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Director

**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



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**Senate Bill 275 (2021) –
ADVISORY TASK FORCE ON HIV EXPOSURE MODERNIZATION**

December 22nd, 2022

FINAL –

APPROVED JANUARY 5, 2023

5:09 PM

Microsoft Teams Teleconference

1. Call to Order, Roll Call – Tory Johnson, Office of HIV

TASK FORCE MEMBERS PRESENT:

Stephan Page – Co-Chair
Cheryl Radeloff
Caesar Espinoza
Jennifer Howell
Rob Phoenix
Jesus (JP) Coleman

TASK FORCE MEMBERS ABSENT:

Andre' Wade
Gary Costa
Senator Dallas Harris
Quentin Savvoir – Chair

OFFICE OF HIV STAFF PRESENT:

Tory Johnson

GUESTS PRESENT:

Linda Anderson, Esq. – Nevada Public Health Foundation
Pierron Tackes – DPBH Deputy Attorney General
Donna Laffey

Tory Johnson conducted the roll call and called the meeting to order at 5:07 pm. seven (6) of the ten (10) members were present.

2. Public Comment:

No action may be taken on a matter raised under this item of the agenda until the matter itself has been included specifically on an agenda as an item upon which action will be taken

No public comment – Jennifer Howell confirmed that her discussion item would be better fit in another agenda item.

3. For Possible Action: Review and approval of meeting minutes – Co-Chair: Stephan Page
 • December 8, 2022

Motion made to approve minutes. Motion was seconded. Motion approved unanimously by roll call vote.

4. For Possible Action: Discussion and possible action relating to drafting and submission of letter of support from modernization task force to host the 2023 HIV Fast Track Cities Conference in Las Vegas, NV (see attachment: Fast_Track_City_Conference_Request.pdf) – Rob Phoenix, APRN, FNP-C, HIV-PCP

Letter was uploaded to meeting attachments. Co-Chair Page offered his suggestions in the letter for changes and updates. Such as calling the committee a Task Force. Rob Phoenix asked how to sign the letter before sending. Co-Chair Page suggested either Senator Harris, the Chair, or both to sign it. Cheryl Radeloff asked if there was a time sensitivity to the letter. There was no known due date but was best to get it in as soon as possible. Jennifer Howell suggested that since quorum was achieved, that any potential progress should be taken. Co-Chair Page made a motion to approve the letter and to be signed by Cahir Savwoir and Senator Harris. Motion seconded and approved in vote.

5. For Possible Action: Discussion and possible action relating to drafting of report to Governor’s Office and Legislative Council Bureau (LCB). Possible topics to include and review in the report as follows:

Possible Section	Status	Document Name	Task Force Member
Comprehensive sexual education	Pending		Quentin Savwoir
Applying SB 275 (2021) retroactively; clearing records of those previously criminalized under the statues that SB 275 (2021) repealed	Pending		Senator Dallas Harris
1 st responders	Draft Submitted	2022_HIV_Report_Section_HIV_Nevada_First_Responders_DRAFT_12082022.pdf	Jennifer Howell
NRS 441A.320	Draft Submitted	2022_HIV_Report_Section_HIV_NRS_441A_320_DRAFT_12082022.pdf	Jennifer Howell/Rob Phoenix/Stephan Page
Community Engagement and the need to share information related to SB 275 (2021)	Draft Submitted	2022_HIV_Report_Section_HIV_Nevada_Community_Engagement_DRAFT_12082022.pdf	Cheryl Radeloff & Stephan Page
Age of consent regarding STI testing and treatment	Draft Submitted	2022_HIV_Report_Section_Age_of_Consent_DRAFT_12082022.pdf	Andre’ Wade

HIV & Nevada State Prisons	Draft Submitted	2022_HIV_Report_Section_HIV_Nevada_State_Prisons_DRAFT_12082022.pdf	Cheryl Radeloff & Stephan Page
Clients/patients access to medications through limitations placed on co-pay assistance cards (i.e., health insurance plans and deductibles) through commercial insurance plans	Draft Submitted	2022_HIV_Report_Section_CoPay-Accumulator-Recommendations_DRAFT_12082022.pdf	Rob Phoenix

All report sections are uploaded and visible in the attachment section. Only things missing are first three listed including documents from: Chair Savvoir, Senator Harris, Jennifer Howell, and Cheryl Radeloff. Still time before reports need to be submitted.

Co-Chair Page worked through submitted reports for review by task force. Cheryl Radeloff stated she had sent some to Tory Johnson, Office of HIV. She was asked to pull them up anyway to make them more easily accessible. Tory Johnson stated he did not post them yet but did bring them up.

Rob Phoenix clarified that this document is built primarily around barriers such as medication and medical care access. Cheryl Radeloff's notes: Change all text to match even in quotes, change "broken system" in paragraph 8 to "current reimbursement system" and move information from AIDS Institute and/or HB2166 to appendix rather than main document.

Rob Phoenix clarified the quote from AIMED Alliance was based on how pharmacy benefits management, in their opinion, violates 1557 of ACA regarding discrimination. Co-Chair Page stated it would be good to clarify that information. Rob Phoenix stated he could create an appendix but wanted to keep it condensed.

Co-Chair Page added he would prefer to remove reference to 'Un-Infected Person' has negative connotations and should be changed to, 'HIV Negative,' instead. Caesar Espinosa expressed his support for the removal of Uninfected. Rob Phoenix agreed he could alter it. Co-Chair Page also stated that on Page 4 stated he's not sure if the report will be finished in time to get legislation drafted in 2023 and should just state that legislation should be drafted as soon as possible. He also stated his appreciation for the work Rob Phoenix did on his sections

Cheryl Radeloff's notes: Document should clarify when laws went into effect, and if new legislation is necessary since some use NRS 129.030(3) to grant access to PrEP and PEP to minors without guardian consent and if further legislation is needed. Rob Phoenix asked for clarification on which NRS was being referenced Cheryl provided it. Jennifer Howell stated she plans to provide additional information about the ability for minors to access contraceptives without parental approval. Co-Chair Page mentioned Senator Harris was writing a BDR around access to healthcare for minors.

1st Responders report was approved with no changes.

NRS 441A.320: Co-Chair Page asked Jennifer Howell if she wanted to provide more information regarding contact with Washoe County Sheriff's office. Cheryl Radeloff brought up the following suggestions: Clarification on HIV/STI testing, correct to Center's Advocacy network, Edit, or remove the sentence regarding possible addition to Washoe

County Sheriff's Office, mention that someone from Signs of Hope was present at a task force meeting but unaware of topic due to staffing, and finally additional research should be done on impact of bill on survivors of sexual assault. Co-Chair Page and Cheryl Radeloff agreed to discuss those changes offline.

Suggestions from Cheryl Radeloff's notes: clarification on who finished flyers if flyers are finished, article from Senator Harris regarding NV Lawyer Magazine and its status, and finally suggested the reference to the Task Force in the 6th paragraph might work better in public health authority section. Co-Chair Page asked for clarification on the third note. Cheryl Radeloff stated there was no editing, just that it might better tie in with a different section. Co-Chair Page stated that there was intended to be mention to the other section. Flyers have been completed, just waiting for final clearance for sharing. Tory Johnson clarified they are clear for sharing, but final version has not been received from Nevada Legal Services yet. Co-Chair Page also stated he's unaware of Senator Harris was still writing the article.

Co-Chair Page stated that this section has been amended to include information regarding testing and care of Hepatitis C and HIV in prisons. Jennifer Howell stated her additional agenda item ties into his report. Co-Chair Page stated he will leave a note that the report might need to be updated after the new agenda items.

Cheryl Radeloff's notes: Advanced Practice Registered Nurses (NPS) should be spelled out on what the acronym means, removal of most of the front matter and discuss the need for more providers to care for PWH and/or Rx PREP/PEP and discussion of the impact of failure to provide equality, as well as focus on solutions.

Co-Chair Page brought up solutions on the last page and asked for clarification on what an ERISA Self-Funded Plan is. Also suggested a listing NRS numbers for requirements on limiting discrimination. Lastly, Co-Chair Page wanted clarification on what Rob Phoenix felt the state was doing to discourage APNs and similar from practicing in Nevada. Rob Phoenix stated that there is no pay parity between physicians and nurse practitioners and that such is needed to help encourage more practitioners to practice, especially with HIV clients. Nurse Practitioners have the same costs as a physician but are still receiving less money for equal coverage. The last thing mentioned was adding a definition of Provider Parity. Cheryl Radeloff expressed her concern for making sure parity included all positions needing parity including Physician's Assistants and Nurse Practitioners. Cheryl Radeloff wanted to include necessity for prescribing PrEP and PEP treatment.

Removing barriers to care such as specialist requirements and same day rapid start medication access: Co-Chair Page expressed his appreciation to Rob Phoenix for his work on the section and that it might be good to start the report. Co-Chair Page asked for clarification on reports talking about the success of primary care and HIV care and move the studies to reference section rather than in the main body of the paper. Also mentioned the chart on Page 3 might be unnecessary due to it repeating written information. Did agree that chart on Page 4 helps with statement as there is only a sentence dedicated to rural areas and HIV.

Cheryl Radeloff asked about adding recommendations adding emphasis to other national and state strategic plans, such as EAG, to help make sure that they line up together to help promote HIV prevention and care. Clarification should be included that Nevada is doing things and not make it seem like the state is not doing things. HIV prevention planning groups have created a plan for the state for 2022-2026 that lines up with the national EAG. Any reports should support the efforts that have been worked on by the state as much as encouraging line up with national EAG. Jennifer Howell stated the latest plan was on the

endhivnevada.org website for more information. Also clarified that prevention, Ryan White, and surveillance have limited funding sources. Because of federal funding, there are limits on how money can be spent. Cheryl Radeloff offered to provide clarification and discuss the integrated plan with Rob Phoenix if he wanted. Rob Phoenix asked if adding a statement about HIV modernization being adopted by the state including guidelines from the 2022-2026 Strategic Nevada HIV Plan and including a link or attachment would be sufficient. Cheryl Radeloff answered that the suggestion would be sufficient, just to also include Clark County be included separately, as well. There was discussion about seeking funding for implementation, evaluation, and assessment. Rob Phoenix returned after a disconnection. Cheryl Radeloff repeated what she said earlier.

Co-Chair Page asked for clarification of term, 'HIV Unaware,' and wanted to know it was different from someone who hasn't had an HIV test. However, 40% of people in Nevada have not had a test. Rob Phoenix clarified that it was a term used by the report the statistics are cited from. 'HIV Unaware' are those that do not know their HIV status.

Additional comment added by Co-Chair Page regarding redirecting of funds from insurance carriers and hospitals away from sporting event/teams/venues sponsorship and towards coverage. Co-Chair Page stated that the legislature could not direct private entities not to use their money in this way but could tax them differently to fund such programs. Rob Phoenix stated he believes the legislature should state how medical providers and insurance companies cannot use their money. That they should match rules for federally funded programs such as Nevada Medicaid. Insurance providers should have to refund money to consumers if they do not invest a certain percentage of money into consumer care. Co-Chair Page expressed his support for the idea, and to maybe state that funding can be provided by restricting funds on sponsorship advertising, and instead must spend the money on customer care.

Caesar Espinoza expressed his concern for supporting this idea as he has seen advertisements for Medicare and social security at sporting events. He expressed concern at the federal government doing this, and then trying to tell private companies they cannot do the same. Co-Chair Page stated he understood that through process. Clarified that it is part of a larger discussion on the role of insurance in removing barriers to care. He then added it might be best to remove this as a recommendation. Rob Phoenix suggested changing it to state that insurance companies should be required to cover all existing FDA approved and government supported HIV medications and remove talk about funding. Co-Chair Page expressed his support for the change.

Co-Chair Page added additional changes to suggestions regarding state funded distribution of free Narcan and fentanyl test strips. While safe use measures can help reduce HIV spread, such measures might be hard to include in HIV discussions. Jennifer Howell stated that it might be better to include language about support of all harm reduction activities as it might be what finally brings someone into harm reduction efforts that include HIV testing. CDC includes all harm prevention services that are evidence based. Cheryl Radeloff supported the idea of moving the suggestion to cover all harm reduction services.

Rob Phoenix then stated he would re-word the section to be more general about harm reduction tied to CDC definitions of what is included.

Co-Chair Page moved onto recommendation to have an HIV advisory board made up of at least 51% people who are HIV positive and to provide pay. The suggestion was made to only include that recommendation in one section, rather than all 4 recommendation sections. Co-Chair Page also mentioned difficulty in finding enough people to make this task force 51% plus HIV positive so might not be feasible. It also forced people to reveal their HIV

status which wasn't fair to applicants. Co-Chair Page also recommended reducing number of mentions regarding sex-positive education to a single section instead of in multiple areas.

Cheryl Radeloff asked if any mention of things such as comprehensive sex education should simply refer to a single section and any additional mentions should go back to that single section. Rob Phoenix stated he could change it to mention other sections and recommendations of the committee. Any additional mention should just refer back to the portion of the larger report. Cheryl Radeloff asked if the comprehensive sex education section was still being worked on and said that any descriptors should be limited until full scope of recommendation is considered. Jennifer Howell stated Washoe County does include education for 4th and 5th graders. Co-Chair Page recommended just changing it to adolescent education and not restricting it to specific school levels. Rob Phoenix made changes based on recommendations. Cheryl Radeloff added that Nevada Public Health Association John Peckham's Group is working on their recommendations and comprehensive sex education is part of their recommendation. Jennifer Howell clarified that the nationwide term is: Comprehensive, medically accurate, and inclusive

6. For Discussion:

Continuation of Advisory Task Force on HIV Exposure Modernization – Current Task Force members

Co-Chair Page stated he could not continue with the task force if it extended past the report. Stated he did not want to fully participate in any discussion for continuation due to him leaving after this term. Rob Phoenix stated that goals and objectives of the task force are accomplished there should not be a need for ongoing meetings. That potential for the task force should be kept but does not need to be active unless something changes. Jennifer Howell expressed her doubt about the goals of the task force being met, especially with political items such as sex education. She would prefer for the task force to be continued through legislation so the goals of task force can continue. Cheryl Radeloff seconded the idea of continuation of the task force. Feels it is important to continue to advocate for the HIV community on a legislative level. Tory Johnson asked that whoever drafts the bill request include a dedicated person to the body for providing support for the task force that does not come from the Office of HIV. Jennifer Howell added that any position needs to include general funds and not funding out of current federally funded HIV programs.

Co-Chair Page stated that if there is going to be a legislative advisory board/task force that it needs to be decided soon to find a sponsor for such an action. Senator Harris is at her limit for bills and cannot write it herself. Jennifer Howell stated there is a precedent for a state mandated task force as there was one for many years. Given the impact of STDs on Nevada, it could be very important and should be pushed. Discussed the history of the task force but was not sure if it was legislatively eliminated or just not filled due to quorum issues in the past.

Linda Anderson stated that while she was on previous task forces, she'd need to look at her records from before.

7. For Discussion:

Review and discussion of Bill Draft Request (BDR) 99-9999 (*see attachment: BRDR82_99_9999_VI_12082022*) which seeks to revise provisions governing the ability of a minor to consent to certain health care services. – Senator Dallas Harris

Co-Chair Page read what the BRD would do to include more rights of a minor to speak for themselves in a medical capacity outside of parental or guardian notification and consent in regard to STDs. Recommended that inclusion of information on BRD in report by Andre' Wade. Jennifer Howell asked to table item 7. No one stated objection.

8. For Discussion:

Legal Research State Statute Comparison (*see attachment:*

Item was tabled due to Andre’ Wade not being present.

- 9. For Discussion:** Sexual Assault Bill and Advocating for development of a model of care for survivors patterned after the Children’s Advocacy Centers. – Rob Phoenix, APRN, FNP-C, HIV-PCP
- Discussion occurred during Item 5, so moved forward.
- 10. For Discussion:** Encouraging HIV/Hepatitis C (Hep C) testing for prisons, as well as standards of care for Hep C. – Rob Phoenix, APRN, FNP-C, HIV-PCP
- Discussion occurred during Item 5, so moved forward.
- 11. For Discussion:** Review and discussion regarding provider parity (*see attachment: Provider Parity_12082022*) - Rob Phoenix, APRN, FNP-C, HIV-PCP
- Discussion occurred during Item 5, so moved forward.
- 12. For Discussion:** Review and discussion around removing barriers to care such as specialist requirements, same day-rapid start, medication access. (*see attachment: HIV_modernization_recommendations_12082022.pdf*) – Rob Phoenix, APRN, FNP-C, HIV-PCP
- Discussion occurred during Item 5, so moved forward.
- 13. For Possible Action:** Make recommendations for the next meeting’s agenda.
- Co-Chair Page recommended all items except Item 4 be moved forward to next meeting. Jennifer Howell asked that article she found and had forwarded to Tory Johnson be presented regarding a person spitting on staff at Carson City Jail and could face life in jail due to potential transmission of a communicable disease. Does not state which diseases, just in general. This does not line up with work to modernize HIV laws by task force. Co-Chair Page supported adding it to the next agenda and asked if there was a specific NRS. Jennifer Howell stated it was 212.189 to her recollection. Tory confirmed the NRS number.
- Co-Chair Page confirmed the next meeting with Tory Johnson. Tory stated no meetings were established into 2023. Co-Chair Page stated he would have time in January to continue on a bi-weekly basis. Other members stated that bi-weekly would be preferred for the time being. Cheryl Radeloff asked how long it would take to continue meeting and didn’t think it was advisable to do so during legislature. Co-Chair Page stated as long as necessary to submit report and recommendations by the end of January.
- 14. Public Comment:** *No action may be taken on a matter raised under this item of the agenda until the matter itself has been included specifically on an agenda as an item upon which action will be taken.*
- No public comment occurred
- 15. Adjournment** Meeting adjourned at 7:14 pm by consensus of task force