

DATE: APRIL 7, 1975

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MEMBERS PRESENT: CHAIRMAN BENNETT
VICE-CHAIRMAN CHRISTENSEN
MR. LOWMAN
MR. MANN
MR. MURPHY
MRS. FORD
MR. BARENGO
MR. VERGIELS

MEMBERS ABSENT: MR. CRADDOCK

GUESTS: George Miller, Welfare Division
Earl Yamashita, Welfare Division
W. LaBadie, Welfare Division
Father Larry Dunphy
Jeneane Harter, Chiropractor Assn.

Chairman Bennett called the meeting to order and stated that the first order of business would be a discussion of SB-169.

George Miller, State Welfare Director, stated they have no objection to the bill as it is written. It is not their bill, but they concur and agree with it in this form. Mr. Lowman asked why the Board needed to be enlarged, and Mr. Miller said it didn't but it would give them a little more representation in the population areas. The number of people on the Board is really not too important, as Mr. Miller and the Board simply act as a check mate on each other.

Mr. Miller reiterated that they really didn't need the bill, but if it were to be passed they preferred it in this form.

Father Larry Dunphy of the Franciscan Center said they would like to see SB-169 amended back to the original version. Recipients under this bill would like to be able to attend Board meetings and participate in these hearings, and would request that at least two Board meetings be held in Clark County.

Mr. George Miller returned as a witness and stated if there were any amendments to the bill then it goes back with a fiscal note attached which would be somewhere around \$3,000.

SB-259 was the next bill for discussion. Jeneane Harter of the Chiropractic Association said all this bill does is increase the penalty for practicing chiropractic without a license from a misdemeanor to a gross misdemeanor. This is

to comply with other NRS chapters.

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Ms. Harter also testified on SB-261. This bill was suggested by Mr. Isaefff of the Attorney General's office. A copy of Mr. Isaefff's letter to Chairman Bennett discussing this bill is attached hereto marked Exhibit A and made a part of these Minutes.

Discussion by witnesses on the bills on the agenda was closed. The Committee then had a general discussion of various bills and other matters, resulting in the following:

Mr. Lowman asked the Committee to introduce a bill limiting liability of an alleged tortfeasor in medical malpractice actions (BDR 3-1470)*. Mr. Vergiels moved that the Committee introduce such bill, and Mr. Barengo seconded the motion. All members present voted "yes" with the exception of Mr. Mann who cast a dissenting vote.

Mr. Barengo expressed his views on the professional boards and their practices. Mr. Vergiels moved that a bill be introduced by the Committee to study rules and regulations governing professional boards and professional conduct, with Mr. Barengo having the bill drafted. Mr. Murphy seconded the motion. Unanimously approved by all members present.

Regarding SB-261, it was agreed by the Committee that Mr. Isaefff of the Attorney General's office should come before the Committee and personally present his reasons for requesting this bill.

SB-259: Mr. Barengo moved "Do Pass", seconded by Mr. Vergiels. Unanimously passed by all present.

AB-147: Mr. Murphy moved "Indefinitely Postpone"; seconded by Mr. Barengo. Unanimously passed by all present.

SB-169: "Do pass" moved by Mr. Murphy, seconded by Mr. Bennett. Mr. Vergiels moved "Amend and Do Pass", seconded by Mr. Barengo. After discussion of amendment which would change "four members" on Line 5 to "three members", the motion to amend and do pass was passed by the Committee by the following vote:
Aye votes: Bennett, Christensen, Barengo, Murphy, Vergiels.
No votes: Mann and Lowman.

The meeting adjourned at 4:15 p.m.

Respectfully submitted,

Jane Dunne, Secretary

ASSEMBLY

HEARING

AGENDA

COMMITTEE ON HEALTH AND WELFARE

222

Date April 7, 1975 Time 3:00 p.m. Room 240

Bill or Resolution
to be considered

Subject

<i>Do Postpone</i> AB-147	Specifies services to be provided by welfare division of department of human resources and authorizes contracts for purchase of services.
<i>Do Pass</i> SB-259	Increases penalty for practicing chiropractic without license.
<i>Hold</i> SB-261	Provides rehearing and judicial review for chiropractor when license is revoked or suspended.
<i>Amend Do Pass</i> SB-169	Enlarges state welfare board and specifies certain counties as meeting place for minimum number of board meetings.

58TH NEVADA LEGISLATURE

HEALTH AND WELFARE COMMITTEE
LEGISLATION ACTION

225

DATE April 7, 1975

SUBJECT SB-259

MOTION: _____

Do Pass Amend Indefinitely Postpone Reconsider

Moved By Mr. Barengo Seconded By Vergiels

AMENDMENT _____

Moved By _____ Seconded By _____

AMENDMENT _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
Bennett	X	---	---	---	---	---
Christensen	X	---	---	---	---	---
Barengo	X	---	---	---	---	---
Craddock	NOT present		---	---	---	---
Mann	X	---	---	---	---	---
Murphy	X	---	---	---	---	---
Vergiels	X	---	---	---	---	---
Ford	X	---	---	---	---	---
Lowman	X	---	---	---	---	---

TALLY:

Original Motion: Passed Defeated Withdrawn

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes April 7, 1975
Date

58TH NEVADA LEGISLATURE

HEALTH AND WELFARE COMMITTEE
LEGISLATION ACTION

227

DATE April 7, 1975

SUBJECT AB-147

MOTION: _____

Do Pass ___ Amend ___ Indefinitely Postpone x Reconsider ___

Moved By Mr. Murphy Seconded By Mr. Barengo

AMENDMENT _____

Moved By _____ Seconded By _____

AMENDMENT _____

Moved By _____ Seconded By _____

<u>VOTE:</u>	<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	<u>x</u>	___	___	___	___	___
Christensen	<u>x</u>	___	___	___	___	___
Barengo	<u>x</u>	___	___	___	___	___
Craddock	<u>Not present</u>	___	___	___	___	___
Mann	<u>x</u>	___	___	___	___	___
Murphy	<u>x</u>	___	___	___	___	___
Vergiels	<u>x</u>	___	___	___	___	___
Ford	<u>x</u>	___	___	___	___	___
Lowman	<u>x</u>	___	___	___	___	___

TALLY:

Original Motion: Passed x Defeated ___ Withdrawn ___

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes April 7, 1975
Date



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
SUPREME COURT BUILDING
CARSON CITY 89701

Exhibit A
Health + Welfare Min.
4-9-75

ROBERT LIST
ATTORNEY GENERAL

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April 7, 1975

The Honorable Marion D. Bennett, Chairman
Assembly Committee on Health and Welfare
Legislative Building
Carson City, Nevada 89701

Re: S.B. 261

Dear Assemblyman Bennett:

On behalf of the Nevada State Board of Chiropractic Examiners, this office would like to present its written comments on S.B. 261, a bill to establish procedures for rehearing and judicial review of decisions of the Board of Chiropractic Examiners.

Presently the Chiropractic Board is laboring under two provisions of its law which create cumbersome and costly judicial review procedures unlike those existing under law for any other professional licensing board. We refer specifically to the provisions of NRS 634.200 and 634.210. These two NRS sections together require after an adverse decision by the Board that a complete transcript and a copy of the Board's order along with findings of fact be filed in the district court in the county where a licensee resides. Under present law this act must be taken by the Board even before the licensee decides if he intends to appeal the Board's decision. Since no actual case is pending before the district court with a case number these statutes often cause confusion in the court clerk's office as to what to do with the documents abovedescribed.

The judicial review procedure which S.B. 261 would allow is the same procedure now being used by all other professional licensing boards, namely judicial review pursuant to the provisions of NRS Chapter 233B, the Nevada Administrative Procedure Act. Under the APA, judicial review is the responsibility of the licensee, who has thirty days from the date of an adverse decision to file a petition for review with the appropriate district court. Only then is it the responsibility of a licensing board to file the transcript of the board hearing and other relevant documents with the court. When the transcript is filed under the APA there is already a case pending before the district court and there is thus no confusion as to where these documents should be placed.

The Honorable Marion D. Bennett, Chairman
April 7, 1975
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Sometimes a licensee adversely affected by a decision of the board may decide not to appeal that decision. Under present law the Chiropractic Board would have to incur all of the expense of transcribing the Board hearing and filing it with the court under circumstances where such a transcript would never be used. Under the APA such costs need not be incurred until it is actually known that the licensee has in fact appealed to the courts the adverse decision of the Board.

Nothing in S.B. 261 is intended to lessen any of the procedural due process rights afforded under law to any licensee of the State Board of Chiropractic Examiners and any concern to the contrary is without basis in fact.

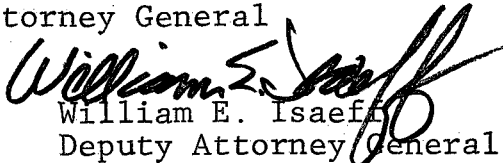
If you or any member of your committee have any questions concerning S.B. 261, please feel free to contact the undersigned at 885-4170.

Thank you for this opportunity to present our comments on the record.

Sincerely,

ROBERT LIST
Attorney General

By


William E. Isaef
Deputy Attorney General

WEI:rab