

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON HUMAN RESOURCES AND FACILITIES

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
March 31, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal at 8:03 a.m., Tuesday, March 31, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Joe Neal, Chairman
Seantor James N. Kosinski, Vice Chairman
Senator Wilbur Faiss
Senator Virgil M. Getto
Senator James H. Bilbray

COMMITTEE MEMBERS ABSENT:

Senator Richard E. Blakemore (excused)

STAFF MEMBERS PRESENT:

Connie S. Richards, Committee Secretary

SENATE BILL NUMBER 406

Ms. Reba Chappell, Chief, Emergency Medical Services presented to the committee the subcommittee report on Senate Bill No. 406. This report is Exhibit C.

Ms. Margaret Tole, representing nursing in Washoe County expressed a concern over the deletion of nurses from line 34, page 3. She said nurses are already licensed by the state and therefore it is not necessary that they be licensed a second time to deliver prehospital care. She suggested standards for nurses giving prehospital care be set by the state; setting the criteria for what the nurses can and cannot do as well as the qualifications he or she must have. She said nurses would be in favor of adding an amendum to the nurse practice act of the state.

The Chairman asked Ms. Tole to suggest language that could be used in the bill to satisfy the nurses.

Ms. Tole said the use of the words "preferred" or "designated" nurse would satisfy the nurses (rather than "licensed" as they

SENATE COMMITTEE ON HUMAN RESOURCES AND FACILITIES
MARCH 31, 1981

are already licensed by the state).

Senator Bilbray suggested the words "certified nurse".

Ms. Tole said if the words "certified nurse" are used, it should be made clear as to what entity would be certifying those nurses. She added that nurses feel they should be allowed to have some input as to what the qualifications for certification are.

Mr. Carl Munniger, Representative, Clark County Health District said the regulations of the Clark County Health district provide that the Nevada State Board of Nursing shall define the criteria for registered nurses to function at the paramedic level in the field. A registered nurse can automatically function as a basic emergency medical technician. If the nurse wishes to function as a paramedic in the field, he or she must meet the additional requirements established by the state board of nursing.

Ms. Pat Gothberg, Representative, Nevada Nurses Association told the committee the Nevada State Board of Nursing has a procedure that is currently used to certify nurse practitioners. She said she does not think there is any other system in use. The law, (NRS 632, nurse practice act) gives the board the authority to certify those nurses.

SENATE BILL NUMBER 423

Mr. Fred Hillerby, Executive Director, Nevada Hospital Association expressed a concern with the new language in the bill. He said the bill would require a licensed person, who is administering drugs in the hospital setting, to be registered again and pay an additional fee although the current language under the law is very specific as to who can administer drugs. He said it should not be necessary for a physician who is already licensed, a licensed nurse, or a respiratory therapist, under the direction of a physician in the hospital setting, to be registered to administer drugs when that is part of the job he or she is licensed under law to do.

SENATE BILL NUMBER 406 (EXHIBIT D)

Senator Kosinski moved to amend Senate Bill No. 406 by deleting entirely, Section 9.

SENATE COMMITTEE ON HUMAN RESOURCES AND FACILITIES
MARCH 31, 1981

Senator Getto seconded the motion.

The motion carried. (Senator Blakemore was not present).

Senator Bilbray suggested the following language be used to amend page 2, 450B.160, sub paragraph 9: "licensed physicians and registered nurses may serve as attendants except that a registered nurse must be certified by the appropriate governmental authority upon the standards and requirements set for said certification by the Nevada State Boards of Nursing; until such standards and regulations are set by the Nevada State Board of Nursing, the appropriate governmental authority shall set such standards and regulations for said certification."

Senator Kosinski suggested that it be provided that a nurse either meet the licensing standards for the emergency medical technicians, or as an alternative be certified by the state board of nursing. He said the committee should check with the board of nursing to determine whether they believe statutory authority is needed for the creation of certification.

Senator Getto moved to "Amend and Do Pass" Senate Bill No. 406 with the amendments submitted by the subcommittee (Exhibit C) with the exception of page 4 of the amendment and with Senator Kosinski's above suggestion.

Senator Bilbray seconded the motion.

The motion carried. (Senator Blakemore was not present for the vote.)

Senator Kosinski briefly reviewed for the committee the amendments as they were drawn up by the bill drafter for Senate Bills Number 296 and 169 and Senate Concurrent Resolution Number 26. (The committee voted to "amend and do pass" Senate Bill No. 169 on March 26 and to "amend and do adopt" Senate Concurrent Resolution No. 26 and to "amend and do pass" Senate Bill No. 296 on March 27 and asked that the amendments be returned to the committee for approval.) The committee approved the amendments as they were written.

SENATE BILL NUMBER 409 (EXHIBIT E)
SENATE BILL NUMBER 433 (EXHIBIT F)

SENATE COMMITTEE ON HUMAN RESOURCES AND FACILITIES
March 31, 1981

Senator Kosinski, Chairman of a subcommittee designated to review Senate Bills Number 409 and 344 said the subcommittee had met on March 30 and relevant agencies from three concerned divisions and the department of human resources attended as did several long-term care providers. He said there was little enthusiasm for either bill; Senate Bill No. 409 functions are presently being performed through federal dollars and a contract issued by the division of aging and the patients of long-term care facilities are protected by federal regulations. The subcommittee recommended that both bills be given no further consideration.

Senator Getto moved that Senate Bills No 409 and 344 be "Indefinitely Postponed".

Senator Kosinski seconded the motion.

The motion carried. (Senator Faiss voted "No", Senator Blakemore was not present for the vote.)

There being no further business, the meeting adjourned at 9:28 a.m.

Respectfully submitted:


Connie S. Richards, Committee Secretary

APPROVED BY:


Senator Joe Neal, Chairman

DATE: 4-8-81

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities , Room 323 .
Day Tuesday , Date March 31 , Time 8:00 a.m.

S. B. No. 406--Makes various changes in licensing for emergency medical services and establishes intermediate level of emergency medical technicians.

S. B. No. 423--Amends laws relating to drugs and poisons.

SENATE COMMITTEE ON HUMAN RESOURCES AND FACILITIES

DATE: March 31, 1981

EXHIBIT B

PLEASE PRINT	PLEASE PRINT	PLEASE PRINT
NAME	ORGANIZATION & ADDRESS	TELEPHONE
<i>Lucille Plamont</i>	<i>Am Soc. of Certified Nurse</i>	<i>800-0794</i>
MARGARET TOLE	WASHOE Medical Center	359-4845
JANE MILLER	WASHOE Medical Center	785-4340
CHERYL HLASTON	WASHOE MEDICAL CENTER / ER	785 4036
<i>Mary Claskees</i>	<i>Washoe Medical Center</i>	<i>785-4036</i>
DIKE STOLL	WASHOE MED	785-4036
<i>Reba Chappell</i>	<i>State Health</i>	<i>4800</i>



STATE OF NEVADA
DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH
BUREAU OF COMMUNITY HEALTH SERVICES
505 EAST KING STREET
CARSON CITY, NEVADA 89710

(702) 885-4800

EXHIBIT C
Page 1 of 4

Senator Joe Neal, Chairman
Committee on Human Resources and Facilities
Nevada State Legislature

Attn: Senator Richard D. Blakemore

REPORT FROM THE SUB-COMMITTEE ON S.B. 406

The sub-committee, appointed on March 23, was charged to review S.B. 406 and present a consensus of agreement on the proposed amendments to NRS 450 B.1.

The sub-committee elected to meet immediately following the close of the Human Resources Committee session at 11:00 a.m., and worked until the members from Clark County had to leave to meet air flight schedules at about 1:00 p.m.

Senator Blakemore was in Senate Session during this time, however the draft report was reviewed with him prior to final preparation.

A detailed review of the proposed amendments and discussion of the intent for each was conducted. This resulted in agreement that many of the proposed amendments would be more properly and efficiently effected through administrative policy or agency regulations.

The proposed amendments which are appropriate to statutory intent are set forth in the agreed upon language in the attached recommendation.

The sub-committee members are Karl Munninger, EMS Coordinator, Clark County Health District; Robert Forbuss, Manager, Mercy Ambulance, Las Vegas; Fred Hillerby, Executive Director, Nevada State Hospital Ass'n; Jim Begbie Analyst, Washoe County Health District; and Reba Chappell, Chief, EMS Section, Nevada State Health Division, serving as chairman.

I wish to thank the Human Resources and Facilities Committee for the opportunity afforded the members of the sub-committee to present this report and the attached recommendation.

Reba L. Chappell
Reba L. Chappell, Chief
Emergency Medical Services

EXHIBIT C

REPORT FROM THE SUB-COMMITTEE ON S.B. 406

The sub-committee does respectfully present the following recommendation on S.B. 406 amending NRS 450 B.1:

RECOMMENDATION:

All proposed amendments to NRS 450 B.1 contained in S.B. 406 be deleted and the existing statutory language in NRS 450 B.1, as amended in S.B. 147, be restored; except for the following subsections:

1. NRS 450 B.130 is hereby amended to read as follows:

450 B.130 The board shall adopt regulations establishing reasonable minimum standards for:

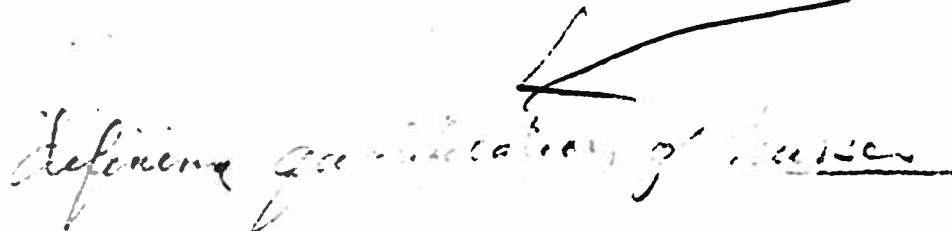
450 B.130,7. TREATMENT OF PATIENTS WHO ARE CRITICALLY ILL OR IN URGENT NEED OF TREATMENT.

2. NRS 450 B.160 is hereby amended to read as follows:

450 B.160,4. Each license is valid for a period not to exceed (three) TWO years, and is renewable BIANNUALLY THEREAFTER.

450 B.160,9. Licensed physicians and REGISTERED nurses may serve as attendants, EXCEPT THAT A REGISTERED NURSE MUST BE LICENSED AS AN ATTENDANT WHEN EMPLOYED BY AN AMBULANCE OR AIR AMBULANCE SERVICE OFFERING ADVANCED EMERGENCY CARE.

Defining qualifications of nurses



REPORT FROM THE SUB-COMMITTEE ON S.B. 406

Set protocol

EXHIBIT C

3. NRS 450 B.197 is hereby amended to read as follows:

450 B.197,5. (delete all of previous amendment; re-word as follows)
WHEN DIRECT COMMUNICATION BY VOICE OR TELEMTRY CAN NOT
BE ESTABLISHED WITH A PHYSICIAN OR A REGISTERED NURSE
SUPERVISED BY A PHYSICIAN AS DESCRIBED IN SUBSECTION 4.,
INITIATE MEASURES TO SUSTAIN A PATIENT IN A CRITICAL LIFE
THREATENED CONDITION.

- A. THE LIFE SAVING MEASURES MAY BE INITIATED ONLY IN CIRCUMSTANCES, UNDER CONDITIONS AND IN ACCORDANCE WITH WRITTEN PROTOCOLS DEVELOPED IN CONJUNCTION WITH A PHYSICIAN OR GROUP OF PHYSICIANS SUPERVISING THE ACTS OF ADVANCED EMERGENCY MEDICAL TECHNICIAN-A OR A GROUP OF PHYSICIANS SERVING A DISTRICT HEALTH DEPARTMENT AS AN ADVISORY BODY FOR ADVANCED EMT-A ACTS.
- B. SUCH PROTOCOLS WILL BE ISSUED AND IMPLEMENTED BY THE STATE HEALTH OFFICER AND RATIFIED BY THE BOARD FOR ADVANCED EMT-A CARE IN AREAS NOT IN A HEALTH DISTRICT. IN A HEALTH DISTRICT SUCH PROTOCOLS WILL BE ISSUED AND IMPLEMENTED BY A DISTRICT HEALTH OFFICER AND RATIFIED BY A DISTRICT BOARD OF HEALTH.
- C. THE ADVANCED EMT-A MUST ESTABLISH VOICE OR TELEMTRY COMMUNICATION WITH A PHYSICIAN OR REGISTERED NURSE SUPERVISED BY A PHYSICIAN AT THE EARLIEST POSSIBLE TIME AFTER SUCH MEASURES ARE INITIATED.

REPORT FROM THE SUB-COMMITTEE ON S.B. 406

EXHIBIT C

4. NRS 41.505 is hereby amended to read as follows:

41.505,1 (delete all of previous amendment; reword as follows)

1. Any physician or registered nurse who in good faith gives instruction to an EMERGENCY MEDICAL TECHNICIAN, AN INTERMEDIATE EMERGENCY MEDICAL TECHNICIAN OR AN ADVANCED EMERGENCY MEDICAL TECHNICIAN-A as defined in NRS 450 B - - -
 - (A) AT the scene of an emergency, and the (advance emt-a) TECHNICIAN who obeys such instruction shall not be held liable for any civil damages as a result of any act or omission not amounting to gross negligence (by such person) BY THE TECHNICIAN in rendering such emergency care.
 - (B) DURING THE CLINICAL TRAINING OF AN INTERMEDIATE EMERGENCY MEDICAL TECHNICIAN TRAINEE OR AN ADVANCED EMERGENCY MEDICAL TECHNICIAN-A TRAINEE, AND THE TRAINEE WHO OBEYS THAT INSTRUCTION MUST NOT BE HELD LIABLE FOR ANY CIVIL DAMAGES AS A RESULT OF ANY ACT OR OMISSION NOT AMOUNTING TO GROSS NEGLIGENCE BY THE TRAINEE IN PROVIDING CARE DURING THAT TRAINING
 - (C) DURING THE CLINICAL TRAINING PORTION OF CONTINUING MEDICAL EDUCATION OF AN INTERMEDIATE EMERGENCY MEDICAL TECHNICIAN OR AN ADVANCED EMERGENCY MEDICAL TECHNICIAN-A, AND THE INTERMEDIATE OR ADVANCED EMERGENCY MEDICAL TECHNICIAN-A WHO OBEYS THAT INSTRUCTION MUST NOT BE HELD LIABLE FOR ANY CIVIL DAMAGES AS A RESULT OF ANY ACT OR OMISSION NOT AMOUNTING TO GROSS NEGLIGENCE BY THE TRAINEE IN PROVIDING CARE DURING THAT TRAINING

S. B. 406

SENATE BILL NO. 406—SENATOR BILBRAY

MARCH 12, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Makes various changes in licensing for emergency medical services and establishes intermediate level of emergency medical technicians. (BDR 40-1100)

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 emergency medical services; establishing an intermediate class of emergency medical technicians-ambulance; revising provisions on expiration and renewal of certificates; extending certain limitations on liability; 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 450B of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.
- 3 SEC. 2. 1. *A person who is qualified as an emergency medical tech-*
4 *nician may be certified by the state health officer as an intermediate*
5 *emergency medical technician-ambulance if he completes an additional*
6 *training program which consists of at least 80 hours of training, including*
7 *40 hours of didactic and 40 hours of clinical instruction.*
- 8 2. *The holder of a certificate as an intermediate emergency*
9 *technician-ambulance may:*
- 10 (a) *Perform rescues, first aid and resuscitation; and*
11 (b) *Where voice communication is established and maintained with a*
12 *physician or with a registered nurse supervised by a physician, and upon*
13 *order of that physician or nurse, perform such procedures as he is*
14 *authorized to perform within the limits of his individual certification.*
15 *These procedures may include:*
- 16 (1) *Administering intravenous solutions;*
17 (2) *Performing an intubation into the airway by an esophageal tube;*
18 *and*
19 (3) *Applying of pneumatic trousers to control shock.*
- 20 3. *A person shall not represent himself to be an intermediate emer-*
21 *gency medical technician-ambulance unless he has on file with the health*
22 *division a certificate evidencing his successful completion of the training*
23 *program required by subsection 1.*

1 4. To maintain his certificate as an intermediate emergency medical
2 technician-ambulance, the holder must complete at least 20 more hours
3 of training in the effective period of his certificate before each renewal
4 than the holder of a certificate as an emergency medical technician is
5 required to complete in order to maintain his certification.

6 SEC. 3. 1. The board shall by regulation determine the effective peri-
7 ods of the certificates of emergency medical technicians, intermediate
8 emergency medical technicians-ambulance and advanced emergency med-
9 ical technicians-ambulance, but the effective periods of these certificates
10 must not exceed 3 years. For administrative convenience, the expiration
11 dates of these certificates may be arranged so that the dates are distributed
12 between odd-numbered and even-numbered years or coincide with the
13 expiration dates of the permits for operation of the ambulance or air
14 ambulance services which employ the holders of these certificates.

15 2. A holder of one of these certificates may renew his certificate if he
16 has completed the additional training required to maintain it and meets
17 the applicable qualifications established by the board.

18 SEC. 4. NRS 450B.130 is hereby amended to read as follows:

19 450B.130 The board [shall] may adopt regulations establishing rea-
20 sonable minimum standards for:

21 1. [Qualifications and training for] Training and qualification of
22 attendants [which it] if the board determines that such regulations are
23 necessary in addition to the statutory requirements for licensing [;]
24 attendants;

25 2. Sanitation [requirements for] in ambulances and air ambulances;

26 3. Medical and nonmedical equipment and supplies to be carried in
27 ambulances and air ambulances;

28 4. Interior configuration, design and dimensions of ambulances
29 placed in service after July 1, 1979;

30 5. Permits for operation of ambulance services and air ambulance
31 services; [and]

32 6. Records to be maintained by all ambulance services and air ambu-
33 lance services [.] ;

34 7. Treatment of patients who are critically ill or in urgent need of
35 treatment; and

36 8. Determination of the priority of need and proper place of treat-
37 ment for such patients.

38 SEC. 5. NRS 450B.160 is hereby amended to read as follows:

39 450B.160 1. The health division may issue licenses to attendants.

40 2. [Each license must be evidenced by a card issued to the license
41 holder.

42 3. The health division shall charge no fee for a license.

43 4. Each license is valid for a period not to exceed 3 years, and is
44 renewable.

45 5.] To obtain a license, [under the provisions of this chapter,] as
46 an attendant [shall] , an applicant must file with the health division:

47 (a) A current, valid certificate evidencing his successful completion of
48 a training program or course in advanced first aid equivalent to the pro-
49 grams or courses in advanced first aid offered by:

- 1 (1) The American Red Cross;
- 2 (2) The United States Bureau of Mines;
- 3 (3) The Armed Forces of the United States (to medical corps-
- 4 men); or
- 5 (4) Any other rescue or emergency first aid organization recognized
- 6 by the board.

7 (b) A signed statement showing his:

- 8 (1) Name and address;
- 9 (2) Employer's name and address; and
- 10 (3) Job description.

11 (c) Such other certificates for training and such other items as the

12 board may specify.

13 [6.] 3. An [attendant] applicant who is not a volunteer [shall]

14 must file with the health division, in addition to the items specified in sub-

15 section [5, a] 2:

16 (a) A current, valid certificate designating him as an emergency medical

17 technician [.] ; or

18 (b) Evidence that he holds a license as a nurse or a certificate as a

19 physician's assistant.

20 4. The health division shall issue a card to each person it licenses as

21 an attendant to evidence his license.

22 5. The license of an attendant expires on December 31:

23 (a) Of the odd-numbered year next following the date on which his

24 license was issued if he is employed by an ambulance or air ambulance

25 service whose name begins with a letter from A to L, inclusive.

26 (b) Of the even-numbered year next following the date on which his

27 license was issued if he is employed by an ambulance or air ambulance

28 service whose name begins with a letter from M to Z, inclusive.

29 [7.] 6. The board shall adopt such regulations as it determines are

30 necessary for the issuance, suspension, revocation and renewal of licenses.

31 [8.] 7. Each ambulance service and air ambulance service shall

32 annually file with the health division a complete list of the licensed attend-

33 ants [of such] in its service.

34 [9.] 8. Licensed physicians [and nurses] may serve as attendants

35 without being licensed as ambulance attendants.

36 SEC. 6. NRS 450B.180 is hereby amended to read as follows:

37 450B.180 1. Any person desiring certification as an emergency med-

38 ical technician [shall] must apply to the health division using forms pre-

39 scribed by the health division.

40 2. [The health division shall charge no fee for an emergency medical

41 technician certificate.

42 3.] The health division, under regulations and procedures adopted

43 by the board, shall make a determination of the applicant's qualifications

44 to be certified as an emergency medical technician, and shall issue a cer-

45 tificate as an emergency medical technician [certificate] to each qualified

46 applicant.

47 [4. An emergency medical technician certificate shall be valid for a

48 period not exceeding 2 years and may be renewed if the holder meets the

49 qualifications set forth in the regulations and standards established by the

50 board pursuant to this chapter.

1 5.] 3. The health division may suspend or revoke *the certificate of*
2 an emergency medical technician [certificate] if it [is determined] *finds*
3 that the holder no longer meets the prescribed qualifications. The holder
4 has the right of appeal to the board [.

5 6.] *from such an action.*

6 4. The board shall determine the procedures and techniques which
7 may be performed by an emergency medical technician and by those who
8 qualify to give advanced emergency care pursuant to [the provisions of]
9 subsection [7.

10 7.] 5.

11 5. The board shall determine *the training and other [requirements]*
12 *prerequisites* for the [delivery] *performance* of advanced emergency
13 care, including but not limited to defibrillation and administration of
14 parenteral injections. No attendant may give [.] and no ambulance service
15 may offer [, such] advanced emergency care without fulfilling the
16 requirements established by the board.

17 SEC. 7. NRS 450B.195 is hereby amended to read as follows:

18 450B.195 1. A training program for advanced emergency medical
19 technicians-ambulance must include at least 500 hours of training,
20 including but not limited to 300 hours of didactic and 200 hours of
21 clinical instruction. The program must include cardiac care and emer-
22 gency vehicle experience.

23 2. [A certified] *Each holder of a certificate as an advanced emer-*
24 *gency medical technician-ambulance must [undergo at least 40 hours*
25 *of further or refresher training yearly] complete at least 80 hours of*
26 *additional training in the effective period of his certificate before each*
27 *renewal* in order to maintain his certification, and *he* is subject to reex-
28 amination [every 2 years] by the state health officer [.] *before each*
29 *renewal.*

30 3. A person shall not represent himself to be an advanced emer-
31 gency medical technician-ambulance unless he has on file with the
32 health division [of the department of human resources] a currently
33 valid certificate [demonstrating] *evidencing his successful completion*
34 *of the training program required by this section.*

35 SEC. 8. NRS 450B.197 is hereby amended to read as follows:

36 450B.197 An advanced emergency medical technician-ambulance
37 may:

38 1. [Render rescue, first-aid] *Perform rescues, first aid and resuscita-*
39 *tion. [services.]*

40 2. During training at a hospital and while caring for patients in a
41 hospital, administer parenteral medications under the direct supervision
42 of a physician or a registered nurse.

43 3. Perform cardiopulmonary resuscitation and defibrillation in a
44 pulseless, nonbreathing patient.

45 4. Where voice [contact or a telemetered electrocardiogram is moni-
46 tored by] *communication is established and maintained with a physician*
47 *or with a registered nurse supervised by a physician [, and direct com-*
48 *munication is maintained,] and, if appropriate, a telemetered electro-*
49 *cardiogram of the patient is observed by the physician or nurse, upon*
50 order of [such] *the physician or nurse, perform such procedures and*

1 administer such drugs as are approved by the state board of health, which
2 may include but are not limited to:

- 3 (a) **[Administer]** *Administering* intravenous saline or glucose solu-
4 tions.
5 (b) **[Perform]** *Performing* gastric suction by intubation.
6 (c) **[Administer airway]** *Performing an* intubation **[by]** *into the air-*
7 *way by an* esophageal **[tube]** *or endotracheal tube.*
8 (d) **[Perform]** *Performing a* needle aspiration of the chest.
9 (e) **[Perform]** *Performing surgical* exposure of a vein or artery.
10 (f) **[Perform]** *Performing a* phlebotomy or **[draw]** *drawing* blood
11 specimens for analysis.
12 (g) **[Administer]** *Administering* drugs of the following classes:
13 (1) Antiarrhythmic agents.
14 (2) Vagolytic agents.
15 (3) Chronotropic agents.
16 (4) Analgesic agents.
17 (5) Alkalizing agents.
18 (6) Vasopressor agents.
19 (7) Diuretics.
20 (8) Narcotic antiagents.
21 (9) Anticonvulsive agent.
22 (10) Volume expanding agents.
23 (11) Topical ophthalmic solution.
24 (12) Intravenous glucose.
25 (13) Antihistiminic.
26 (14) Steroids.
27 (15) Bronchodilators.

28 5. *Where voice communication is not established and maintained*
29 *with a physician or with a registered nurse supervised by a physician,*
30 *perform the following procedures in accordance with written standing*
31 *orders of the state health officer or a local health officer:*

- 32 (a) *Perform an intubation into the airway by an esophageal or endo-*
33 *tracheal tube.*
34 (b) *Initiate intravenous therapy using specified solutions.*
35 (c) *Perform any other procedure described in subsection 4 if a written*
36 *standing order has been issued for performance of that procedure.*

37 SEC. 9. NRS 41.505 is hereby amended to read as follows:

38 41.505 1. Any physician or registered nurse who in good faith gives
39 instruction to an advanced emergency medical technician-ambulance, as
40 defined by NRS 450B.193 **[, at]** :

41 (a) *At the scene of an emergency, and the advance emergency medical*
42 *technician-ambulance who obeys **[such]** that instruction **[, shall]** must*
43 *not be held liable for any civil damages as a result of any act or omis-*
44 *sion **[,]** not amounting to gross negligence **[, by such person]** by the*
45 *technician in rendering **[such]** the emergency care.*

46 (b) *During clinical training, and the advanced emergency medical*
47 *technician-ambulance who obeys that instruction must not be held liable*
48 *for any civil damages as a result of any act or omission not amounting to*
49 *gross negligence by the technician in providing care during that training.*

1 2. Any person licensed under the provisions of chapter 630, 632 or
2 633 of NRS, who renders emergency care or assistance in an emergency,
3 gratuitously and in good faith, shall not be held liable for any civil dam-
4 ages as a result of any act or omission, not amounting to gross negli-
5 gence, by such licensed person in rendering the emergency care or
6 assistance or as a result of any failure to act, not amounting to gross neg-
7 ligence, to provide or arrange for further medical treatment for the
8 injured or ill person. This section does not excuse a physician or nurse
9 from liability for damages resulting from his acts or omissions which
10 occur in a licensed health care facility relative to any person with whom
11 there is a preexisting patient relationship.

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S. B. 409

**SENATE BILL NO. 409—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES**

MARCH 12, 1981

Referred to Committee on Human Resources and Facilities

**SUMMARY—Creates office of advocate for residents of facilities for
long-term care. (BDR 40-1115)**

**FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.**

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to health and care facilities; creating the office of advocate for residents of facilities for long-term care; providing its powers and duties; providing for the investigation of complaints about facilities; providing a fine; 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 449 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 16, inclusive, of this act.
3 SEC. 2. *As used in this act, unless the context otherwise requires:*
4 1. "Advocate" means the advocate for residents of facilities for
5 long-term care.
6 2. "Facility for long-term care" means a group care facility as defined
7 in NRS 449.005, an intermediate care facility as defined in NRS 449.014
8 and a skilled nursing facility as defined in NRS 449.018, which specially
9 provide services or care to the elderly at the facility.
10 3. "Volunteer advocate" means a volunteer issued an identification
11 card pursuant to section 10 of this act.
12 SEC. 3. 1. The office of the advocate for residents of facilities for
13 long-term care is hereby created in the aging services division of the
14 department of human resources.
15 2. The advocate must be appointed by the administrator of the aging
16 services division at a salary determined by the administrator.
17 3. The advocate may not accept any other employment while serving
18 as advocate.
19 4. No person may be appointed as an advocate within 2 years after
20 holding any pecuniary interest in a facility for long-term care.
21 SEC. 4. With the approval of the administrator of the aging services
22 division, the advocate may:

1 1. Employ persons in the classified service of the state as are neces-
2 sary to carry out the functions of his office.

3 2. Adopt regulations necessary to carry out the provisions of sections
4 2 to 16, inclusive, of this act.

5 3. Solicit and accept money from public and private sources to carry
6 out the purposes of those provisions.

7 4. Perform any other functions assigned by law.

8 SEC. 5. The advocate shall:

9 1. Establish by regulation procedures:

10 (a) For receiving, investigating, referring and attempting to voluntarily
11 resolve any complaints made by or on behalf of a resident of a facility
12 for long-term care; or

13 (b) In regard to any act or policy of any facility or governmental
14 agency which may adversely affect the health, safety, welfare or civil
15 rights of any resident.

16 2. Investigate any act of a governmental agency which may affect
17 those residents and report the results of his investigation to the adminis-
18 trator of the aging services division.

19 3. Recommend and review policies, legislation and regulations, both
20 in effect and proposed, which affect facilities for long-term care.

21 4. Upon request, advise and assist the governor, the legislature and
22 public and private groups in formulating and putting into effect policy
23 which affects facilities for long-term care and their residents.

24 5. Record and analyze information and complaints about facilities
25 for long-term care to identify problems affecting their residents.

26 6. Educate the public on the special problems and needs of residents
27 of facilities for long-term care and assist community groups in develop-
28 ing projects to improve the quality of life of the residents.

29 7. Report annually to the administrator of the aging services divi-
30 sion about the activities of the office.

31 SEC. 6. 1. The advocate may, upon his own initiative or upon a
32 complaint by or on behalf of a resident of a facility for long-term care,
33 investigate or appoint a volunteer advocate to investigate, any act or
34 policy which may adversely affect the health, safety, welfare or civil
35 rights of any resident.

36 2. If the identity of a complainant is known, the advocate shall notify
37 him of the advocate's decision to investigate or not to investigate the
38 complaint and the reasons for that decision.

39 SEC. 7. In conducting an investigation, the advocate and any volun-
40 teer advocate may:

41 1. Enter any facility for long-term care without notice between the
42 hours of 8 a.m. and 8 p.m. and, after notifying the person in charge of
43 the facility of his presence, inspect the facility and any records main-
44 tained by the facility except the medical and personal financial records
45 of any particular resident. The medical and personal financial records of
46 a resident may be inspected only with the informed consent of the resi-
47 dent or his legal guardian.

48 2. Obtain such assistance and information from any agency of the
49 state or any of its political subdivision and have access without notice to

1 any records of that agency as is necessary properly to perform the
2 investigation.

3 SEC. 8. 1. After conducting an investigation, the advocate shall
4 notify the complainant, the party complained about and any other
5 affected party of the results of the investigation. The advocate shall make
6 recommendations when appropriate and shall attempt to resolve any
7 problem revealed by the investigation through mediation.

8 2. In appropriate cases, the advocate shall refer the results of the
9 investigation to appropriate governmental agencies with authority to
10 enforce applicable laws and regulations through administrative, civil or
11 criminal proceedings.

12 3. Except as provided in subsection 4, if the advocate believes it
13 would help resolve a problem, he may make public any information
14 about a complaint, investigation, a problem revealed by an investigation,
15 the recommendations for resolving the problem and the response to the
16 recommendations.

17 4. The identity of a complainant or a resident of a facility for long-
18 term care may be made public by the advocate only if:

- 19 (a) The complainant or resident authorizes the disclosure; or
20 (b) Required by a court upon its determination that the disclosure is
21 necessary to a judicial proceeding in that court.

22 5. The advocate shall notify a complainant of the ultimate disposi-
23 tion of the matter raised in his complaint.

24 SEC. 9. 1. The advocate shall prepare and distribute to each facility
25 for long-term care a notice describing the purpose of his office and the
26 procedure for making a complaint, including the address and telephone
27 number of his office.

28 2. The advocate shall adopt regulations describing the manner in
29 which the notice must be posted.

30 3. The person in charge of each facility for long-term care shall
31 provide a copy of the notice to each resident of the facility or to his
32 guardian. That person shall also post the notice according to regulations
33 adopted by the advocate.

34 SEC. 10. 1. The advocate may select and train persons to be volun-
35 teer advocates who shall be issued a card identifying them as volunteer
36 advocates upon completion of their training.

37 2. The volunteer advocates may:

38 (a) Regularly enter facilities for long-term care, visit the residents and
39 communicate with the family of residents and others interested in their
40 welfare for the purpose of soliciting and receiving complaints.

41 (b) Report to the advocate concerning complaints received and other
42 matters appropriate for investigation.

43 (c) At the request of the advocate, conduct an investigation upon a
44 matter, attempt to resolve the matter and report the results to the
45 advocate.

46 (d) Inform the community about the activities of the office and about
47 the special problems and needs of residents.

48 (e) Perform other tasks the advocate assigns.

49 SEC. 11. Except as provided in subsection 3 of section 8 of this act,

1 information gathered through an investigation is confidential and may not
2 be disseminated to the public.

3 SEC. 12. Any person who is employed by a facility for long-term
4 care or who provides services to residents of the facility and who has
5 reasonable cause to believe that a resident of a facility has been abused,
6 neglected, exploited or abandoned shall report that information to the
7 advocate or the volunteer advocate within 5 days after obtaining the
8 information.

9 SEC. 13. Any correspondence between the advocate or a volunteer
10 advocate and a resident of a facility for long-term care which is handled
11 by the facility must be promptly forwarded or delivered to the advocate
12 or resident without being opened.

13 SEC. 14. Any information provided or complaint made in good faith
14 by any person to the advocate or a volunteer advocate, and any com-
15 munication made in good faith by the advocate or a volunteer advocate
16 which is relevant to a complaint or investigation, is absolutely privileged
17 and may not be the basis for an action involving libel or slander.

18 SEC. 15. No facility for long-term care may discharge or in any
19 manner discriminate or retaliate against any resident, employee or other
20 person because of a complaint made or information provided in good
21 faith to the advocate or a volunteer advocate.

22 SEC. 16. A person who:

23 1. Willfully fails to comply with the provisions of subsection 3 of
24 section 9 of this act or sections 12, 13 or 15 of this act;

25 2. Willfully hinders the advocate or a volunteer advocate in perform-
26 ing their lawful duties;

27 3. Willfully refuses to allow the advocate or a volunteer advocate to
28 enter and inspect the records of a facility for long-term care; or

29 4. Offers anything of value to the advocate or any one associated
30 with his office for the purpose of affecting any matter under investigation
31 or likely to come under investigation,

32 shall be fined not less than \$500 and not more than \$1,000, which may
33 be recovered by the attorney general or the district attorney of the county
34 in which the violation occurred.

S. B. 433

SENATE BILL NO. 433—SENATOR JACOBSEN

MARCH 23, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Transfers division of historic preservation and archeology and Comstock historic district commission to department of museums and history. (BDR 33-1761)

**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 historic preservations; transferring the division of historic preservation and archeology and the Comstock historic district commission to the department of museums and history; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 **SECTION 1. NRS 381.004 is hereby amended to read as follows:**
2 **381.004 1. The department of museums and history is hereby cre-**
3 **ated.**
4 **2. The department consists of:**
5 **(a) The office of the administrator;**
6 **(b) The Nevada state museum, including the Lost City museum;**
7 **[and]**
8 **(c) The Nevada historical society [.] ;**
9 **(d) *The division of historic preservation and archeology; and***
10 **(e) *The Comstock historic district commission.***
11 **SEC. 2. NRS 381.006 is hereby amended to read as follows:**
12 **381.006 The administrator of the department of museums and**
13 **history:**
14 **1. Is responsible to the governor for the general administration of**
15 **the department and for the submission of its budgets, which must include**
16 **the combined budgets of the Nevada state museum [and] , the Nevada**
17 **historical society [.] , *the division of historic preservation and arche-***
18 ***ology and the Comstock historic district commission.***
19 **2. Shall supervise the directors of the two institutions *and the***
20 ***administrator of the division* in matters pertaining to [the] general**
21 **administration. [of the institutions.]**
22 **3. Shall coordinate the submission of requests by the two institu-**
23 **tions, *the division and the commission* for assistance from governmental**
24 **sources.**

1 4. Shall oversee the public relations of the two institutions [.] , *the*
2 *division and the commission.*

3 5. Shall superintend the planning and development of any new
4 facilities for the department. [or its institutions.]

5 6. Shall assist the efforts of the two institutions in improving their
6 services to the rural counties.

7 7. Shall supervise the facilities for storage which are jointly owned
8 or used by the two institutions.

9 SEC. 3. NRS 381.207 is hereby amended to read as follows:

10 381.207 1. A permitholder, except as provided in subsections 2 and
11 3, who does work upon aboriginal mounds and earthworks, ancient burial
12 grounds, prehistoric sites, fossil bone deposits or other archeological and
13 vertebrate paleontological features within the state shall give to the state
14 50 percent of all articles, implements and materials found or discovered,
15 to be deposited with the state museum, for exhibition or other use within
16 the state as determined by the director. The director may [, in his discre-
17 tion,] accept less than 50 percent of such items. Upon receipt of items
18 pursuant to this subsection the director shall notify the division of historic
19 preservation and archeology. [of the state department of conservation
20 and natural resources.]

21 2. A permitholder who does any such work within the state under the
22 authority and direction of the Nevada historical society, a state institution
23 or a political subdivision of the state shall give 50 percent of all articles,
24 implements and materials found or discovered to such society, institution
25 or political subdivision. The permitholder may retain the other 50 per-
26 cent.

27 3. If the Nevada historical society, a state institution or a political
28 subdivision is the permitholder, such society, institution or political sub-
29 division may retain all articles, implements and materials found or dis-
30 covered.

31 4. Whenever the division of historic preservation and archeology
32 acquires articles, implements and materials under the provisions of this
33 section, they [shall] *must* be transferred to the director for exhibition or
34 other use within the state as determined by the director.

35 SEC. 4. NRS 381.223 is hereby amended to read as follows:

36 381.223 Any object of antiquity taken, or collection made, on his-
37 toric or prehistoric sites covered by NRS 381.195 to 381.227, inclusive,
38 without a permit [shall] *must* be seized by the proper law enforcement
39 officers, who shall notify the director of the action. The object or collec-
40 tion so taken [shall] *must* be forfeited to the state at the Nevada state
41 museum for exhibition or other use within the state as determined by the
42 director. Upon receipt of any forfeited item pursuant to this section the
43 director shall notify the division of historic preservation and archeology.
44 [of the state department of conservation and natural resources.]

45 SEC. 5. NRS 383.011 is hereby amended to read as follows:

46 383.011 As used in this chapter, unless the context otherwise
47 requires:

48 1. "Administrator" means the administrator of the division.

49 2. "Advisory board" means the advisory board for historic preserva-
50 tion and archeology.

1 3. ["Director" means the director of the state department of conser-
2 vation and natural resources.

3 4.] "Division" means the division of historic preservation and arche-
4 ology of the [state department of conservation and natural resources.]
5 *department of museums and history.*

6 SEC. 6. NRS 383.031 is hereby amended to read as follows:

7 383.031 The administrator of the division:

8 1. [Shall] *Must* be selected by the administrator of the department of
9 *museums and history* with special reference to his training, experience,
10 capacity and interest in historic preservation or archeology, or both.

11 2. *Is in the unclassified service of the state.*

12 3. Is entitled to the subsistence allowance and travel expenses pro-
13 vided by law [.] *for state officers and employees.*

14 [3.] 4. Shall devote his entire time and attention to the business
15 of his office and shall not pursue any other business or occupation or
16 hold any other office of profit.

17 SEC. 7. NRS 383.041 is hereby amended to read as follows:

18 383.041 The administrator, subject to administrative supervision by
19 the [director,] *administrator of the department of museums and history,*
20 is responsible for carrying out all provisions of law relating to the
21 functions of the division. He may employ, within the limits of available
22 money, any clerical and operational personnel necessary for the adminis-
23 tration of the division.

24 SEC. 8. NRS 383.051 is hereby amended to read as follows:

25 383.051 1. The advisory board for historic preservation and arche-
26 ology is hereby created [.] *within the division.*

27 2. The advisory board consists of:

28 (a) One member who is a historian.

29 (b) One member who is an archeologist qualified in prehistoric and
30 historic archeology, or one member who is qualified in prehistoric
31 archeology and one member who is qualified in historic archeology.

32 (c) One member who is an architect and who is qualified in archi-
33 tectural history, or one member who is an architect and one member
34 who is an architectural historian.

35 (d) One member who is a representative of the general public.

36 (e) If four members have been appointed under paragraphs (a) to
37 (d), inclusive, of this subsection, one member who is qualified under
38 any of those paragraphs.

39 3. The governor shall appoint the members of the advisory board
40 from a list submitted by the director. After the expiration of the initial
41 terms, the term of each member is 4 years.

42 4. The administrator shall serve as chairman of the advisory board,
43 but may not vote except in the event of a tie.

44 SEC. 9. NRS 383.081 is hereby amended to read as follows:

45 383.081 1. The administrator shall prepare and maintain a compre-
46 hensive statewide historic preservation plan. The plan must contain:

47 (a) An evaluation of the needs for preservation of historic sites;

48 (b) A program for carrying out the plan; and

49 (c) Other information which the administrator determines to be nec-
50 essary.

2. The plan must:

(a) Take into account relevant federal resources and programs; and

(b) Be correlated insofar as practicable with other state, regional and local plans.

3. The administrator, subject to approval by the [director,] *administrator of the department of museums and history*, may represent and act for the state in dealing with the Federal Government or any of its agencies, instrumentalities or officers for the purposes of receiving financial assistance for planning, acquisition or development of historic preservation projects pursuant to the provisions of federal law.

4. The administrator, subject to approval by the [director,] *administrator of the department of museums and history*, may administer and disburse to other state agencies, political subdivisions, eleemosynary organizations, nonprofit organizations and private persons and enterprises money paid by the Federal Government to the State of Nevada as financial assistance for planning, acquisition or development of historic preservation projects, and the administrator shall, on behalf of the state, keep such records as the Federal Government prescribes and as will facilitate an effective audit, including records which fully disclose:

(a) The amount and the disposition by the state of the proceeds of that assistance;

(b) The total cost of the project or undertaking in connection with such assistance as given or used; and

(c) The amount and nature of that portion of the cost of the project or undertaking supplied by other sources.

5. Authorized representatives of the Federal Government have access for the purpose of audit and examination to any books, documents, papers and records of the state that are pertinent to financial assistance received by the state pursuant to federal law for planning, acquisition or development of historic preservation projects.

SEC. 10. NRS 383.101 is hereby amended to read as follows:

383.101 The administrator, subject to the approval of the [director,] *administrator of the department of museums and history*, may:

1. Apply for grants, gifts and donations from public and private sources, including the Federal Government.

2. Receive money from public and private sources in payment for services rendered.

SEC. 11. NRS 383.111 is hereby amended to read as follows:

383.111 1. The administrator, subject to the approval of the [director,] *administrator of the department of museums and history*, may negotiate contracts for:

(a) Historic preservation activities.

(b) Archeological activities.

2. Any contract for services may include a charge sufficient to cover overhead expenses.

SEC. 12. NRS 384.040 is hereby amended to read as follows:

384.040 The Comstock historic district commission, consisting of nine members appointed by the governor, is hereby created [.] *in the department of museums and history*.

SEC. 13. NRS 384.050 is hereby amended to read as follows:

1 384.050 1. The governor shall appoint:

2 (a) One member who is a county commissioner of Storey County.

3 (b) One member who is a county commissioner of Lyon County.

4 (c) One member who is the administrator or an employee of the
5 division of historic preservation and archeology of the [state depart-
6 ment of conservation and natural resources.] *department of museums
7 and history.*

8 (d) Two members who are persons licensed to practice architecture in
9 the State of Nevada.

10 (e) Four members who are persons interested in the protection and
11 preservation of structures, sites and areas of historic interest and are
12 residents of the district.

13 2. The commission shall elect one of its members as chairman and
14 another as vice chairman, who shall serve for a term of 1 year or until
15 their successors are [duly] elected and qualified.

16 3. Each member of the commission is entitled to receive a salary
17 of \$40 for each day's attendance at a meeting of the commission and
18 the per diem allowance and travel expenses provided by law.

19 SEC. 14. NRS 232.090 is hereby amended to read as follows:

20 232.090 1. The department consists of the director and the follow-
21 ing divisions:

22 (a) The division of water resources.

23 (b) The division of state lands.

24 (c) The division of forestry.

25 (d) The division of mineral resources.

26 (e) The division of state parks.

27 (f) The division of conservation districts.

28 (g) The division of environmental protection.

29 (h) The division of water planning.

30 (i) [The division of historic preservation and archeology.

31 (j)] Such other divisions as the director may from time to time
32 establish.

33 2. The state environmental commission and the state conservation
34 commission are within the department.

35 SEC. 15. NRS 361A.050 is hereby amended to read as follows:

36 361A.050 "Open-space use" means the current employment of land,
37 the preservation of which use would conserve and enhance natural or
38 scenic resources, protect streams and water supplies or preserve sites
39 designated as historic by the division of historic preservation and arche-
40 ology of the [state department of conservation and natural resources.]
41 *department of museums and history.*

42 SEC. 16. NRS 232.138 is hereby repealed.