

MINUTES OF THE  
MEETING OF THE SENATE COMMITTEE  
ON COMMERCE AND LABOR

SIXTY-FIRST SESSION  
NEVADA STATE LEGISLATURE  
May 27, 1981

The Senate Committee on Commerce and Labor was called to order by Chairman Thomas R.C. Wilson, at 2:32 p.m., Wednesday, May 27, 1981, in Room 213 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Thomas R.C. Wilson, Chairman  
Senator Richard Blakemore, Vice Chairman  
Senator Don Ashworth  
Senator Melvin Close  
Senator William Hernstadt  
Senator Clifford McCorkle  
Senator William Raggio

STAFF MEMBER PRESENT:

Betty Steele, Committee Secretary

ASSEMBLY BILL NO. 208 -- "Removes denial of unemployment compensation for certain school employees under specified circumstances."

Assemblyman Danny Thompson spoke in support of A.B. No. 208. Assemblyman Thompson said the bill does not apply to teachers, but to other classified employees employed by the school districts.

Senator Hernstadt said that representatives of the school districts testified that the districts would not be able to send out notices of re-employment because they are not able to determine the status of the budgets until mid-Summer. Assemblyman Thompson said this determination should be made before the notices are mailed.

ASSEMBLY BILL NO. 444 -- "Regulates practice of naturopathic medicine."

Assemblyman Robert Rusk read a statement to the committee which outlined his support of A.B. No. 444. (See Exhibit C,)

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Assemblyman Rusk said the Excalibur Medical Center currently exists in Sparks, Nevada, treating approximately 15,000 clients utilizing the naturopathic method.

Dr. Sidney Zimmet, M.D., a physician at the Excalibur Medical Center, said he supports A.B. No. 444 because it will allow a medical school graduate to be trained in health as well as treatment of disease.

Mr. Gregory Crisp, President of the Pacific College of Naturopathic Medicine, said the college is located at Sonoma County, California. Mr. Crisp said the college is one of six in the United States. Four more are currently in the developmental stages. Each of the colleges require three years of college prerequisites which include courses in chemistry, psychology and physics. The college's program is a 4-year program for 4500 hours. Mr. Crisp said that naturopathic education, with a strong emphasis on science, focuses on understanding the body's self-human capabilities. The education also focuses on developing the skills to encourage the body's self-healing abilities through the rational use of natural agents and processes. Mr. Crisp said eight states and the District of Columbia currently recognize the practice of naturopathic medicine, and three states have legislation pending. Mr. Crisp commented that Nevada is the only state where the legislation requires that the naturopathic physician must be under the supervision of a medical doctor. He said that a naturopathic physician will be able to prescribe a herbal remedy or health compound.

Dr. Zimmet said the concept of naturopathic medicine is not to replace the medical doctor's processes, but supplement it.

Chairman Wilson asked if the passage of A.B. No. 444 would allow the licensing of disciplines which are currently licensed separately. Dr. Zimmet said the bill does not include acupuncture, physical therapy, chiropractic, or the medical profession. The naturopath knows these modalities, but will specifically deal with the self-healing aspects of the body. Chairman Wilson explained that this committee has jurisdiction generally over all the practicing boards and has heard hours of testimony regarding the distinctions of each board's practice. Mr. Crisp said that the basic difference between manipulation as practiced by the chiropractic profession is this group generally seeks to free the nervous system by adjusting the skeletal system; the naturopath generally seeks to free the circulatory systems by adjusting the skeletal system as well as all of the ramifications that this adjustment

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will make on the body.

Mr. Leroy Wilson, President of the American Massage and Therapy Association, said the group he represents supports A.B. No. 444. Mr. Wilson said recognition of this practice will allow a "teamwork" approach toward helping people with health problems.

Ms. JoAnne Allison, Reese Holistic Medical Center, said the whole body cannot be treated without including the naturopathic physician. Ms. Allison cited a case which was treated at the Center which described the type of treatment utilized.

Mr. William E. Divine, a professional mover, related his personal experience of being treated by Dr. Zimmet and said he supports A.B. No. 444.

Ms. Susan Hannah, consumer of medical care, spoke in support of A.B. No. 444. (See Exhibit D for Ms. Hannah's testimony.)

Chairman Wilson noted that a letter from Dr. Michael E. Scott, M.D., in support of A.B. No. 444 will be placed in the record. (Exhibit E.)

Mr. Joe Midmore, speaking as a patient of the Excalibur Medical Center, said that he has complete trust in the ability of the physician, Dr. James F. Griswold, who has treated his entire family.

Ms. Pat Conn, Nevada Board of Physical Therapy, said the Board is opposed to the use of the term "physio therapy" in A.B. No. 444, page 2, line 13. And, on page 14, lines 13-14, Ms. Conn said the language "treat under the direction and supervision of naturopathic physician" in referencing physical therapists (amends NRS 641.90) is not necessary because on page 4, lines 23-25, it is stated that a naturopath must work under the supervision of a medical doctor. Also, in Senate Bill No. 231, chapter 641 of the NRS is being amended and if passed the language in A.B. No. 444 would no longer be effective.

Senator Raggio asked the proponents of the bill to respond to Ms. Conn's proposed deletion of the term "physio therapy". Mr. Crisp said, in his opinion, the term "physio therapy" could be replaced by "physical therapy" and the meaning would not be changed. Ms. Conn said there is no difference between these terms and this would still not be acceptable.

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Dr. Nancy James, representing the chiropractic profession, said when chapters 630 and 633 of the NRS are referenced in A.B. No. 444, chapter 634 should also be listed. (See page 13 of A.B. No. 444.) Chairman Wilson said he would check and see if this is an oversight. Ms. James also asked if the term "manual manipulation" utilized in the bill is defined without limitations. Chairman Wilson said it is defined without limitations in A.B. No. 444.

Mr. Richard Pugh, executive director of the Nevada State Medical Association, read a statement into the record by H. Treat Cafferata, M.D., chairman of the association's Commission on Governmental Affairs. (See Exhibit F.)

Mr. Jack Close, Nevada Physicial Therapy Association, said that he did oppose the use of the term "physio therapy" in A.B. No. 444. Mr. Close supported the concept of the bill.

Dr. Katherine Bennett, Sparks, Nevada, said that as a medical doctor she has been taught to treat disease. However, she endorsed the concept of of comprehensive medical treatment and supported A.B. No. 444.

Dr. James F. Griswold, M.D., submitted a letter (Exhibit G) for the record stating his support of A.B. No. 444.

ASSEMBLY BILL NO. 590 -- "Allows insurance broker to collect fee from insured for certain kinds of insurance."

Mr. Randy Capurro, California and Nevada Professional Insurance Agents, said this is a bill from his organization. Mr. Capurro said the state insurance commission would present an amendment to NRS 687B.030 ob A.B. No. 590.

Mr. Richard Staub, legal counsel for the state insurance commissioner, submitted to the committee his written comments and suggested amendments to A.B. No. 590. (Exhibit H.) The amendments would be to Section 2, page 2, lines 12 and 13, by deleting "unless the" and "context otherwise requires". Mr. Staub said A.B. No. 590 only refers to large entity policy coverage.

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ASSEMBLY BILL NO. 667 -- "Revises definition of "adulteration"  
in relation to confectioneries."

Mr. Mike Sloan, attorney-at-law representing Ethel M. Candies of Las Vegas, said this bill addresses concerns of the candy making business involving the minimal use of alcohol in premium candy.

Mr. Alan Thomas, Ethel M. Candies, said the Assembly's major concern was that chewing gum and suckers would contain alcohol. However, Mr. Thomas said that there is not a market for this type of product. Mr. Thomas distributed samples of Ethel M. Candies, one pound of which would contain enough alcohol to be equivalent to 1/10th of 1/2 glass of wine.

Mr. Al Edmondson, state commissioner for food and drugs, said the statute on confectioneries has been part of the Nevada law since 1939. The Nevada law is patterned after the federal law. The federal law was initiated in 1938 in order to prevent children from consuming candy with high alcohol content. Mr. Edmondson said that this law would not be limited to the production of premium gourmet candy or hotel/casino sales, but would apply to all candy production.

A.B. No. 208 (Cont.)

Mr. Ross Culbertson, contract lobbyist representing the Nevada Public Employees Action Coalition, said this proposal is necessary in order to prevent confusion among the employees. The district will often state in writing that a position is available, and then deny the hiring orally at a later date. In the interim, because a position has been promised, the employee is not eligible for unemployment compensation.

ASSEMBLY BILL NO. 599 (First Reprint) -- "Strengthens professional monopoly of professional engineers."

Mr. Fred Daniels, chairman of the State of Nevada Registration Board for Professional Engineers and Land Surveyors, said this bill is necessary in order to prevent individuals from advertising engineering abilities which they have not been qualified for by the state board. Mr. Daniels said this bill will protect the public.

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ASSEMBLY BILL NO. 579 -- "Makes various administrative changes in law governing real estate brokers and salesmen."

Mr. R. Lynn Luman, state real estate division, said that he does not oppose A.B. No. 579, but does have problems with the proposed Amendment No. 1183. Senator McCorkle had initiated the amendment and suggested to Mr. Luman that a compromise be established between the division and the industry. Mr. Luman said he felt this was possible since the restrictions in A.B. No. 579 being addressed in the amendment are determined by regulation, not statute.

ASSEMBLY BILL NO. 288 -- "Imposes certain financial requirements for protection of subcontractors and employees on construction projects."

Mr. Joe Midmore submitted a written amendment to the First Reprint of A.B. No. 288 as proposed by the Nevada Associated General Contractors. (Exhibit I.) Mr. Midmore said that the amendment clarifies that the owner, rather than the contractor, has the responsibility for posting the Notice of Completion. After this filing of the Notice by the owner to the contractor, the contractor then has three days in which to send this notice to the subcontractors.

The committee agreed to accept the AGC's amendment.

ASSEMBLY BILL NO. 496 -- "Authorizes parties to an automobile insurance policy to exclude named persons from coverage."

Mr. Virgil Anderson, AAA, said a company who writes a named driver exclusion does so at a great deal of risk because of the statute being repealed. Secondly, there is the issue of the family having one member who lost his/her license. The individual is still insured under the family policy until the policy is cancelled. The "named driver exclusion" allows coverage for the remaining members of the family to be saved.

Mr. Chuck Knaus, casualty actuary for the state insurance division, said A.B. No. 496 is a consumer oriented bill because it allows a policy to be written based on the "good" driving records of the family members, rather than one member with a bad driving record. Mr. Knaus said he supports the bill in its present form.

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Mr. Anderson said that he would prefer that "named driver exclusions" only be allowed for those individuals who have lost their driver's license; or those who are defined as "negligent operators" under the state's point system; or those who have been convicted for driving while under the influence of alcohol or drugs.

A.B. No. 590 -- Exhibit J

Senator Blakemore moved "Amend and Do Pass" Assembly Bill No. 590.

Senator Raggio seconded the motion.

The motion carried.

A.B. No. 667 -- Exhibit K

Senator Hernstadt moved "Do Pass" Assembly Bill No. 667.

Senator Blakemore seconded the motion.

The motion carried. (Senators Close and Don Ashworth did not vote.)

A.B. No. 208

Senator Blakemore moved to "Reconsider" the committee's action to Indefinitely Postpone Assembly Bill No. 208.

Senator Hernstadt seconded the motion.

The motion carried.

No further action was taken on A.B. No. 208 until further testimony from the school districts could be heard.

A.B. No. 599

Senator Blakemore moved to "Reconsider" the committee's action to Indefinitely Postpone Assembly Bill No. 599.

Senator Raggio seconded the motion.

The motion carried.

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A.B. No. 599 (Cont.)

The committee member discussed the term "in residence" as used in A.B. No. 599. Chairman Wilson suggested that an amendment be drafted which would define how the project is to be supervised by the specialized engineers required, rather than stating that each specialist must be in the office or on the site throughout the period of the project requiring his specialized work.

Mr. David How of the State Board of Engineers said he would prepare an amendment clarifying the intent of the state board in this definition.

A.B. No. 22 -- Exhibit L

Senator Hernstadt explained that A.B. No. 22 should be amended to change the term "one month" to "three months" on page 1, line 15 and 20, and on page 2, line 7. Senator Raggio also suggested that the brackets on lines 18-20, page 1, be removed.

Senator Blakemore moved "Amend and Do Pass" of Assembly Bill No. 22 by adopting the suggested amendments of Senators Hernstadt and Raggio.

Senator Close seconded the motion.

The motion carried.

A.B. No. 21 -- Exhibit M

Senator Hernstadt that A.B. No. 21 should be amended on page 2, line 5, by including "or title company". Line 7, page 2, should be changed from "dealer" to "purchaser shall deposit...". Line 12, page 2, add after the word "account", "for the purpose of transacting a mobile home sale". And, on line 13, after "in an escrow company", add "not also a title company in which he owns an interest of more than 5 percent." Delete the remaining language of line 13. Delete Sections 5 and 6. And in the section listing the "Grounds for Disciplinary Action", add a seventh item which states: "The dealer cannot directly or indirectly accept deposit made payable to him for cash." A representative of the state division of manufactured housing suggested that Sections 5 and 6 remain the bill allowing the division to handle this matter by regulation. The committee concurred.



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A.B. No. 21 (Cont.)

Senator Hernstadt continued his amendments by suggesting that Section 8 be deleted, and make the effective date of A.B. No. 21 be October 1, 1981.

Senator Raggio said that the bill needs to state that the money will be disbursed in escrow upon the buyer receiving either the title or registration with a copy of the security interest agreement, or right of occupation.

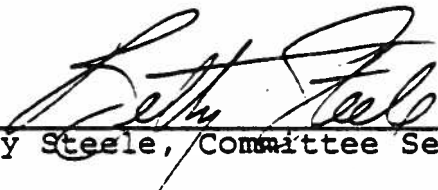
Senator Hernstadt moved to "Amend and Do Pass" Assembly Bill No. 21 with the agreed amendments as proposed by himself and Senator Raggio.

Senator McCorkle seconded the motion.

The motion carried.

There being no further business, the meeting adjourned at 7:00 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Betty Steele, Committee Secretary

APPROVED:

  
\_\_\_\_\_  
Senator Thomas R. C. Wilson, Chairman

DATE: \_\_\_\_\_

SENATE AGENDA

EXHIBIT A

COMMITTEE MEETINGS

Committee on Commerce and Labor, Room 213.

Day Wednesday, Date May 27, Time 1:30 p.m.

A.B. No. 444--Regulates practice of naturopathic medicine.

A.B. No. 590--Allows insurance broker to collect fee from insured for certain kinds of insurance.

A.B. No. 658--Requires contractors to have resident agents and removes exemption for contractors on federal projects from statutory provisions governing contractors.

A.B. No. 667--Revises definition of "adulteration" in relation to confectioneries.

SENATE COMMITTEE ON COMMERCE AND LABOR

DATE: Wednesday, May 27, 1981

EXHIBIT B

PLEASE PRINT	PLEASE PRINT	PLEASE PRINT	PLEASE PRINT
NAME	ORGANIZATION & ADDRESS	TELEPHONE	
Al Edmundson	Health Division Carson City	885-4750	
Bill Zimmerman	1015 Spanish Springs Blvd	159-3866	
J. Ramsey	55 E Nugget Dr Sta 728	331-0833	NITE
K.S. Bennett	1015 Spanish Springs Sparks	331-3388	
Louanda Quastak	350 3rd St Sparks Nev	758-3808	
Kathleen Wilson	255 Florence Way Reno	853-5369	
JoAnne Allison	Reese Holistic Medical Center	883-8902	
Christine Griswold	1707 Probasco Way, Sparks, NV	331-7785	
Nancy James	310 N Stewart, CC Nev	883-6000	
Edgar V. Blahar III	1515 W 6th Reno Nev.	747-4951	
Susan Hannah	1617 Prospect Ave Sparks NV	359-0503	
DAN THOMPSON	ASSEMBLY AST. 21		
Paul Faulstich	55 E. NUGGET AVE SPARK 728	331-0833	NITE
Pat Conn	Nevada Board of Physical Therapy 1001 Mountain CC	882-3221	
Jack Close	Nevada Physical Therapy Assn - 2075 E. FLAMINGO AVE L.V.	369-7746	
FRED Daniels	STATE OF NV REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS & LAND SURVEYORS	882-3779	
Cydie Duragan	N.I.T.E.	359-3983	
Jane Zimbalman	N.I.T.E.	359-3983	
Wayne Carlson	Washoe Co. Risk Mgr.	785-4147	
LARRY KEES	NEV. IND. INS. AGENTS	329-0464	
MARY FINNELL	RISK MGMT DIV. Washoe Co.	785-4148	
Gregory Crisp	Pac. Pacific College of Naturopathic Med	757-2395	
W. E. Phoenix	Pac. Phoenix Fire & Marine Service	323 1078	

ATTENDANCE ROSTER FORM

COMMITTEE MEETINGS

SENATE COMMITTEE ON COMMERCE AND LABOR

DATE: Wednesday, May 27, 1981

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME	ORGANIZATION & ADDRESS	TELEPHONE
<i>Agnes Nelson</i>		
<i>Richard Frank</i>	<i>Counsel, NV Iron Dist</i>	
<i>Alan Brown</i>	<i>Ethel M, Las Vegas, NV</i>	
<del><i>Steve Sloan</i></del>		
<i>Mike Sloan</i>	<i>Ethel M LAS Vegas NV</i>	
<i>R. Lynn Hunter</i>	<i>Keel Estate Division</i>	
<i>Vergil Anderson</i>	<del><i>Keel Estate Division</i></del>	
<i>Chuck Innes</i>	<i>Nevada Ins Division</i>	
<i>Linda Jerry</i>	<i>Carson City School District</i>	
<i>Conrad R. Hey</i>	<i>St. Bd. of Engineers</i>	

AB-444 - use  
assembly

NATUROPATHIC BILL - AB-444

EXHIBIT C

Bill AB-444 has been introduced into the Nevada Legislature asking that Naturopaths be licensed in Nevada, only under the supervision of an M.D. and that they be allowed to practice those modalities dealing with herbs, physical medicine, nutrition, and homeopathy. They would not be allowed to practice regular prescription writing, surgery, O.B., x-ray or radium treatment or puncture the skin, except for blood drawing for diagnostic purposes.

The passage of this law will afford the people of Nevada natural healing methods, if they so choose, and will also allow for preventive medicine. Holistic medical concepts would then be available to Nevadans should they so desire them. We believe that holistic medicine will REDUCE MEDICAL COSTS.

In June, 1978, doctors at Methodist Hospital in Philadelphia, Pennsylvania, told Anthony Sattilaro M.D., that his body was riddled with malignant tumors. Sattilaro's physicians informed him that his cancer had spread from his prostate gland to his skull, right shoulder, spine, sternum, and ribs. Sattilaro, then forty-eight years old and the president of Methodist Hospital was being advised by his own senior staff to put his affairs in order to prepare for death. In an effort to prevent the cancer from spreading, surgeons at Methodist Hospital performed three operations on Sattilaro, removing his left sixth rib and both testicles. However, the cancer continued to spread and Sattilaro was given estrogens as a further treatment. And then by accident he tried something all together non-medical in the traditional sense. Sattilaro began practicing macrobiotics in late August, 1978, under the guidance of Denny Waxman, director of the Philadelphia East West Foundation. Sattilaro stuck with the diet to the letter. A year later, in September, 1979, he underwent another bone scan at his hospital and other medical tests, all of which revealed the same results: Sattilaro was clean. There was no more cancer left in his body. All of this combined to make him a powerful new voice within the medical establishment for experimenting with alternative approaches to cancer prevention and therapy. According to Sattilaro, the reaction from his medical colleagues at Methodist and elsewhere to his recovery has ranged from outright shock, to polite skepticism, to hate mail. At first, many of his colleagues reacted with appropriate skepticism, according to the Sattilaro, but since that time, many of them have come to him in private and said, 'Maybe you've got something here.'

What we propose to do in our program is to set up educational programs, prevention programs, for people who are essentially well. We would, in a very cost effective way, literally keep people out of our institutions. It's very expensive to treat illness. We want to prevent illness, so our idea is to give good nutritional and other advice so that people can keep themselves well. The real question is what caused that condition in the first place; what in the patient's lifestyle, what in the patient's eating, caused this kind of thing?

The body was never made to have all these artificial things thrown into it; the body was made to balance itself. Seeing the organs separately from the body and treating those organs in a one-shot kind of fashion with drugs has led to this state of affairs. I think we're now realizing that all the organs are in a system, the human body, which will, given time and the opportunity, balance itself; that is to say, rid itself of the cause of the illness and regain a state of equilibrium. This is the thrust of holistic medicine.

The reason this understanding will come in the future is not because organized medicine is very excited about it, but simply because the economy cannot stand all the escalating costs of illness. It has to start investing in wellness. That's why I think a nutrition clinic will be successful. It will be the kind of thing that helps people be responsible for themselves and not addicted to getting some kind of pill.

The reason then for the bill is to fulfill a real need in the medical field. People have become educated and are eagerly looking for alternative methods to use in conjunction with traditional medicine. There are four main reasons:

1. To have available other methods of therapy to be used in case conventional methods fail.
2. As an alternative approach to disease for those people unwilling to take drugs or have surgery without first trying some other benign course of therapy when indicated.
3. As a method of preventative medicine.
4. To have available in one place a holistic approach to health and disease.

*AB-444*  
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Susan Hannah  
1617 Prospect Ave.  
Sparks, Nevada 89431  
359-0503

May 27, 1981

EXHIBIT D

Committee on Commerce and Labor  
Nevada State Senate  
Carson City, Nevada 89431

Gentlemen:

I am appearing today in support of AB444, licensing Naturopathic Doctors in the State of Nevada. I appear before you as a consumer of medical care and would like to explain my position on this vital legislation.

I am vitally interested in taking care of myself and in receiving the best possible advice in order to properly care for my body. I have on several occasions wanted to discover the proper nutrition and exercise for me. I have asked the advice of my Medical Doctor on these issues and have been referred to health food stores for vitamins, minerals or herbs. Once at the health food store, I was met by an array of such items, all with standard labeling, with no direction as to which product might be best for my particular needs. When I asked that direction of the shop owner, I have been informed that they are sorry but that they can not give such advice. I would have to ask my doctor. When I did so, he was not familiar with the possibilities and could not offer good advice.

I then perused the plethora of books on the subject. The best of these were written by Naturopathic Doctors such as Alan Nitler, N.D. However, the literature varies greatly and different books advise different approaches and courses of treatment for different body chemistries. Since the books are written generally, I can only assume that they could not be individualized to my particular chemistry and have thus arrived at a general state of confusion.

I feel a very critical need for Professional Advice and find that such advice is not available in Nevada. I have spoken with various nutritionists, all of whom have differing viewpoints. Since they are not working directly with my medical doctor, they are unable again to individualize the advice to my particular physical needs.

Holistic Medical Treatment, that is, the treatment of the entire individual in all aspects is my dream as a consumer. I would like to have such treatment in one place where all aspects of my body are understood. This legislation provides the foundation for such treatment. By licensing Naturopaths to work with Medical Doctors, this bill provides availability of both the Standard American Medical approach and the natural approach to healing and wellness. I can thus have the proper professional advice, determined to fit my particular chemistry, and individualized and supervised by my family physician who understands my particular needs.

I have been told that the application of such advice will lower my medical costs because I will have less need for the bandaid approach if I can properly care for myself. This only makes sense to me.

I sincerely urge your support of this bill. This option in medical care, properly supervised and applied, would be a tremendous asset to Nevada Medical Consumers. We look to you to make this option available to us.

Sincerely,  
*Susan Hannah*  
Susan Hannah

1700 1/2  
AB-444  
attch

MICHAEL E. SCOTT, M.D.  
1015 SPANISH SPRINGS ROAD  
SPARKS, NEVADA 89431  
TELEPHONE 702-359-3466

May 27, 1981

EXHIBIT E

Commerce and Labor Committee  
Nevada State Senate  
Carson City, Nevada 89701

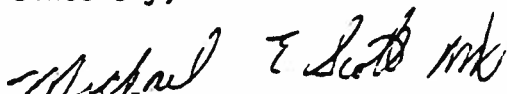
Honorable Senators:

I regret that my busy medical practice does not allow me to appear personally in support of AB444 at today's hearing. However, please accept this letter as my testimony of support for this important legislation.

As a family physician, I would like the opportunity of working with a Naturopathic Physician for the benefit of my patients. I am interested in providing wellness for my patients and in lowering the cost of their medical care. Through education of the patient in natural methods of health preservation, I would be able to reduce the number of visits and complexity of care necessary to promote wellness. I consider the Naturopathic Physician, properly trained, a very necessary professional whose skills can be used to the advantage of all concerned.

Again, my regrets at not being present personally to lend my support to this bill. I do urge you to act promptly to assure the passage of this legislation. Thank you.

Sincerely,

  
Michael E. Scott, M.D.



NEVADA  
STATE  
MEDICAL  
ASSOCIATION

EXHIBIT F

3660 Baker Lane • Reno, Nevada 89509 • (702) 825-6788

May 27, 1981

TO: Senator Thomas P. Wilson, Chairman  
and Members of  
The Senate Commerce and Labor Committee

FROM: H. Treat Cafferata, M.D., Chairman *HTC*  
Nevada State Medical Association  
Commission on Governmental Affairs

SUBJ: Testimony - A.B. 444

The Nevada State Medical Association continues to oppose health and medical legislation that it feels is not in the best interest of the citizens of the state. This position is certainly unenviable. At times, medical leadership concludes, our support of only tried and true medical technology is looked upon unfavorably by legislators and the public alike. So, why do we continue? Why do we persist in withholding support and even opposing all the so-called "freedom of choice" bills that come along (freedom to use any drug for any disease, freedom to use any mode of treatment for any and all health care problems)? We oppose all such bills because we feel it is the responsible stance, although certainly not the popular one. In the long run, however, we feel that our position will be upheld.

Why are Nevada physicians opposing A.B. 444, a bill that would establish naturopathy as a health care provider discipline? We oppose it because there has not been, and is not today, a proven need for services provided by these practitioners. For example, the bill:

- establishes a board with rules and regulations whose expenses will have to be borne by the state since there are virtually no naturopaths in our state at this time.
- establishes yet another "profession" which overlaps several other disciplines:
  - a) nutritionists and dieticians - naturopaths are not really as well trained
  - b) physical therapists - A.B. 444 includes this field in its list of skills
  - c) chiropractors - this bill authorizes naturopaths to do most of the procedures already covered by the state's chiropractors
  - d) health food stores, natural food departments and vitamin counters in supermarkets - these resources are already available to our citizens

In short, there is little that a licensed and regulated naturopath can provide that is not already available in Nevada. The need is simply not there.

2105

(continued)

Testimony - A.B. 444

May 27, 1981

Page Two

There is one other problem with the field of naturopathy that really should be addressed - that of accreditation of naturopathic academic institutes. We have been informed that, at present, no school of naturopathy is accredited by any recognized accrediting agency (they do accredit themselves). It appears that accreditation is at least a year and a half away for even the best of naturopathic colleges.

If there is a need demonstrated by A.B. 444, it has to be that further study is indicated. If naturopathy does eliminate a deficiency in the present health care system, then an interim study will bring this out. It might be worthwhile to include naturopathy in the interim study on homeopathy that this Committee approved earlier this session. Nevada medical doctors would be pleased to cooperate with Interim Study Committee members to objectively look at this matter. We strongly urge your committee, Senator Wilson, to move in this direction.

HIC:kn

7/25/87  
D.H.

JAMES F. GRISWOLD, M.D.  
1015 SPANISH SPRINGS ROAD  
SPARKS, NEVADA 89431  
—  
TELEPHONE (702) 359-3466

EXHIBIT G

May 27, 1981

Committee on Commerce and Welfare  
Nevada State Senate  
Carson City, Nevada

Gentlemen:

I had planned to appear personally in support of AB444 at today's hearing but an emergency situation has arisen. Please accept this letter as my testimony in favor of this critical legislation.

I am a family practitioner in Sparks, Nevada. During the course of the last three and a half years of practice I have had to deal on a daily basis with a degree of ineptness in the area of nutrition and wellness. My medical training in no way prepared me for what has become the most common request of my patients—some form of natural healing.

A knowledgeable Naturopath in close proximity would be a tremendous asset to me. If I were able to refer my patients to such a person who could work closely with me I would be better able to respond to their requests for a treatment for health rather than disease.

I find that I must either return to school, spend all of my time reading and personally retraining, or have a Naturopath who has received broad training in natural approaches to wellness readily available.

I urge your support of this legislation so that I may work closely with a Naturopathic doctor and offer the best possible care to my patients. Thank you.

Sincerely,

*James F. Griswold M.D.*

James F. Griswold, M.D.

5/27



STATE OF NEVADA  
DEPARTMENT OF COMMERCE  
INSURANCE DIVISION  
201 SOUTH FALL STREET  
CARSON CITY, NEVADA 89710

ROBERT LIST  
GOVERNOR

(702) 885-4270

DONALD W. HEATH, CLU  
COMMISSIONER OF INSURANCE

JAMES L. WADHAMS  
DIRECTOR

May 28, 1981

EXHIBIT H

TO: Senate Committee on Commerce and Labor  
FROM: Richard S. Staub, Insurance Counsel, Hearings Officer  
RE: Comments and Amendments to AB 590

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At the present time, a broker receives his or her payment from the company and/or agent to which the policy is referred and written. There is no current mechanism to allow a broker to collect a fee from the insured. Since the broker represents the insured/client, it would seem reasonable to allow a broker to collect a fee for his services. In the case of large insureds, such as governmental entities and corporations, the services offered may be extensive and technical regardless of whether a policy is purchased by the prospective insured/client. This bill would allow the broker to negotiate and receive a fee, whether broker or consultation, for his or her services, in lieu of any other charge or commission, from the entity that he or she represents. It would be allowed only on business and commercial risks. Both consultation and broker fees are distinguished in AB 590 and only one or the other may be collected on a particular transaction.

Of further importance in AB 590 is the fact that it gives the Commissioner of Insurance the ability to promulgate a regulation to properly carry out the intent of this enactment. For the record, we feel that the following should be included in that regulation:

- a. A full written disclosure to the insured of the purpose of the fee and the services to be performed with a written agreement signed by the insured in advance, in a form acceptable to the commissioner of insurance.
- b. That a provision be made for the return of a portion of the fee upon cancellation of the policy if the fee was originally based on a percentage of the premium for that policy.
- c. That a distinction be made as to the fees charged purely for consultation and fees charged in lieu of commissions.

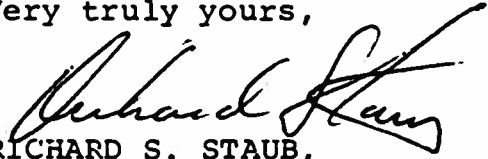
- d. That any fees charged in lieu of commissions be shown as a separate item on the declaration page or cover note of the policy to which it pertains, be considered within the definition of premiums which are taxable, and be shown as a separate item on any invoice or billing to the insured.
- e. That a complete record justifying the fee whether in lieu of commissions or for consultative services, be maintained by the broker.
- f. That fees charged for purely consultative services not be based on a percentage of the premium but on time and expense factors.
- g. That no broker that is also an appointed agent of an insurer may accept a fee in lieu of a commission on a policy issued by that insurer.
- h. That no fees in lieu of commissions be greater than the usual and customary commission which is paid by the majority of insurers.

We also offer the following amendment to AB 590:

- 1. Amend Section 2, page 2, line 12, by deleting "unless the".
- 2. Amend Section 2, page 2, line 13, by deleting "context otherwise requires,".

If you or your committee require any further input and or explanation, please do not hesitate to contact us at your convenience.

Very truly yours,

  
RICHARD S. STAUB,  
Insurance Counsel.

RSS/tlm

AGC

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Joe [unclear]  
for X BC

PROPOSED AMENDMENTS TO AB 288 (FIRST REPRINT)

EXHIBIT I

Amend the bill as a whole by adding new sections 1, 2 and 6 and making the following changes:

NEW: SECTION 1. Amend NRS 108.228 to read as follows:

108.228 Notice of completion: Recording; contents; verification.

1. The owner may record a notice of completion as follows:

(a) Within 15 days after the completion of any work of improvement; or

(b) Within 15 days after there has been a cessation from labor thereon for a period of 30 days.

2. The notice of completion shall be recorded in the office of the county recorder of the county where the property is situated and the notice shall set forth:

(a) The date when the work of improvement was completed, or the date on which cessation from labor occurred first and the period of its duration.

(b) The owner's name or owners' names, as the case may be, the address of the owner or addresses of the owners, as the case may be, and the nature of the title, if any, of the person signing the notice.

(c) A description of the property sufficient for identification.

(d) The name of the contractor, if any.

3. The notice shall be verified by the owner himself or by some other person on his behalf. The notice need not be acknowledged to be recorded.

4. A copy of the notice shall be mailed by the owner or his authorized

representative to the general contractor on the date filed. The notice must be sent by registered or certified United States mail, return receipt requested.

NEW: SECTION 2. Amend NRS 108.2394 to read as follows. New material

underlined 1. Except as otherwise provided in subsection 5, every person, firm, partnership, corporation or other legal entity, other than one who performs only labor, who claims the benefit of NRS 108.221 to 108.2395, inclusive, shall, within 31 days after the first delivery of material or performance of work or services under his contract, deliver in person or by certified mail to the owner or reputed owner of the property or to the person whose name appears as owner on the building permit, if any, for the improvement a notice in substantially the following form:

NOTICE TO OWNER OF MATERIALS SUPPLIED  
OR WORK OR SERVICES PERFORMED

To: \_\_\_\_\_  
(Owner's name and address)

The undersigned notifies you that he has supplied materials or performed work or services as follows:

\_\_\_\_\_  
(General description of materials, work or services  
and anticipated total value)

for improvement of real property identified as (property description or street address) under contract with (general contractor or subcontractor). This is not a notice that the undersigned has not been or does not expect to be paid, but a notice required by law that the undersigned may, at a future date, claim a lien as provided by law against the property if the undersigned is not paid.

\_\_\_\_\_  
(Claimant)

A subcontractor or materialman under a subcontract who gives such a notice must also deliver in person or send by certified mail a copy of the notice to the general contractor, ~~for information only. Persistent failure by a subcontractor to deliver such notices to the general contractor is a ground for disciplinary proceedings against the subcontractor under chapter 624 of NRS.~~

2. Such a notice does not constitute a lien or give actual or constructive notice of a lien for any purpose.

3. No lien for materials furnished or for work or services performed, except labor, may be perfected or enforced pursuant to NRS 108.221 to 108.2395, inclusive, unless the notice has been given and the copy has been provided as required by Subsection 1.

4. The notice need not be verified, sworn to or acknowledged.

5. A general contractor or other person who contracts directly with an owner or sells materials directly to an owner is not required to give notice pursuant to this section.

6. As used in this section, "owner" does not include any person, firm or corporation whose only interest in the real property is under a mortgage, deed of trust or other security arrangement.

(Added to NRS by 1965, 1169; A 1967, 1104; 1969, 730; 1979, 1091)

Renumber prior Section 1 (first reprint) to new Section 3 to read as follows:

SECTION 3. Each contractor or subcontractor employing subcontractors shall, upon receipt of the written notice that a notice of completion has been filed, within 3 working days, mail to each subcontractor a copy of such notice. The notice must be sent by registered or certified mail, return receipt requested.

Renumber prior Sections 2 and 3 to new Sections 4 and 5 respectively.

Add a new section 6 to read as follows: This act shall become effective on July 1, 1981.



ASSEMBLY BILL NO. 288—COMMITTEE ON COMMERCE

MARCH 5, 1981

Referred to Committee on Commerce

SUMMARY—Imposes certain financial requirements for protection of subcontractors and employees on construction projects. (BDR 54-1131)

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 contractors; requiring notice to subcontractors of completion of contracts; 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 624 of NRS is hereby amended by adding
- 2 hereto a new section which shall read as follows:
- 3 1. *Each contractor who completes the performance of a contract for*
- 4 *which he employs a subcontractor shall, on the day on which the per-*
- 5 *formance is completed, mail to each subcontractor notice that the per-*
- 6 *formance was completed. The notice must be sent by registered or*
- 7 *certified United States mail, return receipt requested.*
- 8 2. *The contractor shall retain the returned receipt in his records for*
- 9 *at least 2 years after the performance is completed.*
- 10 3. *Willful or repeated failure to comply with the requirements of this*
- 11 *section is cause for disciplinary action.*

EXHIBIT J

ASSEMBLY BILL NO. 590

EXHIBIT K

ASSEMBLY BILL NO. 667

EXHIBIT L

ASSEMBLY BILL NO. 22

EXHIBIT M

ASSEMBLY BILL NO. 21