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Director



DEPARTMENT OF HEALTH AND HUMAN SERVICES

AGING AND DISABILITY SERVICES DIVISION
Helping people. It's who we are and what we do.



Dena Schmidt
Administrator

DRAFT MEETING MINUTES

of the Nevada Commission on Aging:
Legislative and Policy Subcommittee (Nevada Revised Statute [NRS] 427A.034)

The Subcommittee held a public meeting on Friday, December 16, 2022, at 9:00 a.m. at the following location: **Virtual Microsoft Teams Meeting**

1. Roll Call

Chair Duarte called the meeting to order at 9:01 a.m.

Members Present:

Chuck Duarte
Barry Gold
Donna Clontz
Connie McMullen
Larry Weiss

Presenters:

Dena Schmidt, Administrator, ADSD
Jennifer Richards, Chief Rights Attorney, ADSD
Jennifer Frischmann, Quality Assurance Manager

Staff:

Miles Terrasas, Executive Assistant, ADSD

2. Public Comment

Chuck Duarte stated Alzheimer's Association is hosting State Advocacy Day on Monday, February 27th, 2023, from 8:00 a.m. to 12:00 p.m. in the legislative building on South Carson St, Room 3100.

3. Approval of Minutes of the December 16, 2022, Meeting

Connie McMullen moved to approve the meeting minutes. Barry Gold seconded the motion. The motion passed unanimously.

Donna's comment to be included, Rent stabilization for fixed income seniors who are being hard hit by rising rents in Nevada. Rent stabilization involves the landlord agreeing to a multi-year lease, including rent increases during the lease. (It's not rent control, which mandates the amount of rent.) It gives the senior and the landlord known amounts and allows the senior to plan to pay increases and be able to stay in his or her home. Our age friendly group is also looking to research on how rising rents affect the health of individuals who cannot afford their food, medications, transportation, etc. to create some solutions to the serious problem. We are planning a roundtable with federal delegation to discuss the problem and how federal legislation can help.

4. Update on Medicaid Redeterminations

Ryan Studebaker with the Division of Welfare and Supportive Services (DWSS) provided updates related to the progression of the redetermination process. He discussed that DWSS continues to work on their envelope and paper supplies, they have managed to stabilize and avoid any further shortfalls and the redeterminations continue to be processed every month to all Medicaid enrollees. Current average of redeterminations for family medical is around 55,000 to 60,000 a month and for the Aged, Blind and Disabled it's anywhere from 10,000 to 15,000, depending on the time of year. The DWSS is still working with the Division of Health Care Financing and Policy (DHCFP) and the Managed Care Organizations (MCOs) to gather contact information for the consumers and their numbers have slowly increased since July 2022.

Mr. Studebaker reported that the current Medicaid continuous enrollment provision ends on January 12th, 2023. DWSS intends to remain with the 60-day notices and renewals.

Mr. Studebaker discussed that DWSS is expanding with Ex Parte automatic renewal process for family Medicaid categories and have started up with Deloitte Consulting to implement Ex Parte redeterminations. He explained they had their first run of automated redeterminations yesterday and it went through successfully. Their expectation of the expertise system is to be anywhere from 50 to 75% of the medical RD's that run each month, their first batch was around 30%. They are still working to include Medical Assistance for the Aged, Blind and Disabled (MAABD) categories but are experiencing issues with the asset verification component to process eligibility correctly. Their goal with Ex Parte with the MAABD categories is to run it around 75 days before the end of their redetermination and that will allow the Ex Parte to complete its process, if failed, it also allows the client to still receive a paper packet with a 60-day time frame to renew. The numbers that have successfully gone through with Ex Parte is about 10%, and the majority is the Social Security Income (SSI) population. SSI redeterminations are two to three months early, and this month they were handled as a manual process, with Ex Parte they are hoping that it becomes more automated.

Mr. Studebaker reported that the State mail room has a contract with the U.S. Postal Service regarding the national change of addresses database which they are sending a monthly list of household contact information through the mail room to the NCO, a database for a match those who have reported changes to the post office. Effective two months ago, DWSS received a waiver from Centers for Medicare and Medicaid Services (CMS) that allows the agency to update state changes without requesting additional information from the household. Around 3,000 to 4,000 households were updated.

Mr. Studebaker discussed that they are making updates to their notice of decision to add additional information regarding individuals who are no longer eligible for Medicaid to claim their account at the exchange. An average of referrals to the marketplace monthly is about 6000.

Barry Gold and Mr. Studebaker discussed the percentage of return mail or individuals who don't respond to communications from the division. Mr. Studebaker commented that between 35% to 40% essentially don't hear back. An opportunity with Ex Parte is provided, then a full paper packet is generated and mailed out on the 60th day. If nothing is returned by the 15th day remaining in their eligibility a notice is sent. 90 days after are given beyond ending date to return packet and reinstate eligibility.

Ryan Studebaker is still willing do a formal presentation to community groups and the subcommittee as needed.

5. Covid-19 Vaccines. Subcommittee Recommendations to the Commission on Aging.

Katherine Strain, Health Program Specialist with the Division of Public and Behavioral Health and Kristy Zigenis, Health Program Manager with the Division of Public and Behavioral Health shared a presentation regarding COVID-19 and standards for practice across board for immunizations.

Chair Duarte and Ms. Strain discussed the challenges for facilities to become providers and are they able to store other vaccines, for example Flu, Pneumovax, or Shingrix. Ms. Strain commented that facilities may be able to provide influenza themselves, but would not be able to provide COVID-19 unless enrolled to the program. She attached an updated enrollment flyer specific for skilled nursing facilities to enroll in program.

Ms. Strain reports that they have databases like Health Care Quality and Compliance (HCQC) that shows all the licensed care facilities, their own Nevada State immunization program database which shows all contacts that have been made since included to the program, and the Dual Eligible Special Needs Plans (D-SNP) database that is for individual homes, living arrangement facilities, and people who heard from friends/public that are interested in getting vaccines.

Current pharmacy partners are Albertsons and Safeway.

Kristy Zigenis discussed the data of those who have received a COVID-19 vaccine and/or booster in Nevada. As of December 6th, 2022, 16% of Nevadans that completed a primary series had also received a bivalent booster dose, 39.6% was the highest coverage rate for persons aged 70 and older. A 33% increase in Bivalent booster uptake in Nevada as of November of this year.

Katherine Strain commented on their Long Term Care 3.0 program which is for anyone to request a vaccine through a 5 minute survey. Ms. Strain provided resources available such as Project Echo, and Immunize.org. Contact information is the following:

- Katherine Strain, LTCF Outreach email: kstrain@health.nv.gov phone: 775-447-3504.
- Kristy Zigenis, Immunization Program Manager email: Kzigenis@health.nv.gov phone: 775-684-2228
- LTC Helpdesk: NVCare@health.nv.gov

Barry Gold provided a link to the AARP Nursing Home dashboard and discussed information and data regarding COVID-19 cases, and vaccines. [COVID-19 Nursing Home Resident and Staff Deaths: AARP Nursing Home Dashboard](#).

Barry Gold and Ms. Strain discussed the amount of time that it took them to contact all nursing homes and the obstacles that came with this project. Ms. Strain reported that about 1,520 people were working the project and after facing multiple issues it took them six weeks to get through 100% of the responses.

Jennifer Frischmann, commented on Long Term Care Ombudsman going into care facilities and interviewing residents to complete a survey which will have questions regarding vaccines. This will be starting next week and will cover all nursing homes. All results from survey will be shared with Department of Public and Behavioral Health.

Connie McMullen and Barry Gold discussed the issues in nursing facilities and what are ways to give public awareness to keep residents up to date with vaccines.

Jennifer Connolly, Infection Preventionist with HCQC commented on the struggles when pushing facilities to become providers and being short staffed. Nursing facilities are not mandated to have vaccines on site, it's extra work for them and most facilities decide not to have them.

Chair Duarte and Barry Gold discussed the possible recommendations for the Commission to vote on for possible action in ways to help nursing facilities be able to have vaccines on site and have residents and staff up to date.

Barry Gold moved to request the Commission to send a letter to the Governor's Office and to the Department expressing concerns about low vaccine rates in nursing facilities, Donna Clontz seconded the motion. Mr. Gold amended the motion by recommending having information that would be made publicly available on the quality measures, particularly and specifically vaccine rates and nursing facilities for families to look at when looking to place their residents. Donna Clontz seconded the amended motion. The motion passed unanimously.

6. Report on ADSD Legislative Initiatives. Subcommittee Recommendations to the Commission on Aging

Ms. Richards introduced herself and provided information regarding her role. She reports that Session will be starting February 6th, 2023, and there are 682 bill draft requests pending as of today. 40 plus are currently addressed to healthcare an increase from last week. Only 2 have language at this time, bill 86 which is being sponsored by the Patient Protection Commission to establish healthcare growth benchmarks.

Chair Duarte discussed Bill Draft Request (BDR) 297 and 298. BDR 297 revises the Medicaid programs Home and Community-Based Services Waiver for the Frail Elderly, previously described as a Structured Family Care waiver intended to allow spouses and other legal guardian beside family and friends to be paid for personal care services given in the home. BDR 298 is an initiative on creating a system of care to improve early diagnosis of dementia.

Ms. Richards presented several bills that might be seen this session and are for the Commission on Aging to watch for including the following:

1. BDR 46 from Assemblywomen Summer Armstrong a version of Esther's Law from Ohio, Esther's Law is a bill that materialized from son who places a surveillance camara in a facility to capture horrific abuses of his mother and the bill provides a mechanism for surveillance cameras on behalf of the resident in certain long term care settings. There is not a language for this, but this is what the bill might entail because of some proposals over the summer to the Board of Health.
2. BDR 301 a Committee bill from Seniors, Veterans, and Adults with Special Needs from the interim session presented by the Long Term Care Ombudsman Program on eviction protection in a non-skilled setting. This is important because Nevada's landlord-tenant law, for example, do not apply to these settings they are governed and regulated by the Bureau of Health Care Quality and compliance, so in order to have commiserate eviction protections there needs to be some additional language.
3. The ADSD has two agency bills one is to revise the Senior RX program. Second, is to fix the chapter and rest 427 to clean up some of the language there for references to positions that have changed within the Commission on Aging.
4. There are quite a few bills that will be addressing both homelessness, access to affordable housing, and governing rent increases. There's not a bill language and do not know which BDR will be, but the legal aid is indicating that they're also will be a bill to amend the summary eviction process.
5. There are three bills addressing adult maltreatment. BDR 311 was picked up by the Interim Judiciary Committee presented by Adult Protective Services team, this would establish an Elder Abuse Fatality Review Team, or a Vulnerable Adult Fatality Review Team this is a recommendation that comes from the American Bar Association as a national best practice. These teams are multidisciplinary to identify systemic gaps and improve services across the state. There are currently about 35 teams in operation across the nation, but Nevada does not have a team. Last session a maternal morbidity review committee was established.
6. BDR 312 was also presented during the interim to the Committee on Seniors, Veterans and Adults with Special Needs. This bill will establish a Vulnerable Adult Protection Order and an Access Warrant or Special Visitation Warrant. Last session AB407 was a bill to establish a Vulnerable

- Adult Protection Order, the Commission on Aging was a strong proponent for adopting that protection order in our state, but unfortunately died in committee shortly after being introduced.
7. SB61 is a bill addressing a 2018 Nevada Court of Appeals decision to be fixed, the case was not Covey State, and the court established a presumption that a joint account holder has full ownership and authority to use the account and under the Supreme Court's reasoning for that joint account holder to be convicted of theft. Financial exploitation cases that have derived from joint accounts and it's very difficult for our persecution. This is a bill that completes the circuit for this legislation to improve adult maltreatment response in Nevada.
 8. There are quite a few bills addressing adult guardianship and may also be power of attorney statute, a power of attorney bill this session, but no other available information currently. A consortium of legal aid providers presented during the interim to the Committee on Seniors, Veterans and Adults with Special Needs to revise the guardianship statute across the entire statute. This is in response to recommendations made by the 4th National Guardianship Summit and partially in response to the Supreme Court. In addition to that, the Supreme Court has proposed SB-15, which is making changes primarily to the minor guardianship statute, but they're looking at increasing staffing for the guardianship Compliance Office.

Chair Duarte and Ms. Schmidt discussed the process moving forward for this subcommittee or for the full Commission to adopt bills that they want to be supportive of once the language is available for all bills discussed in this meeting.

Barry Gold would like the COA Subcommittee to make a recommendation to the full Commission of Aging to review the BDR's and bills that were brought forward today for possible support. Connie McMullen seconded the motion. The motion passed unanimously. Mr. Gold amended the motion for this committee to recommend that the full Commission reviews and supports recommendations that were presented today when language is known and that meetings be scheduled in a timely manner to allow them to do that. Connie McMullen seconded the motion. The motion passed unanimously.

7. Update on ARPA Funding

Dena Schmidt reported updates on American Rescue Plan Act (ARPA) funding to support a training program for Personal Care and the ADSD is waiting for the Notice of Award from the Governor's Office. Mrs. Schmidt expanded on the training program including their efforts reaching out to community partners and stakeholders to gain a better understanding to create a helpful program for the Personal Care Agencies. (Include the motion)

Connie McMullen motion to support program initiative presented by Dena Schmidt with ADSD to create opportunities and training for in home care workers. Donna Clontz seconded the motion. The motion passed unanimously.

8. Olmstead Plan Updates

Jennifer Frischmann, Quality Assurance Manager with ADSD provided an update on the Olmstead Plan, including the project kickoff with Social Entrepreneurs Inc. (SEI), the Steering Committee, and the wide range of representation participating on the Steering Committee. Mrs. Frischmann provided the following link for a information related to the Olmstead Plan: [ADSD Olmstead Planning Process – Social Entrepreneurs, Inc.](#)

Chair Duarte commented that he is Public Policy Director in Nevada floor, they Alzheimer's Association and then vice chair of the Task Force and Alzheimer's Disease and had the opportunity to participate in the first Steering Committee meeting for the Olmstead Plan conducted by SEI and his concern is whether the Alzheimer's disease and related dementias or dementia in general, was going to be considered as part of

the plan. On the survey that was conducted the dementia was not included in any of the recommended population groups or disease categories. Ms. Schmidt commented that the Olmstead plan is about keeping people out of institutions regardless of the reason they're facing institutionalization.

Connie McMullen, Chair Duarte, and Donna Clontz discussed the comments regarding the Olmstead Plan and being able to include individuals with dementia.

9. Agenda items for the next meeting

- State Budget
- COVID-19 Booster Shots in Nursing Homes Update
- Review of Bill Draft language.
- Olmstead updates
- ARPA funding updates

10.Next Meeting Date – March 7th, 2023, at 1:00 P.M.

11.Public Comment

Connie McMullen commented the AARP Senior Day and Senior Coalition Day will be held on April 7th from 9:00am – 1:00pm in the Assembly Room 3100 and the event will focus on senior legislation.

12.Adjournment – The meeting adjourned at 3:46 p.m.