

MINUTES

MEETING OF THE BOARD OF EXAMINERS

May 12, 2015

The Board of Examiners met on May 12, 2015, in the Guinn Room on the second floor of the Capitol Building, 101 N. Carson St., Carson City, Nevada, at 10:00 a.m. Present were:

Members:

Governor Brian Sandoval
Attorney General Adam Paul Laxalt
Secretary of State Barbara K. Cegavske
James R. Wells, Clerk

Others Present:

Kimberlee Tarter, Purchasing Division
Kat Miller, Department of Veterans Services
Rebecca Salazar, Victims of Crime Program
Scott Bartlett, Appellant
Laurie Olson, Department of Health and Human Services
Jennifer White, Department of Health and Human Services
Leah Lamborn, Division of Health Care, Financing and Policy
Steve Fisher, Division of Welfare and Supportive Services
Louise Bush, Child Support Enforcement Program
Priscilla Colegrove, Division of Child and Family Services
Amber Howell, Division of Child and Family Services
Traci Pearl, Department of Public Safety
Donna Lopez, Public Employees Benefits Program
Megan Sloan, Public Employees Benefits Program
Bruce Gilbert, Silver State Health Insurance Exchange

1. PUBLIC COMMENTS

Comments:

Governor: Good morning. Can you hear us in Carson City?

Secretary of State: Now we can. Now you can hear us.

Governor: Yes, we can hear you loud and clear. We'll commence the Board of Examiner's meeting. Agenda Item No. 1 is public comment. Is there any member of public here in Las Vegas that would like to provide comment to the Board? Is there anyone present who would like to provide public comment to the Board? Yes.

Unidentified Male Speaker: (Inaudible) specific cases later. I'd like to say something (inaudible).

Governor: Yes, as a member of the public, sir.

Unidentified Male Speaker: (Inaudible).

Governor: All right. Is there anyone present, good morning to everyone in Carson City, that would like to provide public comment to the Board?

Secretary of State: We don't see anybody, Governor.

Governor: All right, thank you.

Secretary of State: Is there anybody? Nope.

*2. FOR POSSIBLE ACTION – APPROVAL OF THE APRIL 14, 2015 BOARD OF EXAMINERS' MEETING MINUTES

Clerk's Recommendation: I recommend approval.

Motion By:

Seconded By:

Vote:

Comments:

Governor: We'll move to Agenda Item No. 2, approval of the April 14, 2015 Board of Examiners' Meeting Minutes. Have the members had an opportunity to review the minutes, and are there any changes?

Secretary of State: I have, Governor. I have.

Attorney General: I have, no changes.

Secretary of State: No changes, and I'll move for approval.

Attorney General: Second.

Governor: Thank you, Madam Secretary. Secretary of State has moved for approval of the April 14, 2015 minutes. The Attorney General has seconded the motion. Any questions or discussion on the motion? Hearing none, all in favor, please, say aye.

Secretary of State: Aye.

Attorney General: Aye.

Governor: Aye. Motion passes 3-0.

***3. FOR POSSIBLE ACTION – AUTHORIZATION TO CONTRACT WITH A CURRENT AND/OR FORMER EMPLOYEE**

A. Department of Administration – Purchasing Division

Pursuant to NRS 333.705, the Department of Administration, Purchasing Division requests authority to contract with a current College of Southern Nevada, Lead Faculty to provide in person, sign language translation and interpretive services for deaf and hard-of-hearing persons.

****This request relates to MSA #11 on this agenda****

Clerk's Recommendation: I recommend approval.

Motion By: _____ **Seconded By:** _____ **Vote:** _____

Comments:

B. Department of Health and Human Services – Aging and Disability Services Division

Pursuant to NRS 333.705, the Department of Health and Human Services, Aging and Disability Services Division requests authority to contract with a current University of Nevada, Reno Research Assistant and a former University of Nevada, Las Vegas Research Assistant in support of the Autism Treatment Assistance Program to assist families in accessing evidence-based behavior therapy for children with Autism Spectrum Disorder. Additionally, the contracted employees would be providing service coordination, completing home visits, and working with contracted providers to ensure treatment is being implemented.

Clerk's Recommendation: I recommend approval.

Motion By: _____ **Seconded By:** _____ **Vote:** _____

Comments:

Governor: We will move to Agenda Item No. 3, Authorization to Contract with a Current and/or Former Employee. Good morning, Mr. Wells.

Clerk: Good morning, Governor. Thank you very much. Agenda Item No. 3, Request to Contract with Current or Former Employees, No. A, the employee owns the company that is proposed to be awarded a master services agreement contract for providing sign language translation. The employee owns the company, but does not necessarily provide the services. No. B or Letter B is for two contracts with research assistance, one current and one former, who provides services for the Aging and Disability Division's Autism Treatment Assistance Program. The former employee in Item B is not a retiree, and is not receiving a pension distribution. She was a former research assistant at the university. There are representatives that are available for the agencies if there are additional questions regarding this item.

Governor: The only other comment that I would make, at least in our packet, is that with regard to the first item, the individual that owns that business works at night at CSN, so there wouldn't be any conflict, at least with regard to performance of duties as well. Is that correct, Mr. Wells?

Clerk: That is my understanding, yes.

Governor: All right. I have no questions. Board members, do you have any questions?

Secretary of State: Governor, this is Barbara Cegavske, yes, I do. If I could have a representative come, I just have a couple questions.

Clerk: Which one?

Secretary of State: On A, I'm sorry. On A./

Governor: All right. Is there someone present?

Secretary of State: Okay, thank you. There is somebody here. My question is, this is an item that has been of concern over at the legislature, that Mr. Olson particularly is deaf and he has tried and attempted to come over to the legislature over the last several sessions and has had difficulty finding an interpreter for him to go in and meet with legislators or to testify. Is this going to -- and how much will this take care of that? Because I know that this has really been a concern for the deaf community trying to come and testify on behalf of their bills, or in opposition to a bill, but they've tried to be involved, and without being able to have an interpreter, they can't be involved.

Kimberlee Tarter: For the record, Kimberlee Tarter with the Purchasing Division. Hopefully, this will actually solve that problem. This has been an issue going on for several years now. There's been very few individuals. There hasn't been continuity within the service or the rates, or a place to easily locate those individuals that can provide this type of communication. So now, we have been doing this in concert with Health and Human Services.

We have an ongoing solicitation, so we were able to identify four companies. This will be something we'll continue to add to, as more become known to us. It has allowed us to make sure that there's -- again, the pricing is addressed so that it is consistent, that agencies that don't use it very often have a place they know they can find somebody in a timely manner. Agencies that use it regularly will be able to make sure they're getting billed a consistent rate so that they can do some budgeting and projections.

The legislature now will be able to go directly to our website, pick any one of those four companies or more as we add to it, and then be able to schedule an individual to be there. Knowing that you're getting somebody who is appropriate for the service you need that is certified, because there are different levels within the certification process and for different types of translation purposes. So all of that should be addressed and, yes, you're correct, there was a large hole there and that's exactly what we were trying to plug.

Secretary of State: Thank you very much for that. And if I might continue, Governor, just I know of Caroline Bass, and I'm really happy that she's the one that you have chosen. I think that's really good. And I'm thrilled to hear that she is actually teaching the class. I believe my question is, how many -- and this has been a concern over the years, how many classes are there at the community college? Is there anything at the university system? And are we getting more individuals to go in to signing for the individuals that need the assistance, not only just at the legislature, but throughout the community?

Kimberlee Tarter: No, unfortunately, that isn't a question that I can answer. That is outside of my area of expertise, so I don't know what the state is doing to try and educate more people to bring more in to continue to plug this gap. That information, I think, would have to come from the university system and those groups.

Secretary of State: Governor, is that something that we could ask of the university system and the community colleges just to see how many classes are offered and how many students are -- you know, how long does it take for them to graduate and what are they doing in reference to that?

Governor: I think you could certainly do that on your own. I would be very confident that the university would be more than happy to provide that information. It's really not relevant to our approving these contracts. I mean, as you know we have four contracts under the master services agreements that we're going to be hopefully approving today, to provide for that service. But in terms of how many students are enrolled and what, if any -- if there are any programs to entice or encourage individuals to participate in this type of program, I think what Ms. Tarter said is correct, that you'd have to go straight to the university for that.

Secretary of State: Okay, I will take that up. And I appreciate you letting me ask the questions, Governor. If you want a motion, I would move for A and B to approved by this committee.

Governor: Mr. Attorney General, did you have any questions before I take the motion?

Attorney General: No, Governor, thank you.

Governor: The Secretary of State has moved to authorize the contracts with current and/or former employees as described in Agenda Item 3A and B. The Attorney General has seconded the motion. Any questions or discussion? All in favor, please say aye.

Secretary of State: Aye.

Attorney General: Aye.

Governor: Aye. Motion passes 3-0.

***4. FOR POSSIBLE ACTION – AUTHORIZATION TO APPROVE A PROVIDER AGREEMENT**

A. Department of Health and Human Services – Aging and Disability Services Division

The Aging and Disability Services Division is requesting Board of Examiners’ approval of the following provider agreement forms to enable them to enter into an agreement with providers for:

- A. Nutritional Counseling Services**
- B. Counseling Services**

Clerk’s Recommendation: I recommend approval.

Motion By: _____ **Seconded By:** _____ **Vote:** _____

Comments:

Governor: We’ll move on to Agenda Item No. 4, Authorization to Approve a Provider Agreement. Mr. Wells.

Clerk: Thank you, Governor. Agenda Item No. 4 is a request from the Aging and Disability Services Division to approve a blanket provider agreement under which the division can contract with willing providers, to offer nutritional counseling including menu planning and development of individual plans, and counseling for interpersonal relationships, independence and attaining personal outcomes by licensed professionals. The division would enter into agreement with the providers using the attached forms, which outline the scope of work and program requirements. And there are representatives of the agency here if there are any questions.

Governor: Any questions from Board members? We’ve had these on the Agenda before. The purpose of approving these provider agreements is to allow for efficiency so that there are individuals or clients that need these services, and we can provide them faster by having these agreements previously approved, versus having to put them on, one by one, through the Board of

Examiners and having to have a 30- or 60-day delay. But glad to take any questions if there are any.

Secretary of State: We have none here, Governor, and we move for approval.

Governor: The Secretary of State has moved to approve the provider agreements described in Agenda Item 4A. Is there a second?

Attorney General: I second.

Governor: Attorney General has seconded the motion. Any questions or discussion? All in favor, please say aye.

Attorney General: Aye.

Secretary of State: Aye.

Governor: Aye. Motion passes 3-0.

***5. FOR POSSIBLE ACTION – APPROVAL OF PROPOSED DAILY RESIDENT RATE**

A. Department of Veterans Services

Pursuant to NRS 417.147, with the advice of the Nevada Veterans Services Commission, the Director of the Department of Veterans Services is recommending the FY 2016 per day resident rates for consideration by the State Board of Examiners.

Resident	Current Rate Per Day	Proposed Rate Per Day	Difference Per Day	% Difference
Veteran	\$110.00	\$125.00	\$15.00	13.63%

Clerk's Recommendation: I recommend approval.

Motion By: _____ **Seconded By:** _____ **Vote:** _____

Comments:

Governor: We will move to Agenda Item No. 5, Approval of Proposed Daily Resident Rate presented by the Department of Veterans Services.

Clerk: Thank you, Governor. Agenda Item No. 5 is a request to increase the daily fee that is paid by veterans who reside in the Boulder City Veterans Home. This increase, which is the first since 2009, would offset operating cost increases that have been incurred by the Department of Veterans Services for the residents at the Boulder City Home. The rate is still well below the average national and Southern Nevada daily rates of 205 and 233 per day, respectively. And this

rate would also be used for the residents in the Northern Nevada Veterans Home when it opens in 2017. And Director Miller is here if there are any questions regarding this item.

Governor: Good morning, Ms. Miller. Do you have a presentation to make on this? I guess I'll put it in the form of a different question. Will you give us the background on what led to seeking the increase? And I'd also be curious to know whether you've polled the residents there to get an idea of what their position is on the proposed rate increase.

Kat Miller: Yes, sir, thank you. Thank you for the opportunity to present this morning. First, the reason I'm here is, statutorily, I'm required to annually recommend a schedule of rate changes to the BOE. For the last five years we haven't recommended changes. In fact, when I came on in the deputy in 2012, it was suggested to me by the administrator that we should raise them because we were well below other veterans' homes and below the state. At the time I said, "I don't recommend approval at all. There's no reason for it. Yes, we're well below, but we don't need the additional funding and we're rolling money to reserves." That's been my position for the last several years.

However, I've reconsidered that. And I took this proposal to the Veterans Service Commission and they concur with this recommendation for an increase. And I'd like to lay out why. First, as mentioned by Mr. Wells, operating costs have increased. What also has increased, though, are the benefits being paid to the veterans. Their aid and attendance, their pension, their disability. All of those rates have increased over the last five years. So they're receiving more money for their care.

What we'd like to do with that money -- and I want to say if this is not approved, there's two things, first, I didn't put this proposed increase in the upcoming budget, so it's not going to require going back to take a look at this budget. But what will happen if it's not approved is, while we'll be able to continue operating as we are, we're not going to be able to enhance our services, nor will we be able to set a rate schedule that'll allow us quickly to become general fund independent for the new home if it's approved. So by doing this increase, from 110 to 125, we'll be able to enhance services down in Southern Nevada. I want to increase opportunity for physical therapy and recreational therapy programs that we don't have right now. I want to consider expanding down in Southern Nevada to provide adult health daycare. In Northern Nevada we want to get this home built as soon as possible, and be able to make sure we can staff it and have all the resources that we need to operate it. By having this increase, that will help us get there.

We have spoken to the residents. Most of the residents, their funding comes from the VA, from Medicare and Medicaid, so that money is not going to family members. It's all going to their care anyway. So when I spoke to the president of the Resident Council and members of the Resident Council, they understood it and they supported it, especially when they understood that it was going to go to help enhance services that they were going to get.

I wouldn't propose -- originally I was thinking if this was approved to go out 30 days for the rate increase, I would recommend that if this is approved, I wouldn't put this rate increase into place

for six months to a year, to give the residents that are there right now, to re-look their structure for the very few private pay we have. So, again, this increase would allow us to improve services. It will allow us to establish a rate that's half the cost of the industry standard. Still maintain the price that's just about half the cost of the industry standard. And set us up for success as we -- if it is approved for the new veterans home in the north.

Governor: Thank you, Director Miller. Do you know how many residents are private pay?

Kat Miller: Yes, sir, I do. And I'd like to say by the word "private pay," what budget uses for "private pay" includes resources that come from the VA, because that money from the U.S. Department of VA goes directly to their accounts, and then they pay it to us. So when we say "private pay," 45 percent of the money that is paid by residents come from private pay sources. But of that 45 percent, the vast majority of it, almost all of it is coming from reimbursements that they receive from the VA for pensions, aid and attendance and disability. Very few is coming from other sources.

So I could break down that private pay for you, but I would say of the 45 percent, almost all of it is VA funded that they receive specifically for living in and receiving VA services while at the Nevada State Veterans Home.

Governor: Okay. And what's important for me is I don't believe that it's a good policy reason to raise the price just because we're cheaper than everybody else. But what I've heard you say today, and also on Page 3 of your presentation, the justification, is there's a list that essentially says you're going to reinvest that money in to enhanced services for the residents there, for better food. I think you talked about physical therapy. Here it says facility upgrades including Wi-Fi internet. Costs of supplies have gone up. Capital improvements, expanded activities and volunteer program offerings.

So if I'm a resident there and I'm seeing this \$15 a day increase, and you add that up over a year, that's a lot of money, but if I'm there, I'm going to see some benefits from that, correct?

Kat Miller: Yes, sir. Every bit of funding that goes into the home rolls into the account for establishment, maintenance, upgrades and programs for our residents. They don't -- it's not used for any other purpose.

Governor: Yeah, and you will still have a decent reserve, notwithstanding investing this additional money?

Kat Miller: Yes, sir. We keep a 65-day reserve onboard at all times. It's about a million dollars in reserve for emergencies that might occur.

Governor: Okay. Questions from other Board members?

Secretary of State: I do, Governor. I'm just curious, I'm looking at the list that is paying for this, and you've got 45 percent of the U.S. Department of Veterans Affairs, 41 percent will come

from Medicaid, and 6 percent from Medicare, 4 percent from the U.S. Department of Veterans Affairs, and then 3 percent from Clark County. And that is for the Boulder City. What happens when the new facility comes up north? Will Washoe County also have a percentage that goes back into that facility? And just because it's not opened yet, I understand that, but is that something for future?

Kat Miller: Ma'am, you know, I don't know if Washoe County offers that reimbursement. I'll find out and get that answer to you.

Secretary of State: Okay. Thank you very much. Thank you, Governor.

Governor: All right. No, thank you. And, Ms. Miller, the only reason I ask that question is there's this memo from Mr. McBride that just said, "I believe we are due for a daily rate increase." And...

Kat Miller: Yes, sir. And, sir, may I say, I received that same memo from a different administrator in 2012. And I said, "No." I said, "No. Why would we? There's no reason to raise the rate if we don't need to." And I've said that for four years, but at this point, we really need to expand our existing services, and we need to position ourselves as we get ready to open the new home to be able to build those services for veterans in Northern Nevada also. So the veterans that are living in the Southern Nevada veteran's home are going to see an impact from this decision that will improve their quality of life and their quality of care.

Governor: Great. Any other questions with regard to this Agenda item?

Secretary of State: Governor, just to make sure that the Clark County money stays with the veteran's home in Clark County, and then whenever Washoe comes on, that'll be something that will be addressed.

Kat Miller: Yes, ma'am. It must. And I just received information that Washoe County has the same programs...

Secretary of State: Oh, they do.

Kat Miller: ...the same programs in place.

Secretary of State: Okay, that's great. Thank you very much. Thank you, Governor. I'd move for approval.

Governor: Secretary of State has moved for approval of the proposed daily resident rate as described in Agenda Item 5. Is there a second?

Attorney General: I second.

Governor: The Attorney General has seconded the motion. Any questions or discussion on the motion? Hearing none, all in favor, please say aye.

Secretary of State: Aye.

Attorney General: Aye.

Governor: Aye. Motion passes 3-0.

Secretary of State: Thank you.

Kat Miller: Thank you, ma'am.

Governor: Thank you, Kat.

Kat Miller: Thank you, sir.

***6. FOR POSSIBLE ACTION – VICTIMS OF CRIME PROGRAM (VOCP) APPEAL**

Pursuant to NRS 217.117 Section 3, the Board may review the case and either render a decision within 15 days of the Board meeting; or, if they would like to hear the case with the appellant present, they can schedule the case to be heard at their next meeting.

A. Scott Bartlett

Mr. Bartlett is appealing the denial of his application for VOCP assistance.

Clerk's Recommendation: I recommend approval.

Motion By: _____ **Seconded By:** _____ **Vote:** _____

Comments:

Governor: We'll move to Agenda Item No. 6, which is the Victims of Crime Program Appeal.

Clerk: Thank you, Governor.

Governor: Is there someone present? Yeah. Mr. Wells.

Clerk: Agenda Item No. 6 is an appeal of the denial of a Victims of Crime Program claim (inaudible) Scott Bartlett. Mr. Bartlett was denied benefits for an assault in which he was involved on October 21st of 2013. The claim was denied for two reasons. The first was for contributory conduct, as Mr. Bartlett was named by the police as a suspect in the assault. The second reason was that Mr. Bartlett failed to appeal the Appeals Officer's decision within 15 days of that decision as required by NRS 217.117.

Appeals to the Board of Examiners are governed by NRS 217.117. This section allows the Board of Examiners to decide an appeal without a hearing. After reviewing the record, or if the Board of Examiners elects, it may schedule an additional hearing on the appeal. After reviewing the decision in the packet from the Appeals Officer, the Board may reverse the appeals' officer decision. It may affirm the Appeals Officer's decision, or it may remand the matter to the Appeals Officer or the Victims of Crime Program for further consideration about proceedings. If the Board of Examiners wishes to hear testimony or further information from the appellant, it also may defer a decision until a separate hearing is held. And with that, Mr. Governor, I believe that there is someone from Victims of Crime Program next to you, who will be able to address any questions.

Governor: All right. Please proceed.

Rebecca Salazar: Yes, thank you. My name's Rebecca Salazar. I'm the Program Manager for the Victims of Crime Program. Scott Bartlett applied for assistance following a battery he was involved in. The police report regarding this incident indicates Mr. Bartlett confronted his neighbor over money that was owed to him. A fight ensued and all parties involved did receive injuries. Police interviewed everyone involved and determined that Mr. Bartlett was the aggressor. During the prior two hearings, Mr. Bartlett's contention was that the police report was incorrect. He should've been named a victim rather than the suspect. But his testimony did not convince either the Hearing Officer or Appeals Officer to reverse our denial. And so therefore, we ask today that the Board also uphold our denial.

I would just like to clarify also that Mr. Bartlett's two prior appeals were timely. It's just this one to the Board of Examiners that exceeded the timeline.

Governor: And what were the -- can you be a little more specific regarding timeline and the consequences of not meeting that deadline?

Rebecca Salazar: Every applicant has 60 days to appeal to the Hearing Officer, then 15 days to appeal to the Appeals Officer and to the Board of Examiners. So if that timeline is exceeded, the Board or the Hearing or Appeals Officers can choose to waive that, or they can decide that they don't hold jurisdiction because the timeline's been exceeded.

Governor: And did you advise the applicant about the timeline subsequent to his denial of his appeal? In other words, did you let him know he has 15 days to appeal it to the Board of Examiners?

Rebecca Salazar: Yes, every decision contains the appeal rights and timelines on the decision.

Governor: Okay. Do you know that he received that?

Rebecca Salazar: Well, he -- I assume he did because he filed an appeal. He received the decision and then filed an appeal, so if he received the decision, the timeline was on the decision.

Governor: Well, it says here, “The decision order was signed on January 22, 2014. Mr. Bartlett’s appeal was not filed until February 24, 2015, so a year later. Is that correct?”

Rebecca Salazar: No, I’m sorry, that’s a typo. It was in 2015.

Governor: The January 22nd?

Rebecca Salazar: Yes, it all occurred in 2015.

Governor: Okay. Well, then you said he had 15 days to file.

Rebecca Salazar: To the Board, yes.

Governor: Well, then he’d be on -- he was only past time by 11 days.

Rebecca Salazar: Right, right.

Governor: Okay. All right. Before I -- is that you, Mr. Bartlett?

Scott Bartlett: Yes, sir.

Governor: Okay. Before I call on you, I wanted to ask if any of the other Board members had any questions for Ms. Salazar?

Secretary of State: I don’t, Governor.

Attorney General: I don’t either, Governor. Thanks.

Governor: All right. Good morning, Mr. Bartlett.

Scott Bartlett: Good morning.

Governor: I think I can speak for the other two members of the Board. I’ve looked through the entire file, so I’ve read the transcript from your hearing. I’ve read your submission. So I guess what I’m asking to do is if you could summarize...

Scott Bartlett: It’s hard.

Governor: ...your position in this case. And obviously, the two issues before us today are the difference of opinion that I’ve read with regard to what happened that day, number one; and number two, why you weren’t -- why you didn’t file within the 15 days. Why don’t we take the second one first, because I think that’s a little more simple and straightforward.

Scott Bartlett: Okay. Yes, sir. The date of the appeal of the Hearing Officer’s decision, we’ll call it, that decision I appealed at a hearing on December 8th. December 8th, the testimony from

the Georgine Bradley, or if I can say her name correctly, I don't know, it was at the -- she'd get back to me in 15 days. It'd be 15 days and she'd rendered her decision. December 8th was the day. She said, "No, not including holidays." And that record would be on the testimony. I don't know if you read that. I haven't had a chance to read any of the Victims of Crime Program actually confront me, myself. This is the first person I've ever heard even speak of any, that says that they were from the Victims of Crime Program. I'm going to ask you a question, but it says, "Regarding the decisions that Victims of Crime Program make." So something kind of, what we call, a conflict of interest and (inaudible) time. You know, who actually runs the program, if there's any kind of outside sight or outside overseeing of this nature, because otherwise, you know, this is just -- but here's what I want to say.

So by -- it was December -- they say by January 22nd was because they're calling. I don't have a -- my phone was -- very many things have happened since this. And so I haven't had communication with too many -- the phone didn't work and I just couldn't get a phone. So by the time I could use somebody else's phone to get on the computer and leave them an email, it was somebody else, which I believe they have a record for. And I asked them, I said, "Can you call these people and ask them why did they say have a -- get a decision in 15 days, and it's been this much time?" Because I said, "I'm going to have to do something about this, because this is going to go on indefinitely." So after I emailed them, there was somebody there by the name of Bryan Nix --Bryan Nix, yes, sir -- he had -- somebody had to inform somebody that, hey, you know, the guy's waiting on a decision, which he's never received. And he said to me 15 days. And then we're gonna give this decision. The decision included something that was actually lied about. Because if...

Governor: Well, let me stop here, sir. And, again, I'm kind of -- you're not that far past the date. So I just want to hear -- you're 18 days, I think it is, beyond the time. So when did you first become aware that you needed to appeal to the Board of Examiners?

Scott Bartlett: When I knew I had to appeal to the Board of Examiners, well, how far ever this would have to go, was the first time that this application was filled out. By reasons of application itself, do I understand what's written? I'm not that -- I've been beat up pretty much throughout my life. But I can read an application; who writes it, what does it say, and what exactly entailing by the wording of putting these applications together, which, you know, I'm not gonna say too much about that. But otherwise, when I first went there and I seen the discriminatory act where -- later on his name was Eugene Johnson, would appear. And it showed that he would be a member of a -- they called him -- that he was -- he's one of their whatever, however it was, so he's a consolatory officer, but yet he has an association where he's also a member of the Victims of Crime Program. So he writes something of, say, this is what I want to say.

Governor: Mr. Bartlett, I'm really not trying to...

Scott Bartlett: I'm going to tell you...

Governor: ...ask a hard question here.

Scott Bartlett: Okay, just I'm going to answer it. If not...

Governor: I just want you to be real clear, or just give a legitimate answer...

Scott Bartlett: I'll try to be clear.

Governor: ...is that a decision was made on January -- decision order was signed on January 22, 2015. You filed your appeal on February 24, 2015. At least according to my math, you should've filed your appeal by February 7th. But you did file it on the 24th, so I guess my typical question is when did you become aware that you needed to file an appeal to this Board?

Scott Bartlett: I'm answering that question. I'm going to define your words that you used from the application. On the application, the definition of applicant is attained in application. Then it says it. When you say me, say applicant or say who I am that represents the application and the form of the ward. Not no benefit, not no (inaudible) or not no assistance. This isn't that program. This isn't what you're defining it as. Please keep your definitions right. When it says application, the application itself is a definition of applicant. That isn't me. Okay.

So when you're saying about me and then this says, "Either the clerk can do it or me." So if you want to say why I personally didn't do it, when somebody else could have, but why would there be another -- why would there be another classification that I don't -- I have to sit by the rules, which I'm only going to get from her, the officer, but, yeah, she has a different set of rules to follow. She has a different set of rules. What if it was a year later? You know, and then me, I have to abide some 15 days. I've been in a stupor ever since with this stuff. You wouldn't believe the atrocity of what this says. You know, any rape victim, and so if somebody gets raped or attempted rape, I don't know how many times this may have happened to anybody. And then say you caused it and I contributed to it, I think your definitions of your words right, because (inaudible).

Governor: Mr. Bartlett, I'm going to stop you there.

Scott Bartlett: Please.

Governor: Why don't we move on to the second part of this, is you dispute -- and basically you claim you were the victim in this incident that caused the injuries to you. Will you briefly describe why you feel that way?

Scott Bartlett: (Inaudible) it's the absolute truth. The absolute truth is that I was no aggressor. There's none in this evidence. I'm going to tell you something, to take a personal interest in this, there has to be something other -- for you to take a personal interest and sit there and be able to actually say that I aggressed, there's no evidence other than you just saying that. And saying that this contains this or this contains that, if you want to bring the police report up, I'd bring the police report up, too. I'd show you quite a few conduct -- where you say conduct caused it, but I contributed to it is almost after the fact. If I contributed to it, I had to be in a conspiracy. There

had to be some kind of conspiracy previous for me to conduct it, in order to contribute to it, in order to say that there's a cause of it, but, again, you're backing it up on some form that is after the fact anyway. So say that I contributed to it, that it was my conduct or my actions, you know.

So first off, it was impossible for me to be the aggressor. It was impossible for a fight to ensue where they don't have injuries. The injuries they have is from domestic violence that they have upon themselves anyways. But I would explain to you, each and every little question is biased. There's no way possible for me to previously conceive that this would happen or further my injuries. By accepting it, the injuries are there. Yeah, like, the collarbone is snapped right in two. And it's broken in half ever since. That's the way I wear it. That's the way I like it. I like it now. I like it be snapped in half, because that's the way I like to look at it. That's the way I really like to look at it, but I'm glad to say I caused it. I'm glad I had this time to stay to really hear that you have some other kind of information other than why would it be that I had to follow some other set of rules, where the previous doesn't.

And how when -- I was going to say, Eugene Johnson, when he did say -- see, he goes through the whole formality, but the very last sentence says, "I request --" the appeal was already in order. It says, "I request that the Hearing Examiner uphold the decision." Then he wrote another one, "I request that the Appeals Officer uphold this decision." So I realized where I was going with this. They only requested it. It wasn't based on any evidence. This evidence, this just materializes this day, or the day that -- just before the hearing, because these kind of words right here, I'll tell you that right now. Saying I aggressed it, I caused it, I'm (inaudible) I caused this, I contributed to it, is amazing.

Governor: Sir, I'm going to move to Northern Nevada. Do either of the other members of the Board have any questions for Mr. Bartlett?

Secretary of State: I do not, Governor.

Governor: Mr. Attorney General?

Attorney General: I do not, Governor, thank you.

Governor: Ms. Salazar, any comments?

Rebecca Salazar: No, sir.

Governor: All right. As Ms. Salazar stated that this Board has the ability to reverse the decision or affirm the denial.

Secretary of State: Governor, I would...

Attorney General: (Inaudible).

Secretary of State: Go ahead.

Attorney General: No, go ahead.

Secretary of State: I would uphold the decision.

Governor: The Secretary of State has moved to affirm the denial of the Appeals Officer for the matter of Mr. Scott Bartlett. Is there a second?

Attorney General: I second that, Governor.

Governor: Attorney General has seconded the motion. Any questions or discussion on the motion? And I guess before I take that motion, Madam Secretary of State, will you provide more specific reasons for the denial? I mean, for the affirmance of the denial?

Secretary of State: More specific as to from the testimony that I've heard, Governor, and from the report that I have read, based on the information, I support the denial.

Governor: Okay. Thank you. So we have a motion and a second. All in favor, please say aye.

Secretary of State: Aye.

Attorney General: Aye.

Governor: Aye. Motion passes 3-0. Mr. Bartlett, thank you very much.

Scott Bartlett: Thank you. I appreciate your time.

***7. FOR POSSIBLE ACTION – LEASES**

Ten statewide leases were submitted to the Board for review and approval.

Clerk's Recommendation: I recommend approval.

Motion By:

Seconded By:

Vote:

Comments:

Governor: We will move to Agenda Item No. 7, Leases. Mr. Wells.

Clerk: Thank you, Governor. There are ten leases listed in Exhibit 1 for approval by the Board today. There has been a request from a member for additional information regarding Lease No. 9, which is for the Division of Welfare and Supportive Services. This is a new ten-year lease for a new welfare office on North Decatur Avenue in Las Vegas. And there is a representative from the Welfare Division available to answer additional questions.

Governor: Madam Secretary, I understand you had asked for this matter to be held.

Secretary of State: Yes, Governor, I did, but I have to say that your staff was so thorough in giving me all of the information, that all of my questions have been taken care of. So I am satisfied with what staff has given from your division, so thank you very much. So thank you.

Governor: Is that you, Mr. Fisher? I've never seen somebody run from the table so fast. All right. I have no questions on the leases. Any other questions?

Attorney General: I have no questions, Governor. Thank you.

Governor: If there are no questions, the Chair will accept a motion to approve Leases 1 through 10 as described in Agenda Item No. 7.

Attorney General: I move to approve.

Secretary of State: Second.

Governor: The Attorney General has moved to approve the leases. The Secretary of State has seconded the motion. Any questions or discussion? All in favor say aye.

Secretary of State: Aye.

Attorney General: Aye.

Governor: Aye. Opposed no? Motion passes 3-0.

***8. FOR POSSIBLE ACTION – CONTRACTS**

Seventy independent contracts were submitted to the Board for review and approval.

Clerk's Recommendation: I recommend approval.

Motion By: _____ **Seconded By:** _____ **Vote:** _____

Comments:

Governor: We'll move on to Agenda Item No. 8, Contracts.

Clerk: Thank you, Governor. There are 70 contracts listed in Exhibit 2 for approval by the Board today. Based on requests from members, there are questions on the following: Number 3 on Page 1, between the State Public Works Division and Penta Building Group LLC; Number 33 on Page 6, between the Department of Health and Human Services Director's Office and Consumer Credit Counseling Service of Southern Nevada; Number 35 on Page 7, between Health Care, Financing and Policy and the Fund for Hospital Care to Indigent Persons; Number 40 on Page 8, between the Welfare Division and Nye County; Number 41 also on Page 8, between the Division of Child and Family Services and Austin's House; Number 42 also on Page 8, between Child and Family Services and Jill Leslie Oswalt; Number 57 on Page 11, between the Division of Environmental Protection and KPS 3, Inc.; Number 62 on Page 13, between

NDOT and the Department of Public Safety; Number 66 also on Page 13, between PEB and Catalyst RX; Number 67 on Page 14, between PEB and Hometown Health Plan. And number 68, between the Silver State Health Insurance Exchange and PENNA Powers.

Governor: All right. Thank you very much. We will begin with Contract No. 3. Department of Administration, Public Works Division with Penta Building Group. Madam Secretary, you'd asked for this one to be pulled.

Secretary of State: Originally, yes, but, again, your staff did an amazing job of getting back to myself and my staff in answering the questions that we had for it.

Governor: Wonderful. You're off the hook. Is that Mr. Nunez?

Secretary of State: Yes, it is.

Governor: All right. Well, thank you very much. Then we will move on to Contract 33. And that's between Department of Health and Human Services and Consumer Credit Counseling Service of Southern Nevada, with regard to the 2-1-1 information referral center. Mr. Attorney General, you had asked for that to be held out.

Attorney General: Yes, Governor. Thank you. I was just hoping for a brief explanation of the program and what this (inaudible) additionally.

Governor: All right. Please proceed.

Laurie Olson: This is Laurie Olson. I'm Chief of the Grants Management Unit in the Director's Office of the DHHS. We've had 2-1-1 in our office for about the last nine years. At the end of December of 2013, the Executive Order that created 2-1-1 expired. But we still were left with the NRS that puts DHHS in charge of 2-1-1. So about 11 months ago, we hired a 2-1-1 statewide coordinator, Jennifer White, who's sitting on my right. She's been working with the current partners to maintain the program. So that's one piece of the puzzle.

The other piece is that we have fiscal accountability for almost all of the money that's going into 2-1-1 right now. So it was time to go out for bid. We went out for bid. And Consumer Credit Counseling, who also does business as Financial Guidance Center, was the winning bidder, and so we're here today to get approval for the contract and move forward.

Attorney General: Okay. I don't have any other specific questions. I appreciate it.

Laurie Olson: Okay. We brought you some (inaudible) anyway.

Secretary of State: Governor, if I might, I'd just like to make a comment. Thank you. I just want to thank you, because I remember when Senator Ann O'Connell was in, and she's the one that really wanted this 2-1-1, and so I want to thank you for the work that you've done and tell you how much it's appreciated. And I know it's getting used and utilized, so thank you. I know

that we put a lot on you, and that there's more that everybody wants to continue put on 2-1-1, but thank you so much for what you do. We're very, very grateful as a state to have this service.

Laurie Olson: Thank you.

Secretary of State: Thank you, Governor.

Governor: Thank you, Ms. Olson. We'll move to Contract 35, which is Department of Health and Human Services, Health Care, Financing and Policy.

Leah Lamborn: Good morning. My name is Leah Lamborn. I'm with the Division of Health Care, Financing and Policy. This contract is between the division and the Board of Trustees for the Fund for Hospital Care to Indigent Persons. As a result of SB452, during the 2013 session, these funds were redirected, previously swept for use of the state, and redirected to be used as a non-fundable share of upper payment limit supplemental payments made to hospitals for inpatient hospital services. The amount is \$11.2 million per year generated through the one and a half cent ad valorem tax for the Indigent Accident Fund. We take these funds and match them with federal dollars. So at a 65 percent FMAP rate, so the non-fundable shares, 11.2 million, it generates approximately 31.9 million to pay out to the hospitals. This is hospitals statewide. And I'd be happy to answer any questions.

Governor: Thank you. This is probably one of the most complex matters that we handle in terms of the financing. But can you put in more real terms what that means to the hospitals across the state, which wasn't happening before 2013?

Leah Lamborn: Okay. So, again, upper payment limit, and so what that is, basically, it's the difference between what Medicaid pays and what Medicare would've paid. That's the gap. And so we're allowed to fill that gap through supplemental payment programs as these. So it does generate an additional \$32 million in revenue to hospitals inpatient. And to break that out, Clark County has 13 hospitals. And so the total amount that goes to the Clark County area is \$26.4 million. And then the remainder of the state is \$5.4 million. Without these funds, they wouldn't receive supplemental payments. They would just get the Medicaid reimbursement, so there'd be a large gap between what Medicare would have reimbursed.

We do not generate a state net benefit through this particular upper payment limit program, as we do with other upper payment limit programs. The hospital that benefits the most from this program in dollar amount is UMC. They get about \$7.8 million a year out of that 26.4 that goes to the Clark County hospitals.

I was going to add one more thing. In addition, we do have a public UPL program. So as money is pulled out through this program, supplemental program, which is for private and public hospitals, it actually reduces what we pay out to UMC on the public UPL program, where we do realize a state net benefit. So we actually have a loss in our state net benefit as a result of this program of about \$1.1 million to the state that we would use to offset state general funds.

Governor: Thank you. Any other questions from Board members?

Secretary of State: No, Governor.

Governor: Keep up the good work.

Leah Lamborn: Thank you.

Governor: We'll move to Contract No. 40, which is DHHS and Nye County.

Steve Fisher: Hi, good morning. For the record, Steve Fisher, the Administrator for the Division of Welfare and Supportive Services. Good morning.

Governor: Good morning.

Steve Fisher: This is a contract with Nye County to continue child support services. It's a contract between -- really, it's a two-year extension to an existing contract with Nye County. And with me today is Louise Bush. She's the Chief of the Child Support Enforcement Program. And so with that, if you have any questions, we can answer them.

Attorney General: Thank you. I know we do a handful of these, and I was just hoping a little more in-depth analysis of what this is covering and how it works.

Louise Bush: As far as the child support services?

Attorney General: Yes, ma'am.

Louise Bush: Yes. The Child Support Enforcement Program is a -- for the record, Louise Bush, Chief of the Child Support Enforcement Program for the Division of Welfare and Supportive Services. The Child Support Enforcement Program is designed to strengthen families, help bring in the support for the children and the families, and also, to help take away the burden of the increased treasuries on the state, and by, you know, providing the support to the kids. The services include locating the noncustodial parents, establishing paternity, establishing support orders. And the support orders is not just for financial, but it's also for medical support. And then enforcing those orders, and then collecting and dispersing the collection payments.

Attorney General: Now, as far as the funding, so the county is -- are you all providing the actual bodies to do this work and they're paying you?

Louise Bush: No, the counties are providing the staff. The counties are also providing the 34 percent share to fund the program. They receive 66 percent federal match from the federal government. The normal process is they send in their monthly billings to the program, and out of their monthly billings for the allowable expenses, we reimburse them the 66 percent from the federal draw.

Attorney General: Okay. So you get a large of the pool federal funds that you're dividing up based on these applications, or is it tied to their application?

Louise Bush: It's strictly tied to what their expenses are.

Attorney General: So you're filing for them, basically, to get these?

Louise Bush: Yes.

Attorney General: So it helps them obviously not having to administratively manage all of the federal funds or at least accessing them?

Louise Bush: Right. Well, the feds only deal with the states, they don't deal with local governments. You know, so all of the pass-through monies go through the state.

Attorney General: Okay. I have no further questions.

Governor: Thank you, Mr. Attorney General. Madam Secretary, do you have any questions on this matter?

Secretary of State: No, Governor, thank you.

Governor: All right. Then we'll move on to 41 and 42, which are DHHS Child and Family Services. One with regard to Austin's House and the other Jill Leslie Oswalt. Mr. Attorney General, my understanding is you had asked for these two contracts to be held out.

Attorney General: I don't think I asked for 42, but to the extent that they're tied in, yeah, I just would like to hear a little bit about how all this works. Getting up to speed on all these things.

Priscilla Colegrove: Okay. This is Priscilla Colegrove, for the record. I will introduce the contracts, and then if you have any questions program related, they'll be answered by the other people at the table. So the Austin's House contract is an amendment to a four-year contract where we've -- we're only extending the amount of the contract, because we've run out of authority to make the payments for emergency shelter care.

Attorney General: Okay. All right. So this is -- in general, this is a shelter for youth that are in trouble? I'm trying to understand a little bit more of what's going on.

Amber Howell: Sure. Amber Howell, for the record. I serve as the Administrator for the Division of Child and Family Services. So Austin's House is our emergency shelter for rural child welfare. Any time that children are removed from their homes, and there isn't a foster home available to them, they're placed within Austin's House. We have similar emergency shelters in the urban counties. Kids Cottage in Washoe County would be a comparison, and Child Haven in Clark County would be a comparison as well.

Attorney General: Okay. All right. I have no other questions.

Secretary of State: No questions.

Governor: All right. Thank you. And why don't we just briefly go through 42 as well with Jill Leslie Oswald.

Priscilla Colegrove: Priscilla Colegrove, for the record. This contract is to provide general medical services to the youth that are in the Nevada Youth Training Center in Elko. This individual also provides support services to the other medical staff that are in the facility if they need it, provides 24/7 emergency care if that's needed, in addition to what we already have on staff. And...

Governor: (Inaudible) -- no, go ahead, go ahead.

Priscilla Colegrove: Excuse me, this is an amendment -- oh, Priscilla Colegrove, for the record. This is an amendment to the contract that -- the contract expires on June 30th of 2015, so we're doing an amendment to extend the time and also allow us to pay for the services for the next two years.

Attorney General: Next what, I'm sorry?

Priscilla Colegrove: Next two years.

Governor: All right. And then this question isn't really specific to this contract, but given that we're on the Nevada Youth Training Center, how's it going out there given the transfer of residents from the Red Rock Academy to NYTC?

Amber Howell: Amber Howell, for the record. Governor, it's going extremely well. We are at capacity. We have remained at capacity since the transfer of the 16 youth from Red Rock Academy to the Nevada Youth Training Center. We have been able to maintain the PRIA ratios through the day and night since the transfer of all those youth. We continue to have a number of youth discharged from the program, but there are children waiting, pending admissions into the program. So we are always maintaining full capacity. We've had about four family visits from the Clark County youth that were transferred there, so the visitation and the engagement with the families is going very well, as well. All of them have active treatment plans and are all enrolled in an educational program. The staff are doing an amazing job out there. And the facility responded very well to a huge influx in the population all at one time.

Secretary of State: Governor, can I ask a question?

Governor: Please.

Secretary of State: Thank you. You've told us about the program that's there on the site. What about the aftercare for these youth? Because you can't just expect 30 or how many days they're

in that they'll be on the right road. They need help afterwards. Do we have an aftercare program that is utilized?

Amber Howell: Amber Howell, for the record. Secretary Cegavske, yes, we do. The length of stay at NYTC is between six to nine months, so they are within that facility for a significant period of time. And then each youth that is discharged from the program actually is then on parole status. So the Youth Parole Bureau within DCFS then monitors their aftercare and placement, either reintegrated within their family setting, or in a group setting or some other community-based program, until they complete their parole.

Secretary of State: And you don't find a issue with finding programs for aftercare in the communities?

Amber Howell: Amber Howell, for the record. Yes, it's still hard to access services. As far as supervision of the youth from the juvenile justice standpoint, that is -- we have a vast service array for that, but accessing mental health services or substance abuse services or anything like that, can be challenging.

Secretary of State: Still a problem. Okay. So do you get a lot of repeat youth coming in because they haven't been able to be successful outside? Do they come back to the program? Are they allowed back in the program once they've been in and through?

Amber Howell: Amber Howell, for the record. I don't have those numbers with me, but we do have a percentage of recidivism that I can provide to you. They either would come back to NYTC or try something within the community. They could go to Caliente Youth Center or Summit View Facility which would be a higher level when that facility is opened. That would be next stop for them if they failed and didn't make it out in the community.

Secretary of State: All right. Thank you. Thank you, Governor.

Governor: Thank you. Any other questions on this matter? Thank you very much. We'll move to Contract No. 57, which is Department of Conservation and Natural Resources, Environmental Protection Administration and a contract with KPS 3. And, Madam Secretary, I understand you had asked for this contract to be held.

Secretary of State: Again, Governor, I just have to tell you that when I put out all my questions, your staff was very, very good about going to the different entities asking for an answer to our questions. And we were satisfied with everything that they brought back to us, so I apologize that I didn't ask to have it taken off. But I'm very happy with the results of the answers to our questions, so thank you.

Governor: Thank you. And we aim to serve and please, so I'm glad it worked out.

Secretary of State: So far 100 percent, Governor.

Governor: Great. Let's go to Contract 62, which is between the Department of Transportation and the Department of Public Safety. And good morning. I think I asked for this to be held. I just want you to talk a little about -- a little more specifically, with regard to the programming and what we're doing to promote this awareness concerning highway safety. And I'm very concerned, I'm here in Las Vegas obviously today, with regard to all the fatalities that we've had with regard to pedestrians, as well as on the highway. So what's the plan moving forward?

Traci Pearl: Governor, this is Traci Pearl, for the record. I'm Division Administration of the Office of Traffic Safety for the Department of Public Safety. Each year our office applies for and receives federal grant fund from DOT to address the behavioral issues of traffic safety, to convince people that drinking and driving is not a good idea, to watch out for pedestrians, et cetera. Since the last current authorization of the Highway Safety Act, we also work very closely with the State DOT Department on a statewide strategic plan towards zero fatalities. These campaigns are both enforcement campaigns and paid media campaigns outreach, public events, a lot of social media, TV, radio. Whatever is determined will get the most hits from the target market for that particular campaign.

This particular increase, it became -- pedestrian and motorcycle safety has been a problem just over the last year, couple of years. It spiked significantly, both motorcycle crashes and pedestrian fatalities from November through January. And so, in talking with NDOT, this amendment increased the number of enforcement campaigns that we could do, specifically in problem areas, in Washoe County, in Clark County, additional enforcement on pedestrian safety for both the motorist and the pedestrian, whoever was at fault. And as well as additional media campaigns for pedestrian safety, to develop a non-audio, video for motorcycle safety to display at all the DMVs in the state. And to accommodate the creative and paid campaign for a moving over campaign for law enforcement and first responders. Even though that law was passed I believe in 2013, maybe 2011, they're still having problems with drivers moving over when they're standing out by the side of the road. And so these additional funds will cover a campaign to work on that for public safety.

Governor: When you do those types of campaigns, do you show those videos at the DMVs?

Traci Pearl: Yes, sir. DMV is a major partner in the Strategic Highway Safety Plan, and all of the critical problem areas, which are six at the moment in regard to traffic safety, have specific ads and public service announcements that DMV is displaying in all of their branches.

Governor: Okay. No, I was just over there and I never knew there was such a thing as DMV TV. But just to make sure that we're showing those videos. Because obviously, we have a captive audience in those that are there specifically for the purpose of a subject associated with driving. And so I just wanted to confirm that we do play those types of public safety messages on the DMV channel.

Traci Pearl: Yes, sir. It is a fairly new service at DMV.

Governor: All right. Any other questions from Board members?

Attorney General: No, Governor.

Secretary of State: No, Governor. Thank you.

Governor: Thank you very much.

Traci Pearl: Thank you.

Governor: Let's move to 66 and 67.

Donna Lopez: Good morning, Governor and Board members. For the record, I'm Donna Lopez, and I'm the Quality Control Officer for the Public Employees Benefits Program. And with me today is Megan Sloan. And contract No. 66 with Catalyst RX, this contract extension is being requested to allow staff sufficient time to prepare and issue an RFP for Pharmacy Benefit Manager Services. And just a little bit of background on exactly what does Catalyst RX do for PEB. Catalyst RX is the pharmacy benefit manager who manages the prescription drug utilization for all of the members of the self-funded consumer driven health plan. And with that, Megan and I would be happy to entertain any questions the Board may have.

Governor: And I asked for these to be held out. Are you confident that we'll be ready for that RFP next year given this one-year extension?

Donna Lopez: Absolutely, Governor. In fact, Megan and I are presenting the overview and the scope of work to the PEB Board this coming Thursday, May 21st. And immediately following, or soon after their approval of the overview and scope, we will kind of finish the rest of the RFP and submit it over to Purchasing for release.

Governor: All right. Thank you. And before I go to 67, Board members, do you have any questions with regard to Contract 66?

Secretary of State: No, Governor.

Attorney General: Thank you, Governor. I have one question. So if this RFP ends up getting concluded in a lesser time than a year, will it go out earlier, and will this contract potentially be shortened, or is it -- are we locked in for the whole year?

Donna Lopez: It could potentially be shortened. And the RFPs that we issue always have a statement in there that on July 1st, say, for example, of 2016 or sooner. So it could be cut shorter.

Attorney General: Thank you. No further questions.

Governor: Thank you. Thank you, Mr. Attorney General. Let's move to 67 and the contract with Hometown Health.

Donna Lopez: Again, Governor, for the record, this is Donna Lopez. This contract extension would, again, allow PEB staff sufficient time to issue an RFP for HMO services. And a little bit of background on this particular contract. PEB currently contracts with two HMOS, one in Southern Nevada who is Health Plan of Nevada, and the other who is Hometown Health Plans in Northern Nevada, and that's this particular contract. And what we are doing is aligning those two contracts to both, and on July 1st of 2016, allowing the RFP that we issue to address both HMOs at the same time and not have two separate termination dates. With that, I'll open it up to any questions.

Governor: Do you believe that that will result in some possible savings when we open up the RFP on this contract?

Donna Lopez: Governor, we always hope for possible savings on any contract that we issue.

Governor: Yeah. No, and, I mean, I'm not saying anything that anyone doesn't know already. This is really important. I mean, this affects all our public employees. And it's a lot of money. Over five years it's \$359 million. So we do -- you know, I do want to get the best deal possible that we can. And so I guess we'll find out in a year.

Donna Lopez: Yes, sir, we will.

Governor: Okay. And then just on a personal note, will you give Kateri my best?

Donna Lopez: I certainly will. I will take your message to her. She will be very pleased to hear that.

Governor: Is she doing all right?

Donna Lopez: She is doing fabulously with all things considering. She has been released to return back to work, albeit for just a couple of hours a day for a couple of days out of the week. But we are so happy to have her back in the office again.

Governor: Okay. Well, please tell her I've been thinking about her.

Donna Lopez: I will tell her that.

Governor: All right. Board members, any questions with regard to Contract No. 67?

Attorney General: Governor, I just have one follow-up. So with the timing -- getting these both to go the same time as it will then create the opportunity for statewide bid. Is that the concept?

Donna Lopez: Absolutely. In fact, that's one of the issues -- I shouldn't say issues. One of the things that we addressed in the RFP is an opportunity for an HMO vendor to bid on a statewide, as well as vendors to bid on Northern or Southern. So it'll be interesting to see what we get.

Attorney General: Thank you. No further questions, Governor.

Governor: Thank you very much. We'll move to Contract 68, Silver State Health Exchange.

Bruce Gilbert: Good morning, Governor, members of the Board. For the record, Bruce Gilbert, the Executive Director of the Silver State Health Insurance Exchange.

Governor: Thank you, Mr. Gilbert. Before we get into the specifics of this contract, I wanted to take this opportunity to get a wrap up of how we did this year.

Bruce Gilbert: Thank you, Governor. We did pretty well, when you take a look at things and our history. We ended up having about 72,000 people go through the application and enrollment process. And my understanding is that the number of paid enrollments is roughly between 62 and 65,000, which is a significant improvement from the year prior.

Governor: So do we have a goal for next year?

Bruce Gilbert: I'm very hesitant, to be honest with you, to provide numerical goals, because invariably they're a difficult benchmark to meet. Certainly, we anticipate that -- especially with having had a good open enrollment this past year, we'll be in a position where we can reach those segments of the population that we have not to this point in time. I think that you will see increased enrollment. How much greater that will be, it's very difficult to say.

Governor: And when does the next enrollment period open?

Bruce Gilbert: I believe it begins November 1st.

Governor: All right. Now, let's talk a little bit about this contract. Will you describe what its purpose is?

Bruce Gilbert: Yes, thank you, Governor. This is a new contract, as our current vendor for marketing, outreach and education, their contract has come to an end. So this is a contract to provide those same services, marketing and outreach, education about the exchange, and it'll encompass three phases: planning, a pre-enrollment campaign, and, in fact, an enrollment campaign. So these are similar services to our last contract, but with a new vendor.

Governor: And this vendor is a Nevada vendor, correct?

Bruce Gilbert: For the record, Bruce Gilbert. That is correct. PENNA Powers, which actually does work for NDOT and DPS, they are a Utah company, but they have a presence in Henderson, Nevada and do other business with the state.

Governor: Okay. Thank you. Other questions from Board members?

Attorney General: I have one question, Governor. So with us -- this may be too complicated for this with us moving to a federal exchange. What's the piece left that the Silver State Exchange is doing?

Bruce Gilbert: Thank you. Bruce Gilbert, for the record. We have not moved to the federal exchange. What we have done is we have opted their technology, which is an entirely different thing. When it comes to operation of the Navigator Program, when it comes to marketing, when it comes to outreach, when it comes to actually the operation of the Exchange, other than simply providing the technology, all of that is done by the Silver State Health Insurance Exchange here in Nevada.

Attorney General: Okay. Thank you.

Bruce Gilbert: Thank you.

Governor: All right. That's all I have. Madam Secretary, did you have any questions?

Secretary of State: No, Governor, thank you.

Bruce Gilbert: Thank you.

Governor: Thank you very much. Keep up the great work. I believe that completes all the contracts that have been asked to be held. Are there any other contracts that the members wanted to be considered, at least for a presentation?

Attorney General: No, Governor, thank you.

Secretary of State: Nope.

Governor: So if there are no further questions, the Chair will accept a motion to approve Contracts 1 through 70 as described in Agenda Item No. 10.

Attorney General: Move to approve.

Secretary of State: Second.

Governor: Moved for approval. Secretary of State has seconded the motion. Any questions or discussion? All in favor say aye.

Secretary of State: Aye.

Attorney General: Aye.

Governor: Aye. I'm sorry. I misspoke. I said Agenda Item 10, I meant Agenda Item No. 9., just for purposes of the record. Motion passes 3-0. We'll move on to Agenda Item 10 which is the Contracts Approved by the Clerk of the Board. Mr. Wells. Or I meant 8. Boy, I'm really off. So those were the contracts considered under Agenda Item No. 8.

***9. FOR POSSIBLE ACTION – MASTER SERVICE AGREEMENTS**

Twelve independent contracts were submitted to the Board for review and approval.

Clerk's Recommendation: I recommend approval.

Motion By:

Seconded By:

Vote:

Comments:

Governor: We'll move to No. 9 which are Master Service Agreements. Mr. Wells.

Clerk: Thank you, Governor. There are 12 Master Service Agreements in Exhibit No. 3 for approval by the Board today. There were originally requests for members for follow-up on Contracts 1, 3, 9 and 11 regarding the sign language that we talked about earlier. And there were also questions regarding 2 and 4. And there are Purchasing representatives here to answer any additional questions regarding those contracts.

Governor: Okay, Madam Secretary, were you still batting a thousand? Did we answer all your questions?

Secretary of State: I tell you, Governor, yep, you're still batting a thousand. Great staff.

Governor: No, thank you. So you have -- I know that you had several that you wanted to be considered, but if you're satisfied with the responses that you received previous to the meeting, we don't need to call those folks up?

Secretary of State: No.

Governor: Okay. Great. Mr. Attorney General, any questions with regard to Agenda Item No. 9?

Attorney General: No, Governor, thank you.

Governor: Okay. Chair will accept a motion for approval of the Master Service Agreements 1 through 12 as described in Agenda Item 9.

Attorney General: Move to approve.

Secretary of State: Second.

Governor: The Attorney General has moved for approval. The Secretary of State has seconded the motion. Any questions or discussion on the motion? All in favor say aye. Aye.

Attorney General: Aye.

Secretary of State: Aye.

Governor: Motion passes 3-0.

10. CONTRACTS APPROVED BY THE CLERK OF THE BOARD – INFORMATION ITEM

Pursuant to AB 41 of the 2013 Legislative Session, the Clerk of the Board may approve all contract transactions for amounts less than \$50,000. Per direction from the August 13, 2013 meeting of the Board of Examiners, the Board wished to receive an informational item listing all approvals applicable to the new threshold (\$10,000 - \$49,999). Attached is a list of all applicable approvals for contracts and amendments approved from March 24, 2015 through April 20, 2015.

Forty-one independent contracts were submitted to the Board for review.

Comments:

Governor: We will move to Agenda Item 10, Contracts Approved by the Clerk of the Board. Mr. Wells.

Clerk: Thank you, Governor. There were 41 contracts under the \$50,000 threshold that were approved by the Clerk between March 24th of 2015 and April 20th of 2015. There were no additional requests for questions from members on this item.

Governor: Board members, this is an informational item. Any questions before I move on to Agenda Item No. 11?

Attorney General: No, Governor.

Secretary of State: No.

Clerk: Thank you.

Governor: All right then. Thank you, Mr. Wells.

11. INFORMATION ITEM

A. Department of Veterans Services

This disclosure reports a correction to the contract value between the Department of Veterans Services and ADL Data Systems, Incorporated (CETS # 14076). The contract value posted on the March 12, 2013, Board of Examiners agenda was \$478,963; however, the signed contract value is \$262,000.

Comments:

B. Department of Conservation and Natural Resources – Division of State Lands

Pursuant to NRS 321.5954, the Division of State Lands is required to provide the Board of Examiners quarterly reports regarding lands or interests in lands transferred, sold, exchanged, or leased under the Tahoe Basin Act program. Also, pursuant to Chapter 355, Statutes of Nevada, 1993, on page 1153, the agency is to report quarterly on the status of real property or interests in real property transferred under the Lake Tahoe Mitigation Program. This submittal reports on program activities for the fiscal quarter ending March 31, 2015.

Additional Information:

- **1989 Tahoe Basin Act**
 - There were no transfers of lands or interest in lands during the quarter.
- **Lake Tahoe Mitigation Program**
 - The agency reports that there were no acquisitions of land or interest during the quarter. However, one land coverage transaction did occur during the period. The transaction resulted in \$4,023 in proceeds for the Nevada Land Bank.

Comments:

Governor: Let's go to Agenda Item No. 11, Information Item, Department of Veterans Services, Department of Conservation and Natural Resources. Please proceed.

Clerk: Thank you, Governor. Item 11A is a correction to a previously approved contract where the dollar amount that was placed on the contract summary and subsequently, the Agenda for the Board of Examiners, did not match the dollar amount that was stated in the actual contract that was signed. So the Agenda had a contract value of \$478,963. The actual contract itself that was signed, was only for \$262,000. And that is now correct. With this information item, we have corrected that contract amount in our system.

Item 11B is a report from the Division of State Lands pursuant to NRS 321.5954, which is in regards to land or interest in lands that are transferred, sold, exchanged or leased under the Tahoe Basin Act Program. And pursuant to Chapter 355 of the 1993 Statutes of Nevada, regarding the status of real property or interest in real property transferred under the Lake Tahoe Mitigation Program. This report is for the quarter ending March 31st of 2015. There were no transactions

under the Tahoe Basin Act, and one transaction under the Lake Tahoe Mitigation Program, which resulted in proceeds of \$4,023 being deposited into the Nevada Land Bank.

Governor: Thank you, Mr. Wells. Any questions from Board members?

Secretary of State: No, I don't. I'd just like to say that I wish that was Hawthorne, Nevada instead of Hawthorne, New York for the first contract.

Governor: No, I saw that as well, and I thought, wow, I didn't know that we had a company like that. But then it turned out it was in New York.

Secretary of State: Yep.

Governor: All right.

12. BOARD MEMBERS' COMMENTS/PUBLIC COMMENTS

Comments:

Governor: Then let's move to Agenda Item 12. Are there any Board members comments?

Secretary of State: None from me.

Attorney General: No, Governor. Thank you.

Governor: All right. Any public comment from here in Las Vegas? Any public comment from Carson City?

*13. FOR POSSIBLE ACTION – ADJOURNMENT

Clerk's Recommendation: I recommend approval.

Motion By:

Seconded By:

Vote:

Comments:

Governor: We'll move to Agenda Item 13. Is there a motion to adjourn?

Attorney General: Moved.

Secretary of State: So moved.

Governor: Attorney General has moved. The Secretary has seconded the motion. All in favor say aye.

Secretary of State: He knew you were first.

Attorney General: Aye.

Secretary of State: Aye.

Governor: Aye. This meeting is adjourned. Thank you very much, ladies and gentlemen.


Secretary of State: Thank you.

Respectfully submitted,



JAMES R. WELLS, CLERK

APPROVED:



GOVERNOR BRIAN SANDOVAL, CHAIRMAN



ATTORNEY GENERAL ADAM PAUL LAXALT



SECRETARY OF STATE BARBARA K. CEGAVSKE