ASSEMBLY HEALTH AND WELFARE COMMITTEE MINUTES Wednesday, April 20, 1977

MEMBERS PRESENT:

Assemblymen Chaney, Bennett, Gomes, Kissam, Robinson, Dreyer, Ross, Weise

MEMBER EXCUSED:

Assemblyman Schofield

GUESTS:

Carl Lovell, City of Las Vegas, John Graves, City of Las Vegas Ann Hibbs, Nevada Nursing Association Dr. Lon Harter, Chiropractors Association Jim Jackson, Nev. Physical Therapists Assn Allan Glover, Assemblyman William Hernstadt, Senator

Chairman Chaney called the meeting to order at 10:00 a.m. He called upon Assemblyman Glover to discuss <u>AB 666</u> which permits restriction of smoking in state facilities. He said this bill was a result of complaints from non-smoking state employees who are bothered by smokers sitting near them. The bill will allow supervisors to set apart areas for smokers. He said this is permissive with the department heads. Mr. Robinson stated that he was concerned with employees taking too much time to smoke if they had to leave their desks to go to a designated smoking area. Assemblyman Glover corrected him and said that it would simply be a designated desk area arrangement.

Chairman Chaney called for testimony on <u>SB 259</u>. There was no one present to testify on this bill which would require written estimates of costs of funerals. He asked the secretary to notify Senator Hernstadt to appear before the committee at their next meeting.

Carl Lovell, City Attorney of Las Vegas, spoke on <u>AB 648</u> which would give the state more control over massage parlors. He asked that the words "city attorney may enforce" be inserted in paragraph 4, line 14. He said to date all prosecutions of unfair trade practices arising from massage parlors have been done by the city attorney's office. Mrs. Gomes asked if there was such a thing as a licensed masseuse and if a licensed masseuse was the same thing as a physical therapist. Mr. Lovell stated that a masseuse works under a licensed physical therapist and must have a required 225 hours of training in addition to passing a test given by the Board of Massage. This bill would require that operators of massage parlors be licensed and registered physical therapists.

Senator Hernstadt arrived at the meeting at this point to speak on $\frac{SB}{SP}$ which would require written estimates of costs of funerals. He said that he originally requested estimates on a list of costs, but that there was objection from the funeral people to this. He said that many states have this law and it permits families of the deceased to know within 5% the costs of a funeral. The bill would ASSEMBLY HEALTH AND WELFARE COMMITTEE MINUTES Wednesday, April 20, 1977

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not apply to funeral arrangements made in advance.

Mr. Bennett felt that most of the problems arise in the cases of pre-paid funeral costs. Senator Hernstadt explained that most contracts provide for the moving or transferring from one place to another, but the sales fee is forfeited in this case. The sales fee is about 25%.

Chairman Chaney wondered if this bill would increase fees charged by funeral directors. Senator Hernstadt said that this bill also protects the mortuaries by requiring them to maintain their costs to within 5% of the estimate.

Ann Hibbs of the Nevada Nursing Association spoke on AB 677. This bill would include the profession of nursing along with those of psychiatry and psychology in the mental health field. Mr. Chaney asked Ms. Hibbs if this bill simply recognizes nurses and, if so, why should a law be enacted to that effect. She explained that because of confusion among the nursing association, a law previously designating the professions of psychiatry, psychology and others had not included nursing. She felt that this bill would protect nurses from being relieved of positions and would require action through the courts before they could be relieved of jobs. Mrs. Gomes elaborated on the discussion by pointing out that nurses are not included in the category of mental health professionals and with this bill they are assured of being part of the mental health She felt that nurses are the key people in this field. team.

Mr. Bennett pointed out that there are many key people in the mental health field who are not mentioned as part of that field and he did not see the necessity of this having to be spelled out. Mrs. Gomes, by way of illustration, said that if a grant is required to be performed by mental health professionals and if nurses are not identified as such, they could be left out of the grant.

Chairman Chaney stated that he felt there were some very important things that the Legislature should spend money on, but this wasn't one of them. Mr. Kissam asked Ms. Hibbs if she needed this designation to help upgrade the profession and Ms. Hibbs said that nurses had to be in a category with other professionals. She also mentioned some professional jealousy between the psychologists and nurses and this bill would protect the nurses in this concern. Mr. Chaney reiterated his position of not feeling this was within the purview of the Legislature.

Chairman Chaney closed the public hearing and brought up amendments that had been attached to <u>AB 147</u> by the Senate. Mr. Ross said that the amendments basically limit the State's rights to set standards and there were some changes in the notification of violators. Mr. Weise pointed out that most standards were mandated by the federal authorities, anyway. Mr. Bennett moved to concur with the Senate's amendments; Mr. Dreyer seconded the motion. The motion was unanimously approved.

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The Chairman then brought up the matter of the reconsideration of <u>AB 33</u> as requested by Mr. Dreyer. Mr. Chaney said the amendment removes the designation of any authorized employee entering health care facilities and replaces it with the ombudsman being the designated person with this responsibility. Mr. Weise moved to reconsider the bill; Mr. Bennett seconded the motion. Voting "aye" on the motion were Mr. Weise, Mrs. Gomes, Mr. Bennett, Mr.Chaney Mr. Dreyer. Voting "nay" were Mr. Ross and Mr. Kissam. The motion failed for lack of a 2/3 majority of the committee.

After further discussion, Mr. Bennett moved to reconsider <u>AB 33;</u> Mr. Kissam seconded the motion. Voting "aye" were Messrs Chaney, Bennett, Kissam, Dreyer, Weise and Mrs. Gomes. Voting "nay" was Mr. Ross. The motion passed. Mr. Ross stated his objection to the bill was mainly that the ombudsman wants to go beyond investigating complaints; to look for trouble. He felt the responsibility lies with the appropriate person but the Department of Human Resources should have this responsibility. He said the ombudsman would probably require assistants and additional help. Mr. Bennett felt it was important that the ombudsman be able to inspect health care facilities without notice and during hours besides 8:00 am. and 5:00 pm.

Mr. Dreyer read portions of a letter from Mr. McSweeney who pointed out the importance of the position of ombudsman. Mr. Ross pointed out that at least the original bill provides that the ombudsman is a state employee. He said, "You're giving the authority to someone who the State has no control over, but he shouldn't be a general inspector just looking for trouble, if you accept the amendment." He suggested just cleaning up the language in the bill and saying that only a specified person should do the inspecting.

Mr. Weise suggested Mr. Ross and Mr. Dreyer work out the language. Mr. Kissam felt there was an argument as to just anybody inspecting nursing homes. He said the amendment would allow the Department of Human Resources to hire somebody who would investigate specific complaints. He moved to pass the bill as amended; Mr. Bennett seconded the motion. Voting "aye" were Mr. Mr. Chaney, Mr. Bennett, Mr. Kissam, and Mr. Dreyer. Voting "nay" were Mrs. Gomes, Mr. Weise and Mr. Ross. The motion failed because five votes are required to pass a bill out of the committee.

Chairman Chaney adjourned the meeting at 10:55 a.m.

Respectfully submitted,

PHYLLIS BERKSON, Secretary