

Assembly

HEALTH & WELFARE COMMITTEE MINUTES

MARCH 16, 1973

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

MEMBERS ABSENT: NONE

GUESTS: Orville A. Wahrenbrock, Dept. H.W. & R.
Robert A. Grayson, Clark Co. Health Dept.
Howard Clodfelter, Washoe Co. " " "
Larry D. Struve, Washoe Co. Dist. Atty. Office

AB 578 was the first order of business before the Committee.

Mr. Orville A. Wahrenbrock, Assistant to the Director of Department of Health, Welfare and Rehabilitation, explained that this bill was to meet Federal requirements to receive funding and for Medicare and was merely to change the qualifications required for the Nevada State Board of Examiners for Nursing Home Administrators. The majority of the Board cannot be nursing home administrators under Federal regulations. It will be a 5 member board. Questioned by Mr. McNeel and Mr. Getto about having a consumer on the Board, Mr. Wahrenbrock said there was no reason why not, but they want to retain some expertise on the Board to be able to establish rules and regulations.

SB 191 was discussed next. Mr. Larry D. Struve, Deputy District Attorney of Washoe County, appeared in support of the bill. Local boards of health now have very limited rule making powers, and they are becoming involved in expanding areas which make it necessary to expand these powers. They wish to increase the power of local boards of health to conform to the Nevada State Board of Health. A letter from Mr. Struve to Senators Wilson, Swobe and Young sets forth the full text of the reason for the bill, and a copy of such letter is attached hereto, marked Exhibit A, and made a part of these minutes.

Mr. Bob Grayson, Clark County Health Department, concurred with Mr. Struve's statement, and strongly urged support of SB 191.

SB 331 was next on the agenda. Mr. Wahrenbrock, Department of Health, stated that this amendment merely takes out two words of the original bill, "in advance". The Superintendent may require advance payments, but it is

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not required.

The Committee discussed the above bills. Mr. McNeel stated he would like to amend AB 578 to replace two members of the Board with two consumers, consumers being defined as persons having no financial interest in health care facilities.

AB 578 - Mr. Wittenberg moved "Amend and do pass as amended". Second by Mr. Hickey. Unanimously agreed.

SB 191 - Mr. Wittenberg moved "Do Pass" . Second by Mr. Hickey. Agreed unanimously.

SB 331 - Mr. McNeel made a "Do Pass" motion. Mr. Wittenberg seconded. Unanimously agreed.

Respectfully submitted,

Jane Dunne, Secretary

ASSEMBLYAGENDA FOR COMMITTEE ON HEALTH & WELFARE

Friday

Date March 16, 1973 Time 8:00 a.m. Room 240Bills or Resolutions
to be consideredSubjectCounsel
requested*

AB 578	Changes qualifications required for certain members of Nevada state board of examiners for nursing home administrators.	
SB 191	Expands regulatory authority of district health boards, and permits injunctive relief for health violations in general.	
SB 331	Eliminates requirement that payments for care of mentally ill be made in advance.	

57TH NEVADA LEGISLATURE

HEALTH AND WELFARE COMMITTEE
LEGISLATION ACTION

DATE Mar. 16, 1973

SUBJECT SB 191

MOTION:

Do Pass x Amend _____ Indefinitely Postpone _____ Reconsider --

Moved By Mr. Wittenberg Seconded by Mr. Hickey

AMENDMENT:

Moved By _____ Seconded By _____

AMENDMENT:

Moved By _____ Seconded By _____

VOTE:

	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
Bennett, M.	<u>X</u>	_____	_____	_____	_____	_____
Craddock, R.	<u>X</u>	_____	_____	_____	_____	_____
Hickey, T.	<u>X</u>	_____	_____	_____	_____	_____
Wittenberg, A.	<u>X</u>	_____	_____	_____	_____	_____
Fry, L.	<u>X</u>	_____	_____	_____	_____	_____
Getto, V.	<u>X</u>	_____	_____	_____	_____	_____
McNeel, R.	<u>X</u>	_____	_____	_____	_____	_____

TALLY:

Original Motion: Passed xx Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes 3-16-73
(Date)

HEALTH AND WELFARE COMMITTEE
LEGISLATION ACTION

DATE Mar. 16, 1973

SUBJECT SB 331

MOTION:

Do Pass xx Amend _____ Indefinitely Postpone _____ Reconsider --

Moved By Mr. McNeel Seconded by Mr. Wittenberg

AMENDMENT:

Moved By _____ Seconded By _____

AMENDMENT:

Moved By _____ Seconded By _____

VOTE:

	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
Bennett, M.	<u>x</u>	_____	_____	_____	_____	_____
Craddock, R.	<u>x</u>	_____	_____	_____	_____	_____
Hickey, T.	<u>x</u>	_____	_____	_____	_____	_____
Wittenberg, A.	<u>x</u>	_____	_____	_____	_____	_____
Fry, L.	<u>x</u>	_____	_____	_____	_____	_____
Getto, V.	<u>x</u>	_____	_____	_____	_____	_____
McNeel, R.	<u>x</u>	_____	_____	_____	_____	_____

TALLY:

Original Motion: Passed xx Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes 3-16-73
(Date)



Washoe County

Courthouse
Reno, Nevada 89505

Robert E. Rose
District Attorney

February 7, 1973

State Senator Spike Wilson
Nevada State Senate
Nevada State Legislative Building
Carson City, Nevada 89701

State Senator Coe Swobe
Nevada State Senate
Nevada State Legislative Building
Carson City, Nevada 89701

State Senator Cliff Young
Nevada State Senate
Nevada State Legislative Building
Carson City, Nevada 89701

Re: BDR 40-239 (Expanding Regulatory Authority of District
Boards of Health and Providing for Injunctive
Relief for Health Violations in General)

Dear Spike, Coe, and Cliff:

Howard Clodfelter of our local District Health Department has asked me to write you and set down in writing the reasons why our local Board of Health would appreciate your sponsoring and pushing for the above legislation (which was requested by Spike Wilson prior to the beginning of the legislative session.)

Basically, the rule making power of local boards of health in the State of Nevada are set forth in NRS 439.370 - 439.410. A careful reading of these statutes will quickly indicate that local boards of health have very restricted rule making powers. Essentially, they have the power to oversee sanitary conditions within the health district and the power to adopt rules and regulations for the control of contagious or infectious diseases. Though this power may seem relatively broad to you, our local Board of Health has become involved in ever expanding areas of public health, which have nothing to do with contagious or infectious diseases per se. Examples would include the licensing and regulation of tattoo parlors, the regulation and licensing of ambulance services, the control of water, air, and solid waste pollution, and the promulgation of comprehensive regulations concerning industrial hygiene.

State Senator Spike Wilson
State Senator Coe Swobe
State Senator Cliff Young
February 7, 1973
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By contrast, the rule making powers of the Nevada State Board of Health are much broader than those now conferred on local boards of health. The exact powers of the State Board of Health are set forth in NRS 439.200, and include the power to adopt reasonable rules and regulations "to protect and promote the public health generally." This broad grant of rule making power to the State Board of Health by the Legislature has enabled the State Board to involve itself in a wide range of preventive health measures, which have generally promoted and protected the public health of this State.

In spite of the commendable efforts by the State Board of Health, the rapid population growth in Washoe and Clark Counties has confronted local boards of health in these counties with the ever increasing need to adopt rules and regulations of a preventive nature to protect the public health in these localities before the State Board of Health or its staff has had an opportunity to consider and act upon the problem.

Unfortunately, because of the restrictive language concerning the rule making power of a local board of health contained in NRS 439.370 - 439.410, a serious legal question exists whether or not local boards of health can enact any rules or regulations not directly concerned with suppressing and controlling contagious or infectious diseases. This is particularly important when a local Board of Health desires to establish certain procedures by which a health permit or license can be obtained, including the right to seek a variance from the application of any applicable health regulations or to appeal any decision by any member of the staff of a local Health Department to the Board of Health. Obviously, the legality of these procedures will be directly dependent on the rule making power of the local Board of Health.

(SB-191)

You will note in ~~EDR 40-239~~ that no local rules or regulations concerning public health shall have the force and effect of law until they are approved by the State Board of Health. Our local Board of Health supports this policy, which should enable the Nevada State Board of Health to retain its supremacy in all non-administrative health matters. However, by permitting local boards of health to adopt rules and regulations that "protect and promote the public health generally in the geographical area subject to the jurisdiction of the health district," the Nevada Legislature will clearly indicate its intent that local boards of health should continue in their efforts to adopt and enforce regulations of a preventative nature generally designed to promote the public health of their respective local health districts.

(SB-191)

~~EDR 40-239~~ also clearly indicates the legislative intention that health authorities may seek injunctive relief to enforce health regulations, which is not clear under current language contained in Chapter 439 of the Nevada Revised Statutes.

State Senator Spike Wilson
State Senator Coe Swobe
State Senator Cliff Young
February 7, 1973
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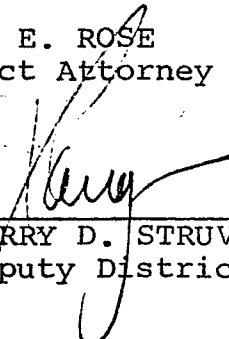
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(SB-191) ~~BBR 40-239~~ At a recent State Board of Health meeting, the substance of was presented to the members of said Board. They indicated their tacit approval of this proposal of the Washoe County District Board of Health and encouraged said Board to press this matter in the current legislative session.

Accordingly, I hope the three of you will sponsor and push for this legislation, and after it is assigned to committee, representatives from our local Board of Health will be happy to testify in its behalf. Should any of you have any questions on the above, please advise immediately.

Very truly yours,

ROBERT E. ROSE
District Attorney

By 
LARRY D. STRUVE
Deputy District Attorney

LDS:ph

cc: Mr. Howard Clodfelter, District Health Department
William E. Winikow, M.D., District Health Officer
R. C. Sheretz, M.D., Chairman, District Board of Health
Chan Griswold, Chief Civil Deputy District Attorney