

SENATE COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

The meeting was called to order at 9:16 a.m. in Room 323, on Friday, April 29, 1977, 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, Department of Human Resources
Dr. Wm. Edwards, State Health Division
Mr. Al Edmundson, State Health Division
Fred Hillerby, Nevada Hospital Association
Jim Joyce, A.B. 121

A.B. 33 (Exhibit "A")

Chairman Schofield suggested that on Page Two, Line 5, the word "qualified" should be added before, 'person'.

Mr. Fred Hillerby of the Nevada Hospital Association said that it was his understanding that the State Health Division and the State Aging Services Division are already able to inspect the various facilities at any time unannounced.

Senator Hernstadt: Motion to Do Pass A.B. 33
Senator Neal: 2nd the Motion

Discussion:

Senator Blakemore said that he was not totally comfortable with this legislation, but if any abuses are apparent by the 1979 Session, then action can be taken then to correct this measure.

Dr. William Edwards of the Health Division said that the Division does not have any opposition to this legislation.

The Motion passed. (Senator Raggio: "NO")

A.B. 121

Mr. Jim Joyce said that the Committee does not have jurisdiction over A.B. 121, but they did make the original "Do Pass" motion. Mr. Joyce asked the five (5) members who did originally support this bill to unite behind one of the two proposed amendments, (Senators Schofield and Hernstadt have amendments).

Senator Hernstadt explained his amendment. He said that his amendment retains the licensure of the manufacturer's facility, but this is limited only to Laetrile and Gerovital (GH3), and as such other substances as may be added in the future by the Legislature. He continued to say that his amendment does not

specify what type of physician can dispense the two substances. Mr. Joyce said that Senator Hernstadt's amendment eliminates having to send A.B. 121 back to the Finance Committee.

Senator Raggio asked if the Board of Health was still included in the amendment? Senator Hernstadt said yes, the State Board does the necessary tests on the toxicity and safety of the products.

Senator Raggio discussed with Senator Hernstadt the "up front costs" involved for the State Board of Health. Senator Hernstadt said that this provides for the Board to hire an in-house inspector, or they can contract for the service, however, all the costs will be carried by the investor.

Senator Raggio requested that the State Division of Health be requested to testify in regards to the costs involved.

The Committee recessed at 9:40 a.m. for five minutes.

The Committee re-adjourned at 9:55 a.m.

Senator Hernstadt explained his amendments to Mr. Orville Wahrenbrock and Mr. Al Edmundson of the Department of Human Resources and State Health Division. Senator Hernstadt said that Mr. Wahrenbrock was in the bill drafter's office when the amendment was composed. Senator Hernstadt stated that the Department can require cash "up front" money for equipment, personnel and consultants.

Mr. Wahrenbrock said that the Department does not take a position on the substances. Mr. Wahrenbrock said that the Senate Finance Committee requested that the Department poll the members of the Board of Health on A.B. 121, and the results were as follows: Dr. Butler, Chairman of the Board, is opposed to the bill; Dr. Bentley was not available for a statement; Dr. Libke is opposed to the bill; Mrs. Gleason is opposed to the bill and to the substances involved; Dr. Cannon is opposed to the substances and Mrs. Fulstone did not have an opinion. Mr. Wahrenbrock said that the bill does not allow the Department to have trained personnel available when an application for license is made, and no one knows how many manufacturers are going to be making application for licenses.

Mr. James Joyce stated that a precedent was set when in the 1973 Session a Board of Oriental Medicine was set up, and they applied to the Interim for a minor amount of \$8,300.

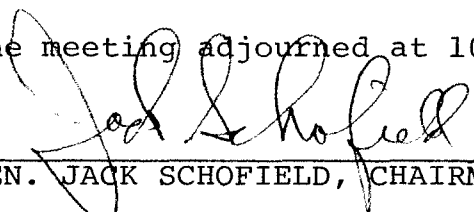
Senator Raggio stated that the Division is saying that it will cost a set amount to start such a program, and he questioned if it was right to ask the first applicant to pay the bulk of the set-up costs within the Division, and for it to be less for the second and third applicants.

Mr. Edmundson said that there is a difference between this bill and the acupuncture provision, as the Laetrile and GH3 production will require an inspector on the site.

Dr. William Edwards stated that in regards to the \$8,300 request for the acupuncture program, this amount was a loan to the Division, and at this date it has been paid back to the General Fund.

Senator Hernstadt asked Mr. Wahrenbrock if the Department would have a problem with this measure if the legislative intent was clear that the people have access to these substances, and that the Division would not have to take any action until they were approached by an applicant, and then that applicant would have to bear all the costs? Mr. Wahrenbrock said that he had not seen the language of the amendment as of yet, but based on the Committee's representation, the Division could "live with it".

The meeting adjourned at 10:28 a.m.


SEN. JACK SCHOFIELD, CHAIRMAN


SHEBA LYNN WOOLLEY, SECRETARY

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 33

ASSEMBLY BILL NO. 33—ASSEMBLYMEN BROOKMAN,
MURPHY, DREYER, BENNETT, SENA AND COULTER

JANUARY 18, 1977

Referred to Committee on Health and Welfare

SUMMARY—Clarifies authority of state personnel to inspect health
and care facilities. (BDR 40-95)

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 health and care facilities; clarifying the authority of certain
personnel of the department of human resources to enter such facilities in
performance of official duties; 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 449.001 is hereby amended to read as follows:
- 2 449.001 As used in NRS 449.001 to 449.245, inclusive, *and section*
- 3 *3 of this act*, unless the context otherwise requires, the words and terms
- 4 defined in NRS 449.002 to 449.018, inclusive, have the meanings
- 5 ascribed to them in [such] *those* sections.
- 6 SEC. 2. NRS 449.150 is hereby amended to read as follows:
- 7 449.150 The health division may:
- 8 1. Upon receipt of an application for a license, conduct an investi-
- 9 gation into the premises, facilities, qualifications of personnel, methods
- 10 of operation, policies and purposes of any person proposing to engage
- 11 in the operation of a health and care facility. Such facility is subject to
- 12 inspection and approval as to fire safety standards, on behalf of the
- 13 health division, by the state fire marshal or his designate.
- 14 2. [Inspect every licensed health and care facility as often as is nec-
- 15 essary to assure that there is compliance with all applicable rules, regu-
- 16 lations and standards.
- 17 3.] Employ such professional, technical and clerical assistance as
- 18 it deems necessary to carry out the provisions of NRS 449.001 to
- 19 449.245, inclusive.
- 20 SEC. 3. Chapter 449 of NRS is hereby amended by adding thereto
- 21 a new section which shall read as follows:

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