

Senate Committee on Human Resources
and Facilities

March 28, 1977

The meeting was called to order at 9:38 a.m. on Monday, March 28, 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: Mr. Fred Hillerby, Nevada Hospital Association
Dick Rottman, Nevada State Insurance Division

A.B. 265

Fred Hillerby of the Nevada Hospital Association said that this bill came out of the SCR 21 interim committee, which studied the problem of medical malpractice. Mr. Hillerby said that although hospitals in Nevada have not had an employee titled a 'risk manager' they have been involved in risk management programs. He gave some of the following examples: patient-care evaluations, infection control committees, pre-employment screening and immunization, tissue committees (review and evaluate all surgery performed on the basis of pathological analysis), environmental standards for our physical plant, incident reports (patients, personnel and visitors), patient grievance reports, in-service education.

Mr. Hillerby said that 15 of Nevada's hospitals are insured by Farmer's Insurance Group and are trying to work with the national figures of problem areas supplied by Farmer's in order to look out for possible infractions. Therefore the hospitals feel that these activities are already being done in the hospitals and there is no need for further legislation.

Senator Blakemore said that there is a danger in legislating this in that information on malpractice could be forced by court action. The Senator asked if this bill would help the insurance premium of hospitals? Mr. Hillerby said the more we do to reduce malpractice helps, however nationally the incidents of malpractice that occurs in the hospital is very minimal. He continued in saying the Farmer's Insurance Group is not interested in seeing legislation on this, they feel like it has to be a voluntary program.

Senator Blakemore asked how often is a doctor removed from a staff? Mr. Hillerby said the power is there to do this with the medical staff, but it is not done very often.

Senator Raggio asked how many hospitals in Nevada have over 200 beds? Mr. Hillerby said potentially six. He further said to Senator Raggio that all six are doing the majority of things called for in the bill, and 2 of the 6 have a safety officer.

Senator Faiss said how much will this service add to the patient's bill? Mr. Hillerby said an increase might occur if a risk-manager were hired for a high salary.

Senator Hernstadt said if there was a flaw in operation, and a hospital didn't follow through and correct it, wouldn't that tend to increase the possibility of malpractice, and is this why you do not want a mandate? Mr. Hillerby said if we failed to follow through in the responsibility we have with the patient, whether by this statute or not, it would increase the chance for malpractice suits.

Senator Neal asked what is the relationship between A.B. 265 and S.B. 185 (access to medical records by Attorney General's office). Mr. Hillerby said the right to records has always been there if the patient signs the release. Senator Raggio said this would establish a 'privilege' which lies with the hospital, which can be waived.

Mr. Dick Rottman of the Nevada Insurance Division said that approximately 80% of all the malpractice suits arise out of a hospital setting. He said that the concept of holding the hospital liable has not been developed in Nevada as much as in other states. This measure was developed to help hospitals to help themselves, as some of the administrators may not have the safety programs developed as well as they could be, i.e., new staff members, volunteers or incorrect patient records. Mr. Rottman said that Farmer's Insurance does have a Risk Management Department, and they do have certain requirements before they will insure. Mr. Rottman said that in regards to Section 4, this plan has to be a privilege as this bill was not written to assist in malpractice prosecution against hospitals. Senator Hernstadt asked Mr. Rottman if this was the Department's intention to give the hospital the 'privilege'? Mr. Rottman said yes.

Senator Raggio said that his law firm represents the Nevada Hospital Association, and he will not vote on this bill. Senator Blakemore said that he sat on the interim committee on SCR 21 and he felt that this bill does not accomplish the intent desired.

No action was taken on the bill.

S.B. 95 (Exhibit "A")

Senator Neal: Motion to indefinitely postpone.
Senator Faiss: 2nd the Motion.

The Motion passed.

S.B. 104

Senator Neal made the request that this bill be considered for vote on Wednesday, March 30, 1977.

A.B. 91 (Exhibit "B")

Senator Neal: Motion to indefinitely postpone.
Senator Blakemore: 2nd the Motion.

Discussion:

Senator Hernstadt said that a public agency should have a claim along with all the other creditors of the estate, and some consideration might be made to a pro-rated return. Senator Raggio said in an estate procedure a claim must be filed within 90 days, and anyone can file a claim and the proceeds of the State would be available, and if there were not enough assets then they would have to be pro-rated against all claimants.

Senator Hernstadt said that this bill could have an amendment that the personal property go to the heirs. Senator Blakemore said why should they recover, wasn't that indigent at one time a taxpayer?

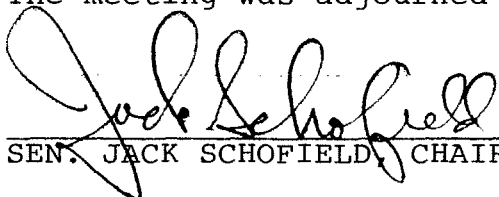
Chairman Schofield called for the question.

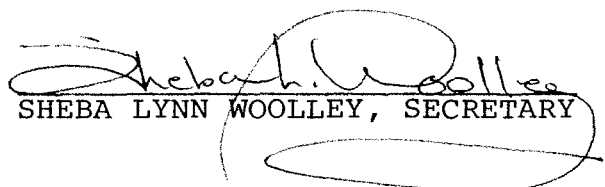
The Motion passed. (Senators Raggio and Hernstadt voted "NO")

A.B. 121

It was decided that all amendments would be discussed at 9:30 a.m. on Tuesday, March 29, 1977 at the time of bill consideration.

The meeting was adjourned at 10:33 a.m.


SEN. JACK SCHOFIELD, CHAIRMAN


SHEBA LYNN WOOLLEY, SECRETARY

S. B. 95

SENATE BILL NO. 95—COMMITTEE ON EDUCATION,
HEALTH AND WELFARE AND STATE INSTITUTIONS

JANUARY 20, 1977

Referred to Committee on Education, Health and Welfare
and State Institutions

SUMMARY—Expands number of state prison employees eligible for early
retirement purposes and heart disease benefits. (BDR 53-196)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: Yes.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the state prison; expanding the category of employees
eligible for early retirement and for occupational disease benefits on account
of heart disease; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 286.061 is hereby amended to read as follows:
- 2 286.061 1. "Police officer" means a member, who is a full-time
- 3 employee of a participating public employer, whose principal duties
- 4 consist of enforcing the laws of the State of Nevada or any of its politi-
- 5 cal subdivisions and who is employed in one of the following positions:
- 6 (a) A member of the Nevada highway patrol who exercises the
- 7 police powers specified in NRS 481.0491 and 481.180;
- 8 (b) The sheriff of a county or of a metropolitan police department,
- 9 or his deputy;
- 10 (c) The chief of police of an incorporated city or unincorporated
- 11 town, or a subordinate peace officer;
- 12 (d) A member of the University of Nevada System police depart-
- 13 ment;
- 14 (e) [A correctional officer] *An employee of the Nevada state prison*
- 15 *[;] whose duties require necessary and frequent contact with the pris-*
- 16 *oners;*
- 17 (f) A special investigator employed by the attorney general or by a
- 18 district attorney; or
- 19 (g) A parole and probation officer of the department of parole and
- 20 probation.
- 21 2. The board may, subject to statutory limitations, adopt regula-
- 22 tions stipulating employee positions in these categories whose holders
- 23 shall be deemed "police officers."

Original bill is 2 pages long.
Contact the Research Library for
a copy of the complete bill.

A. B. 91

ASSEMBLY BILL NO. 91—COMMITTEE ON HEALTH AND WELFARE

JANUARY 19, 1977

Referred to Committee on Health and Welfare

SUMMARY—Permits recovery of state aid to medically indigent under certain conditions. (BDR 38-68)

FISCAL NOTE: Local Government Impact: No. State or Industrial Insurance Impact: No.

EXPLANATION—Matter in italics is new; matter in brackets [] is material to be omitted.

AN ACT relating to state aid for the medically indigent; providing for the recovery of assistance payments from certain persons or their estates; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 428.320 is hereby amended to read as follows:
- 2 428.320 1. No lien may be imposed upon the property of any recipi-
- 3 ent, except pursuant to the judgment of a court arising from [benefits
- 4 received by fraudulent means, and there shall be no adjustment or recov-
- 5 ery of payments correctly paid on behalf of any recipient.] assistance
- 6 incorrectly paid on behalf of the recipient.
- 7 2. No action may be brought to recover assistance correctly paid
- 8 on behalf of a recipient except as provided in subsection 3.
- 9 3. An action to recover assistance correctly paid on behalf of a
- 10 recipient may be brought against the recipient's estate after his death and
- 11 the death of the surviving spouse, if any, if there is no surviving child
- 12 who is under 21 years of age, blind or permanently and totally disabled.
- 13 Recovery is limited to the amount paid on behalf of a recipient 65 years
- 14 of age or older when he received such assistance.

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Original bill is on file at the Research Library.