

**STATE OF NEVADA RIGHTS OF VICTIMS AND SOURCES OF
FUNDING FOR VICTIMS OF CRIME SUB-COMMITTEE**

MINUTES OF MEETING

August 15, 2012

Committee Members Present

Ben Felix, Coordinator, Sexual Assault Support Services, Crisis Call Center
Traci Dory, Victim Services Officer, Nevada Department of Corrections
Sue Meuschke, Nevada Network Against Domestic Violence
Chris Lovass-Nagy, Division of Child and Family Services
Rebecca Salazar, Victims of Crime Program, Department of Administration
Barbara Aupperle, Program Administrator, Victim-Witness Assistance Center, Clark
County District Attorney's Office
Julie Skow, Victim Witness Assistance Center, Washoe County DA
Maureen Seitz, FBI, Victim Advocate

Attorney General's Office Staff Present

Catherine Cortez Masto, Chair
Kareen Prentice, Domestic Violence Ombudsman
Elizabeth Greb, Grants & Projects Analyst
Heather Cooney, LS II
Heather Proctor, Senior Deputy Attorney General
Harry Ward, Deputy Attorney General

Committee Members Appearing by Telephone

Kari Ramos, Program Director, Nevada Coalition Against Sexual Violence
Debra Robison, Northern Nevada CARES/SART Program
Maxine Lantz, Victim-Witness Services, Eastern Nevada
Suzanne Ramos, Victim Advocate, Reno City Attorney's Office
Julie Skow, Victim Witness Assistance Center, Washoe County DA
Julie Proctor, Executive Director, S.A.F.E House

1. **Call to order and roll call of members.** Chairperson Catherine Cortez Masto called the meeting to order at 2:00 p.m. Roll Call was held. A quorum of the members was present.
2. **Public Comments .** No public comment from the North or South.
3. **Review and Approval of the Minutes from June 20, 2012.** Kareen Prentice, Kari Ramos and Elynne Greene each had corrections to the minutes. A

motion was made to approve the minutes with corrections. The motion was seconded and passed.

4. Discussion of final report/recommendations due to the Advisory Commission on the Administration of Justice by August 28, 2012.

Chairperson Masto advised the group that the working group of the Advisory Commission is coming to a close. They are going to be moving into a work session during which they will be looking at potential legislation that they will recommend to the legislature and will be looking for this group's recommendations to them. As the next meeting is August 28, any recommendations the committee wants to make will need to be presented to the Advisory Commission for that August 28th date. She invited the members of this subcommittee to attend the meeting of the Advisory Commission and stated that it was also available streaming from the legislative website.

5. Discussion of flexibility in Sexual Assault Response Team/Sexual Assault Nurse Examiner (SART/SANE) nurse licensing for sexual assault victims.

Chairperson Masto stated that a discussion took place with Mike Hillerby, lobbyist for the Nursing Board regarding our concerns with this issue. It was a very positive meeting. Mike agreed to take the discussion back to his client, Debra Scott, to set up a follow-up meeting in order to come to some resolution short of having to adopt legislation.

Kareen Prentice stated that Heather Proctor and Debra Robison were at the meeting. Debra Robison stated that Mike Hillerby wanted to talk with Debra Scott first and then have Debra Scott meet with the people that met with Mike Hillerby and ultimately take it to the practice committee. She added the practice committee's next meeting is not until October.

Debra Robison advised that the specific issue that was discussed with Mike Hillerby was that the Nursing Board remove the mandate that nurses that do the sexual assault examinations have to have the national certification. It is not required by the International Association of Forensic Nurses and no other state requires it.

Elizabeth Greb distributed a handout and stated that she has been having an email exchange with Charlene Whitman of AEquitas. AEquitas and Eval are the technical assistance providers for OVW for sexual assault issues, particularly forensic compliance. They have been tasked with the project of looking at all of the mechanisms that state and territories use to pay for SAFE Exams. Their interpretation of what Nevada had illustrates some of the issues we are having within the state as well.

Linda Fitzgerald will distribute the handout to all committee members for review.

Elizabeth Greb stated that the handout is actually more relevant to Agenda Item No. 6 and 7.

Chairperson Masto explained that with regard to the mandate issue for sexual assault nurses, she intends to tell Chairman Horne of the Advisory Commission that we want to address this issue through a working relationship with the Nursing Board and having them adopt policies so that we do not have to adopt legislation to address this issue.

Ben Felix asked how amenable Mike Hillerby was, as the Practice Committee was not meeting until October so this would be a slow process.

Chairperson Masto responded that Mike Hillerby seemed very open, understood the issue and was willing to get his client engaged to see if we could have fruitful discussions on this.

6. Discussion of VOC Compensation Fund to pay sexual assault exam fees and take burden off counties.

Kareen Prentice stated that they had not received a report from Carson or from Debra Robison and had received a bare bones report from Las Vegas.

Liz Greb stated there is a concern in Clark County with regard to eliminating Clark and Washoe Counties and only providing funding to rural counties. She stated that they want to be included however the cost to the fund would be prohibitive.

Chairperson Masto stated that it was necessary to set a timeframe for gathering the necessary numbers report because this board will need to review it and vote on it before it can go to the Advisory Commission and they are running against a deadline.

Debra Robison stated she can get the statistics on the numbers of patients they see but the rest of the information would need to come from the District Attorney's Office. Julie Skow interjected that she had already sent the rates in an email. Elizabeth Greb asked how the rates were included as she understood that they were looking at increasing the rates. Debra Robison responded that the rates are \$450.00 for adults and \$275.00 for children. Julie Skow advised that the rate is \$400 for California and \$275 for CARES and SART is \$325.

Chairperson Masto asked if there was an annual average available. Debi Robison advised that she could provide specific numbers for the past several years. She stated that last year 151 adult patients were seen and 86 children were seen. She added that in the previous year over 190 adults were seen and in the year before that between 200-220 adults were seen.

Chairperson Masto requested that Ms. Robison email those figures to Kareen Prentice who will forward it to Rebecca Salazar.

Ben Felix asked if Debra Robison could back out the figures from other jurisdictions as the overall volume includes Lyon, Churchill and other counties outside of Washoe. Debra Robison said she will break the numbers down by county for five years. Kareen Prentice will talk with Traci Trenowith for the Carson numbers. Clark County numbers for the past three years will be provided.

Heather Proctor discussed draft legislation prepared on this topic. She stated that as of the most current representations made to her including for NRS 449.244 clarifying that the forensic medical examinations and initial medical care under section 3 will be paid by the Victims of Crime Fund. NRS 217.310-240 would be for the aftercare. Also NRS 449.244 and 217.340 would be amended so that the victim forensic exam would be paid for regardless of whether the victim cooperates with law enforcement or the criminal justice system to bring us into compliance with the VAWA Act of 2005.

Traci Dory stated that she is concerned about the Clark County inmate population that goes to UMC being included in the figures and added they should not be billed to the fund or the DA but should be billed to the prison directly.

Heather Proctor advised that language could be included in the BDR addressing this issue. She added that we should also address whether we are going to include all the counties.

Chairperson Masto stated that the proposed legislation would be given back to Jeff Fontaine who represents NACO to get his input regarding the counties.

Elynn Greene stated she is concerned that if we take on a county as large as Clark are we going to impact all victims of crime in terms of funding. Right now Victims of Crime provides catastrophic assistance and that didn't exist a couple of years ago and those can be \$300,000 to \$400,000 for long term bills.

Chairperson Masto explained that the proposed legislation was not necessarily definite and at this point they are just trying to get some working language out. She added that they have been meeting with Rose Heart and others and there has been concern expressed about having Clark County be a party of this but the reality is if one county is left out we'll be hearing from that county. Chairperson Masto added that the bill might not even pass if the funding is not there so this is still in draft form and Clark County is definitely one of the issues to be resolved.

Liz Greb stated that she received a request from AEquitas for an opinion from Nevada that clarifies NRS 217.300, payment of costs of initial medical care of victim and NRS 449.244. She stated that typically people look at those statutes but also at 217.310-340 with various interpretations that mostly say the county doesn't have to pay for whatever reason. She added that even when looked at nationally our statutes are confusing. Ms. Greb asked the committee to look at the statutes and provide clarification that she could take back to AEquitas. She advised AEquitas that there are revisions being considered. Ms. Greb added that she was particularly concerned about OVW's interpretation of our statutes regarding compliance with the sexual assault forensic exams. She advised that Heather Proctor has been working on the language in 217.300-340 as well.

Chairperson Masto stated that Heather Proctor is tasked with putting in statute our interpretation of existing statutes. Ms. Proctor responded that she did not address Section 300 although she could add that and that her BDR is a clarification separating 449.244 from the bulk of 217.

Chairperson Masto asked Liz Greb to draft our interpretation of the statute and then share it with the committee for approval. She expressed that she wanted to ensure that the committee's interpretation was consistent with the changes Heather Proctor is making.

Harry Ward commented that the direct email should go to only one of the committee members so as to not be in violation of the open meeting law. He added that there can be no polling, no discussion, nor anything concerning that one email. At that time it can be brought to the committee as an agenda item.

Chairperson Masto advised they have one more teleconferenced meeting prior to the deadline for the purposes of discussing the interpretation.

7. Update on Legislation impacting victims of crime for 2012 Legislature.

No one was aware of BDR's impacting victims of crime.

8. Determine future meeting agenda items.

Chairperson Masto stated that there were none currently but after the advisory commission wraps up the legislative session the question will be whether there are any issues we can address that can be addressed short of legislation or go through the advisory commission.

9. Next Meeting

Next meeting will be a teleconferenced meeting. Linda Fitzgerald will keep the members posted regarding time and date.

10. Comments from the public.

Elynn Greene advised that Southern Nevada received \$1,000,000 to be divided equally between Metro and Salvation Army to fund the Southern Nevada Human Trafficking Task Force.

Rebecca Salazar stated that their office has moved from Reno to Carson City.

11. Adjournment

A motion to adjourn was made, seconded and passed.