

Steve Sisolak
Governor
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Director



DEPARTMENT OF
HEALTH AND HUMAN SERVICES
Aging and Disability Services Division
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Dena Schmidt
Administrator

Meeting Minutes

Nevada Commission on Aging
Legislative Subcommittee
(Nevada Revised Statute [NRS] 427A.034)

Date and Time of Meeting:
December 16, 2020
8:00 am until adjournment

1. Call to Order/Roll Call

Jeff Klein called the meeting to order at 8:07am

Subcommittee Members Present:

Jeff Klein
Mary Liveratti
Diane Ross
Barry Gold
Larry Weiss

Subcommittee Members Absent:

None

Staff:

Miles Terrasas, Executive Assistant, ADSD
Jennifer Richards, Chief Elder and Disability Rights Attorney
Melanie Gross, Administrative Assistant III, ADSD

Presenters:

N/A

- ### **2. 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. Comments will be limited to three minutes per person. Persons making comment will be asked to begin by stating their name for the record and to spell their last name and provide the secretary with written comments.)

- Jeff Klein gives update on national news on both bipartisan stimulus package deal and a budget deal. Both of these deals are in discussions this week. The COVID package for \$908 million was released last night. It is a large package, and many are still reading it all. In terms of the funding's, Older Americans Act Nutrition in that package has \$750 million. The other part that is meaningful for Nevada in particular is that there are a lot of COVID-19 flexibilities provided under the first CARES Act for utilization of these funds. These funds can be used for homebound people for example. All of the rule relaxation is scheduled to end at the end of the month. The extension of those dates and flexibilities is included in the proposed COVID-19 package. There is also an additional \$50 million for CFSP as well as 15% in SNAP. The package still is not final so there are still potential changes in the Senior part of it. He mentioned the full text of the Omnibus bill is out. Yesterday there was a Biden transition meeting with representation from the national aging community to make the case for ACL and the Aging Network to be involved in COVID-19 vaccine education. Vaccinating the senior population may be an issue. This meeting was also to make sure that the aging network to have a say in the design of the distribution of vaccinating starting in January and February of 2021 for the broader aging population – including staff and volunteers in the aging community. The goal is for these folks to be included in the priority list when these distributions as they are designed in the next month or two. As of this morning, there is still a lot of discussion over the baseline package. The issues that seem to be blocking it are not issues that have anything to do with aging directly. Paid to the states is continuing to be a problem for Leader McConnell. The ability for corporations to handle lawsuits from employees is another issue for Leader McConnell and so there are three or four of these issues they are trying to separate out - and why the total package was broken out into two pieces. As of this morning, they are meeting and hope to get a count on the bipartisan packages this week. Leadership has made some points about keeping Congress in session if they do not get a bill reported out and voted. Barry Gold reports that American Associations of Retired Persons (AARP) is pleased about the increased nutrition and it included a 15% on Supplemental Nutrition Assistance Program (SNAP) benefits. The package included some good, although some things were missing. We will have to wait and see what happens. Jeff Klein responds that he has been included in other meetings that the new leadership at the American Society on Aging (ASA) is very public policy oriented now. Jeff anticipates seeing some familiar faces in the new administration for leadership positions. He is reasonably pleased with these names because they do represent the advocacy arm of what has been the broader leadership in aging across the Leadership Council of Aging Organizations (LCAO) continuum. Every piece of the aging community seems to have some kind of representation in the proposed names.
- Barry Gold was on a call with Immunize NV Group and he asked a questions about whether Tier 2 (which is supposed to be nursing facilities staff and patients) was limited strictly to Skilled Nursing Facilities or if it included all other long term care facilities. For example, assisted living or group homes. The relayed understanding is that it would be for all the facilities that were licensed through the state as being congregate facilities. Immunize NV said they would be reaching out to the Aging and Disability Services Division (ADSD) and other places to find out who all of the different facilities are to include them in Tier 2. Barry would like to continue to ask the leadership in ADSD and Health and Human Services (HHS) to keep the Commission on Aging (COA) apprised on the vaccination distribution as they become informed. The question that Barry raised to Immunize NV is that if not all of these facilities are not included in Tier 2 - if they will be queued after people over 65 and those that have underlying conditions. The people living in those facilities are not good advocates for themselves. How are ADSD/HHS going to reach out and contact or notify this population? Some of the independent assisted living facilities are better at advocating for themselves. Some of the people who have higher acuities of care such as the Health Economic Resource Centers or group homes should also be included. How are we going to reach those people? Immunize NV seems to think that all of the people will be included. Barry Gold states that the overall sense of inclusion was a pleasant thing to hear. Barry also asked Immunize NV about people who have underlying conditions and whether that would be self-declaratory or whether one will need a prescription. Barry posed the questions on how the underlying condition claims would be handled and what the qualifications would be. From Immunize NV's reply it was clear there is not an answer to that question yet. If one will need a prescription from your Doctor, the process will become cumbersome. Oppositely, if it is self-declaratory everyone is going to step up and say they have an underlying condition to ensure and expedite their vaccination. Jeff Klein added to Barry's comment that Dena had the opportunity to submit a request around aging and the vaccine and Jeff provided some input on that. Dena is doing her best to make sure the aging community has a voice in the vaccine conversation and the distribution. A continued real issue is, how will vulnerable populations be included in the conversation while also making sure the decisions are not all left to the public health community? We know that when it comes to seniors that they are hard to reach, convince and educate. The plan needs to include trusted agencies that connect with this population. We need to make sure to carry the message to this population and also organize resources. Barry Gold adds on that if one goes to the Immunize NV website that there are many great resources for everyone to share. Barry also states there is an open call to be a part of the NV flu and COVID-19 Immunization Task Force. On the Immunize Nevada website you can relay that you are interested and want to share and distribute information.
- Larry Weiss comments that they are finalizing the Elders Count with ADSD and hope to have it ready in early January 2021. They are looking for recommendations for policy from this committee as well as the COA.
- Diane Ross comments that she was recently in a meeting with the Community Foundation of Western Nevada and they want to reach out to this Committee to discuss the upcoming legislature and how we can work together regarding care giving.

3. Approval of Minutes of the October 28, 2020 meeting

Barry Gold moves to approve, Larry Weiss seconds. The motion passes unanimously.

4. Review and Discuss newly elected Legislators and Policy Chair designations

Jeff Klein wants to briefly review the legislative structure for the upcoming biennium. A lot of the names are familiar to this group. Maggie Carlton is the Chair again. Robin Titus who has been very active on COA issues is part of that group again. Teresa Benitez-Thompson is included, as well as Jason Frierson. The HHS Committee looks a little different in terms of leadership. Rochelle Nguyen and Sarah Peters are Chair and Vice Chair. Lisa Krasner who was a Commission member is on it. Also, Robin Titus. On the Senate side, HHS has Julia Ratti as the chair, and we all know her well. Joe Hardy, Ben Kieckhefer, Pat Spearman are additional familiar names on the Committee this time. There are some new people on the assembly side. Barry Gold agrees that there are some switches in chairs from last legislature. There is a new chair for the Health Committee, so Pat Spearman is no longer the Chair. Barry Gold also comments that something to watch is the revenue committees in Assembly. He believes that legislature will be looking at sources of revenue. Typically, the Legislative Subcommittee does not play in that area, but some policy could be looked at. Newly elected legislators mean that the Assembly has lost the super-majority of democrats which means there will be more negotiations on legislation and will open up conversation. The structure of the Legislature is widely unknown for Nevada.

Jeff Klein asks the question – since they have been working on bringing up new staff and the beginning of the year is approaching fast – knowing that we do have some of the infrastructure and new chairs, how do we build on our existing relationships for this legislature? Jeff Klein notes that this Legislature poses some opportunities and challenges. Jeff Klein offers to create a mini directory of committees that we interact with, the Chairs and their contact information. Diane Ross states that she would love to have it. Jeff Klein will work on it and have Barry Gold review it before distributing to the rest of the Committee. Jeff Klein's last comment is as the reports of the Interim Committees come in, this Committee will have to watch how we track through Chairs and what reception looks like and look how this year's legislature chooses to operate.

5. Discuss lists of groups COA previously worked with and prioritize potential joint legislative issues and approve action plan

Jeff Klein talks about the groups they have worked with in the past and what the Committees outreach might look like this year. At the last meeting of the Legislative Subcommittee, Nevadans for the Common Good (NCG) presented and Anna Eng was introduced. NCG continues to be interested in working with commission. Jeff goes over the traditional partners: AARP Nevada and the Alzheimer's Association. The goal is to configure a potential working structure to coordinate across the aging network during

session. Jeff opens the discussion up to the group on who they could work with for session and for community action on aging issues. Barry Gold states that he was contacted by the Community Foundation and they are interested in working with us. Barry continues and mentions the Women's Commission. The Women's Commission is ending but they have been doing legislative round tables and have shown interest what our Commission is doing. The Women's Commission tends to be human services providers and a potential group to look out for to help us out. Barry mentions Nevadans for the Common Good again and notes that they have been known to pick specific items and stay focused on those few items – but we should include them and have them help when they can always help. Barry wants the group to consider Nevada's Women's Lobby. The Nevada Women's Lobby can sometimes be hard to attach to, but they are a good group, and they believe in a lot of things that we believe in. Human Services Network seem to have narrowed their focus on certain areas but again they are another group to consider. Diane Ross states that she thinks that grouping with the Human Services Network is a really good idea because we share a lot in common. Diane includes the Washoe County Senior Coalition and the Care Givers Coalition, especially if we are going to get into issues with caregiving. Barry brings up another group, the League of Women Voters, another group who believes in issues about people. Mary Liveratti brings up the Alzheimer's Association. The Alzheimer's Association is not looking to push a bunch of legislation and are looking at trying to save services and collaboration efforts. Barry Gold brings up the American Cancer Action Network. Barry Gold remembers working with a groups of human service providers that we met on legislation with before, but he has not heard anything about so far this year, and they may have dissolved. Larry Weiss brings up that we should include the Washoe County Senior Service Advisory Board and have been involved in Senior Day and would very much like to be active. Jeff Klein then mentions that there are some provider groups we really need to reach out to. We will need to reach out to Ron about care homes, Connie for the personal care community, long term care facilities and hospitals to either Welsch or Marisa Brown. They are staying active on COVID-19, readmission fronts and a variety of other regulatory issues and if nothing else have active communication with them. Barry brings up to include the Silver Haired Legislative Forum, although he nor Jeff Klein have not heard from them this year. Diane Ross mentions the Nevada Lifespan Respite. Jeff Klein asks Melanie Gross to compile this list so that we can circulate it as a list that can be broken out among members voluntarily. The members can then bring the communication efforts and outcomes with these groups to the next meeting for discussion. The group agrees. Barry Gold bring us the State Innovation Exchange (SIX). Barry Gold elaborates and says they are a very progressive group in several western states. SIX do a lot of human service kind of stuff and are very involved in social justice issues. Barry Gold continues that if the group wants to look at the more progressive side of organizations that Battle Born Progress and Plan, in terms of some of our issues they are liable to side with.

Jeff Klein reviews that we will compile a list and review it to see if we can create an outreach over the next month or so. The members will touch base with these groups and then will report back to the Committee. Jeff ends with the note that the agenda item that is likely to be on the legislative agenda again is Medicaid managed care. Jeff Klein would like all to think about who weighed in on that last Legislature and make sure there is a conversation opened this go around also. Barry Gold notes that he has had a couple of

Managed Care Organizations (MCO) that are interested in applying for the Request for Proposal (RFP) have wanted to meet with him. Jeff Klein and Barry have both had organizations reach out and have emailed them to each other. Barry Gold has had conversation with a group who wanted to make it a requirement in regard to the RFP that if you were a Medicaid provider you also offer a plan on Nevada Health Link/ Nevada Health Exchange. This is good for Nevada because we would have more plans and also there are people that can go back and forth from being in the exchange to being on Medicaid. Barry Gold considers this a very novel idea. Diane Ross asks about what the money making program was that Barry Gold briefly referenced. Barry Gold explains it is the home and community based care waiver, it is currently fee for service and that would be an area that the MCO's would really like to get involved in.

Barry Gold motioned to approve that Melanie Gross compiles a list of all discussed potential groups to work with this legislative session and to send the list out to the members to discuss and come up with a plan to reach out to these groups. Larry Weiss seconded the motion. The motion passed unanimously.

6. Discuss and approve aging vernacular recommendations to the Commission

Jeff Klein opens this agenda item with a quick refresher from the last meeting. He mentions that Natalie Mazzullo brought up the issue of ageism last time and the vernacular. She thought that it was important to try and make recommendations the COA on how we might confront ageist language. Jeff Klein states that there has been a reframing of aging conversation going on at the national level. The national level and state level have opened up the discussion on ageist language, how to reframe the attitudes in society around ageism. Jeff Klein brings up the question what this group might want to take on and what the role of the Commission should be as we move into Legislation. Jeff Klein reviews that Natalie Mazzullo went over that many current bills, Nevada Revised Statutes (NRS) and administrative code reflects ageist language and working toward removing words like elderly, frail, seniors and so on and shift the language. Jeff Klein opens up this to the Subcommittee to see if they want to take this on and make recommendations to the COA and any other ideas. Larry Weiss asks for some clarification on what we are wanting to shift the language to. Jeff Klein replies that often times in Bill Draft Request (BDRs), regulation and law often time ageist language makes it in, and how do we ensure that it does not make it into public conversations and documents on the go forward. How do we advocate for a less ageist world? Diane Ross replies that it is a concern. She elaborates that there is a national organization on reframing, and she took their website class on ageism. Diane Ross thinks there is a catch on not using words like poor, elderly, and frail, sick and old when advocating for funding.

Barry Gold agrees that people use many terms. Some do not like the word senior and some like the word elder, as it is more tribal and a sign of respect. Barry Gold notes that people are always going to use what they are most comfortable with and is not sure how we would force this issue. Barry Gold offers up that we can come up with suggested language but is not sure how we can ensure change as we are not the mind of the LCB

staff this is writing the legislation. Jennifer Richards adds that there is a cost associated with updating existing Nevada Administrative Code. Jeff Klein suggests that we could consider reviewing current status of current reframing conversation looks like and if there are any current suggestions that are applicable in the public space. If there is reframing information that we could send to the COA as a model. If nothing else, the Commission should use language that we would want others to use and could recommend awareness. Diane Ross brings up that the reframing organization concluded using 'older adult'. This was concluded from the results of surveying the older adult population. Diane Ross proposes that this is not the right time to focus on these changes, as there are so many things going on right now. Diane Ross agrees with Barry that 'elder' is one way and brings back up that it is personal preference, and we should not be looking at bills that cost money. Jennifer Richards notes that ADSD is tracking all of the legislation and she can offer 'older adult' up for pending legislation that is new this session. If there is a recommendation from the Commission on language, this advocacy could be heard on new legislation without an added cost.

Jeff Klein states this is a good starting point. He would like to take a look at the reframing recommendations and discuss reviewing new legislation. We could offer guidelines and changes in language to reflect a more appropriate attitude to how would like to see this topic referenced. He suggests that we adopt this as a framework and review proposed legislation with an eye to avoiding ageist language in legislation and offering that as changes. Diane Ross notes that Ageism is the only -ism that the population calls themselves. Jeff Klein asks who can look at the reframing site and see if there are some simple recommendations and guidelines that we can adopt to send to the COA as a recommendation. That we continue to track proposed legislation and try to combat ageist language. Diane Ross accepts assignment. Jeff Klein requests that Jennifer Richards works with Melanie Gross on the minutes to get accurate language set.

Larry Weiss moved to approve. Barry Gold seconded the motion. The motion passed unanimously.

Jennifer Richards notes that this may want to be taken care of before the next COA meeting in February. Miles Terrasas confirms that the next COA meeting is tentatively scheduled for February 10th, 2020.

7. Discuss Virtual Senior Day possibilities and approve recommendations to the Commission

Jeff Klein gives a brief review of the agenda item and turns it over to Barry Gold. Barry Gold explains that we have still not heard exactly what the structure is going to be for Legislature this upcoming session. It has been spoken about informally that session is probably going to be a combination of virtual and some in person. There will be some in person testimony and committees. No one would be allowed in the full chambers and people would not be allowed to wander the building. In discussion with lobbyists people do not think that lobbyists would be allowed in the building and the public would not. This discussion with lobbyists took place before the COVID-19 cases began to spike again. Barry Gold mentions

that a couple of states have already hosted virtual lobby days from AARP this year and are already planning it for next year. Barry Gold has some documents that are internal for AARP but are good examples of how these events were organized.

The model seems to be one hour virtual session in two sessions. Hosting this event in two sessions allows for more people to attend. The model also incorporates a moderator who does an introduction and an overview, a couple of speakers. It is a goal to get legislators to speak on their issues, bills they are carrying or topics they believe in. It is difficult to always get the Majority Leader, so Barry Gold thinks it is also a good idea to invite the Minority Leaders also. To keep on track, we would allow the speakers 5-6 minutes to talk or ask questions. Barry Gold further explains that AARP has a system (cvent) that can be used for registration for the events that can be used. People would register for the events that they will be attending and then a link to join is sent out to all who registered. Barry Gold states that it can be difficult to get the same speakers on both days so we can try to get three to four speakers for each planned event. Barry Gold thinks that we could probably get Dena Schmidt to speak at both event dates. He also thinks that we may be able to get Suzanne Biermann to do the events as well.

Barry Gold reviews that the model we should consider is two separate days, one hour event on each day, limit our issues to only two to three only, make sure to include how important advocacy is and the legislative process. All of these important topics will need to condense in order to fit them into the one hour session. Barry Gold notes that he has always done the advocacy 101 and he did it in four minutes - to encourage all to contact their legislators. Barry Gold said we could certainly invite all of the legislators to attend the hour. He brings up that since we do not know the schedule of meetings, yet we do not have a schedule to work off of. If the events were held in the 7:00am – 8:00am time block we may be able to catch them before they get into their Committees and are too busy to attend anything.

Barry Gold thinks the next step is to discuss when we would want to host these two event dates. The legislative website calendar already has lists of events and times that have been reserved. Barry Gold considers this group behind the ball by not already reserving a spot - but since it is a virtual world it allows the group to pick and date and call it what they want. Since we do not need to reserve a room in the building it becomes a virtual a day. By getting a few of the legislators to participate is makes is less about the direct contact with the legislators during the event than it is for generating interest and get the public involved. Barry Gold will continue to get information from other states hosting these virtual lobby days and will share with the group. Testifying virtually may end up being the only option for some and we will need to be able to flow with that.

Jeff Klein opened up the discussion to the rest of the group. Larry Weiss brings up the point that Elders Count will be ready within a couple of weeks. He will have this sent out to the rest of the group as soon as they can. The Elders Count will be used in some Legislative briefings and Larry Weiss encourages us the Subcommittee to use this information when promoting their issues. Diane Ross agrees that Barry Gold is right because of the lack of the face to face environment. She would like to know if we do not have specific issues we

are backing, like this group has in the past. Barry Gold responds that the budget issues really changed things up. He notes that this group always recommends funding for home and community based services, the flexibility of sick leave and trying to think of a few more. Barry notes that it is really important to limit issues to only three or four. Jeff Klein notes that we do not know what is going to come down the pike with BDR issues yet and that we may want to react to and be able to be flexible and mobilize around an issue if something pops up. Jeff Klein does agree that they need to keep a lighter load this time as we do not have the opportunity to put eight to ten issues forward.

Jeff Klein in review agrees that two one hour sessions makes sense. He points out that session kicks off the beginning of February so he is thinking that we would want to host these starting in the second week of March. This timeframe would allow the group to see what is emerging in session, but not be so late in the session to miss out. Jeff Klein goes over the Engaging with Aging event and the model they are using. Engaging with Aging is taking place on February 23rd, 2020. Jeff suggests that we may be able to use some of the speakers from Engaging with Aging in the Virtual Senior Day as we see the BDR issues emerge. Barry Gold recommends that for the Virtual Senior Day that they will need to look at the actual bills and have the legislators speak on their bills or issues in legislators. Barry reiterates that it is important to stay narrowly focused because the virtual world leads to a short attention span for viewers. Diane Ross agrees and is fine with these proposals. Barry Gold adds that it would be good idea to see what Aging and Disability bills are and if we can support their bills. He thinks that an easy win will be for the Protective Order for Vulnerable Persons which is a very good thing and something to talk about. Jennifer Richards adds that she drafted the vulnerable adult protection order legislation and is happy to answer any questions on that topic. Jennifer Richards includes that it was sponsored by the Committee for Senior Veterans and Adults with Special Needs and they are still waiting for the BDR language. Jennifer Richards will be tracking all the proposed legislation and will try to bring anything she flags that the group may be interested in. Barry Gold adds that AARP has the Zoom licenses to do the registration and can help host the event.

Jeff Klein proposes two options on how to handle these topics before the next COA meeting. The first option is to send what they have agreed to today to the COA for the next meeting. Or, two, can call a special purpose subcommittee meeting if they would like to review and vote the language prior to the COA meeting in February. Barry Gold agrees that we can vote on doing it right now and ask Dena Schmidt to have a special meeting in January focusing on one agenda item to get it approved. We would ask the COA for wide latitude on putting it together and review in February when there is more structure. Jeff Klein remembers that last legislature this Legislative Subcommittee got a wide range mandate from COA that allowed the Subcommittee to do a variety of things throughout the session. Last time the Subcommittee was allowed to advance positions on BDRs among other things. Jeff Klein asks Miles Terrasas to look into the language used in the last sessions to see what was noted in the minutes. Jeff Klein confirms the game plans as of now is two days, one hour each virtual approach to senior issues for the biennium and focus on BDRs and legislative issues as they emerge. In the meantime, the subcommittee has narrowly identified three or four potential issues including the ADSD budget and

protective order. The events will be organized in a way to invite legislative participation in brief presentations. AARP and Barry Gold have offered up their platform for these two even days. Jeff Klein adds that we will ask Dena Schmidt for the opportunity to put the one or two items to the Commission in January, so the subcommittee is set going forward. Larry Weiss asks when we will have the one or two items to back during Legislation identified? Barry Gold suggests that we not add exact dates yet as we may not have identified these issues as thing may change as the Governor's budget may tell us something more. Barry reviews that he would say we will back Home and Community Bases Services (HCBS), Protective Order, Sick Leave Flexibility – no more than one more. Four would be maximum for the time periods.

Jeff Klein asks Barry Gold to frame a brief description and outline of the virtual Senior Day events and send it to Melanie Gross for the minutes. **(Attachment A)** Jeff Klein elaborates we will send the outline along with the January recommendation to Dena Schmidt so she can get it organized in time. Jeff Klein states that the vernacular topic can be addressed in February at the normal COA meeting. Diane suggests that we may want to reach out to our collaborators and see what issues that they want to back before we make our decision. Barry Gold thinks that it is a great idea but will outcome in way too many ideas. He reiterates how important it is to stick to ideas that are impactful and narrow. Diane Ross notes if we already have our issues what is the point in reaching out to collaborators. Barry Gold believes that most of the collaborators will agree on the issues the Subcommittee is talking about. If the Subcommittee lets the collaborators know there is one more issue to be identified, it opens up the discussion with collaborators and they will get behind what we are doing.

Barry Gold makes a motion that the Legislative Subcommittee is requesting the COA to approve hosting a virtual lobby day. Potentially to be two separate one hour sessions, narrowly focusing on three to four issues. This lobby day is to be discussed by the Legislative Subcommittee in a special meeting in January 2021 of the COA. Diane Ross seconded the motion. The motion passed unanimously.

8. **Next Meeting Date** Next meeting is requested in the last week of January 2021. Jeff Klein requested that Melanie Gross or Miles Terrasas send a few dates and times for the week of January 25th, 2021.

Jeff Klein adds we should try to limit the agenda to the session and session issues. Larry Weiss will need to report on Elders Count at the next meeting.

9. **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. Comments will be limited to three minutes per person. Persons making comment will be asked to begin by stating their name for the record and to spell their last name and provide the secretary with written comments.)

- No additional public comment.

10. **Adjournment** – Meeting adjourned at 9:46am.

Attachments:

- A. Virtual Senior Day Outline from Barry Gold