

## HEALTH, WELFARE AND STATE INSTITUTIONS

Minutes of Meeting - April 29, 1975

The twenty-sixth meeting of the Health, Welfare and State Institutions Committee was held on April 29, 1975 at 4:40 p.m. in Room 323.

COMMITTEE MEMBERS PRESENT: Chairman Lee E. Walker  
Senator Neal  
Senator Gojack  
Senator Herr  
Senator Hilbrecht  
Senator Schofield  
Senator Young

OTHERS PRESENT: See Exhibit A

S.B. 244 - Declares that medical or remedial care is common right of all residents.

Senator Neal commented on his bill and stated that to make medical care a common right of all people is appropriate; his intention is to merely have it declared by the Legislature that health care should be a right.

Senator Herr feels that although the bill indicates that there is no fiscal note, it would seem that we would have to set aside money to pay for this care. Senator Neal replied that the money is already in the existing budget. Senator Herr feels that we would not be living up to the first words of the bill which state "The right to medical care is hereby declared to be a right..." Senator Neal commented that the proposition is to set forth that this medical care is a common right. Senator Walker asked if Senator Neal wanted this to be a declaration and not a program to be established. Senator Neal responded in the affirmative.

Father Dunphy spoke in favor of the bill and feels that it is an important concept to be stated statutorily in the law. Also, the purpose of the bill is not to implement new programs.

Sharon Green advised that the Nevada Hospital Association is in favor of this legislation.

Senator Neal moved "Do Pass"; seconded by Senator Schofield.

Senator Young questioned if there would be any legal ramifications in that someone has the "right". Senator Young also expressed concern as to who would respond to that right and suggested that it possibly should go to Finance.

Senator Neal suggested that to solve the problem of implementation, the brackets on page 1, lines 19 & 20 be removed.

Senator Hilbrecht referred to page 2, line 21, and advised that we usually say they are "eligible" and now we are saying they have the "right". Senator Hilbrecht feels there is a big difference between "eligible" and "right".

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Senator Herr moved that we amend the motion to Do Pass and refer this to Finance.

Senator Hilbrecht advised that he could not support this bill on the floor -- he would like to see a fiscal note attached. Senator Hilbrecht further advised that he does not like to talk in terms of "right" rather than "eligibility".

Senator Schofield seconded Senator Herr's motion to refer to Finance. Senator Hilbrecht and Senator Young opposed this motion.

Senator Hilbrecht moved to "Indefinitely Postpone"; seconded by Senator Young. Senator Hilbrecht explained that he is reluctant to write into the statutes a right that we may be unable to support. Senator Young suggested that Senator Neal get a legal opinion on this. Senator Hilbrecht commented that he would withdraw his motion if Senator Neal will get legal counsel on this.

S.B. 245 - Makes it a crime for hospital, doctor, dentist or chiropractor to refuse treatment to person who is unable to pay.

Sharon Greene, Nevada Hospital Assn., spoke in opposition to the bill and specifically page 1, lines 3 and 4 which state that it is "unlawful for any licensed health and care facility to refuse admission or to refuse diagnosis.....". The four main 3rd party payers in the state are medicare, medicade (SAMI), private insurances, and county welfare fund. In Las Vegas and Reno the county welfare cares for the county indigents. There is no hospital in the state who refuses a patient who is an emergency patient. If a patient is in an emergency condition regardless of his ability to pay, the problem is treated. When he is treated for the emergency and is physically able to be transferred, they will then be transferred. Ms. Greene advised of a recent case regarding a patient who was brought into emergency at North Las Vegas Hospital in critical condition. He was kept in that hospital until he was able to be transferred to So. Nevada Memorial. While in No. Las Vegas, he incurred \$15,000 indebtedness. As soon as he was physically able, he was transferred to So. Nevada Memorial and the county then paid for his care. The county will not reimburse No. Las Vegas Hospital for the \$15,000 that he incurred. This cost will then have to be incurred by private-paying patients. Ms. Green advised that this is why they have the patient transfer problem. The private hospitals in Clark County have had an interest for some time in having the counties reimburse them for the care of the county indigent patients and so far the county commissioners, with the exception of Rose DeLima Hospital, have preferred not do do so. Ms. Greens feels that if the counties do decide to start reimbursing the hospitals for the care of the indigent, then the transfer problem will no longer be there.

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Dr. James D. Pitts, Nevada State Medical Assn., stated that as a physician, he feels that an individual should have medical care if he is sick or injured. As a physician, he feels that this bill infringes upon his right and those of the hospitals by making it unlawful for a person licensed to practice medicine not to treat an individual. Dr. Pitts feels that making it a crime not to treat an individual is not going at the problem in the right direction.

Senator Neal asked Dr. Pitts what alternative he would suggest. Dr. Pitts replied that going at it in the opposite direction and making the availability of payment for these individuals available to all hospitals.

Father Dunphy feels that there is another aspect of the bill to be considered. The persons who do have coverage under SAMI or medicare are being refused services by physicians, and Father Dunphy feels this is something that should be dealt with. Senator Hilbrecht asked if he is suggesting that they should accept Title 19, and if so, Senator Hilbrecht stated that he might be inclined to go along with that. Father Dunphy responded in the affirmative.

Sharon Greene suggested that if we change the bill, then we should incorporate that the Welfare Department would have to reimburse physicians for the added costs of the paper work in the office to handle such persons. Dr. Pitts commented that the paper work for SAMI and medicare patients is much increased over routine paper work for insurance patients.

Mr. Delmar Snider, Anesthesiologist, advised that he has been in practice for 6 years and has never refused a patient care because of finances. Mr. Snider feels it is wrong to ask the physicians to underwrite welfare programs that the state sets up.

Jeneane Harter, Chiropractic Assn., stated that they concur with the philosophy of the bill but feel there should be some clarification as to the qualifications of the patient in question, the compensation of the physician involved, and the enforceability of the proposal. If this bill is passed, they will be forced to hire extra secretaries to investigate the financial capability of patients.

S.B. 353 - Authorizes family visiting program at Nevada state prison.

Senator Neal advised that possibly we should kill the bill since it was killed in the Assembly. Senator Gojack commented that the bill says that they "may" establish a program and therefore it is not mandatory.

Senator Neal moved "Do Pass"; seconded by Senator Gojack; motion carried. Senator Young voted No.

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S.B. 356 - Provides for regulation of massage establishments.

Mr. Daniel Ahlstrom, City Attorney - Las Vegas, asked that the committee give the City the right to be more restrictive in the regulations under this bill. They have fought for extensive massage parlor ordinance in the City of Las Vegas. Mr. Ahlstrom further stated that he would not like to defend the ordinance against an attack that the Legislature has pre-empted the field by this bill - that the legislative intent was that the state regulate this. Mr. Ahlstrom referred to Section 17 and asked that this be deleted since it states that city or county business license be obtained. Mr. Ahlstrom feels the concept of a state board is good but would like to suggest an age of 18 or 21 rather than 25. Mr. Ahlstrom suggested that possibly a physician and a chiropractor be on the board. Mr. Ahlstrom advised that they have had numerous complaints regarding false advertising from persons going to a massage parlor and expecting to get sex; therefore, the state may want to give the board the power to regulate advertising.

Senator Gojack suggested that the committee use their ordinance and amend the bill. Senator Gojack further stated that this bill was requested by a constituent; also, the legitimate masseurs and masseuses need protection from the slurs that are cast upon their profession by the other kinds of operators.

Mr. Barney Drum, River Inn Spa, advised that this bill is to protect the professional masseuse and masseur who are professional and perform a service the same as a doctor and chiropractor. Mr. Drum advised that the Los Angeles School of Massage is available for training program and the cost is \$253 for a full course.

Senator Hilbrecht commented that every session there are several occupations that are seeking state licensing. Most of the professional boards are self-funding but this committee has to spend 50% of its time in readjusting, defining, revising and settling disputes between the professional organizations. It does cost the state money to get involved in these matters in legislative time, enforcement time, etc. There has to be some showing of a need, and so far we have heard that there is a lot of false advertising in the state. Senator Hilbrecht further commented that they have a burden that they have to discharge to persuade the Legislature that they have to license this profession or occupation. Mr. Drum stated that the purpose is to establish a board of three people who are qualified to judge. The people pay for the license and that fee will go to support these three people. Senator Hilbrecht asked how many legitimate masseurs and masseuses there are in the state; Mr. Drum replied that there are 15-20 in Reno and Sparks, plus some new ones have recently opened. Mr. Drum feels that the examination should be a written examination stating the different parts of the body, muscles and nerves, and they should also have to perform in front of the board.

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Senator Young asked if their work would overlap with the therapist; Mr. Drum replied no, the therapists must go to school for six years.

Mr. Jim Jackson, Nevada Physical Therapy Assn., advised that he supports the concept of the bill; however they would like to see some of the wording changed. Page 1, line 6, the word "treatment" should be deleted since they are not actually treating; lines 6 & 7, the wording "electrical means" should be deleted since they are not trained for electrical stimulation; line 7, "contouring, firming" - there is not evidence that they can provide this; line 8, "hot or cold packs, tub, shower or cabinet baths" are not part of the massage process. Mr. Jackson also provided a new definition for "massage": "Massage is the art of manipulation of tissue by human or mechanical machines for the purpose of relaxation and comfort of the human body by application to the patron of the operator's hands with variations of touch, stroking, friction, kneading, vibration, percussion, rubbing or tapotement". Mr. Jackson further requests that a physical therapist be on the examining board.

Mr. Carlos Rivera, International Touch of Class, advised the committee to remember that in this business, there is good as well as bad. Mr. Rivera was concerned that none of the committee members had visited his establishment before considering this bill. He does not think this bill was geared to protect or regulate so much in Reno as it was in Las Vegas. Senator Walker asked if Mr. Rivera requires training for his employees; Mr. Rivera replied that his manager has gone to a school in L.A. Senator Walker asked what type of training they receive; Mr. Rivera replied that they do not go into the medical part of it. Senator Gojack asked what kind of training they receive; Mr. Rivera replied that they receive on-the-job training and are not left alone until he knows they can be left alone. Mr. Rivera advised that their massages run from \$15 to \$35; the \$15 includes a 30-minute massage and the \$35 includes 1 1/2 hours of massage. Senator Gojack asked Mr. Rivera if he would provide his proposed amendments in writing; Mr. Rivera replied that he would write them up and submit them. Senator Gojack referred to Mr. Rivera's advertisement (see Exhibit B) and felt that it is discriminatory in that it indicates that it is for gentlemen, with no mention of women.

Mr. Petronella of the Four Seasons Spa commented that 90% of his advertising says that it is for both men and women; however, they have only had 3 women come for treatment.

Karen Collier, Manager of the Spa Amour, stated that this should be a local and not a state problem and feels that the publicity is more the issue than licensing. Ms. Collier feels that the training should be left up to each place. She feels that licensing would be good except Reno is a transient town and they only have so much time to hire girls before they will be leaving again. Ms. Collier feels

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Ms. Collier further commented that since Reno is a transient area, they should not have the 6-months residency requirement.

A.B. 422 - Conforms certain definitions in aid to dependent children law to federal law.

Senator Hilbrecht moved "Do Pass" since this is a technical correction to make our law conform with the Social Security Act; seconded by Senator Schofield; motion carried.

S.B. 203 - Requires pharmacy located in certain establishments to remain open for same period as establishment and deletes provision authorizing absence of pharmacist from pharmacy.

Senator Walker advised that we have been provided with two sets of amendments; one may be found in meeting number 21 as Exhibit F, and the other is attached hereto and marked as Exhibit C.

Senator Hilbrecht moved that we adopt the amendments that are marked as Exhibit C and "Do Pass"; Senator Young seconded the motion.

Senator Herr advised that she would like to make a motion to indefinitely postpone any motion on this bill. Senator Hilbrecht commented that this motion is out of order. Senator Hilbrecht further stated that we had agreed that the thing we are trying to provide is to make sure that when people went to a place believing that they could receive medication or a prescription and found the pharmacy closed, they felt deceived. Senator Hilbrecht feels that this amendment deals with that in that it requires them to provide a pharmacist service. Senator Herr commented that she felt this to be a big farce about having emergency service. Senator Herr feels that if a pharmacist were on call, it may take him an hour to get to the establishment.

Senator Gojack asked Senator Hilbrecht how this would effect the small town where there is one store that incorporates things other than pharmacy items. Senator Hilbrecht feels that if the rest of the store is open, the pharmacist would have to be on call. The Pharmacy Board is still given the authority to regulate the hours of the pharmacy.

Senator Young suggested that the brackets on page 2 be removed so that the pharmacist in a small town will be allowed two hours off. Senator Herr agreed. Senator Young asked Mr. Bennett if he feels the Board has the power to regulate; Mr. Bennett replied that their attorney does not think so. Mr. Bennett further commented that that was one of their amendments - if they were given the power, they would be glad to exercise it.

Senator Herr moved to amend Senator Hilbrecht's motion and to indefinitely postpone the bill; motion failed for lack of a second.

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Senator Hilbrecht feels that we should adopt the new amendments (Exhibit C) and delete the brackets on page 2. Senator Herr feels that we should delete the second amendment contained in the proposed amendments which deals with emergency services.

Senator Young asked Mr. Bennett if they can regulate the hours of the pharmacy; Mr. Bennett replied no. Mr. Midmore commented that at a previous meeting, Mr. Groves felt that the Board did not have the authority to regulate the hours.


Senator Young moved "Do Pass" and amend by deleting the brackets on page two and also state that the Board may make reasonable regulations with respect to the hours the pharmacy shall remain open to the public; seconded by Senator Hilbrecht; motion carried.

Being no further business at this time, the meeting was adjourned at 7:00 p.m.

Respectfully submitted,

  
Sharon W. Maher, Secretary

APPROVED:

  
Lee E. Walker, Chairman

ROOM # 323

DATE July

DATE 4-29-75

NAME	ORGANIZATION	ADDRESS
Chynear Petronella	Four Seasons Spa	10 Pine St. Reno Nev.
Benny Dorem	A.V. F.N.A. SpA	Reno Nev
Jacob	Herzfeldt Ft. Assn.	305 S. 4th Sp. Reno Nev
Rick Pugh	Nev. State Med. Assn.	Reno
James O. Pitt	" " " "	Carson City
A.K. Martell	Nev. State Welfare	C.C.
Doug Semerath	" " " "	"
Dennis B...	Las Vegas Business Council	"
Harold Greene	nev Hosp. Assn	Reno
Georg T. Bennett	Bd of Pharmacy	Reno
Walter C. ...	Spa Amours	Reno
Valerie Berg	Spa Amours	Reno
Karen Z. Collier	Amateur SpA Center	Reno
Larry Dumph	Franciscan Center	Las Vegas
Peter Petronella	4 Seasons Spa	Reno
James ...	Chiropractic Association of Nevada	C.C.
Daniel ...	City Attorney	Las Vegas
Frank ...	INTERNATIONAL TOUCH OF CLASS	RENO
Kent W. ...	Nev. St. M. Assn.	Carson City
W. ...	Welfare	"
MINOR KELSO	WELFARE-TX	CARSON CITY



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EXHIBIT B

AMENDMENT TO SENATE BILL NO. 203

AMENDMENT NO. \_\_\_\_\_

Add as new Section 1 the following:

Section 1: NRS 639.012 is hereby amended to read as follows;

"Pharmacy" means and includes every store, /or/ shop, or area within a mercantile establishment where drugs, controlled substances, poisons, medicines or chemicals are stored or possessed, or dispensed or sold at retail, or displayed for sale at retail, or where prescriptions are compounded or dispensed.

Amend bill by renumbering remaining sections.

Amend Section 1, page 1 by deleting line 8 and inserting:

"ent persons shall, when closed, provide a registered pharmacist for furnishing emergency pharmaceutical services during all of"

Amend the title of the bill to read as follows:

AN ACT relating to pharmacists and pharmacies; redefining term pharmacy to include area within a mercantile establishment and requiring that pharmacies located in certain mercantile establishments make available a registered pharmacist to provide emergency services during hours that the pharmacy may be closed but such establishment in which the pharmacy is located is open; and providing other matters properly relating thereto.