

Assembly

HEALTH & WELFARE COMMITTEE MINUTES

APRIL 11, 1973

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

MEMBERS ABSENT: None

GUESTS: Alice Brown, DETRAP, Reno
Keith L. Lee, Omega House, Reno
Marcia Giller, EMS Council
Jim Holdridge, EMS Council
Donna J. Dixon
Otto Ravenholt, Clark Co. Health Dist.
Robert E. Edmondson, Comp. Health Planning
Thomas E. Wilson, Comp. Health Planning
Orville Wahrenbrock, Dept of H.W.R.

Meeting called to order at 7:15 a.m. by Chairman Bennett.
The first bill to be discussed was AB 806.

Mr. Keith Lee of the Omega House in Reno appeared in support of bill. Its purpose is to amend existing statute to provide immunity not only to physicians, surgeons, hospitals, etc., but any health and care facility which is treating drug abuse or related illness. This amendment is also to bring the State law in line with the Federal law (92-255-408) in order to obtain Federal funds. Mr. Lee read a letter from Attorney General Robert List to Assemblyman Lowman, a copy of which is marked Exhibit A and made a part of these minutes. He also read a letter from Dr. Donal A. Molde, Psychiatric Associates of Reno, to Chairman Bennett, which is marked Exhibit B and attached hereto.

The next bill discussed was AB 776. Dr. Ravenholt, Clark County Health District, said this bill was of concern to them as at present they had no fee charges and with man-hours involved for inspection of hotels, restaurants, bars, etc. they needed to assess some fee. They have no definite fee schedule in mind, but it would be on a graduated scale according to the size of the building, amount of time involved, etc. The fees now assessed are charged under county ordinances and the local boards of health should have this authority.

Assembly

HEALTH & WELFARE COMM. MIN.

APRIL 11, 1973

Page 2

AB 883 was discussed next. Dr. Ravenholt again appeared in support of the bill. They are asking that the fee for physical examinations for food handlers be raised from \$2 to \$4 because the present cost of these examinations to the Health Department is approximately \$3. If the fee is raised they would require an examination only every two years instead of every 12 months. The raise in price would cover the cost of the permit card, but would cost the food handlers no more since the examination would be required only once in 2 years.

AB 891. Assemblyman Jean Ford appeared in support, and stated that since AB 119 had repealed the family planning services and population research law, she felt AB 891 was necessary as the State should be involved in some way in family planning services. This research program is going on now, but it should be coordinated and passed to all interested persons. The bureau that is to be designated by the State Board of Health in no way creates a new department and there will be no fiscal note. Section 6 will take some time, but they are planning more for the future in the hope of getting Federal funds as explained in Section 7.

Donna Dixon also appeared in support of AB 891. Now is the time for Nevada to start a plan for population and family planning research. HEW has contacted her to write a contract and research these areas and she can give Health Department results of her efforts.

Orville Wahrenbrock, Department of Health, also supported the bill.

Mr. Wahrenbrock also appeared in support of AB 807, and explained it was only to make Southern Nevada children's home in Boulder City a separate division in the Department of Health, Welfare and Rehabilitation, and make the Superintendent there a full Superintendent instead of an Assistant.

This ended the discussion of the various bills.

Committee action:

PASSED: AB 807, AB 891, AB 883, AB 776

AMEND & PASS AS AMENDED AB 806

Please see vote tally sheets attached and made a part of these minutes.

Respectfully submitted,

Jane Dunne, Secretary

AGENDA FOR COMMITTEE ON HEALTH & WELFARE

Wednesday

Date April 11, 1973 Time 7:00 a.m. Room 240

Bills or Resolutions
to be considered

Subject

Counsel
requested*

AB 806	Extends provision for drug abuse treatment under certain circumstances and prohibits disclosure of any information relating thereto.	
AB 776	Permits local boards of health to adopt fee schedules for health permits and licenses.	
AB 883	Increases fee and time period limitations in any ordinance requiring physical examination for food handlers.	
AB 891	Enacts Family Planning and Population Research Act.	

57TH NEVADA LEGISLATURE

HEALTH AND WELFARE COMMITTEE
LEGISLATION ACTION

DATE April 11, 1973

SUBJECT AB 807

MOTION:

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider -- _____

Moved By Mr. Getto Seconded by Mr. Wittenberg

AMENDMENT:

Moved By _____ Seconded By _____

AMENDMENT:

Moved By _____ Seconded By _____

VOTE:

	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
Bennett, M.	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Craddock, R.	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey, T.	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wittenberg, A.	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Fry, L.	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Getto, V.	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
McNeel, R.	_____	_____	Not voting		_____	_____

TALLY: 6

Original Motion: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes 4-11-73
(Date)

57TH NEVADA LEGISLATURE

HEALTH AND WELFARE COMMITTEE
LEGISLATION ACTION

304

DATE 4-11-73

SUBJECT AB 891

MOTION:

Do Pass x Amend _____ Indefinitely Postpone _____ Reconsider --

Moved By Mr. Craddock Seconded by Mr. Bennett

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: 5 2

Original Motion: Passed x Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes 4-11-73
(Date)

HEALTH AND WELFARE COMMITTEE
LEGISLATION ACTION

DATE April 11, 1973

SUBJECT AB 883

MOTION:

Do Pass X Amend _____ Indefinitely Postpone _____ Reconsider --

Moved By Mr. Hickey Seconded by Mr. Wittenberg

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: 7 0

Original Motion: Passed xx Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes 4-11-73
(Date)

HEALTH AND WELFARE COMMITTEE
LEGISLATION ACTION

DATE April 11, 1973

SUBJECT AB 776

MOTION:

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider -- _____

Moved By Mr. Hickey Seconded by Mr. Wittenberg

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: 7 0

Original Motion: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes 4-11-73
(Date)

HEALTH AND WELFARE COMMITTEE
LEGISLATION ACTION

DATE April 11, 1973

SUBJECT AB 806

MOTION:

AMEND & DO PASS AS AMENDED XXXX

Do Pass _____ 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: 7 0

Original Motion: Passed x Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes 4-11-73
(Date)

Exhibit A

308

February 22, 1973

Honorable Zelvin D. Lowman
Assemblyman, Clark County No. 4
Legislative Office Building
Carson City, Nevada 89701

Dear Zel:

You requested further advice regarding the United States Government's rules and regulations on the confidentiality of drug abuse patient records. In particular, you wished to know the effect of the rules on NRS 129.050.

NRS 129.050 permits a physician to treat minor drug patients without their parents' consent. However, the doctor must report the treatment within a reasonable time to the minors' parents. In addition, the statute extends civil and criminal liability immunity to the physician rendering such treatment.

Both the Rules and Regulations for Confidentiality of Drug Abuse Patient Records (37 Fed. Reg. 24636 (1972)) and its enabling legislation (21 U.S.C. § 1101, et seq.) provide for absolute confidentiality of drug abuse patient treatment. There is no distinction between minors and adults; confidentiality is absolute. Since confidentiality is provided for and an abuse of that confidentiality is made a criminal offense punishable by a fine of \$500 for the first offense and \$5,000 for each subsequent offense (21 U.S.C. § 1175(e)), absolute civil and criminal liability immunity is implied in the act of Congress and the Rules and Regulations.

Since, as stated in my earlier letter of January 31, 1973, the federal statute and rules apply to all federal, state, local government and private drug abuse treatment programs that are federally funded or federally licensed, NRS 129.050 is preempted by the federal statute and rules insofar as a federally funded or licensed state, local government or private drug abuse treatment program is involved. For these programs further state legislation is not needed. However, in order to achieve absolute confidentiality and liability immunity, state legislation would be needed for all

Et. O. -
Legislature
Drug
Records
Minors

Legislature

Honorable Zelvin D. Lowman
February 22, 1973
Page Two

non-federally funded or licensed state, local government or private drug abuse treatment programs.

Sincerely,

ROBERT LIST
Attorney General

RL: dk: rmf

Exhibit B

310

PSYCHIATRIC ASSOCIATES OF RENO

674 N. ARLINGTON AVE.
RENO, NEVADA 89503

F. WILLIAM ALLPORT, M.D.
DONALD A. MOLDE, M.D.
THOMAS R. STAPLETON, M.D.

TELEPHONE
786-2865

April 6, 1973

Assemblyman Marion Bennett
Chairman Health Welfare Committee
401 S. Carson
Carson City, Nevada
89701

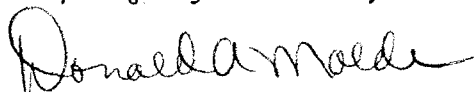
Re: Assembly Bill AB806

Dear Assemblyman Bennett:

This letter is to indicate my support for certain features of AB806. The provision allowing for confidentiality of records in drug treatment programs is, in my opinion, a sound one. Any kind of treatment program should keep records as one of its functions of treatment. These records should be confidential and there is, certainly, a tradition in that respect in medicine today. In the special area of drug abuse, the confidentiality matter becomes even more essential and necessary. Therefore, I support efforts to obtain such confidentiality and agree that the confidentiality should be substantial and should be revocable only by some kind of Court ordered process.

I also support the provision which would allow the treatment of minors without parental consent in the sensitive area of drug abuse. Because of communications problems which frequently exist in families where drug abusing young family members reside, it sometimes is necessary to engage the young person in a treatment program in the absence of his having fully communicated to his parents the details and extent of his experience. As a policy matter, institutions doing this kind of work with young people hopefully will act responsibly and carefully in keeping the parents informed as much as possible and in seeking their advise and consultation at various points along the way. However, the basic law still is required to allow treatment to proceed as rapidly and efficiently as possible.

Respectfully submitted,



Donald A. Molde, M.D.

DAM/cie
cc