Members Present:

Chairman Jeffrey
Vice Chairman Robinson
Assemblyman Bennett
Assemblyman Chaney
Assemblyman Horn
Assemblyman Sena
Assemblyman FitzPatrick
Assemblyman Rusk
Assemblyman Tanner
Assemblyman Weise

Members excused:

Assemblyman Bremner

Chairman Jeffrey called the meeting to order at 2:20 p.m. he stated that the committee would consider AB 550, then AB 581, then AB 509 and then SB 95.

AB 550:
Chairman Jeffrey stated that this bill had been introduced by Assemblyman Mann (by request) and since those present to testify on the bill were only those in opposition to the measure, the committee briefly discussed the bill. Mr. Bennett stated that he did not believe Mr. Mann would appear to testify on this bill.

AB 581: The committee discussed this bill which would repeal the provision in the law that persons working on public works projects only be allowed to work 8 hours per day. It was decided that this provision was obsolete and that the bill would be to the public benefit.

AB 509: This bill will be rescheduled due to the absence because of illness of Mrs. Westall.

SB 95: Senator Jean Ford spoke to the committee as introducer of this bill. She stated that the bill was the result of an opinion in August, 1978 by the Attorney General which precluded nurses and other agents from calling in prescription for the doctors to the druggists. She stated that prior to the opinion being issued it was a wide spread practice. She stated that the bill had been amended in the Senate and she felt the amendment had made a better bill; she reference page 2, section 3 and 4. She pointed out that the ability to delegate this responsibility was optional with each doctor and if some did not wish to give authorization to an agent, they did not have to do so. Mrs. Ford stated that she would also be in agreement with a proposed amendment submitted by George Bennett.

Next to address the committee in favor of the bill was Dr. Neil Swissman who stated that he had petitions which contained some 4,300 signatures supporting the bill. Dr. Swissman discussed with the committee how prescriptions are safeguarded from being filled improperly. It was decided that if the bill were passed, as well as currently, the only safeguard is the druggist calling the doctor or his office to verify anything which they felt was out of line, whether it be due to a question on doseage or checking to make sure the prescription was authorized (not a forgery).

Dr. Swissman also pointed out that the authorization in this bill could not be valid for controlled drugs. Dr. Swissman stated that he had heard about an amendment which would provide for a fee to be charged to the doctor electing to file with the Board of Pharmacy authorization for agents; he said that he would oppose the imposition of fees for this registration.

George Bennett, secretary for the State Board of Pharmacy, stated that what had to be weighed in this decision was whether one wanted the commercial convenience of allowing an agent to phone in a prescription, or whether it was felt that the transmittal of the prescription should be left to the doctor only and, therefore, afford the druggist the benefit of talking directly with the doctor in each case.

He stated that they had asked for the amendment referred to by Mrs. Ford because of a misunderstanding in the Senate, and this amendment would delete references in the bill to the lsd, morphine type drugs and poisons which did not need to be in the bill. Amendment No. 294 is attached and marked as Exhibit "A".

He stated also that the amendment they would be proposing as to fees for registration with the Board would enable the Board to compile a list of those authorized by the doctors and the mailing and updating of that list to the pharmacies. He stated that they would suggest this fee not exceed $25 per year for each doctor wishing to take advantage of this. He stated that the fee provision would be amended into the bill under the fee statutes of the prescription section.

In answer to a question from Mr. FitzPatrick, Mr. Bennett stated that there are approximately 1,800 doctors (M.D.s, dentists, podiatrists), and he felt that perhaps 50% of those would desire to authorize an agent to call in prescriptions for him. He stated that the current law provides that refills can be called in by agents of the doctors and he felt that the practice of calling in original prescriptions stemmed from that and the familiarity that has grown up between the various doctor's offices and the druggists. Mr. Weise stated that there was a potential $45,000 income from the proposed fees and he felt that was too high. Mr. Bennett stated that the $25 figure was a maximum and the Board could set the fee lower than that by regulation. Mr. Bennett discussed the various aspects of the registration, dissemination of information, and fees with the committee. After Mr. Bennett concluded his testimony he, Mr. Russ MacDonald and Dr. Swissman discussed the fee problem and Mr. MacDonald stated to the committee that it would be acceptable to them if the fee would be set at a one-time fee of $25.00 per doctor, to cover costs of setting up the file and helping to defray the mailing costs, etc., and effective July 1, 1979 to correspond to the fiscal year. That concluded the testimony on this bill.

Chairman Jeffrey announced that the following sub-committees have been formed:

Sub-Committee on mobile home rent control related matters:

Chairman Dr. Robinson
Mr. Rusk
Mr. Bennett
Mr. Horn

Sub-Committee on no-fault insurance and related matters:

Chairman Mr. Tanner
Mr. Bremner
Mr. Sena
Mr. Chaney

COMMITTEE ACTION:

AB 550: Mr. Weise moved to INDEFINITELY POSTONE, the motion was seconded by Mr. Bennett and passed unanimously.

AB 581: Mr. Weise moved to DO PASS, the motion was seconded by Mr. FitzPatrick and carried unanimously.

SB 7: Mr. Weise moved to INDEFINITELY POSTPONE, the motion was seconded by Mr. FitzPatrick and carried unanimously.

AB 422: Chairman Jeffrey reviewed with the committee the amendments which had been proposed to this bill. Mr. Weise moved to AMEND AND DO PASS, Mr. Rusk seconded the motion and it carried unanimously.

AB 580: Mr. Horn proposed to the committee some amendments to the bill regarding the educational prerequisits in section one and the committee also discussed the the use of the term topical ophthalmic agents rather than the term "diagnostic pharmaceutical agents" and it was decided that the new term would be better in the bill. Mr. Horn's proposed amendment is attached and marked as Exhibit "B" and is based upon the suggested amendment from the Nevada State Board of Optometry which is attached and marked as Exhibit "C". Jim Joyce submitted to the committee a letter and list of agents from the Nevada State Board of Optometry which sets forth those agents and the maximum doseage approved by the board. That information is attached and marked as Exhibit "D".

Mr. Tanner moved to AMEND AND DO PASS, Mr. Bennett second the motion and it carried with Mr. FitzPatrick voting against the motion, Mr. Bremner being excused and Dr. Robinson abstaining.

SB 95: Mr. Weise moved to AMEND AND DO PASS, Mr. Horn seconded the motion and it carried unanimously.

AB 518: Mr. Tanner moved to INDEFINITELY POSTPONE, Mr. Bennett

seconded the motion and it carried with Mr. Horn voting against the motion.

Chairman Jeffrey stated that there had been some amendments to AB 366 which he felt the committee should review before acting on the bill and these would be distributed to the members. He also assigned a review of the information which had been received from the State Board of Cosmetology to Mr. Tanner for review and report.

There being no further action to come before the committee, Mr. Jeffrey adjourned the metting at 4:08.

Respectfully submitted,

Linda D. Chandler

Linda D. Chandler
Secretary

ASSEMBLY COMMERCE COMMITTEE

ROLL CALL: Hearing date: 4-4 , 1979

	Present	Absent	Excused
CHAIRMAN JEFFREY	x		
VICE CHAIRMAN ROBINSON	x		
MR. BENNETT	x		
MR. BREMNER			x
MR. CHANEY	x		
MR. HORN	x		
MR. SENA	x		
MR. FITZPATRICK	x		
MR. RUSK	x		
MR. TANNER	x		
MR. WEISE	x		

Date of Hearing 4-4-79

ASSEMBLY COMMERCE COMMITTEE

GUEST LIST

NAME (Please print)	REPRESENTING (organization)	WISH TO SPEAK Yes	No.
KENNETH R. SHADDY	NEVADA STATE BARBERS HEALTH & SANITATION BOARD AB550	X	~~X~~
TRAY EHRGOTT	NEVADA STATE BARBER & BEAUTY ASSN AB550	X	
JAMES THREET	NEV. STATE BARBERS-BEAUTICIANS ASSOC. AB 550	X	
Eddie Cosiani Sr	Nev Barber Board		

1979 REGULAR SESSION (60TH)

ASSEMBLY ACTION	SENATE ACTION	Assembly AMENDMENT BLANK
Adopted ☐	Adopted ☐	AMENDMENTS to Senate
Lost ☐	Lost ☐	Bill No. 95 ~~Joint Resolution No.~~
Date:	Date:	BDR 54-634
Initial:	Initial:	Proposed by Committee on Commerce
Concurred in ☐	Concurred in ☐	
Not concurred in ☐	Not concurred in ☐	
Date:	Date:	
Initial:	Initial:	

Amendment No. 294

Amend section 2, page 1, by deleting line 3 and inserting:

"Sec. 2. 1. A prescription must be".

Amend section 2, pages 1 and 2, by deleting lines 19 through 21 on page 1 and lines 1 and 2 on page 2.

Amend section 3, page 2, line 7, by inserting after "1" the words "of section 2 of this act".

Amend the title of the bill, line 2, by deleting:

"certain".

EXHIBIT "A"

To: E & E
LCB File
Journal
Engrossment
Bill

1130

Date 3-12-79 Drafted by JW:ml

3044

AB 580: Amendment

Sec. 1: The State Board of Optometry shall adopt policies pursuant to Chapter 636 of NRS to specify additional educational requirements to insure a rigid standard of professional competence by those practitioners who apply to the Board for certification enabling them to administer topical ophthalmic pharmaceutical agents for diagnostic purposes.

Only those optometrists who have satisfactorily completed the approved curriculum which includes general and ocular pharmacology, given by an institution accredited by a regional or professional accreditation organization, recognized or approved by the Council on Post-Secondary Accreditation, Northwest Accreditation Association, or the United States Office of Education, within the Department of Health, Education and Welfare and approved by the Nevada State Board of Optometry are eligible to apply for the certificate issued pursuant to Section 1, Chapter 636 of NRS.

Those practitioners who have established the elegibility pursuant to this section must also pass an examination, approved and administered by the Board or it's agents, before they may be certified to administer topical ophthalmic diagnostic pharmaceutical agents.

Also, Amend Page 2, line 3 to read:

6. "Diagnostic pharmaceutical agents" means topical ophthalmic anesthetics and topical cycloplegics, miotics and mydriatics.

EXHIBIT "B"

AFFILIATED WITH
THE AMERICAN OPTOMETRIC ASSOCIATION

AFFILIATED WITH
INTERNATIONAL BOARD OF BOARDS

NEVADA STATE BOARD OF OPTOMETRY

STATE BOARD POLICY

THIS IS THE POLICY OF THE NEVADA STATE BOARD OF OPTOMETRY, CONCERNING THE IMPLEMENTATION OF THE USE OF TOPICAL PHARMACEUTICAL AGENTS FOR DIAGNOSTIC PURPOSES, BY NEVADA OPTOMETRIST.

THE BOARD WILL ADOPT AS AN AMENDMENT TO THE BOARD RULES AND REGULATIONS THIS POLICY STATEMENT, WHICH WILL BECOME EFFECTIVE UPON THE DATE OF APPROVAL OF A B 580.

Sec. 1

THE STATE BOARD OF OPTOMETRY SHALL ADOPT ~~RULES~~ policies PURSUANT TO CHAPTER 636 OF NRS. TO SPECIFY ADDITIONAL EDUCATIONAL ~~QUALIFICATIONS~~ Requirements ~~TO BE CERTIFIED~~ TO INSURE A RIGID STANDARD OF PROFESSIONAL COMPETENCE BY THOSE PRACTITIONERS WHO APPLY TO THE BOARD FOR CERTIFICATION ENABLING THEM TO ADMINISTER TOPICAL PHARMACEUTICAL AGENTS FOR DIAGNOSTIC PURPOSES.

ONLY THOSE OPTOMETRISTS WHO HAVE SATISFACTORILY COMPLETED ~~A~~ the approved CURRICULUM ~~OF~~ which includes GENERAL AND OCULAR PHARMACOLOGY, GIVEN BY AN INSTITUTION ACCREDITED BY A REGIONAL OR PROFESSIONAL ACCREDITATION ORGANIZATION, RECOGNIZED OR APPROVED BY THE COUNCIL ON POST-SECONDARY ACCREDITATION, OR THE UNITED STATES OFFICE OF EDUCATION, WITHIN THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE AND APPROVED BY THE NEVADA STATE BOARD OF OPTOMETRY ARE ELIGIBLE TO APPLY FOR THE CERTIFICATE ISSUED PURSUANT TO SECTION # 1 CHAPTER 636 NRS. Northwest Association

THOSE PRACTITIONERS WHO HAVE ESTABLISHED THE ELIGIBILITY PURSUANT TO THIS SECTION MUST ALSO PASS AN EXAMINATION, APPROVED AND ADMINISTERED BY THE BOARD OR IT'S AGENTS, BEFORE THEY MAY BE CERTIFIED TO ADMINISTER TOPICAL PHARMACEUTICAL AGENTS.

Robert T. Myers O.D.

ROBERT T. MYERS O.D.
PRESIDENT, NEVADA STATE BOARD OF OPTOMETRY

1122

EXHIBIT "C"

AFFILIATED WITH
THE AMERICAN OPTOMETRIC ASSOCIATION

AFFILIATED WITH
INTERNATIONAL BOARD OF BOARDS

NEVADA STATE BOARD OF OPTOMETRY

STATE BOARD POLICY

THIS IS THE POLICY OF THE NEVADA STATE BOARD OF OPTOMETRY, CONCERNING THE IMPLEMENTATION OF THE USE OF TOPICAL PHARMACEUTICAL AGENTS FOR DIAGNOSTIC PURPOSES, BY NEVADA OPTOMETRIST.

THE BOARD WILL ADOPT AS AN AMENDMENT TO THE BOARD RULES AND REGULATIONS THIS POLICY STATEMENT, WHICH WILL BECOME EFFECTIVE UPON THE DATE OF APPROVAL OF A B 580.

THE STATE BOARD OF OPTOMETRY SHALL ADOPT RULES PURSUANT TO CHAPTER 636 OF NRS. TO SPECIFY ADDITIONAL EDUCATIONAL QUALIFICATIONS AND TO INSURE A RIGID STANDARD OF PROFESSIONAL COMPETENCE BY THOSE PRACTITIONERS WHO APPLY TO THE BOARD FOR CERTIFICATION ENABLING THEM TO ADMINISTER TOPICAL PHARMACEUTICAL AGENTS FOR DIAGNOSTIC PURPOSES.

ONLY THOSE OPTOMETRISTS WHO HAVE SATISFACTORILY COMPLETED A CURRICULUM IN GENERAL AND OCULAR PHARMACOLOGY, GIVEN BY AN INSTITUTION ACCREDITED BY A REGIONAL OR PROFESSIONAL ACCREDITATION ORGANIZATION, RECOGNIZED OR APPROVED BY THE COUNCIL ON POST-SECONDARY ACCREDITATION, OR THE UNITED STATES OFFICE OF EDUCATION, WITHIN THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE AND APPROVED BY THE NEVADA STATE BOARD OF OPTOMETRY ARE ELIGIBLE TO APPLY FOR THE CERTIFICATE ISSUED PURSUANT TO SECTION # 1 CHAPTER 636 NRS.

THOSE PRACTITIONERS WHO HAVE ESTABLISHED THE ELIGIBILITY PURSUANT TO THIS SECTION MUST ALSO PASS AN EXAMINATION, APPROVED AND ADMINISTERED BY THE BOARD OR IT'S AGENTS, BEFORE THEY MAY BE CERTIFIED TO ADMINISTER TOPICAL PHARMACEUTICAL AGENTS.

Robert T. Myers O.D.

ROBERT T. MYERS O.D.
PRESIDENT, NEVADA STATE BOARD OF OPTOMETRY

EXHIBIT "D"