



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 team. She felt that nurses are the key people in this field.

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 AB 147 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.

The Chairman then brought up the matter of the reconsideration of AB 33 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 AB 33; 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. 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