

SENATE
COMMERCE & LABOR
COMMITTEE

Minutes of Meeting
Wednesday, April 13, 1977

The meeting of the Commerce and Labor Committee was held on April 13, 1977, in Room 213, at 1:30 P.M.

Senator Thomas Wilson was in the chair.

PRESENT: Senator Wilson
Senator Blakemore
Senator Ashworth
Senator Bryan
Senator Close
Senator Hernstadt
Senator Young

OTHERS

PRESENT: See attached list.

The Committee considered the following:

A.B. 446 PROVIDES FOR LICENSING OF EXTENDED OPTOMETRIC CLINICAL FACILITIES AND EXEMPTS STUDENTS AND TEACHERS AT OPTOMETRIC CLINICS FROM LICENSING REQUIREMENTS. (BDR 54-1095)

Mr. Darrell Dreyer, Assemblyman, told the Committee this first reprint extends the optometrical clinical facilities which is basically a low vision clinic. This bill, along with the services to the blind, has been favored by Services to The Blind, Nevada Optometric Assn., and the State Board of Optometry. He said the school operates under contract with the Southern California College of Optometry and provides professional low vision care.

Assemblyman Brookman's Intern presented the Committee with Exhibit B and stated she would like to come up and speak in favor of the bill, however, she is on the Floor of the House and not available.

Merv Flander, Chief, Bureau of Services to the Blind, testified in favor of this bill. Two years ago, because of receipt of some Federal money, they purchased

some low vision aid equipment and started a low vision aid clinic service within the State. They negotiated with Southern California College of Optometry to offer a facility and provide the professional low vision care that could not be afforded by the local practicing optometrist or ophthalmologist. Offers good clinical experience to students. He cited a case to the Committee of helping a person retain his job. Refer to Tape 2 for full testimony.

Mr. Rick Kuhlmeier, Registered Lobbyist, said he was speaking on his own behalf. He stated he has been legally blind since 1972 because of the type of eye problem he has. He said he is in favor of the clinic and from the basis of his experience as the President of the Nevada Council of Blind, and Member of the National Federation of the Blind, he knows many blind people who are in favor of this type of accessibility for low vision eye care within the State of Nevada.

Assemblyman Robinson offered some amendments to this bill.

S.B. 437 REGULATES RETAIL SALES OF VETERINARY DRUGS.
(BDR 54-1599)

Mr. George Bennett, Secretary of the State Board of Pharmacy, stated the bill was introduced to perhaps serve the public because at the present time there is no control over the retail sales of veterinary drugs. The Board of Pharmacy does have authority over the sale of hypodermic syringes and needles. When in stores they see many veterinary drugs that are perhaps outdated and some drugs that should be refrigerated out on the shelves. They see people selling them that have no idea of what they are. They have no authority at the present time over anything except the hypodermic devices. He said in some states the Department of Agriculture has control over these things.

Dr. Jack Walther, representing the Nevada Veterinary Assn., told the Committee that the State Association wholeheartedly supports this bill and the end result would be most beneficial for everyone.

S.B. 448 PROVIDES FOR REIMBURSEMENT UNDER CERTAIN HEALTH
INSURANCE POLICIES FOR TREATMENT BY PSYCHOLOGIST.
(BDR 58-1236)

Gwen O'Brien testified as immediate past president of the Nevada Psychological Association, which is composed of about 50 members throughout the state who work in the University, the public section, private sector and the schools. She stated the bill was reviewed by the Legislative Sub-committee of the Association during this past year and has the approval of the association generally.

Next to testify was Dr. Ken Sharigian, who was Chairman of the Legislative Sub-committee. Dr. Sharigian stated that essentially SB 448 amends the present insurance code so that if a person who has a health insurance policy that covers services that might be provided by certified psychologist, would be in a position to choose whether to have those services delivered by a psychologist in private practice, or a physician, and have the psychologist reimbursed by the insurance company. 24 states and the District of Columbia have this type of legislation. The Western states include Montana, Colorado, Oregon, Washington and Utah.

SENATOR YOUNG asked about certified psychologists. The doctor indicated that in this state psychologists are certified by the Board of Psychological Examiners and that language substitutes for license.

Dr. Robert Whittemore, Secretary-Treasurer of the Nevada Board of Psychologists Examiners, 3035 Sprout Way, Sparks, spoke in favor of the bill and reminded the Committee that a similar bill came before the last Session and it was their understanding at that time that there was no formal opposition against it yet it did not get anywhere.

Mr. Milos Terzich, Health Insurance Association of America, told the Committee he had some amendments to propose to this bill. He stated he is neither in favor of nor opposed to the concept of the bill. He indicated the bill is very broad. The definition of a qualified psychologist was an agreement obtained by the American Psychologist Association and the

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Health Insurance Assn. of America. These requirements as to a qualified psychologist actually exceeds the requirements in the statute as to what a certified psychologist is. Under the statute a person can be a certified psychologist even if he does not have a doctorate degree. Also, the meaning of "clinical experience" in an organized health setting means that the person would have to go through clinical residency so to speak. This would provide coverage for the treatment of an illness and not just for any treatment of a psychologist. If you don't limit it to this you will get into the areas of covering under health insurance coverages all of the definitions of the practice of psychology under the law which includes marriage counseling, testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes and skills which are not related to illness. He said the feeling is that the people who do not have the required doctorate degree could be let in to be certified in this state. Also if you take the reciprocity section.

Dr. Whittemore stated that at one time individuals who did not possess a doctorate were certifiable. The statute currently says "or has training deemed by the board to be equivalent to a doctor in psychology". Since the board was established, it has not certified one single individual who does not meet that requirement (except one lady who is 74 years old and lives in Clark County and was certified by the American Psychological Association in 1928 and was certified on the basis of a Masters on the clinical staff at Johns Hopkins Hospital).

He advised the Committee of types of treatment psychologists would probably bill insurance companies for. He also advised that they have high standards for certification. Refer to Tape 1. The words "or illness" concern him because he thinks that the policy that provides coverage for treatment which is within the permitted scope of the practice of a qualified psychologist covers it.

Tom Stapleton, representing the Nevada Medical Assn., as well as the Nevada Psychiatric Assn., stated they object to the matter of linking together two totally dissimilar professions that have very little in common except for the fact that they sometimes try to talk to individuals in a way that will be beneficial to the individual. Not the only two professions

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that have that in common. Training for the two is entirely different. It is standard psychiatric practice to use psychologists to perform testing.

Mr. Stapleton told the Committee that in many states insurance companies are beginning to find such coverage unbearably expensive because so many problems of living turn out to be covered by all of these helping professions. They are ending up covering a whole new area of problems that are really quite distinct from the health care problems they set out to write a policy about. The result in most cases is a tendency to drop all mental health care coverage. He felt this would be an undesirable development for the State.

He offered an amendment which states that any health insurance policy sold in the State of Nevada may provide for any kind of treatment provided by a certified psychologist with a doctorate in psychology at the option of the insurance company and the insurance consumer.

Dr. Whittemore disagreed with Dr. Stapleton's conclusion that other states have found this an onerous burden. He indicated that a Senator from Hawaii has reintroduced in the U.S. Senate a bill, testimony to which, indicates that this has not been an overwhelming burden and the legislation would cover psychologists in national legislation in mental health care.

S.B. 430 PERMITS INSURANCE BROKER TO FILE APPROVED SECURITY INSTEAD OF BOND. (BDR 57-1515)

Don Heath, representing the Nevada Assn. of Life Underwriters, stated they are in support of SB 430. They have, although not mandatory, and do carry professional liability which they feel for the most part in terms of the consumers protection goes far beyond what the brokers bond of \$5,000 would cover. Those of them who are agents in some cases for an additional licensing fee, find it convenient to be brokers. In that case they would have to either post bond or a liability policy or something suitable which is left up to the discretion of the commission. He indicated Mr. Rottman had reviewed the bill.

S.B. 428 ENUMERATES SPECIFIED PLANS AND FUNDS TO WHICH FAILURE
OF EMPLOYER TO MAKE CERTAIN PAYMENTS IS UNLAWFUL.
(BDR 53-1442)

No witnesses to testify on this bill.

A.B. 70 REVISES PROVISIONS ON PAYMENT OF OVERTIME WAGES AND
MAINTENANCE OF WAGE INFORMATION RECORDS. (BDR 53-142)

Mr. Bob Cahill, Nevada Resort Assn., objected to at least a portion of the bill. He reviewed its history in the Assembly. On page 2 on exceptions from A to M - seems to except most everyone. He prepared some amendments but it did not resemble what they had prepared. He believes there are a number of people that can't live under the definition of a work day being 24 consecutive working hours because you have relief shifts and people in the bellboy category that are not 1-1/2 times minimum wages because of the tip category. Refer to end of Tape 1 for full testimony. He stated they have no objection to the bill being killed.

Mr. Frank Johnson, Vice President of Hilton Hotels Corp., agreed totally with Mr. Cahill. He referred the Committee to page 2, line 39 regarding employee who agrees to work for 14 consecutive days in lieu of work week.

Mr. Client Knoll, Nevada Association of Employers, 821 Ryland St., Reno, Nevada, objected to this bill and believes it is discriminatory. Refer to Tape 2 for full testimony. He discussed union contracts.

Mr. Fred Hillerby, Nevada Hospital Assn., spoke to paragraph 3, line 39-44 on page 2 of the bill. They asked for this amendment to try to make the State Statute governing hours in overtime pay be consistent with the Federal Fair Labor Standards Act in as far as it applies to hospital employees. It is intended to say that during a two-week pay period, that has been established, an employee may work up to 80 hours before they are required to be paid overtime. That allows them the option in trying to cover a 24 hour day, 7 day a week operation, with an employee being able to work 6 days, be off 3 and work 4, so they can rotate the weekend shifts, etc. and not have the 6th day be overtime. He quoted from the Federal Standard.

In answer to a question by SENATOR HERNSTADT, Mr. Hillerby stated that he did not believe they would be hurt currently if this bill were not processed, but they would have to be back in two hours and talk about adding the amendment to this particular section of the law.

Mr. Lou Paley, AFL-CIO, stated his people are covered three ways: (1) collective bargaining agreement; (2) Fair Labor Standards Act, and (3) State Minimum Wage Act. Referred to line 33 "having a gross sales volume of less than \$500,000 per year". He stated this would eliminate those that come under a state minimum wage act. In answer to a question by SENATOR BRYAN, he stated he did not like the bill.

SENATOR ASHWORTH moved to DO KILL.
Seconded by SENATOR BRYAN.
Vote: Unanimous.

S.B. 450 PROVIDES FOR PROVISIONAL PERMITS TO PRACTICE PSYCHOLOGY AND REVISES ADMINISTRATIVE PROVISIONS. (BDR 54-1238)

Ken Sharigian, Nevada Psychological Assn., told the Committee that SB 450 relates to the present certification law, NRS 641. This bill, he said, essentially would change all references to certificates, certificatees, certification to license, licenser, licensee. The second thing the bill does is on line 22 on page 1 through 16 on page 2, it substitutes the definition of practices of psychology. The definition proposed in the bill is the one that is advocated by the American Psychological Assn.

He referred to page 4, line 15 and stated this would require that every person who practices psychology in the state, privately or in a public agency, would have to be licensed. He said lines 15-27 on page 4 provides for provisional permit for new graduates. Also, on lines 28-31, page 4, the membership of the Nevada Psychological Assn. would like to propose an amendment to that language. They would like to delete it and provide with substitute language which would provide grandfathering language. Would say that they have to have a doctorate, that they have to have at least one year of post-doctorate experience. Would have to meet all the credential requirements but would not have to take the written examination. He

referred to Section 6 on page 2, lines 17-25, which indicates that you have a definition of psychology, then the definition of psychologist who represents himself or his services to the public by any title or description of services, which incorporates the words psychological, psychologist, psychology, or the word which implies training, experience, or skilled knowledge in psychology or offers to render or render psychological services.

Robert Whittemore approached the table. He discussed people who set themselves out as a psychologist with SENATOR CLOSE and Dr. Sharigian. The Committee particularly discussed line 21 on page 2 and the possibility of adding the word "and" before the word "offers". Dr. Whittemore agreed and said that was the intent.

Prompted by a question from SENATOR CLOSE, Dr. Whittemore discussed hypnosis as appears on page 2 of the bill. He indicated this had come up for the past three Legislative Sessions. He further indicated they sought an Attorney General's opinion as to whether any individual using hypnosis in his or her profession, certified or licensed, would have to be licensed under terms of their Act. The A.G. stated that the use of the term here applies only to psychologists who use it and does not apply to dentists, etc. He stated he would be delighted if the Committee saw fit to eliminate the hypnosis completely.

Further, he said the Board does not agree with the amendment Dr. Sharigian, as the representative of the Nevada Psychological Assn., proposed to Section 3 on page 4. They do not believe that these provisions should be either waived or grandfathered. The provisional permit which is specified on line 15 appears to be a good provision as far as they are concerned, particularly with the two year limitation on it.

Gwen O'Brien told the Committee that the guess of about 20 working in the public sector was accurate to the best of her knowledge. She indicated the vote of the association was about 17 for the grandfathering provisions. There were about 12 against.

S.B. 449 PERMITS LICENSED MEMBERS OF CERTAIN PROFESSIONS TO PRACTICE MARRIAGE AND FAMILY COUNSELING WITHOUT CERTIFICATION. (BDR 54-1237)

Dr. Whittemore indicated he was speaking on behalf of the Nevada Board of Psychological Examiners, and

they would welcome the Committee's consideration of this. This bill came about because of a disagreement between the Board, which is in charge of marriage and family counseling and one or more members of the psychological profession in the State who were dissuaded from advertising themselves as being qualified marriage and family counsellors without being certified by that Board. They believe that they already have that kind of capability under the current law dealing with family and personal relationships, but the bill was drafted to clarify this and to allow the exclusionary section, which is No. 4 on page 2, which says that the provisions of this chapter do not prohibit anyone in another profession from carrying their duties out. He asked for passage of the bill.

Mr. Dayle K. Rust, President, Nevada Board of Marriage and Family Counsellors, testified against this bill. Refer to Tape 3 for full testimony. He discussed distinctions between professions (psychologist/marriage counsellors and others). He indicated some marriage and family counsellors hold certification as psychologists. He was interested in knowing who was drafting bills for them.

SENATOR BRYAN indicated that the position, as he understood it, was that the family and marriage counsellors. The argument is advanced by the certified psychologist that since family counseling is included within their authorized scope, and terms of their professional practice, that they should be able to do so.

Mr. Rust indicated that would have been his interpretation, however, with Dr. Whittemore's testimony it appeared the provision in Section 4 and the intent of this change was so that certified psychologists could now advertise under marriage and family counsellors.

Mr. Don Hill, Attorney General's Office, stated AB 599 was coming through and it would be the better bill to handle this. He thinks the bill before the Committee should be killed and should act on AB 599, which specifically exempts psychologists from the effects of NRS 641A.

Mr. Rust indicated that not all psychologists do have the facility, academic experiential training and experience to be an effective marriage and family counsellor. Refer to Tape 3 for full testimony.

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A.B. 307 PERMITS REBATES OF HEALTH INSURANCE BENEFITS FOR
WEEKEND USE OF HOSPITAL FACILITIES. (BDR 57-743)

Dr. Brandsness submitted some further materials (see Exhibit C). He said testimony was heard on this bill earlier and reminded the Committee of the self-destruct clause in it - July 1, 1979. He stated there is a consistent pattern operating in the hospitals on weekends and weekdays. He referred to a letter already in the minutes from Aetna Insurance Co. which is the largest third party payor of health care in Nevada or the Nation. Essentially his investigation demonstrated that weekend admissions to Sunrise Hospital are in no way different from any others. He reiterated much of the information he had given in an earlier hearing.

Mr. Richard Garrod, Farmers Insurance Group, reminded the Committee that when an individual purchases his health and accident insurance policy, he purchases it with the understanding and the option as to whether he is a co-insured. He discussed the option of percentage of coverage. He referred to line 10 on page 1 of the bill "the insurer is otherwise obligated to pay 95% or more of the usual customary hospital charges." He said many of these health insurance programs are negotiated as part of the employment, through a labor union, or group policy. He indicated he felt the rebate should go to the employer, not the employee. He indicated the testimony offered by Mr. Milos Terzich on this bill made in the earlier hearing was to stand.

Dave Byington, Nevada State Life Underwriters Assn., did not wish to support or oppose the bill. He objected to the possibility that it might destroy the basic concept of group insurance, whereby the employer is the contract holder with the insurance company and not the participating employees, and the true character of group insurance is that way.

Mr. Byington indicated that by statute the refund goes back to the employer regardless of who contributes how much. The other is that it can be held in reserve to offset other future increases or it can be used to buy additional benefits for that employee group. He indicated he was only talking about group plans. On individual plans let it go back to the people on individual policies.

Dr. Dick Rottman, Insurance Commissioner, only wished to testify in the event that the bill would go through. The section requiring the Insurance Commissioner to make a study and the method in which he must make it, and the rather complicated method of financing that is set forth concerned him. He would prefer that this be clarified, that they be put into a situation the same as they are with an insurance company, that they have the right to make the study or make the examination and bill the examining institution for the costs. As a very practical matter, he believes the bill as written is largely unworkable. He suggested they strike the aspect to study the way it is written now. He indicated that perhaps a fiscal note would be in order for \$25,000 and they will know they can do a study for that amount.

Dr. Rottman did not feel that it would be of any substantial value to comment on the balance of the bill. He indicated he was not enamored with this bill and thought the people would be well served if the Committee held the bill in the drawer. However, if it is going to pass, he believes that if this practice catches on with other hospitals it will tend to increase utilization overall. He doesn't believe anyone knows conclusively what will happen. He thinks the self-destruct clause is good. He stated perhaps the bill is defective the way it is written. Refer to Tape 4 for full testimony of Dr. Rottman.

Mr. Milos Terzich, representing the Health Insurance Assn. of America, stated he still has the same problems with the definitions in this bill as he had previously expressed in prior testimony.

Mr. Julius Conigliaro, Federated Firefighters in Nevada, testified on behalf of A.B. 307, as amended. Also testified on behalf of the Teamsters Locals in Clark County as Leo Hendrikson could not be present. He said their 300 members (in 1966) contracted 100% of hospital services at a more equitable price than through an insurance company. He is in favor of any type of a rebate that a hospital would give.

S.B. 476 REGULATES REGULATIONS FOR THRIFT COMPANIES. (BDR 57-1808)

Rennie Ashleman, Nevada First Thrift, for Mr. Sidney Stern, asked for the amendments in this bill. The principal reasons for bringing amendments into the

thrift act are that it is becoming difficult, if not impossible, to get insurance company bonds which was the principal method of providing assurance to the citizens to the State of Nevada that there would be financial backing in the event of adverse difficulties on behalf of the thrift companies. The problems with the insurance company and the bonds have nothing whatever to do with Mr. Stern's financial condition. His financial condition is strong; he is in a profit making position. At the present time, Nevada First Thrift has \$333,000 in the State Thrift Insurance Guarantee Fund, plus cash and reserves of \$2,578,869, in savings deposits invested in Nevada banks. This is a reserve of over 37% on thrift certificates as of the time of writing of this document which was a few weeks ago. What they proposed as an alternative was an irrevocable letter of credit in the sum of \$1 million dollars. This should be issued by a bank approved by the Director of the Department of Commerce and whose deposits are insured by the Federal Deposit Insurance Corp. The letter of credit is to be conditioned the same as the bond and they pay to the state any personal and all money that comes due or owing to the State, etc. The terms of the bond or letters of credit are to be approved by the Director.

Mr. Ashleman referred to Section 2, page 2, subparagraph 2, line 8, technical change which says "instead of must of had" say "shall have not less than 10 years". He said when talking about principal office and the branch offices that that be changed from 5 years to 2 year's experience. He said they don't currently have a branch manager in Winnemucca and have had problems in Ely and other small areas of the State getting someone with 5 year's experience to work in the small outlying areas of the State of Nevada. He said in Section 3, line 19, asking if they have operated profitably for a year or more, that the Director permit to be increased. Refer to Tape 4 for full testimony. The last change deals with the Thrift Insurance Guarantee Fund. He said that the bank or savings and loan where that money is put, should be insured by the FDIC.

Mr. Mike Melner, Director, Department of Commerce, and Pam Wellmore, Deputy Director, appeared before the Committee. Mr. Melner advised the regulation of the thrift companies is different from the other regulation of the department in that it is in the Director's Office. Pam was assigned two years ago to start thrift

company regulation and develop procedural guarantee, and regulatory guarantees to effectuate the protections that were written into the statute.

Ms. Wellmore stated there is a problem getting the bond and keeping the bond. The company existing now would like to have an alternative. She thinks that is reasonable providing they make the alternative as secure as the bond. She has been told letters of credit are irrevocable or can be made irrevocable. She has done research and that seems to be the case. She insists that they must have the right to approve the terms of the bond and/or the letter of credit, and before they accepted a letter of credit they would look into the terms between the issuing bank and its customer, or Nevada First Thrift, or any other thrift company that might be going this way, as well as the terms as it would run to them as beneficiary. Discussed fully with the Committee the ratio and stated they must meet the Department's definition of profitable.

Mr. Melner pointed out that on lines 35 and 36, the new language "and whose deposits are insured by the Federal Deposit Insurance Corporation" isn't correct since it makes a reference to a savings and loan association before that. A savings and loan association is insured by the Federal Savings & Loan Insurance Corp. Refer to Tapes 4 and 5 for full testimony. He stated part of the reason for using the word "permitted" regarding ratio is to take account of the competitive factor between the savings and loans and the thrift companies.

Mr. Sidney Stern told the Committee they have a 10 to 1 ratio at the time. They must maintain 8% of the total amount of depository funds which they receive, in a reserve. They must be maintained in a savings and loan or bank in the State of Nevada and have 2-1/4% reserve in their own company which were set up for safety factors in the event of any possibility that may develop. Therefore, you then have in excess of 10% of the depository funds that are not operative at all. He wants the increased ratio because they have to put so much of the funds away. Refer to Tape 5 for further testimony.

Mr. Bob Beach told the Committee that Federal banks under capital requirement are set by the Federal Reserve System and that will fluctuate on savings and demand deposits anywhere from 6-17%, depending on what Chairman Burns wants.

S.B. 280 REQUIRES DISCLOSURE OF REASON FOR DISCHARGE OF CERTAIN EMPLOYEES AND PROHIBITS CHARGES AGAINST CERTAIN EMPLOYERS' EXPERIENCE RATING RECORDS WHEN BENEFITS ARE PAID. (BDR 53-882)

Chairman Wilson indicated that he had some amendments, see Exhibit D.

Mr. Ernie Newton and Mr. Bill Gibbons offered further amendments to the Committee. Committee asked that these men work them up properly and return for further consideration.

ADMINISTRATIVE MEETING: (See Tape 5 for beginning)

S.B. 476 REGULATES REGULATIONS FOR THRIFT COMPANIES. (BDR 57-1808)

Motion to amend and pass by SENATOR BLAKEMORE.
Seconded by SENATOR HERNSTADT.
Vote: Unanimous.

A.B. 307 PERMITS REBATES OF HEALTH INSURANCE BENEFITS FOR WEEKEND USE OF HOSPITAL FACILITIES. (BDR 57-743)

Dr. Dick Rottman's amendment: Strike 16 through 25.

The Commission shall assess the entire cost of the study against the participating hospitals on an equitable basis, the hospital shall pay the cost for the study to the Commission as such costs are billed to the participating hospitals.

At the Commissioner's discretion the hospital shall pay the cost in advance of the study upon demand and shall subject each hospital that does not pay to a fine of not more than \$100.00 per day until the payment is made.

Motion to amend and DO PASS by SENATOR BLAKEMORE.
Seconded by SENATOR BRYAN.

Vote: All in favor of amend and do pass except SENATOR YOUNG who did not participate in discussion or vote.

Amendments to include: Date on which primary service is rendered - not check in date. If surgery is involved it must be performed on Saturday or Sunday, ^{Senate} if no surgery then entitled to Sat./Sun. discount.

ADMINISTRATIVE MEETING Continued:

S.B. 449 PERMITS LICENSED MEMBERS OF CERTAIN PROFESSIONS TO PRACTICE MARRIAGE AND FAMILY COUNSELING WITHOUT CERTIFICATION. (BDR 54-1237)

No motion taken.
Senator Young left the meeting at this point.

S.B. 450 PROVIDES FOR PROVISIONAL PERMITS TO PRACTICE PSYCHOLOGY AND REVISES ADMINISTRATIVE PROVISIONS. (BDR 54-1238)

Motion to amend and DO PASS on S.B. 450 bill by
SENATOR CLOSE.
Seconded by SENATOR HERNSTADT.
Vote: All in favor except SENATORS BLAKEMORE and
ASHWORTH. SENATOR YOUNG absent.

A.B. 446 PROVIDES FOR LICENSING OF EXTENDED OPTOMETRIC CLINICAL FACILITIES AND EXEMPTS STUDENTS AND TEACHERS AT OPTOMETRIC CLINICS FROM LICENSING REQUIREMENTS. (BDR 54-1095)

Motion to amend and DO PASS by SENATOR BLAKEMORE on
A.B. 446.
Seconded by SENATOR ASHWORTH.
Vote: All in favor except SENATOR HERNSTADT.
SENATOR YOUNG absent.

S.B. 428 ENUMERATES SPECIFIED PLANS AND FUNDS TO WHICH FAILURE OF EMPLOYER TO MAKE CERTAIN PAYMENTS IS UNLAWFUL. (BDR 53-1442)

Motion to KILL by SENATOR HERNSTADT.
Seconded by SENATOR ASHWORTH.
Vote: Unanimous. SENATOR YOUNG absent.

S.B. 430 PERMITS INSURANCE BROKER TO FILE APPROVED SECURITY INSTEAD OF BOND. (BDR 57-1515)

Motion to DO PASS by SENATOR BRYAN.
Seconded by SENATOR BLAKEMORE.
Vote: Unanimous. SENATOR YOUNG absent.

ADMINISTRATIVE MEETING Continued:

S.B. 448 PROVIDES FOR REIMBURSEMENT UNDER CERTAIN HEALTH INSURANCE POLICIES FOR TREATMENT BY PSYCHOLOGIST. (BDR 58-1236)

Motion made to amend and DO PASS by SENATOR ASHWORTH.
Seconded by SENATOR HERNSTADT.
Vote: Unanimous. SENATOR YOUNG absent.

S.B. 437 REGULATES RETAIL SALES OF VETERINARY DRUGS. (BDR 54-1599)

Motion made to DO PASS by SENATOR BRYAN.
Seconded by SENATOR BLAKEMORE.
Vote: Unanimous. SENATOR YOUNG absent.

S.B. 280 REQUIRES DISCLOSURE OF REASON FOR DISCHARGE OF CERTAIN EMPLOYEES AND PROHIBITS CHARGES AGAINST CERTAIN EMPLOYERS' EXPERIENCE RATING RECORDS WHEN BENEFITS ARE PAID. (BDR 53-882)

Motion made to amend and re-refer back to Committee by SENATOR HERNSTADT.
Seconded by SENATOR BRYAN.
Vote: Unanimous. SENATOR YOUNG absent.

S.B. 281 PERMITS LUMP SUM PAYMENTS OF WORKMEN'S COMPENSATION PERMANENT PARTIAL DISABILITY AWARDS. (BDR 53-827)

Discussed earlier action on this bill. Secretary advised Committee this bill was indefinitely postponed on March 18, 1977, requested new bill.

SENATOR CLOSE requested that Chairman Wilson, since a new bill had not been requested, revive S.B. 281. SENATOR WILSON indicated he would gather suggested amendments to the bill and see what could be done.

A.B. 407 AMENDS VARIOUS PROVISIONS RELATING TO ADMINISTRATION OF UNEMPLOYMENT COMPENSATION. (BDR 53-871)

SENATOR WILSON asked SENATOR ASHWORTH to check with Larry McCracken regarding notice given to employers when a business is sold.

Worked on the amendments to this bill. Refer to Tape 7.

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ADMINISTRATIVE MEETING Continued:

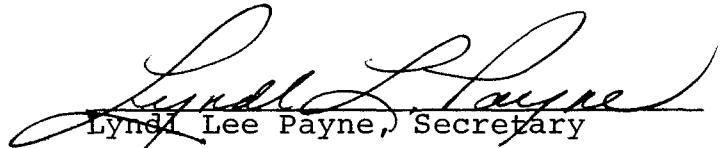
A.B. 290 PROVIDES FOR REFUNDS OF UNEARNED MORTGAGE LOAN FEES.
(BDR 54-744)

Motion made on A.B. 290 to amend and re-refer to
Committee by SENATOR HERNSTADT.
Seconded by SENATOR CLOSE.
Vote: Unanimous.

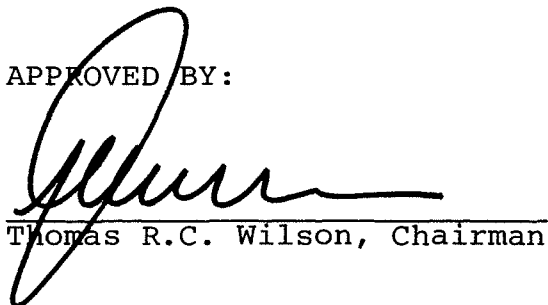
SENATOR CLOSE moved for approval of minutes of March 14, 1977.
Seconded by SENATOR BRYAN. All unanimous. Senator Young absent.

There being no further business the meeting was adjourned at
7:10 P.M.

Respectfully submitted,


Lynda Lee Payne, Secretary

APPROVED BY:


Thomas R.C. Wilson, Chairman

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TESTIFYING?	NAME	ORGANIZATION	ADDRESS	PHON
Yes	Stanley P. Jones	Labor Commission		4850
No	GEORGE CIAPUSCI	STATE FARM INS.	1735 VASSAR, RENO	826-306
NO	Tom Manaugh	SELF employed	2109 KANAS CC	882-481
Yes	FAYE MILLER	SELF & Nevada Assoc MARRIAGE & Family Com.	1685 Lyman Ave Reno 89509	786-1764
Yes	Meru Flander	Bureau Services to Blind	Kinkead Bldg	885-4446
No	Chris Langhere B	Rehabilitation	Kinkead Bldg	885-4446
Yes	Rick Kuhlmeier	GCEH	Kinkead Bldg	885-4446
YES	GEORGE BENNETT	STATE B.O. OF PHARMACY	1281 TERMINAL WAY SUITE 317 RENO	322-0691
Yes	Ken Sharigan	NEVADA Psychological ASSOCIATION	1870 ULLA RENO, NV.	825-317
Yes	R.G. WHITTEMORE	NEVADA BOARD OF PSYCH. EXAMINERS	3035 SPROUT WAY SPARKS, NEVADA	358-1380
YES	DAYLE K RAST	Nev. Bd. of Marriage & Family Coun.	1911 VALLEY DR L.V. NEV.	848-9445
Yes	Dan Hill	ATTY GEN'L'S OFFICE	SUP CT BLDG CARSON, CA NEV	885-4170
Yes	Bill Gibbens	The Gibbens Co.	Reno	826-6600
Yes	Pro Cabell	Nev. Reser. Com.	973 8 Durban V. Nev.	883-6054
Yes	Frank Jensen	Hilton Hotels	3000 Paradise, LV	732-5111
Yes	CLINT KNOHL	Nev. Assoc of Employers	821 Rylan 6 Reno 1405T 155 ST.	329-424
NO	ED BOWERS	Gaming Ind Assoc	RENO, NV.	323-4100
NO	Smo Del Sisto	F.N.B	P.O. Box 11007 RENO NV	784-3000
Yes	Carl Bishop	Opn. Eng. # 3	100 West Grove St. SUITE 195 RENO	826-3900
No	Julia H. Williams	Op. Eng. JAC	476 Valencia St. SF, Cal.	916-351-055
	Sudrey Stern	Nevada Trust Thrift	1696 So Virginia - Reno	329-654
	Command E. Shuster	Chow Underment	714 E. Lake L.V. NV	732-9922
	Richard C. Garwood	Farmers & Group	1 Kull Court Sacramento CA 95831	428-4285
	MIKE MELNER	DEPT. OF Commerce	NYE BUILDING	4250
	Jack Hatcher			2603

SENATE

AGENDA FOR COMMITTEE ON..... COMMERCE & LABOR

Wednesday

Date April 13, 1977 Time 1:30 P.M. Room 213

Bills or Resolutions to be considered	<i>Revised</i>	Subject	Counsel requested*
S. B. 437		Regulates retail sales of veterinary drugs (BDR 54-1599)	
S. B. 448		Provides for reimbursement under certain health insurance policies for treatment by psychologist (BDR 58-1236)	
S. B. 430		Permits insurance broker to file approved security instead of bond (BDR 57-1515)	
S. B. 428		Enumerates specified plans and funds to which failure of employer to make certain payments is unlawful (BDR 53-1442)	
A. B. 70		Revises provisions on payment of overtime wages and maintenance of wage information records (BDR 53-142)	
A. B. 446		Provides for licensing of extended optometric clinical facilities and exempts students and teachers at optometric clinics from licensing requirements (BDR 54-1095)	
S. B. 450		Provides for provisional permits to practice psychology and revises administrative provisions (BDR 54-1238)	
S. B. 449		Permits licensed members of certain professions to practice marriage and family counseling without certification (BDR 54-1237)	
A. B. 307		Permits rebates of health insurance benefits for weekend use of hospital facilities (BDR 57-743)	
S. B. 476		Revises regulations for thrift companies (BDR 56-1808)	

*Please do not ask for counsel unless necessary.

AMENDMENTS TO S.B. 448

Submitted by Milos Terzich representing Health Insurance Association of America.

Delete Lines 3 through 6 and insert in their place and stead as follows:

1. If any policy provides coverage for treatment of illness which is within the permitted scope of the practice of a qualified psychologist, the insured is entitled to reimbursement whether the treatment is furnished by a licensed physician or a qualified psychologist.

2. As used in Subsection 1, a qualified psychologist means:
 - (a) A person who has been certified by this state as a psychologist;
 - (b) Has received a doctorate in psychology approved by the Board of Pshychological Examiners; and
 - (c) Has at least two years of clinical experience in an organized health setting.

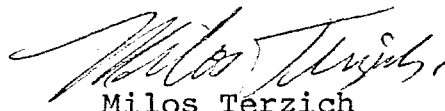
S.B. 448

Statement by Milos Terzich representing Health Insurance Association of America.

The amendments which are being submitted to this bill regarding the definition of a qualified psychologist has been worked out with the American Psychological Association. If there are any questions concerning this definition or these amendments, Dr. Herbert Dorken of California can provide further information of the agreement reached by the American Psychological Association and the Health Insurance Association of America.

It was apparently determined by these two associations that these additional qualifications were necessary in order to assure that a person who may be ill, did receive the most competent care available in the psychological area. It is not intended by either association to provide coverage for matters such as marriage counseling, the testing of intelligence aptitudes, public opinion attitudes or skills, which is also within the realm of practice of a psychologist. The intent would be to limit health coverage to the extent of illness as provided by other medical professions.

Respectfully submitted,


Milos Terzich

BILL TO HELP "LOW VISION PEOPLE" IN THE STATE OF NEVADA.

IN ORDER FOR THE BUREAU FOR AID TO THE BLIND TO CONTINUE TO PROVIDE SERVICES FOR A LOW VISION CLINIC IT WILL BE NECESSARY TO AMEND THE STATE OPTOMETRY LAW, TO ALLOW THE BUREAU TO CONTRACT WITH AN ACCREDITED SCHOOL OR COLLEGE OF OPTOMETRY.

LAST YEAR THIS CLINIC WAS OPERATING WITHIN THE SERVICES OF A CLINICAL INSTRUCTOR WHO IS A LICENSED NEVADA OPTOMETRIST. THIS INSTRUCTOR IS LEAVING THE COLLEGE TO FURTHER PURSUE POST GRADUATE EDUCATION. THE COLLEGE IN QUESTION IN ORDER TO CONTINUE TO PROVIDE FOR THESE SERVICES NEEDS AUTHORIZATION TO SUPPLY QUALIFIED INSTRUCTORS ACTING UNDER THE AUTHORITY OF THE STATE BOARD OF OPTOMETRY. THE SERVICES THAT PROVIDE FOR LOW VISION IS A MARVELOUS ONE AND THE CLINICS PROVIDE FOR LOW VISION FOR THE ENTIRE STATE.

1976 QUARTERLY
LENGTH OF STAY COMPARISON

	<u>1st Quarter</u>	<u>2nd Quarter</u>	<u>3rd Quarter</u>	<u>4th Quarter</u>	<u>Year - '76</u>
SUNRISE					
Patient Days	34,724	33,399	31,209	31,788	131,120
Admits	5,566	5,414	5,193	5,144	21,317
Length of Stay	6.24	6.17	6.01	6.18	6.15
DESERT SPRINGS					
Patient Days	8,286	7,330	7,732	6,868	30,216
Admits	1,356	1,190	1,240	1,186	4,972
Length of Stay	6.11	6.16	6.24	5.79	6.08
S.N.M.H.*					
Patient Days	16,731	16,072	15,989	17,512	66,304
Admits	2,310	2,288	2,270	2,300	9,168
Length of Stay	7.24	7.02	7.04	7.61	7.23
VALLEY**					
Patient Days	12,838	11,092	12,627	11,077	47,634
Admits	1,872	1,671	1,851	1,753	7,147
Length of Stay	6.86	6.64	6.82	6.32	6.66
SUMMARY:					
Patient Days	72,579	67,893	67,557	67,245	275,274
Admits	11,104	10,563	10,554	10,383	42,604
Length of Stay	6.54	6.43	6.40	6.48	6.46

* February patient days in 1st quarter estimated due to lack of data.

** Psychiatric patients not included in data.

DATA FROM: Hospital Utilization and Occupancy Reports prepared by
Health Systems Agency of Clark County,
Richard V. Nutley, Director.

Handwritten signature

LENGTH OF STAY ANALYSIS

The purpose of this analysis was to determine if the 1976 rebate program contributed to any significant change in the average length of stay between 1975 and 1976. As a result of the rebate program, the weekly admission pattern shifted the Friday / Saturday component of weekly admits from 17% in 1975 to over 20% in 1976.

To investigate, admission data was collected from two (2) week days (Tuesday and Wednesday) and two weekend days (Friday and Saturday) in April 1975 and again in August 1975. The corresponding days in 1976 were selected. The dates were:

	<u>1975</u>		<u>1976</u>	
Tuesday	4/15	8/26	4/13	8/24
Wednesday	4/16	8/27	4/14	8/25
Friday	4/18	8/29	4/16	8/27
Saturday	4/19	8/30	4/17	8/28

The admission information from these dates allowed length of stay data to be collected on 824 observations. The sample size included no newborns and contained nine (9) extreme values (length of stay greater than 30 days). These extreme values were not included in the analysis for either year since it would distort the mean.

The following strata were used in analyzing the length of stay data:

- 1) 1975 week day (Tuesday / Wednesday) stratum.
- 2) 1975 weekend (Friday / Saturday) stratum.
- 3) 1976 weekday (Tuesday / Wednesday) stratum.
- 4) 1976 weekend (Friday / Saturday) stratum.

Analysis of the stratified sampling showed the following comparative results:

		1975 WEEKDAY	1976 WEEKDAY
Sample Size		265	264
	Mean	5.04 days	4.72 days
Length of Stay	Median	3 days	3 days
	Mode	2 days	2 days
		1975 WEEKEND (FRI/ SAT)	1976 WEEKEND (FRI/ SAT)
Sample Size		125	161
	Mean	6.10 days	5.81 days
Length of Stay	Median	4 days	4 days
	Mode	3 days	3 days

From the results shown above, it can be stated that the rebate program has not contributed to an increase in length of stay, but conversely, has contributed to a decrease in the length of stay assuming all other factors to constant. It is also reasonable to conclude that the day of admission is not the single factor in increasing or decreasing the overall length of stay, and it is inferred that other factors such as patient mix (by service and financial class), physician mix, and services offered are significant components in evaluating length of stay fluctuations.

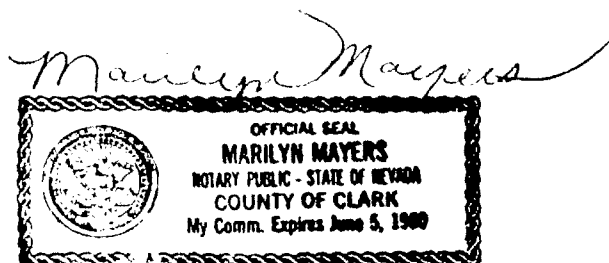
I attest that the above analysis is an objective and factual representation of the length of stay.

Respectfully submitted,



Lyle Luman,
Industrial Engineer

LL:tc



SUGGESTED AMENDMENTS TO SB-280

(To effect a partial disqualification for benefits for any claimant who left a base period employer without good cause, or was terminated because of misconduct).

On Page 1 of the Bill, line 2:

~~Strike the words "The most recent" and in lieu thereof, insert the words~~

and "Every base period"

On Page 1 of the Bill, line 10:

~~Delete the word "last": and Insert after the word "employed", the words:~~

~~"during the base period"~~

AND every base period employer

On Page 2 of the Bill:

Delete lines 15, 16, 17 and 18.

On Page 3 of the Bill, delete lines 36, 37, 38, 39, 40 and 41, and insert in lieu thereof:

"shall be reduced in an amount determined by the executive director in accordance with NRS 612.380 and 612.385 in the same manner as if every base period employer were the last employer."

Further amend the Bill by adding Sections 3 and 4 as follows:

Sec. 3 NRS 612.380 is amended to read as follows:

612.380 An individual shall be disqualified for benefits for the week in which he has filed a claim for benefits, if he has left his most recent work, or the work immediately preceding his most recent work, if he has not earned at least five times his weekly benefit amount following the work immediately preceding his most recent work, or any work during his base period, voluntarily without good cause, if so found by the executive director, and

Messrs. Gibbons & Newton & Carrick

2011

for not more than 15 consecutive weeks thereafter, occurring within the current benefit year, or within the current and following benefit year, as determined by the executive director according to the circumstances in each case. The total benefit amount remaining, during his current benefit year, shall be reduced by an amount equal to the number of weeks for which he is disqualified multiplied by his weekly benefit amount, provided no benefit amount shall be reduced by more than one-half the amount to which such individual is otherwise entitled.

Sec. 4. NRS 612.385 is amended to read as follows:

612.385. An individual shall be disqualified for benefits for the week in which he has filed a claim for benefits, if he has been discharged by his most recent employing unit, or by his next most recent employing unit if he has not earned at least five times his weekly benefit amount following the work immediately preceding his most recent work, or any work during his base period, for misconduct connected with his work, if so found by the executive director, and for not more than 15 consecutive weeks thereafter occurring within the current benefit year, or within the current and following benefit year, as determined by the executive director in each case according to the seriousness of the misconduct. The total benefit amount remaining, during his current benefit year, shall be reduced by an amount equal to the number of weeks for which he is disqualified multiplied by his weekly benefit amount, provided no benefit amount shall be reduced by more than one-half the amount to which such individual is otherwise entitled.

Amend the title of the Bill to read as follows:

AN ACT relating to unemployment compensation; requiring disclosure of the reason for discharge of certain employees; permitting a reduction in benefits under certain circumstances; and providing other matters properly relating thereto.

for not more than 15 consecutive weeks thereafter, occurring within the current benefit year, or within the current and following benefit year, as determined by the executive director according to the circumstances in each case. The total benefit amount remaining, during his current benefit year, shall be reduced by an amount equal to the number of weeks for which he is disqualified multiplied by his weekly benefit amount, provided no benefit amount shall be reduced by more than one-half the amount to which such individual is otherwise entitled.

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