

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

GUESTS PRESENT: Jerry Kirkendall, State Board of Cosmetology  
Sally A. Deregibus, Cosmetology  
Donald S. Draper, PDM, Podiatry  
Milt Fleischer, Lions  
David Erickson, State Board of Cosmetology  
Wayne Shultz, Cosmetology student  
Ann Haughton, Cosmetology Health Inspector  
Ray E. Ehr Gott, State Assn. Barbers & Cosmotologists  
Ed. L. Coziram, State Assn Barbers & Cosmotologist  
Richard L. Joiner, Registered Barber  
Jim Carpenter, Nevada State Barber Board  
Ken Shaddy, Nevada State Barber Board  
James Treet, Nevada State Barbers-Beaut. Assoc.  
Robert Lattin, Nev. Hairdresser's and Cosmetologist  
Paul Chey, Nevada Health Division  
Lorrdall L. Sebbas, Prater Way College of Beauty  
Carl R. Dahlen, Greater Nevada Health Systems Agcy  
Fred Hillerby, Nevada Hospital Association

Chairman Bennett announced at 5:12 that because there was not at that time a quorum, those members present would act as a subcommittee and hear testimony.

AB 673

Dr. Don Draper, PDM, Secretary-Treasurer of the Board of Podiatry, spoke in favor of the bill as their organization had requested the measure. Passage of this measure would bring Nevada in line with other states that require continuing education for podiatrists. The Board of Podiatry would formulate rules and regulations governing curriculum and minimum credit hours required to qualify for liscense renewal. They do not wish to specify specific curriculum or required number of hours as they feel this should be flexible so that future needs and conditions can be effectively dealt with; and not at any time mandate unreasonable, unnecessary or overly burdensome continuing education requirements.

Dr. Draper also requested the number of the Members of the Board of Podiatry be increased from the present 3 to 5 members so the workload could be better handled without undue time requirements of any one member.

In response to questioning by Committee members, Dr. Draper said there were no podiatrists practicing in rural Nevada at present. There are practitioners in Carson City, Reno and Las Vegas only. They would like to begin the program by specifying, by regulation 25 hours and half these hours could be attained by attending the annual State convention. The balance could be attained by attending seminars or other out of state activities that deal with their profession.

AB 673 - continued (Dr. Draper speaking)

Dr. Drapier also said they would like the authority to regulate advertising as they felt this practice was being abused by some podiatrists to a point that it was unethical.

Addressing Section 3 of AB 673, the witness said they were asking age of eligibility for podiatrist hygienist be reduced from 21 years to 18 years of age so persons could enter this field upon completion of highschool. He also requested, Section 3, Part "d", line 16, that the word "or" be changed to "and" as they felt a podiatrist hygienist should complete a course of study and serve six months with a licensed practicing podiatrist before becoming eligible for liscensing.

Mrs. Cavnar said she felt it was unfair to require the hygienist to wait six month after completion of the course of study to take the examination for liscensing. She added she felt the Board of Podiatrists should involve themselves in false advertising only and the size and contents of ads should be left to the individual. If this generated competition and more advantageous prices for the public that was good. It was also good from the informative standpoint. False and misleading advertising should be dealt with.

Chairman Bennett was of the opinion advertising should be dealt with by regulation and not law.

Mrs. Cavnar said she also felt it was unfair to mandate 25 credit hours of continuing education that might result in a person losing his means of livelyhood. It worked an undue hardship.

Dr. Draper replied the Board had the authority to exercise a waiver when they felt the situation justified their doing so.

AB 742

Richard Joiner, registered barber, stated this bill could adversely affect the majority of the barbers in the State of Nevada. The Nevada State Barbers Association, who are advocating this measure, are an association of union locals in Las Vegas composed of 297 members. There are 622 registered barbers in Nevada. It would not be fair to the barbers of rural Nevada to have to travel many miles to meet the qualifications proposed by AB 742. The only education available was through the union or by affiliation with a hair care product. Many barbers were 60 years or older and worked to supplement their retirement income. Some barbers would be forced to receive education in services and techniques they do not render. If the union in Las Vegas feel their members are not qualified, they are free to remedy the situation. There is education readily available to them and they can advertise their qualifications in the free enterprise system. Continuing education should be a matter of choice.

Chairman Bennett announced at 5:20 P.M. a quorum was present and the Committee was in session.

AB 742 - continued

Mr. Chaney said 8 hours a year of required education was not excessive. This would enable barbers to better serve their patrons. The barbers should wish to be familiar with new products and up to date techniques.

Mr. Joiner replied some people wished to provide more and up to date services. Some did not wish to and did not provide the services. They should be free to operate their businesses in the manner they saw fit. If continuing education is mandated - who is going to teach rural Nevada - how much time will they have to take from work - how far will they have to travel - who is going to pay for the State Board teaching classes - it will generate an increase in licensing fees. Eight hours of continuing education will not make a good barber out of a poor one.

Ray Ehr Gott, State Association Barbers and Cosmetologists, said they represented approximately 300 members, the largest organized body in the state and strongly supported the bill. The people should be entitled to hair grooming services from individuals who are exposed, on a somewhat regular basis, to up-grading education. Mr. Ehr Gott said some barbers in rural Nevada were supportive of the measure and he read two telegrams, one from Elko, to support his position. At the present time the only means by which to receive continuing education was through their union of through companies with whose products they were affiliated. Membership in their union was not a requirement for attendance of their education classes. He stated he would not object to going into the outlying areas to conduct classes.

Mr. Chaney asked the cost of the 8 hour classes conducted by the State Association and was informed it was from \$10 to \$20. The product companies did not charge for their programs and they imparted much valuable information; such as skin and hair disorder treatments and chemical education.

Mrs. Cavnar suggested the union could require up-grading of skills as a condition of membership and leave continuing education to the discretion of the individual. The clients of the barber shops could choose whom they wished to patronize and if they were not happy with the service or if they were damaged they could sue. This should not be a mandated but a voluntary situation.

Ken Shaddy, Nevada State Barber Board, stated they were in favor of this proposal. A number of states now have this requirement and it has been proposed in other states. They felt it was the rural barbers for which this was the most important. They should be mandated to be exposed to the new concepts. The members of the Board could combine inspection trips with instruction seminars and conserve on costs. He as a member of the Board and an inspector would be willing and able to do this. The curriculum would have to be worked out.

AB 742 - continued

Mr. Robert Lattin, President, Nevada Hairdresser's Association, supported the measure. He said the primary concern was the protection of the consumer. They are using cosmetics that could cause damage. Barbers are going to use new products and attempt techniques whether or not they have undergone proper instruction.

David Erickson, State Board of Cosmetology, supported the bill, stating he thought it was a very good bill and he was in favor of it.

AB 743

Lorrdall L. Sebbas, Prater Way College of Beauty, spoke in opposition to AB 743. She objected to the bill because she felt cosmetologist schools would be utilized for training of shampoo technicians for barber shops where as they were excluded from training other aspects of the trade. She also felt restrictions and limitations placed on shampoo technicians would not be enforceable and they would be utilized for duties reserved by law for licensed barbers or barber apprentices. There are no barber schools in the State of Nevada and their shampoo technicians are to be trained in the cosmetology school, the cosmetology should also be liscensed to teach all aspects of barbering. In response to a question she said 240 hours of instruction were required for a shampoo technician certificate whereas 1500 hours were required to qualify for a barber's liscense. Shampoo technicians would be licensed under the barbers board. They do not have a classification for shampoo technicians for cosmetologists.

Ray Ehrgott, State Association Barbers and Cosmetologits, said this measure was instigated by their Association. The purpose was to relieve the barber of this less technical duty so he could devote more time to other aspects of the trade; thus enabling him better utilize his talents and increase his income. The shampoo technicians may have to go out of state to receive their education. They had some support from barbers from outlying areas, not members of the Association.

Mrs. Cavnar asked if they would be willing for the schools of cosmetology to liscense for shampoo and she was informed persons liscensed through cosmetology could not be liscensed to practice in barbershops.

Jerry Kirkendall, State Board of Cosmetology, opposed AB 743. He said this would be detrimental to the barber apprentice program because if shampoo technicians could be utilized for minor functions of the trade, clean-up, etc., there would be no need for apprentices. Mr. Kirkendall also voiced apprehension as to enforceability of restricting shampoo technicians to specified duties.

Mr. Ken Shaddy, Nevada State Barber Board, supported the bill. He said there would be only a few shops that would employ a shampoo

AB 743 - continued (Ken Shaddy speaking)

technician. Those who work in styling can increase their income. There are schools in adjoining states that can train shampoo technicians. This is a six week course and most of the course is on the scientific aspect - that is learning to recognize conditions that need treatment and proper use of products. Shampoo technicians cannot work alone. They have to work with a licensed barber. The Board does not foresee any problem.

Mrs. Cavnar stated perhaps mechanisms for reciprocity with other states should be instigated.

Mr. Shaddy responded there were only two other states that allowed licensed shampoo technicians at this time. As the number increased this was an area that would be considered.

Richard L. Joiner, registered barber supported AB 743.

Robert Lattin, Nevada Hairdresser's and cosmetologist, opposed the measure. He reiterated previous statement as to the adverse effect on apprentice barbers. He also questioned enforceability of restriction duties of the shampoo technician. There is a fine line between the end of the technician's field and the beginning of the barbers field.

Mr. David Erickson, State Board of Cosmetology, opposed AB 743. He read a prepared statement. (EXHIBIT # 1)

SB 146

Myrl Nygren, Administrator, Office of Health Planning and Resources presented a written statement on the purpose of this bill, which is to render NRS 439A more workable and bring it into compliance with requirements of the Federal Certificate of Need Program. (EXHIBIT # 2)

Ms. Nygren also supplied the Committee with copies of a proposed amendment to SB 146. (EXHIBIT # 3)

Fred Hillerby, Nevada Hospital Association supported SB 146 and the testimony of Ms. Nygren.

SB 414

Senator Jacobsen, sponsor of the measure, spoke in its favor and emphasized the importance of the measure through experience he had gained as a volunteer ambulance driver. He said it is absolutely necessary that eyes that are to be transplanted be enucleated and properly cared for immediately upon the death of a donor.

Milt Fleisher, Lions Club, stated this was part of the Lion's effort to alleviate blindness. Immediate identification and action was necessary to successfully enucleate and transplant eyes and

SB 414 - continued (Mr. Fleisher speaking)

implementation of this measure would greatly enhance their effort. The Lion's Club would pay all necessary costs.

SB 414

Mr. Getto moved to Do Pass SB 414; Mr. Brady seconded the motion; the motion carried unanimously.

SB 146

Mr. Brady moved to amend and Do Pass as amended SB 146; Mr. Getto seconded the motion; motion carried unanimously.

Chairman Bennett adjourned the meeting at 7:10 P.M.

Respectfully submitted:

MARJORIE D. ROBERTSON, Secretary

60th NEVADA LEGISLATURE

HEALTH AND WELFARE COMMITTEE

LEGISLATIVE ACTION

DATE April 25, 1979

SUBJECT SB 146

MOTION:

Do Pass XX Amend \_\_\_\_\_ Indefinitely Postpone \_\_\_\_\_ Reconsider \_\_\_\_\_

Moved By Mr. Getto Seconded By Mr. Brady

AMENDMENT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AMENDMENT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Moved BY \_\_\_\_\_ Seconded By \_\_\_\_\_

MOTION

AMEND

AMEND

VOTE:

Yes

No

Yes

No

Yes

No

BENNETT	<u>X</u>	_____	_____	_____	_____	_____	_____
CHANEY	<u>X</u>	_____	_____	_____	_____	_____	_____
CRADDOCK	<u>X</u>	_____	_____	_____	_____	_____	_____
GLOVER	_____	_____	_____	_____	_____	_____	_____
BRADY	_____	_____	_____	_____	_____	_____	_____
CAVNAR	<u>X</u>	_____	_____	_____	_____	_____	_____
GETTO	<u>X</u>	_____	_____	_____	_____	_____	_____

ORIGINAL MOTION: Passed XX Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

Attached to Minutes \_\_\_\_\_

60th NEVADA LEGISLATURE

HEALTH AND WELFARE COMMITTEE

LEGISLATIVE ACTION

TE April 25, 1979

SUBJECT SB 414

MOTION:

Do Pass xx Amend xx Indefinitely Postpone \_\_\_\_\_ Reconsider \_\_\_\_\_

Moved BY Brady Seconded By Mr. Getto

AMENDMENT: XX

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AMENDMENT: \_\_\_\_\_

Moved BY \_\_\_\_\_ Seconded By \_\_\_\_\_

MOTION

AMEND

AMEND

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
BENNETT	<u>X</u>	_____	<u>X</u>	_____	_____	_____
CHANEY	<u>X</u>	_____	<u>X</u>	_____	_____	_____
CRADDOCK	<u>X</u>	_____	<u>X</u>	_____	_____	_____
GLOVER	_____	_____	_____	_____	_____	_____
BRADY	<u>X</u>	_____	_____	_____	_____	_____
CAVNAR	<u>X</u>	_____	<u>X</u>	_____	_____	_____
GETTO	<u>X</u>	_____	<u>X</u>	_____	_____	_____

ORIGINAL MOTION: Passed X Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

AMENDED & PASSED X X AMENDED & DEFEATED \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

Attached to Minutes ~~XXXX~~



PRESENTATION BY DAVID ERICKSON, RENO, IN OPPOSITION TO AB 743Background

I am the owner of a Reno hairstyling salon and a licensed cosmetologist in the State of Nevada. I am presently the Chairman and member of the Nevada State Board of Cosmetology. I was first appointed to the Board by Governor O'Callaghan in 1977, to fill an unexpired term and reappointed this month by Governor List to a new full four year term. The Board is composed of five licensed cosmetologists.

The reason for our opposition to AB743 is as follows, not necessarily in order of importance:

1. There shall be no general or specific benefit to the consuming public by the registering or licensing of a shampoo technician.
2. The consuming public will pay no less for a shampoo by a "registered shampoo technician" than they presently pay to a licensed barber or cosmetologist.
3. The bill calls for instruction of technicians to occur in barber schools, of which there are none in the State of Nevada. If instruction was obtained in Nevada, it could only be obtained in beauty colleges. It is my understanding the beauty colleges object to AB743 and would be unwilling to establish curriculum to accommodate AB743.

Questions

1. Can the proponents of this bill show by a revenue and disbursement projection whether the creation of a new "mini-profession" of shampoo technician is self-supporting? It will be necessary to employ investigators, other professional consultants and clerical personnel necessary to discharge the duties of administration.

1.

ROBERT L. SCHOUWEILER  
FIRST NATIONAL BANK BUILDING  
ONE EAST FIRST STREET  
RENO, NEVADA

2. The licensed barber in the State of Nevada should be aware that if this new program of shampoo technician is not self-supporting, the Board of Barber's Health and Sanitation shall be required to raise the licensed barber's present license fees to cover any deficit in administration.

3. What kind of precedent does this type of legislation have in other states and how many states?

4. Are there any statistics that show there is a demand or request by the public or the profession of barbering for this legislation? If so, who and how many persons are involved?

5. Is this legislation being proposed to create a job category at the state level to allow application for federal funds for education?

ROBERT L. SCHOUWEILER  
FIRST NATIONAL BANK BUILDING  
ONE EAST FIRST STREET  
RENO, NEVADA

OFFICE OF HEALTH PLANNING AND RESOURCES

REMARKS ON S.B. 146 (FIRST REPRINT)

MYRL NYGREN, ADMINISTRATOR

As I explained to the Committee at the original hearing of S.B. 146 (First Reprint) on March 22, 1979, the main purpose of S.B. 146 is to amend NRS 439A, to make it more workable for health planning purposes and to bring it into compliance with the requirements of the Federal Certificate of Need Program. At the hearing I indicated we had been advised by the Department of Health, Education and Welfare that the changes we had proposed were not adequate to bring NRS 439A into compliance with Federal requirements. Thus, I requested the Committee to postpone action on S.B. 146 until I could meet with a representative of the hospital industry to work out some mutually agreed upon language that would be acceptable to the Department of Health, Education and Welfare. We have reached consensus on changes which should be made in NRS 439A and S.B. 146 (First Reprint) and I am here today to propose amendments to the statute which will bring NRS 439A into compliance with the Federal law (P.L. 93-641).

The necessity for bringing NRS 439A into compliance is two-fold:

1. After July 1, 1979 the Office of Health Planning and Resources cannot be designated or funded by the Department of Health, Education and Welfare as the State Health Planning and Development Agency for Nevada if it does not have the authority, under State law, to carry out the functions of the program, specifically the Certificate of Need-Program. The Federal funding offered

for Fiscal Year 1980 for support of health planning activities amounts to \$400,976.

2. If a State agency is not designated and an agreement is not in effect by October 1, 1980, the Secretary of the Department of Health, Education and Welfare "may not make any allotment, grant, loan, or loan guarantee, or enter into any contract under the Public Health Service Act, the Community Mental Health Centers Act, or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 for the development, expansion or support of health resources" in a State until such time as such an agreement is in effect. To Nevada, the potential loss of Federal funds would be within the range of \$12-14 million (see attached list).

A copy of the amendments that I am proposing is attached.

For those Committee members who were not present to hear my original testimony, the changes proposed on page 2, lines 4-9, are intended to make the statute more workable for health planning activities by removing the limitation on collecting reports which were customarily made in 1977. Much of the information and data required to be addressed in the Health Systems Plans and our State Health Plan was not being kept in 1977. Adding the phrase "mutually agreed upon by the Office of Health Planning and Resources, the health systems agencies and representatives of providers of health care who are affected" assures providers that unnecessary requests for information and reports will not be imposed on health care facilities.

4/25/79  
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## POTENTIAL LOSS OF FEDERAL FUNDS\*—OCTOBER 1, 1980

University of Nevada, Reno	\$ 3,416,547
Department of Human Resources	5,569,308**
Washoe County	1,445,194
Mineral County	81,412
University of Nevada, Las Vegas	42,785
Clark County	<u>591,999</u>
TOTAL	\$11,147,245

\* Data obtained from U.S. Department of Health, Education and Welfare  
 "Financial Assistance by Geographic Area--Region IX, Fiscal Year 1977  
 (October 1, 1976 through September 30, 1977)."

\*\*Includes \$1,000,000 Title XVI Basic Minimum Grant for Construction,  
 Modernization and Equipping Health Facilities.

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PROPOSED AMENDMENTS TO S.B. 146 (FIRST REPRINT)

Amend S.B. 146 (First Reprint) as follows:

Add a new section as follows: Amend NRS 439A.010 Definitions by adding (5). "Health Services" means clinically related (i.e., diagnostic, treatment, or rehabilitative) services, and includes alcohol, drug abuse, mental health services, and End-Stage Renal Disease services or facilities.

Amend Section 2 (2) (c) page 2, line 29 by deleting "of five" and inserting "of ten."

Amend Section 2 (2) (c) page 2, line 32 by deleting "of five" and inserting "of ten."

Amend Section 2 (2) (c) page 2, line 34 by deleting "less; and" and inserting "less, over a two year period."

Amend Section 2 (2) (d) page 2, lines 35 through 41 by deleting "(d) The offering of health services in or through a health care facility, home health agency or health maintenance organization, costing more than \$150,000 or such amount as the department may specify in regulations adopted pursuant to this chapter, which were not offered on a regular basis in or through that facility, agency or organization within the 12-month period before the time when such services would be offered." and inserting "(d) The offering of health services which are described in the following standard categories: Medical/Surgical, Obstetrics, Pediatrics, Neonatal Intensive Care, Critical Care, Psychiatric, Tuberculosis, Mentally Retarded, Children's Orthopedics, Rehabilitation, Skilled Nursing Facility (Nursing Home), Skilled

EXHIBIT # 3

Nursing Facility/Intermediate Care Facility, Intermediate Care Facility-Mental Retardation, Special Treatment Facility, Outpatient and Clinic Services, Emergency Room Services, Prevention and Detection, Physical Medicine, Vocational/Disability Services, Outpatient Surgery (Surgicenter), Diagnostic Radiology, Nuclear Medicine, Ultra Sound, Laboratory Services, Pharmacy, Social Services, Home Health Agency, Drug Rehabilitation, Alcohol Rehabilitation, Free-Standing Health Screening Centers, Free-Standing Mental Health Centers, Free-Standing Family Planning Clinics, Dentistry, Ambulance Service, Renal Dialysis, Cardiac Catheterization, Burn Center, Neurosurgery, Open Heart Surgery, Organ Transplant, Therapeutic Radiation, Organ Bank, Blood Bank, Hemophilia Services, which were not offered on a regular basis in or through a health care facility, home health agency or health maintenance organization within the twelve-month period prior to the time such services would be offered. If any health care facility, home health agency or health maintenance organization is currently providing one or more service(s) within a standard category of services, the addition to that existing service within that standard category does not constitute a change of service requiring an approval, except that any expenditure in excess of \$150,000, which under generally accepted accounting principles applied is a capital expenditure, will be reviewed. The services within each standard category of service will be further defined in regulations adopted pursuant to this chapter."

4/26/79

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