

SENATE COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

APRIL 13, 1977

The meeting was called to order at 8:08 A.M. on Friday, April 13, 1977 in Room 323, with Senator Jack Schofield in the Chair.

PRESENT: Chairman Jack Schofield
Senator William Raggio
Senator Richard Blakemore
Senator Wilbur Faiss
Senator William Hernstadt

ABSENT: Vice-Chairman Joe Neal

GUESTS: George Bennett, State Board of Pharmacy
Assemblyman Nick Horn, A.B. 400
Jim Costa, Department of Education

S.B. 438 (Exhibit "A")

George Bennett of the State Board of Pharmacy spoke in behalf of S.B. 438 and stated that the changes noted have to do with a clarification of the statutes, and additional safeguards concerning NRS 453. Mr. Bennett went through each change and said that on Page One, Line 3 this says that a pharmacist shall not fill a prescription faster than the dosage requirements say; and on Page Two, Lines 10-21, is a re-scheduling of items which follows the re-scheduling of the Federal Drug Enforcement Administration. He continued and explained Page Two, Line 48, which reads failure to keep accurate and complete records of controlled substances is another reason for discipline.

Senator Raggio said that he has some misgivings about this discipline as he discussed a case with the Washoe Medical Pharmacy where the pharmacist was unduly "harrassed". Mr. Bennett said that he agreed that that particular instance was improper, and that the arresting officer and his second in command in that case have both resigned from the State Division of Investigation of Narcotics. He also added that the Board of Pharmacy was never involved in that investigation.

Senator Raggio asked what record is the pharmacist and physician required to put down? Mr. Bennett said that the requirement is for the dispensing physician to keep a record of refillable prescriptions and have the name of the patient and the amount of the drug.

Mr. Bennett continued to discuss the bill and remarked regarding Page Three, Lines 21-24, that Schedule I and II drugs can only be distributed by an order form, which is a Federal requirement.

Senator Blakemore asked about Lines 41-43 on Page Three because he was concerned about rural areas where there is only one doctor. Mr. Bennett said that this applies only to the Schedule II drugs, but perhaps wording could be added for "emergency" or "one time" provision. Senator Blakemore said or perhaps by waiver of the Board.

Senator Hernstadt asked what is the Schedule Number for the items on Page One and Two of the bill? Mr. Bennett said Schedule #4. The Senator then asked what composes the mentioned Schedules I, II and III? Mr. Bennett said these are drugs which are less abuse prone and the schedule number increases, and those mentioned on Page Two are primarily tranquilizers or sleep inducing agents.

Senator Raggio suggested that on Page Three, Line 43, the language should read, "except in cases of emergency or serious illness." Mr. Bennett concurred with this suggestion.

Senator Blakemore: Motion to amend and Do Pass
S.B. 438

Senator Faiss: 2nd the Motion

The Motion passed. (Senator Neal - Absent)

A.B. 400

Chairman Schofield commented that John Gamble of the Department of Education said that they are very close to the completion of their study and feel that by September, something will be implemented, and they therefore prefer S.C.R. 14 to any other competency legislation.

Assemblyman Nick Horn read the testimony given to the Assembly Committee of Education, regarding A.B. 400.

Senator Hernstadt said that there is no enforcement in A.B. 400. Mr. Horn said that the bill establishes guidelines for exams and asks the State Board to establish proficiency standards. Senator Raggio said there is a great public response to the problem of competency, but he is persuaded that the study by the Department is going in the right direction which is to be used in the upcoming school year. Mr. Horn said that in the joint hearing on this subject, Mr. Gamble indicated that the Department has been considering this for some time, but nothing has been done up to this point.

Senator Raggio asked Mr. Jim Costa of the Department of Education if this bill coupled with the Department's study will assist in unifying the district participation? Mr. Costa said they will have to cooperate if it is a required mandate, but the Department has been trying to do this by involving district teachers in the study.

Mr. Costa said that the Department felt that A.B. 400 was the most flexible of all the proposed legislation dealing with competency-based examinations.

Senator Hernstadt asked if the Department is so aware of the problem, why haven't they done something about it now? Mr. Horn also added that this is one of the reasons that he wants something done by the Legislature. Mr. Costa said in response to Senator Hernstadt that the data from Clark County schools says that the students are performing in accordance with the expectations of the national level, and that it is not that easy to develop examinations for a general level as each district, and even each school may be covering different material at the various levels.

Chairman Schofield said that perhaps A.B. 400 would assist in giving the Department enough enforcement to encourage the districts to cooperate in these examinations.

Senator Raggio: Motion to Do Pass A.B. 400 (Exhibit "B")
Senator Hernstadt: 2nd the Motion.

The Motion passed. (Senators Neal & Blakemore -- Absent)

Mr. Costa invited Senator Hernstadt to visit the Department of Education and see what is done by the Department.

S.B. 439 (Exhibit "C")

Mr. George Bennett said that on Page One, Lines 5-6, this is a request that the pharmacist writes the number of dosage units on all substances other than "controlled" when a prescription is refilled. Page One, Lines 15-16 deal with the requirement of a separate registration for each physical location of a manufacturer.

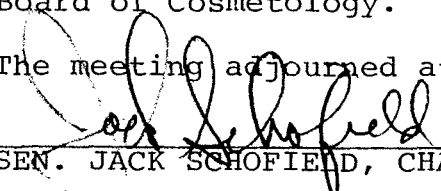
Mr. Bennett submitted proposed amendments to this bill, (Exhibit "D").

Senator Blakemore: Motion to Amend S.B. 439 and Do Pass
Senator Raggio: 2nd the Motion.

The Motion passed. (Senator Neal - Absent)

Senator Hernstadt passed out a letter from a citizen in his district (Exhibit "E"), and asked that it be considered when the Committee deliberates S.B. 92, which deals with the State Board of Cosmetology.

The meeting adjourned at 9:23 a.m.


SEN. JACK SCHOFIELD, CHAIRMAN


SHEBA LYNN WOOLLEY, SECRETARY

Senate Committee on Human Resources and Facilities

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 438

SENATE BILL NO. 438—COMMITTEE ON COMMERCE AND LABOR

APRIL 5, 1977

Referred to Committee on Human Resources and Facilities

SUMMARY—Proposes various amendments to controlled substances law. (BDR 40-1600)

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 controlled substances; regulating the filling and writing of certain prescriptions; expanding the list of controlled substances; providing an additional ground for revocation or suspension of registration; limiting the transfer of controlled substances; 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. Chapter 453 of NRS is hereby amended by adding
- 2 thereto a new section which shall read as follows:
- 3 *A pharmacist shall not fill a second or subsequent prescription for a*
- 4 *controlled substance listed in schedule II for the same patient unless the*
- 5 *frequency of prescriptions is in conformity with the directions for use. The*
- 6 *need for any increased amount shall be verified by the prescriber in writ-*
- 7 *ing or by telephone.*
- 8 SEC. 2. NRS 453.191 is hereby amended to read as follows:
- 9 453.191 1. The controlled substances listed in this section are
- 10 included in schedule IV.
- 11 2. Any material, compound, mixture or preparation which contains
- 12 any quantity of the following substances having a potential for abuse asso-
- 13 ciated with a depressant effect on the central nervous system:
- 14 (a) Barbital;
- 15 (b) Chloral betaine;
- 16 (c) Chloral hydrate;
- 17 (d) Ethchlorvynol;
- 18 (e) Ethinamate;
- 19 (f) Mebutomate;
- 20 (g) Methohexital;

Original bill is 4 pages long. Contact the Research Library for a copy of the complete bill.

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 400

ASSEMBLY BILL NO. 400—ASSEMBLYMEN HORN, HAYES,
DREYER, VERGIELS, SENA AND ROBINSON

MARCH 3, 1977

Referred to Committee on Education

SUMMARY—Requires periodic testing of public school pupils to
determine proficiency in specified subjects. (BDR 34-1008)

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 public schools; requiring periodic examinations of pupils to
determine their proficiency in specified subjects; 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. Chapter 389 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *The board of trustees of each school district shall administer*
4 *examinations in all public schools within its district to determine the*
5 *proficiency of pupils in:*
6 (a) *Reading;*
7 (b) *Writing; and*
8 (c) *Mathematics.*
9 *The examinations shall be administered before the completion of grades*
10 *3, 6, 9 and 12.*
11 2. *Different standards of proficiency may be adopted for pupils with*
12 *diagnosed learning disabilities.*
13 3. *If a pupil fails to pass the proficiency examination administered*
14 *before the completion of grade 3, 6 or 9, he may be promoted to the*
15 *next higher grade, but the results of his examination shall be evaluated to*
16 *determine what remedial study is appropriate. If a pupil fails to pass the*
17 *high school proficiency examination administered before the completion*
18 *of grade 12, he shall not be graduated until he is able, through remedial*
19 *study, to pass that examination, but he may be given a certificate of*
20 *attendance, in place of a diploma, if he has reached the age of 17 years.*
21 4. *The state board of education shall prescribe standard proficiency*
22 *examinations to be administered pursuant to subsection 1.*
23 SEC. 2. The provisions of section 1 of this act do not apply to any
24 pupil who has been promoted to grade 9 or a higher grade before the
25 effective date of this act.

30

Original bill is on file at
the Research Library.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 439

SENATE BILL NO. 439—COMMITTEE ON COMMERCE
AND LABOR

APRIL 5, 1977

Referred to Committee on Human Resources and Facilities

SUMMARY—Requires records of refilled prescriptions for dangerous drugs to indicate number of dosage units and separate registration of places of business of laboratories, manufacturers and wholesalers. (BDR 40-1657)

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 medicinal substances; authorizing registered nurses to dispense controlled substances and dangerous drugs under certain circumstances; requiring records of refilled prescriptions to indicate the number of dosage units; mandating separate registration for each place of business of laboratories, manufacturers and wholesalers; 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 453.056 is hereby amended to read as follows:
 2 453.056 A controlled substance or drug is "dispensed" if it is deliv-
 3 ered to an ultimate user or research subject by or pursuant to the lawful
 4 order of a practitioner, or is furnished to an ultimate user personally by a
 5 physician, dentist, [or] podiatrist or registered nurse, when the nurse is
 6 engaged in the performance of any public health program approved by
 7 the board, in any amount greater than that which is necessary for the
 8 present and immediate needs of the user. Dispensing includes the pre-
 9 scribing, administering, packaging, labeling or compounding necessary
 10 to prepare the substance for that delivery.
- 11 SEC. 2. NRS 454.221 is hereby amended to read as follows:
 12 454.221 1. Any person who furnishes any dangerous drug except
 13 upon the prescription of a physician, dentist, podiatrist or veterinarian is
 14 guilty of a gross misdemeanor, unless the dangerous drug was obtained
 15 originally by a legal prescription.
- 16 2. The provisions of this section do not apply to the furnishing of
 17 any dangerous drug by: [a]
 18 (a) A physician, dentist, podiatrist or veterinarian to his own patients
 19 as provided in NRS 454.301; [or by a]

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

EXHIBIT "D"

SENATE AMENDMENTS TO S.B. 439 (BDR 40-1657)

PROPOSED BY COMMITTEE ON HUMAN RESOURCES AND FACILITIES

Amend Section 1, page 1, by deleting line 1 and inserting:

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section which shall read as follows:

The board may adopt such regulations as may be necessary to assure that proper and adequate safeguards, including dispensing procedures, are followed to protect registered nurses who participate in public health programs approved by the board.

Section 2. NRS 453.056 is hereby amended to read as follows:
453.056 A controlled substance or drug is "dispensed" if it is delivered to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, or is furnished to an ultimate user personally by a physician, dentist (or podiatrist), podiatrist or registered nurse when such registered nurse is engaged in the performance of any public health program approved by the board, in any amount greater than that which is necessary for the present and immediate needs of the user. Dispensing includes the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

Section 3. NRS 454.221 is hereby amended to read as follows:

- 454.221
1. Any person who furnishes any dangerous drug except upon the prescription of a physician, dentist, podiatrist or veterinarian is guilty of a gross misdemeanor, unless the dangerous drug was obtained originally by a legal prescription.
 2. The provisions of this section do not apply to the furnishing of any dangerous drug by:
 - (a) A physician, dentist, podiatrist or veterinarian to his own patients as provided in NRS 454.301 (or by a)
 - (b) A registered nurse engaged in the performance of any public health program approved by the board; or
 - (c) A manufacturer or wholesaler or pharmacy to each other or to a physician, dentist, podiatrist or veterinarian or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity.

Section 4. NRS 454.271 is hereby amended to read as follows:

Amend Section 2, page 1, line 8, by deleting "Section 2" and inserting "Section 5."

Amend the bill as a whole by inserting on page 1, following line 16:

"Section 6. NRS 639.019 is hereby repealed."

Amend the title of the bill by deleting the title and inserting:

"An act relating to controlled substances and dangerous drugs; authorizing registered nurses while engaged in the performance of public health programs approved by the state board of pharmacy to dispense controlled substances and dangerous drugs; requiring records of refilled prescriptions to indicate the number of dosage units; mandating separate registrations for each place of business of laboratories, manufacturers and wholesalers; and providing other matters properly relating thereto."

R.W. McDonald

April 12, 1977

EXHIBIT "E"

Jill Philips
5427 Sandhill Rd.
Las Vegas, Nevada
89120

March 28, 1977

Senator B. Hernstadt.

I am sorry I have to write to you this way, I know you have many things to take care of. Please give me a little more of your time. You have been very concerned and I do appreciate this very much.

This is a matter of my career being resumed after waiting tirelessly for 7 Months, or my career ending because these people had a score to get even and be my judge, and they were my judge."

Who from the very beginning resented the fact that I let them know many times when I went to their office that this was unfair what they were doing to me. After having my own shop for 12 years in Calif. I can't work here. And when they heard I called your office and explained what was happening to me, they were very upset, as a matter of fact one of the Board members called me at my home a Mrs. William I believe? and said she would see me at the "Academy Of Hair Design" and she would know me. Because I had a letter to present when I went there. Well, no one took the letter nor did they look at it. Everyone pretends to be busy. They knew who I was because they have a photo on me. However I knew I was singled out. They were rude and cold every chance they had. I also had a written test the next day at the Nevada Clark County School on Flamingo Rd. and I can tell you incidents that took place there also. My model was a sister from the Saint Viator Church and she can vouch for me on the treatment I received.

After I heard from you yesterday the 27th in the afternoon. You asked that I send you my papers. These are the papers that were returned to me. As you can see I could have any mark but a 75 which would give me a license.

I have a 1977 Beautician license from California where I worked for 12 Years. and can work until 1978

So you can see I am honest, sincere, and a hard worker. I was criticized by them saying as stated on my test quote. ----- To take reading on Professional practice,

Life science etc. and here I am with a professional 12yr. background. What did I do for that kind of judging? It is their word against mine. It seems they can do anything they want with a person. In the mean time I cannot work. I myself was shocked because I was fast, very confident, and knew exactly what I had to do.

I am not a trouble some person nor am I a talkative person. Just a person who has been demoralized, and hurt like a wounded animal, who must fight back and I need help. I watch you on channel 5 and you are a strong minded person, and you are fair. I am also enclosing a letter I received from Senator Cannon and I have called him also and I should be getting a letter or a call from him is what I was told I was told today when I called. Please help me.

Sincerely

Jill Philips

756

These are my papers on the test

NEVADA STATE BOARD OF COSMETOLOGY

1700 EAST DESERT INN ROAD, SUITE 410
LAS VEGAS, NEVADA 89109
TELEPHONE 385-0155



March 28, 1977

JERRY WALKER
JIM STEWARD
CORA WILLIAMS
DOROTHY FEENEY
MAIRLYN WILLIAMS

Dear Ms. Philips

We have reviewed your examination grade most carefully, and find that you have failed to obtain a passing average of 75% on the written examination, thus failing to qualify you for a license to practice cosmetology in the State of Nevada.

Your score on the written examination 73%.

Practical average -----.

↑ not 75 to work

After reviewing the four basic areas of the examination, it would appear that you should study Professional Practices.

Life Science, Physical Science and Hair Design

↑ ? , ↑ ? , ↑ a 12 year Beautician

You may make arrangements to take the next scheduled examination by contacting this office ten (10) days prior to the examination. A copy of the schedule is enclosed.

The fee for the written examination is \$3.50. SEND MONEY ORDER ONLY.

Sincerely yours,

Beverly A. Carlino
Beverly A. Carlino
Executive Secretary

Enclosure

They can easily change my marks and there is no way I can prove this.

NEVADA STATE BOARD OF COSMETOLOGY

1700 EAST DESERT INN ROAD, SUITE 410

LAS VEGAS, NEVADA 89109

TELEPHONE 385-0155



March 28, 1977

Dear Ms. Philips:

We have reviewed your examination grades most carefully, and find that you have failed to obtain a passing average of 75% in the following area(s) of the practical examination: Bleaching - 74%,

Tinting - 74%, Finger Waving - 71.3%, Skip-waving - 71.3%, Sculpture
Curls - 73%, Stand-up Curls - 74% and Hot Work - 71.3%.

thus, failing to qualify you for a license to practice cosmetology in the State of Nevada.

Written score -----.

You may make arrangements to take the next scheduled examination by contacting this office ten (10) days prior to the examination. A copy of the schedule is enclosed.

THERE IS NO FEE FOR A RETAKE PRACTICAL EXAMINATION. All this is required is that you bring a model and the necessary equipment to perform the above phase(s) of the examination.

Sincerely yours,

Beverly A. Carlino
Beverly A. Carlino
Executive Secretary

Enclosure

*Anything But a 75 so
I can have a License?!!*

HOWARD W. CANNON
NEVADA

COMMITTEES:
ARMED SERVICES
COMMERCE
AERONAUTICAL AND SPACE
SCIENCES
RULES AND ADMINISTRATION

United States Senate

WASHINGTON, D.C. 20510

March 2, 1977

Ms. Jill Phillips
5427 Sandhill Road
Las Vegas, Nevada 89120

Dear Ms. Phillips:


Enclosed is a copy of a letter from the Nevada Board of Cosmetology responding to my inquiry in your behalf.

I am pleased to see this matter has been resolved to your satisfaction and hope that you will feel free to call on me at any time if I can be of additional assistance.

If you encounter further difficulties or delays in this regard, please let me know and I will again make an appropriate inquiry in your behalf.

With best wishes, I am

Sincerely,


HOWARD W. CANNON

HWC:WKpjt