

Date: April 3, 1979

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Committee in Session at 8:36 A.M. on Tuesday, April 3, 1979

Senator Keith Ashworth in the Chair

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

ABSENT: Vice-Chairman Neal

GUESTS: Mr. Mark Dawson, Desert Research Institute
Ms. Georgia Massey, Nevada Insurance Division
Dr. Lon Harter, Consultant to the Industrial Commission,
Chiropractic Profession
Dr. Eugene M. Scrivner, State Board of Examiners and
Chiropractic
Dr. John Scherschel, Chiropractic Association of Nevada

Chairman Ashworth opened the hearing on A.B. 495.

Mr. Mark Dawson, Desert Research Institute, spoke in support of A.B. 495. He stated that this bill was introduced by Mr. John Crossley, Legislative Auditor, Legislative Counsel Bureau. He stated this bill relieves the legislative auditor of annual audit of Desert Research Institute grants and contracts. Presently they are audited by the federal government, Department of Health, Education and Welfare, every two years. Desert Research has an active internal audit program. The Board of Regents hires an outside certified public accountant firm annually to audit their program. The audit by the legislative counsel is duplication. The last audit by the legislative auditor was in 1963. They have not done a complete audit on universities since then, accepting the Health, Education and Welfare and certified public accountant audits.

Chairman Ashworth stated that he talked with Mr. John Crossley, who is involved in hearings before the Assembly Ways and Means Committee, otherwise he would be at this hearing.

There being no further testimony on A.B. 495, Chairman Ashworth closed the hearing.

Chairman Ashworth opened the hearing on S.B. 303.

Chairman Ashworth stated there are two conflict notices; S.B. 74 and S.B. 79, both of which were passed and sent to the Governor. Additional information will be given from the insurance division.

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Ms. Georgia Massey, Nevada Insurance Division, stated that as this pertains to their requirements that they couldn't possibly regulate this. She said that the provisions of S.B. 303 state that a chiropractor, within the scope of his practice, must be recognized by the insurance policy as are the doctors and physicians. The terms of the policy regulate what is going to be paid, such as hospital room and board, the physician, etc. If the insurers cannot regulate this, it is also going to be inflationary. She stated they are putting an open-ended provision in their law, which would be totally impossible and discriminating for any other physician or practitioner. Their health insurance defines the term "doctor" which includes chiropractors. Chairman Ashworth posed concern regarding the limiting of the number of visits for which they will be reimbursed. Ms. Massey stated that in the state group plan there is a provision that will pay the reasonable, necessary, and customary incurred expenses. Chiropractors are not being singled out, to be restricted, any more than any other practitioner.

Senator Kosinski questioned if Section 4 would have a similar impact under Nevada Industrial Commission. Ms. Massey stated that there is a free choice of physician or practitioner under the law.

Dr. Lon Harter, Consultant to the Industrial Commission, Chiropractic Profession, stated there are regulations and rules governing the practice of chiropractors under the Industrial Commission rules; not the basic law. Revision made in 1977 defined "physician" as "osteopath and the medical physician". Legislative action is being requested stating chiropractors are definitely involved.

Dr. Eugene M. Scrivner, State Board of Examiners and Chiropractic, felt subsections 5 and 6 would clarify any question the insurance company has regarding limitations. He stated it does not discriminate against the chiropractor or any other physician or procedure. If sections 5 and 6 were extracted, the chiropractors would be back where they were. He felt the term "limitation coverage" would be correct, but to eliminate the term "reduction". He felt one of the problems was the exclusion of the chiropractic profession. He further stated that some of the clubs and casinos have a "trust fund", which is entirely different from the insurance companies. He felt section 4 should remain as chiropractors are excluded as physicians in Nevada Industrial Commission. Ms. Massey stated that any policy issued and delivered in the State of Nevada must recognize chiropractic practitioners as a doctor.

Dr. John Scherschel, Chiropractic Association of Nevada, stated the intent of the chiropractors is not the limitation of coverage. They wish to do away with exclusions, reductions and limitations of services to their patients under these policies. Services from some insurance companies are being "cut" or "limited". On line 7, page 2, he felt the word "coverage" should be replaced with the word "services". Guidelines should be worked out with the insurance

companies. He stated that many insurance companies do not cover various types of examinations. Limitations allowed do not always cover the needed visits for a patient's complete treatment.

There being no further testimony Chairman Ashworth closed the hearing on S.B. 303.

Senator Kosinski requested an update from Ms. Georgia Massey, Nevada Insurance Division, on S.B. 75.

Ms. Georgia Massey stated their committee on group insurance has a pilot program which is in effect for two years. During this time the task force will be involved in studying various problems. Metropolitan Life Insurance Company expressed willingness to undertake this program and keep a record of the utilization and cost of age groups that are taking advantage of this program. She stated she has an amendment involving the provisions of S.B. 75 and requested a hearing. She felt the benefits proposed in the bill are realistic and acceptable, more than the annual renewable type of benefit they now have. The study is for the cost factor.

Chairman Ashworth stated that one study showed 13% of peoples' problems were caused by alcohol or drug abuse. Ms. Massey stated that if the pilot program showed the cost to be too much in the two years, they could reduce the plan at that time. She would like to have the benefits changed to those proposed in the law. During the period the task force is meeting she would like to leave the option up to the policy holder to purchase, and not have it mandated. Senator Kosinski stated that S.B. 75 contains more restrictive coverage. He further stated that in order to change the coverage into permissive coverage the statute would have to be changed. Ms. Massey said it would be only the benefit structure that is being proposed and should be available to the policy holder.

Senator Young arrived at the meeting at 9:29 A.M.

Chairman Ashworth brought up for discussion BDR (Exhibit "A") regarding water pollution. Committee is to hold for any decision pending testimony from Dr. Thorné Butler.

S.B. 338 (Exhibit "B")

Senator Blakemore moved to Indefinitely Postpone S.B. 338.

Seconded by Senator Faiss.

Discussion: As long as they were all elected officers there was no problem. The problem entered when you may have lay people setting salaries.

Motion carried.

Yeas - - 5

Nays - - None

Absent - - Vice-Chairman Neal.



Senator Kosinski stated that Ron Player, Chairman of the Washoe County District Court, sent a letter requesting an amendment which would provide that the Chief Administrator of the District Board of Health not be a physician. He said they had not been able to hire an M.D.

As to S.B. 159, Senator Kosinski has not as yet received the amendments from the bill drafter.

As to the status of S.B. 351, testimony is pending from Dr. Thorne Butler who has been contacted by letter.

A.B. 495 (Exhibit "C")

Senator Blakemore moved to Do Pass A.B. 495.

Seconded by Senator Kosinski.

Motion Carried.

Yeas - - 5

Nays - - None

Absent: Vice-Chairman Neal.

S.B. 303 (Exhibit "D")

Senator Kosinski moved Amend and Do Pass S.B. 303.

Seconded by Senator Blakemore.

Discussion: Delete all but Section 4.

Motion carried.

Yeas - - 5

Nays - - None

Absent: Vice-Chairman Neal.

There being no further testimony, Chairman Ashworth adjourned the meeting at 9:41 A.M.

Respectfully submitted,

Jean Van Nuys
Jean Van Nuys
Committee Secretary

Approved:

Chairman
Keith Ashworth



EXHIBIT "A"

SUMMARY--Revises and clarifies respective powers and duties of the State Environmental Commission and State Department of Conservation and Natural Resources with respect to water pollution control.
(SDR)

Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

AN ACT relating to public health and safety: revising provisions on the authority of the State Department of Conservation and Natural Resources; providing for authority of the State Environmental Commission; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS. 445.274 is hereby amended to read as follows:

445.274 1. A party person aggrieved may file notice of appeal with the Commission within 10 days after the date of notice of action of the department, except as otherwise provided by Law.

2. Any person aggrieved by:

(a) The issuance, denial, renewal, suspension or revocation of a permit; or

(b) The issuance, modification or rescission of any other order, by the director may appeal to the Commission.

3. The Commission shall affirm, modify or reverse any action taken by the director which is the subject of the appeal.

4. The Commission shall provide by rule for the time and manner in which appeals are to be taken to the Commission.

Section 2. 445.344 is hereby amended to read as follows:

445.344 The department has final authority in the administration of water pollution prevention, abatement and control, except with respect to the provisions of NRS 445.131 to 445.354, inclusive. No other department or agency of the state and no municipal corporation, county or other political subdivision having jurisdiction over water pollution prevention, abatement and control may permit, under authority of such jurisdiction, the discharge of wastes into the waters of the state which would result in the pollution of any such waters in excess of any water quality standard promulgated by the commission, except with respect to the provisions of NRS 445.131 to 445.354, inclusive.

S. B. 338

SENATE BILL NO. 338—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

MARCH 20, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Changes qualifications of certain members of district boards of health and authorizes those boards to set compensation of district health officers. (BDR 40-1392)

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 the administration of public health; changing the qualifications of district boards of health; authorizing those boards to set the compensation of district health officers; 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 439.390 is hereby amended to read as follows:
2 439.390 1. A district board of health shall consist of two members
3 from each county, city or town which participated in establishing the
4 district, to be appointed by the governing body of the county, city or
5 town wherein they reside, together with one additional member [to be]
6 chosen by the members so appointed.
7 2. [Not less than] *At least* one of the members of the district board
8 of health [appointed by the board of county commissioners of each
9 county shall] *must* be a physician licensed to practice medicine in this
10 state.
11 3. If the appointed members of the district board of health fail to
12 choose the additional member within 30 days after the organization of
13 the district health department, [such] *the additional* member may be
14 appointed by the state health officer.
15 SEC. 2. NRS 439.400 is hereby amended to read as follows:
16 439.400 1. The district health officer [shall] *must* be appointed by
17 the district board of health.
18 2. [He shall have full] *The district health officer has* authority as a
19 county health officer in the health district and [shall receive such com-
20 pensation as may be agreed upon and] *is entitled to receive compensa-*
21 *tion* fixed by the [governing bodies of the counties, cities or towns
22 comprising such district.] *district board of health.*

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A. B. 495

ASSEMBLY BILL NO. 495—ASSEMBLYMEN
DINI AND HARMON

MARCH 1, 1979

Referred to Committee on Government Affairs

SUMMARY—Removes requirement of annual audit by legislative auditor of
desert research institute. (BDR 34-1002)

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 the desert research institute; removing the requirement of an annual audit by the legislative auditor; 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 396.7952 is hereby amended to read as follows:
2 396.7952 To further the development of the research activities of the
3 university, the board of regents of the University of Nevada, on behalf
4 of the desert research institute, [is empowered:] *may*:
5 1. [To enter] *Enter* into contracts with governmental or private
6 agencies or [individuals] *natural persons* who wish to use the services
7 or facilities of the desert research institute.
8 2. [To receive] *Receive* and hold, by gift, bequest, devise, grant,
9 purchase or otherwise, any real or personal property, including patents,
10 copyrights, royalties and contracts from [individuals] *natural persons*
11 or corporations.
12 3. [To manage,] *Manage*, invest, use and dispose of any property
13 so received, either as specified by the donor or for the furtherance of the
14 objectives of the desert research institute.
15 4. [To receive,] *Receive*, invest, disburse and account for all
16 [funds] *money* acquired pursuant to subsection 2 or through contractual
17 or sponsored arrangements with governmental or private agencies or
18 [individuals, subject only to annual audit by the legislative auditor.]
19 *natural persons.*

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S. B. 303

SENATE BILL NO. 303—SENATOR JACOBSEN

MARCH 6, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Requires admission of chiropractors to hospital staffs and recognition of chiropractic care by Nevada industrial commission and other insurers. (BDR 40-1266)

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 health and safety; requiring hospitals to admit chiropractors to staff privileges; requiring the Nevada industrial commission and certain other insurers to recognize chiropractic care; 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 449 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 *The health division shall not issue a license to any hospital which*
4 *refuses to admit chiropractors licensed pursuant to chapter 634 of NRS*
5 *to staff privileges on the same basis as it admits physicians.*
6 SEC. 2. NRS 449.001 is hereby amended to read as follows:
7 449.001 As used in NRS 449.001 to 449.245, inclusive, *and section*
8 *1 of this act*, unless the context otherwise requires, the words and terms
9 defined in NRS 449.002 to 449.018, inclusive, have the meanings
10 ascribed to them in those sections.
11 SEC. 3. NRS 450.005 is hereby amended to read as follows:
12 450.005 As used in this chapter, unless the context otherwise
13 requires, "allied health profession" means:
14 1. *Chiropractic as defined in chapter 634 of NRS;*
15 2. Dentistry as defined in chapter 631 of NRS;
16 [2.] 3. Psychology as defined in chapter 641 of NRS;
17 [3.] 4. Podiatry as defined in chapter 635 of NRS; or
18 [4.] 5. Traditional Oriental medicine as defined in chapter 634A
19 of NRS.
20 SEC. 4. Chapter 616 of NRS is hereby amended by adding thereto a
21 new section which shall read as follows:
22 *No provision of this chapter prevents an employee from providing for*

1 *treatment of his injuries or disease by a person licensed to practice*
2 *chiropractic pursuant to chapter 634 of NRS.*

3 SEC. 5. Chapter 689A of NRS is hereby amended by adding thereto
4 a new section which shall read as follows:

5 *No health insurance policy may be delivered or issued for delivery in*
6 *this state if it contains any exclusion, reduction or other limitation of*
7 *coverage for treatment by a person licensed to practice chiropractic*
8 *pursuant to chapter 634 of NRS.*

9 SEC. 6. Chapter 689B of NRS is hereby amended by adding thereto
10 a new section which shall read as follows:

11 *No group health or blanket health policy may be delivered or issued*
12 *for delivery in this state if it contains any exclusion, reduction or other*
13 *limitation of coverage for treatment by a person licensed to practice*
14 *chiropractic pursuant to chapter 634 of NRS.*