

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

SIXTY-FIRST SESSION  
NEVADA STATE LEGISLATURE  
May 14, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal, at 8:13 a.m., Thursday, May 14, 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  
Senator James N. Kosinski, Vice-Chairman  
Senator Richard Blakemore  
Senator James Bilbray  
Senator Wilbur Faiss  
Senator Virgil Getto

GUEST LEGISLATORS PRESENT:

Senator Norman Glaser

STAFF MEMBER PRESENT:

Joy-el McBride, Secretary

Mr. Steve Robinson from the Department of Prisons came to the hearing to answer questions regarding the Jean Facility medical care.

Senator Bilbray said he was concerned about recent articles in the Las Vegas Sun in regards to a prisoner named Michael Lingo, who was reported to have been sentenced to life imprisonment as a habitual offender for a \$1.59 robbery. The earlier offenses were from when he was a teenager. Senator Bilbray's main concern was the fact that in the affidavits he had received he learned Mr. Lingo was suffering from diabetes and diabetic retinopathy, and letters from physicians that had examined him since 1978 state Mr. Lingo will be blind unless he receives treatment. Even though he is a

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prisoner at the facility, Senator Bilbray wanted to know if he is receiving treatment or if the prison budget can handle such treatment.

Mr. Robinson said Mr. Lingo has a long history of treatment with the department. Mr. Robinson stated that Mr. Lingo had been diagnosed with diabetes in 1977. He was transferred to Vacaville, California for special treatment after the diabetes was detected. In 1980, he was seen by the doctor a total of 17 times, which included 15 visits by the institutional doctor and 2 outside trips to a downtown referred physician. During one of his treatments when he received laser treatment, he escaped for approximately 3 months. When he was apprehended he was transferred back to the Jean facility. From that day to the present has been seen by the institutional doctor 16 times and twice by an outside doctor. An institutional nurse sees him 2 to 3 times daily. He has been refusing to eat. Mr. Robinson said Mr. Lingo was transferred to the Northern Nevada Correctional Center today because the doctors have diagnosed his condition as being serious enough to send him to Carson City, where they send the long term individuals who need long term treatment. Mr. Robinson said they recognize his medical condition, he has been treated, continually and well.

Senator Neal asked Mr. Robinson if he knew what some of Mr. Lingo's prior convictions were. Mr. Robinson said he did not know except that they were committed in other states for the most part. Senator Neal asked Mr. Robinson if he could supply the committee with a copy of Mr. Lingo's conviction record. Mr. Robinson said yes, but he would need to get approval of the inmate. Senator Neal said conviction records are public knowledge. Mr. Robinson said they are on the same sheet as arrest records.

Senator Neal asked Mr. Robinson the names of the doctors that have treated Mr. Lingo since he was incarcerated. Mr. Robinson said he could only give the names of the physicians at the prison. He said they have had four physicians since 1978 at the Jean facility. They had Dr. Angelisio from January 1978 to April 1978, Dr. George Lyas from May, 1978 to April, 1980, they had a vacancy from April, 1980 to January, 1981, contracted a Las Vegas doctor in February, 1981.

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Senator Neal asked how often the physician comes to the facility. Mr. Robinson said the doctor comes 3 times a week for sick call. The nurse, a registered nurse, conducts sick call daily. There is 24 hour coverage with either a licensed practical nurse or registered nurse.

Senator Neal asked if the physicians at the Carson facility are on contract. Mr. Robinson said they are state employees that work 40 hours a week.

SENATE BILL NO. 650

Mr. John Fransway, chairman of the Nevada State Environmental Commission said they requested Senator Glaser to draft a bill stating exactly as this bill reads in the summary. Now the bill has been drafted, the only part of it they are in support of is the summary. They want an amendment on the bill to put the membership the way it was.

Ms. Ann Zorn, a member of the commission said they do not have control over the budget or review of their own staff. She said she personally would like to see some criteria on the appointment of the non-agency members of the commission, that they have some type of knowledge and interest in environmental affairs. She said they agree with Mr. Fransway that the commission makeup functions quite well and she urged the committee to amend the bill back to the original position.

Senator Neal asked Mr. Fransway what some of the specific problems were that caused this bill draft request. Mr. Fransway said if, for instance, the department found Elko County guilty of a violation because their dump was on fire, and Elko County calls for a hearing before the commission, the commission should sit as an independent group and not be influenced by the same department that cited the infraction.

Senator Bilbray noted there was no fiscal note on the bill and asked Mr. Fransway if that meant there is no difference at all in cost by having the commission separate. Mr. Fransway said their budget has been accepted and closed and they could live with it.

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Mr. Jim Hannah, Executive Secretary of the Environmental Commission said the 7 members would increase the salaries that are paid to the commissioners, but the 7 members would reduce the travel expenses that are required from 9 to 7 for commission meetings. With the increase in salaries and the decrease in travel, the difference is only \$554 per year more than what was originally projected.

Senator Kosinski asked Mr. Hannah if they had fewer meetings, would they still need a full time secretary. Mr. Hannah said no. Ms. Dorn said there is a great deal of paperwork. When she came to the commission, the minutes were a year behind.

Senator Norman Glaser stated the legislature passed the Environmental Act in 1971 and set up a commission. Since that time, they have been groping to set up the techniques and the committee and the housing of the commission. Initially the chairman was the head of the Department of Conservation and Natural Resources. The legislature decided they did not want a staff person chairing the commission, so they reconstituted the committee the way it is presently. He said he endorsed that concept. He said if the committee decided to pass out SENATE BILL NO 650, he suggested the amend out the portion that states the Governor shall appoint 7 members. He said one of the commission had when Senator Glaser was the chairman was they were stashed away with the Water Resource people and the executive secretary was separated from the people he was supposed to work with. They would work up agendas and appear and commission meetings and the secretary was not in touch or coordinated with the other people of the Environmental Protection Commission. Then they moved the secretary over to the Environmental Protection people and they had another problem. Those people began to encroach upon the area of his working on an objective agenda and making objective recommendations to the committee. The regulators were influencing the policy makers. A separation must be attained. Senator Glaser said when he realized Mr. Fransway was having the same problems he had experienced as the chairman, he had the bill drafted.

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Mr. Thomas Ballow, Executive Director of the Department of Agriculture and a member of the Environmental Commission stated he has been on the commission since January of 1972 and has functioned with the commission through the other changes that have been made. Based on that experience he recommended the commission be separated and not be under any department. He also recommended the membership remain as presently exists.

Senator Kosinski asked Mr. Ballow what pressures have been faced that make him believe a separation is needed. Mr. Ballow said the most tremendous pressure comes from the Environmental Protection Agency, which is a federal agency. They apply the pressure on the Division of Environmental Protection and the Department of Natural Resources by demanding large grants of money to that division and to that department. That money hires large numbers of employees and because of having purse-strings attached to the Environmental Protection Agency, they have a tremendous amount of control over that division and department. They limit the information that is provided to the commission.

Mr. Roland Westegard, Director of the Department of Conservation and Natural Resources agreed with the comments made regarding the membership of the commission. He does feel the current membership is appropriate. He opposes the bill, however, and stated he feels the commission has autonomy. He said the Department of Conservation and Natural Resources only supplies advise and support to the commission. They enforce the rules, regulations and standards the commission adopts. He then stated he feels the entire matter boils down to one thing and that is a disagreement on the budget process. They were directed by the Executive to cut, if at all possible, 10 percent of the staffing statewide.

SENATE BILL NO. 651

Mr. Don Hamilton, operator of 3 child-care preschools in Clark County, stated he is not an activists with the state legislature because prior to 2 years ago, the legislators controlled the state regulations in the child-care industry and were also administered on the county level, where he was primarily involved, and on the city level. When the

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new committee was formed that this bill is about, there were quite a number of changes made and were made without the approval of the legislators. The total industry is not well represented. The 3-man committee has not done the job the legislators had done prior to the committee. He said he feels the board should be more representative by having more people on it, specifically people from the industry. He said he feels the regulations should be from the legislators and suggested the board be abolished.

Senator Neal asked how additional members to the board would help in the care of children in the centers. Mr. Hamilton said by having people from the industry on the board, the board would understand the problems of the industry and would know what good child care is.

Mr. Gary Vause, owner of 3 child-care preschools and state licensed kindergartens in Las Vegas and Clark County stated many proposals that have been adopted by the board have the effect of raising the cost of delivering child care services to children. That additional cost is passed on to consumers. The alternative to consumers is to go to some sort of public assistance and that is being cut. Often consumers go to unlicensed child care. There is a lot of that in this state and that is why the people in the industry got behind the bill that created the board. Mr. Vause said the problem is that the board is appointed and has awesome powers. They pass a regulation and it has the force and effect of law. They ignore the pleas of those in the child care industry, who represent the parents. There is no veto power over what they do.

Senator Neal asked Mr. Vause what the basis of the hostility between the board and the people in the industry. Mr. Vause said it is the proposals the board has put for adoption. He said one of the proposals is to change the ratio from 1 for the first 5 children, 1 for the next 15, then 1 for every 15 thereafter up to 80, then it is 1 for every 13 to an overall ratio of 12 to 1. After the industry gave the board literally thousands of signatures of parents pleading to leave the ratio alone, the board came up with the existing ratio.

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Ms. Mae Shelton, Director of Welfare in Washoe County stated she endorses the idea of increasing the membership of the board from 3 to 5, one from the health profession, one representative of the consumers, one be an educator, and two representatives from the industry.

Mr. Dan Fitzpatrick, representing Clark County stated the county licensing department is in conjunction with the social services division and therefore he has some familiarity with the board. He said their position was in support of a 5-member board, but not with the composition shown in SENATE BILL NO. 651. They feel strongly that the majority should not be made up of those being regulated. He stated they endorse the position suggested by Washoe County.

Ms. Jackie Reilly, President of the Nevada Association for the Education of Young Children testified in opposition to SENATE BILL NO. 651 as it is in its present form. She then furnished the committee with amendment recommendations from the association. (EXHIBIT C)

Ms. Linda Vlautin stated she is the Chairman of the State Board and also a member of the Nevada Association for the Education of Young Children. She said she was not notified of a meeting of the association to take the stand Ms. Reilly testified to and she continued to state her stand. She said the board needs more members. She would approve of a 5-member board and would like a member be from the rural areas. Senator Kosinski asked Ms. Vlautin if she supported the Washoe County position. She said she did.

Ms. Fonda Kramer, representing the non-profit child care providers of Washoe County stating they are interested in the expansion of the board from 3 to 5 members, but do not agree with the proposed changes as outlined in the bill. They would like to see a more balanced board than the one proposed. She stated they are in support of the recommendations of Ms. Reilly from the Nevada Association for the Education of Young Children. Senator Faiss said several people at the hearing had agreed with the Washoe proposal and asked Ms. Kramer what she found wrong with it. Ms. Kramer said the major difference is between having a

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family home care provider versus a non-profit provider. She said she was at the hearing to endorse the Nevada Association for the Education of Young Children's proposal, however she would also be happy with Washoe County's proposal.

Ms. Nellie Drees stated she is currently serving as the health care representative appointed to the child care board and testified in support of increasing the size of the board but not as SENATE BILL NO. 651 states it. Her testimony is EXHIBIT D. She stated as a member of the board she has withstood extraordinary pressures to lower standards in the interest of cost.

Ms. Connie Mormon, owner of three child care facilities in Las Vegas stated she has seen changes in child care which have lost sight of the child. She said with the changes all talk is about numbers and paper. She said the ratio number depends upon the person taking care of the children. She said years ago they were able to take care of the children without worrying if the board would find out they had one too many children in the room. Ms. Mormon continued by stating she did not want to be judge by people that do not know the industry. She said laypersons can give suggestions, but they cannot tell those in the industry how to do their business.

Ms. Marguerite Ball, Chief of Child Care Services Bureau, Youth Services Division stated the Board for Child Care is appointed by the Youth Service Division and works in concert with the Child Care Services Bureau to insure quality child care for Nevada's children. She said the board is extremely important because the rules and regulations it adopts presently impacts approximately 10,000 children and the policy it implements indirectly effects all of Nevada's children. She said they are pleased of the enlargement of the board from 3 to 5 members, however recommended an amendment which basically follows Washoe County's proposal. She stated one member should be from the health care field, one consumer, one provider representing a child care facility licensed to care for 20 or more, a provider representing a child care facility licensed to care for 12 or less, two members from rural Nevada and stated



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the enlargement of the board will impact the budget of the Youth Services Division. (EXHIBIT E) She stated the fifth position would be an educator, and of the 5 members, two would be from rural Nevada.

Being no further business, the meeting was adjourned at 10:28 a.m.

Respectfully submitted:

  
Joy-el McBride, Secretary

APPROVED BY:

  
SENATOR JOE NEAL, CHAIRMAN

Date: 5-18-81

SENATE AGENDA

COMMITTEE MEETINGS

Committee on Human Resources and Facilities , Room 323

Day Thursday , Date May 14 , Time 8:00 a.m.

Discussion of medical care at Jean Facility.

S. B. No. 650--Separates state environmental commission from state department of conservation and natural resources.

S. B. No. 651--Enlarges board of child care.

A. J. R. No. 41--Memorializes Congress to assume responsibility for persons harmed by nuclear testing.

TO: Committee members, Human Resources and Facilities.

Attached information for your review for above hearing.

Mrs. James Billroy  
 3716 Mountcrest Dr.  
 Las Vegas, Nevada 89121

April 29, 1981

Dear Mrs. Billroy:

I am writing you this letter from where I am confined at the correctional facility at Jean, Nevada. As soon as I returned to my cell this afternoon a guard handed me your name and address, stated that your husband is Senator James Billroy, and that the superintendent here suggested that I write to you. I assume that it must concern my case and the article that recently appeared in the Las Vegas Sun. I must admit that I feel extremely awkward writing to the wife of a state senator but I will do the best I can.

I wish to retain an attorney to make a motion for me for a retrial or an application for me to appear before the pardon board but I am financially unable to do so. "Justice" in this state seems to be the color of green. In the hospital event an attorney were to extend free representation, I would certainly repay him upon my release from confinement. But I have nothing to offer now.

I was in fact ordering hypoglycemia (insulin shock) at the

-2-

time of the commission of my offense and, by law, an unconscious person is incapable of formulating the necessary intent to commit a crime. If it had not been for the totally untrue "under oath" testimony by county-employed psychiatrist Dr. O'Gorman that a diabetic in insulin shock is not able to physically function, I would not have been convicted and confined to this small cell for the past four + years. Dr. Harold Malone (in the article - and whom I don't even know) and other doctors openly refute Dr. O'Gorman's testimony. At the trial, the public defender who tried to represent me refused to call medical specialists to the stand to refute Dr. O'Gorman's testimony due to a shortage of funds.

In essence, I was sentenced to life imprisonment (at least 30 years before my initial parole board appearance) for hitting but not injuring a man of \$1.59 in charge while I was in an unconscious diabetic insulin shock. According to numerous doctors my diabetic retinopathy (a progressive eye disease) will cause me to become blind soon and die in a couple of years. This is comparable to the death penalty. Somehow, all of this just doesn't seem too equitable. Especially when I observe that someone like Larry Lomb can commit a murder (along with a multitude of other previous crimes) and

-3-

spend only five minutes in jail.

Another reason that led to my conviction as a "habitual offender" is a conviction for car theft 24 years ago when I was 15 years old, a forgery conviction 19 years ago, a burglary conviction 16 years ago, and a conviction for a misdemeanor charge of attempting to forge a prescription 9 years ago. But I am not a robber or a violent person and I did not commit this crime. To offset the preceding, I did attend college and earned all but a few credits toward achieving a BA degree in sociology at UCLA.

Mrs. Billings, I have really reached the limit of diminishing returns in this 6'x8' prison cell and I would like very much to be able to see and to be with my family again before diabetic complications set in. If there is any way that you can extend a helping hand, I shall be deeply grateful to you. It means a lot to me - my life. I thank you very much from the bottom of my heart for your interest.

P.S. I am enclosing a copy of the newspaper article and a few copies of letters by doctors attesting to my physical condition.

Sincerely,

Michael S. Lingo  
P.O. Box 100  
Dean, Nevada 89019

EXHIBIT A

MOUSEL, MOORE AND BRYANT, LTD.

*Diplomate American Board of Ophthalmology*

975 RYLAND STREET  
RENO, NEVADA 89520  
PHONE 702-329-0266

DONALD K. MOUSEL, M.D.  
*Podiatric Ophthalmologist*

RICHARD T. MOORE, M.D.

JOHN A. BRYANT, M.D.

GEOFFREY V. CECCHI, M.D.

October 2, 1978

Mr. Gary Smith, Esq.  
Washoe Legal Services  
150 North Center Street  
Reno, Nevada 89501

Dear Mr. Smith:

This letter is written at the request of Mr. Mike Lingo, for the purpose of summarizing his ocular status. Mr. Lingo is a 36 year old juvenile diabetic (diabetes for 24 years). When first seen, August 9, 1978, his vision was R=CF vs. 20/400 and L=20/70-. Examination revealed diabetic retinopathy bilaterally. Additionally, there is the possibility of glaucoma and further investigation will be made.

Argon Laser treatment will soon begin in the hope of improving his vision or at least preventing further loss of vision. The prognosis in Mr. Lingo's case is guarded, and difficult to predict at this time. I hope it will be possible to establish a more reliable prognosis in the next few months, after we have an opportunity to see how he is going to respond to treatment.

I hope this information will be helpful.

Sincerely,

*Cecchi*

G. V. Cecchi, M. D.

cc: Mike Lingo

EXHIBIT A

JACK K. PERSHING, M.D.  
606 WEST WASHINGTON STREET  
CARSON CITY, NEVADA 89701  
TELEPHONE 883-6183

SEP 13 1978

September 11, 1978

Gary L. Smith, Attorney  
Washoe Legal Services  
150 North Center St.  
Suite 323  
Reno, Nevada 89501

Re: Michael Lingo

To Whom It May Concern:

I examined Mr. Lingo on April 11, 1978 and found him to have rather severe diabetic retinopathy of each eye. Although his visual acuity is 20/80 in the right eye and 20/60 acuity in the left eye at the present time, we could not reasonably expect that he will maintain this good vision in future years and there certainly is a marked likelihood that he will be functionally blind in the future, probably before 40. Certainly excellent control of his diabetes is of utmost importance to preserve his vision for as long as possible. It would certainly be my feeling that if Mr. Lingo is eligible for medical pardon that his diabetic disease would qualify him for this.

5: yes  
old at  
this  
10/78

Sincerely,

Jack K. Pershing, M.D.  
JMP/mp

CALIFORNIA MEDICAL FACILITY  
Vacaville, California 95688

EXHIBIT A

TO: Mr. Gary Smith Esquire  
Washoe Legal Services  
150 No. Center Street  
Reno, Nevada 89502

FROM: James F. Richards, M.D.  
Neurology Consultant  
California Medical Facility  
Vacaville, California 95688

June 18, 1978

RE: Lingo, Michael B-92873 G-2

Dear Mr. Smith:

I am presently the Consulting Neurologist at the California Medical Facility in Vacaville, California. I have had the opportunity to evaluate your client Michael Lingo on several occasions for his headache problems.

Mr. Lingo has a rather unusual headache pattern both regarding frequency and duration of the headache. There are some features of his headache which suggest the vascular quality, though they are no means typical of migraine headaches. Patient has failed to respond to usual migraine medications up to now. He is presently being treated with a trial of DHE-45 (Dihydroergotony). In addition he is using oral Darvon for control. His evaluation thus far has included an abnormal EEG due to some fixed slowing in the occipital region. An isotope brain scan was normal on this patient. These headaches certainly may represent some type of post-traumatic headache disorder since there is a history of a motor vehicle accident in the patient's past. The patient questions whether his episodes of diabetic shock from insulin could be related to his headache. I think this is highly unlikely. Certainly any type of headache disorder is subject to emotional factors and the possibility that the present situation the patient finds himself in could aggravate headache disorder is a real one.

If I can be of any other assistance in Mr. Lingo's situation please feel free to contact me at the above address.

JAMES F. RICHARDS, M.D.  
NEUROLOGY CONSULTANT



EXHIBIT A

State of California--Department of Corrections  
NARRATIVE DISCHARGE AND TRANSFER SUMMARY

Hospital CMF G-2

DATE: 4/21/78

NAME: LINGO, Michael      NUMBER: B-00000      AGE: 3-92873      AGE: 36

**CHIEF COMPLAINT & HISTORY:** Patient is a transfer from Nevada State Prison for evaluation of his diabetes, with complications, and for treatment.

**PHYSICAL FINDINGS:** Physical examination showed a diabetic retinopathy, some decrease in sensation of the feet, and admission diagnosis was Juvenile diabetes mellitus, with diabetic retinopathy, neuropathy, and bronchial asthma. CBC, was not remarkable, except for a slight shift to the right, with 59 LYMPHS, 41 SEGS. Urinalysis showed a slight trace of albumin, 1 plus sugar. FBS was 301 mg. percent. VDRL was nonreactive. Repeat blood sugars varied from a low of 56 to a high of over 300. Electrolytes done on 5/1/78 were not remarkable, and EUN on that date was 13.4 mg. percent, which is normal. Blood sugars were done once weekly for a while, and as noted, varied from 56-380 mg. percent. On 6/22/78 blood sugar was 500 mg. percent, on 7/5/78 a 3:00 pm blood sugar was 625, and the following day his FBS was 420. On 7/13 his FBS was 418. P & A lateral chest on admission were normal. IVP done on 5/4/78 showed anterior and lateral deviation of the left proximal ureter, suggestive of retro-peritoneal mass. Likely considerations would be lymphnode enlargement or vascular ectasia. EEG done on 5/1/78 was abnormal due to fixed slowing, coming from the occipital region, and a brain scan was recommended, which was done, which was normal.

**PRELIMINARY DIAGNOSIS:** 1) Juvenile diabetes mellitus, diabetic retinopathy, and diabetic neuropathy, and bronchial asthma, quiet at this time.

**OPERATIONS:** None.

**COURSE IN HOSPITAL:** Patient was kept on NPH 50 units daily a.m. Vistaril for his nerves, Valium. Patient was rather demanding. Cafergot was tried for his headache. He was seen by Dr. Pcut, CMF, GPC, and diabetician on 4/28/78, who felt the impotence was due to his diabetes. He was seen by Dr. Full on 5/2/78, who felt that although that the retinopathy was extensive, it was not yet at the place where photocoagulation with laser beam should be done. Neurologist saw the patient on 5/4/78 and felt that the headache was not a vascular headache. Dr. Morgan, Psychiatrist, saw the patient on 4/21/78 and followed him up on a regular basis. Following the brain scan, Dr. Richards was inclined to put him on Inderal and Midrin. The patient became more cooperative as time went on, and ate a regular diet on his own discretion. Dr. Morgan on 5/31/78 felt that the problem was a situational depression. Was seen again by Dr. Full on 6/6/78, who recommended that he be seen by Dr. Ronald Cole for angiography of the eyes. He was also seen by Dr. Mahaffey, our urological consultant, who cystoscoped the patient. However, I do not find the report of this cystoscopy available on the chart at this time. The patient continued to get along fairly well. Dr. Richards on 6/15/78 recommended a trial of DHE 45. Was seen by a dentist on 6/26/78 for dental care. Dr. Mahaffey saw the patient on 7/7/78, at which time he explained to the patient about the peril prosthesis, but it should be done two months before his release from prison. Patient decided that he wanted to return to the State of

EXHIBIT A

State of California-- Department of Corrections  
NARRATIVE DISCHARGE AND TRANSFER SUMMARY

Hospital CAF G-2

Nevada, due to the fact that neither the prothesis or eye surgery was recommended at this time, and was discharged and returned to Nevada on 7/18/78.

FINAL DIAGNOSIS: 1) Diabetes mellitus, with impotence, diabetic retinopathy, diabetic neuropathy, situational depression, and bronchial asthma.

REMARKS: To be followed up by Nevada State Medical staff.

E. M. Sutherland, M. D.  
Physician & Surgeon II

EMS: rtm

MOUSEL, MOORE AND BRYANT, LTD.  
DIPLOMATS AMERICAN BOARD OF OPHTHALMOLOGY  
975 Ryland Street  
Reno, Nevada 89520  
Phone 702 329-0286

Donald K. Mousel, M.D.

Richard T. Moore, M.D.

John A. Bryant, M.D.

Geoffrey V. Cecchi, M.D.

July 1, 1980

Pardon Board Members  
309 East John Street  
Carson City, Nevada 89710

Re: Michael F. Lingo

Gentlemen:

This letter is written at the request of the above-named patient. Mr. Lingo has diabetes mellitus and has developed the complication of diabetic retinopathy. The most recent visual acuity measurement (June 5, 1980) revealed vision in the right eye to be 20/200 and that in the left eye to be 20/70plus. The patient is currently undergoing argon laser photocoagulation in an effort to stabilize his situation and hopefully prevent further visual loss. As to his prognosis, I feel there is a reasonable chance that he will be able to maintain his present level of vision. I wish to emphasize, however, that there is certainly no guarantee that he will retain his vision and in fact, could undergo very extensive visual loss including total blindness.

I hope this information will be helpful. I would like to be more definite regarding Mr. Lingo's prognosis, however, this disease is quite unpredictable, making it very difficult to accurately predict a given patient's future.

Sincerely,

Geoffrey V. Cecchi, M.D.

GC:mct/lb

cc: Michael F. Lingo

June 19, 1978



EXHIBIT A

JUN 21 1978

Mr. Gary Smith, Esq., Attorney  
Shoemaker Legal Services  
30 W. Center St.  
Las Vegas, Nevada 89502

Re: Lingo, Michael  
CUI: E-92873  
NEVADA PRISON #: 13020

Dear Mr. Smith:

I am writing on behalf of the above indicated inmate/patient. Mr. Lingo is a patient in our acute hospital here. Mr. Lingo is a juvenile diabetic, taking high doses of insulin and suffering from the usual complications of diabetes. As you well know, the proper control of diabetes involves not only the administration of insulin, but also diet control and the proper amount of exercise. In any prison setting these are very difficult to control.

Mr. Lingo has been seen by our Ophthalmologist, Dr. Frank Hull, who has recommended that Mr. Lingo see Cole, or Dr. Feabody of Sacramento for possible laser coagulation of the retinopathy which has occurred in both eyes and is the consequence of a long term, fairly poor controlled diabetes. He has also been seen by Dr. Kanafeff, our urologist, due to impotence and it is felt that the cause of this is also not only due to the vascular changes that go along with diabetes, but to diabetic neuropathy. The eyes have to be watched very closely due to the fact that hemorrhaging is very common with diabetic retinopathy and can occur of course without warning at any time. The patient also has mild, chronic bronchial asthma which is treated as necessary with Tedral. He has been seen by our Neurologist, Dr. Richards, for headaches and does have a mildly abnormal EEG.

Mr. Lingo is being seen irregularly by Dr. D. Morgan, one of our Staff Psychiatrists, who is treating him with Valium and with Thorazine due to the rather significant tension that has been produced by being incarcerated in the Department of Corrections.

In conclusion there is no doubt Mr. Lingo as a long term juvenile diabetic is difficult to control in a prison setting with a possibility of vascular hemorrhaging of the eyes and will probably have a gradual increase in neuropathy and vascular complications. Finally, could of course suffer the problems of any diabetic has of possible insulin reaction, or diabetic coma. The prognosis for a long life is very poor and it would be anticipated that he will lose his sight within the next 5-6 years. His life expectancy will not encompass much more than 5-10 years. I trust the above will be of help to you in behalf of Mr. Lingo. He has been a cooperative patient. He would get along considerably better out of the Department of Corrections.

*W. M. Sutherland*  
Sincerely, W. M. Sutherland, M.D.  
Physician & Surgeon II

Exhibit "C"

July 30, 1980

Pardon Board Members  
309 East John Street  
Carson City, NV 89701

Re: Michael Lingo

Dear Sirs:

I am writing on behalf of the above indicated inmate/patient. I examined Mr. Lingo on April 11, 1978 and found him to have rather severe diabetic retinopathy of each eye. At that time, his visual acuity was 20/80 in the right eye and 20/60 in the left. However, I would not expect him to maintain this vision, and I understand that it has in fact worsened. Also, there is a marked likelihood that he will be functionally blind in the future.

Certainly proper control of his diabetes is of the utmost importance to preserve his vision for as long as possible and it is my feeling that in a prison setting, this control would be very difficult to maintain. When you are considering Mr. Lingo's case, I certainly feel that he would qualify for a medical pardon.

Sincerely,

Jack E. Pershing M.D.

JEP/g:

cc: Samuel T. Bull  
Virgil A. Bucchianeri  
Michael Lingo

EXHIBIT A

May 30, 1978  
Vacaville, Calif.

Mr. Gary Smith, Esq.  
Naches Legal Services  
150 N. Center St.  
Heno, Nevada, 89502

Dear Mr. Smith,

In my capacity as consulting staff psychiatrist for the Medical Hospital at the California Medical Facility, I am treating your client, Michael Frederick Lingo (Stewart, Nevada Prison No. 13020 and California Dept. of Corrections No. B-92673). I am writing this letter at the request of Mr. Lingo to help clarify and enumerate his several medical and psychiatric problems.

Mr. Lingo has a severe and brittle form of Diabetes Mellitus (i.e. childhood-onset) which requires daily injections of 55 units of NPH u-60 Insulin. He has had this disease approximately 23 years and diabetes has several deteriorating effects upon many parts of the body. Mr. Lingo is 36 years old at the time of this writing. His life expectancy as a result of childhood-onset Diabetes Mellitus is approximately 45 years, according to estimates in Internal Medicine textbooks. Therefore Mr. Lingo probably has less than 9 years left to live. Mr. Lingo additionally has diabetic retinopathy, an eye condition secondary to his diabetes, in which the blood vessels to his eyes may hemorrhage at any time which often results in total blindness.

Mr. Lingo's stark confrontation with the above-mentioned medical problems; the recent death of his father; the recent divorce from his wife; the fact that he is facing a life sentence in Nevada; the fact that numerous prisoners, according to Mr. Lingo, have threatened to kill him because of his testimony on behalf of the state of Nevada in the recent prison murder trials in Carson City; have all contributed to a severe situational stress reaction with marked depression, grief, and anxiety which I am treating with Thorazine in small amounts, Elavil, and Valium.

Mr. Lingo tells me that much of his defense in the instant crime hinged upon his contention that he was in "insulin shock" at the time of the commission of the armed robbery for which he is now incarcerated. He also says a physician testified that insulin shock results in complete unconsciousness without the ability to act. Insulin shock, like other forms of shock, comes on gradually in degrees and it is possible to be quite active, but in an altered state of consciousness during the earlier stages of insulin shock. I would recommend, if this has any bearing on his appeal, that another physician, preferably a specialist in endocrinology (or at least internal medicine), be consulted regarding this matter if it will tend to mitigate the gravity of his crime and consequently, his punishment.

Sincerely,

*Dean W. Morgan, M.D.*  
Dean W. Morgan, M.D.  
CALIFORNIA MEDICAL FACILITY  
DEPARTMENT OF CORRECTIONS  
VACAVILLE, CALIFORNIA 95688

Exhibit "A"

(E)

1497





Nevada Association for the Education of Young Children 2901 Kings Row, Reno, NV 89503  
Affiliate of the National Association for the Education of Young Children Telephone: 747-6774 or 358-4616

Recommendations in regard to Senate Bill 651

Section 1 NRS 432A.071 would be amended to read as follows:

432A.071 1. The board for child care is hereby created.

2. The board consists of five members appointed by the administrator of the youth services division of the department with the concurrence of the director.

Sec. 2 NRS 432A.073 is hereby amended to read as follows:

432A.073 1. Of the members appointed to the board:

(a) One member must be licensed to practice a profession in the field of health care;

(b) One member must be a consumer of child care services;

(c) One member must have a professional degree in early childhood education, child development and family life, or a closely related field;

(d) One member must be representative of licensed child care facilities run as profit-seeking enterprises;

(e) One member must be representative of non-profit licensed child care facilities.

2. The administrator of the youth services division of the department may appoint:

(a) Three of the members from a list of nominees submitted by organizations which represent consumers or educators in rural and urban communities; and

(b) One of the members from a list of nominees submitted by organizations which represent persons who provide child care in rural and urban communities, if the nominees so selected are eligible for appointment under the requirements of subsection 1.

3. All members must be selected on the basis of their experience and interest in child care services or programs.

4. At least one member shall be selected from a rural area.

5. Members of the board serve at the pleasure of the administrator, but no appointment may extend beyond 3 years from the date of expiration of the preceding appointment.

Respectfully submitted by

*Jackie Reilly*

Jackie Reilly, President  
Nevada Association for the Education  
of Young Children (NVAEYC)



TESTIMONY on S.B. 651

Committee on Human Resources & Facilities

May 14, 1981

My name is Nellie Droes, and I am currently serving as the health care representative appointed to the Child Care Board. I am a family nurse practitioner and have served on this board since August 1979.

While I am in support of the intent to increase the board from three to five members, I have very serious concerns that designating three out of five positions as representatives of licensed child care facilities does not serve to further the protection and well being of children. One of the duties of the board is the adoption of licensing standards for child care facilities. In my opinion, S.B. 651 which in essence provides for sixty percent of the board to be representatives of licensed child care facilities reflects a very serious conflict of interest.

If the committee chooses to enlarge the board, I would strongly urge that the composition reflect a broad representation of not only geographic areas, but also of expertise in matters relating to children and families.

I would be happy to answer any question members of the committee might have.

*Nellie Droes R.N., C.*

Nellie Droes R.N., C.

650 Lester Ave.

Reno, Nevada 89502

1500

S.B. 651 - ENLARGES BOARD FOR CHILD CARE FROM 3 to 5 MEMBERS

Projected impact on Youth Services Division budget for biennium  
(81-83)

2 Board members - 8 Board meetings<sup>1</sup> for biennium

Salary at \$40.00 per day per Board meeting	\$ 640.00
Travel to and from 8 Board meetings <sup>2</sup>	4,100.00
Per diem at \$40.00 per day for 8 Board meetings	<u>640.00</u>
Total additional cost required for two Board members	\$5,380.00 <sup>3</sup>

Submitted by:

MARGUERITE D. BALL, Chief  
Child Care Services Bureau  
Youth Services Division

- (1) Statutory Mandate
- (2) Assuming both new Board members are from a rural area and further assuming that four meetings each will be held in Las Vegas and Reno.
- (3) Because the area from which the Board members would be appointed is unknown, the proposed budget increase has been developed predicated on the cost of travel by air from Ely to Reno for four meetings and from Ely to Las Vegas via Reno for four meetings.