

STATE OF NEVADA
BOARD OF EXAMINERS FOR LONG-TERM CARE ADMINISTRATORS
3157 North Rainbow Boulevard, #313
Las Vegas, Nevada 89108
Telephone: 702-486-5445 Fax: 702-486-5439
Website: www.beltca.nv.gov
E-mail: beltca@beltca.nv.gov

It is the mission of the Nevada Board of Long Term Care Administrators (BELTCA) to license and regulate long term care administrators in Nevada, including Nursing Home Administrators, Residential Facilities for Groups Administrators, and Health Service Executives. The Board provides consumers with an assurance of the qualifications of licensees, along with a means of enforcement for the benefit of the public, to ensure Nevada's citizens are served in a dignified and caring manner.

DRAFT MINUTES

WORKSHOP FOR THE ADOPTION OF REGULATIONS OF

THE NEVADA BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS

Date & Time: Wednesday, December 6, 2023
10:00 am

Place of Meeting: Sawyer State Office Building
555 East Washington Avenue
Room 4412
Las Vegas, Nevada 89101

And

Virtually via Zoom:

<https://zoom.us/j/93849399519?pwd=QzB1bVt4WFZIZGVQNndMbXQ5RVZhdz09>
Meeting ID: 938 4939 9519
Passcode: 026749

- I. Chair, Margaret McConnell called the meeting to order at 10:10 am
- II. ROLL CALL: Executive Director, Sandy Lampert called the roll and a quorum was present.

Board Members:

Margaret McConnell, Chair
Lindsay Hansen, M.D. - Excused
Brooke Westlake
Lisa Meyer

Mary Ellen Wilkinson, Vice Chair
Dena Schmidt, ADSD
Douglas Sinclair
Daniel Mathis

Staff:

Sandy Lampert, Executive Director

Sophia Long, Deputy Attorney General

Guests:

Shawn McGivney
Wendy Simons
Brett Salmon, NVHCA
Matthew Fox, A Place for Mom
Julie Mason
Laura Radcliff, A Place for Mom
Michelle McGovern

Evangeline Molino
Marie Coe, ADSD
David Barney, Sklar Law
Gerald Hamilton
Denise Jacobs
Nana Boyer
Cynthia Bailey

III. PUBLIC COMMENTS

This item is to receive comments, limited to five (5) minutes, on any issue and any discussion of those items. However, no action will be taken on an item raised during Public Comments. Comments based on viewpoint are welcome.

IV. REGULATION WORKSHOP

The purpose of the workshop is to receive comments from all interested persons regarding the potential adoption, repeal or amendment of regulations that pertain to the Nevada Administrative Code 654.

Chair, Margaret McConnell stated that we are here today to discuss NAC 654 in its entirety. We will take items out of order and move to NAC 654.210, Grounds for Disciplinary action so that those that came to address this specific issue can be heard and then we will move on to the remainder of the workshop. For this portion of the workshop, comments will be limited to 7 minutes per person. Vice Chair, Mary Ellen Wilkinson will be timing each person's testimony.

Shawn McGivney, MD and RFA, stated his concern over the misinterpretation of SB 260's attempt to lump licensed RFAs into the SB 260's ill-defined group of operators and data brokers and voiced his opposition to changes in NAC 654.210 which prevents administrator from paying for referral fees. He stated that most legislatures have no clinical care experience and no intent to supervise the ongoing physical and emotional care that seniors need and require when they age and need assisted living or residential care. RFAs based on existing regulations, which he supports not changing, have a duty and are ethically bound to protect the

rights, and provide for the needs of seniors. This is opposite to requirements for a data broker or other on-line advertiser marketer who has no clinical interest, often limited care skills, and most of all, no intent to provide care to the residents they are referring for care for a fee. It is his opinion that paying for referral fees dramatically limits informed consent.

David Barney, attorney for A Place for Mom, stated that we are here to discuss the conflict between SB 260 and BELTCA regulations. What we are discussing is not whether SB 260 should be passed. This law went into effect and permits this type of referral fee. Now the question is how BELTCA wants to address this. Mr. Barney stated that BELTCA regulations prevent administrators from paying referral fees. He stated that administrators are the most important people to be a part of the placement process because they make decisions and have the interest of their residential patients. The law went into effect on October 1st and facilities can pay these referral fees, but administrators, the people who are responsible for the day to day affairs can't participate. Small or rural facilities where the owner is also the administrator, cannot pay for referrals. This hurts small rural communities the most. If BELTCA decides not to modify its regulations, then it is asking facilities to delegate this process to an unlicensed person. Mr. Barney is asking the Board to make a small change to NAC 654.210 (f-h) by putting at the end "except as is expressly allowed under SB 260".

Lauren Radcliff, from A Place for Mom, stated that their goal is to help overwhelmed family caregivers for aging seniors by providing options for care, finances and location. Now administrators in nearly all facilities are afraid to participate in referral fees. This is harmful to rural and smaller communities. A Place for Mom is committed to providing the best match for facilities in accordance with the new law. The only issue is that administrators are in fear of being disciplined by the Board. Chair, Margaret McConnell asked if A Place for Mom does facility tours before recommending the facility? Do your consultants or agents actually see a community and know the quality of care provided? Ms. Radcliff responded yes. A Place for Mom has a team of people that visit facilities and work with the facility to rate the level of care, cost, etc. are accurately provide families with this information. Vice Chair, Mary Ellen Wilkinson asked if she called the phone line, would she be speaking with someone in Nevada? Ms. Radcliff stated that on average they provide almost 100% of the time matching families with an advisor in their local area or state. A Place for Mom takes pride in having a 24/7 call center for families. The advisers talk to families regarding their care needs, financial ability and geography. Must families place loved ones within a 10 mile radius of their house. A Place for Mom has a very intricate system that takes in information from all of the different operating facilities that is able to match families based on their needs. Chair, Margaret McConnell asked how A Place for Mom handles Medicaid placements. Ms. Radcliff stated that they do not deal with Medicaid placements. Ms. McConnell asked what kind of financial assessment is done. Ms. Radcliff responded that their advisors advise families the cost of senior living. They try to understand the annual budget that they have for senior living through a questionnaire that asks internal income, pension, long term care insurance plans and possible the sale of a home. This information is used to match families with facilities that are within the family budget. Ms. McConnell asked how many facilities are in rural communities in Nevada and how many consultants are physically located in Reno and Las Vegas and know the communities. Ms. Radcliff responded that there are about 47 communities in rural areas, and there are about 25 employees that are working in Nevada. Then Ms. McConnell asked when a placement is made and it doesn't work out, what takes place. Ms. Radcliff answered that they do not charge fees unless the loved one stays for at least 30 days. She added that the average stay per placement is about 2 years. Board Member, Douglas Sinclair stated that he has been an administrator and owner of 2 facilities for 30 years, and each have an "A" rating. His facilities

have never been visited by A Place for Mom. Ms. Radcliff stated that his facilities would be visited if they were part of A Place for Mom's network. At this point, Matthew Fox stated that we are not here to investigate A Place for Mom, but rather to discuss rule making. Discussion continued and Ms. Radcliff stated that only facilities in their network are referred.

V. PUBLIC COMMENTS

This item is to receive comments, limited to five (5) minutes, on any issue and any discussion of those items. However, no action will be taken on an item raised during Public Comments. Comments based on viewpoint are welcome.

VI. ADJOURNMENT

The meeting was abruptly adjourned at 11:40 am due to extreme technical difficulties.

Respectfully submitted:

Sandy Lampert

Sandy Lampert
Executive Director

Attested by:

Dena Schmidt

Dena Schmidt
Secretary/Treasurer