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Assembly Committee on			
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MEMBERS PRESENT: Chairman Bennett Mr. Brady Mr. Chaney Mrs. Cavnar Mr. Glover Mr. Getto

MEMBERS ABSENT: Mr. Craddock

GUESTS PRESENT: Paul Prengaman, Assemblyman, District 26 Robert McQueen, Nevada Bd. Psychological Examiners Linda S. Middleton Twain Walker, LCB, Audit Division Henry Soloway, Assoc. Path., Las Vegas Jack Middleton, Div. of MH & MR Pat Gothway, Nevada Nurses' Assoc. Tom Doody, Nevada Blood Service Frank Holzhauer, Dept. of Human Resources

Chairman Bennett convened the meeting at 5:00 P.M. and asked for testimony in support of AB 149.

Henry Soloway, Physician, Pathologist and blood banker said circumstances have evolved relative to procurement of blood throughout the United States that have implications in Nevada. Since 1974 all the blood used in Nevada has been collected from voluntary blood donors. When blood is donated pertinent questions relating to personal history are asked. The answers to these questions become a permanent part of the persons medical history, as well as data gathered from blood samples and other clinical tests. Blood Services and other blood banks requests the donor supply a Social Security number. This information is transmitted out of state to Phoenix where it is put on a computer and made a permanent record. A list of disqualified donors is compiled. Information from this file is used by agencies, such as NIC, sometime to the detriment of the volunteer donor, to determine legitimay of claims. The donors can be permanently disqualified as blood donor if he has had venereal disease, hepatitis, high blood pressure, cancer or other things.

Doctor Soloway continued that voluntary information from voluntary blood donors should not be made a permanent part of a donors history to be used, possibly to his detriment. The donors are a vital part of our health system and these altrustic individuals should not be subject to scrutiny other than for the purposes of the original intent of the collection of the information. Information colated by Social Security number should not be disseminated.

Any information collected should not be disseminated without the previous knowledge of the donor.

Mrs. Cavnar asked if this information could be disseminated to insurance companies.

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Doctor Soloway said there were leaks in the system that made this possible although there were safeguards to prevent such dissemination.

Mr. Glover asked how important it was to have permanent lists of disqualified blood donors.

Dr. Soloway stated that permanent lists within the state of disqualified blood donors were vitally necessary. There were people who were disqualified that still tried to donate blood. Mrs. Cavnar questioned the necessity of transmitting information to Phoenix on conditions or diseases that were not definitely known to be transmittable by blood.

Mr. Frank Holzhauer, Department of Human Resources said his Department had not taken a position for or against the measure but it was important that all information on communicable diseases be reported to Human Resources. It is important that they know of individuals with these diseases. If the blood banks had another way of stopping disqualified donors from donation blood, it was up to them to control the situation. His departments use of the information was helpful to all concerned.

Mr. Tom Doody, Nevada Blood Service, stated they were a federally licensed blood bank service and operated throughout the United States. It was vitally important that they have accurate records of donors nationwide because blood collected in one state may well be used in another. Control by Social Security number was the best method. If the donor did not have a Social Security number, a number was assigned to the individual for identification purposes.

Mrs. Cavnar asked if the federal license depended on having the information on all donors. She was informed the federal license was necessary only to move blood across state lines.

Mrs. Cavnar stated that blood could be traced back to areas from which they came without the use of the Social Security number. Mr. Doody replied if the Social Security Number was not available, a number was assigned and became a permanent part of the record for control purposes.

Mr. Chaney was concerned that a mix-up in numbers might have detrimental results and was informed that there were safeguards built into their system to prevent this.

Chairman Bennett called for testimony on AB 191.

Dr. Robert McQueen Nevada Board of Psychological Examiners, spoke in favor of <u>AB 191</u>, stating the original bill, statute 641, did have provisions for trainees. They had through rules

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regulations provided for psychologists associates with a masters degree, or more. There is now only one in the state. They anticipate an increase since the University of Nevada is now offering a doctoral program in psychology. Part of the requirement for certification is that the person have one year of post doctoral supervised training.

In response to a question from Mr. Getto, Dr. McQueen said the assistant would work directly, in the same office with a clinical psychologist.

Mr. Brady was concerned that the term "psychotherapy" (line 4,) included the practice of hypnosis. Dr. McQueen confirmed this was one method of approved treatment.

Mr. Brady was of the opinion the proposed bill, <u>AB 191</u>, should be amended to exclude the assistant practicing hypnosis. The witness stated he had no objection to this alteration of the bill.

Mrs. Cavnar was of the opinion that the educational requirements of the assistant should be specified by law as a safeguard rather than done by rules and regulation of the Board of Psychologists.

Mr. Getto asked why they were lowering the passing grade requirement of 75% to 70%; why the fee was increased from \$25 to \$85; and why the biennial registration fee, maximum amount was increased from \$80 to \$100.

Dr. McQueen stated the type of examination had changed to one uniformly used throughout the States and in Canada and the cost to the board was \$80, with additional expenses involved. The original requirement of a test score of 75% was on a test devised in 1963. The accepted passing score on the test now used, nationwide, is 70%. The registration fee has been increased to cover the actual cost of operation for the board. Travel expenses are especially high as half the people on the board are from the southern part of the state and half from the northern. There are no employed people.

Chairman Bennett asked for testimony on AB 253.

Mr. Prengaman, Assemblyman, spoke in favor of the measure stating it was an agency bill, Division of Mental Hygiene and Mental Retardation. This bill will authorize the operation of small canteens in residential programs for mentally retarded clients. It does not have any fiscal impact and space for the canteen is provided in the construction plans of the new facilities.

Mr. Middleton, Associate Administer of the Division of Mental Hygiene and Retardation, which operates two divisional facilities of about 78 beds each, spoke in favor of <u>AB 253</u>. These individuals cannot readily leave the facility to purchase items. The money would be used to buy more goods for sale to the residents of the facility.

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Mr. Glover asked why had they not been able to do this in the past and was informed there was a statute in the books that prohibited it except for the Services to the Blind.

Mrs. Cavnar asked if the above referenced law would have to be repealed and was informed that it was the understanding of the witness that this was specific legislation that would exempt their facility from that chapter of the law. the authority does now exist for all mental health facilities to run canteens, Chapter 433.

Mr. Twain Walker, Legislative Counsel Bureau, Audit Division, presented a proposed amendment to <u>AB 253</u>, to wit: "The respective administrative officers shall deposit the money used for the operation of the canteen [funds] in one or more banks of reputable standing, [and] <u>except that</u> an appropriate sum may be maintained as petty cash at each canteen." (EXHIBIT "A")

The amendment is an attempt to clean up the language as it relates to accounting. Mr. Walker stated Mr. Dakin, with whom this had been discussed, had no objections to the amendment. This was the original intent of the bill.

Mr. Getto noted there was another bill, if passed, would have an impact on this one and was informed this would be picked up in a cross reference.

Mrs. Cavnar asked the disposition of any profits from the operation of the canteen and was informed most of the statutes stated profits might be used for recreation of clients at the facility. They anticipate selling at cost with no profit margin built in.

Chairman Bennett asked for Committee consideration of action on AB 49, AB 50, and AB 51.

Pat Gothway reviewed previously discussed proposed amendments (Committee meeting of Feb. 1)

On <u>AB 49</u>, the proposed amendment deletes paragraph 2 of Section 1; (lines 8 through 11, page 1); (line 12, page 2) delete "as determined by the board." and add "as determined by the Nevada State Board of Education."

Mr. Getto moved to amend and Do Pass <u>AB 49</u>. Mr. Glover seconded the motion; Mrs. Cavnar abstained - conflict of interest; and Chairman Bennett, Mr. Chaney, Mr. Glover, Mr. Brady and Mr. Getto voted "yes". Motion carried

AB 50, the proposed amendment deletes Section 1, lines 1 through 8, page 1, and changes the summary to reflect accordingly.

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Mr. Getto moved to amend and Do Pass <u>AB 50;</u> Mr. Glover seconded the motion; Mrs. Cavnar abstained - conflict of interest; and Chairman Bennett, Mr. Chaney, Mr. Glover, Mr. Brady, and Mr. Getto voted "yes". Motion carried.

AB 51, the proposed amendment changed line 5, page 1, to read "of completion, during the 2 year period before renewal of the license, of 30"

Mr. Brady called for a discussion.

Mrs. Cavnar said she knew a great many nurses opposed this legislation. They felt if a nurse were working full time, she did not need as many hours of continuing education as those that were not working full time. Upon inquiry, she was informed 20% to 25% of nurses in the state belonged to the association that supported the legislation.

Mr. Glover approved the legislation stating he felt it was a good measure and opposition by the nurses would subside after they saw the benefits derived by the continuing education to all in the field.

Mr. Bennett stated that he believed in this life support endeavor, continuing education was necessary. It was too important a function to permit to deteriate by lack of continuing education to keep well informed and skilled. If the nurses were not willing to keep abreast of their field perhaps they should abandon their career.

Mr. Chaney said he felt there would be opposition to the final passage of the bill because he had received calls from people who strongly opposed the measure; they contended there was no need for this legislation. They are on the job daily and are kept up-to-date on new procedures and new equipment. This legislation would impose a hardship. He personally felt that 30 hours requirement every two years was not excessive.

Mr. Brady was concerned that this would work a hardship on nurses in rural areas. Ms. Gothway stated they received most of their support for the measure from nurses in rural areas and the rural areas offer many programs that meet the requirements of the continuing education program.

Mr. Glover stated the employers should willing allow time for the nurses to meet the necessary requirements. He was informed by Mrs. Cavnar that private doctors were under no obligation to give the nurses time off for this purpose. Some of the chief opposition was from those nurses who worked "swing shifts" and weekends. It would be very difficult for them to participate in the education offerings. Mrs. Cavnar further stated she would like to have heard from nurses in associations other than Nevada Nurses Association.

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Chairman Bennett stated he felt the bill had been amply publicized and had they wished to speak they could have done so.

Mr. Getto moved a Do Pass as amended; Mr. Glover seconded the motion. Voting "Yes"were Mr. Glover, Mr. Chaney, Mr. Bennett, and Mr. Getto; Mr. Brady voted "No"; Mrs. Cavnar abstained - conflict of interest; motion carried.

Chairman Bennett agreed to handle the amendments on the floor for AB 173. (EXHIBIT "B")

Mr. Chaney moved to Do Pass <u>AB 173</u> as amended; Mr. Glover seconded the motion; motion carried unanimously.

Mr. Bennett presented a proposed amendment to AB 172. (EXHIBIT "C")

Mr. Brady moved Do Pass <u>AB 172</u> as amended; Mr. Glover seconded the motion; motion carried unanimously.

On <u>AB 149</u>, Mrs. Cavnar objected to using Social Security numbers. She was aware of a lot of information obtained by insurance companies from these type records, without the individual concerned having a signed consent agreement.

In response to a question, Mr. Getto was informed there were means to check the source of blood when that was nessary.

Mr. Brady moved to Do Pass <u>AB 149</u>. Mr. Glover seconded the motion. Motion carried unanimously.

The Committee agreed there was a problem with <u>AB 191</u>, specifically the duties of the associate psychologist as pertained to "psycho-therapy". Mr. Glover was designated to work out the amendment.

Mrs. Cavnar moved to Do Pass as amended <u>AB 253</u>. Mr. Glover seconded the motion; motion carried unanimously.

The meeting adjourned at 6:40 P.M.

Respectfully submitted:

MARJORIE D. ROBERTSON, Secretary

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EXHIBIT A

AB 253 PROPOSED AMENDMENT

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3. The respective administrative officers shall deposit the money used for the operation of the canteen [funds] in one or more banks of reputable standing, [and] except that an appropriate sum may be maintained as petty cash at each canteen.

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EXHIBIT A

(1)	Proposed	i by State Division of Welfare by Yerlia Davis, Clark County Social Service	سربر	
(2) (3)	Proposed Proposed	by Y erlia Davis, Clark County Social Service d by Susan Haase, Nevada Association for Retard		
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		ASSEMBLY BILL NO. 173-ASSEMBLYMEN	ined	
		BENNETT AND CHANEY		
		JANUARY 23, 1979	materlal	
		Referred to Committee on Health and Weifare	er	
		SUMMARY-Provides protective services and placement	lal	
		to certair adults. (BDR 38-367) FISCAL NOTE: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.	a .	
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·	-	EXPLANATION-Matter in Haller is new; matter in brackets [] is material to be omitted.	dy	
			1 in	
		AN ACT relating to public welfare: providing protective services and protective placement to certain adults unable to care for themselves; providing a procedure for such services and placement; providing a penalty; and providing		
		other matters properly relating thereto.	pđ	
		The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:	proposed	
	1	SECTION 1. Chapter 431 of NRS_is hereby amended by adding	3	
	· 2 3	thereto the provisions set forth as sections 2 to 19, inclusive, of this act. SEC. 2. As used in sections 3 to 19, inclusive, of this act, unless the	bi11	
	4	context otherwise requires, the words and terms defined in sections 3 to	-	
	6	10, inclusive, have the meanings ascribed to them in those sections. SEC. 3. "Abuse" means the willful:	ЛВ	
	7 8	 Infliction of physical or mental pain or physical injury; or Deprivation of food, shelter, clothing or services which are necessary for physical or mental health 	17	
	9 10	sary for physical or mental health, by a caretaker.] ເ ມ	
	÷ ¹¹	SEC. 4. "Adult" means any person 18 years of age or older.	EXH	
(1)	11 See	c. 4. "Adult" means any person 18 years of age	or older whose	
	bel	havior indicates that he is mentally of physica	illy incapable or H	
	12	ately caring for himself". SEC. 5. "Caretaker" means a person who has assumed the responsi- bility for caring for an adult who is unable to care for himself.		:
(3)	- 10 0-	- 5 "Caratakar" means a person or entity who h	as assumed the	
(-)	re	sponsibility for caring for an adult who is un	able to care for	
	hi	mself.	•	
		SEC. 6. "Division" means the welfare division of the department of man resources.		
	16	SEC. 7. "Exploitation" means the wrongin use of an enter that	•	
	18 <i>ad</i>	ult is unable to care for himself.		
		SEC. 8. "Neglect" means the failure of a curculate mental or physical elter, clothing or services which are necessary for the mental or physical aith of the adult for whom he is responsible or the failure of an adult		
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	$\begin{array}{ccc} 1 & to \\ 2 & in \end{array}$	provide for his own such needs because of his physical or mental mability to do so.		
	3	SEC. 9. "Protective placement" means the placement of an addit in a	EXHIBIT B	~
	<u>5</u> a	nd services which are necessary for his physical and manual methods	4	
(1)	5 Se	c. 9 and services which are necessary for his phealth. "Protective placement does not in	ohysical and mental	:
		mental hygiene or mental retardation facil		.~

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AB 173 page 2 of proposed revisions

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SEC. 10. "Protective services" means those services for which money may be received by the state pursuant to 42 U.S.C. § 1397a whose purpose is to prevent and remedy the abuse, exploitation and neglect of

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7 Sec. 10. may be received by the state pursuant to 42 U.S.C. § 1397a "and utilized in accordance with a comprehensive annual services progr plan whose purpose is to prevent and remedy the abuse, exploitation, and neglect of adults; and those services provided by the Division as matter of state law and regulation."

EXHIBIT B

9 adults.

10 SEC. 11. 1. If it is reported to the division that a person is unable to 11 obtain food, shelter, clothing or services which are necessary to his mental 12 or physical health, or is subject to abuse, exploitation or neglect, the divi-13 sion shall, within 3 working days, investigate and verify whether the 14 report is true.

15 2. If the investigation reveals that the report is true, the division 16 shall provide protective services to the person if he is able and willing 17_{10} accept them.

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17 Sec 12 to accept them. "The adult who is the subject of the petition has the right to be present and represented by counsel at the hearing

18 3. The division may acquaint the person with the services provided by the division or other agencies for which the person may be eligible without regard to whether protective services are provided to him. Eligibility for those services must be determined according to the provisions of law which otherwise govern them.

SEC. 12. I. Any interested person or, if the investigation conducted 24 pursuant to section 11 of this act reveals that the report is true and the 25 adult is unable or unwilling to accept services deemed necessary by the 26 division to protect his physical or mental health, the division may petition 27the district court for the county in which the adult resides to hold a hear-28 ing to determine whether to order for that adult protective services, pro-29 tective placement or other services for which the adult is eligible and 30 which the court determines are necessary to protect the physical and men-31 tal health of the adult.

32 2. The interested person or the division shall provide written notice 33 of the filing of a petition under this section to the adult on whose behalf 34 the petition is filed and to any other person known to the petitioner to be 35 interested in the welfare of that adult. The notice must be received not 36 less than 10 days before the hearing and must state the basis upon which 37 the petition is filed.

38 3. The interested person or the division shall submit at the hearing 39 all evidence upon which the request to order protective services, pro-40 tective placement or other services is based.

41 4. The court shall order any services or protective placement to the 42 extent necessary to protect the physical or mental health of the adult.

43 SEC. 13. 1. If it appears to the division or an interested person that 44 the physical or mental health of an adult is in immediate danger, the 45 division or that person may petition the district court for the county in 46 which the adult resides for a hearing to determine whether a temporary 47 order for immediate protective services should be made.

18 2. The petition must be accompanied by an affidavit signed by the 49 director of the department of human resources or by the interested person 50 which states facts showing why the adult is in immediate danger. It must

49,50 Sec. 13 2. the director. "[the director]" substitute "the administrator of the division or his designee"

1 also state whether notice of the petition was provided to the adult and to 2 persons known to the petitioner to be interested in his welfare. If that 3 notice was not provided, the director or the interested person shall set 4 forth in the affidavit the reasons why notice was not provided.

3 <u>notice was not provided</u>[the director] substitute "the administrator or his designee"

EXHIBIT B

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AΒ 173 page 3 of proposed revisions

> 3. Except as provided in subsection 4, written notice of a petition $E \times H + B + T = B$ filed pursuant to this section must be provided to the adult on whose £. behalf the petition was filed and to any person known to the petitioner to be interested in the welfare of that adult. The notice must state the basis upon which the petition is filed.

4. Written notice not required under this section if the exigencies 10 11 of the situation are such that to provide notice would jeopardize the physical or mental health of the adult on whose behalf the petition is 12 13 filed.

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Line

13 filed. add "The adult who is the subject of the petition has the right to be present and represented by counsel at the hearing."

5. The court shall order temporary protective services only if they 15 are necessary to protect the physical or mental health of the adult. The 16 order must be limited to a period not longer than 30 days. The court may grant one extension of the order for a like period for good cause shown. 17 SEC. 14. The court may, upon ordering protective placement or other 18 services necessary to the physical or mental health of an adult, require payment for the costs of placement or the services from that adult. 19 20

21 SEC. 15. The provisions of sections 2 to 19, inclusive, of this act do <u>22</u> not require that medical care be ordered for a person in contravention of 23 his stated or implied objection to the care because it conflicts with his 24 religious beliefs.

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24 Sec. 15. religious beliefs.

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of this act.

Add Sec 16. (new) "Within 6 months after the entry of an order for protective placement for other services, the court shall review the order to determinewhether the order should be vacated, modified or continued. It it is determined the order should be modified or continued, the court shall set another date for review, not more than 1 year from the date of the modification or continuance."

SEC. 16. Any person who in good faith:

1. Reports to the division what he believes to constitute:

(a) An inability of a person to obtain food, shelter, clothing or services necessary to his physical or mental health; or

(b) The abuse, exploitation or neglect of a person; or

2. Files a petition under sections 12 or 13 of this act or otherwise participates in a judicial proceeding under those sections,

32 is immune from any civil or criminal action for making the report, filing 33 the petition or participating in the proceedings or for any consequential 34 damages, if the person acted without malicious intent. 35

SEC. 17: All records and information compiled or obtained by the 36 division in performing the duties imposed by sections 2 to 19, inclusive, 37. of this act are confidential and not open to public inspection except when used in a judicial proceeding initiated under sections 12 or 13 of this act. 38 39 SEC. 18. To the extent that money is provided and without limiting 40 the powers of the division, each board of county commissioners and the agents appointed pursuant to NRS 428.010, shall exercise the powers and 41 42 perform the duties provided to the division by sections 2 to 19, inclusive, 43

39 Sec 18 To the extent that money is provided by their respective counties, and without limiting the powers of the division, each board of county commissioners and the agents appointed to NRS 428.010, may at their option, but without creating any chligation upon the division, [shall] exercise the powers and Der the duties provided to the division by sections 2 to 19, his act.

SEC. 19. 1. Except as provided otherwise in subsection 2, any per-14

son who abuses, neglects or exploits an adult who is unable to care for 45

himself is guilty of a misdemeanor. 46

44 Sec 19 Except as provided otherwise in subsection 2, an person who abuses, neglects or exploits and adult who is unable to care himself is guilty of at least a misdemeanor. 1

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A person may not be convicted of a violation of this section for 47 2. 18abusing or neglecting himself.

EXHIBIT B

ÉXHIBIT C

m Bennett

EXHIBIT "C"

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EXHIBIT C

AMENDMENT TO AB 172 SECTION 4

> 3. If such placement is recommended by a person other than a licensed child - placing agency, the welfare division shall, within 60 days after receipt of the written notice, complete an investigation of the medical, mental, financial and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for placement of the child for adoption. The investigation [shall] <u>must</u> also embrace any other relevant factor relating to the qualifications of the prospective adoptive parents [, but shall not] and <u>may</u> be a substitute for the investigation required to be conducted by the welfare division on behalf of the court [under NRS 127.120] when a petition for adoption is pending, if the adoption petition is filed within three months of the completion of the investigation required by this subsection.

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	MOT	ION		AME	ND		AMEN	D
VOTE:	Yes	No		Yes	No		Yes	No
BENNETT CHANEY	· · · · · · · · · · · · · · · · · · ·	دستبینیتیه	. –					•
CRADDOCI GLOVER	K							
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	60th NEVADA	LEGISLATURE	
		ELFARE COMMITTEE	
		ATIVE ACTION	
т е	<u>9/15/79</u>		
SUBJECT	1B-172	• •	
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MOTION:	· · · · · · · · · · · · · · · · · · ·		میں سے بیٹھ میں کھی کی میں شہر میں میں پی اور اور میں میں ہیں ہے۔
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¥	Mr. Brody		
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	MOTION	AMEND	AMEND
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BRADY CAVNAR			
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Attached	to Minutes	·	EXHIBIT C
		······	48

		60th NEVADA LE	GISLATURE			
		HEALTH AND WEI	FARE COMM	ITTEE		
		LEGISLAT	IVE ACTION	N		
	2/15/79)	. · · ·	
SUBJECT	4B-149	·				
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VOTE:	Yes	No	Yes	No	Yes_	No
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CHANEY CRADDOCI			· · · · · · · · · · · · · · · · · · ·			· · · · · · · · · · · · · · · · · · ·
GLOVER BRADY					Series and a series of the ser	-
CAVNAR GETTO				•		·····
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AMENDED	PASSED		AMENDED &	DEFEATE	G	<u></u>
Attached	to Minutes		·	EX	HIBIT C	49

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	1,5/79	,					
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VOTE:	Yes	No	. ·	Yes	No	Yes	No
BENNETT CHANEY		•					
CRADDOCK GLOVER		<u> </u>	•				
BRADY CAVNAR				···	· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·
GETTO		· · · · ·	•				
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AMENDED & PAS						·	
Attached to M	inutes _				• • • • • • • • • • • • •	EXHIBIT C	