

SENATE COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES

The meeting was called to order at 9:07 a.m. on Wednesday, March 23, 1977, in Room 323 with Senator Jack Schofield in the Chair.

PRESENT: Chairman Jack Schofield  
Vice-Chairman Joe Neal  
Senator William Raggio  
Senator Richard Blakemore  
Senator Wilbur Faiss  
Senator William Hernstadt

GUESTS: Orville Wahrenbrock, Dept. of Human Resources  
Lou H. Dodgion, State Division of Health  
Steven Stucker, City Attorney, North Las Vegas  
Debbie Sheltra, Lobbyist-Virginia Foothills Property  
Senator Richard Bryan, Sponsor of S.B. 285  
Arlene Grimes, Consumer  
Ann Hibbs, Nevada Nurses' Association  
Bill Wallace, Bureau of Health Facilities

Chairman Schofield asked for a Committee consideration of a proposed BDR 20-1244. Senator Hernstadt said that he objected to a Committee introduction as he felt this was an increase in fees. Senators Raggio and Faiss stated that this would not have a fiscal impact.

Senator Raggio: Motion for Committee introduction  
of BDR 20-1244.

Senator Faiss: 2nd the Motion.

The Motion passed. (Senators Neal and Blakemore were not present for the vote).

Senator Raggio read portions of a letter from Wayne Reynolds of Mountain View Cemetary which dealt with the scattering of cremated remains of California citizens in Nevada. Mr. Reynolds requested that the Committee on Human Resources introduce a bill to prevent this from happening. Senator Hernstadt said that he would object to a Committee introduction at this late date. Senator Schofield commented that he had written to Mr. Reynolds and informed him that it was too late for drafting of new legislation.

Mr. Orville Wahrenbrock of the State Department of Human Resources discussed the Committee's visit to Las Vegas and said that they will be leaving at 8:15 a.m. on Saturday, March 26, 1977, from the Hughes Air Field for Caliente.

A.B. 147

Mr. Lou H. Dodgion of the State Health Division said this bill was drafted by statutory authority of the Federal Safe Drinking Water Act. The Environmental Protections Agency has promulgated regulations that are the same wording that become effective on June 24, 1977.

(Senator Blakemore entered the room)

Mr. Dodgion explained that the approximate budget for this program for the year is \$300,000; \$150,000 is Federal grant funding and \$100,000 is already in the budget for 1977, and \$50,000 is the request in the Executive Budget.

(Senator Neal entered the room)

Senator Hernstadt asked if the Federal Environmental Protection Agency would control Nevada's drinking water if A.B. 147 were not passed. Mr. Dodgion answered yes, but the Health Division feels that in dealing with Nevadans it is the responsibility of the State and the local governments.

Senator Hernstadt asked if a violator of the regulations could be fined as much as \$5,000 per day? Mr. Dodgion said yes, however, this is only after refusal to comply. Also, Mr. Dodgion added that the Federal Act has provisions for smaller systems if it is economically unfeasible for them to have water treatment.

Senator Blakemore questioned what was to be done about areas such as Fallon and Beatty that have had water problems for years? Mr. Dodgion said that if the State handles these smaller areas they may be more lenient in setting compliance standards. The procedure for compliance would involve holding public hearings and seeing if the citizens want to pay the cost.

Senator Raggio said that passage of this bill will also help in putting "teeth" into the current regulations, as there have been noted violations in Washoe County. Senator Blakemore commented that if the water systems had to be changed in the small counties, it could amount to millions of dollars for the citizens. Mr. Dodgion said that in the study done by Boyle Engineering Company in Las Vegas, one area in Washoe County serving 500 connections would have to pay \$500,000 in order to remove arsenic from their water.

Senator Faiss asked if the Board of Health would also be involved with private wells in accord with this legislation? Mr. Dodgion said that was not covered in A.B.147, as it is only dealing with systems that serve the public.

Senator Hernstadt asked if this law could be used as a device to force older subdivisions using private wells to become city water users? Mr. Dodgion said this is possible as the law affects fifteen or more connections, or 25 people.

Senator Hernstadt asked how long does the grant from the Federal government last? Mr. Dodgion said that if the State wishes, it may give the program back to the Federal

government for administration, with a ninety day notice. He said to Senator Hernstadt that this could only be done by the Governor.

Mr. Dodgion said to Senator Blakemore that the provisions of the state law must be as stringent as the Federal requirements, so A.B. 147 has the same wording as the Federal Act.

Senator Blakemore asked if the flouride in Gabbs water can be treated? Mr. Dodgion said no, the citizens of Gabbs are drinking bottled water, and to Senator Hernstadt he said that the citizens still use the other water for laundry, bathing, etc.

Senator Faiss in referring to Section 18 of the bill asked if the citizens develop treatment themselves, can they be reimbursed the expense? Mr. Dodgion said it is the intent of the Federal Act to be done at the expense of the water system involved.

Mr. Steven Stucker, Deputy City Attorney for North Las Vegas, said that they had objected to the original Section 14 of the first bill, but the reprint had the corrections they desired, and they support the amended bill. Senator Raggio asked how will the Health boards and agencies know if the regulations are being followed if Section 14 is adopted? Mr. Dodgion said that the Division will have to adopt regulations and then see that they are incorporated with the policies of the water companies.

Ms. Debbie Sheltra, lobbyist for the Virginia Foothills Property Association, commented that this bill would assist the residents in receiving help with their drinking water problems. Currently, it is too difficult for the citizens to seek help from a Federal Regional Office in San Francisco, when they could be helped locally. She commented that in a four hour meeting of the Washoe County District Board of Health, on March 22, 1977, it was discussed how dangerous a long-term intake of arsenic is to human beings. She said that in the area she represents the water company is serving water that is higher in arsenic content than allowed by the U.S. Health and State standards. Ms. Sheltra said that the water company that serves her area was applying for greater variances, and after the four hour meeting, they were denied.

Senator Blakemore asked if the regulations in the county were being ignored, or do they have these enforcement regulations for violators of the health codes? Ms. Sheltra said that she would like to amend Section 11, Sub-section 2 (deals with secondary drinking water) to read, "it would be the policy of the State to provide for (1) safe drinking water, and (2) water which is not toxic to fish or plants and thereby promote the public health and welfare."

Senate Committee on Human Resources and Facilities

Mr. Dodgion explained that under the Federal Act they provide two sets of quality standards, one is the primary standard -- these are to be related to health -- and the secondary standards are to be related to the aesthetic quality.

Ms. Sheltra also said that notices of hearings should be given to papers of greatest circulation, or by certified mail to the residents who are involved. Also, these notices should be released on hearings where applications for variances are being discussed.

Ms. Arlene Grimes, consumer living in the Shadow Hills subdivision in south Washoe Valley, said that the arsenic problem in the area became very obvious. She stated that she has ambivalent feelings as far as enforcement is concerned if this bill were passed as she has found that no agency will take responsibility for the water problems now. Senator Hernstadt asked if the residents would be in a better position if the water company went bankrupt from the fines for non-compliance and left the residents to themselves? Ms. Grimes answered that the owner of the relevant water company has stated that he would not put out another penny to help the system, but she has heard testimony from state officials who have given feasible financial alternatives. She also stated that at a recent Public Service Commission hearing, 100 homeowners testified that they would be willing to pay more for their services for better quality.

Senator Blakemore asked if the residents use bottled water? Ms. Grimes said 40% are using bottled water which costs an average of \$40.00/month.

Senator Faiss suggested that a provision be put in the bill whereby there would be a responsible alternative if a private water company quit serving the residents. Senator Blakemore asked the amount the residents paid and if they were metered? Ms. Grimes said a \$10.00 flat rate per month, and they do not use a meter, and yes they could handle an increase if this would bring better service.

S.B. 285

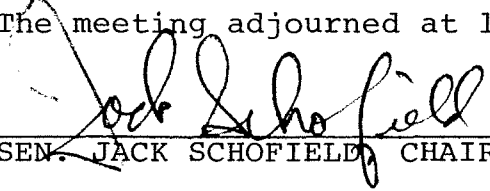
Ms. Ann Hibbs of the Nevada Nurses' Association said that every Nevada citizen is entitled to minimal rights in health care facilities and these should include: privacy visits and associations, financial accounting grievance procedures, and treatment information. She also said the Association would approve the inclusion of privacy for sexual activities.

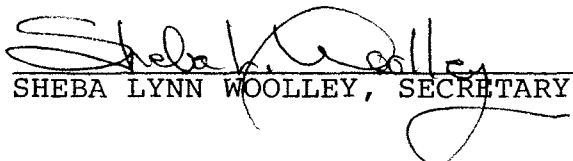
Senator Richard Bryan said that he and Senator Neal had served on an interim committee that addressed the problems of the aging and specifically nursing homes. We had testimony as to the absence of regulations in certain areas, and S.B. 285 was part of the committee's recommendations. Senator Bryan said that one area that concerned him, although for the record there was no instance specified where there had been any type of misappropriation, was that nursing homes invest monies of patients who are receiving custodial care there. There are no bonding requirements, no guidelines as to scope of the investments, and no clear authorization from the patients for such investments. Senator Raggio asked if the bill in the legislature dealing with public guardians deals with this? Senator Bryan said this is possible. Senator Raggio asked if this bill will help in sanitary problems through procedural grievances? Senator Bryan said there would still be a problem in addressing each individual complaint.

Ms. Hibbs asked Senator Bryan if it is true that the Medicaid and Medicare patients are treated better than other patients. Mr. Bill Wallace of the Bureau of Health Facilities answered Ms. Hibbs by saying that he only knew of one facility that did not handle medicaid and medicare patients, and the patients that are under this Federal or State assistance are provided specific rights. Mr. Wallace read a standard form of 'Bill of Rights' commonly used in health care facilities (Exhibit "A"). Senator Raggio said that he felt those same rights should be written into the law. Mr. Wallace also suggested that 'care facilities' should be defined in order that it is known if this covers day-care centers for children.

At this time, Senator Raggio suggested that A.B. 91 be held for a hearing until Thursday, March 24, 1977, so that the Committee could adjourn to attend General Session.

The meeting adjourned at 10:46 a.m.

  
SEN. JACK SCHOFIELD, CHAIRMAN

  
SHEBA LYNN WOOLLEY, SECRETARY

PATIENT'S BILL OF RIGHTS

EXHIBIT "A"

The following declaration is for the protection of every patient in this facility. Every patient has the right:

1. To be treated with consideration and respect including the right to privacy for visits by spouse, and, if married and both are residents of this facility, to share a room unless medically contraindicated and documented on the chart by the attending physician;
2. To be informed of his or her medical condition and the name of attending physician; to participate in ones total plan of care unless contraindicated and so documented in medical record by the physician;
3. To be informed, at the time of admission and thereafter upon request, of the rules, regulations, and policies of the facility, the services provided and the charges;
4. To be informed in advance of plans to discharge and reason for transfer;
5. To retain personal clothing and possessions as reasonable; to receive and send mail unopened; to manage or delegate the responsibility for managing one's own personal financial affairs;
6. To expect a reasonable response to one's personal requests or grievances without fear of reprisal;
7. To be free from mental and physical abuse, free from chemical (except in emergencies) and physical restraints except as authorized in writing by one's physician;
8. To be assured confidential treatment of one's personal and medical records, and to approve or refuse their release to any individual outside the facility, except as required by law or third-party payment contract;
9. To refuse medicine or treatment; to refuse to participate in medical research; not to be required to perform services for the facility that are not included for therapeutic purposes in the plan of care;
10. To participate in activities of social, religious, and community groups at his or her discretion, unless medically contraindicated;
11. To live and die with dignity.

I have read, or have had read to me, the above Patient's Bill of Rights as they pertain to me or to another person for whom I have responsibility.

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Signed