

Assembly

MINUTES

1327

COMMERCE COMMITTEE - NEVADA STATE LEGISLATURE - 58TH SESSION

MAY 12, 1975

The meeting was called to order by Vice Chairman Harmon at 4:50 P.M.

MEMBERS PRESENT: Mr. Benkovich  
Mr. Demers  
Mr. Getto  
Mr. Harmon  
Mr. Hickey  
Mr. Moody  
Mr. Schofield  
Mr. Wittenberg

MEMBERS ABSENT: Mr. Robinson - excused

SPEAKING GUESTS: Rowland Oakes, Associated General Contractors  
Darryl Capurro, Nevada Franchised Auto Dealers  
Milos Terzich, ALIA, HIAA  
Assemblyman May  
Corky Lingenfelter, Nevada Land Title Association  
Robert Long, Employment Security Department  
Jim Hanna, Employment Security Department  
Bill Gibbons, The Gibbons Company  
Bob Alkire, Kennecott Copper Company  
Robert Groves, Nevada Board of Pharmacy  
George Bennett, Nevada Board of Pharmacy  
Marjory K. Tsuda, Nevada Nurses' Association  
Keith McDonald, Nevada State Pharmacy Association  
Bob Tucker, State Board of Pharmacy  
Assemblyman Heaney  
Chuck Saladino, landscape architect

The purpose of this meeting was to hear testimony on the following bills:

<u>AB 627</u>	<u>AB 783</u>
<u>AB 319</u>	<u>SB 460</u>
<u>SB 510</u>	<u>SB 202</u>
<u>AB 780</u>	<u>SB 542</u>

The first bill to be discussed was AB 627 which:

Prohibits an employer from requiring his employee to submit any document pertaining to group health insurance which contains information relative to any injury or illness for which such employee received medical treatment.

Assemblyman Benkovich spoke in favor of this measure saying in would solve a problem in Northern Nevada in that insurance forms would be handled by the insured and the insurance company only rather than being turned in to the company of employment to handle it. This would make your insurance forms as confidential as possible.

Mr. Oakes commented that his association like many other group policies are administered out of their office by instruction from the insurance company who says they must be handled in this manner. If the employees of his association wished their insurance to be handled in such a way as provided for in AB 627, they would have to get insurance independently rather than through the group policy.

Mr. Capurro commented that his association has the same problem. All forms must be verified by their office before being sent on to the insurance company. The purpose of this is to make sure the individual indicated on the claim is actually covered. It is a double check system. If they send in a form without the verification stamp on it, it will be sent back which delays the processing of a claim. Also, if a form is sent in either incomplete or improper filled out, it will be returned. He added that strict confidence is a matter of policy in their organization and only the claims person has access to these files. He added that insurance companies do not like bills to stagger in. They prefer them to be sent in as a group. Also, there is a portion of the claim that must be filled out by the employer. Mr. Benkovich commented that at the Nevada Club the portion of the forms that must be filled out by the employer is filled out first and then the form is given to the individual to complete and send to the insurance company.

Milos Terzich spoke saying he has no official position on this bill but commented that there are several bills dealing with uniform claims forms and he felt this should be considered when considering this bill.

This concluded testimony on AB 627 and discussion turned to SB 202 which:

Requires title insurance companies transacting escrow services to be licensed as escrow agents and places restrictions on escrow accounts.

Assemblyman May spoke on this bill on behalf of Senator Herr. He said, in general, the reason this bill had been introduced because of an incident which occurred to Mrs. Herr in which she entered into an agreement with a group of people involving a large amount of money and she was told a great amount of money was put into escrow. After considerable time, the deal fell through and the property owner tried to collect money for having his property tied up for so long and it was discovered that there was no cash deposited into escrow after all. This bill would tighten up on cases like this one.

Corky Lingenfelter spoke in favor of this bill. He said it is a fairly good bill and that these businesses feel they should be licensed and they feel this bill should be passed this Session to give some protection to the consumer and then perhaps at the next Session a more comprehensive measure could be passed.

This concluded testimony on this bill and discussion turned to AB 319 which:

Provides cause of action for victim of consumer fraud.

Mr. Capurro spoke on this bill saying he had no real opposition to it but asked that consideration be given to amending Subsection 3 on Line 9 to more or less coincide with other legislation that has been proposed--"court shall award the prevailing party". This would allow for the right to any damages sustained and court costs and attorney's fees incurred.

There were no others present to testify on this bill. Discussion then turned to SB 510 which:

Requires health maintenance organizations to provide for coordination of certain coverages.

There was no one present to testify for or against this measure. Discussion turned to AB 780 which:

Increases maximum weekly benefit amount under unemployment compensation law.

Robert Long spoke on this bill stating that the Department does not take a stand on this bill but as a matter of record, while they do not have the increased money to comply with this, it would not pose any problems administratively.

Mr. Hanna commented that the maximum weekly benefit would be raised from \$85 to \$101 and this would affect about 45% of those people receiving benefits. It would create a 10% increase in the total payout which at the current rate of payout would amount to about a \$5,500,000 increase.

Mr. Oakes spoke in opposition to the bill. He said if the Fund is in trouble, we can't afford to increase the benefits.

Mr. Long added that if this bill was passed, it would wipe out about 2/3 of the savings which should be generated by the package presented at earlier meetings by the Employment Security Department.

Darryl Capurro said the people he represents are in total opposition to this bill. To impose this on top of the increase caused by the package would not be feasible in today's economics.

Bill Gibbons commented that out of the 52 taxing jurisdictions in the U.S., a weekly benefit of \$101 would be exceeded by only 10 states and these are all back East and also the State of Alaska. He said Nevada is presently not out of line as compared to other states especially our neighboring states. He felt with the Fund in the condition it is, passing this legislation would be irresponsible.

Bob Alkire also opposed this bill. He said the Fund is already in deep trouble and it would not be wise to put it in deeper trouble. He commented that \$89 would not appear to be much money but it must be kept in mind that it actually represents more money than that because there are no deductions from it. He also said that the closer you get to real wages, the more difficult it is to encourage

people to get themselves back on the payroll again. If this was passed, a person might not actively seek a job because the amount of his unemployment payment is close to what he would make on the job market. He felt the amount should be kept down to a reasonable level.

This concluded testimony on AB 780 and discussion turned to AB 783 which:

Provides for form of surety bond to release mechanic's lien.

Assemblyman Heaney spoke in favor of this bill saying it provided the needed clarification of the law with respect to surety bonds that must be provided. The present law says a bond must be in a form acceptable with the law and Mr. Heaney felt this quite vague. He felt this would be a great aid to the attorneys and to contractors and everyone involved. He said the bill also makes a change in Subsection 5, Page 3, Line 14 changing the word "principal" to "surety". He said the rest of the changes are simply changes in language made by the Bill Drafter to modernize the law.

This concluded testimony on AB 783 and SB 460 was then discussed which:

Makes various changes relating to pharmacists and pharmacy.

Robert Groves spoke in favor of this bill saying much of the bill is simply housekeeping. There are several significant provisions in the bill however. Section 3 provides that the State Board of Pharmacy has the authority to determine if a pharmacist is competent to practice as a result of some physical disability. He said that presently there is no real way to protect the public from these people unless through the courts. This bill would do this. Hearings would be held to make such determinations. He added that a procedure similar to this is being utilized in Colorado with success.

Mr. Groves went on to say that on Page 6, Section 17, provisions are made for biennial renewal of licenses for economy reasons and to allow for continuing educational units over a longer period of time.

In Section 21 on Page 8, they are proposing that a managing pharmacist may not manage more than one store. They feel this is necessary because there are instances where the managing pharmacist does not even live in the State and under those circumstances, the Board can not get at him for problems occurring in the store. He said this might work a hardship on chain stores. It would mandate that the owner cannot circulate one managing pharmacist among several stores.

Mr. Bennett explained that if each store has a managing pharmacist, there can be a supervising pharmacist who can handle many stores.

Marjory Tsuda then spoke. Her complete testimony is attached hereto. Her testimony requested that there not be a deletion of the sentence referring to the adoption of rules and regulations by the Board of Pharmacy (Page 2, Line 25).

Keith McDonald spoke in favor of this bill. He felt controlling its own ranks and the quality of pharmacists for dispensing medication in the State of Nevada would only enhance the quality of pharmacy services to the people.

Bob Tucker spoke briefly asking for the adoption of this bill.

SB 542 was then discussed which:

Provides for certification and regulation of landscape architects.

Mr. Chuck Saladino spoke in favor of this measure. He said the AGC has review the bill and they support it as do the Professional Engineers and Architects. The bill establishes the profession of Landscape Architect and their qualifications to protect public health, safety and welfare. He said most design efforts of Landscape Architects are in the area of parks, golf courses, recreation developments, school facilities, some urban design and generally a scale of design from residential developments to large scale parks and open lands. This bill sets up a separate three-man board which he felt was better than being incorporated onto some other board. This would not require any funding as funds would be generated by licenses. He informed that committee that there are presently about 30 practicing Landscape Architects in Nevada. He said presently, only a business license is required and he felt they should be licensed because the public is directly involved in the results of their work. He said presently 28 states regulate Landscape Architects. He said about 18 of states go through the process of licensing. All states surrounding Nevada require licenses of Landscape Architects. With regard to experience and educational requirements, he said you must have a minimum of six years of experience. This could be four years of college and two years of working experience. He said at the present time they are trying to standardize their exams.

Mr. Benkovich asked Mr. Saladino if rather than setting up a separate board if they would have any opposition to being included on the board of Designers. Mr. Saladino said this was discussed with the designers but they deal with structures while a Landscape Architect does not and it was felt that they should regulate their own profession. He commented that this bill was patterned somewhat after the Architects' bill with some aspects picked out of California and Utah law. He said the need for this bill was that there are some people who are not qualified to practice as a Landscape Architect and yet call themselves that. Landscape Architects deal with a great amount of public funds and the facilities they design must be safe and protect the public welfare. The person designing these facilities must be very qualified.

Mr. Benkovich asked if there was any objection to inserting the 233B provision into the bill in order to spell out the appeal procedure.

Mr. Saladino said he would have no objection to this. Mr. Saladino said the 30 present Landscape Architects would be grandfathered into this law and he felt this was provided for on Page 5, Line 44, Section 33 but if this did not cover it well enough, he felt it should be put in the bill.

With no futher business, the meeting was adjourned at 6:05 P.M.

Respectfully submitted,

Joan Anderson, Secretary

ASSEMBLY

AGENDA FOR COMMITTEE ON COMMERCE

1326

Date MAY 12, 1975 Time 3:00 P.M. Room 316

THIS SUPERSEDES PREVIOUS AGENDA POSTED FOR THIS DATE.

(2nd Revision)

Bills or Resolutions  
to be considered

Subject

Counsel  
requested\*

✓ AB 627

Prohibits an employer from requiring his employee to submit any document pertaining to group health insurance which contains information relative to any injury or illness for which such employee received medical treatment.

✓ AB 319

Provides cause of action for victim of consumer fraud.

✓ SB 510

Requires health maintenance organizations to provide for coordination of certain coverages.

✓ AB 780

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✓ AB 783

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✓ SB 460

Makes Various changes relating to pharmacists and pharmacy.

✓ SB 202

Requires title insurance companies transacting escrow services to be licensed as escrow agents and places restrictions on escrow accounts.

AB 783

~~Provides for form of surety bond to release mechanic's lien.~~

✓ SB 542

Provides for certification and regulation of landscape architects.



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# Nevada Nurses' Association

1450 East 2nd Street Reno, Nevada 89502 (702) 329-5551

April 22, 1975

The Honorable Lee Walker, Chairman  
Committee on Health and Welfare and State Institutions  
State Legislative Building  
Carson City, Nevada 89701

## TESTIMONY AND OPPOSITION TO A PORTION OF SENATE BILL 460

(In Reference to Page 2, Line <sup>25</sup>~~24~~)

The Nevada Nurses' Association opposes the deletion of the sentence referring to the adoption of rules and regulations by the Board of Pharmacy.

A joint statement adopted by the Nevada Nurses' Association and the Nevada Board of Pharmacy in 1971 specifically states that "registered nurses are licensed to administer medications, not to dispense drugs; pharmacists are licensed to dispense drugs for use by others, not to administer medications."

While we are cognizant of the changes in and overlapping roles of all health care professionals, we are concerned that adequate safeguards be provided to insure that the quality of health care for all consumers is protected.

NRS 639.2324 governs the operation of hospital pharmacies and specifically refers to regulations and recommendations developed by the Board of Pharmacy. It also mandates the presence of pharmacists, whether on a part-time or full-time basis, to initiate procedures and provide for administration and technical guidance in all manners pertaining to the acquiring, stocking, record keeping and dispensing of drugs.

Registered nurses are not prepared by any school of nursing to dispense medications. While the technical aspects of dispensing can certainly be learned, we believe that the professional pharmacist or physician whose sole responsibility this has been, should maintain supervisory responsibility to insure consumers of equal quality health care services regardless of location of service.

Therefore, we strongly urge that this section not be deleted and that the Board of Pharmacy develop and enforce the rules and regulations controlling the dispensing procedures carried out by nurses engaged in public health.

*Karen Winkler*  
Karen Winkler, Co-Chairman  
Legislative Committee

*Marjory K Tamba RN*  
presented material prepared