

MINUTES

COMMITTEE: COMMERCE

DATE: Friday, March 9, 1973

MEMBERS PRESENT: Chairman Prince, Dr. Robinson, Messrs. Demers, Torvinen, Bickerstaff, Capurro, Hafen, Dini, and Wittenberg;

MEMBERS ABSENT: None

GUESTS:	<u>Name</u>	<u>Representing</u>
	Jerry Whitehead	Attorney at Law
	David Hoy	Nevada Trial Lawyers
	Jim Lorigan	Farmers' Insurance
	Paul Bible	Attorney at Law, Nevada Board of Op- tometry & Optometrics
	Sue Morrow	Press
	Keith Ashworth	Assembly Speaker
	Peter Newman	Attorney at Law
	K. F. Maclean, MD	Nev. State Board of Medical Examiners
	Nelson B. Neff	Nevada Medical Assn.
	Mrs. L. B. Hammack	
	Mrs. Larry Callahan	
	Oliver Bolton	Nev. Ind. Ins. Agents
	John McSweeney	Div. of Aging Services
	Dr. Kanellos, O.D.	
	Thomas E. Wilson	State Health Planning
	D. J. Zunini, O.D.	
	William Schaefer	Nev. Dental Asso.
	Rita Henschen	Nev. Nurses Assn.
	Alene Dickenson	" " "
	Sharon Greene	Nev. Hospital Assn.
	Robert V. Broadbent, MD	Assemblyman
	Peter Escheverria	Attorney at Law

Chairman Prince called the meeting to order at 3:15 p.m. He introduced Mr. Lorigan who spoke in opposition to the present "no-fault" bills presently under consideration. Mr. Jerry Whitehead then presented testimony also against the "no-fault" bills, stating that AB 227 was discriminatory and unworkable. Mr. Paul Bible presented a letter to the Committee urging them to adopt AB 264 or comparable legislation. (Exhibit "A")

Chairman Prince then called for discussion on AB 343 which would prohibit automobile liability insurers from considering age of the insured.

Mr. John B. McSweeney, Administrator for the Division of Aging Services presented a letter from woman whose automobile insurance was increased by 56% when she reached age 80. (Exhibit "B") It was his opinion that older people have a better driving rate and stated that it was unfair for rates to be increased solely on the basis of age. Mr. Bolton representing the Nevada Independent Insurance Agents stated that some insurance companies allow discounts to older people because they have fewer accidents. Mr. Lorigan disagreed saying that, in some cases, when a person reaches age 65, his rate is increased 10%; when he reaches age 68, it is increased by 15%.

Mr. Capurro stated that if an insurance company has a reasonable risk for years, he has never seen a policy cancelled or not renewed because of age; that if an insured has had many accidents, even at age 35, a policy might not be renewed.

Chairman Prince stated that the Committee would take action on this measure at a later time.

Regarding AB 365, relating to the regulation of the practice of medicine, Dr. Broadbent stated that this bill was a result of the Nevada Board of Medical Examiners desire to update Chapter 30 of the Nevada Revised Statutes, the medical practices act; that the only new issue in the bill has to do with the concept of the "physicians' assistant" and the procedure by which the physician's assistant can be certified; that there is no attempt to create this position, but the Board wants this authority to regulate them when and if they become evident in Nevada. The University of Nevada has plans to train these people, but as yet have received no funds and that nothing in the bill applies to the practice of dentistry, optometry and podiatry. He introduced Dr. Kenneth Maclean, Secretary-Treasurer of the Board of Medical Examiners who stated that this bill changes the definition of the practice of medicine, clarifies and enlarges it. It alters reasons for removing licenses, sets forth a new unprofessional conduct section; regulates fee splitting; changes terms of office of the Board; makes more lenient the requirements for foreign graduates; sets up a new provision for temporary licenses of six months; regulates out-of-state doctors' temporarily practicing on a particular case in Nevada, etc.

Dr. Robinson, having attended a meeting at the University earlier in the day, reported that the Regents voted to accept the physicians assistant program; that the school of Nursing doesn't approve of the program because it duplicates many of their requirements and that the nurses feel their practitioner's program should be developed first. Dr. Robinson wondered where all these physician's assistants would go after completely the four year program.

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Dr. Maclean stated that there is a definite place for the nurse practitioner in the small communities of Nevada and would be glad to incorporate this position in the bill.

Sharon Greene, representing the Nevada Hospital's Association, suggested amending the bill to allow hospitals to directly employ the physicians' assistant under the direction of a doctor. Dr. Maclean strongly objected to this position of physicians assistant being employed by a hospital, but agreed that if he was under the direct supervision of a particular doctor, he would be agreeable so that immediate action could be taken if there were any problems.

Paul Bible, representing the Nevada State Board of Optometry and Optometric Association stated that he had no objection to the bill, but he was concerned with the way the bill was drafted; that the language was very broad. He stated that the position of physicians' assistant as set forth in this bill would permit acts of optometry; that they presently have a bill in the drafters' office that would amend the bill as follows: page 10, section 29, line 36, number 6, at the end of line 36, add: "except that nothing in this act shall be construed to permit the physicians' assistant to perform the duties of persons licensed as optometrists." He suggested also adding a provision for the practice of dentistry and podiatry. Dr. Maclean agreed to this amendment.

Thomas Wilson, a health planner, and proponent of the position of physicians' assistant discussed the Medex program stating that it has been very successful in assisting doctors and that it would be in jeopardy if this bill is not passed. He stated that Tonopah now has a physicians' assistant under this program; that Boulder City, Battle Mountain and Wells would soon have a physicians' assistant where there is a great need for this position.

Aline Dickenson of the Nurses' Association does not object to the bill, but feels on page 1, lines 5 and 6, regarding the definition of "physicians' assistant", clarification as to the education requirements should be made and that also on page 1, lines 9 and 10, the supervising doctor should be clarified. On page 10, lines 21 and 22, she asked "How are supervision and control defined?" On page 10, lines 26, 27 and 28, she asked: "How many physicians' assistants can be properly supervised by one doctor?"

Dr. Maclean stated that it was their intent that only one physicians' assistant would be assigned to each doctor.

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Dr. Kanellos agreed with Mr. Bible's suggested amendments. Dr. William Shafer, DDS, would like to see Mr. Bible's suggested amendments adopted.

The hearing was concluded.

Mr. Wittenberg moved that AB 268 regarding the regulation of snowmobiles, be reconsidered. Dr. Robinson seconded the motion and it was unanimously passed.

It was agreed that the Committee would convene at 3:15 Monday, March 12, to discuss amendments to AB 227.

The meeting was adjourned at 5:20 p.m.

Respectfully submitted,

PHYLLIS BERKSON, Attache

ASSEMBLYAGENDA FOR COMMITTEE ON COMMERCEDate Fri., March 9 Time 4:00 p. Room 222Bills or Resolutions  
to be consideredSubjectCounsel  
requested\*

AB 343

Prohibits automobile liability insurers from considering age of insured, and requires insurers to justify rate increases and pay for medical examination;

AB 365

Extensively amends Chapter 630 of NRS, relating to regulation of the practice of medicine.

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EX. A

LAW OFFICES  
MCDONALD, CARANO, WILSON & BERGIN  
60 COURT STREET  
RENO, NEVADA 89505

ROBERT L. MCDONALD  
DONALD L. CARANO  
THOMAS R. C. WILSON II  
LEO P. BERGIN  
PAUL A. BIBLE  
GARY A. WOOD

TELEPHONES  
322-0635  
329-9288

March 9, 1973

Members of the Commerce Committees  
of the Nevada State Senate and  
the Nevada State Assembly

Ladies and Gentlemen:

I recently attended the Joint Committee Hearing of the Senate and Assembly Commerce Committees which were held to consider the various "no-fault" proposals now before the Nevada State Legislature, but due to the large number of speakers and the limitations on the Committees' time, I was unable personally to make some of the remarks contained herein.

It is apparent to me at least, that none of the insurance actuaries can make anything more than an educated guess as to whether a given "no-fault" plan will increase or decrease the auto insurance costs of Nevada drivers. In this regard, I have had the actual experience of receiving coverage similar to "no-fault" coverage at no additional cost.

Early last year my insurance company, on its own initiative, added its Extended Benefits Coverage to my existing automobile insurance policy. I am enclosing the summary which accompanied the Extended Benefits Endorsement, which is self-explanatory. For your information, my medical payments coverage is \$5,000 per person. This year when I renewed my auto insurance with United Services Automobile Association, I received the same Extended Benefits Coverage, and my total premium was less than last year.

To me, the foregoing illustrates that the auto insurance industry can accord the consumer the benefits of "no-fault" coverage at no added cost without depriving him of the right to seek redress against a wrongdoer in a court of law. It is clear to me that if my insurance company can accord me the benefits set forth in the enclosure without added cost, other insurance companies are capable of doing

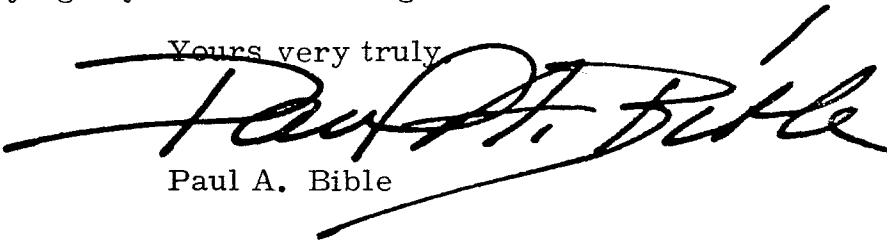
Members of the Commerce Committees  
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likewise. If they refuse to do so or maintain that they cannot do so without increased premium costs, it would appear that it is because they are unwilling to experience a decrease in their profits.

A. B. 264 now before the Legislature would grant Nevada consumers benefits comparable to the United Services Automobile Association's Extended Benefits Coverage and, if my experience is illustrative, there should be no increase in costs. I urge you to adopt A. B. 264 or comparable legislation to extend the benefits accorded the automobile insurance consumer without making arbitrary monetary or class distinctions or denying any common law rights.

Yours very truly

A handwritten signature in black ink, appearing to read "Paul A. Bible". The signature is written in a cursive style with a large, sweeping flourish at the end.

Paul A. Bible

PAB/s

cc: The Honorable Mike O'Callaghan

Your Medical Payments coverage has been expanded, at **no additional premium**, to include the USAA EXTENDED BENEFITS COVERAGE. This coverage is being added to automobile policies written for members in States where approved. Extended Benefits Coverage is similar to protection provided under some "No-Fault" laws as coverage is afforded without the necessity of establishing fault.

The chart below briefly describes the benefits and limits which have been added to your policy. Prior to renewal of your policy we shall send you another description of the coverage, the options available, and quote the small additional premium it will cost. At that time you will have the opportunity to change limits or reject the endorsement from your renewal policy.

Please attach the enclosed Extended Benefits Endorsement to your policy.

Below is a brief summary of Extended Benefits Coverage and limits. This summary does not supersede the endorsement.

COVERAGE	LIMIT
<b>C-1 Medical Benefits</b> - Pays for all reasonable expenses for medical, surgical, dental, hospital, and funeral services within <b>two</b> years from date of accident.	<p style="text-align: center;"><b>Limit</b></p> As shown for Medical Payments coverage on your policy Declarations
<b>C-2 Death Benefit</b> - Pays if death occurs within 90 days from the date of auto accident and as a direct result thereof, independently of all other causes.	<p style="text-align: center;"><b>Benefit</b></p> <p style="text-align: center;">\$2,000</p>
<b>C-3 Wage Earner Disability Benefit</b> - Pays for 85% of actual income lost due to a total continuous disability for up to one year after benefits become payable. Income payable under this coverage shall be reduced by amount payable under any similar benefit.	<p style="text-align: center;"><b>Benefit</b></p> <p style="text-align: center;">\$750 per month</p>
<b>C-4 Non-Wage Earner Disability Benefit</b> - Pays for expenses incurred for essential services performed in lieu of those normally handled by the injured party (age 18 or older) for up to one year after benefits become payable.	<p style="text-align: center;"><b>Benefit</b></p> <p style="text-align: center;">\$30 per week</p>
<p><b>Persons Covered:</b> The benefits apply to the named insured and his family in private passenger cars, or as pedestrians. In addition, they apply to passengers in any car driven by the insured or his family and also extend to pedestrians struck by any car driven by the insured or his family.</p>	



5 copies

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RECEIVED  
FEB 5 1973  
E.H.

Mr John B McSweeney  
Administrator for the Division of Aging Services  
Union Federal Building, Second Floor  
308 North Curry Street  
Carson City, Nevada 89701

AGING SERVICES

Dear Mr. McSweeney:

As a member of the American Association of Retired Persons and a delegate to President Nixon's National Conference on Aging, I have been subjected to what I consider an unfair situation.

I recently attained age eighty and was immediately informed that my automobile insurance premium (policy #27 161 770, Colonial Penn Insurance Company, 5 Penn Center Plaza, Philadelphia, Pa. 19103) had been increased 56% solely based on my attainment of age eighty.

My unblemished driving record has not changed nor has my general physical condition. I consider it grossly unfair to suffer this indignation solely as a result of my longevity.

I would be most grateful if you would support legislation that would eliminate this unfair discrimination.

Sincerely,

*Kate St. Clair*  
Kate St. Clair  
Elko Senior Citizen's Center  
(Home address - 772 Oak Street)  
Elko Nevada 89801

January 31, 1973

cc: Senator Warren Monroe  
Representative Roy Young  
Governor Mike O'Callaghan