



P.O. Box 33386  
Las Vegas, NV 89133  
[nvsilc@adsd.nv.gov](mailto:nvsilc@adsd.nv.gov)  
<https://www.nvsilc.com/>

## Draft Minutes

Name of Organization: Nevada Statewide Independent Living Council (NV SILC) Legislative Subcommittee

Date and Time of Meeting: Wednesday, June 23, 2021  
1:00 p.m.

This meeting is open to the public and will be held at the following location:

Nevada Department of Health and Human Services  
Aging and Disability Services Division  
3416 Goni Road Suite D-132, Carson City, NV 89706

And via video-conference at:

The public may also observe this meeting and provide public comment on Zoom.

### **To Join the Zoom Meeting**

<https://us02web.zoom.us/j/9299041434?pwd=NmM5Tk1Od3ltRzg1enhRYTU3WDdUZz09>

Meeting ID: 929 904 1434

Password: NVSILC (case sensitive)

+1 253 215 8782 US (Tacoma)

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Meeting Materials Available at: <https://www.nvsilc.com/meetings/>

1. Welcome, Roll Call and Introductions  
Renee Portnell, Subcommittee Chair

Members: Renee Portnell, Ace Patrick, Lisa Bonie,

Guests: Deanna Gay, Mark Tadder, Mechelle Merrill, Shelley Hendren, Jack Mayes, Lisa Bonie

Staff: Dawn Lyons and Wendy Thornley

## 2. Public Comment

Members of the public will be invited to speak; however, no action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action. Please clearly state and spell your first and last name, if unique or otherwise unfamiliar to the Subcommittee. Public comment may be limited to 3 minutes per person, at the discretion of the chair. Agenda items may be taken out of order, combined or consideration by the public body, and/or pulled or removed from the agenda at any time. Pursuant to NRS 241.020, no action may be taken upon a matter during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken.

There was no public comment.

## 3. Introductions and/or Announcements Regarding New Participants and Interested Parties. Renee Portnell, Subcommittee Chair

There were no new participants in the meeting.

## 4. Discussion Regarding AB253 Changes to Open Meeting Law for Public Bodies. Dawn Lyons, SILC Executive Director

Dawn Lyons: There were some changes made to Open Meeting Law, and a couple amendments made to the original proposal.

The final bill changes to any subcommittee or appointed committee of a larger body or advisory body, would have to follow Open Meeting Law, if they are bringing any kind of suggestions or information back to the main body. They still must follow Open Meeting Law, if there are at least two members of that public body or a quorum of full membership from the original body, or they are bringing information back to the main body on behalf of that body. This Legislative subcommittee will have to follow Open Meeting Law. Most every subcommittee brings back information to the main body.

Also changed, was that the SILC and its subcommittees are now able to have virtual meetings, there are some requirements if the SILC chooses to not have a physical location for meetings. The requirements are that the directions and the instructions to join virtually or however that teleconference is being held, are clear, and people can attend from the public based on the agenda, and that the agenda be posted on the entities' website. Because SILC does not have an office, they use the Aging and Disability Services address. Currently, the SILC is arranging for a physical meeting place in Carson City for meetings.

Those were the changes to the Open Meeting Law.

Some agencies of the Executive Department of the state must give notice of Intent to Act Upon a Regulation.

They must file that information with the librarian at the main Public Library and the county.

The other provision is that a witness who is testifying before a public body can publish the story matter as part of a public hearing.

## 5. Presentation and Discussion Regarding the Bureau of Vocational Rehabilitation Legislatively Approved Budget and SB61: Revises Provisions Governing the Program for the Operation of Vending Facilities by Licensees Who are Blind, Shelley Hendren, Administrator, Nevada Department of Employment, Training and Rehabilitation (DETR), Rehabilitation Division

Shelley Hendren: Vocational Rehabilitation (VR), presented three budgets out of their five, in front of the legislature. The mission statement for the VR program, and the mission statement for the Bureau of Disability Adjudication, are part of the Rehabilitation Division. That program makes medical determinations for individuals who file for disability benefits with the Social Security Administration.

The mission statement was updated prior to the Pandemic. It says they are actively engaging with Nevada businesses to understand their employment needs while creating innovative programs that develop the strength, priorities, and talents of individuals with disabilities, ensuring that Nevada works for everyone.

There are five budget accounts within the Rehab Division.

When Shelley talks about the VR Program, she is talking about two Bureaus and two budget accounts. Bureau of Services to Persons Who are Blind or Visually Impaired, and the Bureau of VR.

They also have the Bureau of Disability Adjudication Administration, and then the Blind Business Enterprise of Nevada program, which is the bill draft request that they put forward this legislative session that was approved and becomes law on July 1<sup>st</sup>. That program is for individuals who are blind, and they must have enrolled in the Bureau of Services to the Blind first, and then have a certain skill set and a goal of being an entrepreneur.

They are recommended over to the Blind Business Enterprise Program where they could potentially run a site, which could be a café, cafeteria, a coffee cart, micro market, and vending machines in public buildings.

The VR program is budget account 30 to 65 and budget account 30 to 54. There are 135 sites within the VR Program in the state.

The Bureau of Disability Adjudication networks with the Security Administration and is the largest program within the Rehab division with 148 FTEs. They have about 16 contracted medical professionals as well.

The other programs have different funding sources. When they have a request to create budget reductions, it is impactful to the VR program because it is in the VR Program, and that is where they must cut.

It is a small part of their budget; the General Fund is less than 5% of the total Rehab budget within VR, and General Funds within their Services to the Blind is only 1% of their total Rehab Division budget.

Those two budget accounts are combined because it is one federal grant. What affects one bureau will affect the other, including when they go into Order of Selection over this biennium. There is some data to drive the point home of why the VR Program exists because there is such a great disparity in the poverty rate of people with disabilities versus those without. This is the largest minority group in the country and the one to which any one of us can join at any time.

Based on data from Cornell University, a close approximation of the number of people with disabilities in the state of Nevada who are working age, is about 320,000 individuals.

In a study on a return on investment, for every state general fund dollar invested in the VR program, the state is saving \$16.73 over the life of that individual.

That means they are fully or partially self-supporting, they are putting money into the economy. Perhaps they do not have any need or as much of a need for other support programs like SSI or SSDI, and so it would behoove the state to invest their general fund dollars into the VR Program. The federal grant is not fully matched by the state.

If VR was receiving more general fund dollars, they would have more federal fund dollars to spend in their grant, which this year, is estimated to be \$31 million.

Smaller General Fund portion is including the reductions they had to make due to the Pandemic that they will give back. At least, \$12 million to the federal government, which the government will in turn, give to other states who can spend that money, as opposed to that money being spent in Nevada.

VR has the lowest funding levels in 18 years.

There are internal and external pressures. The internal pressures are compliance, things they do not have a choice not to do, such as the legal requirement to reserve some of their funds specifically for students with disabilities for very specific activities, called pre-employment transition services, and is part of their budget reductions. This year and over the biennium were the last of their third-party cooperative arrangements.

That started with Washoe County School District canceling the Voice Program with VR. That was not a program that was canceled by VR. It was a very successful third-party cooperative arrangement with good outcomes, and it is not one VR would have reduced.

VR lost that and they were asked to cut 16 to 18%.

VR then looked at their third-party cooperatives, and they canceled the remaining three, not because they are not valuable programs, but because the cost of those was exorbitant compared to general VR, between 250 and 450% more expensive.

That is why those programs were reduced.

Many individuals, put their cases on hold for fear of getting sick with the Corona virus, and so VR expects those people to start reactivating their cases, and for more people to be coming back for services so VR is expecting their numbers to increase, and yet they have less money than ever before.

The proposed reductions were 11% but were increased to 13.4% in the first year of that biennium and 16.4% in the second year.

They have more reductions than they asked for but that is what was presented to the legislature.

The second thing that exacerbates their situation is that General Fund dollars, nonfederal funds are used as match to draw federal funds.

When they lose General Funds, they also lose the federal funds that would have been drawn from that.

Because of their reduction of 14% and then 16% in year two of General Funds, they also lost all the federal funds that would have been drawn, and therefore their total reduction over the biennium is \$4.5 million.

That includes holding a high-level manager position vacant for two years over the entire biennium.

It came from the third-party cooperative arrangements which were categories, 10 and 11.

They did that as well so that they would not reduce General Plan services.

The height of their funding was in 2010, 2011, and 2012. In 2012, they were advised that they were violating the Appropriations Act, Section Seven.

It means they cannot carry forward, any funds from their federal grant into year two.

Instead of having a two-year grant, they were forced into a one-year grant.

They also want legislature and their chain of command to consider inflation, and no one talks about that. College degrees have gone up 610% since 2014, in six years.

Rehab technology is an area where they spend a lot of money on assessments as well in the VR program. They have gone up between 141% to 219% for the cost of these services.

Instead of their budget going down year over year. It should be going up to at least keep pace with inflation and that is not what has happened.

Pre-employment transition services' impacts are hard to explain to the legislature.

They directly affect VR, and the mandate was that they had to reserve and spend 15% of their full grant, so it is not 50% of Client Services. It is 15% of that full final grant. And so, it is between three and \$4 million. That money can only be spent on students with disabilities and only for five very specific activities. The only discretionary funding VR has over the biennium is because they cannot possibly spend that amount of money on services for students.

She asked that if there are any pre-employment transition services needed for students with disabilities, to please contact VR. They are funding positions for transition coordinators in rural schools with this funding.

The Legislature gave them an additional \$1.8 million over the governor's recommended budget.

Someone mistakenly built a \$6 million hole in VR's budget, and all that \$1.8 million will do is help fill that hole so they truly are funded at governor recommended funding levels.

When VR tells their chain of command that they will go into Order of Selection unless they are able to help VR get more money, it is not believed.

Pre-employment transition services are 50% of their client services funding now and does not leave a lot of money to serve anyone who is not a student with a disability.

The \$1.8 million that they were given over the biennium is not in their budget.

They must go to IFC every two months and ask for funding.

When that \$1.8 million is gone, it is gone. \$1.8 million is half the amount of money needed, VR proposed \$4 million.

Every \$1 General Fund draws \$4 of federal grant.

If you take that dollar away or cut it in half, you get half the federal funds.

It used to be funded in three ways, so the match requirement is nonfederal funds, general funds, or state funds, that qualifies as match. VR's Blind Business Enterprise of Nevada program is a form of soft match.

Their federal oversight agency allows them to use certain expenditures in that program. And those expenditures when VR pays them, allows them to draw federal funds, as if it were matched.

VR had third-party cooperative arrangements where partner entities would do the match, not with cash but with certified staff time.

Most of that went right back into funding those programs, some of it went into general VR, where they are now. With the loss of the third-party cooperative arrangement, their General Fund percentage is 65% needed.

Then, soft matches 35%, and somehow the budget was built with those numbers in mind, except that they will never earn that much and then soft match, the most they have ever earned is around a million dollars in soft match and they were budgeted for \$2 million in soft match.

They told the Governor's Finance Office and Legislative Counsel Bureau, that they had this hole in their budget, that the program would never generate \$2 million in match which without the match, they do not pull the federal funds.

It is unlikely that they will get a million dollars from the Blind Business Enterprise program because they are impacted from the pandemic as well.

In a normal year when they were doing very well, as in 2019, gross revenues were \$9.3 million in that program.

With all the shutdowns in 2020, gross revenue dropped about \$6.3 million.

In 2021, they expect to make \$7.3 million.

The difference between their federal grant award and how much they can spend; is dependent on how much match they have.

In 2012, a huge gap was created because of Section 7, which is now Section 10 of the Appropriations Act. In 2009, they had an influx of federal recovery funds that were spent first and that is why there is that big gap there in 2009.

It does not matter if one bureau can successfully serve clients and the other one cannot, they both go into Order of Selection and the law requires states go to Order of Selection if they cannot fully serve, and those are the words in the Code of Federal Regulations.

If they cannot fully serve all clients that come to their door, that means not cutting corners, it means to provide services people need to successfully achieve employment

To go into Order of Selection, they would create priority categories based on the significance of disability. Then they serve people with the most significant disabilities first.

And so those with fewer barriers and less significant disabilities go on a waitlist. And VR refers them to other entities for services, which will put a burden on other entities in the state, such as the One-stop system, Job Connects, and all workforce partners.

VR wanted to upgrade a position, so that they could have a Supervisory Rehabilitation Technician. They did receive the approval for this one enhancement, and they are recruiting for it now.

Ace Patrick: There will be a large sum of money that will be sent back. Why does that money get returned?

Shelley Hendren: VR will receive a federal grant because of the Rehabilitation Act, and it is a formula grant, so every state and territory get it. It is based on population average wages, among other things.

The grant this year is estimated to be about \$31 million.

But to pull a single dollar from that grant, the state must pay a match dollar to pull down four federal dollars.

The problem is they do not have enough state dollars to draw down all those federal dollars. They do not have the match.

Mark Tadder: Due to funding cuts, VR was going to go to Order of Selection. What does that mean and what does that mean to the programs and to the consumers.

Shelley Hendren: Order of Selection is required in the law, if they cannot fully serve everyone, meaning not having enough staff or not having enough physical resources.

VR believes they are not going to have enough money to fully serve people, there is a process that they must go through with their state Rehab Council, with the federal government to get their plan approved but ultimately it means creating a waiting list. They must create priority categories and priority meaning who they are going to serve first, second, third, etc.

Those priority categories must be based on significance of disability.

Order of Selection is hard for states because, once they go into an Order of Selection, those waitlists grow, and unless they get a huge influx of money where they can serve everyone on the waitlist and anyone else who is coming to the program, they cannot get out of that Order of Selection. It is a devastating position that VR is in.

If they cannot get additional funds, over and above the \$1.8 million, they will have to ask for funds every two months from IFC.

If they can get funds, over and above that, they could be okay. VR told the Governor Finance Office, leadership, and the Legislative Council Bureau that they needed \$4 million. When they skim that down to \$3.8 million over the biennium, \$1.8 million is not \$3.8 million, it is half of what they need. She does not think they have sufficient funding to serve everyone, and that Order of Selection is in their future.

Dawn Lyons: It is a new requirement to put 15% of your federal match into the PreETS Program. When you say 15%, is that 15%, of what the grant would be, or is that 15% of what you are receiving because of the lowered amount. Also, why is it about 50% or more of VR's budget now?

Shelley Hendren: It is 15% of the final grant. As they get an award letter it would be 15% of that if it goes up or down, 15%, of that so it is the final award. When they give money back which they are in that period now, it is called realignment, where they look at the amount of federal funds that will never be spent because they do not have the match, and they give that back. Then they will get another grant award letter with that subtracted out so yes, it is the final amount that they receive.

It is 15% of that. But 50% of a full federal grant, even if it is \$20 million.

VR's client services category has \$5 million.

That is why 50% of it is because they are funded so low at this point.

The biggest chunk is pre-employment transition services, and that is a federal requirement in the law. It says reserve and expand.

VR had an audit finding on that because they could not fully extend it.

One thing they need to fully extend is staff. They have contractors, as transition coordinators. But this was not the year to try to ask for them to be permanent staff but that is one of the many barriers to spending it.

Dawn Lyons: Is it apparent that other states can spend and is it because other states put so much money into rehab? Are there states out there that also are running into this issue that it might become noticeable to the feds, that they might change this requirement in the future?

Shelley Hendren: Nevada is only one of 10 states that does not fully match its grant. So yes, there is a much higher commitment to the rehab program in other states and territories.

Dawn Lyons: If there are 10 of us out there who have issues with this, is this going to be a big enough problem for these 10 states, that the feds will take notice that it is detrimental to those 10 states and make some provisions or changes in the future possibly?

Shelley Hendren: During the pandemic, as they were looking at recovery funds and things like that, Nevada asked to get flexibility. Many states said they need more flexibility with spending. It is such a narrow scope of activities that can be provided, that if they would allow states to provide all transition services, instead of just these five pre-employments, then they would be able to spend more money.

Also, there is a committee forming at the federal level for reauthorization of the Rehab Act.

The Health Committee is starting to get together, and they requested comments, and Shelley was able to comment on behalf of the State of Nevada, on what VR would like them to look at if they are looking at changes to WIOA and the Rehab Act. She can share what she presented.

Dawn Lyons: Will distribute that to the group once Shelley sends it.

Shelley Hendren: The bill she was referring to, was SB 61, and it made changes to NRS426. Those are the statutes for the Blind Business Enterprise of Nevada program.

This is the program for individuals who are blind, to be entrepreneurs, so they must first go through the Bureau of Services to Persons Who are Blind or Visually Impaired.

VR does that market research, some assessments of skills, abilities, interests, priorities, talents and all those factors that they look at and jointly determine if this is a goal for a prospective entrepreneur. Then that person would be referred over to the Blind Business Enterprise of Nevada or BEN program.

That program was established in 1936 with the Federal Randolph Shepherd Act. Nevada has had laws on the books for this program for 60 years.

It gives priority of right for blind entrepreneurs in this program to operate businesses in government buildings. The federal Randolph Shepherd Act allows individuals priority of right in federal buildings and then state laws, give priority of right in like state, municipal, county, and city buildings.

VR made changes to strengthen the ability for their blind licensees to operate businesses in state and local buildings. It was controversial and amendments were negotiated and created with Clark County, North Las Vegas, City of Las Vegas, City of Henderson, City of Sparks Chamber, Vegas Chamber of Commerce, and the Water Authority.

In the Las Vegas area, public/private partnerships where public money funds the creation of a public building, it is a public private partnership. Buildings that are used for live entertainment are excluded.

VR aligned the state law more closely with the federal Randolph Shepherd act with the federal law.

“Public building or property”, and “public entity vending facility”, are now more clearly defined in the law. They use the same terms throughout the law for consistency.

They have a good definition now of public entity and what a public building or property is, where VR’s entrepreneurs have the right of way by law, to operate these businesses.

VR added a section on training and creating training sites, so that they can better serve their blind licensees as they are learning to be entrepreneurs and give them hands on training in a licensed site, in a public building.

VR added a dispute resolution process which is impactful because VR would let a public entity know that they wanted to exercise their Priority of Right, and the public entity would decline.

VR had no ability, even though the law was on their side, to force the public entity to let VR in.

Now they have a dispute resolution process through the Hearings Division. And if an entity declines, VR can ask for an opinion from an administrative law judge through the Hearings Division, and even appeal that to the District Court if needed to get into public buildings.

VR has licensees operate more than 400 vending machines across the state, and 29 actual sites. These sites are like the cafes, cafeterias, or snack shops in DMV, the Hoover Dam, (which is VR’s most lucrative site, which includes the gift shop and the cafeteria).

They have water vending and the “Arizona Lookout”.

Shelley wrote an extensive introduction to the bill the first time she introduced it to the Senate. It is about five pages long and it breaks down what was changed in each section.



Mark Tadder: It is SB61, and he asked if Shelley could send it to him. He asked if it would allow the BEN program to expand into airports or if that is already part of the plan.

Shelley Hendren: That has always been in the law, but VR has not been successful in any of the airports agreeing and letting them in.

The airports said that this puts their federal funding at risk. They are excluded even though they meet the definition of a public entity in a public building or property. They are excluded from having to allow VR's licensees Priority of Right.

VR has been trying for years to get into the Reno Tahoe airport.

Shelley Hendren will send this information to Dawn Lyons and Dawn will distribute it to the group.

Dawn Lyons: The SILC has a Workforce Development Subcommittee (SILC WD Subcommittee). Recently, an independent contractor for Las Vegas business planning presented information to the SILC WD Subcommittee. The SILC has been discussing having people with disabilities more involved in those discussions in the planning process, to make sure that hiring people with disabilities, is being considered from the beginning.

Shelley Hendren: VR has their Business Services Team that works with the Governor's Office of Economic Development, and with the Business Services team with their partner with Indeed and the Employment Security Division. They have conversations with businesses, including those that are considering coming to Nevada, about including employees with disabilities.

VR does outreach training to businesses if they want. They have created a website that's front facing for businesses that talks about incentives and programs and why they should hire people with disabilities and then they put their video success stories there as well.

The website can be found at: [vrnevada.org](http://vrnevada.org).

The Blind Business Enterprise program does have a site at Symphony Park that is being constructed now.

Dawn Lyons: Are the people on your business services team, people with disabilities?

Shelley Hendren: There is at least one person on that team that is a person with a disability. Depending on the audience, sometimes VR has people with disabilities come to meet with the business team.

VR did a training with a business about physical accessibility. One of their counselors, was in a wheelchair and she came to demonstrate and talk to them. When appropriate, they have people with disabilities on that employee engagement team.

Dawn Lyons:

Regarding Order of Selection, what plans does VR have to inform their consumers and their clients that they serve, so that they are aware of the issues that are going on, so they are not blindsided by the waitlist?

Shelley Hendren: Before VR can go into Order of Selection, they must work with their state rehab counselor, so they will have public meetings, discussing it.

VR must get approval from their federal oversight agency, the Rehabilitation Services Administration.

VR must go before the Interim Finance Committee, which is also a public meeting, and give updates on their spending and how much money is obligated and how much money they need, and they are going to do that at every IFC starting in October.

Lastly, VR must put it into their state plan. They must amend the state plan and add the Order of Selection and get that approved before they do it.

There are many opportunities for the public to speak and take part and, if there is enough public pressure then VR will get additional funding beyond the 1.8 million to keep them out of Order of Selection. The legislative subcommittee has said they want to fund VR and does not want VR to create a waitlist.

Dawn Lyons: Wished Shelley luck and asked if there was anything that could be brought back to the full SILC because this affects people with disabilities. The SILC could possibly write letters or educate legislators.

Shelley Hendren: Suggested that anything the SILC would like to do, they could start it anytime because VR will start going to IFC in October. She thinks that VR will have spent most if not all that 1.8 million in the first year.

6. Discussion and Make Recommendations to NV SILC Regarding the Following Legislative Bills and Initiatives **(For Possible Action)**:

AB35-Allows Fund for Healthy Nevada Tobacco Settlement Dollars to be used for Prescription Drug Cost Assistance for Seniors and People with Disabilities (signed 5/14)  
Signed into law by the governor on May 14<sup>th</sup>.

AB62-Able Accounts (signed 5/21) This has to do with the state's savings account for people with disabilities to help them save more than just what they are allowed on Disability, with that \$2,000. Eric Jimenez has presented on this in the past. That was signed into law on 5/21, making that available to those with disabilities.

AB121- NV EASE to be a Permanent Option for People with Disabilities (to enrollment 5/29)  
The SILC partnered with the DD Council, the Deaf Commission, and the CSPD.  
That was opened to people with disabilities to allow them to vote in the latest election and would become a permanent option. The SILC assisted to make sure it was accessible, that the information was out there for people, and that they would know that this was an option for them. Thanks to the collaboration, there were videos on that, which got out to consumers and helped a few more people realize that they could vote in that way. It is now a permanent option for people with disabilities to be able to electronically register and vote. She thanked Dora Martinez for reaching out to a Senator.

AB190-Family Leave Allowed for Those who Have Sick Leave (signed 5/29/2021) This had been sitting in the last session and did not get passed.

AB216-Medicaid Coverage for Cognitive Assessments (not including conditions with temporary or reversible effects) (delivered to Governor 5/29/2021) Signed into law on 5/29/2021. It used to not cover those services for people being assessed before they are placed in nursing homes, it is now something that Medicaid can cover.

AB207-Provides that Certain Businesses Which Offer Goods or Services Through an Internet Website, Mobile Application or Other Electronic Medium are Places of Public Accommodation (delivered to Governor) If a person is selling anything on the internet or other medium, electronic medium, or a phone app, it must be accessible, according to ADA guidelines.

AB261-Include Education Planning Regarding Contributions by Certain Groups Throughout History, Including People with Disabilities (signed by Governor) The history of the ADA must be included in curriculum and taught in schools.

AB344-Establishes a State Program through DHHS that facilitates the transfer of older persons and persons with disabilities from hospital to home in collaboration with staff, older person or PWD and caregiver (signed 5/27/2021) Medical professionals or staff cannot make decisions for that kind of transfer. The people with disabilities, and possibly a caregiver and or caregiver also must be at the table for that, that also includes social workers.

Originally, when someone went to the hospital and had a surgery or other procedure, the social worker would assess the patient's needs and decide whether the patient would need rehabilitation and go to a nursing home. Now, it is required that they include the patient and the caregiver, if necessary, if there is a caregiver or anyone at home who would be potentially the caregiver, they must include those people in that discharge planning, so that they can make sure they are sending that person home, if possible, instead of the nursing home.

AB365-Requires a report be submitted by State Appointing Authorities regarding workplace equity and requires training for supervisors and managers on implicit bias (to enrollment 5/31/2021) It requires a report to be submitted by state appointing authorities regarding workplace equity and requires training for supervisors and managers on implicit bias. There is a huge conversation about the BIPOC community and intersectionality that impacts the disability community.

AB407-Order of Protection for vulnerable (Dead) It has to do with abuse of vulnerable people with disabilities and the elderly. Jennifer Richards is the Aging and Disability Services rights attorney. She presented this to the SILC, when it was a Bill Draft Proposal. It was for people with disabilities or vulnerable individuals who are part of the DD community, but it did not limit it to just that population, it was also people with disabilities who were having things like domestic violence situations, there would be a special-order protection just for them and could be initiated quickly.

Dawn will reach out to Jennifer Richards for more information.

Renee Portnell: Suggested that Jennifer Richards be invited to the next meeting and explain what happened. The SILC can use that information to educate legislators in the future.

Dawn Lyons: As individuals, people are always allowed to provide testimony that is personal to them, if they are not representing the SILC in any way when they say they support or do not support something. The SILC's main function is just to educate. There is a lot of power in that so they could technically reference this bill that died and say what not passing it caused, and they can look up and provide that data.

The Legislative Interim Committees are probably the best place to address those things. If the SILC could get that information back sooner rather than later, they can put those requests and talk about that with the interim committees if needed.

The next three on the list all pertain to language regarding people with disabilities. The SILC not only had individuals from their group provide public testimony, but they also provided educational letters to the Legislature on these, as presented on AJR1 during session. It educates legislators about disability language and Person First language. All three of those passed and the first two are NRS language and AJR1 refers to Article 13, section 1, of the constitution in Nevada. It had some offensive language in it, and after next session, it should go to the public to vote on.

AB421-Disability Language for Deaf (signed 5/27/2021)

AB430-Disability Language in Statutes (signed 5/27/2021)

AJR1-Article 13, Section 1 Regarding Disability Language (enrolled and delivered to SOS 5/29/2021)

SB19- 34 U.S.C. §140104(9): (9) the term “covered individual” means an individual— (A) who has, seeks to have, or may have access to children, the elderly, or individuals with disabilities, served by a qualified entity; and (B) who— (i) is employed by or volunteers with, or seeks to be employed by or volunteer with, a qualified entity; or (ii) owns or operates, or seeks to own or operate, a qualified entity. Requires a background check (signed 5/25/2021) specifically if someone is going to be a Personal Care Attendant (PCA), they must go through a background check, because they are working with either the elderly person with a disability or children. It was mostly geared for children, anyone working with children. If someone is now working with a person with a disability, they must go through a background check, it is a requirement.

SB69-Provides certification for peer recovery support persons (to enrollment 5/31/2021) That is mostly in schools, it is going to allow a drug and alcohol peer support to be certified and background checked. Then, they can go into schools and provide peer support counseling for high school kids and middle school, for alcohol and drug peer support. It affects people with disabilities because drug and alcohol abuse often affect youth with disabilities.

SB93-Medicaid to pay individuals direct for some Personal Care Assistance Services (dead) It would have allowed people with disabilities to pay out of pocket for those services by their caregiver or their care provider and be reimbursed by Medicare Ted Nagel has been working on this with legislators. Dawn will reach out to Ted Nagel and Medicaid to ask about the reasons why this was not passed.

SB96-Increase Reimbursement Rates for Autism (ASD) Services. That includes the ATAP Program. Providers were being lost because they were not being reimbursed enough. Payment was going according to an allotted amount of time, and it is now hourly.

SB169-Behavioral Health Language Used in Education (Behavioral Dysregulation) This passed. It was changed from “emotional disturbance” to “behavioral dysregulation”. It is another language bill that passed

SB179-Qualifications of Sign Language Interpreters in Schools (delivered to Governor 5/27/2021) This one was signed. Now, the qualifications for sign language interpreters and

schools are more stringent so there is more education involved. The Deaf Commission provided testimony as they were anxious to see that change happen, as well as the Communication Access Services (CAS), program through the state.

SB188-Creates "Nevada Statewide Council on Financial Independence" and requires training on financial literacy for low income participating in treasury program "individual development account" like the ABLE accounts (delivered to Governor 5/27/2021) It is in general, all low-income individuals who might be on public welfare programs, so they are not disqualified from those programs, and they are able to save some money. It is very close to the ABLE accounts, but it is for all low-income individuals.

SB206-Requirement of Provider of Insurance to Offer Appropriate Supplemental Plans for Services in Which Medicare Does Not Cover (Dead)

Dawn feels it died because that is what the SHIP department is for, at Aging and Disability Services, they provide Medicare counseling and guidance. They help people determine which supplemental plans would be best for them to get, based on their own circumstances. Since there is a service out there already that provides that assistance and guidance that could be why the bill died.

Dawn will follow up with Renee Portnell regarding resources.

SB208-Increases Age to 26 for ASD Diagnosis and Treatment Coverage & Creates Provisional License (Dead) The age will not increase to 26, which is what dependent insurance covers now for parents with dependents. This may have to do with provisional licenses.

Dawn will gather more information on this and bring it to the group.

SB217-Changes Applied Behavior Analyst (ABA) Certification from ADSD to ABA Board (delivered to Governor 5/27/2021) This was signed.

The board can decide whether someone is qualified to be a behavior analyst, instead of Aging and Disability Services.

SB295-Prohibits Termination or Limitation of Compensation for Permanent Disability Based on Earned Income (delivered to Governor 6/2/2021) That's for disability coming from things like Workers Comp. Often, people were being denied benefits because they would go back to work, even though they are permanently disabled. If a person is permanently disabled from an employer, that person will continue to receive their benefits.

SB305-No Discrimination Against Persons with Disabilities Regarding Organ Transplants (signed 5/31/2021), Prior to this, people with disabilities could have been passed over on organ transplant lists.

SB340-Creates "Home Care Employment Standards Board" under DHHS Director (delivered to Governor 6/2/2021) The SILC has a Transition Workgroup working on the issues surrounding Personal Care Attendants (PCAs).

There is now a home care Employment Standards board created under the Director's office, that will be reporting back to the Director, quarterly on their findings.

SB420-Public Health Option (delivered to Governor 6/2/2021) This was signed. Dawn believes that Nevada is the second state in the nation to create a public health option for people which is a health insurance option for lower income people who do not qualify for Medicaid.

SJR8-2<sup>nd</sup> Session Brought Forth May 30, 2019; Article 1, Section 24 Regarding Equal Rights and Non-Discrimination (2<sup>nd</sup> passing 3/24/2021; on to ballot measure) This passed for the second time, and it is supposed to go to ballot. This changes Nevada's constitutional language in Article one, section 24 regarding equal rights and nondiscrimination for persons with disabilities.

Renee Portnell, Subcommittee Chair

7. Discussion and Make Recommendations for Position Statements and Future Letters of Support for Legislation **(For Possible Action)**.

Renee Portnell, Subcommittee Chair

Tabled

8. Discussion and Make Recommendations Regarding the NV SILC Website Content **(For Possible Action)**.

Renee Portnell, Subcommittee Chair

Tabled

9. Approve Next Meeting Agenda Items and Next Meeting Date **(For Possible Action)**

NV SILC Annual Meeting Scheduled for July 7 & 8, 2021 at 1:00pm

Renee Portnell, Subcommittee Chair

A Doodle poll will be sent out to the members for the next SILC Legislative Subcommittee meeting suggestions.

#### 10. Public Comment

Members of the public will be invited to speak; however, no action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action. Please clearly state and spell your first and last name, if unique or otherwise unfamiliar to the Subcommittee. Public comment may be limited to 3 minutes per person, at the discretion of the chair. Agenda items may be taken out of order, combined or consideration by the public body, and/or pulled or removed from the agenda at any time. Pursuant to NRS 241.020, no action may be taken upon a matter during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken.

Ace Patrick: Thanked everyone for coming and thanked Shelley Hendren for her presentation.

Lisa Bonie: Invited the group to the 31<sup>st</sup> ADA anniversary celebration dinner at the Sparks Marina, on July 21, 2021, from 6-8 pm.

Dawn Lyons: Will help spread the word about the dinner.

#### 11. Adjournment

Renee Portnell, Subcommittee Chair

Meeting was adjourned at 3:00pm.

**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 Wendy Thornley at (775) 687-0551 as soon as possible and at least five days in advance of

the meeting. If you wish, you may email her at [wthornley@adsd.nv.gov](mailto:wthornley@adsd.nv.gov) According to NRS 241.020, supporting materials for this meeting is available at: 3416 Goni Road, #D-132, Carson City, NV 89706 or by contacting Wendy Thornley at (775) 687-0551 or by email at [wthornley@adsd.nv.gov](mailto:wthornley@adsd.nv.gov).

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

Notice of this meeting was posted on the Internet: <https://www.nvsilc.com/meetings/> and <https://notice.nv.gov> and <https://www.nvsilc.com/>