

SENATE  
COMMERCE & LABOR  
COMMITTEE

Minutes of Meeting  
Friday, April 29, 1977

The meeting of the Commerce and Labor Committee was held on April 29, 1977, in Room 213 at 2:45 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: George Bennett  
Dr. Grundy  
Vern Calhoun  
Lou Paley

The Committee considered the following:

S.B. 518 AUTHORIZES PHYSICIANS TO PERFORM CERTAIN ACTS WITH  
RESPECT TO CONTROLLED SUBSTANCES AND OTHER DRUGS  
WITHOUT HOLDING CERTIFICATES, LICENSE, OR PERMIT  
ISSUED BY BOARD OF PHARMACY. (BDR 54-1508)

Senator Norman Ty Hilbrecht addressed the Committee regarding his bill. He said the bill was drafted to deal with a specific problem that arose out of definitions as they related to the authority of the State Board in regulating dangerous drugs and controlled substances being dispensed by practitioners of the healing arts, particularly physicians. He discussed prepackaging of some medications by some physicians and dispensing of medications by other than physicians.

He further discussed Federal regulations and advised the Committee of allowable acts of the nurse in giving injections and medications, etc. Discussed "administering" and "dispensing".

The second problem was language found in the controlled substances act, chapter 453.091 where the term manufacture is defined. He stated it was alleged to him that because the doctors he represented were breaking down the bulk medication and putting into small containers for dispensing to their patients, that in fact they had to comply with the provisions having to do with the manufacture.

He indicated he had asked Mr. Bennett to look at the regulations. The purpose of the bill, he said, is simply to call attention to a problem. Refer to Tape 1 for full testimony.

Mr. George Bennett, Secretary-Treasurer of the State Board of Pharmacy, stated they stand in opposition to S.B. 518. He said this bill would remove the physicians from the requirements of registration with the Board of Pharmacy. Stated there is no reporting requirement of the physician. The Board has the authority to audit the records. He stated they have dual responsibility with the Federal Drug Enforcement Administration. He discussed some violations and surrendering of registration or portions thereof by some physicians. He said the case Senator Hilbrecht referenced is still under some investigation and some replies are still forthcoming. Discussed supervision and dispensing with Committee. Refer to Tape 1.

Mr. Bennett advised definition of dispensing is a state function.

Dr. Grundy, Member of the Nevada State Board of Medical Examiners, stated he did not feel that the Board of Pharmacy's control on controlled substances was interference. Stated the Pharmacy Board had been a great help to his board in policing and control of some physicians in the state.

He stated they have, because of this law, fairly well shut down the weight control clinics in the State of Nevada. Further that 95% of drugs are dispensed by prescription. 5% are dispensed by the doctor personally. He stated that probably 75% of the abuse comes from that 5% because it makes it such an easy and open way to get legal drugs into illegal channels.

Dr. Grundy said further that paragraph 2 states "a physician or any person acting under his immediate supervision." He said nurses did not bother him so much, however, any person can be any person, not a nurse.

Mr. Vern Calhoun, Chief of the Investigation Narcotics Division, State of Nevada, stated that he would be opposed to taking away the certifying of the physicians from the Pharmacy Board. He stated he felt it has been a tremendous asset in controlling the problem.

SENATOR HILBRECHT stated that the two areas that desire attention could properly be cured by narrowing the definition of dispensing to include the furnishing to a doctor's patient by a nurse or employee of his office, under his immediate supervision and control. The manufacturing ought to accept a physician who manufactures or repackages a drug for the purpose of furnishing it to a patient of his, and not for sale to the public at large. Those would deal with the 2 problems that he asked the bill drafter to draw a bill to deal with. The bill may be somewhat broader than what is necessary.

Controlled substances are defined, per Mr. Bennett, as those that are abuse drugs. Dangerous drugs are defined as all other prescription drugs.

S.B. 479 PROVIDES FOR REGULATION OF RETAIL SALE OF CONVENIENCE DRUGS. (BDR 54-1711)

Mr. Bennett asked the Committee to reconsider this bill that was indefinitely postponed on April 19. He stated that Mr. Pete Kelley who had opposed this bill had indicated that he would withdraw his opposition. Mr. Bennett indicated their counsel had advised that they could and should possibly exempt the handicapped and blind or places that handled 6 items or less.

SENATOR ASHWORTH moved to reconsider.  
Seconded by SENATOR BRYAN.  
Vote: Unanimous except for SENATOR HERNSTADT.

Discussion on possibly considering wording of "categories of 6 items or less".

In line with Committee procedure, no vote was taken on the bill at this time.

Mr. Bennett stated they would by regulation do these things if this bill passed.

S.B. 139 REGULATES PRACTICE OF OSTEOPATHIC MEDICINE AND  
DEFINES TERMS RELATING TO HEALTH CARE. (BDR 54-81)

CHAIRMAN WILSON submitted further amendments to this bill to the Committee for consideration and approval.

Page 28, line 47: the amendment is to delete "shall" and insert (shall

Line 48: delete "subsection" and insert "subsection)"

Line 47: no policy of health insurance - may provide that the insured does not have the option of selecting any licensee provided for in this subsection to perform any medical or surgical services covered by a policy of insurance if the service is within the scope of his license".

SENATOR BRYAN indicated this was the amendment offered by Milos Terzich.

SENATOR HERNSTADT moved that the Committee accept the amendment.

Seconded by SENATOR BRYAN.

Vote: Unanimous.

SENATOR WILSON asked the Committee if they would entertain the introduction of an architect's bill.

Introduction refused by SENATOR HERNSTADT.

SENATOR BRYAN did not participate in discussion of the introduction.

INTRODUCTION DENIED.

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

CHAIRMAN WILSON advised he had the amendments to this bill and that Larry McCracken was to have contacted

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all members regarding an error made in one of the offered amendments. Chairman advised he would have correction drawn.

Committee moved unanimously to accept the language offered. See attached exhibit.

A.B. 181 REQUIRES ONE WEEK WAITING PERIOD BEFORE CLAIMANT IS ENTITLED TO RECEIVE UNEMPLOYMENT COMPENSATION BENEFITS. (BDR 53-351)

Mr. Lou Paley discussed collective bargaining with the Committee. CHAIRMAN WILSON advised that Mr. McCracken would be sending Mr. Paley a letter covering the regulations regarding voluntary quit. Refer to Tape 2 for full testimony.

Voluntary quit and quitting for good cause was discussed at length.

Union rules on seeking other positions was discussed. Stated a man could remain on the bottom of the list for an undetermined amount of time.

SENATOR BRYAN moved for approval of Minutes for March 23rd. Seconded by SENATOR ASHWORTH. All in favor except SENATORS BLAKEMORE and CLOSE who were out of the room at the time of vote.

SENATOR WILSON left the meeting during the discussion of the dairy bill (AB 152). SENATOR BLAKEMORE chaired.

A.B. 152 CHANGES VARIOUS PROVISIONS RELATING TO STATE DAIRY COMMISSION. (BDR 51-101)

After consideration and discussion by the Committee, SENATOR BRYAN moved that the bill be reported out without recommendation. Seconded by SENATOR YOUNG.

Vote: Senators Wilson and Close abstained. Senator Ashworth voted no and Senators Young, Bryan Blakemore and Hernstadt voted yes to DO PASS without recommendation.

Refer to Tape 2 for full discussion prior to vote.

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S.B. 339 CHANGES PROVISIONS RELATING TO REVOCATION AND SUS-  
PENSION OF BARBERS' CERTIFICATES OF REGISTRATION  
AND BARBERSHOP LICENSES. (BDR 54-1038)


A Mr. Hunt answered questions regarding closings  
for Committee.

SENATOR BRYAN moved DO PASS on SB 339.  
Seconded by SENATOR YOUNG.

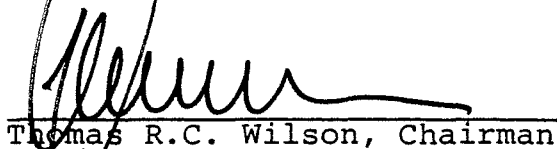
Vote: Unanimous except for SENATOR HERNSTADT who  
abstained.

There being no further business the meeting was adjourned at  
5:05 P.M.

Respectfully submitted,

  
Lynda Lee Payne, Secretary

APPROVED BY:

  
Thomas R.C. Wilson, Chairman

AGENDA FOR COMMITTEE ON COMMERCE & LABOR

Friday

Date April 29, 1977 Time 2:00 P.M. Room 213

Bills or Resolutions  
to be considered

REVISED

Subject

Counsel  
requested\*

S.B. 518

Authorizes physicians to perform certain acts with respect to controlled substances and other drugs without holding certificate, license or permit issued by state board of pharmacy. (BDR 54-1508)

ADMINISTRATIVE MEETING

Voluntary leaving. - An individual is ineligible for benefits for the week in which he voluntarily left his last or next-to-last employment without good cause, if so found by the executive director, and until he earns remuneration in covered employment equal to or exceeding his weekly benefit amount in each of 10 weeks.