

The meeting was called to order at 12:30 p.m. in Room 213  
Senator Thomas R. C. Wilson was in the chair.

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  
Senator William H. Hernstadt

ABSENT: None.

OTHERS SEE PAGE 1A ATTACHED FOR FULL LIST.

PRESENT:

SB 389 Allows issuance of limited licenses to practice  
medicine to resident physicians in certain post-  
graduate training programs hospitals.

Tom Scully, M.D., representing the Nevada State Board of Medi-  
cal Examiners, stated he supports SB 389. Dr. Scully explained  
that on July 3, residency programs will begin in Nevada; and  
SB 389 would enhance the ability of first-year residents to com-  
plete their education. They would be restricted to practicing  
within the confines of an accredited residency program and would  
be prohibited from practicing privately. He stated that the  
medical schools and hospitals (Southern Nevada Memorial Hospital,  
Washoe Medical Center and Reno Veterans Administration Hospital)  
support Senate Bill 389.

Dr. Scully explained to Senator Blakemore that senior medical  
students will be spending time in rural communities beginning  
this year; once they've received their M.D. degree, they serve  
3 years of residency, the first year of which would be in major  
teaching hospitals. When those residents reach their third year  
they would be eligible for licensure and will spend time in the  
rural communities.

Fred Hillerby, Nevada Hospital Association, supports passage of  
SB 389 and suggested an amendment that would include the three-  
year residency program.

Richard G. Pugh, Nevada State Medical Association, stated that  
the Association supports SB 389.

Chairman Wilson closed the public hearing on Senate Bill 389.

SB 390 Provides for regulation of retail sale of  
convenience drugs.

George Bennett, Secretary, Nevada State Board of Pharmacy, stated  
that drugs are sometimes stored improperly and therefore deterio-  
rate; and that vitamins lose their strength with age. Mr. Bennett

continued that the chemical make-up of drugs can change with age. Mr. Bennett discussed restricted drugs such as methonal, iodine, boric acid and chloroform, and suggested that it would be an advantage to have a list of over-the-counter drugs. He continued that there are 28 states that require over-the-counter outlets to be licensed by the Board of Pharmacy.

Mr. Bennett stated that last session similar legislation was introduced, and there was opposition from small dealers such as service stations, bars, and services by the blind; this legislation exempts services by the blind, and services having six or less chemical entities.

Mr. Bennett explained that medications containing more than one compound would be considered one entity. He continued that aspirin can turn to vinegar.

Senator Hernstadt stated that the efforts of the legislature have been toward less legislation and that he does not think that SB 390 is necessary. He stated that this regulation is now handled federally.

Mr. Bennett explained to Chairman Wilson that about 40 or 50 products are sold over the counter at present. He continued that the inspections would not take long and the \$10 license fee would be sufficient.

Senator McCorkle suggested that registration rather than regulation would be a more satisfactory solution.

Chairman Wilson closed the public hearing on Senate Bill 390.

SB 391 Removes authority of physician's assistants to dispense controlled substances, poisons, dangerous drugs or devices.

Milton C. Keversham, Nevada State Pharmaceutical Association, presented a letter from Mary Beth Arnold, R.Ph., President, Nevada State Pharmaceutical Association, be entered for the record. (See Exhibit A.)

Mr. Keversham explained that NRS 454.191 defines "administer" as to handle immediate drug needs; whereas "dispense" refers to the long-term medical needs of the patient. He stated that dispensing is limited to physicians, pharmacists, dentists, and veterinarians.

In answer to Chairman Wilson's question regarding physician's assistants and nurse practitioners being allowed to dispense, Mr. Keversham explained that he feels that people without the same educational requirements as pharmacists should not be allowed to dispense. He stated that physician's assistants and nurse practitioners have a limited list of drugs that they can now dispense. He continued that it is hard enough for pharmacists to keep up with new developments and drug interactions; and that PAs and NPs would not be able to do this.

Senator Hernstadt stated that this legislation would greatly hamper the effectiveness of PAs and NPs in rural areas.

Mr. Keversham explained that immediate needs could be 6 doses and that would take care of the patient's needs. He continued that PAs and NPs in urban areas do not have this privilege at all. Mr. Keversham stated that the Pharmaceutical Association's position is that it does not make sense for a board (pharmaceutical) to allow the practice of pharmacy by regulation when the legislature has gone to the trouble to mandate that pharmacists shall meet these educational and licensing requirements.

Mr. Keversham explained to Chairman Wilson that writing a prescription is prescribing and taking the medication out of the bottle, counting it out, and instructing as to its proper use is dispensing.

Senator Blakemore explained that in a rural area, if a NP administered a drug and there was a reaction, the patient would return within 24 hours and the NP would be in contact with the physician for advice.

Chairman Wilson observed that immediate need can be one thing on an urban street, and something entirely different in a rural area. He stated that the bill reads that the state board of pharmacy would have to contain its regulations to that which would administer only.

Senator Hernstadt stated that the pharmacy board has jurisdiction over the PAs and if there were a bad situation of abuse or misdispensation, the board could withdraw permission for the PAs to administer or dispense.

Mr. Keversham stated that the pharmacists are striving for excellence in their profession and being permissive in dispensing is regressing. He explained that the standards for pharmacists are to protect the public's health, safety and welfare.

William E. Bunn, representing the Nevada Academy of Physician's Assistants, presented prepared testimony and background information in opposition to S.B. 391 (see Exhibit B).

Mr. Bunn answered Senator Hernstadt that this legislation would have little impact on him, as a physician's assistant working on a federal reservation, but would greatly affect rural PAs. He explained that the intent is not to instigate pharmacies in rural areas, but to make it possible for PAs to practice effectively; and that presently the rules specify a 10-day maximum for supply of drugs.

Amanda Ceccarelli, Director, Central Nevada Rural Health Consortium, Tonopah, Nevada, testified in opposition to SB 391. She stated that the County Commissioners of Mineral, Nye, Esmeralda, and Lincoln signed a cooperative agreement 2 years ago to provide primary health care in those counties; and that presently there are 4 clinics open; one in Tonopah, Caliente, Beatty and Pahrump.

There are 2 physicians and 4 physician's assistants; and in August there will be 6 physicians, 3 dentists, and 4 PAs. Ms. Ceccarelli stated that SB 391 would destroy the program in the rural areas. She continued that all areas in which PAs have been allowed to dispense medicine have no pharmacies, physicians or hospitals. Ms. Ceccarelli explained that in her experience, 3 days rather than 10, has been ample time for supply of drugs. She continued that the Consortium will be establishing satellites in Round Mountain, Silver Peak, Fish Lake, Goldfield, Alamo and Pioche, all of which are without pharmacies and are 50 to 100 miles from a pharmacist.

Joan Rogers, representing the Board of Medical Examiners, concurred with the previous testimony.

Myrl Nygren, Administrator, Office of Health Planning and Resources, presented prepared testimony in opposition to SB 391 (see Exhibit C).

Ken Newcomb, Director, Greater Nevada Health Systems Agency, concurred with the previous testimony.

George Bennett, Secretary, Nevada State Board of Pharmacy, stated that the Board has no stand on SB 391, but clarified that "administer" means one dose, which could be one pill, 3 capsules, etc.; and anything beyond that immediate need becomes dispensing. Mr. Bennett continued that the Pharmacy and Medical Boards have met over a period of 2 years, to arrive at the provisions that PA's could dispense, with stringent guidelines.

Sue Pearson, Nurse Practitioner, Physician's Assistant, concurred in opposition to SB 391 and presented letters from William G. Wixted, M.D., FACOG, FACS, Associate Professor, Department of OB-GYN, UNR, School of Medical Sciences, and Patrick M. Flanagan, M.D., FACOG, Chief of Staff, Women's Hospital (see Exhibit D).

Mr. Keversham concluded by reiterating his previous testimony.

Chairman Wilson closed the public hearing on Senate Bill 391.

SB 393      Permits employers to withhold certain amounts  
                 from employee's wages.

Robins Cahill, representing the Nevada Resort Association, stated that he supports SB 393. Mr. Cahill explained that the reason for this legislation is to enable employers to deduct amounts paid by mistake, and amounts authorized in writing by the collective bargaining representative of the employee, or authorized by a collective bargaining agreement covering the employee.

In answer to Chairman Wilson's question, Mr. Cahill replied that he doesn't know why this legislation has been introduced.

Mercedes M. Parsons, private citizen, testified in opposition to SB 393 and stated that she does not believe that dues by any organization should be withheld from an employee.

Mr. Cahill could not answer Senator Hernstadt's question as to the intent of the bill, but suggested that it would be to the benefit of the employee.

Clint Knolle, representing the Nevada Association of Employers, testified in opposition to SB 393, and stated that the paycheck of the working man should be protected; that an employer should have written permission (from the employee) to deduct any amount from an employee's pay.

Senator McCorkle suggested that the language could be amended to include "when authorized by an employee".

Chairman Wilson closed the public hearing on Senate Bill 393.

SB 394      Makes various changes in the law relating  
to savings and loan associations.

Lester Goddard, Commissioner, Savings and Loan Division, testified in support of SB 394, and presented proposed amendments (see Exhibit E). Mr. Goddard agreed with Senator Close that "business trust" should be deleted. He stated that the savings and loan associations support this legislation. Mr. Goddard explained to Senator McCorkle that tax laws have nothing to do with the lending of money by savings and loan associations, and that mobile homes should be considered as real property for the purpose of making loans. He explained to Senator Young that the reason for requesting information would be to discover who is asking for the loan so that approval of real change could be made in the future.

Senator Blakemore asked if the thrust of this legislation could be aimed at foreign money.

Mr. Goddard agreed that this would be a consideration and that in combination with the federal government the commission would have jurisdiction.

Chairman Wilson clarified that the language doesn't give the commission that jurisdiction, but states that the commission be notified 10 days after knowledge is obtained.

Senator Ashworth stated that the language of the bill is confusing.

Mr. Goddard explained to Senator McCorkle that lines 24 and 25 refer to federal rules and regulations and lines 35 and 36 add the options to buy stock. Mr. Goddard stated that Bob Banks, President of Home Savings, and Jim Lewis, President of American Savings, support SB 394.

Senator Ashworth clarified that this legislation mandates what previously was rules and regulations.

Mr. Goddard explained to Senator Blakemore that the legislation states that the commission does examinations every 2 years or less.

Jim Wadhams, Director, Commerce Department, explained that Nevada

feels that it is important that the people in control of state charter associations be qualified and capable; no person can acquire more than 10 percent without having first being approved by the insurance commissioner. Mr. Wadhams continued that 10 percent is the guideline. He explained to Senator Ashworth that NRS 673.208 provides that if the individual has been adjudged bankrupt, he would not qualify to be a director of a savings and loan association, and would be disqualified from ownership. He agreed with Senator Ashworth and Senator Young that the language is not clear, and should be amended to have stronger regulations for the savings and loan industry.

Mr. Goddard agreed to report back to the Committee with appropriate amendments.

SB 402 Permits employees to include tips in wages for purposes of unemployment compensation.

Senator Hernstadt introduced SB 402 and stated that his testimony would apply to both SB 402 and SB 413 (see next bill in minutes of this meeting). He stated that the IRS had determined that tips are considered part of earnings for the purpose of income taxes. He continued that when people who earn tips are injured on the job or laid off, their benefits are based on their minimum wage; and this legislation would enable them to include their tips as part of wages. He explained that this would be of no cost to the employer except accounting charges. He clarified to Senator McCorkle that in the minimum wage law, one could not include tips in calculating minimum wage, but that since he is paying income taxes on tips, they should be included in unemployment compensation or worker's compensation.

Larry McCracken, Executive Director, Employment Security, presented prepared testimony and background information regarding SB 402 (see Exhibit F).

In reply to Senator Hernstadt's question, Mr. McCracken stated he does not know how the federal government handles the problem of people padding their income taxes.

Senator Hernstadt stated that the percentage of tips paid in income tax should be able to be claimed for compensation.

Walter John, Department of Taxation, stated that in service industries, turnover determines how much an employer pays into compensation.

Mr. McCracken stated people would deliberately pad tips with the intention of being able to use them for compensation purposes.

Ed Bowers, Executive Director, Gambler's Association of Nevada, testified in opposition to SB 402. Mr. Bowers explained that the administration work load in the employment department would increase from 18,000 to 70,000 returns quarterly, and stressed that tips are not wages and the employer is not involved.

Senator. Hernstadt suggested that good employees, proved good by their ability to earn high tips, should be able to get the maximum amount of benefits. He stated that opposition to SB 402 encourages unionization. He stated that the employers and the Employment Security Department should cooperate.

Clint Knolle, Nevada Association of Employers, concurred with the previous testimony in opposition to SB 402, and stated that large companies have large insurance trusts which are called selective insurance and people who would take advantage of this legislation are ones who would anticipate using it. He continued that federal income tax is not relevant, because the employer is not involved.

SB 413 Allows employees to report tips as wages and pay additional premiums for industrial insurance to increase coverage.

Carvel Rose, representing the Nevada Industrial Commission, testified in opposition to SB 413, and stated that this legislation would increase the burden of determining the wage upon which compensation would be based, and would contribute to the difficulty in auditing. He explained that when people put in claims to NIC for compensation, the Commission reviews their average earnings and rarely are there tips; and that the maximum compensation that can be earned is \$915 per month, and the average is two-thirds of their salary.

W.C. Anthonisen, Summa Corporation, stated that, for the record, for one time in the legislative session he agrees with NIC. Mr. Anthonisen concurred with the previous testimony. He added that with this legislation a legal question would arise as to whether an employee could sue. He stated that it would not be inconceivable for someone to deliberately hurt themselves for compensation purposes.

Chairman Wilson closed the public hearing on Senate Bill 413.

AB 49 Increases standards for licensing of nurses and limits reciprocity of admission of foreign nurses.

For previous discussion and testimony on AB 49, see minutes of meetings of March 21 and March 28, 1979.

Samuel P. McMullen, Deputy Attorney General, stated that, with regard to the question as to whether there is any discretion enjoyed by the Nevada State Board of Nursing's licensing without an examination and referring to NRS 632, he had suggested that the language should limit the expertise and evaluation of the Board of Nursing to the equivalency of the examination; previously no examination was required. He answered Chairman Wilson that the change of "may" to "shall" on page 1, line 2, is because it should not be permissive but mandated; but in his opinion either would be satisfactory and the bill drafter had made the change.

Mr. McMullen answered Senator Ashworth, that the intent would be for the examination to be equivalent in any language, and that the

burden of proof is on the applicant.

Chairman Wilson clarified that the purpose of the bill is for the Board of Nursing to determine equivalency for reciprocity and where it finds that the examinations are not equal to require a Nevada examination.

Mr. McMullen stated that he prefers the "may" language.

Ms. Gothberg stated that the situation for practical and registered nurses is the same.

Chairman Wilson closed the public hearing on Assembly Bill 49.

SB 173 Establishes the manufactured housing division.

For previous discussion, testimony and action on SB 173, see minutes of meetings February 14, 21, and March 5, 1979.

Chairman Wilson stated that the Committee has no jurisdiction on SB 173, because it is on the Secretary's desk; but that there is need for clarification.

Senator McCorkle referred to page 2, line 30 and stated that he would object to the state's having stricter standards than the federal government. He continued that the state administrator would have the right to make inspections, approve plans and specifications and the federal government does the same thing; and he would not want the state to exceed the feds.

Wayne Tetrault, Administrator, Mobile Home Agency, explained that Chapter 49 includes mobile homes and travel trailers and inspections can be in a dealer's lot or a travel trailer plant, if necessary.

James L. Wadhams, Director, Department of Commerce, clarified that federal law supersedes all state laws, but state laws can be stricter.

Discussion followed wherein Senator Blakemore explained that California had been shipping inferior mobile homes to Nevada and these inspections would insure against that. Senator Close stated that a court had decided that because of the Occupational Safety and Health ACT (OSHA), property cannot be inspected without a search warrant.

Mr. Tetrault stated that it has been the practice of the Mobile Home Agency to make regular inspections of mobile homes on dealers' lots to verify that they meet federal specifications; and that, though there are no warehouses in Nevada, the language in the bill was picked up from federal statute.

Senator McCorkle referred to page 3, line 1. Mr. Tetrault explained that the "label" certifies that the trailer has been built to specifications and can be sold in Nevada; it gives the Agency the authority to license with a private firm. He stated the label represents the national code that is accepted by the industry, and covers



plumbing, heating, and electrical systems. He continued that the label assures that out-of-state trailers meet Nevada standards as well.

There was discussion as to the need for licensing servicemen. There had been a lot of consumer complaints concerning poor quality service. Contractors must be licensed and it is felt that in the interest of quality that servicemen should be licensed.

Senator McCorkle stated that he does not think it necessary to license servicemen. He asked why regulations for licensing mobile homes should be included in this legislation rather than leaving them with the real estate division.

Mr. Tetrault explained that presently the DMV does this licensing, and it should be under the jurisdiction of the Commerce Department. He continued that there is an Assembly bill that will amend SB 173, so that licensed real estate brokers will be registered with the manufactured housing division.

It was suggested that the license period should be extended from 12 to 24 months. Mr. Tetrault asked that the Division be able to double its fees if this change were made. Senator Close stated that it would not be necessary to double the fees.

Mr. Wadhams stated that the Division is totally self-supporting through the fee structure.

Senator McCorkle stated that "unfitness", on line 41, is not satisfactory language. Mr. Tetrault agreed that the term is too vague. He explained to Senator Close that the way the statute is now, the license could be revoked in cases of bankruptcy.

Mr. Wadhams clarified that in all the regulated licensing agencies the basis for revocation is based on qualifications necessary for the license; and a "nail-pounder" financial situation is entirely irrelevant.

Senator Close suggested that Frank Daykin, Legislative Counsel, could provide language that would determine a person's qualifications for licensure.

Chairman Wilson stated that there should be notification of inspection.

Mr. Tetrault stated that if a salesman wants to advertise, the company's name should be included for the benefit of the public. He explained to Senator Close that the language on page 6, lines 12 through 15 are from NRS 645; and the Commerce Department should be able to revoke licenses in cases of misrepresentation.

Mr. Wadhams explained the reason for independence of the licensee is to protect Nevada's standards in the case where there would be an inspection team out-of-state.

Mr. Tetrault explained to Senator McCorkle that the one year applies to a complaint made by a consumer to a licensee.

Senator McCorkle asked the difference between an assembling according to standards and a label of compliance.

Mr. Tetrault explained that the label is visual proof that the trailer was manufactured to specifications, it is an identifying label. He explained that the difference between a mobile home and a commercial coach is that a mobile home is lived in, whereas a commercial coach is a portable unit, similar to a mobile home, but used for commercial purposes.

Chairman Wilson stated that section 25 says that a license can be issued for a year, but the license can't be issued within the year, thus the language is confusing and should be rewritten.

Senator Close asked if any manufactured housing was constructed after 1977, and does not meet the standard because it was constructed in a state that has no standards, what can be done with it? He stated that if a home is old, and a person wants to sell it, he can't; and that this language is unenforcible. He continued that it is understandable to want to protect people who are living in substandard housing; but the legislation should not be retroactive.

Mr. Tetrault explained that it would be enforced only if the person wanted to sell.

Mr. Wadhams suggested that language could be added that would allow a nonconforming manufactured housing to be sold as long as the nonconformity is disclosed.

Senator McCorkle stated that "fit for habitation" and "meeting building codes" is not necessarily the same thing.

Mr. Tetrault explained to Senator Young that 20 years or older mobile homes are more dangerous than conventional ones; but that those built since then are safe. He suggested that the addition of "licensee" would exclude private sales.

Richard Hoy, representing the Nevada Manufactured Housing, explained that in 1976, the federal government had divided manufactured housing into 3 zones. He continued that in California a zone 1 home, which does not have insulation, storm windows and has a smaller furnace costs less; but these requirements are necessary for Nevada's climate. Therefore, these mobile homes do not meet Nevada's requirements. He said that this legislation is designed to protect the consumer who unknowingly purchases a zone 1 mobile home which was built after 1976. He stated that, as he understands the bill, anything prior to 1968 can be sold; but after 1968, the home should meet the code, which requires plumbing, heating, and electrical, and has been inspected and given a certificate.

Senator McCorkle stated that "stick built" homes don't have those requirements today.

Mr. Hoy explained that older mobile homes have burned down, hence the need for these requirements.

Discussion followed regarding the quality of homes built prior to 1968, and the standards of those built alone. This legislation does not seem to solve the problems of people living in older homes, particularly if they want to sell.

Mr. Wadhams suggested an amendment that would bring the unit up to the standard at the time of manufacture if resale were intended. Mr. Tetrault stated that provision exists in the rules and regulations.

Senator Ashworth stated that the bill should be studied more closely by the Committee.

Chairman Wilson directed Senators Ashworth and McCorkle to meet with Messrs. Tetrault, Hoy and Wadhams, and report back to the Committee.

Action on Senate Bill 173 was postponed to a later date.

AB 49 Increases standards for licensing of nurses and limits reciprocity of admission of foreign nurses.

For previous discussion and testimony on AB 49, see minutes of meeting, March 21, 1979.

Discussion followed regarding requirements for reciprocity of out-of-state nurses.

It was decided that the standards should be the same, or substantially the same, and an examination should be given.

Senator Blakemore moved that AB 49 be passed out of Committee with a "Do Pass" recommendation.

Seconded by Senator Hernstadt.

Motion carried unanimously.

SB 413 Allows employees to report tips as wages and pay additional premiums for industrial insurance to increase coverage.

Senator Young moved that SB 413 be indefinitely postponed.

Seconded by Senator McCorkle.

Senator Hernstadt dissented.

Motion carried.

SB 402 Permits employees to include tips in wages for purposes of unemployment compensation.

(SB 402 -- bill action continued)

Senator Young moved that SB 402 be indefinitely postponed.

Seconded by Senator McCorkle.

Senator Hernstadt dissented.

Motion carried.

SB 394 Makes various changes in the law relating to savings and loan associations.

Discussion followed regarding amendments to SB 394. Senator Ashworth stated that the language now says that there should be \$1 minimum but then continues that the par value of the permanent capital stock may be reduced without written permission of the commission. It was decided to delete "par value" and to require publishing in every county where there is an office. The amendments submitted by Lester Goddard, Commissioner of Savings and Loan Division, were found to be acceptable. (See Exhibit E.)

Senator Blakemore moved that SB 394 be passed out of Committee with an "Amend and Do Pass recommendation.

Seconded by Senator Close.

Motion carried unanimously.

SB 393 Permits employers to withhold certain amounts from employees' wages.

Action on SB 393 was postponed to a later date.

SB 391 Removes authority of physician's assistants to dispense controlled substances, poisons, dangerous drugs or devices.

Senator Blakemore moved that SB 391 be indefinitely postponed.

Seconded by Senator Hernstadt.

Motion carried unanimously.

SB 390 Provides for regulation of retail sale of convenience drugs.

Senator McCorkle moved that SB 390 be indefinitely postponed.

Seconded by Senator Hernstadt.

Senators Young and Blakemore abstained.

Motion carried.

SB 389 Allows issuance of limited licenses to practice medicine to resident physicians in certain post-graduate training programs in hospitals.

Senator Young moved that SB 389 be passed out of Committee with a "Do Pass" recommendation.

Seconded by Senator McCorkle.

Motion carried unanimously.

BDR 2108 A Senate concurrent resolution calling upon judges of the 8th judicial district to empanel the grand jury to investigate the NIC rehabilitation program.

Discussion followed regarding the death of a patient, Harold Stichter, on March 29, 1979 at the Jean Hanna Clark Rehabilitation Center in Las Vegas. It was decided that this legislation does not solve the problem, and that it is not the place of the legislature to interfere.

Chairman Wilson stated that Bob Miller, the Clark County District Attorney, is able to handle the investigation and suggested that there are alternative approaches to the problem: one is an Interim Committee with a budget, that could subpoena; another would be a medical panel that could review. Chairman Wilson agreed to have a resolution prepared for Committee approval.

It was decided to defer BDR 2108 to a later date.

BDR 55-1664\* Related to financial institutions, authorizes banks and savings and loan associations to make loans secured by interest in cooperative housing corporations.

Senator Young moved for Committee introduction.

Seconded by Senator Hernstadt.

Motion carried unanimously.

BDR 54-1577\*\* Relates to real estate brokers and salesmen for licensing and regulation of brokers and salesmen.

Senator Young moved for Committee introduction.

Seconded by Senator Blakemore.

Motion carried unanimously.

SB 350 Provides penalty of failure of producer-promoter of entertainment production to obtain permit and post with the labor commission.

\*SB 451

\*\*SB 443

(SB 350 -- bill action continued)

Senator Hernstadt moved that SB 350 be passed out of Committee with a "Do Pass" recommendation. Seconded by Senator Blakemore.

Motion carried unanimously.

SB 381 Raises threshold for tort liability based on medical benefits paid to injured person.

Senator McCorkle moved to postpone SB 381 indefinitely.

Seconded by Senator Young.

Senator Hernstadt dissented.

Motion carried.

SB 383 Requires NIC to simplify certain forms and provide appeal forms upon adverse determinations.

Senator Young moved to postpone SB 383 indefinitely.

Seconded by Senator McCorkle.

Motion carried unanimously.

SB 384 Sets requirements for notice and hiring before closing of certain cases by NIC.

Discussion followed, resulting in new language to be added that would include "the claimant has the right to appeal on closing of his case."

Senator Blakemore moved that SB 384 be passed out of Committee with an "Amend and Do Pass" recommendation. Seconded by Senator McCorkle.

Motion carried unanimously.

Senator McCorkle proposed an amendment to NRS 608.150, stating that "the original contractor shall be held liable as provided herein only for the indebtedness incurred after the date of receipt by the original contractor of written notice of such indebtedness." (See Exhibit G.) The Committee agreed to the drafting of this proposal.

Meeting adjourned at 6:00 p.m.

Respectfully submitted,

APPROVED:

\_\_\_\_\_  
Betty Kalicki, Secretary

\_\_\_\_\_  
Thomas R.C. Wilson, Chairman

OTHERS PRESENT AND TESTIFYING (Continued from page 1):

Tom Scully, M.D., Nevada State Board of Medical Examiners  
Fred Hillerby, Nevada Hospital Association  
George Bennett, Secretary, Nevada State Board of Pharmacy  
Milton C. Keversham, Nevada State Pharmaceutical Association  
Amanda Ceccarelli, Director, Central Nevada Rural Health Consortium  
Myrl Nygren, Administrator, Health Planning and Resources  
Ken Newcomb, Director, Greater Nevada Health Systems Agency  
Sue Pearson, Nevada Academy of Physician's Assistants  
Robins Cahill, Nevada Resort Association  
Mercedes M. Parsons, private citizen opposing SB 393  
Clint Knolle, Nevada Association of Employers  
Lester Goddard, Commissioner, Savings and Loan Division, Commerce  
Larry McCracken, Executive Director, Employment Security Dept.  
Walter John, Dept. of Taxation  
Ed Bowers, Executive Director, Gambler's Association of Nevada  
Carvel Rose, Nevada Industrial Commission  
W. C. Anthonisen, SUMMA Corporation  
Pat Gothberg, Executive Director, Nevada Nurses' Association  
Samuel P. McMullen, Deputy Attorney General, Civil Division  
Wayne Tetrault, Administrator, Mobile Home Agency  
Jim Wadhams, Director, Department of Commerce  
Richard Hoy, Nevada Manufactured Housing  
William E. Bunn, President, Nevada Academy of Physicians' Assistants  
Gail E. Williams, Nevada Academy of Physicians' Assistants  
R. Scott Chavez, Nevada Academy of Physicians' Assistants  
Richard G. Pugh, Nevada State Medical Association  
Orvis E. Reil, Chairman, National Retired Teachers of America,  
American Association for Retired Persons  
Joan Rogers, Nevada State Board of Medical Examiners  
Frank L. Titus, Nevada State Board of Pharmacy  
Walter Drew, Department of Employment Security



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April 4, 1979

Senator Spike Wilson  
Nevada State Senate  
Legislative Building  
Carson City, Nevada 89710

Dear Senator Wilson:

The Nevada State Pharmaceutical Association urges your strong support for S.B. 391. During the 1977 session of the Legislature, NRS 639.1373 was adopted. This statute gave Physicians' Assistants the authority to possess, administer, or dispense controlled substances, poisons, dangerous drugs or devices, subject to limitations placed upon them by regulations adopted by the Board of Pharmacy.

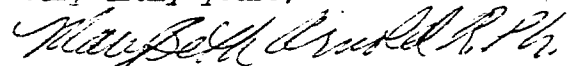
Sir, the dispensing of drugs is essentially the practice of pharmacy. While it is also the professional prerogative of physicians, dentists, and veterinarians to dispense medications to their patients, it is not their primary professional function. Nor is there any question that their professional training and licensure requirements qualifies them to dispense without any type of supervision.

The statutes which have been enacted to establish the educational and licensing requirements for pharmacists, physicians, etc., have been done to protect the health, safety and welfare of the people of Nevada, not the professional prerogatives of these professions. It is seemingly inconsistent with that legislative philosophy then to permit by regulation the practice of pharmacy, unless the adopted regulations require all of the educational and licensing requirements which a pharmacist must meet, by statute.

Last week, S.B. 391 was introduced. This Bill which will be heard by the Senate Commerce and Labor Committee Monday, April 9, 1979, removes the authority of physician's assistants to dispense controlled substances, poisons, etc.

We respectfully submit, that passage of S.B. 391 will correct a serious defect in NRS 639.1373.

Very truly yours,



Mary Beth Arnold, R.Ph.  
President



**NEVADA ACADEMY OF PHYSICIANS' ASSISTANTS**

700 Shadow Lane □ Suite 702

Las Vegas, Nevada 89106

(702) 382-7056

TO: THE NEVADA SENATE COMMERCE AND LABOR COMMITTEE

RE: SB 391

Dear Mr. Chairman:

The Nevada Academy of Physicians' Assistants is opposed to Senate Bill 391, because it deletes the usefulness of Physicians' Assistants to their supervising physicians and negates the benefit they can be to the rural communities, and to the public health, safety, and welfare.

According to the State Attorney General's office dispensing is within the scope of Physicians' Assistants abilities as "practitioners," as defined by federal regulations. Please refer to the letter dated August 30, 1978 from Micheal W. Dyer, Deputy Attorney General.

SB 391 makes it less likely that Physicians' Assistants will be able to offset the burden to the physician of supervision (time) and financial costs to bring quality supervised health care to rural areas.

Physicians' Assistants are an established health care profession since 1965, with 7,500 nationally. Fifty-five (55) AMA approved PA Schools produce mature, well trained, experienced health care providers, that can greatly expand the physicians' coverage of our ever growing population. SB 391 hampers the continued growth of the PA profession in Nevada.

SB 391 gives additional authority to the Nevada State Pharmacy Board by inserting "or" between possess and administer, (Page one Line 3). Allowing the board to license the PA for either possessing or administering, at their discretion. SB 391 places additional conditions where by PA's cannot be licensed to possess or administer, ( Page two Line seventeen).

SB 391 is redundant in trying to control the dispensing privilege. The regulations developed by the State Pharmacy Board are very strict as to which PA's qualify to be able to dispense medications, (see regulation 22.00). SB 391 thereby bypasses the State Pharmacy Boards discretion in licencing PA's to dispense medications to benefit the communities they work in.

SB 391 is a step backward in the efforts of the state medical profession and the State Legislature to provide health care for our rural area.

SB 391 has a negative effect on the public health , safety and welfare by discouraging the utilization of Physicians' Assistants in providing quality health care to our State and particularly our rural areas.

EFFECTS OF REMOVING  
DISPENSING RIGHTS

- Physicians' Assistants in remote satellite clinics will still be able to diagnose disease, illness, and emergency patients; but will not be able to treat them as their supervising physician directs.
- Long term disease, such as hypertension, arthritis, etc. can get their treatment from a pharmacy, however, acute illness and accidents need immediate care. For example, ear infections can not wait 2-3 days before treatment is instituted.
- The ability to utilize medications is an important benefit to the community. Thus if the Physician's Assistant's ability to use medications is taken away, it lessens his chances of being a benefit to the community and a viable agent of the physician.
- Many times the need for medication is urgent and having to wait for a prescription to be sent prolongs the patient's suffering and could be possibly life threatening. For example, congestive heart failure.

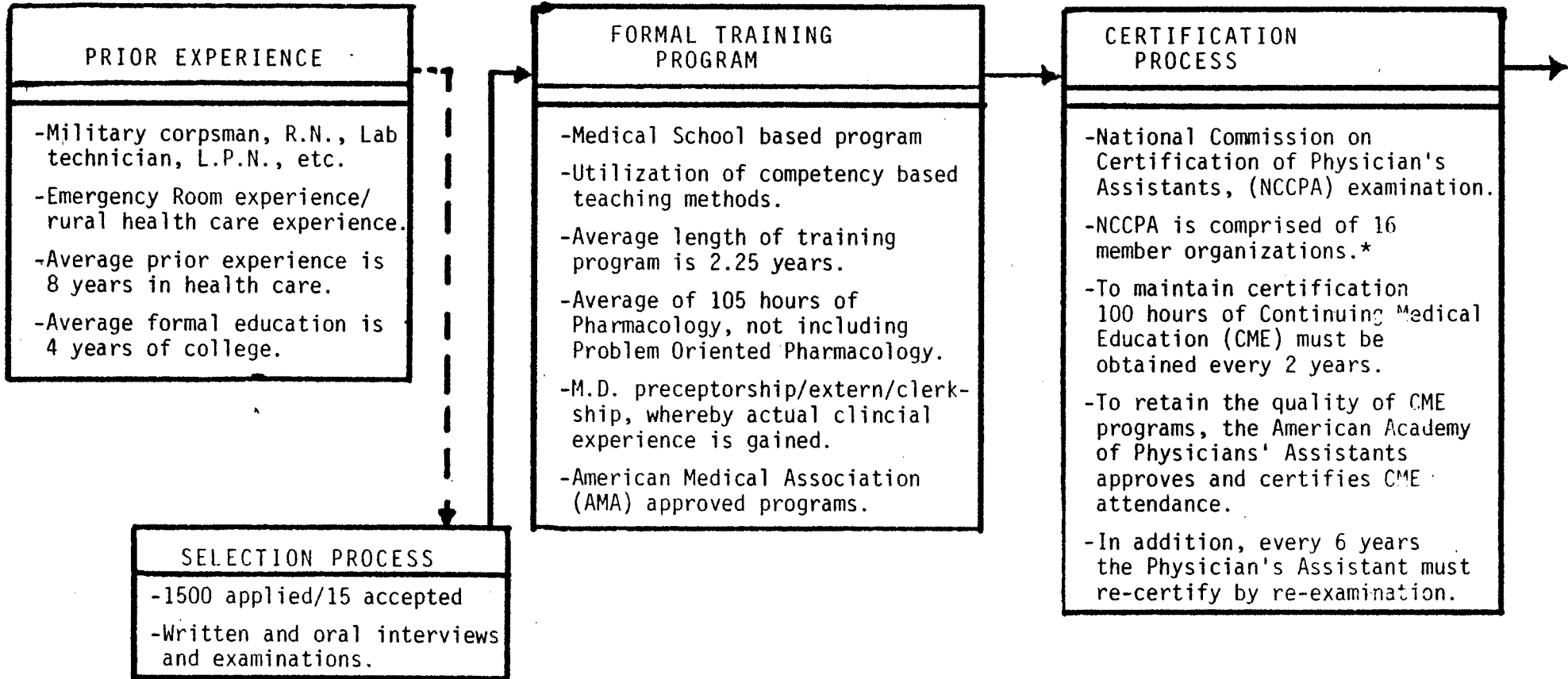
AVERAGE PHYSICIAN'S ASSISTANT  
IN NEVADA

- 8 years prior medical experience.
- Has a 4 year post secondary education.
- Attended a 2.25 year Physician's Assistant Program.
- 1/3 hold R.N./L.P.N. degrees.
- Average age is 30 years.
- P.A. Distribution
 

Rural areas-----	9
Federal Reservations----	9
Urban areas-----	17
Total-----	35
- Average Number of Patients seen per P.A.
 

Per day-----	23.5
Per week-----	523.5
Per year-----	26,175.
- Average Salary--\$12,600 to 17,599/year
- Cost Effective?----YES
- Quality Health Effective?-----YES

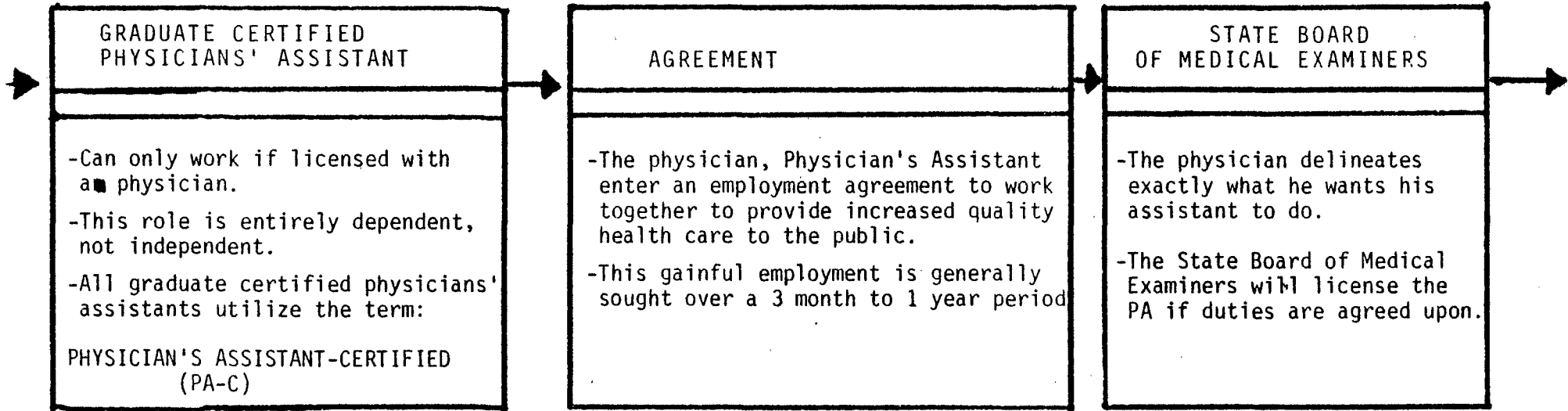
"THE MAKING OF A PHYSICIANS' ASSISTANT"



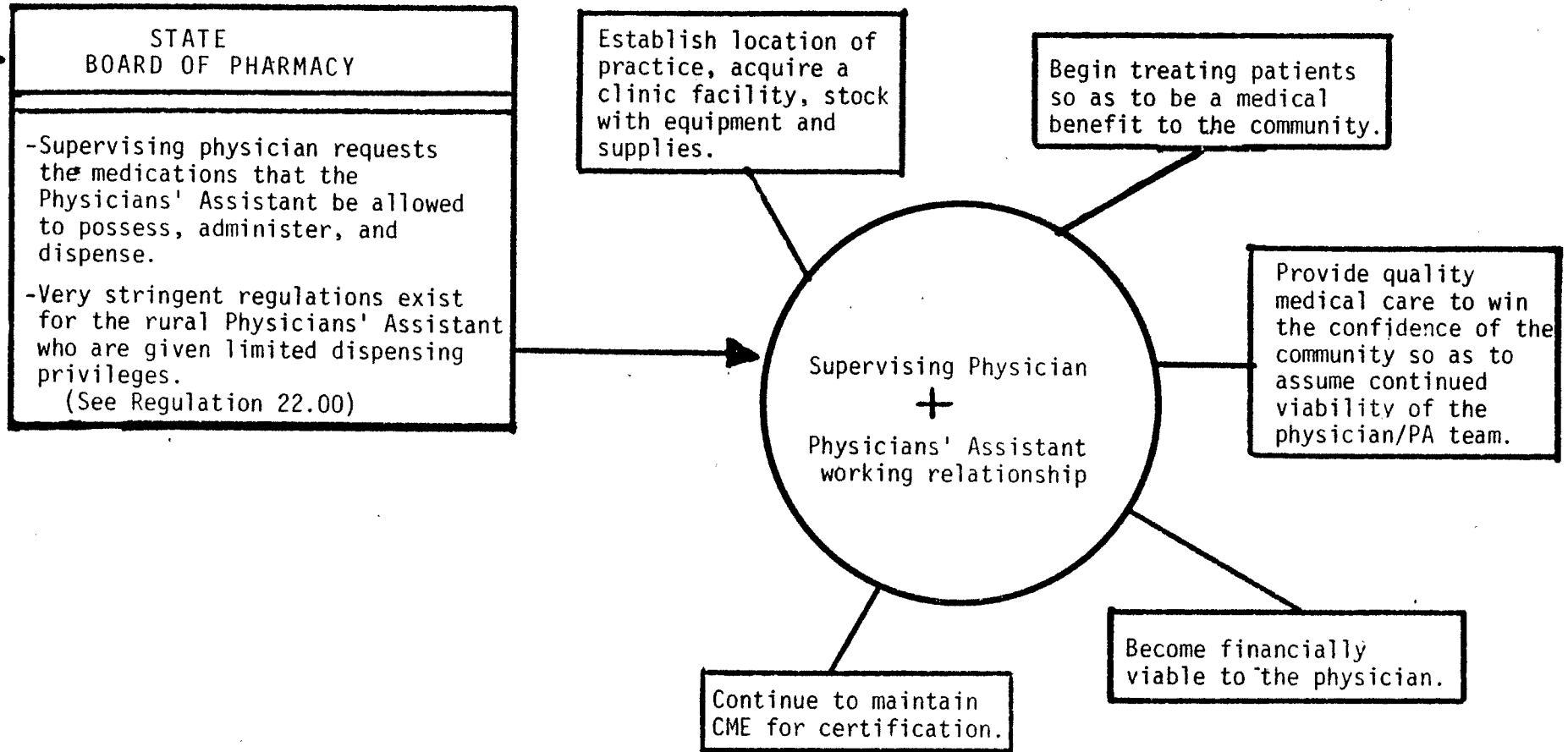
\*  
 American Academy of Physician Assistants • American Medical Association • American Academy of Family Physicians  
 American Academy of Pediatrics • American College of Physicians • American College of Surgeons • American Hospital Association  
 American Nurses' Association • American Society of Internal Medicine • Association of American Medical Colleges  
 Association of Physician Assistant Programs • U.S. Department of Defense • Federation of State Medical Boards of the U.S.  
 National Board of Medical Examiners

922

"THE MAKING OF A PHYSICIANS' ASSISTANT"



"THE MAKING OF A PHYSICIANS' ASSISTANT"



## TASKS PERFORMED BY PHYSICIANS' ASSISTANTS

- Take a complete, and accurate history; perform a complete physical examination, when appropriate, and record and present pertinent data in a manner meaningful to the primary care physician.
- Perform and/or assist in the performance of routine laboratory and screening procedures.
- Order appropriate laboratory studies, x-rays, electrocardiograms, audiograms, visual examinations and other special exams.
- Collect specimens for pathologic examinations to include PAP smears. Obtain bacterial and tissue specimens.
- Perform breast and pelvic examinations.
- Analyzes and interprets data, formulates problem lists and establishes plans for solution of clinical problems.
- Takes, evaluates, and records medical histories, on new patients, and chronically ill patients.
- Initiate consultation requests to specialist and other health professionals, dentists and oral surgeons, to include physiotherapists, occupational therapists, dietitians, etc.
- To counsel patients on medical problems, use of drugs, expected effects of treatment, diet and other health maintenance matters, including diet instructions.
- Perform health maintenance for well patients, including management of common medical problems encountered in primary care.
- Counseling in family planning.
- Perform nasogastric and nasotracheal intubations.
- Perform gastric analysis studies.
- Strapping, casting, splinting of sprains, as well as cast removal and application of traction.
- Perform incision and drainage of minor lesions. Wound care, debridement and suturing of minor lacerations, performs other minor surgical procedures as approved by the Board of Medical Examiners.
- In emergency situations, physicians assistants are trained to administer life-saving procedures and medications pending the availability of a physician. These include cardiopulmonary resuscitation (CPR), treatment of life-endangering traumatic injuries, defibrillation, insertion of endotracheal tubes, and administration of whole blood, oxygen, and other emergency medications.
- Evaluate and treat acute patients referred from the immunization clinic that have reactions to injections until a physician is available.



STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL  
CAPITOL COMPLEX  
CARSON CITY 89710

ROBERT LIST  
ATTORNEY GENERAL

JAMES H. THOMPSON  
CHIEF DEPUTY ATTORNEY GENERAL

August 30, 1978

RECEIVED

SEP 11 1978

Mr. George T. Bennett, Secretary  
Nevada State Board of Pharmacy  
1281 Terminal Way, Suite 217  
Reno, Nevada 89502

Re: May physicians' assistants dispense controlled substances without violating 21 C.F.R. § 1306.

Dear Mr. Bennett:

You have requested an opinion as to whether physicians' assistants in the State of Nevada may dispense controlled substances without violating 21 Code of Federal Regulations § 1306. Specifically, you inquire whether Regulation 22.00 of the Regulations of the Nevada State Board of Pharmacy, which authorizes Board certified physicians' assistants to dispense controlled substances, conflicts with 21 C.F.R. § 1306.06.

21 C.F.R. § 1306.06 prohibits any individual other than a "pharmacist acting in the usual course of his professional practice and either registered individually or employed in a registered pharmacy or registered institutional practitioner" from filling a prescription. The question thus becomes whether physicians' assistants may directly dispense controlled substances or may obtain controlled substances only pursuant to a prescription. If a prescription is required, the physicians' assistants would be unable to "fill the prescription" and a conflict would exist between Regulation 22.00 of the Regulations of the Nevada State Board of Pharmacy and 21 C.F.R. § 1306.

21 U.S.C. § 802(10) defines the term "dispense" as follows:



## ATTACHMENT 1

Page 2

Mr. George T. Bennett, Secretary  
August 30, 1978  
Page 2

"The term dispense means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of, a practitioner, including the prescribing and administering of a controlled substance and the packaging, labeling, or compounding necessary to prepare the substance for such delivery. The term 'dispenser' means a practitioner who so delivers a controlled substance to an ultimate user or research subject."

The term "practitioner" is defined by 21 U.S.C. § 802(20) to mean

"The term 'practitioner' means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted by the United States or the jurisdiction in which he practices or does research, to distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis, a controlled substance in course of professional practice as such."

Pursuant to NRS 453.056 and NRS 639.1373, physicians' assistants are authorized by the State of Nevada to dispense controlled substances. Thus, physicians' assistants are "practitioners" within the definition of 21 U.S.C. § 802(20) and may directly dispense controlled substances under 21 U.S.C. § 802(10).

As set forth above, a certified physician's assistant would qualify as a practitioner within the meaning of the Federal Food and Drug Administration Act and would therefore be authorized to dispense controlled substances within

ATTACHMENT 1  
Page 3

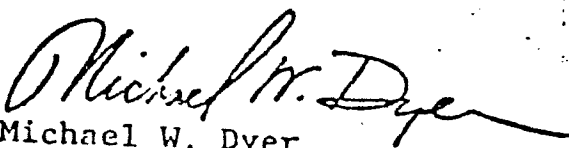
Mr. George T. Bennett, Secretary  
August 30, 1978  
Page 3

the State of Nevada. There is therefore no necessity for a prescription to be issued and the prohibition against nonpharmacists filling prescriptions set forth in 21 C.F.R. § 1306.06 does not conflict with the provisions of Regulation 22.00 of the Regulations of the Nevada State Board of Pharmacy.

Should you have any questions concerning this matter, please do not hesitate to contact us concerning the same.

Sincerely,

ROBERT LIST  
Attorney General

By   
Michael W. Dyer  
Deputy Attorney General

MWD:j11

## REGULATION NO. 22.00

The following provisions regulate the issuance of certificates to physicians' assistants, control their possession, administration and dispensing of controlled substances, poisons, dangerous drugs or devices, set registration fees and establish grounds for the suspension or revocation of registration certificates of physicians' assistants:

1. The fee for annual permits which covers the period from July 1 to June 30 is:
  - (a) CLASS "A" PERMIT  
For each physician's assistant, who is authorized by his physician's assistant certificate issued by the Board of Medical Examiners to possess or administer or dispense controlled substances, poisons, dangerous drugs or devices, employed in a satellite location other than a hospital or skilled nursing facility for the year or any fraction thereof, \$150 for each satellite location.
  - (b) CLASS "B" PERMIT  
For each physician's assistant, who is authorized by his physician's assistant certificate issued by the Board of Medical Examiners to possess or administer or dispense controlled substances, poisons, dangerous drugs or devices, employed in a physician's office, hospital or skilled nursing facility and whose services are performed only in a physician's office, hospital or skilled nursing facility, for the year or any fraction thereof, \$25.
2. There is a penalty for failure to reregister within the time prescribed by statute or regulation, in the amount of 50 percent of the annual registration fee for each year of delinquency or fraction thereof. The penalty is in addition to the annual registration fee for the year of delinquency or

fraction thereof.

3. Each physician's assistant applying for a Class "A" permit and his supervising physician must personally appear before the board for determination and assignment of the specific authority to be granted to the physician's assistant. The application of the supervising physician and his assistant must be in writing and filed with the board at least 30 days before a board meeting, unless waived by the board.
4. Each physician's assistant must be registered to a specific physician.
5. The supervising physician may issue drugs to the physician's assistant, if authorized by the board, in original manufacturer's packages only, and all drugs must be in unit dose packaging if so manufactured. The record of drugs transferred from the physician to the physician's assistant must be kept on a record form to be supplied by the board and must be updated each time the drugs are transferred to the physician's assistant. An inventory of the drugs must be taken at least weekly and attested to by signature of the supervising physician and the physician's assistant. When a physician's assistant administers or dispenses drugs outside the supervising physician's office, a record of such drugs must be kept on a form to be

supplied by the board. The supervising physician must submit a copy of the record of weekly inventories and drugs administered or dispensed for the previous month. The records must be received by the board no later than the 15th of each month.

6. A physician's assistant possessing a Class "A" permit may possess, administer or dispense drugs outside the office of his supervising physician only pursuant to authorization of the board. The containers dispensed must be affixed with a label which contains the following information:
- (a) The date dispensed;
  - (b) The name and address of the supervising physician and the dispensing physician's assistant;
  - (c) The name of the patient;
  - (d) Directions for use indicating the portion of the body to which the medication is to be applied or, if it is to be taken into the body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected;
  - (e) The expiration date of the drug, if such information is on the original manufacturer's label of such drug;
  - (f) The name, potency and quantity of drug dispensed;
7. Except as provided in section 8, the maximum amount of a specific controlled substance and maximum amount of categories of dangerous drugs which a physician's assistant may dispense will be determined by the board on an individual basis for each physician's assistant in the manner provided by law.

8. The maximum amount of any drug which may be dispensed is a 10-day supply. The same drug may not be dispensed to the same person on consecutive weeks , except a second 10 day supply may be dispensed upon the prior written approval of the physician. Schedule II controlled substances may only be administered or dispensed after the physician's assistant has obtained approval by telephone or radio from his supervising physician, except in emergency situations where the supervising physician cannot be contacted.
9. The registration certificate of a physician's assistant must state the specific authority granted by the board. The certificate may be modified by the board upon reasonable notice by the board.
10. A physician's assistant may possess, administer and dispense controlled substances without obtaining an annual controlled substances registration from the board if the board waives the registration as provided by law.
11. The following requirements for the security and storage of controlled substances, poisons, dangerous drugs and devices assigned to the physician's assistant govern the possession, administration and dispensing of these drugs:
  - (a) Suitable locked storage is required at all times except when the physician's assistant is in the process of administering or dispensing them. The board will determine the type of locked storage to be required on an individual basis, taking into consideration the amount and type of drugs, their location and other factors relating to insuring adequate security;

- (b) Physicians' assistants working intermittently at satellite locations, such as clinics, must transport the drugs on each trip to and from these locations unless authorized by the board to store them in a secure location;
  - (c) Biologicals and other drugs must be refrigerated if the requirement is stated on the manufacturer's label.
12. Physician's assistants possessing a class B permit, shall not possess, administer or dispense legend drugs. Physician's assistants possessing a Class "A" permit shall not possess or dispense legend drugs in a physician's office, hospital or skilled nursing facility.
13. The board may deny the application of any physician's assistant or suspend or revoke his registration if he;
- (a) Is not of good moral character;
  - (b) Is guilty of habitual intemperance;
  - (c) Becomes or is intoxicated or under the influence of liquor, any depressant drug or a controlled substance, as defined in chapter 453 of NRS, while on duty, unless the alcohol, drug or substance has been taken pursuant to a physician's prescription;
  - (d) Is guilty of unprofessional conduct or conduct contrary to the public interest;
  - (e) Is addicted to the use of any controlled substance as defined in chapter 453 of NRS;

- (f) Has been convicted of a violation of any law relating to controlled substances, as defined in chapter 453 of NRS, of the federal government or of any other state;
- (g) Has been convicted of a felony or other crime involving moral turpitude, dishonesty or corruption;
- (h) Has willfully made to the board or its authorized representative any false written statement which is material to the administration or enforcement of any provision of chapters 453, 454 or 639 of NRS;
- (i) Has obtained registration by filing any application, record or affidavit, or any information in support thereof, which is false or fraudulent;
- (j) Has violated any provision of the Federal Food, Drug and Cosmetic Act or any other state or federal law or regulation relating to prescription drugs;
- (k) Has violated, attempted to violate, assisted or abetted in the violation of, or conspired to violate any law or regulation relating to the practice of pharmacy;
- (l) Has failed to renew his registration by failing to pay the renewal fee;
- (m) Has dispensed drugs in the physician's office, hospital or skilled nursing facility;
- (n) Has failed to maintain the security of his drug supply as required by section 11 of this regulation;
- (o) Has violated, attempted to violate, assisted or abetted in the violation of, or conspired to violate any provision of subsection 1 to 13, inclusive of this regulation;
- (p) Has supplied patients with prescriptions that are presigned in blank by the physician;  
or
- (q) Has violated any provision of chapters 453, 454, 639 or 585 of NRS.



## PRESENTATION ON S.B. 391

I AM MYRL NYGREN, ADMINISTRATOR OF THE OFFICE OF HEALTH PLANNING AND RESOURCES. I AM HERE TO SPEAK AGAINST S.B. 391 BECAUSE IT WILL LIMIT THE OPPORTUNITY FOR CITIZENS IN SMALL RURAL COMMUNITIES TO RECEIVE ANY KIND OF HEALTH CARE WITHIN THEIR COMMUNITY.

OUR OFFICE IS RESPONSIBLE FOR PLANNING FOR HEALTH CARE IN NEVADA. IN DOING SO WE EVALUATE WHAT AND WHERE HEALTH CARE SERVICES ARE LACKING AND PROVIDE ASSISTANCE TO COMMUNITIES IN DEVELOPING AND IMPLEMENTING HEALTH CARE PROGRAMS WHERE THEY ARE NEEDED. AS THE SHPDA FOR NEVADA WE ARE VERY AWARE OF AND CONCERNED ABOUT THE LACK OF HEALTH CARE IN RURAL NEVADA. MUCH OF THIS LACK IS RELATED TO THE DECLINE IN THE NUMBER OF PHYSICIANS PRACTICING IN SMALL, ISOLATED COMMUNITIES. CONSEQUENTLY, CITIZENS HAVE HAD TO TRAVEL OUT OF THEIR COMMUNITIES TO OBTAIN MEDICAL CARE. WHEN THEY DO, THEY NOT ONLY INCUR THE COST OF TIME AND TRAVEL TO A LARGER URBAN COMMUNITY BUT THEY USUALLY PURCHASE THEIR NEEDED PRESCRIPTION DRUGS, GROCERIES AND OTHER GOODS IN THE LARGER COMMUNITY. THIS RESULTS NOT ONLY IN HIGHER HEALTH CARE COSTS BUT IN LOST CONSUMER BUSINESS AND CONSUMER DOLLARS TO THE LOCAL BUSINESS ENTITIES.

IN RECENT YEARS, A SOLUTION TO PROVIDING HEALTH CARE IN OUR SMALL COMMUNITIES HAS BEEN THROUGH THE USE OF PHYSICIANS' ASSISTANTS WHO FUNCTION IN A RURAL CLINIC SETTING UNDER SUPERVISION OF A LICENSED PHYSICIAN. UNDER CHAPTER 639.1373 OF THE NEVADA REVISED STATUTES, AS IT EXISTS TODAY, A PHYSICIAN'S ASSISTANT CAN POSSESS, ADMINISTER AND DISPENSE SPECIFIED CONTROLLED SUBSTANCES AND DRUGS. THUS HE OR SHE IS ABLE TO PROVIDE HEALTH CARE IN OUR ISOLATED RURAL AREAS WHERE

or pharmacist  
THERE IS NO PHYSICIAN. IF S.B. 391 IS PASSED AND THE PHYSICIANS' ASSISTANT'S AUTHORITY TO DISPENSE CONTROLLED SUBSTANCES AND DRUGS IS REMOVED, THE ABILITY OF A PHYSICIAN'S ASSISTANT TO EFFECTIVELY PROVIDE CARE AND A RURAL HEALTH CLINIC TO EXIST AS A VIABLE AMBULATORY CARE CENTER WILL BE GREATLY IMPAIRED. AS A CONSEQUENCE, IT CAN BE PREDICTED THAT MANY OF OUR CITIZENS IN RURAL NEVADA WILL HAVE NO LOCAL HEALTH CARE PROGRAMS AND WILL HAVE TO CONTINUE TO LEAVE THEIR COMMUNITIES AND GO ELSEWHERE FOR THEIR MEDICAL CARE. THIS NOT ONLY ADDS TO THE COST OF THEIR HEALTH CARE, BUT IF THE PREDICTED GASOLINE SHORTAGE OCCURS, COULD MEAN THEY WILL HAVE NO ACCESS TO HEALTH CARE.

4/5/79

LF

**OBSTETRICS and GYNECOLOGY**

WILLIAM G. WIXTED, M.D.

PATRICK M. FLANAGAN, M.D.  
LTD.

WILLIAM F. ROBINSON, M.D.

2525 BRUCE STREET  
LAS VEGAS, NEVADA 89109  
(702) 735-2105

April 2, 1979

Statesmen & Assemblymen  
Capitol Complex  
Carson City, Nevada

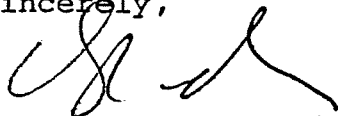
Dear Sirs:

I am the supervising physician for Sue Pearson, Nurse Practitioner, Physicians Assistant - Certified.

Mrs. Pearson has been granted privileges at Womens Hospital to dispense, administer and prescribe drugs. She also has the same privileges in my office with the patients she sees.

The law governing Physicians Assistants in the State of Nevada permits the privileges of dispensing, administering, and prescribing of drugs, furthermore, it is my desire, that this law not be rescinded in any way, but is left as it currently reads: (see state bill 318, section 492 and 495, see assembly bill 523, section 102 and 105.)

Sincerely,



William G. Wixted, M.D., FACOG, FACS  
Assoc. Professor, Dept. of OB-GYN  
UNR, School of Medical Sciences

WGW:st

*4-9-79  
Dr. Wixted wishes this  
opinion expressed for  
all P.A. issues before  
Congress for 1979.  
Thank you.  
Sue Pearson P.A.-C*

## OBSTETRICS and GYNECOLOGY

WILLIAM G. WIXTED, M.D.

PATRICK M. FLANAGAN, M.D.  
LTD.

WILLIAM F. ROBINSON, M.D.

2525 BRUCE STREET  
LAS VEGAS, NEVADA 89109  
702. 735.2105

December 21, 1978

N.E. Broadbent  
President of Pharmacy Board  
1281 Terminal Way, Suite 217  
Reno, Nevada 89502

Dear Mr. Broadbent:

My writing this letter has been prompted by the recent move by the Pharmacy Board to limit the writing of prescription drugs to physicians and pharmacists.

In recent years, the practice of medicine has become so much more defined, that physicians have had to employ paramedical personnel so that the load on the doctors could be adequately handled. This method of medical care delivery has been very successful. Our patients have benefitted from this, our quality of care has improved because of this.

In my personal experience, two paramedical people are in my employ. This package my office delivers now, because of this move is better than ever before. There is within the organization, better supervision, better education, and better communication. These people have been writing prescriptioned medicine with my supervision since they have been with me. If they were unable to be responsible for their own choice in medicaments, the entire delivery of accurate and quality medical care we have developed would have been upset.

I make these points for you to consider as a sincere and caring health professional. If it would make a difference, I would like to influence you as much as my position allows. I believe nurse practitioners and other paramedics employed by medical facilities should be allowed the latitude to write prescription medications.

**OBSTETRICS and GYNECOLOGY**

WILLIAM G. WIXTED, M.D.

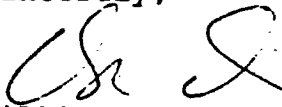
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2525 BRUCE STREET  
LAS VEGAS, NEVADA 89109  
(702) 735-2105

Thank you for the time you took to read this.

Sincerely,



William G. Wixted, M.D., FACOG, FACS  
Assoc. Professor, Dept. OB/GYN  
UNR, School of Medical Sciences

WGW/st

cc: Senator Floyd Lamb  
Senator James Gibson

OBSTETRICS and GYNECOLOGY

WILLIAM G. WIXTED, M.D.

PATRICK M. FLANAGAN, M.D.  
LTD.

WILLIAM F. ROBINSON, M.D.

2525 BRUCE STREET  
LAS VEGAS, NEVADA 89109  
(702) 735-2105

April 3, 1979

TO: COMMITTEE on GOVERNMENT AFFAIRS - ASSEMBLYMEN: WAGNER, et al  
FROM: Patrick M. Flanagan, M.D., F.A.C.O.G.  
RE: PROPOSED ASSEMBLY BILL NO. 523  
Sec. 102 NRS 454.191 Item #31  
Sec. 105 NRS 454.221 Item #21

PHYSICIANS' ASSISTANTS EXCLUDED FROM ADMINISTERING, PRESCRIBING, AND/OR DISPENSING CONTROLLED SUBSTANCES.

Sue Pearson, F.N.P./P.A-C has tentative privileges pending her receipt of Nevada State Licensure as a Physicians' Assistant, scheduled for June, 1979. These privileges include: administering and prescribing medications (including controlled substances), in the context of Drs. Wixted, Flanagan and Robinson, her physician employers. She does not practice autonomously and all her actions are within the guidelines, as set forth by her physician employers, as designated by state law.

Ms. Pearson has worked for us, well over a year, and has functioned well, in this system. She has been beneficial to us and to our patients; functioning in this capacity.

My opinion is - that a change in this law, which in effect, would bar her from prescribing medications would be unnecessary and in conflict with the Nurse Practitioners' and/or Physicians' Assistants statutes that are already State Law.

I do think, the definition "Dispense" (as including administering and prescribing), too broad; and the Physicians' Assistants and Nurse Practitioners should keep the privileges of prescribing and administering medications they now have.

Thank you for your cooperation in this matter.

Very sincerely yours,

Patrick M. Flanagan, M.D., F.A.C.O.G.  
Chief of Staff, Womens Hospital

4-9-79  
Although these letters were written for AS. Bill 523 - Dr. Flanagan would like his opinion on all issues concerning P.A.'s.  
Thank you.  
Sue Pearson PA-C

OBSTETRICS and GYNECOLOGY

WILLIAM G. WIXTED, M.D.

PATRICK M. FLANAGAN, M.D.  
LTD.

WILLIAM F. ROBINSON, M.D.

2525 BRUCE STREET  
LAS VEGAS, NEVADA 89109  
(702) 735-2105

April 3, 1979

TO: COMMITTEE on GOVERNMENT AFFAIRS - SENATORS: RAGGIO, et al  
FROM: Patrick M. Flanagan, M.D., F.A.C.O.G.  
RE: PROPOSED SENATE BILL NO. 318  
Sec. 492 NRS 454.191 Item #18  
Sec. 495 NRS 454.221 Item # 5

PHYSICIANS' ASSISTANTS EXCLUDED FROM ADMINISTERING, PRESCRIBING AND/OR DISPENSING CONTROLLED SUBSTANCES.

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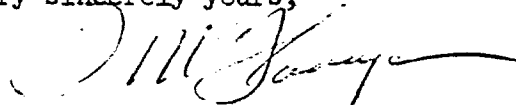
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Thank you for your cooperation in this matter.

.Very sincerely yours,



Patrick M. Flanagan, M.D., F.A.C.O.G.  
Chief of Staff, Womens Hospital



State of Nebraska

## Commissioner of Savings Associations

Capital Complex

406 East Second Street

Carson City, Nebraska 89710

(702) 885-4259

Lester O. Goddard  
CommissionerRobert List  
Governor

April 9, 1979

TO: Senate Commerce and Labor Committee

FROM: Lester O. Goddard  
Commissioner of Savings Associations

SUBJ: S.B. 394 (Saving and Loans Laws)

The changes proposed are the result of my conferences with the industry (plus technical wording changes by Frank Daykin's staff).

The changes proposed are as follows:

Page 1, lines 3-8 Self Explanatory

Page 1, lines 13-18 Ré: mobile homes and factory built

It is desirable public policy to make mobile homes more available to lower income persons, especially to help young people and retired people. We can reduce monthly payments by making long-term "real property" loans per NRS 673.324 when the mobile home is affixed to land owned or being purchased by the borrower or is on a long-term lease. As our Chapter 673 is now completely silent as to mobile homes (and factory built modular homes), I am suggesting we could achieve the desired objective by simply adding to the "definitions" in 673.011.

Where the mobile home does not meet the definitions, such as being on a month-to-month rental in a mobile home park, the associations can continue to make the "personal property" loans as defined in Federal Regulations (based on 673.225 permitting state associations to do whatever a federal association may do.) They could also resort to the "personal property" loan where the borrower could not meet the other requirements for a "real property" loan.

On reflection, I believe we could simplify and clarify the wording to eliminate reference to "factory-built housing" as it appears to have always been regarded as real property so should not need inclusion here. But mobile homes, because of the predecessor "trailer", have historically been considered "personal property". Therefore I suggest the following wording:



S.B. 394 (Saving and Loans Laws)  
Page 2  
April 9, 1979

673.011--The term also includes a mobile home as defined in NRS.489.120, with the wheels removed and skirting added, when set on a foundation located on land which the mobile home owner either owns in fee simple or leases for a minimum of 40 years.

Page 3, lines 22 & 23 This clarifies an uncertainty

Page 3, lines 44 & 45 Stock splits have caused a problem when par value was only set at \$1.00 by the incorporations. These added words allow flexibility. But where it says on line 44, "the minimum provided" it would be clearer to say "the \$1.00 minimum."

Page 4, line 24 & 25 More accurately this should say: "The loan must conform to the Federal Rules and Regulations for Insurance of Accounts."

Page 4, lines 35 & 36 Adds "options" to buy stock require commissioner approval."

Page 5, line 36 Most associations now have full-service branches North and South, so we need to recognize this fact.

Page 6, lines 30 -34 This protects the public, and was formally in a Regulation.

Pages 6 & 7, section 8 No substantive changes, just a simplification by rewording.

Page 8, lines 3-5 Per State Audit Division Recommendations.

Page 8, lines 20-22 Should be self-explanatory.



State of Nevada

## Commissioner of Savings Associations

Robert List  
GovernorCapitol Complex  
406 East Second Street  
Carson City, Nevada 89710  
(702) 885-4259Lester O. Goddard  
Commissioner

April 9, 1979

TO: Senate Commerce and Labor Committee

FROM: Lester O. Goddard  
Commissioner of Savings Associations

SUBJ: Additional suggested changes to Chapter 673

Since the drafting of S.B. 394, several more items have come up:

(1) 673.327-3 Re: loans on unimproved real property

It is becoming difficult for some builders to inventory land ahead because of present restrictions on Savings and Loans on lending on unimproved land. Therefore the following is suggested as a change to the existing 673.327-3:

*(repayable within 15 years on a)*

\* On unimproved real property, up to 70% of the lower of appraised value or purchase price, ~~monthly~~ <sup>monthly</sup> amortized basis; or with interest only payable semi-annually for up to 5 years maximum, then a balloon payment ~~is~~ placed on an amortized basis over any remaining term of the loan; but such loans shall not at any time exceed 5% of the total assets of the association."

- (2) 673.328-5 (d) and 6(a) To allow for ~~containing~~ <sup>containing</sup> inflation, and to bring into alignment with Federal Regulations, increase the maximum loans from \$65,000 to \$75,000, on 5(d), and from \$50,000 to \$60,000 on 6(a).
- (3) 673.430-2(e) Publishing annual statements-I recommend changing "the county" to "each county" because of statewide branching since originally enacted.
- (4) 673.595-2 Foreign associations maintaining an office in Nevada should pay more than \$50.00 a year. I suggest an increase to \$200.00.

## Testimony

## Senate Bill 402—Tips as Wages

Purpose of the bill

Senate bill 402 would permit employees to report as "wages" for unemployment insurance purposes any tips received from any source. Employees who chose to report tip earnings would do so directly to the Employment Security Department and would be required to pay an employment tax of 3 percent on all tips reported. The Employment Security Department would adopt regulations necessary to administer the "tips as wages" policy.

Effects of the bill

The Employment Security Department believes the enactment of the provisions of SB 402 would depart from a well-established policy of the majority of states that tips in general are not "wages". In addition, the Department foresees three significant problems associated with a "tips as wages" policy—administrative problems (including enforcement problems), equity problems, and problems of eligibility and benefit amount manipulation.

Administrative problems—Since the employee is to report tip income directly to the Department, the first major administrative problem would be increased costs associated with processing and accounting for up to 70,000 additional reports each calendar quarter. (The Department currently processes about 18,000 employer reports each quarter.)

A second problem is that a separate account would have to be established for each reporting employee to keep track of income reported, tax liability, payments made, quarters involved, underpayments, overpayments, etc.

Many states that have adopted a "tips as wages" policy have had to adopt a sizeable number of regulations in an attempt to equitably administer the law. New York State, for example, has issued many regulations covering such industries as airport terminals, bus terminals, hotels, beauty shops, gas stations, dining rooms, and restaurants just to arrive at the value of tips. Such regulations would undoubtedly lead to disputes and increased costs of review and appeal proceedings.

The increased administrative costs would have to be borne by all employers in the State (including nonservice industries) since only employers are required to pay the federal unemployment tax (FUTA) which is the source of all administrative funds for state unemployment compensation programs.

The bill does not specify any specific industry to which the tip policy would apply. Consequently, it would be difficult, if not impossible, to exclude employees in non-service industries from claiming receipt of tip income. Similarly, it would be nearly impossible to identify self-employed persons. (Self-employed persons are excluded from coverage).

Nevada Employment Security Department  
April 9, 1979

## Testimony

Tax inequities—The Department has identified two types of inequities that would be introduced by SB 402. First, it would single out persons who receive tips as the only group to pay employment taxes on any portion of their income.

Second, under provisions of the bill, the employer would lose control over his experience rating account. His account could be charged for benefit payments on the basis of earnings over which the employer has no control and may not even have any knowledge of. Chart 1 (page 3) should prove helpful in explaining how this works.

Manipulation—Under any form of tips as wages law, the problem of manipulation is present since only the employee knows exactly how much he receives in tips. He can deflate the figure for social security purposes since he pays a tax on reported tip income but incurs no benefits in the short run, or he can inflate the figure for unemployment purposes since the benefits can be seen almost immediately.

Charts 2 through 4 show how manipulation can occur and its impact.

Nevada Employment Security Department  
April 9, 1979

Testimony

CHART 1  
EFFECT ON EMPLOYER ACCOUNT

<u>Employee Earnings (including tips)</u>		<u>Eligibility</u>	<u>Charged to Employer's Experience Rating Account</u>
1-79 \$2,351.01	2-79 \$1,150.00	None-base period earnings not 1½ times high quarter	Nothing
Employee recalls additional tips of \$50.00 and pays \$1.50 taxes.			
1-79 \$2,351.01	2-79 \$1,200.00	\$95.00 weekly to \$2,470.00	\$95.00 weekly to \$2,470.00

Were additional tips actually earned?  
Employer has no control or knowledge of the \$50.00 reported tips.

Tips controlled by the employer are currently being taxed.

Nevada Employment Security Department  
April 9, 1979

Testimony

CHART 2  
 MANIPULATION OF BENEFIT ELIGIBILITY

EMPLOYEE A

EARNINGS  
(Including Tips)

1-79	2-79
\$2,351.01	\$1,150.00

ELIGIBILITY

NONE - BASE  
 PERIOD EARNINGS  
 NOT 1-1/2 TIMES  
 HIGH QUARTER

EMPLOYEE A RECALLS ADDITIONAL TIPS OF \$50.00  
 EMPLOYEE A PAYS TAX OF \$1.50

1-79	2-79
\$2,351.01	\$1,200.00

\$95.00 WEEKLY TO  
 \$2,470.00

FOR \$1.50 THE EMPLOYEE BUYS \$95.00 A WEEK.

WERE ADDITIONAL TIPS ACTUALLY EARNED?

Tips controlled by the employer are currently being taxed.

Nevada Employment Security Department  
 April 9, 1979

CHART 3

MANIPULATION OF WEEKLY BENEFIT AMOUNT

EMPLOYEE B

EARNINGS  
(Including Tips)

1-79  
\$900.00

2-79  
\$900.00

ELIGIBILITY

\$36.00 WEEKLY UP  
TO \$936.00

EMPLOYEE B RECALLS ADDITIONAL TIPS OF \$150.00  
DURING 1-79. EMPLOYEE B PAYS TAX OF \$4.50.

1-79  
\$1,050.00

2-79  
\$900.00

\$42.00 WEEKLY UP TO  
\$1,092.00

FOR \$4.50 THE EMPLOYEE BUYS AN ADDITIONAL \$6.00 A WEEK.

WERE ADDITIONAL TIPS ACTUALLY EARNED?

Tips controlled by the employer are currently being taxed.

Nevada Employment Security Department  
April 9, 1979

Testimony

CHART 4

MANIPULATION PRIOR TO TERMINATION

EMPLOYEE C

EARNINGS  
(Including Tips)

ELGIBILITY

1-79  
\$1,200.00

2-79  
\$1,300.00

NO CLAIM  
STILL WORKING

EMPLOYEE C LEARNS EMPLOYER  
WILL CLOSE END OF YEAR,  
WAGES REMAIN SAME. EMPLOYEE C PAYS TAX OF \$15.00.

3-79  
\$1,800.00

4-79  
\$1,250.00

\$72.00 WEEKLY  
UP TO \$1,872.00

WERE AN ADDITIONAL \$500.00 IN TIPS OVER  
PREVIOUS HIGH QUARTER ACTUALLY EARNED?  
ELIGIBILITY WOULD HAVE BEEN \$53.00 WEEKLY  
UP TO \$1,378.00. FOR \$15.00 THE EMPLOYEE BUYS  
\$19.00 IN ADDITIONAL WEEKLY BENEFITS.

Tips controlled by the employer are currently being taxed.

Nevada Employment Security Department  
April 9, 1979



Summary

In summary, SB 402 is undesirable because it:

- a) allows the claimant to determine his weekly benefit amount,
- b) permits the possibility of a substantial increase in payout compared to an insignificant increase in income to the trust fund,
- c) leaves the Department without a means of equitable administration.
- d) creates additional non-funded administrative expenses.

It is a poor law that permits a claimant to alter his weekly benefit amount using "wages" that may or may not have actually been received.

Nevada Employment Security Department  
April 9, 1979

Amend NRS 608.150 to read as follows:

Exhibit G

6

608.150 Original contractor liable for indebtedness for labor incurred by subcontractor or contractor acting under, by or for original contractor; penalties.

1. Every original contractor making or taking any contract in this state for the erection, construction, alteration or repair of any building or structure, or other work, shall ~~assume and~~ as hereinafter provided, be held liable for the indebtedness for labor incurred by an subcontractor or any contractors acting under, by or for the original contractor in performing any labor, construction or other work included in the subject of the original contract, for labor and for the requirements imposed by Chapter 616 of NRS. The original contractor shall be held liable, as provided herein, only for the indebtedness incurred after the date of receipt by the original contractor of written notice of such indebtedness.

2. It shall be unlawful for any contractor or any other person to fail to comply with the provisions of subsection 1, or to attempt to evade the responsibility imposed thereby, or to do any other act or thing tending to render nugatory the provisions of this section.

3. Every person violating any of the provisions of this section shall be punished by a fine of not more than \$250 for each act. In addition thereto, the district attorney of any county wherein the defendant may reside or be found shall institute civil proceedings against any such original contractor failing to comply with the provisions of this section in a civil action for the amount of all wages and damage that may be owing or have accrued as a result of the failure of any subcontractor acting under the original contractor, and any property of the original contractor, not exempt by law, shall be subject to attachment and execution for the payment of any judgment that may be recovered in any action under the provisions of this section.

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SENATE BILL NO. 389—COMMITTEE ON COMMERCE  
AND LABOR

MARCH 27, 1979

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Referred to Committee on Commerce and Labor

**SUMMARY**—Allows issuance of limited licenses to practice medicine to resident physicians in certain postgraduate training programs in hospitals. (BDR 54-783)

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

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

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AN ACT relating to physicians; allowing the issuance of limited licenses to practice medicine to resident physicians in certain postgraduate programs of clinical training in hospitals; authorizing county hospitals to institute and maintain such programs; 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 450.455 is hereby amended to read as follows:  
2 450.455 A board of hospital trustees may institute and maintain  
3 *training programs* in the county hospital [an interne-training program  
4 which meets] *for resident physicians, including interns and postgradu-*  
5 *ates. Such programs must meet the standards for recognition by the*  
6 *American Medical Association [.] and for accreditation by the Liaison*  
7 *Committee on Graduate Medical Education.*  
8 SEC. 2. Chapter 630 of NRS is hereby amended by adding thereto  
9 a new section which shall read as follows:  
10 1. *The board may issue to a qualified applicant a limited license to*  
11 *practice medicine as a resident physician in a postgraduate program of*  
12 *clinical training if:*  
13 (a) *The applicant is a graduate of an accredited medical school in the*  
14 *United States or Canada or is a graduate of a foreign medical school*  
15 *recognized by the Educational Council of Foreign Medical Graduates*  
16 *and has received the standard certificate of the Educational Council of*  
17 *Foreign Medical Graduates; and*  
18 (b) *The board approves the program of clinical training, and if the*  
19 *medical school or other institution sponsoring the program provides the*  
20 *board with written confirmation that the applicant has been appointed to*  
21 *a position in the program.*



SENATE BILL NO. 390—COMMITTEE ON  
COMMERCE AND LABOR

MARCH 27, 1979

Referred to Committee on Commerce and Labor

SUMMARY—Provides for regulation of retail sale of convenience drugs.  
(BDR 54-1590)

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 pharmacy; providing for the regulation of the retail sale of certain nonnarcotic, nonprescription drugs; 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. Chapter 639 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:

3 1. *Any person desiring to engage in the retail sale of nonnarcotic,*  
4 *nonprescription drugs which are prepackaged, fully prepared by the*  
5 *manufacturer and labeled in accordance with federal law and the laws of*  
6 *this state must obtain a retail dealer's permit from the board. The appli-*  
7 *cation shall be accompanied by a permit fee in an amount fixed by the*  
8 *board.*

9 2. *The retail dealer's permit authorizes the holder to stock, display,*  
10 *offer for sale and sell at retail the drugs described in subsection 1, but*  
11 *does not authorize the holder to engage in such activities with respect to:*

12 (a) *Any controlled substance;*

13 (b) *Any drug, the label of which is required to bear a statement*  
14 *substantially reading "Caution: Federal law prohibits dispensing without*  
15 *a prescription"; or*

16 (c) *Any drug intended for human use by hypodermic injection.*

17 3. *The retail dealer's permit does not require the holder to conduct*  
18 *his business at any fixed location.*

19 SEC. 2. NRS 639.007 is hereby amended to read as follows:

20 639.007 "Drug" and "medicine" mean:

21 1. Articles recognized in the official United States Pharmacopoeia,  
22 the official Homoeopathic Pharmacopoeia of the United States, or official  
23 National Formulary or any supplement to any of them; [and]

24 2. Articles and devices intended for use in the diagnosis, cure, mitiga-  
25 tion, treatment or prevention of disease in man or other animals; [and]



SENATE BILL NO. 391—SENATOR BLAKEMORE

MARCH 27, 1979

Referred to Committee on Commerce and Labor

SUMMARY—Removes authority of physicians' assistants to dispense controlled substances, poisons, dangerous drugs or devices. (BDR 54-1405)

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 pharmacists and pharmacy; removing the authority of physicians' assistants to dispense controlled substances, poisons, dangerous drugs or devices; 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 639.1373 is hereby amended to read as follows:  
2 639.1373 1. A physician's assistant may, if authorized by the board,  
3 possess [.] or administer [or dispense] controlled substances, poisons,  
4 dangerous drugs or devices in or out of the presence of his supervising  
5 physician only to the extent and subject to the limitations specified in  
6 the physician's assistant's certificate as issued by the board.  
7 2. Each physician's assistant who is authorized by his physician's  
8 assistant's certificate issued by the state board of medical examiners to  
9 possess [.] or administer [or dispense] controlled substances, or poi-  
10 sons, or dangerous drugs or devices must apply for and obtain a regis-  
11 tration certificate from the board and pay a fee to be set by regulations  
12 adopted by the board before he can possess [.] or administer [or dis-  
13 pense] controlled substances, poisons, dangerous drugs or devices.  
14 3. The board shall consider each application separately and may,  
15 even though the physician's assistant's certificate issued by the state  
16 board of medical examiners authorizes the physician's assistant to  
17 possess [.] or administer [or dispense] controlled substances, poisons,  
18 dangerous drugs and devices:  
19 (a) Refuse to issue a registration certificate;  
20 (b) Issue a registration certificate limiting the physician's assistant's  
21 authority to possess [.] or administer [or dispense] controlled sub-  
22 stances, poisons, dangerous drugs or devices, the area in which the  
23 physician's assistant may possess controlled substances, poisons, danger-  
24 ous drugs and devices, or the kind and amount of controlled substances,  
25 poisons, dangerous drugs and devices; or

SENATE BILL NO. 393—SENATOR KEITH ASHWORTH

MARCH 28, 1979

Referred to Committee on Commerce and Labor

SUMMARY—Permits employers to withhold certain amounts from employees' wages. (BDR 53-1610)

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 compensation, wages and hours; authorizing the withholding from an employee's wages of amounts paid by mistake and amounts specified in collective bargaining agreements; 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 608.110 is hereby amended to read as follows:  
2 608.110 1. Nothing in this chapter [shall be so construed as to pre-  
3 clude the] *precludes* withholding from the wages or compensation of any  
4 employee [of any dues,]:  
5 (a) *Dues*, rates or assessments becoming due to any hospital association  
6 or to any relief, savings or other department or association maintained by  
7 the employer or employees for the benefit of the employees; [ , or other]  
8 (b) *Amounts paid to the employee by mistake;*  
9 (c) *Amounts authorized in writing by the collective bargaining repre-*  
10 *sentative of the employee or authorized by a collective bargaining agree-*  
11 *ment covering the employee; or*  
12 (d) *Other* deductions authorized by written order of an employee.  
13 2. At the time of payment of [such] wages or compensation, the  
14 employee [shall] *must* be furnished by the employer an itemized list  
15 showing the respective deductions made from the total amount of [such]  
16 *his* wages or compensation.



(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 394

SENATE BILL NO. 394—COMMITTEE ON  
COMMERCE AND LABOR

MARCH 28, 1979

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes in the law relating to savings and loan associations. (BDR 56-1143)

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 savings and loan associations; making various changes in the law regulating savings and loan associations; 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 673 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:

3 *Any change or proposed change in the stock ownership of an associa-*  
4 *tion which would result in the obtaining by any person, including but not*  
5 *limited to a business trust, of 10 percent or more of the outstanding cap-*  
6 *ital stock of an association must be reported by the president of the*  
7 *association to the commissioner within 10 days after obtaining knowl-*  
8 *edge of that change or proposed change.*

9 SEC. 2. NRS 673.011 is hereby amended to read as follows:  
10 673.011 "Home" means a dwelling or dwellings for not more than  
11 four families, the principal use of which is for residential purposes,  
12 including a home on a farm. *The term also includes a mobile home as*  
13 *defined in NRS 489.120, with the wheels removed and skirting added,*  
14 *when set on a foundation located on land which the owner of the home*  
15 *owns or occupies pursuant to a tenancy with a term of 40 years or more.*

16 SEC. 3. NRS 673.080 is hereby amended to read as follows:  
17 673.080 1. The secretary of state shall not issue any certificate to  
18 [any such] an association or company authorizing it to do business until  
19 the articles of association, agreement or incorporation are approved by  
20 the commissioner.

21 2. No amendment to the articles of [any such] the organization may



SENATE BILL NO. 413—SENATOR HERNSTADT

APRIL 2, 1979

Referred to Committee on Commerce and Labor

SUMMARY—Allows employees to report tips as wages and pay additional premiums for industrial insurance to increase coverage. (BDR 53-1473)

FISCAL NOTE: Effect on Local Government: No.  
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 industrial insurance; allowing employees to report tips to their employers and pay the necessary additional premiums to increase coverage; 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 616.027 is hereby amended to read as follows:  
2 616.027 1. "Average monthly wage" means the lesser of:  
3 **[1.]** (a) The monthly wage actually received or deemed to have  
4 been received by the employee on the date of the accident or injury  
5 to the employee excluding remuneration from:  
6 **[(a)]** (1) Employment not subject to the Nevada Industrial Insur-  
7 ance Act or the Nevada Occupational Diseases Act;  
8 **[(b)]** (2) Employment specified in NRS 616.255 or 617.180; and  
9 **[(c)]** (3) Employment for which coverage is elective, but has not  
10 been elected; or  
11 **[2.]** (b) One hundred fifty percent of the state average weekly  
12 wage as most recently computed by the employment security department  
13 during the fiscal year preceding the date of the injury or accident, multi-  
14 plied by 4.33.  
15 2. *For the purposes of this section, "wage" includes tips received*  
16 *by an employee in the court of his employment if he reports the tips*  
17 *to his employer, except:*  
18 (a) *Tips in a form other than cash; and*  
19 (b) *Cash tips totaling less than \$20 a month.*  
20 SEC. 2. NRS 616.400 is hereby amended to read as follows:  
21 616.400 1. Every employer within, and those electing to be gov-  
22 erned by, the provisions of this chapter, shall, on or before the 25th  
23 day of each month, furnish the commission with a true and accurate  
24 payroll showing;



SENATE BILL NO. 402—SENATOR HERNSTADT

MARCH 29, 1979

Referred to Committee on Commerce and Labor

SUMMARY—Permits employees to include tips in wages for purposes of unemployment compensation. (BDR 53-1474)

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 unemployment compensation; permitting employees to include tips for purposes of calculating contributions and benefits; 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 612 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:

3 1. *An employee may report any amount which he received as tips to*  
4 *the employment security department on forms provided by the depart-*  
5 *ment and pay an amount equal to 3 percent of the tips reported.*

6 2. *The executive director shall adopt regulations specifying proced-*  
7 *ures for the reporting of tips, the design and contents of forms required*  
8 *for reporting, and the intervals at which employees who report specified*  
9 *amounts of tips are required to report, which may not be more than once*  
10 *each month.*

11 3. *The employment security department shall:*

12 (a) *Accept the reports and payments, and credit the reporting employee*  
13 *with the additional amount of wages for the months in the period for*  
14 *which the report was made.*

15 (b) *Calculate benefits for employees who have reported tips and paid*  
16 *the required premiums under this section on the basis of wages paid by*  
17 *the former employer and the amount of tips reported.*

18 SEC. 2. NRS 612.190 is hereby amended to read as follows:

19 612.190 1. "Wages" means [all] :

20 (a) *All remuneration paid for personal services, including commissions*  
21 *and bonuses and the cash value of all remuneration payable in any*  
22 *medium other than cash.*

23 (b) *Tip income reported by an employee pursuant to section 1 of this*  
24 *act, for which the employee has paid the premiums required by that sec-*  
25 *tion.*