

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

MEMBERS ABSENT: Mr. Craddock

GUESTS PRESENT: Mike Nash, Nevada Div. of Health  
                         Floyd Chambliss, Clark County Health District  
                         Wm. M Edwards, M.D., State Health Division  
                         Helen L. Riley, State Board of Podiatry  
                         Dr. Wm. L. Thomason, Bureau of Dental  
                         Jim Bean, Department of Education  
                         Paul Cohen, Health Division  
                         Myrl Nygren, Health Planning & Resources  
                         Nick Flower, Health System Agency, Clark County  
                         Ken Newcomb, Greater Nevada HSP  
                         Caroline Ford, Washoe County District Health Dept.  
                         Sue Wagner, Assemblyman  
                         Kathy Valenta Weise, Attorney General Office  
                         Sam Mamet, Clark County

AB 110

Assemblyman Sue Wagner, Sponsor of AB 110 said there was a philosophical difference in this and the Senate bill on the same subject. All the entities concerned with the endeavor of total immunization of students had gotten together, worked out their differences, made compromises, amended the original proposal and these changes were reflected in SB 117. For this reason Mrs. Wagner suggested SB 117 be considered for adoption rather than AB 110.

Mr. Jim Bean Director of the Division of Curriculum and Instruction for the State Department of Education presented a position paper supporting AB 110, because it puts responsibility for immunization upon the parents. (EXHIBIT # 1)

Mike Nash, Division of Health, Washoe County, opposed AB 110. He said students entering the school system from other jurisdictions had different sets of immunization records. A problem exists in trying to manage the tremendous growth being experience. AB 110 is good but does not sufficiently address all the problems. There is not enough flexibility for the implementation of a good program.

AB 667

Myrle Nygren, Administrator of Office of Health Planning and Research, spoke in favor of AB 667, saying they were responsible for health planning enabling legislation. They administered the Certificate of Need law which deals with issuing letters of approval for facilities to make capital expenditures of \$150,000 or more to enlarge or improve their facilities. The intent of the Certificate is to avoid

AB 667 - continued

duplication of services and contain costs. The purpose of AB 667 is to clarify legal process in relation to the issuance or denial of a letter of approval. Under this proposal, if a letter of approval were denied, an applicant would have the right to appeal. The decision would be based on the record of the original hearing for the Certificate of Need rather than on a de nova hearing. The intent is to leave decision for health planning at the local level rather than an administrative hearing process.

Kathy Valenta Weise of the office of the Attorney General, said one of the purposes of AB 667 was to clarify the kind of procedure utilized in hearing for Certificate of Need, following decision of the State. There are multiple hearings at the local level. The information and documents gathered at the local hearings are submitted to the State Agency of Office of Health Planning and Resources. A letter of approval or denial for a Certificate of Need is granted based upon information gathered at the local hearings. The existing procedure has been interpreted to allow, at the appellate hearing, a new, so called, de nova hearing which requires applicant and health agency to bring in all the evidence again to allow the hearing officer to make the final decision. The federal government only requires a hearing of the appellate nature together with the record to be reviewed by a hearing officer and that in some respects this new de nova hearing at the appellate level may be inconsistent with federal regulations.

Myrle Nygren added they did concur with the proposed amendment.  
(EXHIBIT # 2)

Chairman Bennett asked the purpose of the amendment.

Mrs. Weise explained the amendment, stating the bill as originally drafted provided an additional hearing before the State agency that is not currently required by State law or federal regulation. It was intended the appellate hearing calling that decision, be exempt from contested case provisions. It was felt, after review of proposed bill, that the bill did not convey what was originally requested. The amendments are more in line with the original intent.

Nick Flower, Acting Director of Health Systems Agency in Clark County stated his organization would like to go on record as supporting AB 667.

Ken Newcomb, Director of Greater Nevada Health Systems Agency, stated they also concurred with the amendments and bill as proposed. Mr. Newcomb explained there were two health systems agencies that work closely with the State office and both agencies concur.

AB 673

Helen Riley, State Board of Podiatry, stated the board felt there was a need for this legislation to increase the board members. The members had to close their offices in order to attend board meetings and they felt this was creating a hardship and more members were needed to somewhat offset this condition. The number of licensees have doubled. There are approximately 20 podiatrists practicing in the State at the present time. The Board writes and conducts examinations for licensure. There was a law suit against the Board and the board members dislike having to close their offices for this purpose.

Mr. Getto questioned the aspect of the proposed bill that dealt with continuing education, asking who determined the education requirements.

Ms. Riley replied specific requirements had not been formulated. There was at present no continuing education requirements and it was felt there was a need for it.

The Committee questioned the need for an expanded board considering the low number of licensed podiatrists within the State.

Ms. Riley stated she was the lay member of the board and a relatively new member, therefore, she did not feel qualified to answer or explain in detail the proposal.

The Committee suggested the bill be tabled until such time as someone could appear to explain the measure, the guidelines for the continuing education and the need for such legislation.

SB 117

Mike Nash, Individual Project Manager for Nevada Division of Health, spoke in favor of SB 117, which is the result of a meeting of all interested parties and additional compromise meetings held following first Senate hearing. Numerous amendments suggested by school districts, health department and the people who will have to implement the program, are incorporated into SB 117. The bill was drafted to answer the need in the larger districts for effective immunization programs for students entering school. Washoe County conducted a time consuming and costly program of immunization that resulted in suspension from school for non-cooperation.

Everyone who came into school was given a 90 day grace period in which to comply with immunization standards. This generated record keeping and enforcement problems. This legislation would provide requirement that immunization records be up to date upon registration for school. Because it was found immunization levels against individual diseases was in the 90% range, statewide, but immunization percentage for the entire spectrum of communicable diseases was much lower, they would like to amend the existing statute to require total immunization before registration for school. The proposed bill will allow conditional enrollment for those in the process of bringing

SB 117 - Continued

their immunization records up to date - that is - in such cases as immunization that consists of a number of inoculations over a period of time. The student must have commenced the inoculations and be actively pursuing completion of total requirements. If at the end of the 90 day period of conditional enrollment, the inoculation series is not completed, the person will be suspended from school. These requirements have been repeated in statutes governing private and religious schools, and statutes governing licensed day care center. This bill will mandate a common immunization law that addresses all areas of education.

The Nevada law allows for exemptions for religious and medical reasons. In the last two big outbreaks of polio, for example, they have occurred in schools and in areas where there is a high concentration of people with religious exemptions. This proposed bill provides that if a disease breaks out in school, a child who is claiming religious or medical exemption would either have a choice of being immunized or staying home until the disease is passed.

The penalty clause applies to any parent that refuses to remove a child from school after 90 day grace period and after notification of need of immunization. The health codes were strengthened prior to this amendment. There was nothing in the codes that stated the health officer had any responsibility for enforcing this proposed law. The requested changes in 439 specifically dealing with health officer responsibility for this enforcement.

Mr. Getto asked through which channels at the local level would the health officer operate.

Mr. Nash replied every county had a health officer that would have the authority to enforce the law. The law is primarily written for the larger districts. The health officers and their staffs would give the inoculations. It was felt the way the measure was originally worded there was no flexibility. They must require complete compliance so the measure was reworded so that specific classes can be designated for total compliance, one segment at a time, in turn until the whole school is in compliance. Last year Washoe County worked with elementary level; next year they will work with the middle school; and then junior high and high. At the same time, the children must have immunizations upon entering school so 100% immunization levels can be maintained. This does not have too much impact in the rural area because they are already over the 95% level for immunization.

This entry clause addresses all classes because of the high transient population of larger districts and upon transfer from elsewhere and entering local schools they must also be in compliance with this law.

SB 117 - continued

Mrs. Cavnar asked if there were regularly scheduled clinics for immunization and if they would be in operation during off-hours. She was informed Washoe and Clark had 40 hours a week of clinic at their main headquarters and clinics throughout areas also. They will conduct special clinics upon request. Mrs. Cavnar asked, page 5, section 15, if requirements for licensing as child care facility, did not mandate up to date immunization standards.

Mr. Nash replied that that was the way the law was written but specifics were not detailed. Each day care center had their own requirements but are now being standardized to conform to all other school type facility requirements.

Mr. Chaney asked the reason for the reprints on the proposal and was told the original requirements had been too strict. They would have required total compliance at all levels, the first year. This, as now written, will require compliance by stages. It is a manageable program.

Mr. Nash said under existing conditions, there is no recourse if a child, his parent or guardian refuses immunization. He cannot legally be excluded from school. This proposal would make immunization requirements enforceable.

Mr. Getto questioned the language reading "a child that has been excluded from...pursuant to this section is a neglected child..." He was informed the charge would be medical neglect. There were varying degrees and varying penalties within the category. The charge for failure to immunize would be a misdemeanor.

Mrs. Cavnar commented there were mistakes made within the school system in that records are lost or misplaced, creating problems for the parents, and replacing or reconstructing the data can be time consuming and difficult.

Mr. Nash replied because of the high transient problem in Nevada, allowing the parent to certify by signature the child had all the required vaccinations, was allowed in SB 117.

Floyd Chambliss, representing the Clark County Health District, testified in favor of SB 117. This legislation providing for uniform immunization was needed legislation. Their division, if requested would send personnel to various locations to immunize, if requested.

Mr. Brady objected to the State assuming the responsibility of administering immunization clinics. He felt it should be the responsibility of the parent to obtain the inoculations.

Chairman Bennett said many parents, of poor and uninformed backgrounds were not sufficiently educated in the vital health needs or were without sufficient means to provide the needed care.

SB 117 - continued (Mr. Bennett speaking)

It was, therefore, to everyone's advantage for the state agencies to perform this function and try to educate as to the hazards of not complying with health standards.

Caroline Ford, Washoe County District Health Department, Immunization Coordinator, spoke in favor of SB 117. For the past two years Washoe County has been combating conditions existing as a result of the present law. They had to identify 25,000 students out of 32,000 that were deficient in immunizations. Poor record keeping and lack of enforcement had resulted in this situation. They had to go through suspension with the school district to suspend students who were in violation. This generated too many hours in planning and hard work, contacting parents, providing clinics within the school district and ultimately to hearing process. Some parents received up to eight notices before they complied and about two percent did not comply. Those students were suspended.

Ms. Ford continued it was particularly important in this area of high tourism that school children be immunized to avoid contact of diseases brought into the area, also to prevent spread of disease to community. Immunization was to everyone's benefit. The responsibility for getting the child immunized lies with the parent. The health agencies provide the means.

Now that acceptable immunization levels exist in Washoe County, they will be very difficult to maintain unless they have the type legislation proposed in SB 117.

Mrs. Cavnar asked why mumps were not included in the measure and was informed it was because of the high cost and scarcity of the vaccine. When the health agencies have "carryover" money now they do buy stocks of the mump vaccine.

Mr. Getto asked the effectiveness of expulsion and was informed the results were good in accomplishing desired goals.

Ms. Ford said some of the parents refused to have their children vaccinated because they felt the government was demanding in an area where they should not be. She said the education process was a vital part of the program.

SB 278

Dr. William L. Thomason, Bureau of Dental Health spoke in favor of SB 278, as it would be assigned to the Bureau of Dental Health if passed. The bill basically is a means of identifying bodies through dental charts. Dental charts would be made of unidentified dead bodies and the charts sent to a central file in Carson City.

SB 278 - continued (Dr. Thomason speaking)

The charts would be compared to charts of persons reported missing. They would be available to other states seeking to identify bodies. They anticipate reciprocity actions in this area.

The only change to the bill made by the Senate was on line 8, changing "shall" to "may". This was a result of discussion bringing out that the number of missing persons reports would run about 300 a year. It was felt that oftentimes it would not be necessary to record a dental chart within 10 days.

Mrs. Cavnar asked if coroners did not now examine the teeth of unidentified dead bodies. She was told this was the last means of identifying bodies.

Dr. Thomas said this bill was establishing a central identification area. The dental charts of any body that could not be identified would be sent to a central area to crossmatch with other dental records accumulated.

Mrs. Cavnar asked the fiscal impact of the bill. She was informed for the first year the cost would be approximately \$900 and the second year about \$800.

Sam Mamet, representing Clark County, said AB 117 was proposed by their county coroner, was supported by the Washoe County Coroner. The bill would require local law enforcement agencies to provide the State Division of Health, Bureau of Dentistry with the dental charts of all persons missing over 10 days, along with missing persons report and would inform the Division when missing persons are located. The coroner's office would be responsible for supplying the State with dental charts of unidentified dead bodies. There is an impact upon the Health Division because they are charged with a new responsibility for maintaining dental files. The purpose is to facilitate the identification of unidentified and unclaimed bodies. Because we have such a transient population there is a need for this type of legislation. California does mandate this type system.

The meeting adjourned at 6:40 P.M.

Respectfully submitted:



MARJORIE D. ROBERTSON, Secretary

STATEMENT OF  
NEVADA DEPARTMENT OF EDUCATION  
TO THE  
ASSEMBLY COMMITTEE ON HEALTH AND WELFARE

April 11, 1979, 5:00 PM  
Room 316

A.B. 110 Provides penalty for failure of parent or guardian to submit proof of child's immunization upon registering him in public school unless child is exempted.

Mr. Chairman and members of the Legislative Committee on Health and Welfare:

I am Jim Bean, Director of the Division of Curriculum and Instruction for the State Department of Education. I am here on behalf of the State Board of Education and the Superintendent of Public Instruction.

The State Board and the Superintendent support Assembly Bill 110. We feel that its intent is clearly presented, and in the students' best interest.

I would like to suggest that if the deletion identified on line 4 and 5 on page one is adopted, it may not be clear for both the parents or guardians and the implementors of this law as to whom the proof of immunization is to be submitted.

Mr. Chairman, the State Board of Education, and the Superintendent of Public Instruction endorse this bill and ask that you also support A.B. 110.

Thank you.

EXHIBIT # 1

EXHIBIT A



1979 REGULAR SESSION (60TH)

ASSEMBLY ACTION		SENATE ACTION		Assembly	AMENDMENT BLANK
Adopted	<input type="checkbox"/>	Adopted	<input type="checkbox"/>	AMENDMENTS to	Assembly
Lost	<input type="checkbox"/>	Lost	<input type="checkbox"/>		<del>Joint</del>
Date:		Date:		Bill No. 667	<del>Resolution No.</del>
Initial:		Initial:		BDR 18-1807	
Concurred in	<input type="checkbox"/>	Concurred in	<input type="checkbox"/>	Proposed by	Committee on Health and
Not concurred in	<input type="checkbox"/>	Not concurred in	<input type="checkbox"/>		Welfare
Date:		Date:			
Initial:		Initial:			

Amendment N<sup>o</sup> 566

Replaces Amendment No. 524

Amend section 2, page 2, by deleting line 7 and inserting "agency. A decision".

Amend section 2, page 2, by deleting lines 15 through 28.

Amend section 2, page 2, line 29, by deleting "2." and inserting "1.".

Amend section 2, page 2, line 30, by deleting "office." and inserting "office rendered pursuant to this chapter.".

Amend section 2, page 2, line 32, by deleting "office," and inserting "office and the record compiled by the health systems agency,".

Amend section 2, page 2, line 34, after "the" by inserting: "health systems agency before it made its recommendation or to the".

Amend section 2, page 2, line 35, by deleting "before its decision." and inserting "before the decision was reached.".

Amend section 2, page 2, line 36, by deleting "3." and inserting "2.".

To: E & E  
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Bill

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Date 4-11-79 Drafted by FWD:ml

Amendment No. 566 to Assembly Bill No. 667 (BDR 18-1807) Page 2

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Amend section 2, page 2, line 37, by deleting "subsection 2. The hearing officer shall:" and inserting "subsection 1.".

Amend section 2, page 2, by deleting lines 38 through 41.

Amend section 2, page 2, by deleting lines 42 and 43 and inserting:

"3. The decision of the hearing officer is a final decision for purposes of judicial review."

Amend section 3, page 3, line 12, by deleting "a new license or the alteration of an existing license" and inserting "letters of approval".