

SENATE COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

APRIL 22, 1977

The meeting was called to order at 8:06 a.m. in Room 323 on Friday, April 22, 1977, with Senator Jack Schofield in the Chair.

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

ABSENT: Senator William Hernstadt
Senator Joe Neal

GUESTS: Assemblyman John Polish, A.B. 549
Doug Hawkins, White Pine County Commissioner
Barlow White, Ely City Councilman
Robert Broadbent, County Commissioner's Association
Bob Warren, Nevada League of Cities
Delbert Frost, Vocational Rehabilitation Division
Assemblyman Sue Wagner, A.B. 559
Ann Hibbs, Nevada Nursing Association
Fred Hillerby, Nevada Hospital Association
Richard Wright, Washoe County School District

A.B. 549

Assemblyman John Polish introduced Mr. Doug Hawkins and Mr. Barlow White of White Pine County. Mr. Polish said that the Environmental Protection Agency (E.P.A.) made Federal regulations regarding land-filled dumps.

Senator Blakemore said that a problem occurred in White Pine County when the State mandated in 1973 that the dumps follow the E.P.A. requirements for land-fill. He said that local communities are having trouble funding the costs of this requirement.

Senator Raggio asked why there isn't a county ordinance requiring people to participate in public collection? Mr. Doug Hawkins said that the county does have a garbage ordinance but it doesn't have any "teeth" in it to collect an arbitrary payment. He said that this will assess each resident approximately \$1.50 per month.

Mr. Barlow White said that when the garbage ordinance was first being discussed in White Pine County, it was decided to have mandatory garbage pick-up, but there was so much controversy over this issue, the County compromised and stated that there would be an increase in the pick-up fee in order to cover the management of the sanitary land-fill. However, not everyone in the

County availed themselves of the pick-up service and the contractor for the pick-up service cannot afford to manage the land-fill.

Senator Raggio stated that sometimes the local governments have to "bite the bullet", as mandatory garbage service was not very popular in Reno and Sparks either. The Senator stated that he objected to the lien.

Mr. Bob Warren said that this problem is not only localized to the White Pine area, other rural areas have this same conflict. Mr. Robert Broadbent said that many small counties do not have mandatory collection, and he also stated that in the smaller communities, citizens are closer to their elected officials.

Senator Raggio asked what is the estimated cost of the land-fill? Mr. White said the private enterprise operation contracts this job out for \$3,000 per month, and they have approximately 1,100 customers for pick-up at \$4.50/month, which means he is just breaking even.

Senator Raggio restated to the witnesses, "The city does have the right to lien, and the county doesn't?" The witnesses concurred.

Mr. Delbert Frost of the Nevada State Rehabilitation Division asked the Committee to consider adoption of a Senate Concurrent Resolution which he explained as follows:
(Exhibit "A")

Mr. Frost said that this resolution was drafted in support of his Division's attempts to increase the Federal allotment to the Vocational Rehabilitation program at the State level. He said that the 1973 Rehabilitation Act is the legal basis for the state-federal vocational rehabilitation program. Under that Act there is a language as contained in the proposed resolution that establishes a \$2,000,000 minimum allotment to such states as Alaska, Wyoming, Nevada, North Dakota and Hawaii. Mr. Frost stated that his Division wants to increase that allotment to \$2,500,000 and change the language to allow 1/3 of 1% of the amounts appropriated as another part of that minimum funding allotment. That would allow the Division to increase the Federal funding in future years as the Federal appropriations go up, rather than having to change the law each time. Mr. Frost said this resolution would show that this proposal is supported by the State.

Senator Raggio: Motion to Adopt as a
Committee introduction without further
hearing and Do Pass
Senator Blakemore: 2nd the Motion

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

A.B. 559

Senator Raggio asked Assemblyman Sue Wagner is she was aware of the other bill, S.B. 285, that the Committee had already passed out? Ms. Wagner said that A.B. 559 also includes health practitioners. Ms. Wagner said that during the Assembly hearing, the health practitioners did oppose this measure, and she submitted part of the Assembly Judiciary Committee's minutes of April 14, 1977, for the record, (Exhibit "B").

Senator Raggio stated to Ms. Wagner that medical ethics for practitioners are written in the statutes.

Ms. Ann Hibbs of the Nevada Nurses' Association supports A.B. 559, but they would prefer that the patient be given their written rights to take to their room with them to read at their own convenience. She stated that if they are required to read and sign these rights upon admittance, they probably will not take the time to read them carefully.

Both Ms. Wagner and Ms. Hibbs gave instances of persons who are personal friends, where the attending physician did not explain the rights and choices available to the patient. Senator Raggio said that in these cases as in other professions, each individual is dealing with personalities.

Mr. Fred Hillerby of the Nevada Hospital Association presented amendments to A.B. 559 which would conform it to the amendments of S.B. 285, and he stated that Ms. Wagner was in accord with these changes, (Exhibit "C").

The Committee decided that they would like to have testimony from the medical profession on this measure.

A.B. 300

Senator Raggio stated that on April 20, 1977, he had made a motion to amend A.B. 300 to include "prayers and meditation", but he had been looking at the First Reprint, and this language was already contained in the Second Reprint.

Senator Raggio: Motion to rescind the action
taken on April 20, 1977 on A.B. 300, and
motion to Do Pass the 2nd Reprint.
Senator Faiss: 2nd the Motion

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

A.B. 495

Mr. Richard Wright of the Washoe County School District
said to the Committee that the teachers in his District
already can instruct a course in Family Life if there
is permission from the parents to do so. Mr. Wright
also stated that he would like to amend the bill to
add a Line 9, that puts this measure into effect by
July 1, 1978. Senator Blakemore said that this effective
date would be necessary because the Districts may already
have these courses in process.

The meeting adjourned at 9:16 a.m.



SEN. JACK SCHOFIELD, CHAIRMAN



SHEBA LYNN WOOLLEY, SECRETARY

DRAFT OF ASSEMBLY CONCURRENT RESOLUTION

WHEREAS, the Rehabilitation Act of 1973 and the 1974 Amendments thereto provide federal funds to the various states for the purpose of rehabilitating their handicapped citizens; and

WHEREAS, the current federal allocation formula works against Nevada and several other states due to low population/high per capita income; and

WHEREAS, there has been no increase in federal dollars to Nevada and those other states in recent years, necessitating an inequitable increase in the amount of state dollars appropriated to the rehabilitation programs; now, therefore, be it

Resolved by the Assembly of the State of Nevada the Senate concurring, that the Congress of the United States is urged to amend Section 110(b)(2) of the Rehabilitation Act of 1973 to read as follows:

"(2) . . . The allotment to any State (other than Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) under the first sentence of this subsection for any fiscal year which is less than one-third of 1 per centum of the amount appropriated under subsection (b)(1) of section 100, or \$2,500,000, whichever is greater, shall be increased to that amount. . ."; and be it further

Resolved, that a separate authorization and increased appropriation for the enactment year is suggested in order that the allotments to other states should not be diminished; and be it further

Resolved, that the Congress of the United States is urged to implement this Concurrent Resolution by the end of the ninety-fifth Congress; and be it further

Resolved, that a copy of this resolution be transmitted to the Congress of the United States and the Nevada delegation.

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A discussion followed on this between Mr. Ross and Mr. Broadbent. Mr. Ross asked Mr. Broadbent what the opinion of the county commissioners would be if the courts were state funded. Mr. Broadbent stated that they would only be interested to know how far the funding would go and added that they have and are in favor of state funding of the courts. But, he stated, that they would not know their formal opinion until they had a chance to see the proposed bill.

Judge Guinan responded that he wanted to point out that AB 609 had nothing to do with budget or salaries or separation of the offices.

Mr. Wayne Blacklock was next to testify. He is the District Court Administrator in Clark County. He stated that he was in support of AB 609 and AB608 but agreed with Judge Guinan in regard to the postponement of AB 608 this session. He gave the committee some of the facts regarding the budgeting questions which had been raised by the previous people. He stated that they are in the process of trying to organize and manage the judiciary so that it can be operated functionally, efficiently and well. He felt that AB 609 is a step in that direction and would help the interim study, inasmuch as it would delineate the responsibility of the offices for them. He therefore felt that that was a very non-controversial bill and that it would help everybody all the way around.

In answer to a question from Mrs. Wagner, Mr. Blacklock stated that in the areas of their budget which were overspent they were mandated areas statutorially and there have been recommendations made.

AB 559: Assemblyman Wagner explained the purpose of the bill to the committee as introducer of the bill stating that she felt most of the bill was self-explanatory and that the language was basically taken from California law and felt that it could be done economically and the rights, in printed form, should be given to the patients.

She pointed out that the bill carries no enforcement clause and that could be included if the committee felt it was necessary for the bill. She said she felt it should be voluntary now and if violations occurred then a section on enforcement could be added next session. She stated that the reason she introduced this bill is because she had known of flagrant violations and this might help in that area.

Chairman Barengo asked Mr. William Isaef to notify Mr. Trounday of this bill and if he had any comments on it to contact the committee.

Mrs. Marge Brewer was the next person to testify on this bill and her comments are attached and marked Exhibit G. (with attachments). Along with her comments are also other letters in support of this bill which she submitted to the committee and are the attachments to that Exhibit. In response to a remark from Mr. Ross, Mrs. Brewer stated that perhaps discussion of files by name could be reason for taking a doctor before the board of medical examiners, however, she felt that informing the patients of their rights was important.

Mrs. Anna Hicks, Nevada Nurses Association, was next to testify stating that her association was in favor of the bill. However, she stated that she questioned line five on page one, wondering if that was to be in the opinion of the patient or in the opinion of the health care provider. She also referred to section 2, page 3, and stated that she did not want this to become an implementation problem and that perhaps this information could be supplied to the patient on the back of or in connection with the admissions forms. She just didn't want it to become burdensome to the staff.

Bishop Divine Ruth Turner of Reno stated that she had been victim of a course of treatment which she had not requested or been informed of and felt that under this statute the doctor would know that it was now the law that he should inform the patient of the treatments and their possible side effects. She stated that she was in strong support of this bill.

Mr. Paul Prengenman was next to speak in favor of the bill. He said that he would like to address the problem from a slightly different angle and he hoped that this would clarify some points which had been raised during prior testimony. He distributed some information to the committee regarding the way that hospitals across the nation were responding to declarations of patient's rights.

His prepared outline of comments and the material he quoted, is attached and marked Exhibit H (with attachments). He also pointed out that some states, including Maine, have proposed some patient responsibilities and they are included in that package of exhibits and marked with an asterisk.

Dr. William L. Thomas, Administrator of the Nevada State Bureau of Health Facilities, Nevada Division of Health, testified next. He stated that their department was responsible for the licensing and certification of health care facilities in the state. He stated that because of this responsibility they would propose an amendment to the bill on line 17, after the word case, which would read: "Unless an affirmative duty is imposed by other provisions of law, to submit any report from such records to the health division or any local health authority." This language is attached and marked Exhibit I and is excepted by the deletion of the request that it also be reflected in 2 (h) of the bill, as their only concern is section 1.

Mr. William Isaeff, Deputy Attorney General, stated that he saw two problem areas in the bill. He stated that there is an apparent conflict with SB 185 which is the access to medical records bill of the medical malpractice package. He suggested an amendment to sections one and two to state on lines 15 and 41, respectively, to amend to read "him. Except as otherwise provided by law, written". He stated that this would take care of the concerns of the board of medical examiners, the Attorney General's office, and probably the hospital's internal committees and hospital review boards. He said that all of these uses, of course, are strictly and highly confidential. He also stated that this would resolve Dr. Thomas' problem, if SB 185 is passed.

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Dr. John Sandee, Nevada Medical Association, said that his association was opposed to the passage of AB 559. He then explained to the committee that it was his feeling and that of the association that most of the rights set out in this bill are already being given to the patients by the doctors and he did not feel that they had to be set out by statute. He stated that many of the patients who he deals with would not fully understand the rights if they were told to them because they are under such a strain when being treated medically.

He also pointed out to the committee that many of these ethical points of the bill are already provided for by review of the ethics committee and the board of medical examiners. He stated that people have always had the right to walk out of a hospital if they did not want treatment, but, that it was extremely difficult sometimes to get them to sign a form refusing treatment if they did not want to sign it.

Dr. Sandee pointed out also that many times the patients which come into the facilities are drunk or so irrational that it is extremely difficult to deal with them politely or considerately and therefore he felt they had responsibilities also.

He stated that Washoe Medical Center had around 105 admissions per day and he felt that this requirement to make each patient aware of his or her rights would take at least two additional people on the staff and would be expensive. He said that he felt that way because he did not feel you could just hand them their rights written out and that there would not be questions as to an explanation of those rights. He stated that WMC is trying to cut down on programs now, and he felt this could not be implemented because of that problem.

Discussion followed and Mr. Coulter suggested that the rights be posted in each office or facility publicly. And that he had talked to Jo Powell who is on the board of Washoe Medical Center and she had stated she felt passage of this bill was top priority.

Dr. Sandee stated that if this were to pass, he felt there should be an enforcement provision with it. Otherwise there was no way to make sure it was carried out. He also stated that he would have no objection to the notice being posted instead of given to each patient separately.

Mrs. Wagner stated that she had no objection to having notice posted or some different manner and also would not oppose a responsibility section, though she did not know if it would be in time for the Senate to pass on if they added a major amendment such as that.

Mr. Prengenman commented to the committee that he did not feel posting the rights would be sufficient because people do not go into a hospital in the same manner or under the same conditions that people go into other places that have notices posted to make them aware of other things. This ended formal testimony and there was a short break.

EXHIBIT "C"

Suggested Amendment to A.B. 559

(1) Page Two, Line 8 -- New Section: 2. Every patient or resident of a health and care facility has the responsibility within the limits of his knowledge or capacity:

- (a) To provide an accurate medical history of his own condition to the physician.
- (b) To follow the course of treatment which has been agreed upon.
- (c) To be considerate of the facility personnel.
- (d) To be considerate of other patients or residents of the facility, especially with respect to smoking and noise.
- (e) To provide accurate financial information, so that appropriate billings may be made to the person responsible for payment and that the facility may be reimbursed.

(2) Page Two, Line 8 -- Section 2 becomes Section 3

(3) Page Three, Line 7 -- Section 2 becomes Section 3

(4) Page Three, Line 7 -- New Section: 2. Every patient of a health practitioner has the responsibility within the limits of his knowledge or capacity:

- (a) To provide an accurate medical history of his condition.
- (b) To follow the course of treatment which has been agreed upon.
- (c) To be considerate of the practitioner's personnel.
- (d) To be considerate of other patients, especially with respect to smoking and noise.
- (e) To provide accurate financial information so that appropriate billings may be made to the person responsible for payment and that the practitioner may be reimbursed.