



SB 284 – ADVISORY TASK FORCE ON HIV EXPOSURE MODERNIZATION

Nov. 4, 2020

5 p.m.

Webex Teleconference

Final Minutes – Approved 12/02/2020

TASK FORCE MEMBERS PRESENT:

Andre' Wade, Chair
Senator Dallas Harris, Co-Chair
Senator David Parks
Stephan Page
Steve Amend
Vince Collins
Jen Howell
Cheryl Radeloff
Connie Schearer
Quentin Savvoir
Ruben Murillo
Cynthia Watson Catha

TASK FORCE MEMBERS ABSENT:

Antioco Carrillo
Catherine Elliott

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH STAFF PRESENT:

Tory Johnson, Mmgmt, Section Manager, Office of HIV
Juan "Tony" Garcia, Grants & Projects Analyst I, Office of HIV
Rhonda Buckley, Administrative Assistant II, Office of HIV

GUESTS PRESENT:

Marguerite Schauer
Linda Anderson
Heather Kerwin

The Board reserves the right to take items in a different order or to combine two or more agenda items for consideration to accomplish business in the most efficient manner. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

1. Call to Order, Roll Call – *Administrative Secretary*
Chair Andre' Wade called the meeting to order at 5:03 p.m., asking Administrative Assistant Rhonda Buckley to take roll call. Twelve (12) of the fourteen (14) members were present; quorum was met.

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.)
Chair Wade asked if there was any public comment to be made, and for those making comment, to say their name and limit response to one minute. There was no public comment. Chair Wade then asked new and existing members to introduce themselves to the Task Force.

3. Presentation: Washoe County Health District Representative
Guest Heather Kerwin, Epidemiology Program Manager with Washoe County Health Department, spoke along with Jen Howell, about the potential impact of the statutes put forth in the report to the Governor, specifically NRS 441A and NRS 209.385. Ms. Howell spoke that NRS 441A.180 covers all communicable diseases, not just HIV. Ms. Howell wanted to hear the reasoning behind identifying these and feels there are good suggestions in report. Her concern is if they look at tackling these statutes, making changes to the non-HIV specific legislation, they run the risk of excluding their public health partners for support. And this is not something she would want to happen. Ms. Kerwin said what she and Ms. Howell had discussed, was their concern from an infectious disease standpoint and communicable disease, vaccine preventable, is if changes are made under 441A that are broad in nature, they pertain to all communicable diseases that are reportable, but impact more than 70 reportable conditions that each of them have a very different mechanism of transmissibility, and course of action behind them. Ms. Kerwin said the way 441A is designed right now, does not paint them into a corner if they make any specific changes to that. She wanted to bring this concern and caution to the Task Force, that if 441A was done in concert with local and state epidemiologists, this largely impacts all of the work they would be doing. Ms. Howell said she and Ms. Kerwin were curious as to the intent of looking at these specific laws and the changes behind them, or the thought process. Chair Wade referred the question to Stephan Page or Marguerite Schauer, for their comments.
Ms. Schauer said in general, in a lot of states, it's hard to do a comprehensive reform of HIV criminal laws and related laws in the public health code without in any way at all, affecting the body of laws regarding HIV, at the same time, she recognizes these recommendations were made on a quick timeline. There probably is a lot to discuss regarding what public health might be concerned about as far as so many diseases with different realities associated with them and it means. She does feel looking everything over carefully, is reasonable. Ms. Schauer said she would also caution the Task Force to committing absolutely not touching anything else because sometimes, as far as the law goes – she knows more about law than public health – she feels there's room to have all these conversations. As far as the law goes, sometimes in reforming Nevada, it should, in a certain way, mean reforming Nevada's approach to infectious diseases, because it's hard to truly isolate. Ms. Schauer said it's worth looking at more closely but sometimes it can be difficult to not at least touch some of the approach to infectious disease in general. Sen. Harris said there is an option the Task Force can recommend. Creating a similar task force to this one, that will examine over the interim the entirety of the way the state of Nevada approaches infectious

diseases. She said that could be part of a bill. Maybe they don't want to touch it right now, but it is something that needs to be studied and addressed.

Linda Anderson stated all members were right, with going through COVID right now, there's a good chance the Legislature will be looking at these laws. She also thinks the specific language is not always so problematic as the ramifications or how the laws are utilized, and they want to be sure they keep the protection for the community, but modernize it so it does not cause harm to any particular group.

Cheryl Radeloff asked for clarity or to understand how things work, how might examination of these laws in terms of infectious diseases may be under the purvey of the state board of health or other entities. She said if there is already a mechanism in the Legislature or our government to look at these laws on a periodic process of a time period, might we have a recommendation for them to review these laws as they currently stand.

Sen. Harris said these are all options. She wants the Task Force to keep their minds open. It's not they recommend changes or don't recommend changes. They could recommend a new committee be looked at, they could direct the state board of health look at it and just leave it on their doorstep. There are a variety of ways to make sure they address it without fully addressing it. Ms. Anderson added instead of asking the board of health they look at it she suggested asking the Division of Public and Behavioral Health to make that review. They would reach out to other authorities – Washoe and Southern Nevada Health District to make sure there shouldn't be additional changes either within the regulations or statutes. Ms. Anderson said the board of health would ultimately pass those changes, but they don't do the administrative functions.

Chair Wade asked if there were any more questions. Ms. Howell thanked everyone for their comments and thinks it's important they keep in mind the big supporters they have. She does not want to alienate public health at all. Everybody recognizes this is something that needs to be addressed with HIV. And if there's anything that needs to be addressed within the broader communicable disease investigation and surveillance, and the options to bring it forth in another way, she feels that would be beneficial. She wants this to have the best success it can going forward to get passed. Chair Wade said the next steps or action item, would be for the task force to put the report in front of DPBH for a review. He noted they still have time and if they have DPBH review and have a conversation to see what sort of feedback they have, at least have them weigh in before the Legislative session. Chair Wade said they will work on that and with the HIV Modernization Coalition to set something up. Sen. Harris commented to Chair Wade, one thing they may want to throw out, send them a recommendation and see what they think. Maybe they would agree with the Task Force that this needs to be done and they haven't had a chance to do it and wouldn't oppose the Task Force asking them to do it. She said to ask them to do a comprehensive review of infectious disease regulation and possibly make some recommendations to the Legislature for the 2023 session. Chair Wade said it sounded good. Mr. Collins said he thought it was a good idea from Sen. Harris. He said he was still not clear in terms of specifics. He does understand the language is broad but he wanted to reiterate at the heart of what they're trying to accomplish, not just in the public health arena, and law enforcement needs to be part of the conversation. Mr. Collins said there are many other areas that HIV statutes affect people's lives. He did not want to turn people off of what they present, but they need to be specific about what is problematic. And how that would limit them in any way to do what they need to do in their surveillance. He feels a review (of the report) would be helpful in order for the Task Force to be informed about what they're proposing when it bumps up against the work being done in the public health arena. Ms. Howell

said the conversation needs to be had. She wants everybody at the table who needs to be at the table. Chair Wade said yes, it's helpful. Part of the overall strategy is to engage these institutions and the different stakeholders, so they will do some networking. Chair Wade asked if there were any other items for this discussion; there was not.

4. Review and Approval of the Oct. 7, 2020 draft minutes – *Andre' Wade, Chair (For possible action)*
Chair Wade asked members if there were any corrections to the minutes as submitted; there were none. Chair Wade moved to adopt the minutes as submitted; Sen. Harris seconded the motion. Chair Wade called vote to approve; all those in favor say 'Aye,' any opposed say, 'Nay.' None opposed; motion carried to approve minutes as submitted.
5. Update on status of research on the implementation and impact of statutes and regulations through analysis of records information and data relevant to Nevada – *Andre' Wade, Chair*
Chair Wade offered an update about information being submitted by Brad Sears of the Williams Institute, and Mr. Sears is working on the approval process to perform research in Nevada. Mr. Sears had to submit an IRB packet; Ms. Radeloff questioned why this had to be submitted. Mr. Sears responded, via email, "they have to submit an IRB packet with research involving any people even if based on data that's already collected." Mr. Sears continued saying as with research in other states, they get a waiver for the IRB process. As long as they receive key, identified records, that could take about four (4) to eight (8) weeks. Chair Wade said he sent Mr. Sears a note asking if he had any updates, and he did not (no response). Chair Wade said he would be invited to the next meeting of the Task Force. There were no further questions or comments.
6. Review and discussion of submitted Task Force Report with Recommendations to the Legislative Body – *(For discussion only)* – Chair, Andre' Wade
Chair Wade noted this was partially discussed with agenda Item 3; he gave a summary to member Cynthia Watson, the process and actions of the Task Force. Ms. Watson said she did read the report and commented the report was amazing. Chair Wade said thank you for the feedback. Tory Johnson asked Linda Anderson a process question. What would be the next steps of the Task Force be, and is anyone waiting on a response, will they get a response regarding the submission as he wanted to catch up on the process after returning from medical leave. Ms. Anderson responded by saying she would get Mr. Johnson the information of the new deputy attorney general taking over this Task Force, and expressed her gratitude to this group for the work they did so quickly, and that everyone did a fabulous job. She said there would be further discussion on recommendations, but they did their job very well. Chair Wade added with the additional information being submitted by Mr. Sears, they have a plan to submit a supplemental report toward the end of the year. And any information needing to be submitted to the Legislature, they will make it happen. Chair Wade asked Mr. Johnson if this answered his question; Mr. Johnson said it did.
7. Discuss and possibly approve community engagement assignments to members – *(For possible action)* Chair: Andre' Wade
Chair Wade mentioned from the last meeting Ms. Radeloff raised the question about identifying folks to speak to different interest groups, organizations, and who would take on those tasks. Chair Wade mentioned he's been speaking to some of these groups at meetings, but if people

wanted to be assigned or however, they could have that conversation. As they are a small state and community, there could be some overlap between the Task Force, the Coalition and other HIV groups. But to the larger point Ms. Radeloff raised, if they want to have a discussion about identifying folks to speak in the community, they could do that.

Mr. Page asked if they have a list of groups or organizations they want to reach out and talk to. He is happy to help, he just doesn't which groups they are specifically targeting. Chair Wade asked Ms. Radeloff if there were larger groups she was talking about or a list that needs to be compiled. Ms. Radeloff said initially it was posed for the HIV planning group, Ryan White would be another good group. As the group moves forward, as Mr. Page mentioned, they may want to do community outreach that these laws and policies do impact or affect or they are a part of the groups we are working with. Groups that are impacted by this, such as sex workers and other groups in terms of identifying them as concerned or involved with the laws going in front of the Legislature. Chair Wade said they have the HIV Modernization Coalition doing some of this work as well as Silver State Equality in coordination with the Coalition. Chair Wade said he thinks they can leave this (list compilation) to the Coalition to navigate those waters.

Senator Harris said what the Task Force is describing right now is called, 'Working the Bill.' Talking with stakeholders, getting their feedback. She said this is something as Andre' mentioned that is being done, more of a Legislative function. She said the best way to get information from other groups is to invite them to come to these meetings and speak and present before the group. They can take that information and make it a part of the supplement or original report. Sen. Harris said this is the more traditional way to get input from people outside the Task Force as opposed to us trying to schedule meetings with stakeholders.

Ms. Schearer wanted to piggyback on what Sen. Harris said. She mentioned the group also has Chris Reynolds and Jen Howell who are discussing how they are going to outreach and education. Sen. Harris commented to the Task Force to trust her, the work is being done to reach out to everyone we're supposed to reach out to in order to give the bill its best chance of success for passage. She said it's also great they're looking forward to that strategy. Chair Wade asked if there were questions or comments. Ms. Radeloff said she was confused, do they schedule people to speak at meetings, or tune into the Task Force meetings. Chair Wade said it's fine for him or whomever to speak, but they could make a concerted effort to compile a list, as Mr. Page was asking. Sen. Harris commented in their own, individual capacity, to engage with other groups who are doing similar work. Chair Wade asked if there was anything else of this item.

8. Make recommendations for next meeting's agenda (*For possible action*) – Chair: Andre' Wade
Chair Wade asked the members if there were any items they wanted to address for the next meeting. There were none. He said members could reach out to him and ask for items to be added. He said himself and Sen. Harris would come up with the agenda.

9. Public Comment -
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Administrative Assistant Rhonda Buckley announced to the Task Force her resignation from the Office of HIV, and thanked them for their work and cooperation. Members thanked Ms. Buckley for her hard work and assistance.

10. Adjournment –
Chair Wade motioned for adjournment of the meeting at 5:51 p.m. The motion was seconded by Ruben Murillo. Chair Wade called for a vote, all in favor say, ‘Aye,’ any opposed say ‘Nay.’
None opposed, meeting adjourned.