

Chairman Bennett called the meeting to order at 5:00 p.m. with the following members and guests present:

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

MEMBERS ABSENT: Mr. Bergevin

GUESTS PRESENT: Mr. Michael Ford, Acting Administrator
of the Washoe County District Health
Department
Mr. Al Edmondson, Bureau Chief Consumer
Health Protection Services, State
Health Division
Dr. Charles Neeley, Clark County School
District
Mr. Rick Pugh, Nevada State Medical
Association
Mr. William LaBadie, State Welfare Division

(see attached guest list)

Items on the agenda were as follows:

A.B. 293 - Revises grading system for food establishments and makes administrative changes.

Testifying in support of this measure was Mr. Michael Ford, Acting Administrator of the Washoe County Health Department. He distributed copies of Appendix E, identified as EXHIBIT I attached, which is a copy of the Food Service Establishment Inspection Report, and read his written testimony into the record (identified as EXHIBIT II attached).

He testified further, that although he does not represent the Clark County District Health Department, he spoke with their officials this morning and was authorized to make a statement for them indicating that they are in full support of this bill.

Testifying next was Mr. Al Edmondson, Bureau Chief Consumer Health Protection Services with the State Health Division, who stated he supports this bill. He explained that when the 1976 regulations were being formulated, Nevada did have input into the proposed regulations. He has worked personally with this form and the new form, and working the two together, finds the new form is better for the operator to understand and better for the sanitarian as he does his job.

In response to a question from Mrs. Ham as to why the counties are not using the new form now, he explained that they cannot, due to the statutory requirements.

There was no action taken on the bill.

A.B. 329 - Amends provisions for physical examination of pupils in schools.

Speaking in support of this bill was Mrs. Patty Cafferata, Assembly District 25, who stated that it was requested by the Washoe County Medical Association and also, through the efforts of Bev Dias, the Head School Nurse in the Washoe County School District. The current law says that the school districts are required by law to examine in the first two months of the school year, every child enrolled. Exams are to include visual, audio and for physical defects. This bill would allow the districts to perform the exams within the first six months rather than the two months, which would allow the school nurses more time to complete the exams. It would also eliminate the annual exam of all students. Both doctors and school nurses agree that annual exams are unnecessary and redundant.

Mr. Nicholas called attention to the area of deletion of Lines 28 through 34 on Page 2 and asked if she had an opinion as to whether that area should be left in, or has she discussed that with Mr. Daykin. Mrs. Cafferata stated she did not know what the present regulations are and would have no objections to that area being retained.

Mrs. Cafferata added that when the doctors requested this bill, they asked that the children be screened in grades 1, 4, 7, and 10, and that is not in the bill and she is not certain why it was not included.

Mr. Mello stated that in light of the testimony given tonight, which indicates that some areas have been omitted, and questions are still in the mind of the introducer, he would suggest we take no action on the bill until it is in the form requested. He asked Mrs. Cafferata if she would like an opportunity to discuss this with Mr. Daykin prior to action being taken and was advised she would.

Dr. Charles Neeley, representing Clark County School District, was present and stated his district is in support of the bill, inasmuch as trying to comply with the two month time period has been a problem. They did have one question, which has been discussed with the Washoe County representative, and that is on Line 23, Page 2. It says, "such services shall be utilized...", referring to the district public health nurses, and now it says those services "may" be used. They would be in agreement to use that as "shall be utilized" because it goes on to state that the school district "may employ" qualified

personnel to perform these examinations" but it gives them the option that they may use them or they may employ their own staff.

Mr. Michael Ford, Washoe County District Health Department, interjected and stated that the reason the "may" was put in the bill was the fact that the existing language was a "shall" situation. This would have a fiscal impact on the Washoe County Health District in order to have to go out and examine each and every one of those children, which is being handled by the school district nurses now. The school district nurses are, of course, separate from the health district staff.

Speaking next was Mr. Rick Pugh, representing the Nevada State Medical Association, who stated that the purpose of this bill was to do one thing and that was to allow the school district additional time to examine each student prior to the school year in grades 1, 4, 7, and 10; he understands they are being screened every year. The doctors said that was not necessary; the other areas in the bill were not at their request, and he suggested the bill could be amended without making a lot of people angry to do just the one thing it had been intended to do.

There was no action taken on this bill.

S.B. 180 - Changes requirements concerning meetings of state welfare board and standing committees of medical care advisory group.

Mr. William LaBadie, representing the State Welfare Division, advised the committee that under the current law, his agency was mandated to have four board meetings a year, and it has been that way for some time. This causes some problems and at times puts them in the position of having to meet to satisfy the statutes, but they have no business to conduct. He estimates it costs approximately \$900 each meeting. The members of the board have discussed this and are in agreement that we should change the statutes to mandate that we have at least one per year and meet at the call of the Chairman. In discussion, he brought out that this board is a policy board and, while the members don't object to meeting more often, they feel it is inappropriate to hold meetings 4 times a year unless there is business to conduct. He explained they operate on a shoestring budget and really can't afford these additional expenditures.

General discussion followed on the functions of the board, during which time questions were raised about the percentage of fraud within the Nevada system, with Mr. LaBadie explaining that the board is not involved with fraud and therefore, this bill would not address that issue.

Mr. Thompson expressed concern over the concept of not mandating a definite amount of meetings, as he feels that opens the door for changes in policies and administrative practices that might not be for the good of the state. Mr. Mello assured Mr. Thompson that in the years he has worked with Mr. LaBadie, he has found him to be one of the finest state employees he has ever known. He stated he feels this is one of the toughest agencies in the state and would never question anything Mr. LaBadie would tell him.

There was no action taken on this bill at this time.

S.B. 181 - Limits use of federal money for foster children.

Mr. LaBadie was present to testify on this measure as well. He stated that when Congress passed Public Law 96272 recently, referred to as the Child Welfare Law of 1980, they were concerned that too many kids were getting lost in foster care homes. They worried about putting kids in foster care and forgetting them. They took a strange approach in trying to solve that problem, but it is in the law, and we have to live with it. The law says that no more than 45% of the total number of children we have in foster care will remain in foster care more than two years. He feels there are better ways to control that, because he couldn't tell you a year and a half from now how many kids he is going to have in foster care three years from now. He received a report today stating that we are up to 1129 kids in some kind of care; three years ago it was about 400. It is mandated by law, and it also says that that percentage will be reduced by 1% every year thereafter and becomes effective October 1, 1981. He had to ask for the bill now as we will not be in session at that time, and we would be out of conformity, which could mean the loss of over a half a million dollars. You have to use a percentage that is realistic and when some states come in and say 80%, they lose their credibility. They did a study on 390 closed foster care records in length of time and care and he was surprised at the results, which showed that from 0 to 60 months, 34.3% were out in six months, in the 2 to 3 year categories 9.7%, in 5 years or over 3.6%, 4 to 5 years 2%. He feels that speaks very well of his staff, who really make an effort to get kids out of institutions and out of foster care. He emphasized that this is something we have to have or it's going to cost us money.

Mrs. Ham asked what his agency will do if they cannot find enough foster homes to meet these guidelines and was advised that they would have to maintain a stepped-up program to find other places for them. He added that they make an effort to return kids to other relatives whenever possible, not only because it is better for the kids, but, additionally, it is less expensive than paying for foster care for them. He explained that there are five or six agencies that investigate

places to house these children, i.e., Welfare, Probation and Parole, Juvenile Court Services, Indian Tribal Services, etc.

In response to a question from Mr. Mello on how much we would be losing if we don't pass this bill, Mr. LaBadie estimated the loss would run between \$500,000 to \$750,000. It would depend on whether we could maintain a 50% return; they might pro-rate it or, as we have seen over the years with the federal government, they could take the whole amount and then usually penalize you somewhere across the board, so you would stand to lose a lot more. Mr. Mello pointed out that when this happens in the interim, his agency has to come back and ask for additional appropriations and then their agency gets the blame for it.

There was no action taken on this bill at this time.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Nikki Kinsley
Nikki Kinsley
Committee Secretary

APPENDIX E

THE FEDERAL BUREAU OF INVESTIGATION AND THE DEPARTMENT OF JUSTICE
 FEDERAL BUREAU OF INVESTIGATION
 FORM NO. 1 (REV. 11-15-83)

Report on the progress of the work done during the reporting period, the nature of the work done, and the results of the work done. It should be prepared by the reporting party, and it should be completed by the reporting party. It should be prepared by the reporting party, and it should be completed by the reporting party.

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<p>FLOOR PROTECTION</p> <p>1. Installation of floor protection for the entire floor area.</p> <p>2. Removal of floor protection after the work is completed.</p>												1	100	<p>WALLS AND CEILING</p> <p>1. Repair of damaged walls and ceiling.</p> <p>2. Painting of walls and ceiling.</p>												1	100
<p>PAINTING</p> <p>1. Painting of interior walls and ceiling.</p> <p>2. Painting of exterior walls.</p>												1	100	<p>WATER PROOFING</p> <p>1. Water proofing of basement walls and floor.</p>												1	100
<p>ROOFING</p> <p>1. Repair of damaged roof.</p> <p>2. Replacement of roof shingles.</p>												1	100	<p>INSULATION</p> <p>1. Installation of insulation in walls and ceiling.</p>												1	100
<p>PLUMBING</p> <p>1. Repair of leaking pipes.</p> <p>2. Installation of new plumbing fixtures.</p>												1	100	<p>ELECTRICAL</p> <p>1. Repair of electrical wiring.</p> <p>2. Installation of new electrical outlets.</p>												1	100
<p>MECHANICAL</p> <p>1. Repair of heating and cooling systems.</p>												1	100	<p>GENERAL MAINTENANCE</p> <p>1. General maintenance of the building.</p>												1	100

ITEM NO.	DESCRIPTION
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Exhibit I

AB 293 would amend Chapter 446 of NRS, which deals with the food service sanitation efforts of the State Division of Health and the two District Health Departments - Clark and Washoe. This bill would delete a mandated grade card system and allow for district boards of health to adopt local regulations which would be more stringent than those of the State Board of Health. This bill/^{if passed}would allow for the food service sanitation program in Nevada to be brought up to the current state of the art by providing for the adoption of the 1976 Model Food Service Sanitation Code of the Food and Drug Administration, U.S. Public Health Service.

Chapter 446 and State Board of Health regulation currently in existence adopted the 1962 Model Food Code of FDA - USPHS, with local variations. This code employed a 118 item inspection format with cumulative demerit values and a grading system. The practical use of this system over the years has pointed out deficiencies in the system. It is possible to assign a B or C grade to an establishment when there are few, if any, deficiencies which are directly related to food handling or protection practices or health hazards. The 118 item/^{inspection}system also lends itself to double marking and places an undue emphasis on construction and maintenance practices again only indirectly related to foodborne disease potential.

The FDA - USPHS recognized these deficiencies and developed the 1976 Code - a revision of the 1962 Code.

The 1976 Code consolidated the 118 item system into a 44 item system. It simplified the entire inspection process by grouping several of the types of deficiencies which might be found in an inspection. It results in the sanitation inspection placing greater emphasis on food practices and the potentialities of food borne disease. It reduces the possibility of double marking. The 1976 system does not use a grade card system. The score is a deductive process starting at 100 rather than an additive system. This system lends itself to an administrative process for permit suspension. A place is either acceptable and clean - or it is dirty and closed. The 1976 Code has been adopted by many states and local public health jurisdictions across the country. Maine, New Hampshire, Tennessee, Texas, Delaware, Virginia, Colorado, Arizona, Iowa - 19 states so far, and 47 local health jurisdictions. It is of course the official code used by FDA inspectors.

We believe that the use of the 1976 Code would be an improvement in the food service sanitation program in Nevada. We believe it would lead to a more fair, a more realistic evaluation of the sanitation level of a food establishment and ^{be} more indicative of the foodborne disease potential of that establishment.

In order to adopt this Model Code, it is necessary to remove the statutory language relating to grade cards. Further, in order to allow some flexibility at the local level, language is proposed whereby the District Boards of Health can adopt this Model Code with some local variations. The Washoe County District Board of Health is in support of these proposed changes and the Nevada Public Health Association as well.

AB 293 would achieve that end and we urge the positive consideration of this legislation by the committee.

ASSEMBLY

AGENDA FOR COMMITTEE ON..... Health and Welfare

Date Wed, Apr. 1, 1981 Time 5:00 pm Room 316

Bills or Resolutions
to be considered

Subject

Counsel
requested*

- | Bills or Resolutions
to be considered | Subject | Counsel
requested* |
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| A.B. 293- | Revises grading system for food establishments and makes administrative changes. | |
| A.B. 329- | Amends provisions for physical examination of pupils in schools. | |
| S.B. 180- | Changes requirements concerning meetings of state welfare board and standing committees of medical care advisory group. | |
| S.B. 181- | Limits use of federal money for foster children. | |