

PRESENT: Chairman Bennett
Vice Chairman Chaney
Mr. Bergevin
Mrs. Ham
Mr. Mello
Mr. Nicholas
Mr. Thompson

Guests present are listed on the attached guest register.

Agenda Item #1: Adoption of Standing Rules of the Committee on Health and Welfare.

Suggested rules were distributed to the members. A motion was introduced by Mr. Mello, seconded by Mr. Micholas that these be adopted for the 61st Session; motion carried unanimously.

A.B. 63 - Clarifies provisions on emergency admission of mentally ill persons to mental health facilities.

Mr. John Giomi, District Attorney of Lyon County, was present and explained that this bill was requested by his office to amend Chapter 433-A to allow district court judges to place alcoholics into a facility for the 72-hour period that they can hold mentally ill persons. He stated that presently the statute reads that you have to put them in a mental health facility and in the rural counties the county hospitals are not deemed to be mental health facilities. He pointed out that the way A.B. 63 is presently written, it does not service the small counties and he would like to see that changed to allow a district court judge to place patients in hospitals and the hospitals must take them unless they certify back to that district court judge that they do not have the facilities to handle that person.

According to his information, we are talking about people who have been certified by a physician or psychiatrist to be a menace to themselves. They find in many cases with alcoholics that they need a period of 'drying out' after having been drunk for quite a while, and that it is best to place them in a local facility. They have problems placing them in Sparks and this bill would help the smaller areas.

Mr. Mello asked what the additional cost would be to the local hospital if this bill was passed and was advised by Mr. Giomi that most of the rural medical facilities have at least one room that is secured in which they place prisoners where they place mentally ill patients. There might be additional costs for security but that would be minimal and the benefits would be great.

Mr. Bergevin asked if the language in the bill does what he had intended and was advised that it does not. He would like to see an amendment to the bill that the court may order the person

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to a mental facility or a hospital that is certified under the laws of the State of Nevada and that hospital must take them unless the administrator certifies back to the district court judge that they are incapable of handling that person. In most instances we are talking about alcoholics and they should be able to handle them.

Mr. Giomi asked if all he was interested in was alcoholics and he explained that alcoholic problems come up most in the rural areas. They do place patients, through court order, in the Sparks facility but you can only place them there for a limited amount of time (48 to 72 hours).

Chairman Bennett requested that Mr. Giomi draft the suggested language for an amendment, and this bill would be reheard by the Committee.

S.B. 98 - Permits student nurses to administer certain drugs (BDR 40-1163)

Several persons were present wishing to testify on S.B. 98. They were:

Pat Gothberg, Nevada Nurses's Association, advised the committee that inasmuch as she has discussed this with each member of the committee and they know her feelings on the bill, she wanted the members to hear from the people directly involved.

Mrs. Jean Peavy, Nevada Board of Nursing, speaking in opposition, distributed EXHIBIT I (attached). Mrs. Peavy gave a brief history on the first school of nursing established in 1952, and explained that since that time student nurses have been administering medications. There were no questions of Mrs. Peavy.

Mrs. Shirley Howard, President of Nevada Nurses' Association, spoke next in support of S. B. 98 with suggested amendments in three areas. (EXHIBIT II). Their main concerns were relating to the words "practical" on line 18, page 1 and line 27, page 2; the use of "chart orders" in line 21, page 1 and lines 1, 30, and 32 on page 2; and the word, "certified" in lines 1 and 32 on page 2.

There were several questions by the members of the committee on adequate safeguards being present in the amendments they propose and they were assured by Mrs. Howard that they would be there.

Mrs. Marion Schrum, Dean of Orvis School of Nursing, was present and distributed copies of her testimony, attached hereto as EXHIBIT III. Mrs. Schrum spoke in opposition to S.B. 98 in its present form, but urged the committee to expedite passage of this measure with the suggested amendments proposed by Mrs. Howard.

Mr. Bergevin asked who had suggested the amendments as he understood the bill came from the Senate as an emergency measure. He was advised by Mrs. Gothberg that there were no hearings held on

the bill and that the bill, as introduced, looked entirely different from the way it does in its present form today. There was some concern on the part of several Senators, i.e., Senators Don Ashworth and Mel Close and as a courtesy, the Senate allowed them to move the bill to the Secretary's Desk while they had an opportunity to review it and consider amendments. At that time, through Senator Close's work with the bill drafter's office, the bill was amended.

Although several members of the nursing profession were consulted, the bill in the presently amended form does not do what they feel is critical to their work.

Mrs. Schrum stated she still had some concerns about the word "Certify" but since then she has learned that this can imply a much more complex process and they are suggesting a different term (authorized) which will avoid future problems. She feels the school would be in a proper position to approve and make the statement that "these students are prepared to administer medications under supervision".

Mr. Mello asked what it means if a student is certified by the college or the school and was advised by Mrs. Schrum that that means they have had the proper and appropriate course of instruction in terms of the procedures of administering medications, prior to the actual administration, as a student under supervision in the clinical unit. They prefer a less stringent word than "certified", one that would convey the notion that the student is qualified and approved to give medication, but certification in nursing means that the student has had something over and above their basic education. They have had to go through a more rigorous training, they have had to take a special examination and then they get a certificate within the context of a basic program such as the associate degree program, etc.

Mr. William Barrett, Administrator of Sierra Convalescent Center in Carson City and also a representative of the Nevada Health Care Association, stated he was speaking in support of the amendment inserting the word "practical". He did not address the language having to do with "chart orders" as that does not pertain to their line of authority.

Ms. Lisa McBride, President of Orvis Student Nurses' Association, spoke indicating that the members of her association concur with the testimony given by Mrs. Howard.

Mr. Frank Titus, Chairman of the State Board of Pharmacy and Mr. Farren Breen, legal counsel, stated they support the bill but did have some questions for the committee. They concurred with the statements that some changes have to be made as quickly as possible but the Board of Pharmacy's main concern is that drugs not be diverted or stored improperly. He called attention to the word "adminster" in the bill; the way the Board of Pharmacy has interpreted that is that would be a single dose - a one time situation. They don't really have serious concern about the storage, and they feel the "diversion" problem would be minimal.

(Committee Minutes)

Mr. Breen interjected the position of the Pharmacy Board in the drug field is not to say who may be qualified to administer controlled substance or dangerous drugs. Their sole jurisdiction under the statute is the security and the maintenance of controlled substance and dangerous drugs. He added that the language of the bill presents some problems because it refers to the "charter order" and also provides in sub-section 2 which does refer to individual doses. The nurses have stated that it is the practice of the student nurses to administer single-unit doses and not at any time to have in their possession more than that and only at the time that it is going to be administered. Unfortunately the bill doesn't say that. The bill says, for example, a practitioner could furnish a student nurse, referring to sub-section 2, with say 30 units of percodane; this is the concern the Board of Pharmacy has with the bill. They feel that the administering of the dangerous drugs by a student nurse, is entirely up to whoever the supervisor is or the doctor. Their concern is that the bill does not provide, in its written form, enough security as outlined above. Mr. Bergevin asked if this hasn't always been a problem; this bill is not creating that problem. Mr. Breen stated that is true - this bill is not creating the problem; the problem came up last fall.

Mr. Bergevin suggested that Board of Pharmacy propose some language for the committee that will take care of the problem he is addressing. Mr. Breen advised him that there are some amendments being drafted now to the pharmacy bill that will eliminate the problem.

Nellie Dross, a member of the faculty of the medical school in the Department of Family and Community medicine, a registered professional nurse, a certified nurse practitioner, a public health nurse and a worker in the community for many years spoke in behalf of the bill, with suggested amendments. She explained most of her expertise is in the community area and she knows the supervision of student nurses working in that area is adequate.

Mr. Fred Hillerby, Executive Director of the Nevada Hospital Association expressed that the concerns he has is that we do not exclude the schools of practical nursing, which has already been addressed. He concurs that the nursing profession needs this bill now. He added that hospitals have their own rules and regulations as they relate to "Chart Orders" and some restrict that privilege to a registered nurse. He was in support of the bill with the proposed amendments.

Mr. Mello asked Pat Gothberg if the bill as originally drafted, was what they had requested and was what was needed to take care of their problems. Mrs. Gothberg explained that the original draft was where they simply added a new sentence to cover the student nurses and is what they wanted, but the bill before us today does not satisfy their needs.

Mr. Bennett then suggested that the Committee defer action temporarily and determine the language they need for an amendment and bring it back to the Committee this evening.

A.J.R. 12 - Urges Congress to continue its support of
community health centers

Assemblyman Price, as the primary introducer, testified in support of this measure. He explained that this resolution encourages Congress to continue their funding for community health centers. The budget committees in Washington are going to be meeting week after next and he understands there is a large delegation from Nevada that will be testifying there on this.

Mr. Price explained that community health centers come out of the overall budget for health programs on the federal level; they are under what is known as the Health Service Budget. He understands the total health care budget that comes out of Washington is divided into two parts: One, the uncontrollable costs program which administers the Medicaid and those types of programs and secondly, the other types of programs that are actually on budgets and are called the "controllable budget program" such as the community health centers, child health and research centers and institutes, etc.

The health care centers are, in fact private businesses that receive some funds from Title 18 and must be qualified by Title 19 under the HEW Act.

He explained that they have a new Center in North Las Vegas that is targeted to help persons of low-income, senior citizens, etc., that have a problem affording health care and also to treat people that are outside other areas of financial assistance. They have proven to be very beneficial to their residents.

He stated there have been approximately 25 million people involved in these programs across the United States; 1400 people employed in the rural clinics and 2100 people employed in the urban clinics.

Mr. Nicholas asked if he had any dollar values on how much is being spent in Nevada and was advised by Mr. Price that he doesn't have any figures for the State of Nevada, but the overall proposed budget request in Washington is \$92 million for the total overall program. That includes 575 clinics in rural areas and 297 in urban areas

Mr. Frank Olsar, Chief of Planning with the Department of Human Resources explained that this particular funding would not be in the State's Executive Budget but funding from some agencies would be funneled to them; either through Title 19 or through community health. The community health centers themselves would be non-profit private corporations which would receive discretionary funds directly from the Federal Government for their operation and then we would, in some way, support them through Title 19 money,

possibly Title 20 money and some community health centers money out of one of our other budgets. It would be a 'pass through' - they would not be identified specifically as a unit. They are listed out as a sub-line item.

Mr. Fred Hillerby testified that his association supported this resolution and they have written a letter to the Clark County delegation stating their support.

Mr. Price requested that the Committee take immediate action on this resolution by recommending "Do Pass" as an emergency measure.

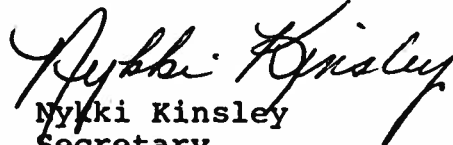
S.B. 98 - Mrs. Gothberg returned with the proposed amendments on this bill. The amendments were reviewed by the Committee and accepted upon motion by Mr. Mello, seconded by Mr. Thompson and unanimously carried. Amendments attached as EXHIBIT IV. Mr. Mello was requested by Chairman Bennett to carry the amendments.

A motion was then introduced by Mr. Chaney, seconded by Mr. Bergevin to recommend "Do Pass, as amended" to Senate Bill 98, First Reprint. Motion carried unanimously.

A.J.R. 12 - A motion was introduced by Mr. Bergevin, seconded by Mr. Nicholson to pass AJR 12 from Committee with recommendation of "Do Pass as an emergency measure".

There being no further business, the meeting was adjourned.

Respectfully submitted,


Nyki Kinsley
Secretary

ASSEMBLY

AGENDA FOR COMMITTEE ON HEALTH AND WELFARE

Date Thur. Feb. 5, 1981 Time 5:00 p.m. Room 316

Bills or Resolutions
to be considered

Subject

Counsel
requested*

ORGANIZATIONAL MEETING

- | | | |
|--------|--|--|
| AB 63 | Clarifies provisions on emergency admission of mentally ill persons to mental health facilities. | |
| AJR 12 | Urges Congress to continue its support of community health centers. | |
| SB 98 | Permits student nurses to administer certain drugs. | |

SUPERSEDES PREVIOUS AGENDA

ASSEMBLY COMMITTEE ON Health & Welfare
GUEST LIST

PLEASE PRINT!

Date: July 5, 1988

PLEASE PRINT YOUR NAME	PLEASE PRINT WHO YOU REPRESENT	I WISH TO SPEAK		
		FOR	AGAINST	BILL NO
Betty Lou BERNARD	ORVIS Student Nurses' Assoc		✓	98
PEGGY J. GAGE	✓ ✓ ✓ ✓		✓	98
Theresa M...	ORVIS Student Nurses' Assoc.		✓	98
Lisa McBride	Orvis Student Nurses' Assoc		✓	98
Beverly Brodson	ORVIS Student Nurses Assoc		✓	98
Teresa M. Craker	ORVIS STUDENT NURSES ASSOC.		✓	98
William F. BARRETT	NEV. Health Care Assn	✓		98
BARBARA BOYD	OSNA		✓	98
IRISH MATZOU	OSNA		✓	98
HILL KELLY	OSNA		✓	98
Bernice Mathews-Martin	TRIC			
MARION H. JENNINGS	ORVIS SCHOOL OF NURSING		✓	98
Pat Gotberg	NEVADA NURSES' ASSN.			98
FRANK TITUS	NEVADA STATE Bd. OF PHARMACY	with affidavit		98
Fran DREIFUS	" " " "	with affidavit		98
Shirley Hayward	Nes, Nev Nurses Assoc	✓		98
COLLEEN CARUPO	ORVIS STUDENT NURSES ASSOC.		✓	98

Date: Feb. 5, 1981

PLEASE PRINT YOUR NAME	PLEASE PRINT WHO YOU REPRESENT	I WISH TO SPEAK		
		FOR	AGAINST	BILL NO.
VALERIE OXHORN	ORVIS STUDENT NURSE ASSOC. - UNR		✓	98
Linwood	ORVIS STUDENT NURSE ASSOC. UNR		✓	98
Sharon Heckathorn	Orvis Student Nurse - UNR		✓	
Jean P...	NV. BOARD OF NURSING		✓	SB 98
Nellie Gross	UNR School of Nursing			
Jayne Scalise	UNR Orvis School of Nursing		✓	
Cheryl E. Fenn	Western Nevada Comm. College		✓	SB 98
Nicolette Gums	Western Nevada Comm. College ^{Student} Practical Nurse		✓	SB 98
MILMON CARROLL RN	CASON VAHGE Hospital - MD. IN & Ed.		✓	SB 98
BOB PRICE	ASSEMBLY	✓		AJR 17
W. Ibur Faiss	Senate	✓		✓

NEVADA STATE BOARD OF NURSING

1135 Terminal Way, Rm. 209, Reno, Nevada 89502



February 5, 1981

Testimony of Jean T. Peavy, R.N.
Executive Secretary of Nevada State Board of Nursing

on S.B. 98

In April 1980 I was informed by the Director of Nursing at Elko General Hospital that following a visit by representatives of the Bureau of Health Facilities the pharmacist at the hospital was informed that student nurses could not legally administer medications as part of their nursing education.

On investigating this, I discovered that in 1979 very late in the legislative session there was a statutory change in the Pharmacy NRS 453 and NRS 454 listing persons who could administer medications; student nurses were not listed.

There are 8 practitioners and other persons given authority to administer medications in NRS 453.375 and NRS 454.213. There is a statement numbered 9 in both statutes which reads "Any person or class of persons approved by the board (Board of Pharmacy)* pursuant to regulation". After consultation with the Executive Secretary of the Board of Pharmacy, I was led to believe that under the above section 9 I could petition the Board of Pharmacy to adopt a regulation to cover the interim before the next session of the legislature when a statutory change could be requested.

* Added by author.

Exhibit 7

Testimony of Jean T. Peavy on S.B. 98 (continued)

On June 27, 1980 I presented a proposed regulation to the Board of Pharmacy. The Board refused to adopt the regulation on the advice of attorney, which meant student nurses enrolled in Fall 1980 could not administer medications. I was later informed by representatives of the Board of Pharmacy that its members were not aware of the proposed regulation prior to the June meeting, although I had submitted the required number of copies with my petition.

Because of efforts made by schools of nursing and other interested persons, including the Governor of Nevada, on September 25, 1980 the Board of Pharmacy adopted the Regulation allowing student nurses to administer medications. It was filed with the Secretary of State on October 6, 1980, was given emergency status and became effective on that date with an expiration date of February 1, 1981.

Senator Virgil Getto was requested to introduce a bill giving authority for student nurses to administer controlled substances and dangerous drugs as the Board of Pharmacy refused to include it in its proposed amendments to the Pharmacy statutes. S.B. 98 was introduced by the Senator and came out in ^{different} language which was passed by the Senate.

I will not comment on the language of S.B. 98 as others will comment on that.



NEVADA NURSES' ASSOCIATION

TESTIMONY ON SB 98

Assembly Health and Welfare Committee
February 5, 1981 - 5 pm

The Nevada Nurses' Association strongly supports the intent of SB 98. It is necessary for nursing and medical students to administer medications during their educational experience. Employers of nurses expect them to be able to do so after graduation. If they do not possess these skills, employing agencies, especially hospitals, would need to devote time, energy and money to teaching these skills. Imagine the effect this would have on cost to the patient! All of us are concerned about health care costs.

We have 3 concerns about the bill, however, and want to bring them to your attention.

First, students in schools of practical nursing have been omitted from the bill's provision. This was inadvertent, I'm sure. We would, therefore, suggest the addition of "or practical" after "professional" in line 18, p. 1 and line 27, p. 2, to rectify this omission.

Our second concern relates to the use of "chart orders" in line 21, p. 1; and lines 1, 30, and 32 on p. 2. As defined in

Pharmacy statutes, "chart order" refers to orders entered on charts of inpatients (NRS 453.038, 454.0041 and 639.004). Both medical and nursing students provide care to persons other than inpatients. They also provide service to persons in ambulatory care settings such as community health centers, physician's offices, public health clinics, home health care services, and visiting nurse service. In many instances, medication is indicated for these patients in these settings as part of their therapy. By including "chart order" within the conditions for administering, opportunities for some very important experiences are reduced. Two solutions are possible. First, the definition for "chart order" might be altered or secondly, the words following "nurse" in lines 20 and 22 on page 1 and lines 29 and 31 on page 2 might be struck. Adequate safeguards to patients will still be present.

The last concern relates to the use of the word "certified" in lines 1 and 32 on page 2. This term is not defined and can be interpreted in several ways. We are willing to work with you and concerned groups to clarify the meaning. It is our desire that the "procedure" of certifying does not create a bureaucratic hardship on students, patient, school, or agency.

Thank you.

TESTIMONY re S.B. 98

There is an urgency to the passage of the bill with the recommended change because of the need to include the experience of administration of medications in the students educational programs. Because of the way the current law is written, the students are unable to learn and practice this important segment of clinical practice. The Governor's emergency mandate which allowed this experience until the law could be modified expired February 1. Since that time students have been denied the opportunity to advance their skills as it relates to the administration of medications. Our seniors will be entering practice in four months and will be expected to carry out this function safely. Any delay in the passage of the bill will seriously handicap the students when they enter professional practice. Further, this creates a considerable hardship on the agencies which employ them. In-service training which would be required is costly to the agency and ultimately to the patient.

I respectfully request that you give S.B. 98 your approval, with the language modifications suggested here today, and expedite its passage.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 98

SENATE BILL NO. 98—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

JANUARY 27, 1981

Declared an emergency measure under the Constitution

SUMMARY—Permits student nurses to administer
certain drugs. (BDR 40-1163)

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 drugs; permitting student nurses to administer controlled substances and dangerous drugs in certain circumstances; 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 453.375 is hereby amended to read as follows:
2 453.375 A controlled substance may be administered by:
3 1. A practitioner.
4 2. A *registered nurse licensed to practice professional nursing or*
5 *licensed practical nurse*, at the direction of a physician, or pursuant to a
6 chart order of individual doses:
7 (a) From an original container which has been furnished as floor or
8 ward stock;
9 (b) From a container dispensed by a registered pharmacist pursuant
10 to a prescription; or
11 (c) Furnished by a practitioner.
12 3. A physician's assistant at the direction of a physician.
13 4. An advanced emergency medical technician-ambulance, at the
14 direction of a physician or registered nurse as provided in NRS 450B.-
15 197.
16 5. A respiratory therapist, at the direction of a physician.
17 6. A medical student *or student nurse* in the course of his studies at ^{OR}
18 an approved college of medicine [.] *or school of professional nursing*, at ^{PRACTICE}
19 the direction of [and in the presence of a licensed] a physician [.] and:
20 (a) ~~In the presence of a physician or a registered nurse; pursuant to a~~
21 ~~chart order as provided in subsection 2; or~~
22 (b) *Under the supervision of a physician or a registered nurse pursuant*

Exhibit IV

AUTHORIZED

1 ~~to a chart order as provided in subsection 2 if the student is certified by~~
2 ~~the college or school to administer the substance outside the presence of~~
3 ~~a physician or nurse.~~

4 7. An intern in the course of his internship.

5 8. A registered nurse who holds a certificate from the state board of
6 nursing and a certificate from the state board of pharmacy permitting
7 him to administer controlled substances.

8 9. Any other person or class of persons approved by the board pur-
9 suant to regulation.

10 SEC. 2. NRS 454.213 is hereby amended to read as follows:

11 454.213 A drug or medicine referred to in NRS 454.181 to 454.-
12 371, inclusive, may be administered by:

13 1. A practitioner.

14 2. A registered nurse licensed to practice professional nursing or
15 licensed practical nurse, at the direction of a physician, or pursuant to a
16 chart order of individual doses:

17 (a) From an original container which has been furnished as floor or
18 ward stock;

19 (b) From a container dispensed by a registered pharmacist pursuant to
20 a prescription; or

21 (c) Furnished by a practitioner.

22 3. A physician's assistant at the direction of a physician.

23 4. An advanced emergency medical technician-ambulance, at the
24 direction of a physician or registered nurse as provided in NRS 450B.197.

25 5. A respiratory therapist, at the direction of a physician.

26 6. A medical student or student nurse in the course of his studies at
27 an approved college of medicine [.] or school of professional nursing, at
28 the direction of [and in the presence of a licensed] a physician [.] and

PRACTICAL

29 (a) In the presence of a physician or a registered nurse, pursuant to a
30 chart order as provided in subsection 2; or

31 (b) Under the supervision of a physician or a registered nurse pursuant
32 to a chart order as provided in subsection 2 if the student is certified by
33 the college or school to administer the drug or medicine outside the
34 presence of a physician or nurse.

AUTHORIZED BY

35 7. An intern in the course of internship.

36 8. A registered nurse who holds a certificate from the state board of
37 nursing and a certificate from the state board of pharmacy permitting him
38 to administer dangerous drugs.

39 9. Any other person or class of persons approved by the board pur-
40 suant to regulation.

41 SEC. 3. This act shall become effective upon passage and approval.