

Date: April 8, 1981

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

MEMBERS ABSENT: None

GUESTS PRESENT: See attached guest register.

AB 299: Authorizes district health officers to issue citations for certain violations.

Speaking in support of this measure was Mr. Carl Cahill, Assistant Division Director of the Environmental Services Division of the Washoe County District Health Department. He distributed copies of a suggested amendment (attached as EXHIBIT I) and advised that apparently the amendment was included in the County package but did not come out of the bill drafters office as part of the bill. They do support the bill with the amendment and urged favorable consideration. He went over the exhibit with the committee members and advised them that they have worked closely with Sheriff Galli of Washoe County. They were designated as peace officers or as special deputies and they did enforce, actively, the solid waste management regulations which prohibited open dumping and other unlawful forms of solid waste management.

Sheriff Galli did, ultimately, recall that enforcement authority as he did not have administrative control over their staff and it put him in a precarious position. They subsequently discussed this proposal with him and he indicated support for their approach in this matter.

Their current method of enforcement is to go through the District Attorney's office and file a complaint; many times that may result in a very long time between the time of the complaint being filed and the final action. In many cases they end up with an arrest of someone who perhaps should not be arrested but should appear before Justice Court and plead his case. This is a bill that will give them the proper authority to enforce the law.

Testifying next was Mrs. Peggy Twedt who stated she was speaking on behalf of the League of Women Voters of Nevada. She submitted and read her written testimony, attached hereto as EXHIBIT II. Additionally she testified her group had worked very closely with some groups in Clark County (Clark County Public Works, Comprehensive

Planning and also Management Offices). They came up with some suggested amendments; however, they are with Mr. Dan Fitzpatrick who was to present them to the committee but was called away to an unexpected meeting. No action will be taken until those amendments can be made available.

AB 350: Changes qualification of person in charge of state hygienic laboratory.

Mr. Paul Cohen, Nevada State Health Division, spoke in support of this measure and stated that this legislation will expand the requirements or qualifications for the person in charge of the Nevada State Public Health lab, specifically noted on page 1, lines 18 through 19. The reason for this is because of the expansion of the responsibilities of the lab. That is, the safe drinking water program and the fact that the legislators passed a \$108,000 one-shot appropriation to purchase a much-needed machine, and they have gotten into more and more contract work with the environmental agency in the area of air and water pollution control. They feel that the Director of Human Resources and the appointive authority of the State Health Officer should have some latitude in determining who shall be the supervisor of the labs.

In response to a question from Mrs. Ham regarding the use and need of the new machine mentioned in his testimony, Mr. Cohen explained that it is a plasma-spectograph in the chemistry section that will allow them to analyze water samples at a much more rapid rate whereas they used to do it by individual chemists and maybe do one or two tests at a time. With this machine they can do nine tests and will expand to 12 tests by next year.

He explained, in reply to a question by Mr. Bergevin, that he introduced that piece of information as a sample of how their responsibilities had expanded because of the state taking over the safe drinking water programs. They are expanding the areas in which the person must be qualified because they are including in there, that the person may be a bacteriologist, but they could also be a chemist or someone in the physical sciences.

He added that, like AB 185 and approximately seven other pieces of legislation, this relates to the Governor's Task Force and the Sunset study that was conducted involving the health division and sections of the health division including all of the organizational structure. This bill is a result of that study in terms of the recommendation for reorganization within the health division and, in doing so, one of the things they would like to have administratively is to be able to have the expansion capabilities of having the person in charge of the lab not being just a microbiologist in terms of being skilled. They feel that if someone comes along that is a

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skilled chemist and they have the administrative abilities, that they should be eligible for that same position.

The job requirements, according to State Personnel, requires that the person have both the educational background as well as the academic and job experience; this will expand the qualifications for which someone could apply for that kind of a job. Based upon legislative action, they will then go to State Personnel and request a desk audit be done to incorporate these areas and their determination with their factor ranking system will require education, responsibilities, budgetary and so on down the line.

Speaking in opposition to this bill was Dr. Anton Sohn, Director of the Medical Laboratory at Washoe Medical Center and representing the Nevada State Medical Association and also the Laboratory Advisory Committee which advises the State Board of Health on licensing of medical laboratories in the state. He opposes the bill mainly because he doesn't think it is necessary; right now the Director of the State Laboratory is required to meet the licensure of all other medical laboratories. This insures the quality of the laboratory. He feels that item #3 on line 16 is a disguised method of lessening the requirements of a person who would be in charge of the laboratory. The wording is a little obscure but he feels we are lessening the qualifications. He pointed out that the laboratory primarily handles items of public health which has to do with infectious diseases i.e., tuberculosis, venereal diseases, etc, and they handle some 1500 specimens per week that are referred from other laboratories all through the state. The primary responsibility of this individual is to handle bacteriological specimens and to direct the laboratory that handles those specimens. The way the law is written now an individual can get people who are proficient, and certainly a director of a laboratory will get people who are proficient in that field. He sees no reason to pass a law which seems to diminish the qualifications of a person who handles a very important laboratory in our state.

Also speaking in opposition to this bill was Dr. Paul Fugazzotto, Chief of the Bureau of Laboratories, who stated that the original write-up of the bill shows the intent and purpose of the bill, i.e. "to broaden the requirements for the person in charge of the state laboratory". That means the person in charge of the state laboratory must have requirements beyond just being a bacteriologist or a chemist or what have you. He must be qualified in all areas of laboratory work; those words are in direct opposition to the statement written into the bill. Dr. Fugazzotto explained the various areas of work experience and education that he feels are needed for this position, and reiterated some of the comments made by Dr. Anton Sohen previously. He urged that the committee not pass this piece of legislation.

Addressing the committee in support of AB 350 was Michael Ford, the Acting Administrator of the Washoe County District Health Department. He explained, as a point of information, that from the standpoint of his department, they do not have their own laboratory and rely on the state laboratory for all of their work. He agrees it is true that a large portion of the activities are bacteriological and epidemiological in nature with respect to certain areas of the physical sciences, but a great deal of the needs they have which are serviced by the state lab are chemical ones, such as water chemistries, etc. From the standpoint of the language of the bill, it appears that the State Health Officer would have some flexibility with respect to staffing the particular positions there. They do support the bill as written.

AB 414: Changes procedure for nominating persons for appointment to state board of nursing.

Ms. Pat Gothberg, Nevada Nurses Association, spoke on this bill and distributed some suggested amendments (attached as EXHIBIT III). She explained that the Nurses Association supports this bill as a needed change which is long overdue. They do not, however, feel the bill goes far enough and would encourage consideration of the proposed amendment. She read the written testimony and amendment into the record (see attached).

Brief discussion followed due to a question by Mr. Mello on the number of registered nurses in Nevada and the total membership of the Association with Ms. Gothberg estimating that there are probably 3,000 registered nurses and they have a membership of 480.

Mr. Fred Hillerby, Executive Director of the Nevada Hospital Association, spoke next supporting the bill. He pointed out that the idea of eliminating the nominating process is good as there is no other health professional board that has a nominating process. The Governor understands that the bill has been introduced and has no objections and, in fact, is happy to be out from under that responsibility. He supports, also, the suggested amendment and up-dated the figures given previously by Ms. Gothberg, in that the total number of nurses in Nevada as of January are 4,247. Mr. Mello pointed out that the Association represents approximately 10% of that number.

Mr. Hillerby submitted copies of letters and petitions from nurses and health care facilities (attached as EXHIBIT IV) supporting this bill.

Speaking next in support of the measure was Mary Tisber, Chairman of the legislative committee for the Nevada Licensed Practical Nurses Association. They support this bill with the proposed amendment in regard to Section 1 (NRS 632.040).

SB 142: Makes administrative changes in law relating to treatment of venereal diseases.

Mr. Monte Meador, a Public Health Advisor with the V.D. Control and other communicable diseases, spoke in support of this bill explaining that this will update our present statute to include other sexually transmitted diseases. Additionally, this will give the Board of Health an opportunity rather than specifying particular people such as a bartender, food handler, etc., the option in those specific areas that may need special testing. The other area would be in requiring a serology test in pregnant females.

Also supporting the bill was Michael Ford, Acting Administrator of the Washoe County Health Department who stated that they support the bill. They were familiar with it when it was put together and submitted; the two sections that happen to deal with confidentiality of records are very important to them as they have had experience in that area and this bill will clarify when and under what circumstances release of what limited information shall be released in dealing with sexual abuse of children. They have experienced those situations within their own V.D. program and they urge passage of the bill.

SB 259: Requires notice and opportunity for a hearing before transfer of a mentally ill or mentally retarded person from one facility to another.

Mr. Ken Sharigian, Deputy Administrator of the Division of Mental Hygiene and Mental Retardation, explained that this was not their bill but it was heard on the Senate side and amended at their request. The operative language of the bill is found on page 3, line 19 through 27 and lines 31 - 39. Essentially the originators of the bill had proposed that an individual not be able to be transferred from one division of mental health facility to another, if they objected, without a court hearing. That presented significant problem for his agency in that one facility may be full, another facility may be empty and they can move a patient as space permits. As a compromise solution in the debate on the Senate side it was recommended that, included in the list of client rights in the present mental health and mental retardation law, that we indicate that an individual must consent to his transfer unless there is a specific reason listed in the client's record why the client's opposition cannot be honored.

Mr. Bergevin stated that he is generally in agreement with the bill but asked if he does have cases where people are not capable of consenting. He was advised that in many cases people are not capable. Mr. Bergevin then questioned the provision on the repealer having to do with a court-ordered institutionalization. If you were

institutionalized by court order, the division could transfer you and now we are repealing that - is that really what they want? (referring to the last line of the bill) Mr. Bergevin added that what this is saying is that when the court orders institutionalization, the division can transfer without further court order and now this will repeal that.

Mr. Sharigian stated he feels what that is saying, is that there is a process described in this bill for transfer, but wanted to check on this prior to taking any action. After reviewing the statutes, Mr. Sharigian recommended that that language be maintained in the law and that the repealer provision in the bill be deleted. What the present language says, is that you don't have to go back to court to transfer; he feels we should be empowered to be able to do that. If the individual opposes the transfer then we have to review it as a denial of his right to consent to the transfer and he feels that would make more sense.

Action was then taken on the following bills:

AB 414: A motion was made to "AMEND AND DO PASS" by Mr. Bergevin, seconded by Mr. Mello and carried unanimously with Mr. Chaney being absent.

SB 142: Motion for a "DO PASS" made by Mr. Nicholas, seconded by Mr. Mello and carried unanimously with Mr. Chaney being absent.

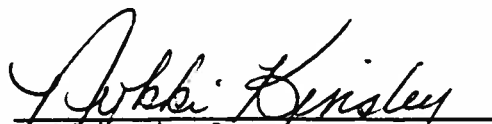
SB 259: AMEND and DO PASS by striking the repealer section - motion made by Mr. Bergevin, seconded by Mr. Mello and carried unanimously with Mr. Chaney being absent.

Mr. Nicholas asked that we take action of SB 147 if there were no objections; there being none, Mr. Nicholas then moved "DO PASS", seconded by Mrs. Ham and unanimously carried with Mr. Chaney being absent.

Mr. Bergevin advised the committee that the Committee on Ways and Means was taking action on SB-144 and suggested we hold up action on that measure until it clears the money committee.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Mykki Kinsley  
Committee Secretary

# WASHOE COUNTY

"To Protect and To Serve"



DISTRICT HEALTH DEPARTMENT  
DIVISION OF ENVIRONMENTAL SERVICES

WELLS AVE. AT NINTH ST.  
POST OFFICE BOX 11130  
RENO, NEVADA 89520  
PHONE: (702) 785-4280

April 8, 1981

Honorable Rev. Marion Bennett  
Chairman, Committee on Health & Welfare  
Assembly Chambers  
Legislative Building  
Carson City, Nevada 89710

RE: AB 299

Dear Mr. Chairman:

The Washoe County District Health Department recommends  
AB 299 be amended to read as follows:

Section 3. NRS 171.17751 is hereby amended to read  
as follows:

1. Any board of county commissioners, or governing body of a city may designate certain of its building, housing and licensing inspectors, animal control officers, solid waste management enforcement personnel, and traffic engineers to prepare, sign and serve written citations on persons accused of violating a county or city ordinance. [A designated employee:
  1. May exercise the authority to prepare, sign and serve citations only within the field of enforcement in which he works;
  2. May prepare, sign and serve a citation only to enforce an ordinance of the city or county by which he is employed; and
  3. Shall comply with the provisions of NRS 171.1773.]
2. The state health officer and any county, district or city health officer may designate certain of his employees to prepare, sign and serve written citations on persons accused of violating any statute or regulation of a board of health pertaining to public health.
3. A person designated pursuant to subsection 1 or 2:
  - (a) May exercise the authority to prepare, sign

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and serve citations only within the field of enforcement in which he works;

(b) May prepare, sign and serve a citation only to enforce an ordinance of the city or county by which he is employed or to enforce a statute or regulation pertaining to public health within the jurisdiction of the health officer by whom he is employed; and

(c) Shall comply with the provisions of NRS 171.1773.

We strongly urge your favorable support in this matter.

Sincerely,

DAVID J. MINEDEW  
Director

By



CARL R. CAHILL  
Assistant Director

CRC:hz





# League of Women Voters of Nevada

AB 299

The League of Women Voters of Nevada strongly supports AB 299 with the proposed amendments that have been submitted by Clark County and Washoe County Health Department. Promiscuous dumping is a serious problem. While the League and those people who work in the field have long recognized this fact, in the past we have failed to make the Legislature aware of the seriousness of the problem.

Promiscuous dumping is not limited to individual household garbage dumped by the wayside. The wastes and the problem are often much greater. Wastes from construction work are often dumped on property adjacent to the project or taken to the desert and dumped. The amount of debris carried in an 18 wheeler truck creates quite a junk heap.

Presently, the concern of those in the solid waste programs throughout the state is the lack of enforcement. While there may be county or municipal ordinances prohibiting promiscuous dumping, the enforcement now lies with police officers, sheriffs, or fish and game wardens. Too often these individuals do not have the time to act on such complaints. Even with proof nothing is done about promiscuous dumping.

The authority to issue citations must be put in the hands of those who deal with the problem in their daily work. In Clark County public works employees have witnessed 18 wheelers dumping debris from a construction project and they had no power to stop the dumping. AB 299 with its suggested amendments would have given these individuals the authority to stop this dumping. In AB 299 health officers are given the authority to issue citations. The amendments proposed by Washoe County Health would allow county or local governing bodies to designate appropriate employees to also serve written citations.

AB 299 with its proposed amendments should help those dealing with solid wastes get a handle on the promiscuous dumping problem. Localities that have enforced promiscuous dumping ordinances have shown remarkable improvement. Before and after photos substantiate that adequate enforcement is the only way promiscuous dumping problems will be corrected. Do your part to help solve this problem. Pass AB 299 with the suggested amendments.

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*S. H. H. II*



# NEVADA NURSES' ASSOCIATION

TESTIMONY  
ASSEMBLY HEALTH AND WELFARE COMMITTEE HEARING  
APRIL 8, 1981  
AB 414

The Nevada Nurses' Association supports AB 414 as a needed change which is long overdue. Additionally, we believe that the bill doesn't go far enough, and we have a suggestion for an amendment to the bill.

AB 414 addresses the procedure which is used for nominating persons for appointment to the Nevada State Board of Nursing. The current requirement is that the Nevada Nurses' Association and the Nevada Licensed Practical Nurses' Association each make recommendations from their membership to the Governor. This eliminates those qualified persons who are not members of the associations from eligibility for appointment to the Nevada State Board of Nursing.

AB 414 provides for the continuation of the present practice but allows other interested organizations, which are individual membership societies, to recommend from their membership of nurses who are qualified to serve on the Board. Even with this new language, the process is not open to all.

In reviewing the practice acts of other disciplines, we find that no other Governor appointed board has a nomination procedure outlined in the law. In all cases, appointments are made by the Governor, and any interested individual or group is free to communicate with the Governor regarding possible appointment. As a reference, I cite the following practice acts; All refer to appointment by the Governor, none contain nomination procedures:

NRS 630	Physicians and Assistants
NRS 631	Dentistry and Dental Hygiene
NRS 633	Osteopathic Medicine
NRS 634	Chiropractic

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Testimony

Assembly Health and Welfare Committee

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NRS 634A Traditional Oriental Medicine  
NRS 635 Podiatry  
NRS 636 Optometry  
NRS 637 Dispensing Opticians  
NRS 637A Hearing Aid Specialists  
NRS 637B Audiologists and Speech Pathologists  
NRS 638 Veterinarians

Although not listed here, other practice acts from non-medical areas verify this consistency. None contain language outlining a required nomination procedure.

The Nevada Nurses' Association suggests that the public will be best served if the nomination procedure in NRS 632 is eliminated. We suggest that the bill be amended by adding a bracket at the beginning of line 4, and a closing bracket at the end of line 22. The bill would then read, "Section 1. NRS 632.040 is hereby amended to read as follows: 632.040 1. All appointments to the board must be made by the governor within 60 days from the time a vacancy occurs."

With the addition of this amendment, we urge your support of AB 414.

April 4, 1981

Honorable Marion Bennett  
Chairman  
Committee on Health and Welfare  
Nevada State Legislature  
Carson City, Nevada

Dear Mr. Chairman:

The undersigned Directors of Nursing at Clark County Hospitals vigorously support Assembly Bill 414 which would initiate changes in the procedure for nominating persons for appointment to the State Board of Nursing.

Assembly Bill 414 would bring equity and a wide range of input to the nominating process for appointment of members to the State Board of Nursing.

It seems to us patently inequitable that only one association, which represents only a small fraction of the registered nurses in Nevada, should be the only association allowed by law to submit names to the Governor for appointment to the Board of Nursing. Assembly Bill 414 would abolish this inequity by authorizing other interested organizations to submit to the Governor a list of names which the Governor could consider for appointment.

We believe Assembly Bill 414 is clearly in the best interests of the registered nurses throughout Nevada, and we respectfully urge the Committee on Health and Welfare to give this bill its thorough and favorable consideration.

Sincerely,

*Jacqueline Taylor - Sunrise Hospital*  
*Mary V. Strachan - Boulder City Hospital*  
*Midge Filling - Valley Hospital*  
*Doris Jewell - Desert Springs Hospital*  
*Willa Stone - Womens Hospital*  
*Barbara Christiansen - St. Rose de Lima*  
*Mary Tolliff - Southern Nevada Memorial*

cc: Honorable Lonie Chaney  
Honorable Don Mello  
Honorable Danny Thompson  
Honorable Louis Bergevin  
Honorable Jane Ham  
Honorable Dave Nicholas



# CARSON-TAHOE HOSPITAL

1201 NORTH MOUNTAIN STREET  
CARSON CITY, NEVADA 89701  
702 / 882-1361

April 6, 1981

Mr. Marion Bennett  
Chairman  
Assembly Health and Welfare Committee  
Nevada Legislature  
Carson City, Nevada 89701

Dear Mr. Bennett,

In order to expand representation on the State Board of Nursing, nominations should be allowed from other sectors of the professional community.

The Board of Nursing is a regulatory agency set up to protect the public by recommending and enforcing legislature and enforcing specific minimum standards of nursing practice. With this in mind, nursing educators, nursing administrators and nursing practitioners from all segments of the profession should be considered.

I support AB414 as a means of accomplishing this representation.

Sincerely,  
*Ruth Taber*  
Ruth Taber, R.N., M.S.  
Director of Nursing Services

RT/rm



ASSEMBLY

AGENDA FOR COMMITTEE ON Health and Welfare

Date Wed. Apr. 8, 1981 Time 5:00 pm Room 316

Bills or Resolutions  
to be considered

Subject

Counsel  
requested\*

- | Bills or Resolutions<br>to be considered | Subject   | Counsel<br>requested* |
|--|---|-----------------------|
| A.B. 299-                                | Authorizes district health officers to issue citations for certain violations.  |                       |
| A.B. 350-                                | Changes qualifications of person in charge of state hygienic laboratory.  |                       |
| A.B. 414-                                | Changes procedure for nominating persons for appointment to state board of nursing.   |                       |
| <del>S.B. 81</del>                       | <del>Creates department of services to the aging.</del>   |                       |
| S.B. 142-                                | Makes administrative changes in law relating to treatment of venereal diseases.   |                       |
| S.B. 259-                                | Requires notice and opportunity for a hearing before transfer of a mentally ill or mentally retarded person from one facility to another. |                       |

THIS AGENDA SUPERSEDES ONE POSTED INCORRECTLY UNDER  
TAXATION COMMITTEE HEADING.