



BRIAN SANDOVAL
Governor

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

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Richard Whitley
Interim Director

JANE GRUNER
Administrator

MEETING NOTICE AND AGENDA

Name of Organization: Nevada Commission on Services for Persons with Disabilities Legislative Subcommittee

Date and Time of Meeting: April 16, 2015
11:30 a.m.

Location: Aging and Disability Services Division
3416 Goni Road, Building I
Carson City, NV 89706

To join this meeting by phone dial 1-888-251-2909, then enter Access code 8985078 when prompted.

DRAFT Minutes

Members present: Jon Sasser, Gary Olsen, Brian Patchett, Mary Bryant

Guests: Mary Liveratti, Jack Mayes, Charlene Cross

Staff: Jill Berntson, Laura Valentine, Julie Balderson, Desiree Bennett

I. Welcome and Introductions

Jon Sasser, Acting Chairperson

- 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 an agenda as an action item. Public comment at the beginning and end of the agenda may be limited to three minutes per person at the discretion of the chairperson. Members of the public may comment on matters not appearing on this agenda or may offer comment on specific agenda items. Comments may be discussed by the Board but no action may be taken. The matter may be placed on a future agenda for action)

Mr. Olsen commented that an important bill, AB219, is regarding interpreters in court.

Mr. Olsen spoke with Assemblywoman Diaz yesterday regarding many issues she is not aware of.

Mr. Sasser commented that the bill as written did not include deaf and hard of hearing interpreters, it was just dealing with interpreters for Spanish speaking individuals. Mr.

Olsen is asking the sponsor to look at the possibility of amending the bill to include interpreters for the deaf and hard of hearing.

III. Approval of Minutes from Meeting on March 19, 2015 (For Possible Action)
Jon Sasser, Acting Chairperson

Mr. Patchett made a motion to approve the meeting minutes. Mr. Olsen seconded the motion. Motion passed.

IV. Discussion and Possible Recommendations on the Following (For Possible Action):

- Updates on Legislative Committees
- Update on Bills and Draft Requests of Interest
- Proposed Actions/ Agenda Items for Full Commission

Jon Sasser, Acting Chairperson

Mr. Sasser read through his updated list of bills (Attachment A). AB5 passed out of Health and Human Services with an amendment. Mr. Patchett stated that the amendment moves Nevada along in becoming an employment first state. It puts into statute some expectations for community training centers and includes the expectation of minimum wage for individuals in that setting.

Mr. Sasser asked if the ABLE Act was added as AB419.

Mr. Patchett stated that SB419 is asking to do a few things related to independent living services for people with disabilities. When the ABLE Act was named not germane to

AB5, some people stated it would be germane to SB419. The ABLE Act did pass out of committee. SB248 deals with voting and people with disabilities. The bill states that a person who shows up to vote will have whatever reasonable accommodation they deem necessary without having to show any type of proof or have to fill out a green form.

AB6 deals with private insurance and autism. The Bill did pass Senate Commerce committee.

AB29 was passed out of the Assembly, the Senate, and approved by the Governor.

AB91 did pass out of committee.

AB128 was heard and amended to redo the language of the power of attorney. Ms. Bryant commented that there has been some model legislation that came out of the Center for Supportive Decision Making, which is not a power of attorney but appoints someone to help an individual understand what they are signing. It is not used anywhere else in the country. Ms. Bryant would like the CSPD's support in getting the original bill through the full assembly vote, then when it gets to the senate, see about changing it to more supportive decision making. There is concern about what doctors will accept. Mr. Sasser suggested using both methods, including the power of attorney and supportive decision making.

AB157 is regarding service animals brought up by the Nevada Resort Association. The bill is trying to align state ADA regulations with federal regulations. The hearing will be Friday at the Senate Commerce Committee.

AB200 deals with the lawsuit between ADSD and the PUC over what is an acceptable use of surcharge money collected by the PUC on phone lines and cell phones. The Supreme Court sided with the Division that the money can be used for any purpose consistent with their chapter not just things directly related to equipment. The PUC will no longer have the ability to approve or disapprove how the money is spent; it will be through the agency budget. The bill also changes the voting requirements of the SOCS. Mr. Olsen added that the cap placed on the surcharge is 8 cents.

AB223 deals with elder abuse and passed out of Assembly Judiciary Committee. Ms. Berntson commented that the intent of the bill is to make it easier to prosecute abuse.

AB307 deals with children with intellectual disabilities. It is to avoid sending children out of state for services. Charlene Cross stated the bill was amended to include dually diagnosed children and made changes in the language from wrap-around services.

AB310 has not had a full hearing yet. Mr. Gold stated that there are concerns from the aging population because it would completely destroy the waiver program the way it is now.

AB328 passed out of Assembly of Education.

AB341 is focused on children with dyslexia, it is exempt.

SB13 deals with communication choices for children's IEPs and obligations under IDEA.

AB35 passed out of the Senate and is on its way to Ways and Means.

SB132 was heard in education and deals with training of paraprofessionals who help children in special education. The CSPD supported the bill but there was concern about the type of training and who gets the contracts.

Mr. Gold stated that he is looking to schedule a hearing for the CARE Act between April 27th and 29th. It passed unanimously out of the Senate.

Mr. Patchett commented that AB136 was supposed to be heard in the Senate today but was postponed. One part deals with hunter safety and making sure that is accessible to persons with disabilities.

AB162 deals with police officers wearing body cameras. Mr. Olsen commented that the device could also help the deaf population and provide a real time interpreting.

Mr. Mayes stated that there has been confusion on how equipment such as vehicle modifications is taxed in Nevada. SB334 will clarify what is taxed exempt and what is not.

Ms. Berntson stated that ADSD budget closing is scheduled for May 1st.

Mr. Sasser commented that every bill has to be out of the first house by the 21st, which means the bill comes out of committee, then there is the second reading, then third reading in "general file", it is voted on and sent across the hall for another vote. Many times there is not three days' notice for these meetings. It is difficult for anyone to know specifically when certain meetings will take place.

Mr. Patchett asked if there is anything the CSPD can do to make sure certain bills make it from the committee to the senate floor by the Tuesday deadline?

Mr. Sasser stated that if there are any controversial bills that the Commission is worried about, it is a good idea to keep an eye out and continue lobbying if necessary. He doesn't believe there are any bills right now that fit in that category.

May 13th is the next Task Force on Integrated Employment meeting.

Ms. Hendren stated that there were no problems with the Agency budget and three of the budgets are closed including; Blind Business Enterprise, Bureau of Disability Adjudication and Bureau of Services to the Blind and Visually Impaired. The joint subcommittee closing is scheduled for April 23rd at 8:30 for the two remaining budgets; Vocational Rehab and Administration. May 2nd is when they are expected to close in front of the full committee. AB292 and SB299 outline how the tele health would function in Nevada. SB62 deals with employees in state government. It requires what the ADA already requires, but is forcing state government to take an additional step.

- V. Discussion and Possible Determination of Issues and Agenda Items to be Considered or Deliberated at the Next Meeting (For Possible Action)
Jon Sasser, Acting Chairperson

Standing agenda item:
-Legislative update.

- VI. Set and Confirm Dates for Future Meetings (For Possible Action)
Jon Sasser, Acting Chairperson

Next meeting date is scheduled for May 14th at 11:30 am.

- VII. Public Comment (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. Public comment at the beginning and end of the agenda may be limited to three minutes per person at the discretion of the chairperson. Members of the public may comment on matters not appearing on this agenda or may offer comment on specific agenda items. Comments may be discussed by the Board but no action may be taken. The matter may be placed on a future agenda for action)

- VIII. Adjournment
Jon Sasser, Acting Chairperson

Meeting adjourned at 12:45 pm.

Commission on Services for Persons with Disabilities NRS 439 Subcommittee Members

Jon Sasser, Karen Taycher, and Brian Patchett

NOTE: Agenda items may be taken out of order, combined for consideration, and/ or removed from the agenda at the Chairperson's discretion. 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.

NOTE: We are pleased to make reasonable accommodations for members of the public who have disabilities and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Desiree Bennett at (775) 687-0586 as soon as possible and at least five days in advance of the meeting. If you wish, you may e-mail her at dabennett@adسد.nv.gov. Supporting materials for this meeting are available at: 3416 Goni Rd, D-132, Carson City, NV 89706 or by contacting Desiree Bennett (775) 687-0586 or by email at dabennett@adسد.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. Nevada Community Enrichment Program, 2820 West Charleston Boulevard, Las Vegas, NV 89146
6. Southern Nevada Center for Independent Living, 6039 El Dora Street H-8, Las Vegas, NV 89101
7. Disability Resource Center, So. E. Greg St., Suite 102 Sparks, NV 89431
8. Nevada State Library and Archives, 100 North Stewart Street, Carson City, NV 89706
9. Desert Regional Center, 1391 South Jones Boulevard, Las Vegas, NV 89146
10. Sierra Regional Center, 605 South 21st Street, Reno, NV 89431
11. Rural Regional Center, 1665 Old Hot Springs Road, Carson City, NV 89706
12. Northern Nevada Center for Independent Living, 999 Pyramid Way, Sparks, NV 89431
13. Dept. of Health and Human Services, 4126 Technology Way, Carson City, NV 89706
14. Early Intervention Services, 2667 Enterprise Road, Reno, NV 89512

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

Disability Legislation Update as of April 15th, 2015

AB5. This bill requires the Division to give preference to potential providers of jobs and day training services who will employ persons with intellectual disabilities or persons with related conditions at or above the state minimum wage. Sponsored by Assembly Committee on Health and Human Services. Amended and passed out of Assembly Health and Human Services.

AB6. Removes \$36,000 cap and removes requirement that in order to be paid by private insurance paraprofessionals must be certified by the state as CABIs. This bill was heard on March 6th. After back and forth with the insurance companies and the Insurance Commissioner, the bill was amended to include a new cap that is twice the previous cap. The bill passed as amended out of Assembly Commerce and Labor.

AB29. This bill requires facilities to register with Aging and Disability Services Division to provide jobs / training and prohibits the use of aversive interventions except under specific circumstances and requires such facilities to make a report when restraints are used. This bill passed out of the Assembly and the Senate without amendments. and was approved by the Governor. It becomes effective March 26, 2015.

AB91. This bill expands the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness to facilities and the release of persons deemed not to be mentally ill. This bill is sponsored by Assemblywoman Benitez-Thompson and was amended and passed out of Assembly Health and Human Services.

AB 128. Creates a durable power of attorney for healthcare decisions to be used by adults with intellectual disabilities. Heard in Assembly Judiciary on 2/23. Opposed by Mark Olsen in Las Vegas. Amendments prepared and submitted to the sponsor by Mary Bryant, Jon Sasser and Sally Ramm. Passed out of assembly judiciary with amendments on March 9th.

AB157. Revises provisions relating to service animals to only include dogs and miniature horses. Assemblymen Oscarson, Ellison and Goicoechea are the sponsors. Commission supported this bill, it was passed with an

amendment in the assembly health and human services on March 13th. Passed unanimously from the assembly floor.

AB200. This bill revises provisions relating to the program funded through the PUC impose surcharge to provide devices for telecommunication to persons with impaired speech or hearing and funds related centers. Preliminary discussion with Chairman and Assemblywoman Benitez Thompson. Supreme Court ruled against PUC, they plan to appeal but have expressed that they are okay with a cap being set. Amended and passed out of Assembly Health and Human Services.

AB223. This bill revises provisions dealing with elder abuse to help deal with this growing problem. This bill is sponsored by Assemblyman O'Neill, and will be heard for the first time on March 19th. Amended and passed out of Assembly Judiciary.

AB307. This bill expands services for children with intellectual disabilities to include preventative services and the creation of a new wrap-around pilot program. Sponsored by Assemblywoman Spiegel and Assemblyman Ohrenschall. Amended and passed out of Assembly Health and Human Services.

AB310. This bill expands Medicaid managed care programs in the State. This bill is sponsored by Assemblyman Paul Anderson and was marked exempt from the deadline. Has not yet been heard by Ways and Means.

AB328. This bill makes improvements to the selection and training of hearing officers in special education due process cases between parents and the school district. This bill is sponsored by Assemblyman Elliot Anderson. Amended and passed out of Assembly Education.

AB341. This bill mandates enhanced screening and intervention for children with certain disabilities. This bill is sponsored by 16 assembly democrats, and is listed as containing an unfunded mandate. Amended and passed out of Assembly Education.

SB13. This bill deals with IEPs and provides for students with disabilities to receive standard diplomas instead of adjusted diplomas. The original text of the bill removes "best feasible" language to "appropriate," but Julie Bowers of NDE has submitted the change to allow "best feasible" to remain in the

statue. Karen Taycher has agreed with the department on new language for an amendment. Amended to include the good language and passed out of Senate Education.

SB35. Ratifies and enacts the Interstate Compact on Mental Health. This bill has passed in the Senate with support from the ACLU and the National Alliance on Mental Illness. Assembly Ways and Means currently has the bill.

SB132. This bill requires paraprofessionals working with students with disabilities receive necessary training. This bill is sponsored by Senator Kieckhefer and was heard by Senate Education on February 19th and re-referred to Senate Finance with exemption where it has not yet been heard.

SB177. The "CARE Act." This bill allows a person to designate a caregiver when admitted to a hospital or in an advance directive. This bill has been heard once by HHS on February 25th. The Commission unanimously supported this bill and was joined at the table by many other organizations. The bill passed with an amendment in Senate Health and Human Services and passed unanimously on the Senate floor.

Bills that died by not making the April 10th deadline day:

AB38. Revises provisions governing the admission of persons with certain mental conditions to and the release of such persons from certain facilities. Died.

AB284. This bill requires students with disabilities to take an adaptive behavior assessment and expands programs and referrals for students with autism spectrum disorders. The bill is sponsored by Assemblywoman Woodbury and is labeled as containing an unfunded mandate. Died.