

Committee in Session at 8:50 am on Tuesday, February 6, 1979.

Senator Keith Ashworth in the Chair.

PRESENT: Chairman Keith Ashworth  
Senator Clifton Young  
Senator Rick Blakemore  
Senator Wilbur Faiss  
Senator Jim Kosinski

ABSENT: Vice-Chairman Joe Neal

GUESTS: Ms. Phyllis Otten, Health Division  
Dr. William L. Thomason, Bureau of Health Facilities,  
Health Division  
Mr. Jack Middleton, Mental Retardation Services,  
Division of Mental Health and Mental Retardation  
Mr. Frank Daykin, Legislative Counsel Bureau  
Mr. M. D. Templeton, Bureau of Health Facilities,  
Health Division  
Mr. William B. Byrne, Ombudsman, Division for Aging  
Services  
Mr. John McSweeney, Division for Aging Services  
Mr. Tom Collier, Carson Tahoe Hospital

Chairman Ashworth requested a motion to approve the minutes from January 16, 1979 through January 30, 1979.

Senator Kosinski moved to approve the minutes of the Human Resources and Facilities Committee from January 16 through January 30, 1979, inclusive.

Seconded by Senator Young.

Motion carried.

Chairman Ashworth stated he would like to take action on S.B. 20.

Senator Young moved to Indefinitely Postpone S.B. 20.

Seconded by Senator Faiss.

Motion carried. (See Exhibit "A")

Chairman Ashworth presented S.B. 86 for the committee's consideration.

Senator Young moved to Indefinitely Postpone S.B. 86.

Seconded by Senator Kosinski.

Motion carried. (See Exhibit "B")

Chairman Ashworth presented S.B. 75 for the committee's consideration.

Senator Kosinski acknowledged that alcoholism is of great concern but expressed concern as to the impact of the bill on employers and consumers. He stated the testimony was unclear and felt an adequate data base was lacking for determining the policies' premiums.

Senator Kosinski suggested that the committee retain that portion of the bill that provides for a task force to collect data, review the certifying procedures of the bureau, and to work with the insurance division in coming up with recommended levels of benefits and methods of determining the premiums for those benefits. He further suggested the remainder of the bill be deleted and the task force directed to report back to the 1981 session of the legislature with the information gathered and suggest legislation at that time.

Senator Young stated he shared Senator Kosinski's concern.

Senator Faiss stated he would like the entire committee to be present for a decision on S.B. 75.

Chairman Ashworth ruled that there being a quorum present, action could be taken on bills without the participation of the entire committee. He stated he shared Senator Kosinski's sentiments and would entertain a motion to amend the bill. Chairman Ashworth appointed Senator Kosinski to work with the bill drafter's office on the amendment, if the amendment was the will of the committee.

Senator Kosinski moved that an amendment be prepared to delete Section 4. through the remaining portions of the bill and provide for the advisory task force, with assigned duties, essentially similar to that provided for in Section 3. In addition, the added requirement that the task force try and develop a data base for determining benefits and premiums.

Seconded by Senator Young.

Senator Faiss asked if this meant the bill would be returned to this committee for approval with the amendment. Chairman Ashworth stated the bill would return to this committee.

Motion carried.

Chairman Ashworth opened the hearing on S.B. 76.

Ms. Phyllis Otten, representing the Health Division, presented Exhibit "C" and Exhibit "D" to the committee. She requested the committee to amend NRS 439.020 rather than repeal the entire section. She stated Sub-sections 1 and 2 are obsolete as noted in Exhibit "C" (Organizational Chart). She stated that Sub-section 3 is not obsolete and should be retained for the purpose of internal reorganization. She requested the committee amend NRS 439.020 as indicated on Exhibit "D."

Senator Kosinski asked if the amendment had been discussed with the director of the Department of Human Resources. She said she had not spoken directly with the director but had spoken with the department's legal counsel. Senator Kosinski suggested the wording, "with the concurrence of the director of the department," at the end of Sub-section 3. Ms. Otten agreed.

Chairman Ashworth questioned keeping the provision of creating another bureau because a new bureau would mean additional funding and they would have to return to the legislature for approval. Ms. Otten cited an example of a lateral transfer of a division that did not involve additional funding. Senator Kosinski stated he felt the director of the division should have the ability to approve that sort of reorganization.

Chairman Ashworth stated that he had no problem with the word "subdivisions" but had objection to the possibility of creating new bureaus. He suggested eliminating the word, "bureaus."

Chairman Ashworth stated that he felt in order to be consistent with the law, the law should be amended to enumerate the exact construction of the Health Department. Ms. Otten stated that was a suggestion to the Legislative Counsel Bureau but the result was the repeal of the entire section.

Senator Faiss requested testimony from the Legislative Counsel Bureau and a representative was called.

While waiting for the bill drafter, Chairman Ashworth opened the hearing on S.B. 78.

Dr. William L. Thomason, representing the Bureau of Health Facilities, Health Division, stated his agency is responsible for the licensure of all health care facilities in the state. He stated S.B. 78 proposed a modification in the definition of a group care facility. He further stated there was a problem with a facility but at this point and time, they do not have the jurisdiction to license the facility. The second change was at the request of the Division of Mental Health and Mental Retardation to establish guidelines for the care of patients in the health care facilities (see Exhibit "E").

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Mr. Jack Middleton, representing Mental Retardation Services, Division of Mental Health and Mental Retardation, explained the necessity of the amendment stating that there are some individuals, needing supervised living situations, but who would not be coming from a state facility.

Senator Kosinski asked if the language in the amendment as to personal care but not medical treatment might be redundant, referring to Line 4. Senator Kosinski also suggested adding the words, "mentally retarded," to Line 5 thereby eliminating the need for the amendment. Senator Young concurred with Senator Kosinski's suggestion. Dr. Thomason agreed.

Chairman Ashworth closed the hearing on S.B. 78.

On the matter of S.B. 76, Mr. Frank Daykin, Legal Counsel, Legislative Counsel Bureau, explained the rationale for the bill stating Sub-section 3 is unnecessary because it is an implied power.

Senator Kosinski asked if upon repeal of NRS 439.020, the division administrator would have the authority to establish other bureaus and agencies. Mr. Daykin replied that was correct.

Chairman Ashworth closed the hearing on S.B. 76.

Chairman Ashworth opened the hearing on S.B. 79.

Dr. William L. Thomason, representing the bureau of Health Facilities, Health Division, stated that S.B. 79 would place in their licensing chapter the definition of a home health agency. Dr. Thomason said that without a state law for licensure, the home health agency cannot be certified for participation in the Title XVIII program. (This is taken from the code of federal regulations -- 20 CFR, 405.1220 -- see Exhibit "F.")

Chairman Ashworth questioned if this puts into law what the bureau of Health Facilities has been doing by regulation. Dr. Thomason said it does.

Chairman Ashworth closed the hearing on S.B. 79.

Chairman Ashworth opened the hearing on S.B. 80.

Dr. William L. Thomason and Mr. David Templeton, representing the bureau of Health Facilities, Health Division, explained the bill to the committee as it was of a fiscal nature.

Senator Blakemore questioned if this bill was a result of the audit by the Legislative Counsel Bureau (see Exhibit "G"). He also asked if the Counsel Bureau had reviewed this bill.

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Mr. Templeton replied that the bill was not a result of an audit, the last audit being in 1973, and that the Counsel Bureau, Audit Division, had not reviewed the bill.

Chairman Ashworth asked if all of the fees collected would go directly to the general fund and the legislature would appropriate money for the operation of that department, thereby eliminating the need for dual paperwork. Mr. Templeton said that was correct.

Chairman Ashworth suggested the testimony of the legislative auditor for the benefit of the committee.

Senator Kosinski asked if this bill would necessitate a change in the budget. Mr. Templeton said the state appropriation would be increased by the amount presently in the account.

Chairman Ashworth closed the hearing on S.B. 80 and opened the hearing on S.B. 81.

Dr. William L. Thomason, representing the Bureau of Health Facilities, Health Division, stated that S.B. 81 was introduced to delete the confidentiality clause in the Division's licensing chapter. Dr. Thomason stated they have been asked for information by other agencies but, based on the statute, have not been allowed to release this information.

Chairman Ashworth stated that, according to Dr. Thomason's testimony, they are holding not only information on people but also on the licensee. He questioned who would need information on the licensee. Dr. Thomason replied that it was usually resulting from complaint investigations.

Chairman Ashworth noted a delicate balance as to confidentiality of records and said there seemed to be a trend moving away from keeping records confidential.

Senator Kosinski noted difficulties in obtaining information relating to budgetary matters and other investigatory matters. He asked if information contained in state files was different than that contained in federal files. Dr. Thomason said the information contained in state files was much more extensive and included patient's names.

Chairman Ashworth recessed the hearing on S.B. 81 at 9:57 am until immediately after the Senate session adjournment.

Chairman Ashworth reconvened the hearing on S.B. 81 at 11 am with the subcommittee consisting of Chairman Ashworth, Senator Young and Senator Kosinski present to hear testimony.

Mr. William Byrne, State Nursing Home Ombudsman, testified on behalf of S.B. 81. He cited the usefulness of obtaining

information contained in other related agencies' files for the purpose of investigations.

Chairman Ashworth asked if there were many complaints regarding nursing homes. Mr. Byrne stated there were some but the facilities compare favorably with any in the nation.

Senator Young asked if the disclosure of information would apply to hospitals. Mr. Byrne stated it would, but would not violate the confidentiality of individual's medical records. He stated the information would only apply to the facilities and their licensing procedures.

Senator Young asked if deletion of that provision could be interpreted to include patient records. Mr. Byrne believed it would only apply at the time of licensure having to do with the licensee.

Senator Young expressed confusion as to intent because, in the past, confidentiality of patient records was stressed and now the opposite is being proposed. Mr. Byrne said there are areas where confidentiality has been detrimental and that is what the bill is hoping to rectify.

Chairman Ashworth asked how often the need arose for information as to the licensee. Mr. Byrne replied that information is not sought as to licensee, only as to the conduct of the affairs of the facility by the licensee.

Chairman Ashworth expressed concern in repealing the entire section as the sections regarding confidentiality are also being repealed. Senator Young concurred; however, he stated that where public dollars are concerned, availability of the records should be maintained for the purpose of evaluating programs.

Mr. John McSweeney, representing the Division for Aging Services, stated difficulties in obtaining information from other state agencies. Mr. McSweeney stated that if a division is given the power to investigate, they should be given whatever information is necessary to solve the problem.

Chairman Ashworth stated that the Health Division has the power to go in and investigate situations and what this bill is attempting is to allow other state agencies to obtain that information. Mr. McSweeney agreed.

Mr. David Dixon, representing the Nevada Association of Health Facilities, testified the Association had no objection to having records available between the Department of Health and the Department for Aging Services; however, they have concerns as to eliminating that section which would thereby make records available to anyone.

Senator Young asked what limitations would be placed on information requests should NRS 449.200 be repealed. Dr. Thomason stated an administrative procedure would have to be established.

Chairman Ashworth requested that Dr. Thomason prepare an amendment to Chapter 449.200 which would enumerate those agencies that are to have access to information. Dr. Thomason said he would do so.

Senator Kosinski requested that Dr. Thomason's legal counsel review NRS 449.002 to 449.240 to see if any patient records would be open to scrutiny if NRS 449.200 was repealed. Dr. Thomason agreed.


Mr. Tom Collier, representing Carson Tahoe Hospital, stated that the amendment would be acceptable to acute-care hospitals. Mr. Collier noted that a product of the commission established on malpractice liability insurance is the suggestion that a risk-management program be established in hospitals. He stated that the recommendation is that information be shared with the Bureau of Health Facilities. It is Mr. Collier's belief that they may be obtaining information that should not be disclosed and could be detrimental to the program.

Senator Kosinski asked if Mr. Collier would have a problem with the bill as it is today, without amendment. Mr. Collier said he would have a problem with the bill as to the confidentiality of the patient's records.

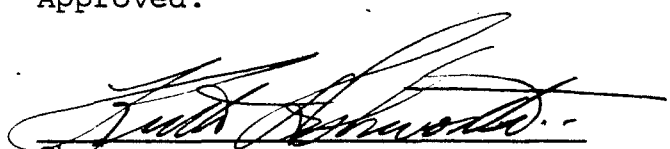
There being no further testimony, Chairman Ashworth closed the hearing on S.B. 81.

Chairman Ashworth adjourned the meeting at 12:05 pm.

Respectfully submitted,

  
\_\_\_\_\_  
Roni Ronemus  
Committee Secretary

Approved:

  
\_\_\_\_\_  
Chairman  
Senator Keith Ashworth

S. B. 20

SENATE BILL NO. 20—SENATOR DODGE

JANUARY 16, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Provides alternative procedure for designing and constructing public schools. (BDR 34-642)

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 public schools; providing an alternative procedure for the design and construction of buildings; 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 393 of NRS is hereby amended by adding
- 2 thereto a new section which shall read as follows:
- 3 1. *The board of trustees of a school district may invite bids for*
- 4 *the combined design and erection of a new school building to meet*
- 5 *specified, general requirements approved by the state public works*
- 6 *board. The requirements must be sufficiently definite so that competing*
- 7 *bids may be fairly compared.*
- 8 2. *Each bid submitted must include necessary plans and be for a*
- 9 *single amount which includes preparation of the plans and erection of*
- 10 *the building, and may include alternative amounts for differences in the*
- 11 *proposed building specified by the bidder. Each bid must remain open*
- 12 *for acceptance for at least 90 days after the date specified by the board*
- 13 *of trustees for submission of bids.*
- 14 3. *The board of trustees shall immediately deliver each set of plans*
- 15 *received to the state public works board for approval. The state public*
- 16 *works board may charge and collect from the board of trustees a*
- 17 *reasonable fee for its services and shall act upon the plans within 90*
- 18 *days. If the state public works board finds that, as a condition precedent*
- 19 *to approval, the plans must be altered in such a way as to increase*
- 20 *materially the cost of erecting the building, the bidder may but need*
- 21 *not increase the amount of his bid.*
- 22 4. *If sets of plans submitted by two or more bidders are approved*
- 23 *by the state public works board, the contract for erection of the building*
- 24 *must be let to the lowest responsible bidder whose plans were approved.*



1 *If but one set of plans is so approved, the board of trustees may reject*  
2 *all bids or may with the approval of the state public works board let*  
3 *the contract to the bidder who submitted those plans.*

4 SEC. 2. NRS 393.110 is hereby amended to read as follows:

5 393.110. 1. Unless standard plans are to be used as provided in  
6 NRS 385.125, or bids are invited for combined design and erection  
7 pursuant to section 1 of this act, before letting any contract or contracts  
8 for the erection of any new school building, the board of trustees of a  
9 school district shall submit plans therefor to and obtain the written  
10 approval of the plans by the state public works board. The state public  
11 works board [is authorized to] may charge and collect [, and] from  
12 the board of trustees [is authorized to pay,] a reasonable fee for the  
13 payment of any costs incurred by the state public works board in secur-  
14 ing the approval [of] by qualified architects or engineers of the plans  
15 submitted by the board of trustees in compliance with the provisions of  
16 this subsection.

17 2. Before letting any contract or contracts for any addition to or  
18 alteration of an existing school building which involves structural  
19 systems, exiting, sanitary or fire-protection facilities, the board of  
20 trustees of a school district shall submit plans therefor to and obtain the  
21 written approval of the plans by the state public works board. The state  
22 public works board [is authorized to] may charge and collect [, and]  
23 from the board of trustees [is authorized to pay,] a reasonable fee for  
24 the payment of any costs incurred by the state public works board in  
25 securing the approval [of] by qualified architects or engineers of the  
26 plans submitted by the board of trustees in compliance with the pro-  
27 visions of this subsection.

28 3. No contract for any of the purposes specified in subsections 1  
29 and 2 made by a board of trustees of a school district contrary to the  
30 provisions of this section is valid, nor [shall] may any public money  
31 be paid for erecting, adding to or altering any school building in con-  
32 travention of this section.

S. B. 86

## SENATE BILL NO. 86—SENATOR HERNSTADT

JANUARY 23, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Lowers upper age limit for compulsory attendance of pupils at public school. (BDR 34-191)

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 compulsory public education; lowering the upper age limit for compulsory attendance at public schools to the age of 16; 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 392.040 is hereby amended to read as follows:  
 2 392.040 1. Except as otherwise provided by law, each parent,  
 3 guardian [ ] or other person in the State of Nevada having control or  
 4 charge of any child between the ages of 7 and [17] 16 years shall [be  
 5 required to send such] *send the* child to a public school during all the  
 6 time [such] *the* public school is in session in the school district in which  
 7 [such] *the* child resides.  
 8 2. Any child who will arrive at the age of 6 years by September 30  
 9 shall be admitted to the first grade at the beginning of the school year,  
 10 and his enrollment shall be counted for apportionment purposes. If a  
 11 child will not arrive at the age of 6 years by September 30, the child shall  
 12 not be admitted to the first grade until the beginning of the school year  
 13 following his 6th birthday.  
 14 SEC. 2. NRS 392.110 is hereby amended to read as follows:  
 15 392.110 1. Any student between the ages of 14 and [17] 16 years  
 16 who has completed the work of the first eight grades may be excused  
 17 from full-time school attendance and may be permitted to enter proper  
 18 employment or apprenticeship, by the written authority of the board of  
 19 trustees excusing the student from such attendance. The board's written  
 20 authority shall state the reason or reasons for such excuse.  
 21 2. In all such cases [no] *an* employer or other person shall *not*  
 22 employ or contract for the services or time of such student until the  
 23 student presents a written permit therefor from the attendance officer or  
 24 board of trustees. The permit shall be kept on file by the employer, and

1 upon the termination of employment shall be returned by the employer  
2 to the board of trustees or other authority issuing it.

3 SEC. 3. NRS 392.120 is hereby amended to read as follows:

4 392.120 1. Any parent, guardian or other person who makes a  
5 false statement concerning the age or school attendance of a child under  
6 **[17]** 16 years of age who is under his control or charge, the false  
7 statement being made with intent to deceive under NRS 392.040 to  
8 392.120, inclusive, or under NRS 392.130 to 392.220, inclusive, **[shall**  
9 **be]** is guilty of a misdemeanor.

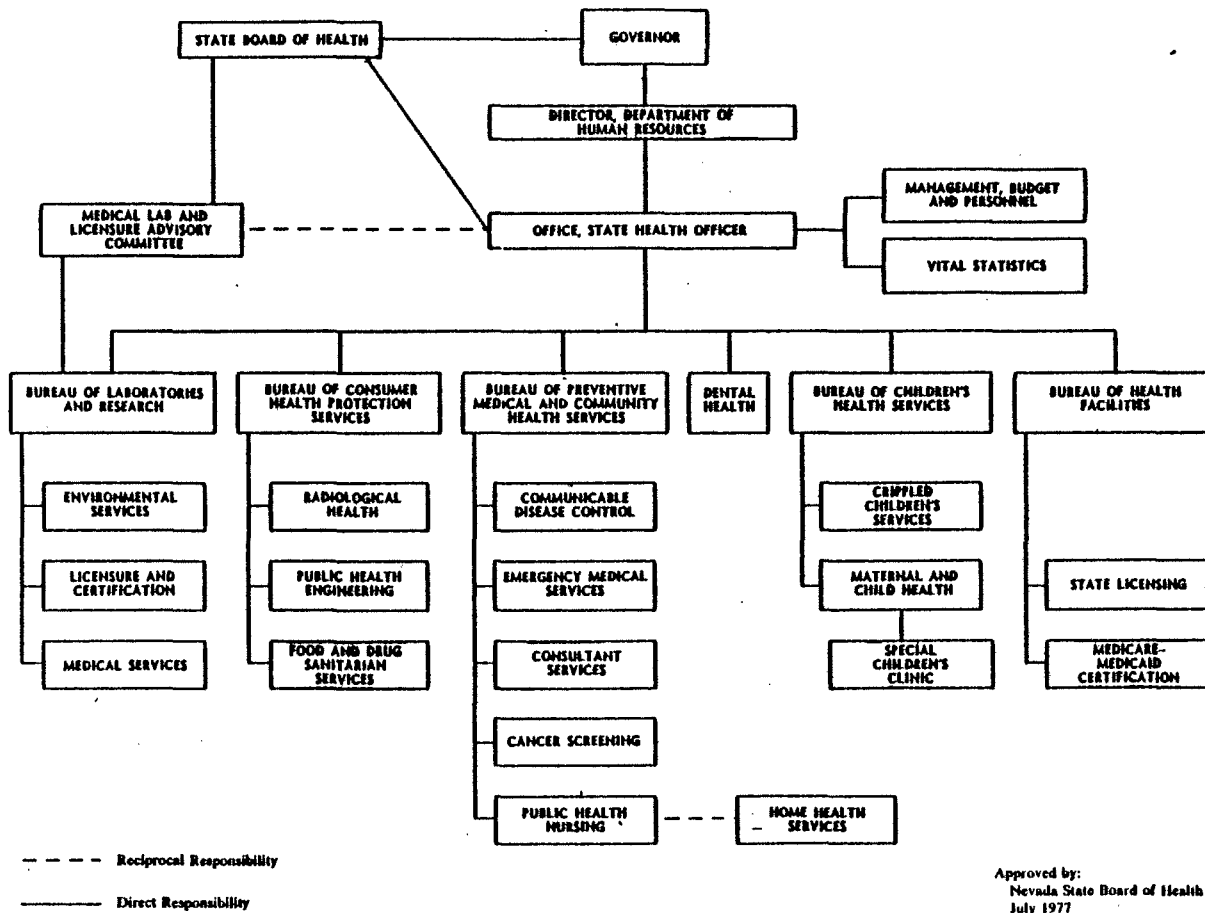
10 2. Any teacher, principal or superintendent of any public school **[is**  
11 **authorized to]** may require the parent or guardian of any pupil enrolled  
12 in his school to furnish a birth certificate or other satisfactory evidence of  
13 the age of the pupil.

14 SEC. 4. NRS 392.160 is hereby amended to read as follows:

15 392.160 1. Any peace officer, the attendance officer, or any other  
16 school officer shall, during school hours, arrest without warrant any child  
17 between the ages of 7 and **[17]** 16 years who has been reported to him  
18 by the teacher, superintendent of schools or other school officer as an  
19 absentee from instruction upon which he is lawfully required to attend.

20 2. During school hours, the arresting officer shall forthwith deliver  
21 the child arrested to the teacher. After school hours, he shall deliver the  
22 child to the parent, guardian or other person having control or charge of  
23 the child.

STATE OF NEVADA  
DEPARTMENT OF HUMAN RESOURCES  
DIVISION OF HEALTH  
ORGANIZATIONAL CHART



Approved by:  
Nevada State Board of Health  
July 1977

EXHIBIT "C"

## ADMINISTRATION OF PUBLIC HEALTH 439.005

## HEALTH DIVISION, DEPARTMENT OF HUMAN RESOURCES

## DEFINITIONS

**439.005 Definitions.** As used in this chapter, unless the context requires otherwise:

1. "Department" means the department of human resources.
2. "Director" means the director of the department of human resources.
3. "Health authority" means the officers and agents of the health division or the officers and agents of the local boards of health.
4. "Health division" means the health division of the department of human resources.

(Added to NRS by 1963, 938; A 1967, 1168; 1969, 1018; 1973, 1406)

## ADMINISTRATION

**439.010 Administration of chapter.** The provisions of this chapter shall be administered by the state health officer and the health division of the department of human resources, subject to administrative supervision by the director.

[Part 5:199:1911; A 1939, 297; 1945, 130; 1943 NCL § 5239]—(NRS A 1963, 938; 1967, 1168; 1973, 1406)

**439.015 Acceptance, disbursement of federal funds; state health division federal fund.** The department, through the health division, may accept and direct the disbursement of funds appropriated by any Act of Congress and apportioned or allocated to the State of Nevada for health purposes. Such federal funds shall be deposited in the state treasury to the credit of a fund to be known as the state health division federal fund.  
(Added to NRS by 1975, 257)

**439.020 Composition of health division, department of human resources.** The health division shall consist of:

1. The bureau of environmental health.
2. The bureau of preventive medical services.
3. Such ~~other~~ bureaus or subdivisions as the state board of health may from time to time establish.

[26:199:1911; added 1919, 221; A 1939, 297; 1947, 746; 1943 NCL § 5260]—(NRS A 1961, 616; 1963, 938; 1965, 374)

**439.030 State board of health: Creation; members; qualifications.**

1. The state board of health is hereby created.
2. The state board of health shall consist of six members to be appointed by the governor, two of whom shall be doctors of medicine who have been licensed to practice in this state and who have been

(1975)

15347

JOHN H. CARR, M.D., M.P.H., F.A.A.P.  
STATE HEALTH OFFICER



NEVADA STATE DIVISION OF HEALTH  
BUREAU OF HEALTH FACILITIES  
CAPITOL COMPLEX  
303 EAST KING STREET  
CARSON CITY, NEVADA 89710

(702) 888-4475

January 30, 1979

The Honorable Keith Ashworth, Chairman  
Senate Human Resources and Facilities Committee  
Legislative Office Building, Room 323  
Carson City, Nevada 89710

Dear Senator Ashworth:


Recently the Bureau of Health Facilities was contacted by the Division of Mental Hygiene and Mental Retardation about BDR 40-218. This was a proposal made by the Bureau to amend the definition of group care facility found at NRS 449.005 and which was introduced as S.B. 78. The Division felt that while it was admirable that we were making an effort to recognize and meet the needs of a segment of the mentally retarded population we had not come up with a really workable definition. Mental Hygiene and Mental Retardation felt that our definition would prevent a group care facility from accepting a client directly from the community at large, and would also prevent a group care facility from accepting a client who might reasonably be expected to require the restrictive environment of the group care setting for the rest of his or her life. We agreed with the points raised by the Division, but it was too late to change the BDR.

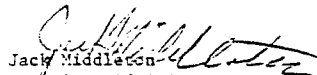
Therefore, both the Division of Mental Hygiene and Mental Retardation and the Bureau of Health Facilities would ask that your committee consider an amendment of this definition to read:

Four or more mentally retarded persons who need personal care but not medical treatment.

Should you wish clarification of this matter prior to our appearing before your committee, please let us know.

Sincerely yours,

  
William L. Thomason, D.D.S.  
Administrator  
Bureau of Health Facilities

  
Jack Middleton  
Associate Administrator  
Mental Retardation Services

cc: John H. Carr, M.D., State Health Officer  
Human Resources and Facilities Committee members

WLT/met

41 (3/76) Regulations No. 5-- Subpart L 405.1221

(p) *Public agency*. An agency operated by a State or local government.

(q) *Public health nurse*. A registered nurse who has completed a baccalaureate degree program approved by the National League for Nursing for public health nursing preparation or post-registered nurse study which includes content approved by the National League for Nursing for public health nursing preparation.

(r) *Registered nurse*. A graduate of an approved school of professional nursing, who is licensed as a registered nurse by the State in which practicing.

(s) *Social work assistant*. A person who:

(1) Has a baccalaureate degree in social work, psychology, sociology, or other field related to social work, and has had at least 1 year of social work experience in a health care setting; or

(2) Has 2 years of appropriate experience as a social work assistant, and has achieved a satisfactory grade on a proficiency examination conducted, approved, or sponsored by the U.S. Public Health Service, except that such determinations of proficiency do not apply with respect to persons initially licensed by a State or seeking initial qualification as a social work assistant after December 31, 1977.

(t) *Social worker*. A person who has a master's degree from a school of social work accredited by the Council on Social Work Education, and has 1 year of social work experience in a health care setting.

(u) *Speech pathologist or audiologist*. A person who:

(1) Meets the education and experience requirements for a Certificate of Clinical Competence in the appropriate area (speech pathology or audiology) granted by the American Speech and Hearing Association; or

(2) Meets the educational requirements for certification and is in the process of accumulating the supervised experience required for certification.

(v) *Subdivision*. A component of a multi-function health agency, such as the home care department of a hospital or the nursing division of a health department, which independently meets the conditions of participation for home health agencies. A subdivision which has subunits and/or branches is regarded as a parent agency.

(w) *Subunit*. A semi-autonomous organization, which serves patients in a geographic area different from that of the parent agency. The subunit by virtue of the distance between it and the parent agency is judged incapable of sharing administration, supervision, and services

on a daily basis with the parent agency and must, therefore, independently meet the conditions of participation for home health agencies.

(x) *Summary report*. A compilation of the pertinent factors from the clinical notes and progress notes regarding a patient, which is submitted as a summary report to the patient's physician.

(y) *Supervision*. Authoritative procedural guidance by a qualified person for the accomplishment of a function or activity with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise provided in this subpart, the supervisor must be on the premises if the person does not meet qualifications for assistants specified in the definitions in this section.

(§§ 405.1203--405.1208 deleted, 39 FR 2251, Jan. 17, 1974)

§ 405.1220 Condition of participation: Compliance with Federal, State, and local laws.

The home health agency and its staff are in compliance with all applicable Federal, State, and local laws and regulations. If State or applicable local law provides for the licensure of home health agencies, an agency not subject to licensure must be approved by the licensing authority as meeting the standards established for such licensure. A proprietary organization which is not exempt from Federal income taxation under section 501 of the Internal Revenue Code of 1954 must be licensed as a home health agency pursuant to State law. If no State law exists for the licensure of a proprietary home health agency, it cannot be certified for participation in the health insurance program.

§ 405.1221 Condition of participation: Organization, services, administration.

Organization, services provided, administrative control, and lines of authority for the delegation of responsibility down to the patient care level are clearly set forth in writing and are readily identifiable. Administrative and supervisory

ACCOUNTING  
(continued)

The Health Division is also responsible for collecting vital statistics fees and milk testers license fees which are deposited into the General Fund. These collections are summarized as follows for fiscal year 1972-73:

Vital Statistics Fees	\$ 24,786
Milk Testers License Fees	<u>130</u>
Total	<u>\$ 24,916</u>

SPECIAL FUNDS

Various statutes have created several special funds within the State Treasury. A number of these special funds are handled by the State Controller as a part of the General Fund. These special funds are shown in the following schedule:

<u>Fund</u>	<u>NRS</u>
Health & Care Facility Licensing Administration Fund	449.140
Special Silicosis Fund	443.145
Maternal & Child Health Service Fund	442.170
State Public Health Facilities Construction Fund	449.400

The Special Silicosis Fund should continue to operate as a part of the General Fund.

RECOMMENDATION

We recommend that the Health Division:

1. Request the State Controller to establish those special funds created by NRS 449.140, 442.170 and 449.400.
2. Request legislation to repeal that part of NRS 443.145 which creates the Special Silicosis Fund.