

**Draft Minutes**

**HOME CARE EMPLOYMENT STANDARDS BOARD**

**July 26, 2022**

**2:00 p.m.**

**MEETING LOCATIONS:**

Per Assembly Bill (AB) 253 (2021), public bodies whose members are not required to be elected officials may hold public meetings by means of remote technology system with no physical location.

Accordingly, all members of the public were encouraged to participate by using the web-based link and teleconference number provided in the notice.

**Call to order– Cody Phinney, Chair Designee**

Cody Phinney, Chair opened the meeting at 2:03 p.m.

**Agenda Item 2: Roll Call – Kayla Samuels, Management Analyst**

Kayla Samuels reviewed expectations for the meeting and took roll call.

**BOARD MEMBERS PRESENT:**

Cody Phinney, Chair Designee

Safiyah Abdul Rahim

Robert Crocket

Farren Epstein

Maxine Hartranft

Gerardo Louis Gonzalez

Stephanie Schoen

Sue Wagner

Shanieka Cooper

Kristi De Leon

**DIVISION OF PUBLIC & BEHAVIORAL HEALTH (DPBH) STAFF PRESENT:**

Kayla Samuels, Management Analyst, Bureau of Health Care Quality and Compliance (HCQC)

**OTHERS PRESENT:**

Pierron Tackes, Attorney General's Office

Erma Henderson, Home Care Worker

Ms. Gutierrez

Carol Matrón

Dawn Ralenkotter, Home Care Worker

Roll call was taken, and it was determined that a quorum of the Home Care Employment Standards Board (HCESB) was present.

### **General Public Comment**

Erma Henderson introduced herself as an ordained minister and said she has a podcast where she is pushing the issues HCESB is covering. Ms. Henderson said she wishes the issue was inclusive of all the United States, because she knows people in Illinois and California who are getting their money and it is like Nevada is in another country almost. Ms. Henderson said she feels good about the passing of SB 340 and that it will change lives. She said she wishes one day the issue will be inclusive, so people do not have to fight in each individual state to make it happen. Ms. Henderson thanked the Board members for their tenacity and being there to make change happen. Ms. Henderson said the Board's work is appreciated and thanked the Board.

Ms. Gutierrez asked if her hourly pay will raise.

Chair Phinney made a general statement that the purpose of the HCESB is to make recommendations to the Director of the Nevada Department of Health and Human Services about actions that can be taken to improve the home care work force. That does include rates related to the Medicaid program and other government programs.

### **Agenda Item 4: Action Item – Approve Minutes from June 28, 2022, HCESB Meeting**

Chair Phinney called for edits or discussion on the June 28, 2022, meeting minutes. None heard.

Chair Phinney called for a motion to approve the June 28, 2022, meeting minutes. Maxine Hartranft made a motion to approve the June 28, 2022, minutes. Farren Epstein seconded the motion. The motion passed unanimously.

### **Agenda Item 5: Informational Item: Discussion on progress on end of year report to Director of Nevada Department of Health and Human Services (DHHS) and previous project updates**

#### **Kayla Samuels, Management Analyst I**

Ms. Samuels said Kristi De Leon has joined HCESB as the vacant employer representatives, so the Board now has full representative seats. The only position still missing is that of the Labor Commissioner, which has not yet been appointed. Ms. Samuels said the recommendations to made last meeting regarding [rates and wages](#) and the [Medicaid manual](#) have been approved by the Director and that Medicaid staff have been informed and are taking appropriate action to work on implementing the recommendations.

Ms. De Leon asked is the rates and wages recommendation was submitted and accepted by Medicaid.

Ms. Samuels responded that at the last HCESB meeting two recommendations were made, one regarding rates and wages and the other about the Medicaid manual. Both of those were submitted to the Director of DHHS and both of those have been approved by the Director. Now that the approvals have happened, staff are at the very beginning of the process of trying to get the recommendations enacted. Right now, there is nothing individuals in home care will see as far as actionable changes, however the process is getting started and will continue through the next legislative session.

Ms. De Leon asked if the recommendation being referred to was about the \$15 minimum wage for home care workers and the \$25 reimbursement rate.

Ms. Samuels confirmed.

Chair Phinney said the Legislative session will start in February and staff will be looking to see that proposal go through the budget that will be finalized in June. Then if it makes it through the State budget process, the changes to the rates will be seen in the following biennium which starts in July 2023.

Ms. De Leon asked if there is anything the Board can do in the meantime to make sure the process is moving along effectively.

Chair Phinney said the Board can certainly ask for updates from Medicaid since the recommendation falls under the Medicaid budget. Chair Phinney stated she wanted to take the opportunity to remind individuals that the Board will not be going to the Legislature as a group. If someone has contact with the Legislature, they are welcome to let them know they are a member of HCESB but are not speaking for HCESB when they do talk to legislators. HCSEB advises the Department, but the Department's communication with the Legislature goes through the Director's Office. Board members who want to speak for themselves can state the fact that they are board members but are asked they do not represent HCESB when doing that speaking. Chair Phinney stated HCESB has a number of other functions besides the rates and wages piece and every month has a topic set out to make recommendations in the end of year report. The Board has to keep working to make recommendations regarding those other pieces in the meantime.

Ms. Epstein said it is her understanding that individuals will have to lobby as employees and employers at the State Legislature to pass the budget with their interests in the recommendations.

Chair Phinney responded that that is what she was alluding to as individuals representing their employment and themselves can lobby but cannot lobby on behalf of HCESB.

Stephanie Schoen asked those on video, guests and board members, who are currently working and moving around to turn off their video, so attendees are not constantly watching their movement and accidentally break Health Insurance Portability Accountability Act (HIPAA) by seeing the person they are caring for.

Robert Crockett asked if it would be inappropriate if the Board sent a letter to the Legislature individually asking if legislators would support the recommendations for a minimum wage and reimbursement and ask each person to give a yes or no answer.

Chair Phinney said generally executive branch committees do not as a group have that kind of contact with the legislators.

Mr. Crockett asked if that is the general case but if HCESB could.

Chair Phinney stated no and that in Mr. Crockett as an individual wants to contact and ask the legislators, he could. The reason committees do not is that it is not encouraged or condoned by the department.

Sue Wagner stated as a former legislator, that would not be a good approach.

Gerardo Louis Gonzalez and Safiyya Abdul Rahim joined the meeting.

**Agenda Item 6: Informational Item – Discussion of the results of the employer and worker survey distributed by HCESB**

**Kayla Samuels, Management Analyst I**

Ms. Samuels presented the [HCESB Survey Result Highlights](#).

Ms. Wagner asked for an explanation of what the Guinn Center is.

Ms. Samuels said the Guinn Center distributes a large number of surveys and are one of the more credible survey distributors. When the Guinn Center does surveys on different fields, such as home care, the Board is then able to compare results with those of an organization that has significantly more resources and time to create these surveys to see if there are similar results.

Chair Phinney added the Guinn Center does a lot of research and policy development the State of Nevada and provides a lot of very useful information and data for these types of activities.

Ms. Wagner said the Guinn Center's data is very top-notch.

Ms. Abdul Rahim said this survey shows why the Board needs the Subcommittee on Systemic Racism and Economic Injustice. The subcommittee will be meeting next week. The survey shows 77% of home care workers are female and 61% are people of color, and that is a major reason the Board's work is essential because they are being undervalued, under recognized, and under compensated. Especially now with inflation going up and wages staying the same. The average worker has about 10 years of experience but are still making the same \$11 an hour. Ms. Abdul Rahim said the results are exactly why workers need this union to have collective power to voice and negotiate improvements. Ms. Abdul Rahim said from personal experience, she has COVID and cannot work and does not get paid time off. Ms. Abdul Rahim stated she is glad

there is work on the subcommittee and the survey results are all the more reason why it is needed.

Ms. Schoen agreed with Ms. Abdul Rahim's statement and added that when looking at the data inferences can be made that if 50% of workers are over 50 years old and 54% are family members, that means that a good number of workers may have given up other income to care for a family member. Ms. Schoen said that is a topic that has not been discussed yet. So many family members have to give up so much of their other income-producing careers to care for a family member. The industry is having a hard time attracting people into the field to give family members a break and there has not been discussion about caregiving respites or how much the reimbursement is for respites. Ms. Schoen suggested in a future meeting talking about the impact on families who had to leave a regular job with good benefits to care for another family member for a job that pays low and does not provide benefits, what is the impact on the family. The data is showing how important it is. Also, most people are working somewhere between 10 and 40 hours per week and that is a high percentage, close to 80% of respondents are working a significant number of hours and a lot of workers are caring for a family member.

Ms. Epstein said she agrees with Ms. Schoen and that it is a big problem that there are not enough workers in the community who are attracted to a \$10 per hour job to do the work that is required of a caregiver. It is putting a horrible burden on the families.

Ms. Cooper said she agrees and that there is an issue. Ms. Cooper said her situation is she had to choose for her son to become a client of hers and unlike other clients, because her son lives with her, was only approved for 10 hours a week. Ms. Cooper said that is nothing for all the time and effort she spends alone on him and cannot have other clients and help her son at the same time. Even though he is a client, there is not pay for all the work done. Ms. Cooper reiterated that it is an issue especially for families.

Ms. Cooper said the vast majority of agencies provide some form of publicly funded care which means the State and particularly Medicaid are responsible for setting standards for the home care industry so clients can find workers to provide care for them. It is hard to get people to want to help, let alone for the current rate.

Ms. Schoen asked for the meaning behind the percentages of the average percent of clients on service.

Chair Phinney said it means of 100 of their clients, the percent are how many are on the waiver.

Ms. Samuels said when an employer took the survey, they were asked a yes or no question about whether they contract with a particular service, such as "Are you contracted with Medicaid?" If the employer answered yes, they were given a slider of 0% to 100% and asked to disclose what percentage of their clients are on that service. That process was repeated for each service where if the employer answered yes, they were given the slider to disclose the percent of their clients on the service.

Ms. Schoen asked if the Medicaid waivers were added up, if they should add to a higher number closer to the overall Medicaid percentage.

Ms. Samuels said not necessarily, the survey did not ask for a breakdown of every Medicaid waiver related to home care and many clients could be on multiple waivers. Ms. Samuels said that since the survey was free response, there could be respondents who skipped questions, so it does not necessarily work out that all the Medicaid subcategories should add up to the overall Medicaid response.

Ms. Schoen noted Nevada only has a handful of waivers that have been bulked together over time. Ms. Schoen said she would love to see the numbers presented as a bar graph to make it more visually palatable and how many people are paying out of pocket or through insurance companies for home care services.

Chair Phinney directed Ms. Schoen to the metric detailing other or private pay in the data.

Ms. Schoen asked what is happening with the 19% who are not receiving overview of their client's service plan, saying the Board may have to go over making recommendation to make service plan review a requirement.

Ms. Hartranft said reviewing the service plan is already a requirement.

Ms. Schoen said the issue then is how those not complying are getting away with it and that there may need to be action to strengthen that compliance. It is standard in the health care field as a whole to know the service plan. Ms. Schoen asked if now was the time to discuss that issue.

Chair Phinney suggested that Ms. Schoen take time to frame her ideas in an actionable request and possible recommendation to come back with at a later time regarding if we already have a rule, how does it get improved.

Ms. Cooper said nearly 20% of workers said their agencies do not review their client's service plan, but it is probably a lot more than that because agencies just do not do it, but almost 100% of agencies said they review the service plans with their workers. Ms. Cooper said workers should not be put in these positions because failure to review these plans could result in danger for the client. Ms. Cooper said she has been in situations where she was not given a service plan at all or was not informed of issues with the client that put her in an uncomfortable position that could have been dangerous for herself or the client. It is an extremely important issue.

Chair Phinney said the Board can frame the issue into a possible recommendation for a future meeting and said she personally needs to do some more research on the requirements are and that perhaps the industry representatives can help in those ways too.

Ms. Epstein said everyone agrees, employees and employers, that the wages are horrible, and it is excellent that the Board passed at the last meeting a recommendation to ask for a higher reimbursement rate. Ms. Epstein said the issue has been ignored for so long and really needs to be focused on to get that reimbursement.

Gerardo Louis Gonzalez said that the healthcare industry is in a crisis. Disabled people like himself are really going to suffer in the long run. Mr. Louis Gonzalez said right now his mom is taking care of him, but she is 77 and should be retired already, but is still taking care of him.

Ms. Cooper said there is a difference between what the employers are reporting and what the workers are receiving. Workers cannot survive off \$11-12 per hour. There are many home care workers who cannot just do home care to survive. Workers know agencies have to have money to run their business. Just the pay alone with inflation, people need to be able to survive. Ms. Cooper said she works several jobs just to make ends meet and it is still not enough. Imagine if workers were paid enough for what they need. Ms. Cooper said home care is a passion for her and has been doing it since before her son was her client. Ms. Cooper said home care is something she loves but the bare minimum is \$15 an hour. Workers should be getting paid more, but \$15 is a start, and there needs to be push for more increases moving forward. It is important for the jobs in America and especially for the aging population doing this work. Home care is hard work, and it is hard to get people into homes. More people will work in home care if the pay rate is more. Ms. Cooper said \$15 per hour is not enough, but it is a start and could get people to take their jobs seriously and help people.

Ms. Schoen said people fear if the person giving care can no longer do the job, especially if they are family members, there is no one to replace them. What will the State be responsible for down the line when people cannot be cared for at home because there is nothing to attract people to home care work. Those individuals may end up in a facility or hospital with conditions they never should have to suffer through. Ms. Schoen said as the Board moves forward with recommendations, there is a need to remind the powers that be that there is a much higher fiscal risk involved if a solution is not figured out before the situation gets out of hand.

Ms. De Leon said to speak on behalf of the small business owners, the increase would be appreciated because after paying all required costs, there is not a lot of money left over. Ms. De Leon said she is excited that the fact that there may be an increase to a \$25 reimbursement, not so she can make more money, but so she can offer benefits to her employees and make caregiving a more interesting opportunity. Ms. De Leon said it is very important that the recommendation is followed through and is grateful for the opportunity.

Ms. Epstein said she agrees with Mr. Louis Gonzalez and Ms. Schoen, and that she does not understand how if Nevada wants to be in line with community-based services, how they have let this problem go on for so long without the proper reimbursements and without looking into the industry. Yet the State will take individuals in need of care and gladly put them in nursing facilities at a greater cost. Ms. Epstein said she does not understand that and is glad the Board is addressing these problems. Ms. Epstein said her greatest fear is what would happen to her son if

something happened to herself and who would care for him. Caregiving is a lot of responsibility for a care worker. It can be done, but they need to be compensated.

Ms. De Leon said she believes the situation is progressing because Helping Hands of Vegas Valley's reimbursement rates have increased to \$25, so it is a great sign the industry is moving in the right direction. Ms. De Leon said as far as Aging and Disability Services Division (ADSD), they are still reimbursing \$8 or \$10 for respite, which is below the amount that her agency pays out, so it is at a loss. Ms. De Leon says she believes it is a ripple effect and is very hopeful for progress.

Ms. Schoen said under other benefits listed, how she does not see how an employer can list a tuberculosis (TB) test as a benefit, as it is a requirement.

Ms. Samuels said that response was not listed by an employer, but by a worker. In the interest of transparency, all given responses are listed.

Chair Phinney said that person's TB test was paid for so they may have listed it as a benefit.

Ms. Cooper said people can get more benefits and work with less responsibilities in the fast-food industry. Some of the responses for benefits are just ridiculous. Home care workers worked during the pandemic and did not get personal protective equipment (PPE) gear. Ms. Cooper said she knows some agencies gave free PPE, but most workers did not receive any. There are a lot of other states that pay for these benefits and Nevada is so far behind. Ms. Cooper said all these benefits should already be available and it is sad the Board has to bring the topic up, but it is also vital to discuss. Not having benefits or even the simple things, especially with inflation, matters. The simple things or just recognition is important.

Ms. Abdul Rahim asked what "30 counts of 'None/Nothing'" meant on the other benefits listed slide.

Chair Phinney stated 30 people responded to the question saying they do not receive any benefits.

Ms. Epstein said the fact that payday loan diversion program is listed as a benefit says a lot. That is not a benefit.

Ms. Cooper said she interviewed with an agency that offered payday loan diversion as a benefit.

Ms. Epstein said she strongly believes that if home care is career path and a viable job, workers should be able to pay their bills.

Ms. Abdul Rahim said if workers would be paid more, they would not have to do a payday loan.



Ms. De Leon said she thinks payday loan diversion programs and payday advances are a benefit. Ms. De Leon said she made the decision to offer payday advance loans at her agency and a lot of people need money and loans, so she offers that as a benefit. There is no rule in the book saying she has to offer that. In the home care industry, it is a choice to become a caregiver and when someone makes that decision, they make it based on knowing the rate and what it includes. Ms. De Leon said she thinks it is beneficial to be able to get paid to care for their family member and do a service, however, knows it is a career choice as well. That is why the Board is here, it is not the agency's decision to give the amount they give. Agencies are here to fight for that, they agree with and stand together with the workers in the field to be appreciated and reimbursed more. The rates workers receive is not because agencies are trying to enslave them, agencies are doing the best of their ability. Ms. De Leon said agencies are trying to keep the business open and it is part of what is going on. That is why the Board is here today to fight through and conquer it together.

Ms. Schoen asked Ms. De Leon how many people utilize the payday loan diversion program at her agency, asking if it is a frequent thing because workers do not get paid enough or is it an infrequent thing for when workers come across a hardship.

Ms. De Leon said most of the time there are not a lot of people who use the payday advance benefit. Sometimes it is the same people, but of those who use it, most are usually due to a certain circumstance, not because they do not make a lot of money and cannot pay bills, but because a situation came up and they need an advance.

Chair Phinney said perhaps a benefit is in the eye of the recipient sometimes.

Ms. Epstein stated cultural diversity training was added as a worker expense.

Chair Phinney asked if the training was added as a requirement.

Ms. Epstein said she received a letter from her employer saying cultural diversity was a required training.

Chair Phinney asked if Ms. Epstein's employer is not paying for that training at this time.

Ms. Epstein said that is her understanding with the letter she received.

Chair Phinney asked if the worker expense slide showed things the employer paid for.

Ms. Samuels said the slide shows things the worker paid for out of pocket in 2021, so any new training expenses would not be reflected in the results.

Ms. Abdul Rahim said the survey shows home care workers need better communication about their rights and responsibilities from the agencies. The agencies should be held accountable. Ms. Abdul Rahim said the percent of workers not receiving paid overtime if unacceptable, everyone should be paid for their work. 75% of workers who care for multiple clients have not been told

their agency's mileage reimbursement policy and that is something that needs to be fixed. Ms. Abdul Rahim said the Know Your Rights document is a good first step and the Board needs to make sure it gets out to every current worker and every future worker.

Ms. Cooper said the employer comments make it clear that low rates and inflation are the issues. Many workers have to choose between making more money elsewhere or staying in homecare. The cost of living in through the roof, there is no way to work this job and be able to survive so other jobs are winning home care workers over. Ms. Cooper said these other jobs offer a lot of things and is why rates need to go up to get more people in who want to work in home care. There are a lot of passionate people, but they cannot live off the wages workers are getting paid. The field will probably lose more people if wages and rates do not go up.

Ms. Epstein said this is why the Board is so important and the work being done is so important. The necessity that everyone works together, employers, the State, employees, and clients, that they all work together to solve the problem.

Ms. Wagner agreed with Ms. Epstein and said that though at the last meeting the Board decided on \$15 per hour minimum wage for home care workers, she pays her caregiver \$28 per hour. Ms. Wagner said she thinks it will be difficult to get the \$15 through the legislature, but it has to start somewhere. Ms. Wagner said she knows the legislators and is hopeful it will pass, and that she does not think the \$15 is sufficient, but it is a start.

Ms. Schoen agreed with Ms. Wagner in that she felt the Board should go higher than \$15 an hour. Ms. Schoen said the Board asked for \$15, when home care workers really need \$20-25 to compete and exist. The Board wants to demonstrate to the lawmakers that home care is a valuable and important profession to fund. Ms. Schoen said she thinks the Board sold home care workers short with the \$15 and if it is going to be difficult to get the \$15 in the Legislature, the Board should have asked for \$20 or \$25.

Ms. Epstein agreed with Ms. Schoen and Ms. Wager and that the Board is dealing with people and there is a level of responsibility with the job that she thinks is not getting the proper respect.

Mr. Louis Gonzalez said that aiming at \$15 will be a good start but with inflation and living cost rising, \$15 in a year or two is going to be like \$11 now.

Ms. Cooper said people are asking for three-times the amount of rent now and that home care workers are barely making rent. Ms. Cooper asked if it is too late to go back and raise the home care worker minimum wage amount. \$15 today is not enough.

Ms. Wagner said the Board should not go back to change their recommendation. Ms. Wagner said she thinks \$15 is too low, but that the Board should stick with it in the next session of the Legislature.

Ms. Epstein agreed with Ms. Wagner and encouraged the Board to work together and work hard to get the recommendation past the Legislature because it will be a task.

Ms. Samuels said that in addition to the recommendation on rates and wages that was passed last meeting, the end of year report to the Director will also include excerpts from the meeting showing the overwhelming support for more than \$15 an hour in the future, though we are currently pursuing the \$15 minimum wage.

Chair Phinney asked the Board to think about the survey results and future agenda items, and to think about how they want to frame those as recommendations to the Director for the things he has control of to be changed.

Ms. Samuels said if anyone is interested in the entirety of the survey results, as the presentation was the highlights of both the [employer](#) and [worker](#) surveys, those are available on the HCESB website under the materials for this meeting.

**Agenda Item 7: Possible Action Item – Discussion and possible recommendation to the Director of DHHS to distribute a Know Your Rights bulleting to home care workers**

**Cody Phinney, Deputy Administrator, Division of Public and Behavioral Health**

Chair Phinney said Ms. Samuels and herself have spent considerable time with the Know Your Rights document. Chair Phinney said she has met with staff at the Labor Commissioner's Office and the Labor Commissioner is vacant. The Department of Health and Human Services (DHHS) is not experts on labor law. Chair Phinney proposed that the Board postpone further action on the Know Your Rights bulletin. Chair Phinney said she has been told a New Labor Commissioner is about to be appointed and would very much like to have their office review and approve the document since it is a matter of labor law, not of health law. Where DHHS is the authority and expert on health law, Chair Phinney is not as comfortable taking responsibility for the labor documents. Chair Phinney said she would like the Board to consider postponing further movement on the item until a Labor Commissioner is appointed, saying she tried very hard to get information or assistance from the Labor Commissioner's Office, but without an official Labor Commissioner, it is very difficult.

Ms. Schoen made a motion to postpone the decisions on this topic until there is a Labor Commissioner.

Ms Wagner seconded the motion.

The motion passed unanimously.

Chair Phinney said Ms. Samuels and herself will continue work with the Labor Commissioner's Office as soon as there is an appointment.

**Agenda Item 8: Informational Item – Discussion to extend the activities of HCESB for a subsequent year and authority detailed in Nevada Revised Statute (NRS) 608**

**Pierron Tackes, Deputy Attorney General, Division of Public and Behavioral Health**

Ms. Tackes said she was asked to provide information about the statutory authority of this board to recommend an extension beyond the current term or what the statutory language speaks to as to the term of this body. The way it is created in statute is that everything is set out from a year. The creation of this board has been referred to in Senate Bill (SB) 340, however it has been codified into statute, so the same language that was in SB 340 is now in NRS 608. To the extend individuals are looking for that language again, they can either look up that bill language or look up on the legislature web page NRS chapter 608. Now that it is codified, NRS 608.640 is the provision which sets forth what the Home Care Employment Standards Board is authorized to do and obligated to do. One of those obligations is to provide a report to the Director of its findings and recommendations not later than one year after its first meeting. The term of the Board is from that first meeting after the creation to one year when that report is submitted. That is to say that the statute did not create this board as something that is going on in perpetuity, but to the extent that there is an additional need for this board after this present year, there are a couple ways that board can continue or be reappointed or recreated. It is the same way that this current board was created. That can happen if the Director determines that it is necessary or upon a petition of 50 or more home care employees. When the Board is thinking about making a recommendation to extend it, that would be within the authority of this board to include in the recommendations to the Director. Ms. Tackes said that because the Home Care Employment Standards Board is authorized to conduct an investigation into matters regarding the wages and working conditions of home care employees and conduct an investigation into as much, extending the board may be a recommendation that the Board wants to postpone until later this year when some of that investigation has been done. Ms. Tackes said it is up to the Board whether they want to include it in their recommendations, and she thinks it is something that the Board has the authority to include in their recommendations, but they are charged with looking at much more than that. It may be too early at this point to decide whether this board has a need to move beyond the recommendations of this year or not, but it is up to the Board to decide.

Ms. De Leon asked when the Board is scheduled to come to the one-year end.

Chair Phinney said she believes that date is in December but would have to check the records.

Ms. De Leon said the Board clearly needs to continue and asked that to do so the Director would determine whether or not there is a need, or 50 workers needed to submit a request.

Ms. Tackes said that in NRS 608.610 it says the Director can create it on his own or it has to be created where there has been a petition of 50 or more home care employees.

Ms. De Leon asked if there is a recommendation or suggestion on when the Board should start the process to recommend continuing the Board.

Chair Phinney said the Board has a schedule of each of the topics that are in that bill that is now been codified in NRS 608. Each month the Board works on one of those topics and that

information that Ms. Samuels presented is the framework of the report to the Director, and the Board also has a running list of the recommendations that have already been made because the Director's Office has asked that they come after each meeting. Chair Phinney said staff can make sure Ms. De Leon has all that information. There is a schedule about how the Board is going to get the required report done by December, because the law states the Board must produce the report with the recommendations by December. Chair Phinney said what she believes she hears Ms. Tackes saying is that the Board can include in those recommendations the continuation if the Board feels that is necessary. The Board cannot restart HCESB, the Director's Office would have to do that. Or based on a petition of another 50 workers, which is a process that happened last October.

Ms. Epstein said she would like HCESB to postpone a decision on the topic until after the report or until closer to seeing the final report. Ms. Epstein said she has no objection to extending the Board but thinks the decision can be postponed. Ms. Epstein said she thinks getting the recommendations passed through the Legislature is going to take a lot of work and teamwork.

Ms. Samuels said the Board is scheduled to review the initial draft of the end of year report to the Director in October, then November will be the approval of the final draft of the report. Ms. Samuels suggested that the topic is revisited in that October meeting to possibly include in the final report for approval.

Ms. Wagner agreed with Ms. Samuels' suggestion.

Ms. Cooper said she thinks the fight is going to be very hard and it will take the workers and employers working together, and that extending the Board might be a distraction. Ms. Cooper said she believes the Board should postpone a decision until all the reports are in.

Ms. Schoen thanked staff for including this agenda item and said she had suggested it to see if there was an appetite for extending the Board. The legislative session will hopefully end on time, but sometimes goes a little late. There is work to be done, there needs to be some accountability for the recommendations the Board does make and does not mean the Board has to meet as frequently as it has been. The Board could recess until the end of the legislative session. If the Board is disbanded, then the process starts all over again with applications and getting a group together. Whereas if there is an extension, at least there is already a framework involved. Ms. Schoen agreed that the Board should not be deciding right now.

#### **Agenda Item 9: Possible Action Item – Recommendations for future agenda items.**

Chair Phinney asked if there is interest in respite care rates as a future agenda item and if there is somebody the Board would like to hear from for an informational presentation about respite care rates.

Ms. Schoen said the Board should talk about this topic. When looking at 50% of home care workers being family members, there are not a lot of respite workers. In Northern Nevada, there is not a whole lot of respite available. Ms. Schoen said she is in Oregon caring for family and had to pay someone twice what she earns as a caregiver to be with her family when they needed

her. These are the types of things that families have to make choices about and they are difficult choices when there is not an emergency respite program. Ms. Schoen said agencies can apply for emergency respite dollars so families are not having to choose either care for one family member or be present during an emergency for another family member who lives further away, or even does not, just so they can take care of family things. Ms. Schoen said she would like to add something about adding respite as part of personal care services.

Chair Phinney said she will need to gather more information on respite since she does not work on it a great deal.

Ms. Schoen said she will email Chair Phinney and Ms. Samuels on how a recommendation would look like for respite.

Ms. Epstein said she would also like to explore respite.

Ms. De Leon said the Board could invite someone from Aging and Disability Services Division (ADSD) to come speak to the Board because they award a lot of respite hours.

Ms. Samuels announced the Subcommittee on Systemic Racism and Economic Injustice will meet Tuesday August 2<sup>nd</sup> at 1:00pm and the Board will receive notification of that meeting shortly after this meeting or tomorrow morning, which will also be available on the HCESB website.

Ms. Cooper asked if the subcommittee was only open to board members.

Chair Phinney said it is a public meeting and anyone can come. Chair Phinney recommended those not on the subcommittee board who wish to come to prepare their comments and give them at the first public comment section.

### **General Public Comment**

Carol Matrón introduced herself from Las Vegas and said there is a Nevada Lifespan Respite Care Coalition whose executive director is Cheryl Donnell who is in Reno. Ms. Matrón said on the ADSD website is her contact information.

### **Adjournment – Cody Phinney, Chair Designee**

**Meeting Adjourned at 4:00 p.m.**