



Minutes

HOME CARE EMPLOYMENT STANDARDS BOARD

January 27th, 2022

2:00 p.m.

MEETING LOCATIONS:

Per AB253 (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.

1. Call to order – Cody Phinney, Chair

2. Roll Call – Isabelle Eckert, Administrative Assistant

BOARD MEMBERS PRESENT:

Cody Phinney, Chair (Online)
Shannon Chambers, Labor Commissioner (Online)
Safiyah Abdul Rahim, (Online)
Michael L. DiAsio, M.D. (Online and Phone)
Barbara Carter, (Online)
Robert P. Crockett, (Online)
Farren Epstein, (Online)
Gerardo Louis Gonzalez, (Online)
Maxine Hartranft, (Online)
Stephanie Schoen, (Online)
Sue Wagner, (Online)

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

Paul Shubert, Bureau Chief, Bureau of Health Care Quality and Compliance (BHCQC); Nathan Orme – BHCQC, Tammy Carney, Administrative Assistant IV – BHCQC, Isabelle Eckert, Administrative Assistant III, Division of Public and Behavioral Health (DPBH)

OTHERS PRESENT:

Pierron Tackes, Attorney General's Office

Cody Phinney opened the meeting at 2:00 p.m.

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

Cody Phinney opened by stating this was second meeting of the board. The board was created by Senate Bill (SB) 340 in the 81st legislative session and there were requirements in the bill that required the board to meet before the end of last year, 2021.

There was not a full quorum last meeting on December 30th, 2021, so today's meeting is the first ability to start board business. Ms. Phinney said there is a presentation of preliminary investigation, as is outlined in SB340 from Shannon Chambers, Nevada State Labor Commissioner.

The board will be moving into the next phase of the work laid out in this bill. The Board's investigation of working conditions and wages related to home care will be discussed when the next agenda is determined. The board has broad authority to investigate those issues. By December 31, 2022, the board needs to have a report of recommendations prepared for the Director of the Departments of Health and Human Services (DHHS). Ms. Phinney stated that she looks forward to robust discussion among board members. Board members consist of employers, employees, and recipients of home care in addition to representatives from DHHS and the Labor Commission. Ms. Phinney then said there can be public comment, indicated this was a public meeting, anyone interested in making public comment may do so, and then the board may consider acting on public comments that are brought up today in the next agenda.

General Public Comment

Tess Opferman, Service Employees International Union (SEIU) Local 1107, congratulated members of the board on their appointment and thanked them for their willingness to serve. Ms. Opferman thanked Director Whitley and the staff at DHHS as well as Commissioner Chambers for their work throughout the last legislative session and this past fall to get SB340 passed, and the Home Care Employment Standards Board up and running. She is looking forward to working with the board on making much needed improvements to home care in Nevada, that they feel will benefit all parties: employers, employees, and consumers. Ms. Opferman said that the report submitted by Labor Commissioner Chambers was very helpful and highlighted several points home care employees have expressed. Paid time off (PTO) is something many workers have brought up and it seems some of them may not be receiving PTO or mileage reimbursements as required by law. She looked forward to the presentation and hoped some of these questions could be answered. Ms. Opferman thanked DHHS for their swift action on the \$500 bonus checks that will go out to workers this spring and looks forward to future discussions surrounding the 15% rate increase that was approved by Centers for Medicare and Medicaid Services (CMS). She feels this can be an additional solution to some of the concerns raised and something the board will be able to discuss at upcoming meetings.

Shanieka Cooper, a home care worker for over 15 years, said she was excited to be part of this historic moment, and this is a major step forward in the movement or transformation for this industry. The meeting is especially meaningful for her because she went to Carson City to speak with legislators to pass SB340, which created this board. Home care workers have always been essential during this pandemic and have become even more crucial for the well-being of their clients. Ms. Cooper said they have been putting their lives on the line for their families and lives of seniors and people with disabilities who depend on them so they can live healthy, safely and with dignity. Ms. Cooper said they allow their clients to remain in their homes, communities demand for home care services have skyrocketed as the baby-boomers age, and there is a crisis level workforce shortage due to poverty wages and shameful lack of benefits for workers. She makes \$12.00 per hour and worries

constantly about being behind on her utilities. This Board has come together at the right time to make fundamental changes that are desperately needed. Through this board, everyone can work collaboratively towards urgent standards including fair wages, affordable healthcare, paid sick time, and mileage reimbursement. Home care workers need to be able to feed their families so they can stay in this profession that they desperately love and be there for their clients. She is looking forward to the ground-breaking work that lies ahead for this board and thanked the members for this effort.

Grace Vergara-Mactal, Executive Director, SEIU Local 1107, congratulated the members of the board for their appointment to the board and said the tasks as board members is incredibly important. The responsibility assumed will impact the lives of many people. The work may get difficult, but she knows if everyone approaches this work with the best of intentions, significant improvements can be made to the home care industry. Ms. Vergara-Mactal also wanted to thank the many health care workers, some of whom are at the meeting, who spent much of 2021 fighting for the passage of SB340. You fought for a voice and the right to control your own destiny. She said today is the first day we see the results of that work and is sure it will not be the last. SB340 was passed with the intention of providing workers, consumers, employers, and state officials the opportunity to work together to resolve the issues we face in providing the citizens of Nevada quality home care services. It is also important to note that the board is constructed to provide an equal voice for all members of the board. It is important to approach this work with the understanding of quality in mind. Far too often, home care workers and their clients do not feel as if they are treated as equal partners in the decisions that impact their lives. The board should be the place where we value the experience of everyone who participates and lend a voice to those who have often been left out of the decision-making process and she is very excited to see his process begin. Ms. Vergara-Mactal again thanked all the board members for creating the time for the board and for making the commitment to make this work.

Agenda Item 3: Informational Item – Introduction to Nevada State Open Meeting Laws

Pierron Tackes, Deputy Attorney General (DAG), Division of Public and Behavioral Health (DPBH) Attorney General's Office

Ms. Tackes is the DAG that staffs this board. To the extent that board members have any questions that arise relating to their position on the board, please feel free to reach out. Ms. Tackes gave a presentation on the relevant provisions of law that apply to the board. The report is attached hereto as Exhibit "Introduction to Nevada State Open Meeting Laws." Ms. Tackes encourages everyone to look at the training that the attorney general's office has put together, it is posted online. The link is provided:
https://ag.nv.gov/Hot_Topics/Training_Materials.

Ms. Phinney requested Ms. Tackes give a definition or example of substantial pecuniary interest. Ms. Tackes said this would be a significant financial benefit in a private capacity. An example was if a board member, in a private capacity, owned a business that would be directly affected by an action of the board. Contracts is another time that this could apply.

Stephanie Schoen questioned how the board will move forward when voting members would be asked to determine what future pay might look like. This seems to her, a violation of the substantial pecuniary interest piece. She questioned if this would have to be disclosed at each meeting or if it would just be understood that board members will not have to abstain when those decisions come up. Ms. Tackes replied that this body was created to investigate the field of home care employment. The recommendations that this body makes to the director of DHHS are going to apply to all home care standard or broad categories, so of course this body is comprised of people that are representatives from the field. That is not a conflict just because of the nature of the composition. Safiyyah Abdul Rahim inquired about the board's budget. Ms. Tackes replied that this board

was created in statute and a budget was not included. Ms. Phinney clarified that state employment positions were created in the bill that will help with the work of the committee, such as investigations, writing recommendations, etc.

Robert Crockett asked Ms. Phinney if the board came up with reasons that extra funds were needed, could she look for that? Ms. Phinney said that they could, if the board had a recommendation that required funding, they could look in grants or in the next legislative session. Mr. Crockett asked if once the board comes up with their recommendations and presents to the director, does the board sunset or is there an opportunity to extend the board? Ms. Tackes indicated she would research that and give an answer before the end of the meeting.

Nathan Orme asked Ms. Tackes to address the ability of the board to take action on items not on the agenda. Ms. Tackes said that during an open meeting of a public body, one of the requirements of the open meeting law is posting an agenda three days prior to the meeting. A meeting can only be held once proper notice is given which includes a specific agenda of what items are going to be addressed. Ms. Tackes does assist staff in editing agendas to make sure they are worded in a way that this body can act efficiently. It needs to be so specific that it puts the public on notice of what is being discussed, however you don't want it to be so specific that the board is pigeonholed into only taking one action. You can only discuss what is on the agenda. Future agenda items are things that the board would like to discuss at the next meeting and that would be an opportunity to bring things to the board's attention to consider.

Board Member Introductions:

Cody Phinney – Native Nevadan who has lived in Las Vegas and Reno, is originally from Tonopah, and has been with DHHS for 24 years. Currently Ms. Phinney is Deputy Administrator with the Division of Public and Behavioral Health (DPBH) and most of her job focuses on regulatory and planning services. In addition to that, assisting with this committee. One of the bureaus that she oversees, licenses personal care agencies and Ms. Phinney is not a voting member.

Shannon Chambers, Nevada Labor Commissioner – In this position since 2014. Ms. Chambers is responsible for enforcing minimum wage, certain working requirements such as breaks, lunches, paid leave, and other record keeping requirements for employers in the State of Nevada. Voting member.

Safiyyah AbdulRahim – SEIU 1107 – working for home care industry for six years and has lived in Nevada for 10 years. Ms. AbdulRahim is a voting member.

Michael DiAsio – Visiting Angels Living Assistance Services. Mr. DiAsio is a voting member.

Barbara Carter – Caregiver, has been taking care of her daughter with disabilities and is thankful to be on the board to help and to make a difference. Ms. Carter is a voting member.

Robert Crockett – Advanced Personal Care Solutions, has been doing personal care in Clark County since 2003/2004 that does Medicaid only, no private pay. Mr. Crockett is a voting member.

Farren Epstein – Employee/personal care attendant for her adult son for about 15 years. Ms. Epstein's son was born with a severe disability, and over the years his health has not improved, gotten worse. Ms. Epstein is excited to help bring solutions to this industry and feels like she plays a dual role, not just as an employee, but also as a consumer. Ms. Epstein worries about this industry and who will be able to step in and take her place and take care of her son. Ms. Epstein is a voting member.

Gerardo Gonzales – Not a caregiver and has not worked in this industry. Mr. Gonzalez is a client whose mom is his caregiver, does a lot of heavy work and is starting to experience back pain from lifting and transferring clients.

Mr. Gonzalez’s dad passed away in 2018. Mr. Gonzalez was in an accident in December 2000, which resulted in his mom becoming his caregiver joined the board to see if people like his mom can get a better wage, more benefits, and improvements in this industry. Mom was in an accident in 2020 and when she came home from the hospital, there were people coming to take care of her and they noticed she was his caregiver, and no one was taking care of him. Mr. Gonzalez was taken to the hospital for about a month and when he came home, people came to take care of him. Caregivers were nice and knew how to do their job. Mr. Gonzalez is a voting member.

Maxine Hartranft – Represents Consumer Direct Care Network, a personal care agency, and has worked for them since 2013. The agency has been serving Medicaid recipients, no private pay, for residents in Nevada since 2003 with physical locations in both Reno and Las Vegas but provide services throughout the entire state. Ms. Hartranft is a voting member.

Stephanie Schoen – Nevadan since 1966 and has gone through all of the school systems, served on different advocacy councils, and has been an occupational therapist for about 26 years. Ms. Schoen has not been able to practice her field because she is the caregiver for her daughter, who is extremely medical complex and lived in a nursing home for a period of time until the nursing home closed. Ms. Schoen brought her daughter home in 1998, provides ICU level care for her daughter and works for Consumer Direct Care Network. Ms. Schoen is a voting member.

Sue Wagner – Consumer, was previously a public official in the Assembly, the Senate, and former Lieutenant Governor. In 1990 was in a plane crash while campaigning for Lt. Governor resulting in becoming semi disabled and in need of a caregiver. Ms. Wagner is a voting member.

Agenda Item 4: Informational Item – Presentation of Preliminary Investigation by the Labor Commissioner

Shannon Chambers – Nevada Labor Commissioner

Ms. Chambers gave a presentation of her preliminary investigation including what the current laws are and where board might be going. The bigger issues presented were paid leave, paid time, and paid mileage for training. The Nevada Labor Commissioner does not have authority over health and safety issues, and does not enforce Division of Industrial Relations laws, or Occupational Safety and Health Administration (OSHA) requirements. Preliminary Investigation by the Labor Commissioner is attached hereto as Exhibit “Letter.”

The Labor Commissioner does not have authority over Medicaid reimbursement. There were no specific companies identified in what was presented to the Labor Commissioner.

Minimum wage is currently set to go up to \$12.00 per hour in 2024. It is currently at \$8.75 if you are offered health insurance and \$9.75 if you are not. That will go up \$1.00 each year until 2024.

Assembly Joint Resolution 10 that is on the ballot in 2022 would raise the minimum wage up to \$12.00 per hour effective July 2024. There would be no distinction if you were offered health insurance or not.

Ms. Chambers presented employee wage data from the Department of Employment, Training and Rehabilitation (DETR) from 2019. An entry level wage in Nevada in 2019 averaged \$10.69 per hour while the median wage averaged \$17.51 per hour.

The job market has suffered due to COVID, not just in the home care industry, but in other industries as well. Unemployment, depending on where you are in Nevada can be anywhere from 2% to 6%. Ms. Chambers has heard reports from employers across all industries including employers in construction and warehousing, who are offering \$20.00-\$22.00 per hour that cannot find employees.

The cost of housing, childcare, and transportation factor into the decision as to whether it is economical to drive 60 miles per day and take a job that pays \$12.00 per hour. A living wage is not an issue that is just affecting the home care industry, it impacts most industries.

Ms. Chambers advised that her role is to provide data that the board needs to make an informed decision going forward. In the preliminary findings presented, there is a list of 291 personal care associations. Some of them are Medicaid, some are not. Ms. Chambers asked that the board be more specific in what they want her to look for. Ms. Chambers can't find general violations against every personal care association unless she has specifics. She knows that sometimes there is a hesitancy to name a specific agency or individual employer, but it needs to be clarified what the labor commissioner really needs to look at. Ms. Chambers suggested that if this board wants to ask for subsidies for training, mileage, and potential certificate programs, if she could have that kind of data and what the board might need, she can then ask from either the Governor's Office or the Legislature if necessary. While the board does have authority to look at these issues, the Labor Commissioner already has existing authority that if someone is not being paid, getting paid leave, or not getting mileage, that can be reported to the Labor Commissioner already.

Ms. Phinney clarified that Ms. Chambers was describing the difference between the individual actions that the Labor Commissioner currently has authority to address and the more systemic recommendations that the board might be working on and looking for data to support. Ms. Phinney is looking to identify data and information, particularly in agenda item 8, when talking about future agenda items and how often these items will need to be discussed to have coherent recommendations for the DHHS Director.

Robert Crockett asked Ms. Chambers how many agencies under 50 employees there were. Paul Shubert, Bureau Chief with Health Care Quality and Compliance replied that they do not collect data regarding the number of employees that an agency has stated that it might be possible to send out a questionnaire or survey to facilities to collect the data.

Mr. Crockett suggested looking at employee quarterly reports sent to Department of Taxation for that license. Paid time off is important but does not address the issue that most agencies don't have accrued paid time off. He also said that maybe the question should be "why isn't the state requiring employers to have paid time off?"

Ms. Phinney stated that one piece of information that would be helpful, is data on how many agencies meet the bar of more than 50 employees, triggering the requirement for paid time off.

Ms. Chambers advised it was not just the 50 employees, and there were other exceptions in the paid leave law. Such as, if you are a new business in the past two years, if you already had a paid leave policy prior to January 1, 2020, that met the minimum the law does not apply.

Ms. Phinney stated there were discussions regarding sending out a survey and establishing a subcommittee but recommended attempting to get the data from the State first.

Safiyyah AbdulRahim asked what the process is for workers who wish to file a complaint. Ms. Chambers replied that workers would file a complaint online that could be related to a wage complaint or general complaint. The complaint is assigned to an investigator. The worker would be asked to provide documentation to support their claim. Since the Labor Commission is a public agency, they don't have any type of anonymous complaint process. That would require a statutory change. Currently, complaints will not be anonymous; however, they do what they can to protect the employee. There is a specific statute that says employers can not retaliate against employees.

Gerardo Gonzalez said the way he interpreted what was said is that if an agency is new and more than 50 employees, they are exempt from the paid leave law. He also asked what is to prevent a company that has 100 employees from dividing into two different companies to avoid paying benefits. Ms. Chambers responded if you are truly a new company, the law says under 50 employees, the first two years of operations, paid leave does not apply. If you are an existing company in Nevada with the same management, and same operations, the labor commissioner has always interpreted that paid leave applies regardless of how the business is set up. The Labor Commissioner's office has always tried to advise businesses to offer paid leave.

Stephanie Schoen stated that paid leave may be one of the ways to retain employees and expressed concerns about the lack of confidentiality for employees filing complaints against their employers. Ms. Schoen asked if there was an enforcement mechanism for retaliation against employees. Ms. Chambers replied that there is a law that any complaint is public, but the employee cannot be retaliated against under the Labor Commissioner. The Nevada Equal Rights Commission has authority over retaliation, discrimination, and whistleblowing. Currently the Labor Commissioner enforces the wage side of complaints, and the equal rights commission enforces the retaliation side of complaints.

Safiyyah AbdulRahim asked if receipts need to be provided for things like gas mileage to and from client locations and training classes? Ms. Phinney replied that if employees are filing a complaint against their employer, then Ms. Chambers may want documentation regarding that complaint. The board will be coming up with system wide recommendations and would not need receipts. The board would be looking at which agencies do provide those types of benefits.

Ms. Phinney said clarification on the requirements regarding agencies paying for training might be beneficial and can be discussed at the next meeting since it is not on this meeting agenda.

Agenda Item 5: Informational Item – Report from the Bureau of Health Care Quality and Compliance (BHCQC) regarding the home care agencies that have closed - Paul Shubert, Bureau Chief

Mr. Shubert stated that the information presented would not explain why the personal care agencies (PCAs) closed. The data presented was from January 2020 through December 2021. There were 23 PCAs that closed. Additionally, within that same period, 43 new agencies were opened resulting in a net growth over the same period.

Farren Epstein asked if that data indicated which facilities were Medicaid and which were private pay. Mr. Shubert replied that BHCQC does not have that data, but Medicaid should be able to provide that data. Mr. Shubert and Ms. Phinney indicated they would try and get that data for the next meeting.

Robert Crockett asked if in addition to the Medicaid providers, if the board could also get the aged waived, disabled waiver passed, Jewish Family Services data as well. Mr. Crockett felt that people were getting out of

the waivers. Ms. Phinney replied that they would work with Medicaid and Aging and Disability Services (ADSD) for that information.

Safiyyah AbdulRahim asked if there was any way to know if the agencies that have closed have reopened under a different name? Mr. Shubert replied that there is information on the application on who the owner of the facility is. If the owner is a sole proprietor, it is easy to find a match if that sole proprietor closed one facility and opened another. On the other hand, if the business owner is an LLC or Corporation, that information is not as easily identifiable.

Maxine Hartranft asked if there was any data available on location of where the agencies are opening and closing? Mr. Shubert replied that data is available.

Stephanie Schoen asked if there was any data available on how many agencies closed due to bankruptcy. Mr. Shubert replied that BHCQC does not have the mechanism to collect that information. The only way to have that information is if BHCQC were a party to the notice of bankruptcy. There have been instances where the license is held within a company, they may need to put that licensure as part of the bankruptcy process, then we would be notified. Ms. Phinney confirmed that she was not aware of any way to obtain that information. Ms. Chambers stated they deal with this issue in their office with businesses closing. There is no common method to determine who has filed for bankruptcy. Mr. Crockett indicated that they hear of agencies that are having problems from caregivers or clients.

Agenda Item 6: Informational Item – Presentation of Frequently Asked Questions (FAQ) related to the American Rescue Plan funds available to home care workers - Division of Health Care Finance and Policy (DHCFP), Kirsten Coulombe, Chief, Long Term Services and Support, Nevada Medicaid

Ms. Coulombe indicated that she would be working with Mr. Shubert on the follow-up items regarding providers. The American Rescue Plan Act (ARPA) gave enhanced Medicaid funding to improve services that are provided for home and community-based services. One of those initiatives was a result of feedback received during a public listening session prior to submitting the spending plan to CMS.

To say thank you to home care workers for being on the front lines during COVID-19 with Medicaid recipients, home care workers will get \$500 for services that were rendered, for workers that rendered care. There were time frame requirements to getting that payment. A worker had to be employed by November 1, 2021. An application process has been opened for the agencies to apply since there is not a direct relationship with the caregiver to issue payment directly. The application period opened December 15, 2021, and closed January 14, 2022, and applications are currently being reviewed. The goal is to issue payments in March 2022, after state legislative approval is received.

Farren Epstein asked what the options were for home care workers if the agency does not apply for the \$500. Ms. Coulombe replied that the hope was most, if not all agencies enrolled with Nevada Medicaid, would apply on behalf of their workers, and explained that there is no legislative authority that agencies must apply, there are some administrative costs associated with the agency regarding their payroll system, and that care givers would not receive the payment if their agency did not apply.

Ms. Epstein followed up asking if it was known how many agencies did not apply. Gina Callister, Supplemental Reimbursement Unit with DHCFP, replied that DHCFP has a list of 215 PCS/PCA agencies enrolled in Nevada and 150 applications have been received, which covers about 4,000 workers in Nevada. A question was asked if the payment only applied to Medicaid providers. Gina replied with yes.

Safiyyah Abdul Rahim asked why it was not made mandatory for agencies to apply and why all home care workers were not getting the payment? Ms. Abdul Rahim asked why the payment was set up for two \$500 payments instead of one payment of \$1,000 and why is it a contingency payment? She felt it should be received as hazard pay for all home care workers and asked if the payments were going to be taxed. Ms. Coulombe replied that it is temporary through the American Rescue Plan and in government, legislative authority is required. The opportunity for the funding does have time parameters for activity that began April 1, 2021, and could not have gone back any further.

Robert Crockett commented that there was not good guidance on whether this would be a taxable distribution to agencies. If the agency is going to be taxed, then the employee will also be taxed, getting a reduced amount because of the way the money was presented.

Mr. Crockett would like to see if the board has the authority to create a payment tier for future distribution. For example, if a care giver goes to three different agencies and started working in October, his understanding is that care giver would get \$1,500, whereas if one employee has worked at one agency for an extended period, would only get \$500.

Ms. Coulombe replied that DHCFP will be making some changes for the next distribution, and explained that funding is not unlimited, it is based on the expenditures for paid services, and money is tied to the services that have been rendered. If the board has specific recommendations, those would be welcomed for the next round of payments.

In consultation with the DAG, it was determined that DHCFP cannot give any type of tax advice. In the Medicaid world, the money is not a grant, it is a supplemental payment. There is another supplemental payment for a 15% increase that is concurrently being worked on for personal care agencies as well as a 14% supplemental payment for services rendered in the rural area.

Sue Wagner commented that she needed to leave the meeting and suggested changing the day to another day besides Thursday. Ms. Wagner requested a meeting link be sent the day of the meeting or the day before the meeting.

Michael DiAsio asked if the 15% supplemental increase was going to be distributed in March and would like to make sure this is on the agenda for February. Ms. Callister said they should have a FAQs document out regarding the 15% supplemental payment in the next week or so.

Robert Crockett asked if the supplemental payment to the agencies can be tied to the distribution of the \$500 to the caregivers. Ms. Coulombe replied, that can be investigated.

Safiyyah AbdulRahim asked if the \$500 payment was going to be taxed. Ms. Coulombe again indicated that they cannot give tax advice.

Farren Epstein tried to clarify that the agencies as well as the caregivers would be taxed on the \$500 payment. Ms. Coulombe replied that the provider application has an attestation that the provider will pass on the full amount of the \$500 to the care giver, with the expectation that the care giver will receive the full \$500.

Agenda Item 7: Action Item – Proposal of future meeting dates

Cody Phinney stated that board is required to meet at least quarterly. She has concerns about completing recommendations if only meeting quarterly.

Stephanie Schoen suggested meeting monthly. Gerardo Gonzales and Farren Epstein agreed.

Ms. Schoen made a motion that the Home Care Employment Standards Board should begin meeting monthly until such time the topic needs to be revisited. Safiyya AbdulRahim seconded the motion. Motion carried.

Ms. Phinney proposed the next meeting be Wednesday February 23, 2022, at 2:00 pm. There was no objection.

Agenda Item 8: Action Item – Recommendations for future agenda items

- HCQC to attend to discuss further the turnover in PCAs.
- Discussion about PCA training – to allow personal care services to run in collaboration with and in addition to private duty nursing especially in the skilled by unskilled category
- Safety – to allow 2 care givers for some consumers.
- Effect on care recipients when wages and benefits are not sufficient to attract caregivers.
- DHCFP to attend and discuss the methodology for the distribution of the 15% supplemental payment to agencies to offset the cost of the \$500 payment to care givers.
- A presentation on both current and new training requirements including cultural competency by HCQC.
- Address the 8-hour day on a 24-hour rolling clock.

General Public Comment

Allan Ward, owner of Home Instead in northern Nevada stated that he has been in the industry for 16 years and applauded everyone for their participation and great dialogue, questions, and ideas. Mr. Ward stated that tracking the PCAs that have closed is going to be impossible, because usually what happens is they leave the Medicaid side and go to private pay because of the reimbursement and asked if Mr. Shubert could research and say how many PCAs in the last year have been cited and fined.

Rosita Love, home care worker for a military veteran asked the board to make sure all agencies apply for the \$500 supplemental payment and that workers do not have to pay taxes on those checks. Ms. Love has been a caregiver for a veteran since 2013 and explained that home care is very intimate work on both a physical and emotional level. The pandemic has been hard on many seniors and home care workers. They have risked their lives to keep their clients safe.

Ms. Love advised that recently she had to borrow money to pay for the cost of CPR certification. Her company made a mistake and said it was her TB shot. They paid for both because of the mistake. You must love what you do. Care givers need the \$500 and for it to be tax free.

Shanieka Cooper understands that not everything can be sorted out right away. PCAs were not considered essential when the pandemic first started. They risked their lives to make sure their clients were taken care of. Care givers consider clients family. Ms. Cooper lost three clients, her son ended up in the ICU, and she had to choose work and provide for her family or care for her son on life support. Ms. Cooper did not have PTO or sick time and did not qualify for unemployment. The agency did not send anyone to the three clients she lost to make sure they were ok. Ms. Cooper called the agency to let them know that the clients had passed.

Ms. Cooper asked what proof must be provided to get reimbursed for training, was concerned about outdated equipment used in training does not benefit clients.

Pierron Tackes, Deputy Attorney General responded to Mr. Crockett's question regarding whether the board sunsets at the end of the year after the board's recommendations. Ms. Tackes suggested including recommendations that would benefit the field if this body continued, you could recommend that as well.

Marlene Lockhard with SEIU 1107, wanted it on the record that workers petitioned, and presented Director Whitley with a petition from over 50 workers on October 5, 2021 and is encouraged by the robust discussion that occurred during this board meeting. This was the kind of discussion that was hoped could be had between employers, employees, care givers and recipients. Ms. Lockhard wanted to point out to the labor commissioner, Ms. Chambers, that when she compares the shortage that other occupations are having throughout Nevada, to consider the point is that home care is a critical, essential occupation.

Ms. Schoen put it perfectly when she asked what if these issues are not addressed, what happens to the recipient? Ms. Schoen stated that people are in danger when they do not receive the care. To have the dialogue to provide solutions and clarify paid time off, mileage reimbursement, etc., was the intent, is optimistic that Ms. Chambers, the labor commissioner, can be provided specifics and direct recommendations to Director Whitley and proposed legislative solutions where needed.

Adjournment – Cody Phinney, Chair

Chair, Cody Phinney reminded the board if any additional items need to be on future agendas, to email Isabelle Eckert, Administrative Assistant. Chair Phinney then adjourned the meeting.

Meeting Adjourned at 4:50 p.m.