

Assembly
HEALTH & WELFARE COMMITTEE MINUTES

FEBRUARY 23. 1973

MEMBERS PRESENT: BENNETT, CRADDOCK, HICKEY, WITTENBERG,
FRY, GETTO, McNEEL

MEMBERS ABSENT: NONE

GUESTS: See copy of guest list attached.

Chairman Bennett called meeting to order at 8:00 a.m.
for purpose of discussing AB 116.

The first witnesses were Dr. R. E. Robinson, Assemblyman
and Optometrist, together with Mr. Robert McDonald,
attorney for the Optometry Association.

Dr. Robinson stated that in previous discussions the
Optometry Association had objected to the special conditions
set forth on Page 3, lines 18 through 23, material in
italics. The Nevada State Legislature has created special
boards on dentistry, podiatry and others. Dentistry and
optometry consider themselves primary sources of health
care. The main interest of the Legislature should be
the protection of the public against unskilled care, and
in this particular instance he is concerned that under the
umbrella of a medical license some technicians specifically
trained to do some things that are specifically delegated
to them in dentistry or optometry might turn out a factory
for that service. They have a proposed amendment to ex-
clude optometry and dentistry which the association pre-
sented, and he understands there is a great deal of objection
to it on the part of the nurses for fear it would open up
a pandora's box with attacks on the bill by a number of
other health care licensees. He is not happy with the com-
promise amendment, and would rather go back to the original
amendment the association proposed excluding dentistry
and optometry from the particular paragraph as follows:

On page 3, line 23, add:

"except that nothing in this act shall be construed
to authorize a professional nurse to perform
those specific functions and duties specifically
delegated by law to those persons licensed as
dentists under NRS 631.090, or as optometrists
under NRS 636.025."

At the present time there is another bill in the Senate, SB 274, which is a physician's assistant bill, and it proposes the physician's assistants to perform those services which the Board of Medical Examiners authorizes them to do. Here again there is the same worry, as the assistants are required to have much less education or requirements than that regular nurses do. He questioned the words "professional nurse" on line 18, page 3. A professional nurse can be an associate degree nurse who has a 2 year education, a 3 year diploma degree, the bachelor of science degree nurse with 4 year educational requirement, and the masters degree of nursing which is 1-1/2 to 2 years more. They are all professional nurses and the least of them could perform the same services as the nurse with the masters degree. He feels that this bill, if properly handled, could become a great vehicle for medical care for the State. He does not feel that a 2 or 3 year nurse should be allowed to perform services which are diagnostic in nature.

Dr. Robinson would like the Committee to go back and take the original amendment which the Optometry Association presented, and this would positively protect the public against possible abuse.

Mr. McDonald, attorney, stated he wanted to apologize to the Committee, that after the last meeting he did make a determined effort to compromise with Mrs. Button, and thought he had, but the breakdown came when he understood Dr. Robinson was to call her, and neither of them had called.

Mr. McNeel stated he had called for Legislative counsel on the definition of "emergency" and "special conditions".

Mr. Getto stated he couldn't see how a medical nurse could get in the act of fitting glasses, and there is no need for the exception Dr. Robinson is talking about, since the emergency would be in the medical field. The more exceptions that are put in would eventually wipe out the act.

Mr. Gary Owens of the Legislative Counsel appeared to give the definitions requested. An emergency in his mind means that the exigencies of the situation command quick response to problems involving someone's health and welfare beyond and everyday situation. Emergency is a situation that is extreme. On "special conditions" - that is a problem, it is really broad. He feels the bill is clear otherwise.

Dr. Joseph Deischer, a practicing physician, appeared as the next witness. He favored paragraph 5, page 3 of the bill, particularly as far as rural areas where physicians were scarce is concerned. He thought the purpose of the bill was to legitimize what the nurses are going already. If the nurse is willing to do the job, the community is willing to accept her, and the physician is willing to supervise - these are the main requirements. Mr. Getto asked if Dr. Deischer, Mr. McDonald, or Dr. Robinson knew of any cases where a nurse was operating in the manner described in the bill under an optometrist or dentist. None of them knew of such instance, but Dr. Robinson said they only wanted to close a potential loophole that might exist in the future.

Mr. McDonald again asked why the nurses were objecting to optometry and dentistry being excluded from this bill. Dr. Deischer said he just felt there was no need for it, and he was against complex legislation. Dr. Robinson said the optometrists continually had to fight legislation to protect themselves and keep the Nevada Medical Society "from gobbling us up". Mr. McNeel suggested that even though somebody else could do the job, Dr. Robinson was asking that legislation be passed that no one else could do the job, and in other words was asking for "a closed shop". Dr. Robinson replied that the purpose of licensing was only for the protection of the public from unskilled care, and it had nothing to do with "closed shop".

The next witness was Mr. Darrell D. Luce, appearing on behalf of the Christian Science churches of the State of Nevada. He read a prepared statement requesting exemptions for Christian Science healing, a copy of which is attached hereto and made a part of these minutes. After he offered the amendment as set forth on Page 3 of his statement, Mr. McNeel asked Mr. Owens his opinion of such an amendment. Mr. Luce read the exact language of the similar law in California, and Mr. Owens suggested that the following be added to the amendment requested by Mr. Luce: "so long as they do not engage in the practice of practical nursing or professional nursing as defined in NRS 630.010.

Mrs. Dorothy Button, Chairman of the Nevada Nurses' Association appeared and read a statement, a copy of which is attached hereto and made a part of these minutes.

Mr. Tom Wilson, State Comprehensive Health Planner, spoke on behalf of the nurses, and felt the bill would help health care in Nevada. He spoke of nursing homes

where doctors see patients perhaps only once in 60 or 90 days, and the nurses have to perform the services requested by this bill. He was against the amendment proposed by the optometrists and dentists, because he felt all other healing arts would come in and ask for similar amendments.

Mr. Fry asked if the nurses would have any objection to the amendment suggested by the Christian Science Churches. Mrs. Button said she would have no objection.

The witnesses were excused, and Chairman Bennett said this would conclude all public hearings on AB 116.

After discussion by the Committee, Mr. Getto moved AB 116 "Amend and Do Pass" with the amendment as follows:

Amended by adding the following on Page 7, beginning at line 13, a number (7) to be added to Section 15 of 632.50:

- (7) Non-medical nursing for the care of the sick, with or without compensation, when done by the adherents of, or in connection with, the practice of the religious tenets of any well-recognized church or denomination so long as they do not engage in the practice of practical nursing or professional nursing as defined in NRS 632.010.

Mr. Wittenberg seconded the motion.

Yes votes: Bennett, Craddock, Hickey, Wittenberg, Fry
Getto, McNeel.

No votes: None

MOTION CARRIED.

Mr. Hickey moved that the amendment proposed by the optometrists be added. Chairman Bennett seconded the motion.

Yes votes: Bennett and Hickey

No votes: Craddock, Wittenberg, Fry, Getto, McNeel

MOTION DEFEATED

Mr. Wittenberg presented a proposed bill ^{*} permitting foster care payments to relatives on behalf of children in legal custody of welfare division, and asked if the Committee would like to introduce it. After Committee discussion, Mr. Wittenberg made a motion that the Committee introduce the bill. Seconded by Mr. Hickey. Unanimously agreed.

Meeting adjourned at 9:45 a.m.

Respectfully submitted,

Jane Dunne, Secretary

* A.B. 394 (EDR 38-44)

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HEALTH AND WELFARE COMMITTEE

GUEST REGISTER

Date: Feb. 23, 1973

NAME	REPRESENTING
DARRELL D. LUCE	Christian Science Church
BOB McDONALD	OPTOMETRY BOARD
RAMON ARRIZABALAGA JR	/
R. E. Robinson	assembly
Fred Feunigan	N.N.A.
Maione E. Tuff	N.W. Nurses Assn
Jean K Rambo	Nevada Nurses Assoc.
Shirley J. Butler	Nevada Nurses Association
Marilyn K Tsuda	self
Arline Avery	NLPNA
Mary J. Burgess	NLPNA
Ellen H. Pope	NLPNA
GERI T. DECKER	Gov 4 Student
Martha Gray	Nursing Nevada Nurses Association
Sarah Dean Gaiser	Nevada Nevada Nurses Association
M. Murphy	" " "
Olona Castillo	Nev. Nurses Assoc
Helena Caveling	NLPNA
Shirley F. Howard	Nev. Nurses Association
Arlene J. Zink	NLPNA
Lydia Kaurich, RN	Nevada League for Nursing

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HEALTH AND WELFARE COMMITTEE

GUEST REGISTER

Date: Feb 23, 1973

NAME	REPRESENTING
Piper Phillips R.N.	Nev. League for Nursing
Helen Allison B.N.	State Health Division
Mira Moses R.N.	Nev. Nurses Assoc.
Patricia Briggs, R.N.	Nevada Nurses Assoc.
Nelson B. Neff	Nevada St. Med Assn.
Lita Hencken R.N.	Nevada Nurses Association
Karen S. Kinkler, R.N.	" "
Josephine B. Powell R.N.	Nevada Nurses Association
Esther S. Thelen	Nevada Nurses Association
Gary A. Owen	Legislative Council Bureau
John Weston M.D.	Mountain States R.M.P.
Dr. Edward M.D.	State Health
Topic B. Claiborne	w/ E.O.B.
Lee Adler	Press
Keith Ashworth	Assembly Speaker

HEARING ON A. B. 116 - Friday, February 23, 1973

I am here today to represent the Christian Science churches in the State of Nevada, to offer an amendment to A. B. 116, a bill relating to the practice of nursing in the State of Nevada.

There are 7 Christian Science churches in Nevada, and many of them have been established for more than forty years. The practice of Christian Science is well established in this country, and has been recognized by the federal government under the Medicare Act, as well as the Department of Defense and the Internal Revenue Service. It is also well recognized throughout the insurance industry.

The Nevada legislators in past sessions have recognized the need for providing exemptions for Christian Science healing; under the Physician's Licensing Law: "This chapter shall not apply to: (a)...Christian Science healing..."--Nev. Rev. Stat. 630.360 (1)., and also they have recognized our special needs in the licensing and regulation of hospitals and nursing homes: "The provisions of this chapter do not apply to any institution conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of such church or denomination. However, such institution shall comply with all rules and regulations relative to sanitation and safety as other institutions of similar category." (Nev. Rev. Stat. 449.070). Also under Nev. Rev. Stat. 654.210, a special

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provision has been made for Nursing Home Administrators, in language very similar to what I have just read about Nursing Homes.

I might at this point explain to you a little bit about Christian Science nursing:

"A Christian Scientist in need of nursing care should not be compelled to call upon the services of a medically trained nurse. That nurse would be as ill-equipped to assist a Christian Science practitioner, as a Christian Science nurse would be if she were to undertake to assist a medical doctor. If a Christian Scientist in need of nursing care is not to be permitted to employ the services of a trained Christian Science nurse because of the restricting requirements of the law, he would be placed virtually in the position of being deprived by the law of skilled nursing care for his healing."

"The Christian Science Department of Care accredits Christian Science nurses and thereby supplies the Christian Science equivalent of licensing. Nurses listed in The Christian Science Journal have undergone a training course at our accredited sanatorium in Chestnut Hill, Massachusetts, where there is an established Nurses Training Course which thoroughly trains students for their work."

We, at the present time, have two Christian Science nurses practicing in this state, and would hope that in the future this number would increase. I hope that you can understand our viewpoint that we would like our nurses to be able to practice in this state without having to be licensed or to meet any of the qualifications that would be normally expected

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of a medical nurse. I can assure you that our nurses in no way would be administering any drugs or medicine.

I would propose that on Page 7 of this bill, beginning at line 13, a number (7) be added to Section 15 of 632.50. It would read as follows:

- (7) Non-medical nursing for the care of the sick, with or without compensation, when done by the adherents of, or in connection with, the practice of the religious tenets of any well-^{recognized} organized church or denomination.

This wording is very similar to the wording used in California, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, and approximately thirty other states.

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I am Dorothy Button. I live at 1590 Hillside Drive in Reno. I am chairman of the Nevada Nurses' Association Committee on Legislation. The Nevada Nurses' Association is the professional organization of registered nurses.

We are asking you to permit us this addition to the definition of "practice of professional nursing" in order to make legal what has become the practice of nursing during the ten years since the nurse practice act was amended. Our reason for asking this is to protect the public--to provide the public with protection that it does not now have. At the present time nurses are extending and expanding the scope of their practice by hospital policy, by mutual agreement with a physician, under the aegis of the County Health Officer or the Director of the State Health Division. The Board of Nursing does not now have anything in its rules and regulations defining the special conditions and defining which of the 2000 registered nurses living in Nevada have the special preparation needed to function under supervision in these new roles. Unless we get this addition to the definition of "practice of professional nursing" into the Nurse Practice Act, the Board of Nursing will not be writing Rules and Regulations delineating the special conditions and special training, which are mutually agreed upon and the public will continue to be unprotected.

We are aware that some of the licensing boards are more concerned with protecting the practitioners than they are with protecting the public. Protection of practitioners is not the reason that licensure laws came to be.

When we met here on Feb. 7 and the gentlemen presented their amendment to A.B. 116, which is designed to amend the Nurse Practice Act, there was disagreement about the wording of the amendment. It was our understanding that we were to go away and together we were to work out a compromise to which we could both agree. There has been no such meeting. Apparently these gentlemen never intended to extend us the courtesy of such a meeting. Instead on Feb. 9, Assemblyman Robinson handed me this new proposed amendment. I quote:

"The proposed amendment offered to AB 116 by the optometry profession after a hearing and suggested compromises would read as follows:

Subsection 6, line 18

A professional nurse may also perform such additional acts, under emergency or other special conditions, which may include special training, as are recognized by the State Board of the particular licensed health professions involved, and nursing professions (sic) as proper to be performed by a professional nurse under such conditions, even though such acts might otherwise be considered diagnosis and prescription.

This compromise, in my opinion, would protect the optometrists, podiatrists, and all other allied professions from nurses being able to practice any other profession without qualification. It would, in my opinion satisfy a majority of the committee and likewise satisfy the nurses and the medical society."

It is signed "RLM".

There are several problems with this new proposed amendment. In the first place we do not understand it. We have had it reviewed by three attorneys, all of whom say that this amendment leaves the nurses in no better position than the one brought to the hearing by the optometrists on Feb. 7. Secondly we do not understand the meaning of nursing "professions"; as far as we know there is only one nursing profession. Third, diagnosis and prescription are the province of the medical doctor. Unless he is mentioned the sentence does not make sense.

Since Feb. 7, the Board of Nursing and District Nurses' Associations in Las Vegas, Carson City and Reno have met. It is the decision of the nurses that the so-called compromise does not satisfy us and we will support the addition to the definition of "practice of professional nursing" which is printed in the bill with no amendment.

If the optometrists cannot stop unqualified persons from practicing optometry, then it seems the optometrists should be working to strengthen their own law instead of trying to weaken our Nurse Practice Act.

We have all come here today at our own individual expense to try to show you that we are serious about ^{the necessity for} these changes in the Nurse Practice Act and to urge you to get this bill out of Committee with a "do pass" recommendation with no further ado. Thank you.