

PRESENT: Senator Thomas R. C. Wilson, Chairman
Senator Richard E. Blakemore, Vice Chairman
Senator Don Ashworth
Senator Clifford E. McCorkle
Senator Melvin D. Close
Senator C. Clifton Young

ABSENT: Senator William H. Hernstadt

ALSO See attached guest list (Exhibit A).

PRESENT:

SB 187 Enables officers of the Nevada State Board of
Chiropractic Examiners to subpoena documents.

Eugene Scrivner, D.C., representing the State Board of Chiropractic Examiners, and the Nevada Association of Chiropractic, stated that Senate Bill 187 simply clarifies NRS 634.180. Dr. Scrivner explained that the Attorney General's office had said that this bill would be the best procedure to obtain chiropractor's records for the purposes of determining whether their fees were fair. He clarified that this legislation would, in no way, have anything to do with medical records.

There was discussion about the fact that other professions have this provision with their licensing boards. It was determined that the chiropractic boards should have all licensed chiropractors and one consumer (as members).

Chairman Wilson closed the public hearing on Senate Bill 187.

SB 188 Standardizes fee for licensure of chiropractors.

Eugene Scrivner, D.C., representing the State Board of Chiropractic Examiners, and the Nevada Association of Chiropractic, explained that the cost of examinations exceeds the present \$75 provision, and that \$100 would be more workable. He added that the examinations are obtained from the National Board of Chiropractic and that the charge is \$50 per exam. He continued that there are instances where a person would take the examination several times and that is very costly.

SB 189 Increases qualifications required of chiropractors and chiropractic examiners.

Eugene Scrivner, D.C., representing the State Board of Chiropractic Examiners, and the Nevada Association of Chiropractic, stated that on Line 13 "in practice in the state" should be added.

Senator Wilson asked Dr. Scrivner the reason for the 5-year stipulation. Dr. Scrivner answered that a few years of practice are required to become familiar with the laws pertaining to Chiropractic and that the reason for this legislation is that previously a

chiropractor had been appointed to the Board of Examiners with only two months' experience.

Chairman Wilson suggested that a person newly-graduated might be more qualified than one who had been practicing for several years and was not current with new developments in the field.

Dr. Scrivner explained that it takes a long time to learn the skill of testing other people. He continued that the examinations are very stringent and difficult to pass, and at the last examination, out of 48 applicants, 9 passed. He stated that the examination is given twice per year.

Chairman Wilson closed the public hearing on Senate Bill 189.

SB 173 Established the manufactured housing division.

Bruce Robb, representing the Nevada Manufactured Housing Association, presented proposed amendments to Senate Bill 173 (see Exhibit B). Mr. Robb added that an additional amendment would be suggested that would allow licensed dealers to either put up a cash bond or pledge a time certificate of deposit, rather than go to a corporate surety. He stated that the language found in NRS 366.660(3) become a new "f" in the amendment. He added that the rest of the amendment be changed to conform with this new section.

The proposed amendments to SB 173 were further discussed. Mr. Robb explained that Assembly Bills 232 and 211 have been introduced; they would change the taxation of mobile homes from personal property to real property. Mr. Robb explained that the reference to personal property may be in conflict with legislation that may be passed, at which time the language of the bill would be conformed to that legislation. He continued that, in addition to the changing of taxation, the purpose of the bill is to place all of the regulations and licensing of mobile homes with the Department of Commerce.

Mr. Robb explained that in this legislation the purchase of a mobile home is similar to that of an automobile; a certificate of ownership is received which shows who owns the mobile home which has been signed by the seller and shows the purchaser to be the new owner; the certificate is submitted to the Department of Commerce, Division of Manufactured Housing. A new title is issued showing the purchaser to be the owner of the mobile home.

Discussion followed regarding the protection of the purchaser of a mobile home in the case where there are liens or taxes due at the time of purchase. Mr. Robb explained that this legislation would help the buyer, in that he would get title to the mobile home; whereas previously he would have been responsible for the taxes without possession of the title.

Wayne Tetrault, Administrator, Mobile Home Agency, stated that new units that are floored by a dealer are not titled; the Uniform Commercial Code controls them; and, until the mobile home is sold, a certificate of ownership is not issued.

Discussion followed regarding the definition of a mobile home. Mr. Tetrault explained that the federal definition preempts any others.

Daryl Cappuro, representing the Nevada Franchised Auto Dealers' Association, stated that in the last session similar legislation was proposed and the same issue regarding the definition of a mobile home was a problem. Mr. Cappuro continued that there should be no confusion between the definition of a travel trailer and the definition of a mobile home; hence, his Association objects to the proposed replacement of 32 feet for 40 feet. He explained that there are travel trailers that exceed 40 feet and that the language should read "and not a travel trailer" rather than designating a specific length. He clarified that travel trailers are handled by the Department of Motor Vehicles for licensing and registration; and both the DMV and the Mobile Home Agency are satisfied with that arrangement. He stressed that in all places in the bill, where applicable, "and not a travel trailer" should be added so as to differentiate between travel trailer and mobile home.

Chairman Wilson asked Mr. Tetrault the consequences of language not conforming with the Model Act. Mr. Tetrault answered that the Model Act preempts all others.

Bob Guinn, representing the Nevada Franchised Auto Dealers' Association, stated that the length specification should be deleted and the definition in NRS 489.150 be added.

Mr. Capurro added that NRS 482.127 would have to be amended to include the language "shall not exceed 8 feet in width and designated by the manufacturer to be a travel trailer."

Chairman Wilson directed those with interest in SB 173 to confer about language and report back to the Committee.

A letter from Helen Close regarding SB 173 was entered into the record (see Exhibit C).

SB 170 Enables Board of Hearing Aid Specialists to establish continuing educational requirements for its licensees and prohibits unlicensed persons from engaging in business of hearing specialists.

William Morris, Chairman, State Board of Hearing Aid Specialists, testified in favor of SB 170. Mr. Morris explained that this legislation would bring the present statute up to date. He explained that the important point is that of continuing education,

and the other changes are clarification of language.

Chairman Wilson closed the public hearing on SB 170.

SB 231 Regulated practices of audiology and speech pathology.

Kenneth Shipley, Ph.D., representing the Nevada Speech and Hearing Association, presented background material explaining the reasons for this legislation (see Exhibit D). Dr. Shipley explained that there was similar legislation in 1975, which received opposition from the medical representatives.

Dr. Shipley stated that there are approximately 135 practitioners in the state, and many are not qualified. He continued that the lowest estimate of need for treatment is 5 percent.

In response to Senator McCorkle's question, Dr. Shipley explained that there have been instances of people practicing speech pathology and actually doing much harm because of a lack of qualifications.

Steven McFarlane, Ph.D., representing the Nevada Speech and Hearing Association, stated that he, too, has encountered abuses of the practice of speech pathology where much harm has been done, in at least three cases; in one case, because of the frustration of not improving, a patient attempted suicide.

In reply to Senator McCorkle's question, Dr. McFarlane answered that the area of audiology and speech pathology, which deals with one of the most basic functions, communication, is quite specialized, and works very closely with dentistry, medicine and psychology; hence the need for licensure.

Dr. Shipley stated that this legislation has been prepared to closely parallel the statutes of Nevada. He continued that Section 9 attempts to clarify that this legislation does not apply to physicians, hearing aid specialists, and certain others qualified to practice. He clarified that a school nurse would not be affected during school time, but would be after school time. He also stated that under the supervision of a qualified person, a graduate would not have to be licensed.

Discussion followed regarding whom should be exempt from licensure.

Dr. Shipley agreed with Senator Young that "and" should be added to Lines 18, 21 and 22, in order to clarify that all three requirements would be necessary.

Jean Kerin, Speech Pathologist, Secretary of the Nevada Speech and Hearing Association, stated that she had encountered several instances of misservice in the Las Vegas area.

Senator Ashworth questioned how a person presently practicing and not qualified would be regulated since, under this legislation, he would be automatically licensed.

Dr. Shipley answered that the language of the bill in Section 27 would regulate.

Vincent H. Knauf, Ph.D., Audiologist, Speech Pathologist and licensed hearing aid dealer in Nevada, stated that he has a certificate in audiology and speech pathology from the American Speech and Hearing Association, and supports SB 231 basically.

However, he added, there are very few people who would be affected by the bill. Dr. Knauf continued that there are too many exemptions in the bill, and that he would want to be licensed. He stated that licensing of such a few could result in preferential referrals which would not be fair to the majority. He further added that the board should consist of three rather than five, since it would regulate so few people. He felt that the board should consist of a speech pathologist, an audiologist and a layman.

Dr. Knauf objected to a salary for the Secretary-Treasurer of the board, and didn't think that three offices should be maintained; he also objected to yearly examinations, and to Section 33 because it is possible to break the skin in examinations. Lastly, Dr. Knauf objected to Section 10 that states: "Nothing in this chapter prohibits the use of the title 'certified hearing audiologist' by a person who has been so certified by the National Hearing Aid Society."

Chairman Wilson interrupted the hearing to hear testimony on SB 201 from William Hancock.

SB 201 Requires certain public buildings, sidewalks and curbs to be constructed for physically handicapped accessibility.

William Hancock, Secretary and Manager, Nevada Public Works Board, testified that he was not sure that this legislation is needed; but if it is, the procedure set up would be workable. He explained that the Board does not have the authority to establish fines in this kind of regulations, but the local governments may. He suggested that on Lines 19 and 20, the existing language is better than that of the bill.

In answer to Senator McCorkle's question, Mr. Hancock stated that the cost of providing these aids to the handicapped is about 1 to 1/2 percent of the construction cost, and that this legislation would eliminate some of the requirements to comply with federal regulations; the state would develop its own standards.

Kathleen Olson, Executive Director, Governor's Committee for the Handicapped, testified that SB 201 is redundant for the most part, and that the present statute is mostly satisfactory. She said that the only problem is of enforcement of compliance, but that there have been few complaints. Ms. Olson suggested that SB 201 and NRS 338.180 be incorporated since some of the language in the new legislation is better and is more inclusive. She added that there are 100,000 handicapped people in Nevada.

Chairman Wilson closed the public hearing on SB 201.

SB 231 Regulates practices of audiology and speech pathology.

Ernest Newton, representing the Nevada Taxpayers' Association, stated that he supports SB 231. Mr. Newton stressed that a physician should be on the board. He suggested that on Page 2, Line 41, the first word, "and" be replaced with "or". Mr. Newton continued that a salary should be paid to the Secretary-Treasurer for expenses incurred in the running of the office. He suggested two changes in the exemptions: those people employed by the University of Nevada as audiologists or speech pathologists.

Ben Mackie, resident, Sparks, stated that he supports SB 231, and that he has a son in the audiology and speech pathology program at the University.

Chairman Wilson closed the public hearing on SB 231.

SB 137 Requires substitution of less expensive drugs under certain circumstances.

George Bennett, Secretary, Nevada State Board of Pharmacy, presented suggested amendments to SB 137 (see Exhibit E).

Chairman Wilson closed the public hearing on SB 137.

SB 187 Enables officers of the Nevada State Board of Chiropractic Examiners to subpoena documents.

Senator Close moved that SB 187 be passed out of Committee with a "Do Pass" recommendation.

Seconded by Senator Ashworth.

Motion carried.

Senator Hernstadt absent.

SB 188 Standardizes fee for licensure of chiropractors.

Senator Blakemore moved that SB 188 be passed out of Committee with a "Do Pass" recommendation.

Senator Close seconded the motion.

Motion carried.

Senator Hernstadt absent

SB 189 Increases qualifications required of chiropractors and chiropractic examiners.

Senator Blakemore moved that SB 189 be indefinitely postponed.

Seconded by Senator Close.

Motion carried.

Senator Hernstadt absent.

SB 173 Establishes the manufactured housing division.

Senator Ashworth moved that SB 173 be amended and re-referred back to Committee.

Seconded by Senator Blakemore.

Motion carried.

Senator Hernstadt absent.

SB 170 Enables Board of Hearing Aid Specialists to establish continuing educational requirements for licensees, prohibiting any person who is not licensed from engaging in the business of a hearing aid specialist; and providing other matter properly relating thereto.

Senator Ashworth moved that SB 170 be passed out of Committee with a "Do Pass" recommendation.

Seconded by Senator Blakemore.

Motion carried.

Senator Hernstadt absent.

SB 201 Requires certain public buildings, sidewalks and curbs to be constructed for physically handicapped accessibility.

Further discussion followed on SB 201, at which time it was decided to postpone action to a later date.

SB 231 Regulates practices of audiology and speech pathology.

Minutes of the Nevada State Legislature

Senate Committee on Commerce and Labor

Date: February 21, 1979

Page: 8

Further discussion followed on SB 231, at which time it was decided to postpone action to a later date.

There being no further business, the meeting adjourned at 5:15 p.m.

Respectfully submitted,

Betty Kalicki

Betty Kalicki, Secretary

APPROVED:

Senator Thomas R.C. Wilson

SENATE Commerce and Labor COMMITTEE

GUEST LIST

DATE: February 21, 1979

NAME	AGENCY OR ORGANIZATION
Burr Cobb	Nevada Manufactured Housing Assn
Dr. SCRIVNER	Chiropractic Assn & STATE BOARD
E. L. Newton	NTA
DAVID THOMPSON	REAL ESTATE DIVISION
Stephen C McFARLANE	Nevada Speech & Hearing Assoc
Joy Morris	Nevada Speech & Hearing Assoc.
W. E. Hancock	Public Works Board
Kathleen Olson	Rehabil. Division - Gov's. Committee
William Morris	STATE BOARD OF HEARING ^{ON HANDICAPPED} _{HEID SPECIALISTS}
SUSAN SIMMONS	REAL ESTATE DIVISION
Wayne Traut	Mobile Home Agency - Commerce
Gail Hoy	NEV. MANUFACT. HOUSING ASSN.
Linda Terry	NEV. MANUF. HOUSING ASSOC
Vincent P. Keady	Lieria Audiological Center
George Bennett	NEV. STATE Bd. of Pharmacy
Roy L. Lemmon	NEV. Athletic Commission
Ben Mackie	Resident of Sparks, Nevada

GUEST LIST - EXHIBIT A

Eugene Scrivner, D.C., State Board of Chiropractic
Examiners, Nevada Association of Chiropractic

Bruce Robb, Nevada Manufactured Housing Association

Wayne Tetrault, Administrator, Mobile Home Agency

Daryl Cappuro, Nevada Franchised Auto Dealers Association

Bob Guinn, Nevada Franchised Auto Dealers Association

William Morris, Chairman, State Board of Hearing Aid
Specialists

Kenneth Shipley, Ph.D., Nevada Speech and Hearing Association

Steven McFarlane, Ph.D., Nevada Speech and Hearing Association

Jean Kerin, Speech Pathologist, Secretary, Nevada Speech
and Hearing Association

Vincent H. Knauf, Ph.D., Audiologist, Speech Pathologist,
hearing aid dealer

Bill Hancock, Secretary and Manager, Nevada Public
Works Board

Kathleen Olson, Executive Director, Governor's Committee
for the Handicapped

Ernest Newton, Nevada Taxpayers Association

Ben Mackie, resident, Sparks, Nevada

Davig Thompson, Nevada Real Estate Division

Joy Morros, Nevada Speech and Hearing Association

Susan Simmons, Nevada Real Estate Division

David R. Hoy, Nevada Manufactured Housing Association

Linda Terry, Nevada Manufactured Housing Association

George Bennett, Secretary, Nevada State Board of Pharmacy

Roy F. Tennison, Nevada Athletic Commission

PROPOSED AMENDMENTS TO SB 173:

Page 3, line 35, insert into Section 14 new subsection (d) which provides as follows:

- (d) Any proof the division may deem necessary that the applicant has a qualified service department or has contracted for such service.
- (e) With an application for a manufacturer's, dealer's or rebuilder's license, a good and sufficient bond in the amount of \$10,000 with a corporate surety thereon, licensed to do business within the State of Nevada, approved as to form by the attorney general, and conditioned that the applicant shall conduct his business as a manufacturer, dealer or rebuilder without fraud or fraudulent representation, and without violations of the provisions of this chapter.
 - (1) The undertaking on the bond shall be deemed to include and shall include any fraud or fraudulent representation or violation of any of the provisions of this chapter by the salesman of any licensed dealer or rebuilder acting for the dealer or rebuilder on his behalf and within the scope of the employment of such salesman.
 - (2) The bond shall provide that any person injured by the action of the dealer, rebuilder, manufacturer or salesman in violation of any provisions of this chapter may bring an action on the bond.

Page 3, line 35, subsection (d) is now subsection (f).

Page 3, line 36, subsection (e) is now subsection (g).

Page 3, line 49, delete vehicle and insert mobile home...phrase reads, "Used mobile home dealer's."

Page 7, line 23, delete Section 27 through Section 36.

Page 11, line 49, insert the word "as" before the word "adopted."

Page 12, line 36, delete phrase "except as provided in subsection 2."

Page 12, line 39, delete subsections 2 and 3 of Section 46.

Page 13, line 4, subsection 4 is now subsection 2.

Page 13, line 6, subsection 5 is now subsection 3.

Page 13, line 8, delete phrase "except as provided in subsection 2."

Page 13, line 16, delete subsection 2 of Section 47.

PROPOSED AMENDMENTS TO SB 173--page two

Page 16, line 23, delete subsection 2 of Section 59.

Page 17, line 6, insert the phrase "or commercial coach" following phrase "mobile home."

Page 19, line 37, delete subsections 1 and 2 of Section 74 and insert:
489.150 "Travel trailer" defined. "Travel trailer" means a portable structure mounted on wheels, constructed on a vehicular-type chassis primarily designed as a temporary living quarters for recreational, camping or travel use and designed to be drawn by another vehicle. When equipped for highway use, the structure may not exceed 8 feet in width (nor 40 feet in body length), and designated by the manufacturer to be a travel trailer.

Page 34, line 41, delete Section 117.

2/14/79
cf

P. O. Box 1963
Reno, Nevada 89505
February 19, 1979

Senator Spike Wilson
Legislative Building
Carson City, Nevada

Subject: SB 173

Dear Senator Wilson:

A conference room has been reserved for Wednesday, February 21st for research into SB 173.

Certain individuals interested in the industry will hopefully suggest changes that will simplify, unify and organize current laws, as well as suggestions for expanding the program necessary for the rapidly increasing trends toward manufactured housing as well as R. V.'s.

I will suggest an Advisory Committee to the existing Mobile Home Agency, to be made up of individuals with expertise in closely related fields in the industry. (\$1.00 per year men).

Consideration giving the Agency power to regulate the entire industry, with power to enforce, with power to tax, and operate effectively will be studied. In so doing, enforcement would assure controls and eliminate loss of revenue for the State.

This aggressive posture would result in greater confidence in the State involvement in the industry.

Present laws are consistent in that they do not assure revenue for the State or effectively control the industry.

Enforcement of SB 173 as presently written will interfere and require new developments in legislation as well as entailing litigation in the courts and will require amending, as it lacks meaning and application, parts of the bill are discriminating, prejudiced and violate the essentials of good law.

I further find that after careful consideration there are other issues, and valid complaints to be explored as well as standards to be established by State enforcement agencies.

Mr. Tetrault is a very competent and dedicated employee of the State. With the anticipated growth of the industry I feel that State involvement should be expanded not limited to or controlled by a few, but rather enjoy the expertise of leaders in related fields insuring good business practices and enjoying a healthy controlled growth in this growing field of Manufactured Housing and Modular, as well as R.V.'s.

This is the only way our industry will be fully accepted in picking up the slack in the housing market and at the same time eliminate the loss of revenue for the State as well as control effectively.

In 1973 I suggested to the Governor that a Mobile Home Commission be established to control the problems at that time.

An advisory commission was appointed. To my recollection three dealers were appointed.

It is obvious from the number of bills being introduced and the growing problems today that the appointment of dealers only, did not make up an effective advisory committee at that time.

While we view and consider the record and after careful consideration I am convinced that a Mobile Home Advisory Board to the existing Mobile Home Agency, which will regulate the entire industry in Nevada is much needed at this time. It is a many faceted business, with growing pains, that requires specialized knowledge, in the fast changing trends today.

This view and others which also provide for the safety of Mobile Homes will be discussed at length Wednesday, hopefully to assist the committee in correcting certain deficiencies in the law and enact legislation which would correct them.

Thank you for your consideration in these matters.

Sincerely,



Helen Close

cc: Senator McCorkle

HC/dms

SUMMARY OF NEEDS AND CONCERNS FOR
LICENSING THE PRACTICES OF SPEECH PATHOLOGY AND AUDIOLOGY

Submitted to the Commerce and Labor Committee of the Nevada Senate by Kenneth G. Shipley (Lobbyist 79-310), on behalf of the Nevada Speech and Hearing Association.

Speech Pathology and Audiology

These professions assess and treat people with communicative disorders. This includes such speech, language, and hearing disorders as cleft palate, cerebral palsy, aphasia following strokes, laryngectomy, stuttering, voice, retardation, deafness and hearing impairment, etc.

Speech Pathology and Audiology are scientific and independent professions requiring a minimum of master's degree education and training.

Sponsorship and Support

The bill is sponsored, and has the unanimous support of the Nevada Speech and Hearing Association, a 125-member organization of speech pathologists and audiologists. The bill is supported by the Nevada Medical Society, and members of the Nevada Boards of Examiners for Medicine, Dentistry, Physical Therapy, and Clinical Psychology.

Cost of the Bill

None to the State. The bill will be self-supporting.

Needs for Licensure in Nevada

1. There are currently some under-trained or poorly trained persons working within the field.
2. Outside of the school system credential, there is presently no requirement for any level of training to provide services. On a private basis, persons only need to "hang out their shingle" for practice with communicatively disordered people.
3. Nevada is becoming "landlocked" by its absence of licensing. California, Oregon, and Utah have recently passed strong licensure bills.

These conditions have allowed inadequate or low quality service to be provided for those who need professional help.

Benefits of Licensure

1. Licensure will legally differentiate those who are qualified to offer services to the public from those who are not.
2. This will insure the establishment and maintenance of high professional ethical standards.
3. This will provide the public and profession with legal recourse to deal with unqualified, unethical, or malpractice by individuals.
4. This will prevent the State from becoming a "haven from incompetents" or "rip-off artists" who are unqualified to practice in other states. Thirty-three states now have licensure and other states are presently working toward such legislation.
5. Third-party payment will be simplified. Most third-party payers (e.g., private insurance carriers) request evidence of holding a state license to practice. This has, on occasion, resulted in communicatively disordered persons not receiving treatment because payment could not be obtained.

Summary of Licensure Achievements Expected

1. Assure greater accountability of speech pathologists and audiologists for diagnosis and treatment of communication disorders.
2. Assure uniformity of definition, practice, and standards of education and training for speech pathology and audiology at a high level throughout the state.
3. Protect the public from unscrupulous practices by a system of recourse: fines, suspension, or revocation of license.
4. Allow the state to establish appropriate high standards and monitor the training of those professionals.
5. Provide for reciprocal relations and status with licensed speech pathologists and audiologists in other states.
6. Provide for more and better insurance coverage for speech pathologists and audiologists; therefore, providing protection to the public.

Nevada State Board of Pharmacy

Members of the Board

N.E. Broadbent, Pres.
Ely

William Shiffman
Las Vegas

Elida Hernandez
Las Vegas

GEORGE T. BENNETT, SECRETARY
1281 TERMINAL WAY, SUITE 217
RENO, NEVADA 89502
(702) 322-0691

Members of the Board

G.R. (Bob) Tucker
Fallon

Frank Titus
Reno

Enrico Raffanti
Reno

SUGGESTED AMENDMENTS TO SB 137

SECTION 1. CHAPTER 639 OF NRS IS HEREBY AMENDED BY ADDING THERETO THE PROVISIONS SET FORTH AS SECTIONS 2 TO 11, INCLUSIVE, OF THIS ACT.

SECTION 2. "PRACTITIONER" DEFINED. "PRACTITIONER" MEANS: A PHYSICIAN, DENTIST, PODIATRIST OR VETERINARIAN HOLDING A CURRENTLY VALID LICENSE TO PRACTICE HIS PROFESSION IN THIS STATE.

SECTION 3. WHEN A PRACTITIONER PRESCRIBES A BRAND NAME DRUG AND PERMITS SUBSTITUTION, A PHARMACIST MAY FILL THE PRESCRIPTION WITH ANOTHER DRUG THAT IS BIOEQUIVALENT AND HAS THE SAME ACTIVE CHEMICAL INGREDIENT(S) OF THE SAME STRENGTH, QUANTITY AND DOSAGE FORM AND OF THE SAME GENERIC DRUG TYPE AS THE BRAND NAME DRUG.

SECTION 4. BEFORE A SUBSTITUTION IS MADE PURSUANT TO THIS SECTION, THE PHARMACIST SHALL NOTIFY THE PERSON PRESENTING THE PRESCRIPTION, THE AMOUNT OF THE PRICE DIFFERENCE BETWEEN THE BRAND NAME DRUG PRESCRIBED, AND THE GENERIC DRUG PROPOSED FOR SUBSTITUTION. SUBSTITUTION MAY BE MADE ONLY IF THE GENERIC DRUG PRESCRIPTION IS LOWER IN PRICE THAN THE BRAND NAME PRESCRIPTION. THE PERSON PRESENTING THE PRESCRIPTION MAY REFUSE OR ACCEPT THE PROPOSED SUBSTITUTION.

Nevada State Board of Pharmacy

Members of the Board

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SUGGESTED AMENDMENTS TO SB 137 Continued

NEVADA STATE BOARD OF PHARMACY

SECTION 5. WHEN A SUBSTITUTION IS MADE PURSUANT TO THIS SECTION, THE PHARMACIST SHALL NOTE ON THE PRESCRIPTION THE NAME OF THE MANUFACTURER, PACKER, OR DISTRIBUTOR OF THE DISPENSED GENERIC DRUG.

SECTION 6. EVERY PRESCRIPTION FORM IN THE STATE OF NEVADA SHALL CONTAIN TWO SIGNATURE LINES FOR THE PRESCRIBER. THE LEFT SIDE OF THE PRESCRIPTION FORM SHALL CONTAIN UNDER THE SIGNATURE LINE THE PHRASE 'SUBSTITUTION PERMISSIBLE'. THE RIGHT SIDE SHALL CONTAIN UNDER THE SIGNATURE LINE THE PHRASE 'DISPENSE AS WRITTEN'. IN THE INSTANCE OF AN ORAL PRESCRIPTION, THE PHARMACIST SHALL NOTE THE PRESCRIBER'S INSTRUCTIONS ON THE FACE OF THE PRESCRIPTION. PRESCRIPTIONS WRITTEN BY OUT-OF-STATE PRACTITIONERS SHALL NOT BE SUBSTITUTED. PRESCRIPTIONS FILLED OUTSIDE OF THE BORDERS OF THE STATE AND MAILED INTO NEVADA SHALL NOT BE SUBSTITUTED.

SECTION 7. AN EMPLOYER OR AGENT OF AN EMPLOYER OF A PHARMACIST SHALL NOT REQUIRE THE PHARMACIST TO DISPENSE ANY SPECIFIC GENERIC DRUG OR SUBSTITUTE ANY SPECIFIC GENERIC DRUG FOR A BRAND NAME DRUG AGAINST THE PROFESSIONAL JUDGMENT OF THE PHARMACIST OR THE ORDER OF THE PRESCRIBER.

SECTION 8. A PHARMACIST MAY NOT MAKE A SUBSTITUTION PURSUANT TO THIS SECTION UNLESS THE MANUFACTURER OF THE GENERIC DRUG IS LICENSED IN NEVADA AND HAS SHOWN THAT:

Nevada State Board of Pharmacy

Members of the Board

N.E. Broadbent, Pres.
Ely

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Las Vegas

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Enrico Raffanti
Reno

SUGGESTED AMENDMENTS TO SB 137 Continued

NEVADA STATE BOARD OF PHARMACY

1. All products have an expiration date on the original package.
2. All tablets or capsules have imprinted upon them a manufacturer's product identification code.
3. The manufacturer maintains recall and return capabilities for unsafe or defective drugs and a statement describing such capabilities is on file with the board of pharmacy.
4. The manufacturer has a liability statement relative to its drug products on file with the board of pharmacy.

SECTION 9. THE BOARD SHALL FURNISH ALL NEVADA PHARMACIES WITH A LIST OF MANUFACTURERS COMPLYING WITH SECTION 8. THIS LIST WILL BE UP-DATED BY AN ADDENDUM AT LEAST QUARTERLY TO REFLECT ADDITIONS OR DELETIONS.

SECTION 10. A PHARMACIST WHO SELECTS A GENERIC DRUG PRODUCT PURSUANT TO THIS ACT ASSUMES NO GREATER LIABILITY FOR SELECTING THE DISPENSED DRUG PRODUCT THAN WOULD BE INCURRED IN FILLING A PRESCRIPTION FOR A DRUG PRODUCT PRESCRIBED BY ITS GENERIC NAME.

SECTION 11. THE PHARMACIST MAY USE AS A REFERENCE GUIDE THE "F.D.A. LIST OF THERAPEUTICALLY EQUIVALENT DRUGS."

SENATE BILL NO. 187—SENATOR JACOBSEN

FEBRUARY 5, 1979

Referred to Committee on Commerce and Labor

SUMMARY—Enables officers of the Nevada state board of chiropractic examiners to subpoena documents. (BDR 54-236)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to chiropractic; authorizing certain officers of the Nevada state board of chiropractic examiners to issue subpoenas duces tecum; 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 634.180 is hereby amended to read as follows:
2 634.180 1. The *board shall give the person charged* [shall be given]
3 a full and fair hearing [by the board,] with the right to be heard and
4 appear in person and by counsel and to present witnesses.
5 2. The president or secretary of the board [shall have power:
6 (a) To issue] *may:*
7 (a) *Issue* subpoenas for the attendance of witnesses [.] *and the produc-*
8 *tion of documents or other tangible evidence.*
9 (b) [To administer] *Administer* oaths to all witnesses at such hear-
10 ings.

SENATE BILL NO. 188—SENATOR JACOBSEN

FEBRUARY 5, 1979

Referred to Committee on Commerce and Labor

SUMMARY—Standardizes fee for licensure of chiropractors. (BDR 54-258)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to chiropractors; standardizing the fee for licensing chiropractors; 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 634.100 is hereby amended to read as follows:
2 634.100 1. [All applicants for licenses] *An applicant for a license*
3 to practice chiropractic in the State of Nevada [who have not previously
4 been admitted to practice in any other state shall] *whether by examina-*
5 *tion or reciprocity, must pay to the secretary of the board [the sum of*
6 *\$75 before being entitled to have their applications considered.] a fee of*
7 *\$100.*
8 2. [Applicants who have been previously licensed to practice chiro-
9 practic in any other state shall pay to the secretary of the board the sum
10 of \$100 before being entitled to have their applications further consid-
11 ered.
12 3.] An applicant taking the examination who receives a general aver-
13 age of not less than 75 percent in all subjects and who does not fall below
14 the grade of 70 percent in any one subject [shall be granted] *is entitled*
15 *to a license to practice chiropractic.*
16 [4.] 3. If an applicant fails to pass the first examination, he may
17 take a second examination within 1 year without payment of any addi-
18 tional fees. Credit [shall] *must be given on this examination for all sub-*
19 *jects previously passed with a grade of 75 percent or higher.*

SENATE BILL NO. 189—SENATOR JACOBSEN

FEBRUARY 5, 1979

Referred to Committee on Commerce and Labor

SUMMARY—Increases qualifications required of chiropractors and chiropractic examiners. (BDR 54-346)

FISCAL NOTE: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to chiropractic; requiring every licensed chiropractor to submit proof of continuing education as a condition precedent to the renewal of his license; requiring experience in Nevada for appointment as a chiropractic examiner 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 634.020 is hereby amended to read as follows:
- 2 634.020 1. The Nevada state board of chiropractic examiners, con-
- 3 sisting of six members appointed by the governor, is hereby created.
- 4 2. The governor shall appoint:
- 5 (a) Five members who [are:
- 6 (1) Graduates]:
- 7 (1) *Are graduates* of chiropractic schools or colleges giving a course
- 8 of study embracing the following subjects: Anatomy, bacteriology, chiro-
- 9 practic theory and practice, diagnosis or analysis, elementary chemistry
- 10 and toxicology, histology, hygiene and sanitation, obstetrics and gynec-
- 11 ology, pathology, physiology, and symptomatology.
- 12 (2) [Duly] *Have been* licensed chiropractors in the State of Nevada
- 13 for at least 5 years and are actually engaged in the practice of chiro-
- 14 practic at the time of their appointment.
- 15 (b) One member who is a representative of the general public.
- 16 3. At least two of the appointees [shall] *must* have had a course in
- 17 physiotherapy in a school or college of chiropractic. Not more than two
- 18 persons who are resident graduates of the same school or college of
- 19 chiropractic may serve simultaneously as members of the board.
- 20 4. The member who is a representative of the general public shall
- 21 not participate in preparing, conducting or grading any examination
- 22 required by the board.

SENATE BILL NO. 201—SENATOR KOSINSKI

FEBRUARY 9, 1979

Referred to Committee on Commerce and Labor

SUMMARY—Requires certain public buildings, sidewalks and curbs to be constructed for accessibility by physically handicapped. (BDR 54-941)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to public accommodations; requiring adoption and enforcement of standards of construction for certain buildings, sidewalks and curbs to permit accessibility by the physically handicapped; 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. Chapter 651 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *As used in this section, "public building" means a building open*
4 *to the public or intended for public use. The term includes, but is not*
5 *limited to, any auditorium, convention center, health care facility, hotel,*
6 *motel, restaurant, stadium or theater.*
7 2. *The state public works board shall by January 1, 1980, adopt*
8 *standards for making public buildings and curbs and sidewalks intended*
9 *for public use accessible to and usable by the physically handicapped.*
10 3. *Plans and specifications for all public buildings and for any curbs*
11 *and sidewalks intended for public use which are constructed in this state*
12 *after July 1, 1980, must conform to the standards adopted by the state*
13 *public works board.*
14 4. *The state public works board shall enforce the requirements of*
15 *this section and may delegate its powers of enforcement to the appro-*
16 *priate governing body of any county, city or other political subdivision.*
17 SEC. 2. NRS 341.110 is hereby amended to read as follows:
18 341.110 In general, the board [shall have] *has* such powers as may
19 be necessary to enable it to [fulfill its functions and to carry out the
20 purposes of this chapter.] *carry out its duties as imposed by law.*

SENATE BILL NO. 231—COMMITTEE ON
COMMERCE AND LABOR

FEBRUARY 14, 1979

Referred to Committee on Commerce and Labor

SUMMARY—Regulates practices of audiology and speech pathology.
(BDR 54-844)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to professions, occupations and businesses; regulating the practices of audiology and speech pathology; creating the board of examiners for audiology and speech pathology and providing its organization, powers and duties; providing for licensing and disciplinary actions; providing penalties; 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. Title 54 of NRS is hereby amended by adding thereto a
2 new chapter to consist of the provisions set forth as sections 2 to 34,
3 inclusive, of this act.
- 4 SEC. 2. The practice of audiology and the practice of speech pathol-
5 ogy are hereby declared to be learned professions, affecting public
6 safety and welfare and charged with the public interest, and are there-
7 fore subject to protection and regulations by the state.
- 8 SEC. 3. As used in this chapter, unless the context otherwise requires,
9 the words and terms defined in sections 4 to 8, inclusive, of this act have
10 the meanings ascribed to them in those sections.
- 11 SEC. 4. "Audiologist" means any person who engages in the practice
12 of audiology.
- 13 SEC. 5. "Board" means the board of examiners for audiology and
14 speech pathology.
- 15 SEC. 6. "Practice of audiology" consists of holding out to the public,
16 or rendering, services for the measurement, testing, appraisal, prediction,
17 consultation, counseling, research or treatment of hearing and hearing
18 impairment for the purpose of modifying disorders in communication
19 involving speech, language and hearing.
- 20 SEC. 7. "Practice of speech pathology" consists of holding out to the