meeting date of August 20, 2014 at 10:00am.

X. Public Comment (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on the agenda as an action item)

XI. Adjournment

Grady moved to adjourn the meeting.

Lisa seconded the motion to adjourn.

Meeting adjourned at 11:49am.

NOTE: Items may be considered out of order. The public body may combine two or more agenda items for consideration. The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The public body may place reasonable restrictions on the time, place, and manner of public comments but may not restrict comments based upon viewpoint.

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Supporting materials for this meeting are available at: 3416 Goni Rd, D-132, Carson City, NV 89706 or by contacting Elysa Kleidosty at (775) 687-4210 or by email at [EKleidosty@adsd.nv.gov](mailto:EKleidosty@adsd.nv.gov)

***Agenda Posted at the Following Locations:***

1. Aging and Disability Services Division, Carson City Office, 3416 Goni Road, Suite D-132, Carson City, NV 89706
2. Aging and Disability Services Division ,Las Vegas Office, 1860 East Sahara Avenue, Las Vegas, NV 89104
3. Aging and Disability Services Division ,Reno Office, 445 Apple Street, Suite 104, Reno, NV 89502
4. Aging and Disability Services Division , Elko Office, 1010 Ruby Vista Drive, Suite 104 Elko, NV 89801
5. State Legislative Building, 401 S. Carson Street, Suite 3138, Carson City, NV 89701
6. Grant Sawyer State Office Building, 555 E. Washington Ave, Suite 4401, Las Vegas, NV 89119
7. Department of Health and Human Services, 4126 Technology Way, Suite 100, Carson City 89706

Notice of this meeting was posted on the Internet at <http://www.adsd.nv.gov/> and <https://notice.nv.gov>