

MEMBERS PRESENT:

Chairman Banner
Vice Chairman Thompson
Mr. Bennett
Mrs. Cafferata
Ms. Foley
Mr. Hickey
Mr. Jeffrey
Mr. Rackley
Mr. Rhoads

MEMBERS ABSENT:

None

GUESTS PRESENT:

See guest list attached

WITNESSES TESTIFYING:

James D. Salo, Department of Administration, Hearings
Joe Nusbaum, Director, NIC
Jack Kenney, Nevada Home Builders Association
Ed H. Kopf, M.D.

Chairman Banner called the meeting to order at 5:05 P. M. and announced to the committee that the first bill to be heard will be AB-117 followed by AB-115.

AB-117: Changes various provisions on appeals and hearing officers in law concerning industrial insurance.

James D. Salo, Appeals Officer for the Department of Administration, said the bill was introduced at their request to clarify a series of technical changes necessary to clarify the intent of legislation adopted by the last session of the legislature. The existing language does not clearly refer to commissioners. Prior to the proposed amendment the language referred to hearing officers and appeals officers and excluded commissioners.

The second section proposes an amendment to NRS 616.230 which provides appeals officers and hearing officers who are employees of the Department of Administration with the authority to compel the obedience to a subpoena or other order by attachment to attend proceedings. This is merely a clarification of which officers have certain powers in this area.

The third section amends NRS 616.535 provides that the appeals officer can order a medical examination.

The fourth section amends NRS 616.567 to direct that the notice to the claimant upon a decision by the commission to close a claim will now clearly state that the claimant has a right to a hearing before a hearing officer.

The next provision amends Chapter 167 of the Occupational Disease Act, NRS 617.165 changes "Commission" to correctly read "Chief of the Hearings Division, Department of Administration" because of an oversight in the bill drafters office during the last session.

Joe Nusbaum, Director, NIC, agrees completely with the bill and the explanation that Mr. Salo made.

Mr. Hickey moved that the committee recommend a do pass on AB-117. Mrs. Cafferata seconded the motion and it was unanimously passed by the committee.

AB-115: Authorizes Nevada Industrial Commission to enter certain agreements relating to rehabilitation.

Chairman Banner wanted to announce that he had this bill drafted at the request of Dr. Edward Kopf.

Edward H. Kopf, M. D. told the committee of his great interest in the total rehabilitation of his patients, especially those who have been seriously injured. Currently many of Nevada's injured must go out of state for comprehensive rehabilitation. Dr. Kopf mentioned that there is great interest nationally as demonstrated by the fact that President Reagan has named this year the "Year of the Handicapped" and Governor List has also assigned the same designation for our state.

Dr. Kopf told the committee that a bill signed by former President Carter just before he left the presidency provides for a concept called "Total Comprehensive Rehabilitation". These funds would be distributed through Medicare but they are specifically limited to institutions that provide total rehabilitation. There are only 15 such facilities in the United States today and one is in Nevada, the NIC facility. He noted the facility is ahead of its time in concept and scope; an excellent facility. However, it is limited to industrial patients at this time and Dr. Kopf wants it to be made available to the general public. Only a small portion of the building is being used at this time.

Dr. Kopf has suggested in the bill that enabling legislation be written which would allow the Industrial Commission to enter into an agreement with a private Nevada non-profit corporation that would take over and lease from the NIC the unused portion of their facility. Two major guarantees would be required: One, the industrially injured person would not be interfered with as the patient load increases; Two, the non-profit group would build an identical facility that they return to the industrial use with 20 years.

At this point Dr. Kopf presented the committee with prepared information setting forth the proposal of an agreement between NIC and a non-profit health and rehabilitation group, attached hereto as EXHIBIT A. This exhibit contains the list of representatives that the volunteer board should consist of and other pertinent information, facts and proposals.

In response to Mrs. Cafferata's question of what exactly would the public be leasing from the NIC facility, Dr. Kopf replied the entire unused portion of the building, all of its facilities.

Mr. Rackley mentioned that he understood housing was supposed to have been built for the use of the NIC patients and wondered if the lack of such is a reason for the low percentage of use of the facility for rehabilitation. Dr. Kopf said the housing could have some bearing on the problem but not a significant amount.

Joe Nusbaum, Chairman, NIC, informed the committee that he was generally in support of the direction of the bill. He explained that there are more recommendations coming in on the center that should be incorporated in one bill.

Mr. Nuabaum told the committee that the Advisory Board of Review for NIC had a study conducted on the utilization of the center. He presented some of the facts resulting from that study. The center has been open for 2 years. It was planned for the maximum utilization of 250 patients in five years. The current utilization today is 110 patients per day with the projection that the center will near capacity at the end of the next biennium. There is presently not staff enough to handle 250 patients. Most of the present patients come from the South with just a few from the North.

He explained that treating physicians are the main ones to refer their patients to the center and the southern physicians are more familiar with the center and thus refer more people to it. Housing, as Mr. Rackley mentioned, is a problem. Many patients cannot remain in a motel for 4 or 5 weeks with no supervision or care in the evenings and week ends. Disabled people do need housing with some rehabilitation and activities throughout the weekends with someone checking on them periodically.

The Advisory Board of Review received three alternative suggestions to make better use of the center:

1. Convince the medical community to send patients and hire additional staff in certain areas if needed.
2. Open the center up for other people with injuries similar to workmen's compensation injuries.
3. Lease or sell the center.

The Board recommended the second. Open the center to the general public.

The NIC agrees with that position. NIC will probably be requesting authority from the Legislature to plan the housing unit during this biennium and request construction at the next session.

Mr. Nusbaum agreed with Mr. Bennett that it would be a good thing to have such an excellent facility fully utilized and serving the citizens of Nevada.

Chairman Banner appointed a subcommittee to study the feasibility of making the center available to the general public as well as the NIC patients. The subcommittee will consist of Mr. Nusbaum, Dr. Kopf, and Mr. Thompson.

Chairman Banner announced that the committee would now end the hearing of AB-115 and AB-117 and begin the work session on AB-14 and AB-32.

AB-14: Extends liability of contractor in certain circumstances.

Jack Kenney, Nevada Home Builders Association, had a suggestion as to the wording of this bill. He favors AB-14 but proposes the following: on line 5 "including office workers who prepared the payroll for said labor under the general contractor", instead of the way it now reads; "including office work". This does tie it directly to the general contractor.

Mr. Jeffrey thought that would make it too restrictive and destroy the purpose of the bill as proposed.

Mr. Banner appointed Mr. Jeffrey, Mrs. Cafferata and Mr. Rackley to research the wording further on this bill.

AB-32: Makes certain employees of Department of Motor Vehicles eligible for compensation for heart and lung diseases.

Mr. Jeffrey wanted to explore the concept of this bill more thoroughly. He said that in the 1977 Legislative Session there was an amendment that covered all Nevada workers under the heart bill. He wanted to look into the research done on that particular bill at that time.

Mr. Thompson made a motion that this bill be explored further in regards to an amendment. Ms. Foley seconded the motion and it carried with Mr. Rhoads, Mrs. Cafferata and Mr. Rackley opposing the motion.

Chairman Banner appointed a subcommittee to research this amendment; Ms. Foley, Mr. Jeffrey, Mr. Rackley and Mr. Thompson.

Mr. Thompson moved the meeting adjourn; Ms. Foley seconded the motion and the meeting adjourned at 6:35 P. M.

Respectfully submitted,



Janice Fondi
Committee Secretary

LABOR AND MANAGEMENT COMMITTEE

GUEST LIST

DATE: 2-24-81

NAME	REPRESENTING
James D. Salo	Dept. of Admin. - Hearing
D. Salo	
Edna M. B. 100	2300 Rando. h. v. .

EXHIBIT A

Las Vegas, Nevada, December 19, 1980

Herewith proposal enabling legislation allowing development of an agreement between the N.I.C. Commissioner Board (or future governing entities) to enter into an agreement with the governing board of another publicly owned health and rehabilitation provider to utilize those portions of the facility not currently utilized, so as to expand out-patient care to other citizens of the State of Nevada not currently serviced.

December 19, 1980, Las Vegas, Nevada

From: Edward H. Kopf, M.D.

To: Nevada State Legislators

Nevada Industrial Commission Advisory Boards

Subject: Current under-utilization of the out-patient
rehabilitation facility at 1001 Shadow Lane,
Las Vegas, Nevada.

- 0 -

- Fact 1: Out-patient rehabilitation is less expensive and in many cases more effective than in-patient care.
- Fact 2: The N.I.C. out-patient rehabilitation facility is excellent in conception, scope, application and execution of services provided to insured employees covered by N.I.C.
- Fact 3: Both building and facilities of the rehabilitation center are realistically designed to house the needs of out-patient rehabilitation.
- Fact 4: The required staff and expertise in out-patient rehabilitation is existant and functioning.
- Fact 5: The medical direction is good.
- Fact 6: Concept of building ahead of time, anticipating the need of the industrial community in the future up to the year 2000, is excellent.

Fact 7: Because of Fact #6, the situation exists that this facility is currently under-utilized while a simultaneous need for such services by other Nevada citizens is pressing.

Proposal 1: We propose enabling legislation to provide a similar standard of care for those people while simultaneously guaranteeing not to disturb the services provided to the industrial patient and his employer.

Proposal 2: To establish an organization which would work in cooperation with the governing board for interim utilization of the unused potential services until similar facilities and services can be provided by the community.

Goal #1: Provision of such services should guarantee that the patient still retains the right to select his private physician who will continue to evaluate and direct the selection of the goals, treatment modality, and frequency of treatment.

Proposal 3: The medical staff should be an open staff, similar to the staff of any other hospital in the community.

Ideally it would be less expensive to utilize the staff, structure and by-laws governing an existing hospital staff such as Southern Nevada Memorial which is a public-owned facility.

It is the specific intention of this legislation that this public facility remain in control of Nevada citizens.

A separate volunteer board of concerned citizens would be established to negotiate between the public entities to provide such out-patient rehabilitation facilities.

The responsibility of the new board is #1 to direct the utilization of the facilities leased from N.I.C.

Responsibility #2 is to return such facilities to N.I.C. patients as their need grows, and replace such services with similar facilities to meet the needs of Nevada citizens as they develop.

Responsibility #3 specifies that the new board should be allowed to raise such funds as needed for the operation of the portion of the facility for which they are responsible.

Responsibility #4: they should account for the distribution of such funds.

The volunteer board should include:

Representatives from the business community.

Representatives from organized labor.

Representatives from the financial sector.

Representatives from the legislative sector.

Representatives from the medical profession.

Representatives from legitimate patient-advocate organizations.

ASSEMBLY

AGENDA FOR COMMITTEE ON.....LABOR.....

TUESDAY

Date.....FEBRUARY 24.....Time..5:00 P.....M..Room.....316.....

Bills or Resolutions
to be considered

Subject

Counsel
requested*

THIS AGENDA SUPERSEDES PREVIOUS AGENDA FOR THIS DATE

AB-115 Authorizes Nevada Industrial Commission
to enter certain agreements relating to
rehabilitation.

AB-117 Changes various provisions on appeals
and hearing officers in law concerning
industrial insurance.

NOTICE: THE TWO BILLS LISTED BELOW ARE SCHEDULED FOR WORK SESSION ONLY

AB-14 Extends liability of contractor in
certain circumstances.

AB-32 Makes certain employees of Department
of Motor Vehicles eligible for compensation
for heart and lung diseases.

*Please do not ask for counsel unless necessary.