

SENATE COMMITTEE ON
HEALTH, WELFARE, AND STATE INSTITUTIONS

MINUTES OF MEETING #11

MARCH 12, 1973

The meeting was called to order at 9:20 a.m.

Senator Walker in the chair.

PRESENT: Senator Young
 Senator Swobe
 Senator Raggio
 Senator Drakulich
 Senator Herr
 Senator Neal

Other interested citizens, which list is hereto
attached as Exhibit A.

SB 250: Regulates Marriage Counselors (BDR 54-961).

Testifying in favor of this bill was Mr. Joe Braswell, Inter-Tribal Council Social Services Program Director. Mr. Braswell expressed concern for the omission of public agencies who had established counseling programs incorporated under the State of Nevada laws. He asked the committee to 'exempt' workers employed by such agencies by adding "private agency".

He stated that qualified persons already working within the structure of a private agency be exempted from certification requirements as well as those employed by a public agency. We are not a public agency per se, but a private agency, i.e., those working in a private agency in the capacity of a marriage counselor should not have to be certified individually, so long as the private agency is certified itself. SB 384 which will be before this committee soon should handle any problems which might arise by the inclusion of "Public Agency".

Supporting Mr. Braswell's testimony was Mr. Paradise, ITC Social Services Program. He felt that the exclusion of private agencies, ex: churches, etc., would make people in these professions hesitant to make referrals to more qualified individuals because they themselves would not be certified. This would limit marriage counseling to private practice.

Senate

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He said he hoped that the legislature would include at some time, consideration for social workers, re: SB 384, and certification of same.

Senator Swobe asked how much money would be required to set up this board?

Senator Herr felt that the advocates of this bill should be prepared to inform the committee of the projected costs involved before this bill is discussed further.

Chairman Walker replied that since the witnesses were here, we could finish hearing their testimony today, while waiting for a cost estimate.

Mrs. Dorothy Button, Nevada Nurses' Association, stated that the association favors a moratorium on the licensure of any new health occupations.

However, if the committee should decide to pass this bill, she requested the following amendment:
Page 2, line 3: After the word "...psychiatry..." insert [,] and add "psycniatric nursing..."

Mr. Paradise spoke in support of Mrs. Button's testimony.

Witness #4 was Mr. John Dodson, minister of the Center for Religion and Life, University of Nevada. He, too, spoke in favor of Mrs. Button's proposed amendment. He referred Mr. Braswell to Page 6, line 36, which answered his previous question regarding restrictions on getting experience. Further, he stated that California has added an amendment to a similiar bill which reads "...in no way shall this restrict ministers or clerymen of religious faith...". Mr. Dodson requested that a similiar amendment be added to SB 250.

Senator Neal asked what the professional marriage counselor had to offer above the local minister or a friend, etc., i.e., the conventional Methods that most people seek.

Answering this, Mr. Tom Magruder, People, Inc., took the stand, saying that 'professional' counselors were trained in the art of teaching communication; that being the biggest problem between married couples, and a skill which needs to be taught.

Mr. Dodson added that a cleryman appreciates having a professional counselor to which he may make referrals.

Senate

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Senator Drakulich, referring to Section 26, felt that this did not upgrade the profession. (re: conditions under which examination may be waived.)

Senator Herr moved to re-schedule hearing this bill until its proponents could furnish the committee with a financial estimate of costs. Senator Swobe seconded the motion; it was so carried; re-scheduled for Wednesday, March 21st, 1973.

SB 257: Enlarges provisions for emergency medical care. (BDR 3-923)

Testifying first were Mr. Henrikson, Mr. Lowe and Mr. Warren of the Clark County Fire Department, the original drafters of this bill.

Mr. Lowe explained that there was confusion concerning this bill because it had been changed by the bill drafters from the original, in that as presented, it contains the 'Good Samaritan' clause, which they wished to delete with this amendment. This act will be contained in AB 127 at a future date.

Chairman Walker inquired if the term 'para-medic' had been defined, to which the reply was 'yes'. (Refer to Exhibit B, hereto attached, page 2, line 13).

Mr. Henrikson stated that the State Board of Health had approved all regulations as stated, and that by eliminating the Good Samaritan Act, the Board's hands would not be tied.

Mr. Lowe explained that if this bill was not passed today, it would be 1978 before another such program could be initiated, and that the need was now.

Mrs. Lydia Piscevich, Nevada League of Nursing, requested that on page 2, line 8 be deleted, since she felt it was the hospital's responsibility after a patient had arrived, to see to the necessary care needed.

Mr. Lowe explained that this clause was in for training purposes only. The committee agreed with the logic in Mr. Lowe's contention.

Secondly, Mrs. Piscevich requested deletion of lines 41 through 48 on page 2, stating that only M.D.'s or R.N.'s should be allowed to perform these medical procedures.

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Again, Mr. Lowe explained that this inclusion was in for emergency purposes only, performed only upon the request and supervision of an M.D. via telementary phone hook-up.

Senator Walker stated that it was not this committee's job to examine... each finite detail, since the ultimate decision was to be made the Board anyway.

Mrs. Button expressed her support for Mr. Lowe's testimony.

Mr. Wilson, Comprehensive Health Planning, testified again, requesting that the control of this program be given to the State Board of Health. He commended the members from the Clark County Health Department on their drafting this bill, and voiced his full support.

For the record, Mr. Frank Weinraugh, Chairman, Emergency Medical Services Committee, has sent a telegram (hercto attached as Exhibit C) in which he urged the action on SB 257 be delayed until it can be determined how these proposals fit into the Emergency Medical Services Plan that has been developed by Governor O'Callaghan's Health Planning Council.

Senator Swobe moved for a "Do Pass", Senator Herr seconded the motion; it was so carried.

SB 248: Amends provisions relating to pharmacies, pharmacists and hospitals. (BDR 54-958).

Senator Raggio moved that further testimony be held until such time as the amendments were returned on this bill. It was so carried.

SB 192: Amends special probation program for juveniles subsidized by State of Nevada (F.N.: yes) (BDR 16-798).

Senator Raggio stated that this bill should be tabled until such time as views from Washoe County could be heard. It was so carried.

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SB 311- Permits medical services to provide minor women 16 years of age or older with family planning services without parental consent. (BDR 11-1243).

Senator Young suggested removing the amendment (re: changing age from 16 to 14) in order to get this bill passed, and made such motion.

Senator Drakulich opposed, Senator Neal pointed out that the 1968 legislature made it legal for a minor woman 16 years of age to participate in sexual acts. Therefore, he opposed also. Motion was defeated.

Senator Raggio moved to rescind all previous committee votes on this bill, opposing it entirely.

Motion to rescind was defeated.

Senator Walker proffered Senator Wilson's suggestion that an amendment be added which would allow families not wanting their children to participate, to telephone in and express said view - thus - eliminating children of parents who accept responsibility in this area, but leaving recourse to children whose parents did not.

SB 311 was referred to the floor for vote.

SB 274: Provides a physician's assistance program for the State of Nevada, (BDR 54-837).

Mr. Bob MacDonald again asked for amendment as stated previously, which would exclude optometrists and dentists.

Senator Young moved for acceptance of this amendment, while Senator Raggio seconded this motion; it was so carried.

Chairman Walker tabled this bill for the time being.

The meeting adjourned at 10:50 a.m.

Respectfully submitted,

APPROVED:


Secretary

Lee E. Walker, Chairman

Print Plainly

NAME	DEPARTMENT AND POSITION OR TITLE	TELEPHONE	CHECK ONE PLEASE	
			(v) WITNESS	(v) Observ
MR BRASWELL.	Inter-tribal Cnsh. ^{social} _{SVOP} Program	882-6663	<input checked="" type="checkbox"/>	Bill #250
Bob McDonald	atly - rep. optometrist. DDS	322-0635		322-274
Thomas Magruder	People, Inc. - Director	329-8516		<input checked="" type="checkbox"/>
Robin Witt	1st United Meth. Church	322-4564		<input checked="" type="checkbox"/>
Lydia Piscevich	Nev League of Nrsng.			
George Benwell	Insp. - St. Bd. of Pharmacy	882-5864		
BILL SHIFFMAN	NEV. STATE BOARD OF PHARMACY	735-6917 LV		
GEO. R. TUCKER	PHARM. ASSN.	423-2030		
ROBERT F. LAMAN	NEVADA STATE PHARMACY ASSOC.	878-8650		
Nancy B. Grundy	pharmacist	882-7324 882-136/ext 247		<input checked="" type="checkbox"/>
Janice L. Phor	ITC, Social Service Program	882-6663		<input checked="" type="checkbox"/>
Norma Multine	ITC Social Services Program	882-6663		<input checked="" type="checkbox"/>
JOSEPH J. PARADISE	I.T.C. SOCIAL SERVICES PROGRAM	882-6663	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
JEAN T. PEAVY	NV. BOARD OF NURSING	786-2778		
WM. H. SCHAEFER, D.D.S.	NEVADA DENTAL ASSOCIATION	323-4501	<input checked="" type="checkbox"/>	247
HARRY P. MASSOTH, D.D.S	Nevada Board of Dental Examiners	323-8814	<input checked="" type="checkbox"/>	
Druce Griffith	Nevada Public Health Assoc.	882-7458		<input checked="" type="checkbox"/>
MIKE NACI	Nev. Dental Health			<input checked="" type="checkbox"/>

Print Plainly

NO WRITING PLEASE

NAME	DEPARTMENT AND POSITION OR TITLE	TELEPHONE	CHECK ONE PLEASE	
			(v) WITNESS	(v) Obser
				Bill #
John W. BORJA	OFFICE Highway Safety	882-7307	✓	257
Dr. W. M. M. EDWARDS	STATE HEALTH PN.	882-7457	✓	257, 274
Jane Button				✓
JOROTHY BUTTON	NEU. NURSES' ASSN	322-2486	✓	258 257
Alan Ehrenberg	Personnel			✓
W. E. Kanelle	NEV. OPT. ASSOC	329-1356	✓	274
O. J. J. J.	" " "	323-1730		274
Pauline A. Kerman		7317004		✓
DANE DAKERMAN				✓
K. J. HENRIKSON	JT. LEG. Com. PO-FF		✓	257
Bill Lowe	Las Vegas CC, Fire Dept		✓	257
NELSON B. NEFF	NEV. State Med. Assn.	825 6788		
BOB WARREN	CLARK COUNTY Fire Dept.			✓
			✓	257
Betty L. OLSEN	MERCY Amb. SERVICE	359-2909	✓	257
TOM WILSON	Comprehensive Health Planner	7728	✓	257
Robert Edmondson	Comprehensive Health	7728	✓	257

S. B. 257

SENATE BILL NO. 257—SENATORS BLAKEMORE, HERR,
ECHOLS, DRAKULICH, CLOSE, NEAL, RAGGIO, WALKER
AND YOUNG

FEBRUARY 16, 1973

Referred to Committee on Health, Welfare and State Institutions

SUMMARY—Enlarges provisions for emergency medical care.
Fiscal Note: No. (BDR 3-923)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT extending immunity from tort liability for emergency care; providing for
the training of *PARAMEDIC*; providing a penalty; and provid-
ing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

1 SECTION 1. NRS 41.500 is hereby amended to read as follows:
2 41.500 *The following persons:*
14 *Registered*
15 *Any physician or nurse who in good faith gives instruction to an*
16 *PARAMEDIC at the scene of an emergency, and the*
18 *PARAMEDIC who obeys such instruction*
19 *gratuitously and in good faith,*
20 *shall not be held liable for any civil damages as a result of any act or*
21 *omission, not amounting to gross negligence, by such person in rendering*
the emergency care.

1 SEC. 2. Chapter 450 of NRS is hereby amended by adding thereto a
2 new section which shall read as follows:

3 Any hospital, rescue unit or ambulance which meets
4 minimum requirements established by the State Board
5 of Health may utilize PARAMEDICS for the rendering
6 of emergency medical care to the sick or injured:

- 7 1. At the scene of an emergency and during transport to a hospital;
- 8 2. While in a hospital emergency department; and
- 9 3. Until responsibility for care is assumed by the regular hospital
10 staff.

11 SEC. 3. Chapter 630 of NRS is hereby amended by adding thereto
12 the provisions set forth as sections 4 to 7, inclusive, of this act.

13 SEC. 4. As used in sections 4 to 7, inclusive, of this act:

14 1. PARAMEDIC means a person specially trained
15 in emergency care, including cardiac care, in a training program certified
16 by the STATE BOARD OF HEALTH and individually cer-
17 tified by such officer as having satisfactorily completed the training pro-
18 gram.

22 SEC. 5. 1. A training program for PARAMEDICS
23 shall include at least 500 hours of training, including but not limited to
24 300 hours of didactic and 200 hours of clinical instruction. The program
25 shall include cardiac care and emergency vehicle experience.

26 2. A certified PARAMEDIC must undergo at least
27 40 hours of further or refresher training yearly in order to maintain his
28 certification, and is subject to reexamination every 2 years by STATE
29 BOARD OF HEALTH

30 SEC. 6. A PARAMEDIC may:

- 31 1. Render rescue, first-aid and resuscitation services.
- 32 2. During training at a hospital and while caring for patients in a
33 hospital administer parenteral medications under the direct supervision
34 of a physician or a registered nurse.

35 3. Perform cardiopulmonary resuscitation and defibrillation in a
36 pulseless, nonbreathing patient.

37 4. Where voice contact or a telemetered electrocardiogram is mon-
38 itored by a physician or a REGISTERED nurse when
39 authorized and supervised by a physician, and direct communication is maintained
40 upon order of such physician or such nurse perform procedures
and administer such drugs as approved by the
STATE BOARD OF HEALTH such as

- 41 (a) Administer intravenous saline or glucose solutions.
- 42 (b) Perform gastric suction by intubation.
- 43 (c) Administer airway intubation by esophageal tube or endotracheal
44 tube.
- 45 (d) Perform needle aspiration of the chest.
- 46 (e) Perform surgical exposure of a vein or artery.
- 47 (f) Perform a phlebotomy or draw blood specimens for analysis.
- 48 (g) Administer ~~parenteral injections~~ such as any of the following classes of

49 ~~drugs~~ DRUGS

- 1 (1) Antiarrhythmic agents.
- 2 (2) Vagolytic agents.
- 3 (3) Chronotropic agents.
- 4 (4) Analgesic agents.
- 5 (5) Alkalizing agents.
- 6 (6) Vasopressor agents.
- 7 (7) Diuretics.
- 8 (8) Narcotic antiagents.
- 9 (9) Anticonvulsive agent.
- 10 (10) Volume expanding agents.
- 11 (11) Topical ophthalmic solution.
- 12 (12) Intravenous glucose.
- 13 (13) Antihistaminic.
- 14 (14) Steroids.
- 15 (15) Bronchodilators.

16 SEC. 7. Pursuant to the goals of this act, on or before
17 July 1, 1974, the State Office of Emergency Medical
18 Services of the State Division of Health, will develop
19 a plan for implementation of a Paramedic program
20 in Nevada.

AN ACT -- Scratch "Emergency Medical Assistants"

Insert - Paramedics

REASON: Create less confusion as Title Emergency Medical Assistance can be confused with Emergency Medical Technician or Physician's Assistant, or any other Emergency medical service that would be under a different Act.

SECTION I

Page I

Line 3 - 10: Scratch

This portion is for the upgrade of the good samaritan law; it doesn't pertain to paramedics.

Lines 11 - 13: Scratch

Paid firemen and policemen if need to be covered would not come under paramedics.

Line 15 & 15: Scratch - Emergency Medical Assistant

Insert paramedic.

Line 16: Scratch word "and" at end of line

Line 17: Scratch

Line 18: Scratch scene of Emergency

This portion should be covered under update of Good Samaritan Law

Line 21: Scratch "or assistant, or as a result of any act of failure"

Lines 22 & 23: Scratch

Part of present Good Samaritan Act.

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SECTION II

Lines 3 & 4 Scratch

Insert - "Any hospital, rescue unit or ambulance which meets minimum requirements established by the State Board of Health".

Line 5 Scratch the words - "this section"

Line 5 Scratch "Emergency medical assistant" and

Insert - Paramedics

Line 14: Scratch "Emergency medical assistant" -

Insert - Paramedic

Line 16: Scratch "state health officer or a county officer"

Insert - "State Board of Health". There will be uniformity throughout the State by having this program under one governmental agency.

Lines 19 - 21: Scratch

There are no Mobile Intensive Care nurses in Nevada.

Line 22-26: Scratch "Emergency medical assistants";

Insert - paramedic.

Line 38: Scratch "Certified Mobile Intensive Care".

Line 38: Scratch the word "where" at end of the line;

Insert - the word "when".

Line 39: Insert the words "and supervised" after the word authorized.

Line 40: Scratch the words "do any of the following".

Insert - "perform procedures and administer such drugs as approved by the State Board of Health such as"

Line 45: Scratch "expiration" and insert "aspiration".

Typographical error.

Line 48: Scratch the word "of" after injections.

Insert - "such as"

SECTION VII:

Line 16-20 Scratch in its entirety and insert:

"Pursuant to the goals of this Act, on or before July 1, 1974, the State Office of Emergency Medical Services of the State Division of Health, will develop a plan for implementation of a Para-Medic program in Nevada".

REA048(0228)(1-000584A056)PD 02/25/73 0216

ICS IPMRESA RNO

ZCZC 01241 NL ELKO NEV 245 02-24 1010P PST

PMS HON LEE E WALKER CHAIRMAN

HEALTH WELFARE AND STATE INSTUTIONS

LEGISLATIVE BLDG

CARSON CITY NEV

FOR THE RECORD, I WOULD URGE YOU TO DELAY ANY ACTION ON S B
257 UNTIL IT IS DETERMINED HOW THESE PROPOSALS FIT INTO THE

EMERGENCY MEDICAL SERVICES PLAN THAT HAS BEEN DEVELOPED BY
GOVERNOR OCALLAGHANS HEALTH PLANNING COUNCIL

OVER THE PAST YEAR AND A HALF. THIS PLAN HAS JUST BEEN
FINALIZED AND IS READY FOR APPROVAL AND ADOPTION BY THE
NEVADA STATE LEGISLATURE.

SB 257 LEAVES TOO MANY UNANSWERED QUESTIONS SUCH AS WHERE
WILL THE FUNDING COME FROM TO PROVIDE FOR TRAINING EQUIPMENT,

SF-1201 (R5-69)

AND ENFORCEMENT? WHAT IMPACT WILL THIS BILL HAVE ON
HOSPITALS AND AMBULANCE SERVICES BEING OPERATING BY BOTH
PRIVATE AND GOVERNMENTAL AGENCIES? WHO WILL DO THE TRAINING?
BEFORE WE SWALLOW SOMETHING WE ARE NOT SURE WE CAN DIGEST,
PLEASE GIVE US A CHANCE TO CHEW ON THIS PROPOSED LEGISLATION FOR
A REASONABLE TIME

FRANK WEINRAUGH CHAIRMAN EMERGENCY MEDICAL SERVICES COMMITTEE
STATE OF NEVADA HEALTH PLANNING COUNCIL

-1201 (R5-69)

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 257

SENATE BILL NO. 257—SENATORS BLAKEMORE, HERR,
ECHOLS, DRAKULICH, CLOSE, NEAL, RAGGIO, WALKER
AND YOUNG

FEBRUARY 16, 1973

Referred to Committee on Health, Welfare and State Institutions

SUMMARY—Enlarges provisions for emergency medical care.
Fiscal Note: No. (BDR 3-923)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT extending immunity from tort liability for emergency care; providing for
the training of paramedical personnel; providing a penalty; and providing
other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 41.500 is hereby amended to read as follows:
2 41.500 *1. Any physician or registered nurse who in good faith gives*
3 *instruction to a paramedic at the scene of an emergency, and the para-*
4 *medic who obeys such instruction, shall not be held liable for any civil*
5 *damages as a result of any act or omission, not amounting to gross negli-*
6 *gence, by such person in rendering such emergency care.*
7 2. Any other person in this state, who renders emergency care at the
8 scene of an emergency, gratuitously and in good faith, shall not be held
9 liable for any civil damages as a result of any act or omission, not
10 amounting to gross negligence, by such person in rendering the emer-
11 gency care or as a result of any act or failure to act, not amounting to
12 gross negligence, to provide or arrange for further medical treatment for
13 the injured person.
14 SEC. 2. Chapter 450 of NRS is hereby amended by adding thereto a
15 new section which shall read as follows:
16 *Any hospital, rescue unit or ambulance service which meets minimum*
17 *requirements established by the state board of health may utilize para-*
18 *medics for the rendering of emergency medical care to the sick or injured:*
19 1. *At the scene of an emergency and during transport to a hospital;*
20 2. *While in a hospital emergency department; and*
21 3. *Until responsibility for care is assumed by the regular hospital*
22 *staff.*
23 SEC. 3. Chapter 630 of NRS is hereby amended by adding thereto
24 the provisions set forth as sections 4 to 6, inclusive, of this act.
25 SEC. 4. *As used in sections 4 to 6, inclusive, of this act, "paramedic"*
26 *means a person specially trained in emergency medical care, including*

S. B. 192

SENATE BILL NO. 192—COMMITTEE ON HEALTH,
WELFARE AND STATE INSTITUTIONS

FEBRUARY 9, 1973

Referred to Committee on Health, Welfare and State Institutions

SUMMARY—Amends special probation program for juveniles subsidized by State of Nevada. Fiscal Note: Yes. (BDR 16-798)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the rehabilitation of juveniles; providing that the special probation program for juveniles will be administered by the department of health, welfare and rehabilitation; permitting the department to establish rules and regulations for the operation of the program; changing the procedure for determining the distribution of funds; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 213.230 is hereby amended to read as follows:
2 213.230 As used in NRS 213.220 to 213.290, inclusive:
3 1. "Department" means the department of [administration.] *health,*
4 *welfare and rehabilitation.*
5 2. "Juvenile court" means the juvenile court of any judicial district.
6 3. "Special supervision program" means a probation program meet-
7 ing the standards prescribed pursuant to NRS 213.220 to 213.290, inclu-
8 sive, for the rehabilitation of offenders who were less than 18 years of
9 age at the time of violating any state law, which does include:
10 (a) A degree of supervision substantially above the usual; and
11 (b) The use of new techniques rather than routine supervision tech-
12 niques.
13 SEC. 2. NRS 213.240 is hereby amended to read as follows:
14 213.240 From any legislative appropriation for such purpose and in
15 accordance with the provisions of NRS 213.220 to 213.290, inclusive,
16 the state shall share the cost of supervising offenders in special supervision
17 programs established in any county participating under NRS 213.220 to
18 213.290, inclusive, who would otherwise be committed to a [state]
19 *state-operated or state-supported* juvenile institution.
20 SEC. 3. NRS 213.250 is hereby amended to read as follows:
21 213.250 1. Any juvenile court may make application to the depart-
22 ment to participate under NRS 213.220 to 213.290, inclusive, for the
23 sharing of the cost of special supervision programs.

cc Lete

- 1 2. The application shall:
2 (a) Be in the form prescribed by the department; and
3 (b) Include a plan or plans for providing special supervision programs.
4 (c) *Include assurances that such funds will not be used to replace local*
5 *funds for existing programs for delinquent youth.*

6 SEC. 4. NRS 213.270 is hereby amended to read as follows:
7 213.270 1. The juvenile court shall use the amount received under
8 NRS 213.220 to 213.290, inclusive, for the purposes described in NRS
9 213.220 to employ necessary probation officers who shall carry caseloads
10 substantially less than required for normal or routine supervision **[.]** ,
11 *and to initiate new techniques and services of an innovative nature for*
12 *delinquent youth.*

13 2. The department shall determine the applicable costs to the state in
14 calculating amounts to be paid to a juvenile court.

15 SEC. 5. NRS 213.280 is hereby amended to read as follows:
16 213.280 The department shall provide for the disbursement of such
17 funds to each juvenile court proportionately on the basis of the population
18 within the jurisdiction of such court, as determined by the last preceding
19 national census of the Bureau of the Census of the United States Depart-
20 ment of Commerce, **[but where]** *and such other factors determined to be*
21 *relevant by the department in accordance with rules and regulations*
22 *adopted pursuant to section 7 of this act. Where it appears that any juve-*
23 *nile court does not intend to submit an application to the department, the*
24 *proportionate share of such juvenile court may be disbursed to [any]*
25 *other juvenile [court.] courts in accordance with rules and regulations*
26 *adopted by the department.*

27 SEC. 6. NRS 213.290 is hereby amended to read as follows:
28 213.290 1. Each juvenile court receiving funds under the provisions
29 of NRS 213.220 to 213.290, inclusive, shall report, on or before July 1
30 and December 31 of each year, the experience and results of such court
31 in complying with the purposes of NRS 213.220 to 213.290, inclusive,
32 to the department. **[of health, welfare and rehabilitation.]**

33 2. The department **[of health, welfare and rehabilitation]** shall com-
34 pile such reports and submit them to the legislature upon its convening
35 in regular session.

36 SEC. 7. Chapter 213 of NRS is hereby amended by adding thereto a
37 new section which shall read as follows:

38 1. *The department shall adopt rules and regulations setting forth*
39 *minimum standards for the operation of special supervision programs and*
40 *such other rules as may be necessary for the administration of the provi-*
41 *sions of NRS 213.220 to 213.290, inclusive, and this section. Such stand-*
42 *ards shall be sufficiently flexible to foster the development of new and*
43 *improved supervision practices and techniques.*

44 2. *In developing the standards, the department shall seek advice from*
45 *the appropriate county officials in those counties participating under the*
46 *provisions of NRS 213.220 to 213.290, inclusive, and this section.*

47 SEC. 8. This act shall become effective upon passage and approval.

Needs
vote
✓/ gain

Do Pass
w/ Amendment
S. B. 250

SENATE BILL NO. 250—COMMITTEE ON HEALTH,
WELFARE AND STATE INSTITUTIONS

FEBRUARY 15, 1973

Referred to Committee on Health, Welfare and State Institutions

SUMMARY—Regulates marriage counselors. Fiscal Note: No. (BDR 54-961)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

Call of family
Wardman
R.C.
Apprais.

AN ACT regulating marriage counselors; declaring the policy of the state: estab-
lishing a board of examiners; requiring certification of marriage counselors;
creating disciplinary and hearing procedures; establishing a fee schedule;
defining the scope of regulatory activities; providing penalties and remedies; and
providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. Title 54 of NRS is hereby amended by adding thereto
- 2 a new chapter to consist of the provisions set forth as sections 2 to 48,
- 3 inclusive, of this act.
- 4 SEC. 2. The practice of marriage counseling is hereby declared a
- 5 learned profession, affecting public safety and welfare and charged with
- 6 the public interest, and therefore subject to protection and regulation by
- 7 the state.
- 8 SEC. 3. As used in this chapter, unless the context otherwise requires,
- 9 words and terms defined in sections 4 to 9, inclusive, of this act have
- 10 the meanings assigned to them in such sections.
- 11 SEC. 4. "Board" means the board of marriage counselor examiners.
- 12 SEC. 5. "Certificate" means a certificate of registration as a marriage
- 13 counselor.
- 14 SEC. 6. "Certificatee" means a person certified as a marriage coun-
- 15 selor by the board.
- 16 SEC. 7. "Marriage counselor" means a person who describes himself,
- 17 or his services to the public by any title or description which incorporates
- 18 the term "marriage counselor," and under such title offers to render or
- 19 renders services to individuals, partnerships, associations, corporations
- 20 or other members of the public for remuneration.
- 21 SEC. 8. "Person" means any individual, partnership, association or
- 22 corporation.
- 23 SEC. 9. "Practice of marriage counseling" means the application of

1 established principles of learning, motivation, perception, thinking, emo-
2 tional, marital and sexual relationships and adjustments by persons
3 trained in psychology, social work, psychiatry or marital counseling. The
4 application of such principles includes, but is not restricted to:

5 1. Counseling and the use of psychotherapeutic measures with per-
6 sons or groups with adjustment problems in the areas of marriage,
7 family or personal relationships.

8 2. Doing research on problems related to marital relationships and
9 human behavior.

10 3. Consultation with others doing marriage counseling.

11 SEC. 10. There is hereby created the board of marriage counselor
12 examiners, which shall administer and enforce the provisions of this
13 chapter.

14 SEC. 11. The board shall consist of five members appointed by the
15 governor. If possible, at least one examiner will be appointed in each
16 of the following three specialties: Psychiatry; psychology; social work.
17 All examiners must be in good standing with, or acceptable for member-
18 ship in, their local or state societies and associations when they exist.
19 Psychiatrists must have completed their residencies in psychiatry. Persons
20 with academic backgrounds in psychology or social work must possess
21 graduate degrees in these fields or the equivalent and have at least 1
22 year of paid work experience where marriage counseling was a signifi-
23 cant part of that work.

24 SEC. 12. 1. Of the members first appointed, one shall be appointed
25 for 1 year, two for 2 years, and two for 3 years. Thereafter all members
26 shall be appointed for terms of 3 years. Members shall serve until their
27 successors have been appointed and have qualified. No member shall
28 serve for more than two successive terms.

29 2. Vacancies on the board shall be filled by appointment by the gov-
30 ernor for the unexpired term.

31 SEC. 13. No person shall be eligible for appointment or to hold
32 office as a member of the board unless he is:

33 1. A citizen of the United States.

34 2. A resident of Nevada.

35 3. A certified marriage counselor under the provisions of this chap-
36 ter, except for members of the first appointed board, who shall be resi-
37 dents of Nevada who meet the requirements listed in section 11 of this
38 act.

39 SEC. 14. The board shall hold a regular meeting at least once a year.
40 The board shall hold a special meeting upon a call of the president or
41 upon a request by a majority of the members. Three members of the
42 board shall constitute a quorum.

43 SEC. 15. At the regular meeting the board shall elect from its mem-
44 bership a president and a secretary-treasurer, who shall hold office for 1
45 year and until the election and qualification of their successors.

46 SEC. 16. The secretary-treasurer shall make and keep on behalf of
47 the board, the following:

48 1. A record of all meetings and proceedings.

49 2. A record of all examinations and applicants.

50 3. A register of all certificates and certificate holders.

1 4. An inventory of the property of the board and of the state in the
2 board's possession.

3 SEC. 17. The board may make and promulgate rules and regulations
4 not inconsistent with the provisions of this chapter governing its pro-
5 cedure, the examination and certification of applicants, the granting,
6 refusal, revocation or suspension of certificates, and the practice of mar-
7 riage counseling as it applies to this chapter.

8 SEC. 18. The board may under the provisions of this chapter:

9 1. Examine and pass upon the qualifications of the applicants for
10 certification.

11 2. Certify qualified applicants.

12 3. Revoke or suspend certificates.

13 4. Collect all fees and make disbursements pursuant to this chapter.

14 SEC. 19. The board shall determine which schools in and out of this
15 state have courses of study for the preparation of marriage counseling
16 which are sufficient and thorough for certification purposes. Published
17 lists of educational institutions accredited by recognized accrediting orga-
18 nizations may be used in the evaluation of such courses of study.

19 SEC. 20. The board may administer oaths and take testimony in con-
20 nection with the exercise of other powers conferred upon it in this chap-
21 ter.

22 SEC. 21. 1. A member of the board shall be entitled to receive as
23 compensation the sum of \$25 for each day actually spent in the perform-
24 ance of his duties as such, and shall also be entitled to receive his neces-
25 sary actual expenses in going to, attending and returning from meetings.

26 2. Compensation and expenses of members shall be payable out of
27 funds derived from fees and penalties paid or transmitted to the board
28 under provisions of this chapter, and no part thereof shall ever be paid
29 out of the state treasury.

30 SEC. 22. Each person desiring a certificate shall make application to
31 the board upon a form, and in a manner, prescribed by the board. The
32 application shall be accompanied by the application fee prescribed by
33 the board.

34 SEC. 23. Each applicant shall furnish evidence satisfactory to the
35 board that he:

36 1. Is at least 21 years of age.

37 2. Is of good moral character.

38 3. Is a citizen of the United States, or has declared the intention of
39 becoming a citizen.

40 4. Has finished his residency training in psychiatry from an accred-
41 ited institution approved by the board or has a graduate degree in psy-
42 chology, social work, or has training deemed equivalent by the board in
43 both subject matter and extent of training.

44 5. Has at least 1 year of postgraduate experience in marriage coun-
45 seling deemed satisfactory to the board.

46 SEC. 24. Each applicant for a certificate may be given a written
47 examination by the board of his knowledge of marriage counseling. In
48 addition, the board may require an oral examination. When examinations
49 are given, they shall be given at a time and place and under such super-
50 vision as the board may determine. A grade of 75 percent is a passing

1 grade. The board may examine in whatever applied or theoretical fields
2 it deems appropriate.

3 SEC. 25. The board may grant a certificate without any examination
4 to any person certified by the board of examiners in another state if the
5 board determines that the requirements in such state are at least equiva-
6 lent to the requirements of this chapter.

7 SEC. 26. The board shall waive examination and grant a certificate
8 to any applicant who:

9 1. Has applied in writing to the board not later than October 1, 1973.

10 2. Is a legal resident of this state and has been principally employed
11 in, or has practiced, marriage counseling in this state for at least 1 year
12 prior to July 1, 1973.

13 3. Meets the requirements of section 23 of this act, except that in
14 lieu of an advanced degree the applicant may, at the discretion of the
15 board, substitute 3 years of experience as a marriage counselor.

16 4. Pays to the board the certification fee required by this chapter.

17 SEC. 27. Every person certified by the board shall be required to
18 submit biennially a completed registration form and pay the biennial
19 registration fee provided for in this chapter.

20 SEC. 28. The board may refuse to grant a certificate or may suspend
21 or revoke a certificate for any of the following reasons:

22 1. Conviction of a felony, or of any offense involving moral turpi-
23 tude, the record of conviction being conclusive evidence thereof. The
24 board may inquire into the circumstances surrounding the commission
25 of the offense in order to fix the degree of discipline advisable, or to
26 determine if such a conviction is an offense involving moral turpitude.

27 2. Habitual drunkenness or addiction to the use of a controlled sub-
28 stance as defined in chapter 453 of NRS.

29 3. Impersonating a certified marriage counselor or allowing another
30 person to use his certificate.

31 4. Using fraud or deception in applying for a certificate or in passing
32 the examination provided for in this chapter.

33 5. Rendering or offering to render services outside the area of his
34 training, experience or competence.

35 6. Committing unethical practices contrary to the interest of the
36 public as deemed by the board.

37 7. Unprofessional conduct as determined by the board.

38 SEC. 29. The board may discipline the holder of any certificate whose
39 default has been entered or who has been heard by the board and found
40 guilty, by any of the following methods:

41 1. Placing him upon probation for a period to be determined by the
42 board.

43 2. Suspending his certificate for a period not exceeding 1 year.

44 3. Revoking his certificate.

45 SEC. 30. A complaint may be made against a certificatee by an agency
46 or inspector employed by the board, any other certificatee or any
47 aggrieved person, charging one or more of the causes for which such
48 certificate may be revoked or suspended with such particularity as to
49 enable the defendant to prepare a defense thereto.

1 SEC. 31. A complaint shall be made in writing and shall be signed
2 and verified by the person making it. The original complaint and two
3 copies shall be filed with the secretary-treasurer.

4 SEC. 32. As soon as practicable after the filing of a complaint, the
5 board shall fix a date for the hearing thereof, which date shall not be
6 less than 30 days thereafter. The secretary-treasurer shall immediately
7 notify the defendant certificatee of the complaint and the date and place
8 fixed for the hearing thereof. A copy of the complaint shall be attached
9 to the notice.

10 SEC. 33. The hearing of a complaint shall be conducted in private
11 by the board. The defendant certificatee shall be accorded the right to
12 appear in person and by legal counsel, and shall be given adequate
13 opportunity to confront the witnesses against him, to testify and intro-
14 duce the testimony of witnesses in his behalf, and to submit argument
15 and brief in person or by his counsel.

16 SEC. 34. Upon conclusion of the hearing or as soon as practicable
17 thereafter, the board shall make and announce its decision.

18 SEC. 35. If the board revokes or suspends a certificate for a fixed
19 time, the certificatee may apply for a rehearing within 10 days and the
20 board may grant such application within 30 days thereafter.

21 SEC. 36. If the board grants a rehearing, the secretary-treasurer shall
22 immediately notify the certificatee of the date and place which the board
23 has fixed for the rehearing, which date shall not be less than 10 days
24 thereafter. The hearing shall be conducted in the same manner as the
25 former hearing. Upon conclusion thereof, or as soon as practicable there-
26 after, the board shall make and announce its decision.

27 SEC. 37. If the board renders a decision adverse to the certificatee
28 and denies a rehearing, or if the board grants a rehearing and again
29 decides adversely to the interests of the certificatee, the certificatee is
30 entitled to review pursuant to the Nevada Administrative Procedure Act.

31 SEC. 38. One year from the date of a revocation of a certificate,
32 application may be made to the board for reinstatement. The board has
33 complete discretion to accept or reject an application for reinstatement
34 and may require examination for such reinstatement.

35 SEC. 39. Each person holding a certificate as a marriage counselor
36 in this state shall pay a biennial registration fee to the board on or before
37 the 1st day of January of each odd-numbered year.

38 SEC. 40. Failure to pay the biennial registration fee shall automati-
39 cally effect a revocation of the certificate after a period of 60 days from
40 the 1st day of January of each odd-numbered year. The certificate shall
41 not be restored except upon written application and the payment of the
42 biennial registration fee and the restoration fee required by this chapter.

43 SEC. 41. After a certificate of a certificatee has lapsed for a contin-
44 uous period of 5 years, such certificatee applying for reinstatement of a
45 certificate shall reapply for certification under the laws and regulations
46 in effect at the time of application, his previous certification notwith-
47 standing.

48 SEC. 42. The amount of fees payable to the board pursuant to this
49 chapter shall be fixed by the board according to the following schedule:

1	1. Examination fee.....	\$30
2	2. Certification fee.....	15
3	3. Biennial registration fee, not less than \$20 nor more than	
4	\$80, as determined by the board.	
5	4. Restoration of a certificate revoked for nonpayment of the	
6	biennial registration fee, not less than \$20 nor more	
7	than \$80, as determined by the board.	
8	5. Application fee.....	15
9	6. Certification by endorsement under the provision of sec-	
10	tion 25 of this act.....	50
11	SEC. 43. All moneys coming into possession of the board shall be	
12	kept or deposited by the secretary-treasurer in banks or savings and loan	
13	associations in the State of Nevada to be expended for payment of com-	
14	pensation and expenses of board members and for other necessary or	
15	proper purposes in the administration of this chapter.	
16	SEC. 44. 1. It is unlawful for any person to represent himself as a	
17	marriage counselor within the meaning of this chapter unless he is cer-	
18	tified under the provisions of this chapter, except that any marriage	
19	counselor employed by an accredited educational institution or public	
20	agency which has set explicit standards may represent himself by the	
21	title conferred upon him by such institution or agency.	
22	2. This section does not grant approval for any person to offer his	
23	services as a marriage counselor to any other person as a consultant, and to	
24	accept remuneration for such services, other than that of his institutional	
25	salary, unless he has been certified under the provisions of this chapter.	
26	3. A student of psychology or social work, a psychological or social	
27	work intern and any other person preparing for the profession of mar-	
28	riage counseling under the supervision of a qualified psychologist, social	
29	worker, psychiatrist or marriage counselor in training institutions or facil-	
30	ities recognized by the board may be designated by the title "marriage	
31	counselor trainee," "psychology trainee," "social work trainee," or any	
32	other title which clearly indicates his training status.	
33	SEC. 45. A marriage counselor not a resident of Nevada and not cer-	
34	tified in Nevada who meets the requirements for certification in this	
35	chapter is not subject to the provisions of this chapter if he does not prac-	
36	tice marriage counseling in the State of Nevada for over 30 days in any	
37	one calendar year, and if he is invited as a consultant by a marriage	
38	counselor certified in Nevada.	
39	SEC. 46. It is unlawful for any person, other than a person certified	
40	under this chapter, to employ or use the term "marriage counselor,"	
41	"marital adviser," "marital therapist," or "marital consultant," or any	
42	similar titles, in connection with his work, or in any way imply that he	
43	is certified by the board, unless he is certified under this chapter, except	
44	as specified in subsection 1 of section 44 of this act.	
45	SEC. 47. Any person who violates any of the provisions of this chap-	
46	ter or, having had his certificate suspended or revoked, continues to rep-	
47	resent himself as a marriage counselor, is guilty of a misdemeanor. Each	
48	violation shall be deemed a separate offense.	

1 SEC. 48. A violation of this act by a person unlawfully representing
2 himself as a marriage counselor as defined in this chapter may be
3 enjoined by a district court on petition by the board. In any such pro-
4 ceeding it is not necessary to show that any person is individually injured.
5 If the respondent is found guilty of misrepresenting himself as a marriage
6 counselor, the court shall enjoin him from such representation unless
7 and until he has been duly certified. Procedure in such cases shall be the
8 same as in any other application for an injunction. The remedy by injunc-
9 tion is in addition to criminal prosecution and punishment.

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