

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-Third Session
May 4, 2005**

The Committee on Health and Human Services was called to order at 1:35 p.m., on Wednesday, May 4, 2005. Chairwoman Sheila Leslie presided in Room 3138 of the Legislative Building, Carson City, Nevada, and, via simultaneous videoconference, in Room 4406 of the Grant Sawyer State Office Building, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Ms. Sheila Leslie, Chairwoman
Ms. Kathy McClain, Vice Chairwoman
Mrs. Sharron Angle
Ms. Susan Gerhardt
Mr. Joe Hardy
Mr. William Horne
Mrs. Ellen Koivisto
Mr. Garn Mabey
Ms. Bonnie Parnell
Ms. Peggy Pierce
Ms. Valerie Weber

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Bernice Mathews, Washoe County Senatorial District No. 1
Senator Dennis Nolan, Clark County Senatorial District No. 9

STAFF MEMBERS PRESENT:

Barbara Dimmitt, Committee Analyst
Joe Bushek, Committee Attaché

OTHERS PRESENT:

Marilyn Newton, Photographer, Reno Gazette-Journal, Reno, Nevada

Calvin Dillon, Director, Comstock Cemetery Society, Virginia City, Nevada

Joseph Galata, Legislative Advocate, representing the Hillside Cemetery Preservation Group, Reno, Nevada

Ben Graham, Legislative Advocate, representing the Nevada District Attorneys Association

Ronald James, State Historic Preservation Officer, Office of Historic Preservation, Department of Cultural Affairs, State of Nevada

Michael Murphy, County Coroner, Office of the Clark County Coroner, Clark County, Nevada

Alex Haartz, Administrator, State Health Division, Department of Human Resources, State of Nevada

Trudy Larson, Assistant Chancellor, University and Community College System of Nevada (UCCSN), Reno, Nevada

Larry Matheis, Executive Director, Nevada State Medical Association

Sean Gamble, Legislative Advocate, representing the Incline Village General Improvement District (GID)

Chairwoman Leslie:

[Meeting called to order. Roll called.] We have four bills before us. We will start with Senator Mathews' bill, S.B. 205, which revises provisions governing acts related to cemeteries.

Senate Bill 205 (1st Reprint): Revises provisions governing criminal and civil liability for engaging in certain acts relating to cemeteries. (BDR 40-797)

Senator Bernice Mathews, Washoe County Senatorial District No. 1:

We have a simple bill. It makes it unlawful for a person to remove, possess, sell, or attempt to sell tombs, monuments, gravestones, fences, buildings, or other structures placed in cemeteries, particularly the older, historical cemeteries around Nevada. Much of our history is found in those cemeteries. Many of us, when traveling, stop at cemeteries to look at the tombstones and monuments to see how long ago and how young the people died and to get a sense of our history; it is like a museum in the desert. We want to make sure that museum is protected. That is what this bill does.

It was amended in the Senate to specify any person who "willfully" does this. Sometimes people don't know what they have, or they may unknowingly pick

up a piece of artifact. However, if they willfully disturb, destroy, or rob a gravesite, that becomes a Class D felony.

Chairwoman Leslie:

Thank you, Senator. For those who testify in front of our Committee, please start by identifying yourself for the record.

Marilyn Newton, Photographer, Reno Gazette-Journal, Reno, Nevada:

I have a special interest in the graveyards of Nevada. I spent seven years doing research and photographing more than 400 of these graveyards. What I found was that Mother Nature has destroyed many of the remnants of the graveyards, but so many more were stolen by people.

I gave each of you a copy of my book ([Exhibit B](#)), *Alkali Angels*, and you have some photographs ([Exhibit C](#)), so you can understand what I'm saying. The first 4 photos ([Exhibit C](#)) are of the Dun Glen cemetery. The first two show the cemetery as it is; the third was taken in 2003, when a mining company dug up the graves for mining. They did everything right. There was an archaeologist onsite; they built new caskets for these people; and they put everything, including the old coffins, inside the new ones. The problem is, if you look at picture number 4 ([Exhibit C](#)), they are still there. I took that picture only three weeks ago; they are still above ground after all this time. That bothers me, but they did do everything correctly up until this point.

The others ([Exhibit C](#)) are just photos that show some of the deterioration of some of our graveyards. Our graveyards are precious. You get a feel for our history by going through them, whether they are Indian graveyards, Jewish cemeteries, or any of the Christian cemeteries—Catholic, Oddfellows, et cetera. They are a part of our history and need to be preserved. People should not go around robbing other people. When those people died, they were buried by their loved ones, who, when they could, put monuments to remember those loved ones, thinking—or at least hoping—that they would be there forever. Many of those tombstones are missing; we need to do what we can to preserve them.

Chairwoman Leslie:

Thank you, Ms. Newton. For those of you who don't know Marilyn, she is very famous in Reno. She is a fabulous photographer. When you see these photos, you will agree with me. We appreciate your advocacy on this issue.

Assemblywoman Weber:

This is more of a comment. I look forward to reading your book ([Exhibit B](#)); I love the historical value. In Europe, this bill would probably be a big change. My

cousin went to visit an ancestor's grave in Ireland, and they kicked him out because some other family was using it. This is not the same worldwide.

Senator Mathews:

As Marilyn mentioned, mining has been very cooperative. When the amendment was added, I had Alexis [Miller] catch me in the hall and say, "What are you doing to us?" I assured her we weren't doing anything to harm mining. They have done the things they are supposed to do, and federal law requires them to do many things as well. Mining is not our concern; it is the person who picks up something and wants to put it on the wall someplace.

Chairwoman Leslie:

Marilyn, what is going to happen with those caskets that are still above ground? It is sad seeing them out there under a tarp.

Marilyn Newton:

I have been working on another story with a reporter. We have not yet reached Peter Funk, who is the miner out there. It was his intention to put them back. I can only presume, since they were doing the mining in that area, that he was waiting to do the reclamation work, and then he will put them back.

Calvin Dillon, Director, Comstock Cemetery Foundation, Virginia City, Nevada:

We are in support of this bill, because we believe that with stiffer penalties, this will be a greater deterrent against vandalism and desecration of our cemeteries. We believe this will also give us, as well as other caretakers of other cemeteries, the opportunity to keep abreast of damage and take the perpetrators to cause for the replacement parts.

For years, our cemeteries have been looted for this or that. Sometimes it is for souvenirs and other times for the iron railings. In Virginia City, we have over 5,000 recorded deaths. At this time, we have less than 1,300 markers left. We are trying to do our part and are now in the process of restoring and repairing some of the broken stones. We are doing this to the Secretary of the Interior's standards of rehabilitation and restoration of historical articles.

With state, federal, and county help, we have already erected some security gates and fences around our cemeteries. With this bill and prevention of theft, we feel we are building a good system to protect our cemeteries to keep them for the future. We usually get, in the Comstock, about 125 visitors daily. We are one of the biggest tourist draws for this area. The issue is to protect, preserve, and restore when we can. This bill is a godsend for the cemeteries there and for the state.

Chairwoman Leslie:

For our Committee members from Las Vegas, if you have not been up to see the Virginia City cemetery, it is really something you would enjoy seeing. We thank you for your efforts in preserving that.

Joseph Galata, Legislative Advocate, representing Hillside Historic Cemetery Preservation Group, Reno, Nevada:

The Hillside Cemetery in Reno, Nevada, is Reno's only historic cemetery. There have been 1,400 bodies buried there since the Civil War. The majority of them are immigrants from the United Kingdom, Germany, Russia, Denmark, and Sweden. Many of them are children and teenagers. The cemetery, over the past 30 to 40 years, has been desecrated, destroyed, and vandalized. The specifics of what has happened to that cemetery would take too long in testimony.

This bill is important as a proactive bill, because there is a possibility that all of those 1,400 graves can be dug up within the next year, the bodies removed, and it could be sold as public land. This is a precious, historic aspect of the city of Reno, Nevada. I will leave you with the quote I cited on "Good Morning America": Benjamin Franklin said, "You can tell how a government cares about its citizens by how it respects its cemeteries."

Chairwoman Leslie:

Can you explain more how this bill will protect that particular cemetery?

Joseph Galata:

In the 2000 Legislature, a bill was passed that gave permission for individuals who owned the land around the cemetery—but not the actual graves—to take possession of the cemetery and the graves if no descendents came forth. A small, white index card was put in the cemetery in pen saying, and I paraphrase, "Is there anybody who knows anybody buried here?" If that continues, and no descendents come forth, then that can take place. The ownership of the graves can resort to an individual or group of individuals. This bill can help very much to prevent that.

Another thing about this bill is that, until now, there have been no punishments or crimes charged for those people who have destroyed it. This bill will reinforce the people around that area who have used that cemetery as a place for, to use the vernacular word, "hanky-panky."

Chairwoman Leslie:

That is an interesting location, too. It is located near the university, on a hill behind the fraternity houses.

Assemblyman Hardy:

Years ago, on my way to elementary school, I used to take shortcuts through that cemetery. It is a wonderful place. Those people who have been buried there need to be treated with reverence; I appreciate what you are doing.

Joseph Galata:

In our research of the history of the cemetery, we found that the official trumpeter of the Spanish-American War is buried there. We found that a man buried there is directly related, through historical aspects, to former First Lady, Eleanor Roosevelt; he died in an accident during the Great Depression and was buried there in the paupers' field. His 15-year-old son wrote to Eleanor Roosevelt for \$60 to come to his father's funeral in Hillside Cemetery. We also found a 17-year-old boy, Willie Reville, buried there, who died in 1872, and whose great-great-great-grandfather left Ireland to come to New York to fight in the American Revolutionary War with General Washington. There is a wonderful historical aspect to this place.

Assemblywoman Parnell:

Is there a way to get something to surround it so it isn't just out in the open?

Joseph Galata:

The challenge and dilemma is that the property around the cemetery is owned by an individual. We are working with that party to try and restore and save this cemetery. Thankfully, the City of Reno has come onboard and told the owners that they need to help in cleaning it up. We have used teenagers from various organizations—primarily charter high schools—in research projects up there. The Boy Scouts have helped clean up the area as well. We have public meetings scheduled, and more Reno citizens are joining in. We are confident that it will be saved.

Chairwoman Leslie:

Thank you for your efforts and in getting young people involved and learning the history of their city. That is very commendable.

Mr. Graham, I know you signed in as neutral on the bill, but it would be helpful to the Committee to hear from you. This bill changes it from a misdemeanor to a Class D felony. How do you think that will help prevent further desecration of gravesites?

Ben Graham, Legislative Advocate, representing the Nevada District Attorneys Association:

That is a significant increase. Category E, which is a felony, is a mandatory probation. This Category D would give the courts some leverage on getting people to do restitution, cleanup, or face prison time.

Chairwoman Leslie:

Do you think this is the appropriate class of felony for this?

Ben Graham:

My children and I like to go and visit these sites wherever we are. I have no quarrel with that. This is different crime-fighting legislation from what we normally get involved in. It does lend some dignity to the system, and I don't think that is inappropriate. I doubt very much that you will see many people go to prison for violating this because there are various materials—wrought iron, tombstones, et cetera—that end up on someone's house. That would be a theft, which might cause an even higher penalty. No, I don't think this is an inappropriate sanction.

Chairwoman Leslie:

Do you think it would be more likely for the police to prosecute with this bill?

Ben Graham:

It would give the district attorney's offices in the respective counties incentive to go after a conviction of some sort. From a county standpoint, misdemeanors are very useful, but not as high a priority as a felony.

Chairwoman Leslie:

A felony gets people's attention.

Ben Graham:

It is interesting; it wasn't lawyers that got me involved in this. The public works departments from Washoe and Clark Counties are upset about the felony at the top of page 3 of the bill: "Any person who deposits any material." They are afraid that if there is an unknown plot where there might be a buried person somewhere and they deposit debris on it, they will be subject to felony prosecution.

Basically, I am here not to amend anything but give them a comfort level that there is no intent for some inadvertent act like that. Also, on the bottom of page 2, most of this is "without lawful authority" or an authority of law. If they are doing a road project or something, they would be covered under that section. Subsection 2 may be too broad. Again, the legislative intent needs to

be made clear that this does not affect inadvertent actions. Someone putting flowers on their mother's grave might be "depositing materials." I don't think that is where this is going.

Chairwoman Leslie:

Are you comfortable with the language the way that it is now?

Ben Graham:

I am. Hopefully, we won't be back on this.

Assemblyman Hardy:

I want to make sure that we recognize that appropriate flowers and reverence to graves is not included in that "any material" section.

Chairwoman Leslie:

We will make that part of the Legislative record. That is not our intent.

Assemblyman Mabey:

Mr. Graham, I went to visit my great-grandmother's gravesite, which has an old tombstone that you can hardly read. How would I go about changing that? Since I am a direct descendant, can I replace that tombstone with a better one?

Ben Graham:

Wherever the cemetery is, and if there is anyone around to talk to, they would not object to you restoring that, if not replacing it.

Ronald James, State Historic Preservation Officer, Office of Historic Preservation, Department of Cultural Affairs, State of Nevada:

The issue of cemetery vandalism takes many forms and is manifested throughout the state. There is casual vandalism of visitors and children who pick up something and think it is harmless. There is the systematic damage done by people who want to decorate their houses or yards. Then, there is the more systematic vandalism, such as we saw in the Carson City and Virginia City cemeteries that were harvested for their historic ironwork, which was taken to the Tahoe Basin to be reprocessed and sold.

This kind of legislation can help. The main thing we are trying to do is educate people, to make them more sensitive and more aware. Stronger laws in this regard would not normally become part of prosecution, but part of education—as a tool. For those people who decide that it is appropriate to decorate their houses and understand that they have done something wrong, then maybe this will put the fear of the State, if not God, into them. For those who decide it is a

good idea to go harvest these materials for commercial purposes, if they can't have that fear upgraded, then prosecution clearly would be appropriate.

[Ronald James, continued.] I would not be surprised if this legislation didn't lie dormant, as far as the judiciary is concerned, for 10 or 20 years. I would hope that would be the case. That would mean that we, the entire community within the state devoted to cemetery preservation, would have used this legislation appropriately for public education. That is the main goal.

One of the main things going on in the Virginia City cemetery is trying to read and restore some of the information in wooden tombstones that are increasingly illegible. There were early inventories and an effort to remark graves but leave the original tombstones up. Education is what it is all about.

To Dr. Mabey, it depends on where the cemetery lies. You can work with the owners to replace the marker, or you can preserve the historic one and place a new one with it to have the best of both worlds.

Chairwoman Leslie:

Would your office put the new penalty on your pamphlets or whatever kinds of educational materials you put out?

Ronald James:

Yes, and we do have those. This would be an area where we would update them. We are fortunate to have people like Ms. Newton, who has done such wonderful work, and the Comstock Cemetery Foundation, which is being more aggressive. We are seeing more groups coming forward. The Comstock Cemetery has its own brochures; I am sure that they will put this in there. My agency is very small, so whenever we can form those partnerships, we will be happy to encourage them to put this in their brochures.

Marilyn Newton:

For those who live in Reno, I wanted to mention that up at the Hillside Cemetery site, there are actually five different cemeteries; most people don't realize that. There is the Knights of Pythias, the Civil War, Jewish, Oddfellows, and even a Chinese graveyard; but no one knows exactly where that is.

Going along with what Mr. James said, there was a recent auction in Reno, and they actually auctioned off two tombstones. I think that is criminal.

Chairwoman Leslie:

Who is "they?"

Marilyn Newton:

It was Lightning Auctions. I don't know if they knew.

Chairwoman Leslie:

Where did they get the tombstones?

Marilyn Newton:

That I don't know. Unfortunately, I found out about this afterward or I would have been down there. They did auction them off. That has to stop.

Chairwoman Leslie:

Thank you for that information. Is there anyone else that wants to testify on S.B. 205? Mining is neutral? I don't see any others; thank you for your testimony.

Assemblyman Mabey:

Dr. Hardy and I need to disclose that he and I walked through the Virginia City cemetery; it was about 7 p.m. and it was raining and snowing, but it was good.

Chairwoman Leslie:

I'm glad you had an opportunity to go up there and see it. We will close the hearing on S.B. 205 and open the hearing on Senator Nolan's bill, S.B. 118.

Senate Bill 118 (1st Reprint): Makes various changes concerning county coroners. (BDR 40-747)

Senator Dennis Nolan, Clark County Senatorial District No. 9:

I must disclose that I am a sworn coroner investigator with the Clark County Coroner's Office, but in a reserve capacity. I haven't investigated a death in over a year. When I was asked by my colleague, Mike Murphy, county coroner for Clark County, to look at and introduce this bill, I was happy to because I understand the need for it.

The bill does two things. In Section 1, it would create an additional fee for death certificates, which would be applied toward various coroners' offices for the purpose of establishing various training programs, as well as the purchasing of various equipment for the coroner investigators. Those are enumerated on page 5 of the bill, under Section 5. Mr. Murphy can explain those to you better than I can.

The other thing the bill does, beginning on page 6 under Section 7, is to provide the coroner investigators the ability to secure the pharmaceutical records of a deceased person for the purpose of not only helping in establishing the identity of the determined person, but also helping in establishing the cause, manner, or mode of death.

[Senator Nolan, continued.] Coroner investigators are trained investigators who work through the coroner's office and are called out in all death scenes in this state. They work in unison with law enforcement on crime scenes where there may have been, or there clearly is, some type of criminal involvement in a death, as well as accidental and suicide situations. One of the most intriguing parts of the coroner investigator's job is going out on what would otherwise have been a typical or presumed natural death and conduct an investigation. They are the only people who conduct some level of investigation into that death. Often, it is those coroner investigators who determine that there may have been foul play associated with that death, who may have been an elderly person whose death was expedited by someone giving them more medication than was prescribed. There are any number of situations. That is the role of the coroner investigators.

In that capacity, there were a number of events which I investigated where we had a lot of prescriptions on the scene of a death. Sometimes, they were prescribed for the decedent from multiple doctors or sources. You need to have a clear idea of how those prescriptions fit into the overall death investigation to determine whether foul play may have been involved. It is very difficult to secure records immediately from pharmacies, because essentially, those are private records. That is the need, under Section 7 of the bill, to give those coroner investigators that additional ability to obtain them quickly.

Assemblyman Atkinson, who works with the coroner's office in an administrative clerical capacity, was here to testify in favor of the bill, but had to depart for another committee.

Chairwoman Leslie:

Have you talked to the Governor about this fee increase and gotten an assurance that he won't veto this?

Senator Nolan:

Yes, I have, and he would have vetoed this bill. We have a verbal, conceptual amendment. I spoke with his representative this afternoon. With the conceptual amendment that I will leave with you, the bill would be fine. The bill not only requires that the dollar fee be added, but each county that decides to establish that fee also has to establish an account to deposit that fee into for the

purposes cited in the bill. Instead of making it a "shall," we will make it a "may." Those counties that elect to do it can do it; those counties that elect not to participate won't have to worry about it.

Chairwoman Leslie:

Who would decide this, the county commissioners?

Senator Nolan:

Yes. Essentially, the county commissioners would decide.

Chairwoman Leslie:

I would just double-check with his office. We don't want to be put in the situation of processing a bill that he intends to veto. Let us know.

Senator Nolan:

That is exactly the discussion I had prior to meeting.

Chairwoman Leslie:

Is there also a part of this bill that talks about your visitation program? Did you cover that?

Senator Nolan:

Madam Chair, actually, it does in the sense that some of the monies may be used for that type of visitation program to help offset the costs. In the Senate, there was a provision, when we passed that program 4 years ago, that the coroner's office come back and provide a report to the Legislature. It was loosely constructed how that report would be done. They brought that report on the Senate side. I can briefly tell you that it has been an overwhelming success with the number of kids who have gone through that program. The recidivism rate with that program alone is 12 percent, which is the most successful youthful offender deterrent program that the county currently has.

Chairwoman Leslie:

I would be very interested in seeing that report. That bill was only for large counties like Clark County. It was available to other counties if they chose to do it. Is that correct? [Senator Nolan answered in the affirmative.]

Assemblyman Mabey:

How much revenue do you think you could generate with this? Do you get the one extra dollar?

**Michael Murphy, County Coroner, Office of the Clark County Coroner,
Clark County, Nevada:**

We anticipate that one year in Clark County will represent about \$80,000. Those funds would be used for a number of different purposes. One purpose is to specifically expand the youth visitation program, to take it out of our office and put it into the schools. There are about 1,700 young people who have attended that program since 2002. As a result, there is a 12.6 percent recidivism rate. We consider recidivism arrests, not convictions. That percentage could even be a little more conservative.

After an independent audit by the Department of Public Safety (DPS), announced at the Gang Task Force meeting yesterday, that program was determined to be the most successful youth program in Clark County. The auditors said if there was a program that we wanted to take statewide that had the biggest impact on gang violence, this would be the one.

Chairwoman Leslie:

Could you describe that program to us?

Mike Murphy:

There are two basic parts of the program. The first is for youthful offenders who have committed some type of crime, primarily a felony. They go through a specific program in our office, taught by a 30-year veteran of the Las Vegas Metropolitan Police Department (Metro) who spent 9 years in homicide. They have special permission from the families to talk about stories and use specific pictures in reference to the consequences and the finality of the decisions that are made during youthful years. It is not a "scared straight" program. It is not designed to scare young people into things. It is designed to be an educational program about choices.

The second component is a program for risky behavior, at-risk youth. This can be everything from car surfing to any risky behavior that can cause death. That is, again, a program that is taught at the office; they go through an interactive session with the instructor in the evening. Each of the youths that apply for that program has to pay for part of the program fees for the gowns and things they wear. That fee is on a sliding scale so everyone can get in; there is no one not allowed in.

Once the instructional part is completed, they then take a walking tour of the office after being put into appropriate gear. They are not shown faces of dead bodies, and we don't go back there and unzip bags or pull sheets back and that sort of thing. We want it to be clear that in our office, we are very respectful of

the dead and understand that everyone who comes through our door is someone's child, no matter what the age, and deserves our respect.

[Mike Murphy, continued.] They do walk through the refrigeration area and autopsy rooms in an evening when we are closed for that type of work. They get all the sights, sounds, and smells, as it were, of the finality of what happens in our office. Then, they have an exit interview with the instructor, where they are asked to write comments on how we can improve the program. That is the gist of that program.

Chairwoman Leslie:

On the prescription part of the bill, I know there was an amendment in the Senate to further clarify that it is just the prescriptions of the deceased person. Can you comment on any HIPAA [Health Insurance Portability and Accountability Act of 1996] or other federal confidentiality problems?

Senator Nolan:

The amendment clarified that prescriptions for which the records were being requested were specific to the deceased. The way the bill came out wasn't clear on that. That was Senator Care's observation, and we gladly accepted that amendment. There is no problem with HIPAA; this is a formal, official death investigation, so all of the requirements of confidentiality pertain.

Alex Haartz, Administrator, State Health Division, Department of Human Resources, State of Nevada:

We have no issue with this bill whatsoever. However, just from a mechanical standpoint, if the bill passes the way it is and depending on how it is interpreted, the Health Division may need to approach IFC [Interim Finance Committee] to have permission to actually keep that \$1 fee, if the county decides to establish this program, to be able to send it back to the county.

Currently, all fees generated by the Office of Vital Records are deposited strictly to the General Fund. The State Treasurer then parcels them out, as it were. It just depends on how this is interpreted. I just wanted it on the record that we may have to appear before IFC to have the appropriate budget account restructured to accomplish this.

Chairwoman Leslie:

I remember, from our budget subcommittee, looking at the fee structure. Aren't we a little bit under, in comparison to other states, in the amount of fees we have?

Alex Haartz:

The information that was provided showed, for death certificates, we were \$2 per certificate under the western average and maybe \$1 under the western states average for a birth certificate.

Chairwoman Leslie:

There is no way that this going to get through without Ways and Means grabbing it. I don't know how you got it through the Senate without review by the Finance Committee. It did go? Okay.

Are there any other questions? Is there anyone else that would like to testify on this bill for or against? We will close the hearing on S.B. 118 and move to S.B. 193.

Senate Bill 193 (1st Reprint): Makes various changes concerning Committee on Anatomical Dissection established by University and Community College System of Nevada and distribution and treatment of dead bodies. (BDR 40-51)

Trudy Larson, Assistant Chancellor, University and Community College System of Nevada (UCCSN), Reno, Nevada:

As a bit of history, this bill has been totally amended and changed. It originally came in the guise of a new section that proposed establishing a Governor's committee with a broadened group of people on that committee and charging fees. The intent of the original bill was to cover the fact that there was nothing that defined who could receive dead bodies.

A very unfortunate incident occurred in Las Vegas a number of years ago, where a gentleman went into business—so to speak—soliciting bodies, receiving them, and then shipping them out of state for educational purposes. This was discovered in the mail because something was leaking. At the time this was discovered, there was no legislation that said you couldn't do this. Part of the impetus of changing this was to allow a penalty for those who might want to set up shop and acquire bodies.

In the process of defining in the new bill, there were a number of problems, in terms of the Health Division and the University System, that would have made it very difficult for us to be able to have bodies donated for purposes of medical education. We proposed changing the original NRS [*Nevada Revised Statutes*] 451, which is over 30 years old, and which established this committee on anatomical dissection to provide bodies for medical education.

We have recognized that the state has grown. We now just don't have public institutions that do medical education, but we do have a very large DO [osteopathic medical] school in Clark County. The sizes of the classes have expanded. This committee really needed to be increased in size and scope. So, the changes that you see before you are to enlarge the committee, which will have more meetings and be able to identify who exactly is qualified to receive bodies. The entities getting these bodies need to provide a bond and state that they are going to use them for medical education. If they try to set up shop without that permission, they will be charged with a misdemeanor. There is now that criminal component.

[Trudy Larson, continued.] Basically, this is to enlarge that committee, recognize we have a new institution in the state that requires cadavers, have more representation, give more form to the committee, and provide the penalty component. We do have one amendment ([Exhibit D](#)). When I sent this around to the various entities in the system for final comment, I got a call that said that they already charge the institutions for these bodies, mainly for the preparation of the bodies. Therefore, I would propose to strike out, in Section 6, subsection 2, the end of that sentence that says, "...distributed pursuant to this section," and just end it there and delete the rest, so the fee could be charged to the institutions for the bodies they use for their medical education programs.

Currently, this is most of the higher education institutions in the state that use them for nursing programs, physical therapy, medical students, and the dental school. As those schools and programs expand, this is an important component of medical education. We have not been able to do away with this particular part of medical education; it is still critical for learning anatomy. They have looked at it across the country to see if there is another way of teaching anatomy, but nothing else has been successful.

Also, in concept, the Anatomical Committee would like to charge an additional fee if there are bodies available for commercial endeavors. We do have commercial schools, those that do continuing medical education or certification programs that are outside the University System, who also might like to have bodies that they could use in their medical training. It still is only for medical education or science, and they would have to have a bond. The committee would like to charge them an additional fee to maintain the program better and ensure an adequate supply of bodies for the institutions of the system. This is a grisly topic, but it is an essential element of medical education.

Chairwoman Leslie:

I absolutely agree. My father died of lung cancer and arranged with my mother to donate his body to the university. There was an arrangement for his ashes to be returned to the family, which never happened. My niece, who is studying mortuary science, was touring one of the mortuaries in Reno, and found his ashes on a shelf with his name on them. How did that happen? I haven't had time to look into it. That shouldn't be happening. My mother still has the same address, phone number, et cetera. They could have contacted her.

Trudy Larson:

It shouldn't have happened and was probably an oversight. Over the last five years, they have increased the recordkeeping requirement, and that is probably part of this issue.

In finding out more about this committee—and I didn't know it existed prior to this bill—they have a packet that goes out to potential donors, and they catalog everything and have excellent recordkeeping. At the end of their anatomy class, the students have a service for the bodies that teach them anatomy. They invite the families to come, and they show their respect for the donation. It is that kind sentiment that the students have for these people who are helping them. That is why I think it is important that this stays within the University System, where this kind of respect can be guaranteed.

Chairwoman Leslie:

Maybe you can have the students go through the shelves in the mortuaries—I am serious—and make sure that local people are returned to their families.

Trudy Larson:

Yes, I agree with you.

Assemblyman Hardy:

As medical students, one of the things we did was take a tour of the mortuary. Some sobering things go on in there. We literally are taught by those who have gone before us. When you are learning at the dissection table, you have appreciation for the miracle of the body, as well as the reverence for that body. It is a wonderful thing that you do with that service. I suggested to Dr. Larson that if we are not careful, we will make doctors human. It is a good program.

Trudy Larson:

That is our intention.

Assemblyman Mabey:

On page 3, lines 13 through 17, it appears that you have to be the appointed person from the University of Nevada, Reno (UNR) or the appointed person from UNLV (University of Nevada, Las Vegas) to be the chairman. Can you elaborate on that?

Trudy Larson:

We asked for that particular provision because we are set up within the system to run the program; we already had the secretary. We have the whole system in place for how the bodies get to the various institutions. It is all run out of the medical school, for the most part. We didn't want to have to break that up or redo it again someplace else, and this way we would be able to keep that structure in place. The whole committee will have a voice, and that will be important.

Larry Matheis, Executive Director, Nevada State Medical Association:

We support the bill. It underwent a significant set of amendments. There is another technical clarification issue we would like to raise. Dr. Larson did a wonderful job of bringing together two separate issues. One was the concern about transportation of cadavers and the unfortunate media that resulted from that. The media got confused and thought it was organs for donation, which caused a cratering of organ donations for a time wherever the story appeared—Nevada, Arizona, and Missouri, where UPS [United Parcel Service] found the leaking parcel. It had nothing to do with organ or tissue donation. It was entirely about a niche-marketing of cadavers that was not prohibited under law. They've done a good job of isolating that and making sure it doesn't happen in the future. This was of concern to the organ donation and transplant community.

The other issue has to do with the growth of the medical care infrastructure in the state, recognizing that now that we have expanded the training capacity within the state beyond the University System, we need to bring everyone together into working agreement. That has been done very well in this bill.

Our concern is in Section 1, where the eight members of that committee are each listed. One member is a physician, licensed pursuant to Chapter 630 of NRS, appointed by the Nevada State Medical Association, or an osteopathic physician, licensed pursuant to NRS 633, appointed by the Nevada Osteopathic Medical Association. The problem is that it does not say who will make that decision. It is left as either/or. I would recommend that on line 10, change the "or" to "and" to make it an odd-numbered committee, which would be a better approach, or simply designate who will actually decide they need an MD [medical doctor] or an DO [doctor of osteopathy]. There is no functional or knowledge difference between an MD and a DO. Both are members of our

association, and both perform the same residencies. This is just a clarification issue that should be resolved.

Chairwoman Leslie:

Dr. Larson, do you have a suggestion for the Committee?

Trudy Larson:

We had only proposed the licensed physician appointed by the Nevada State Medical Association. The Senate amended that to include the osteopathic physician, the "or." To us, a licensed physician is a licensed physician, which includes both MDs and DOs. I am not sure it is necessary to list both, since we have both MDs and DOs that are licensed in the state.

Chairwoman Leslie:

What about the issue of who appoints?

Trudy Larson:

I have no idea. That is a hard one. I know that it has to be a licensed physician. The Nevada State Medical Association has the larger population of physicians to draw from. I don't know if that will be a problem for the Senate, since they were the ones that added that section.

Chairwoman Leslie:

As it stands now, nobody appoints. We have to have someone; something has to be done.

Larry Matheis:

If there is no objection to that committee being nine, then just change the "or" to "and," and that would resolve that.

Chairwoman Leslie:

Did staff get that suggestion? Thank you. Is there anyone else that would like to testify for or against S.B. 193? Since we are still waiting for Senator Townsend to arrive, we can work on this bill and process it out. Senate Bill 193 is ready to go; how does the Committee feel?

Assemblyman Mabey:

I agree; therefore, I move to amend and do pass. On page 2, line 10, we would change the "or" to "and." You would reword it so both an MD and a DO are on the committee.

Chairwoman Leslie:

We would just change the "or" to "and," right?

Assemblyman Mabey:

Then it wouldn't flow quite right. You have to change that list of members: A would be the physician or osteopath; B would be the dentist; and so forth. You have to add another letter for either the physician or osteopath.

Chairwoman Leslie:

I see what you are saying, but who appoints them is the question.

Assemblyman Mabey:

They would be appointed by their respective association.

Chairwoman Leslie:

If you look in the bill, it does specify each one.

Assemblyman Mabey:

On page 5, they wanted to add an amendment ([Exhibit D](#)) as well.

Chairwoman Leslie:

That's right; I forgot about that one. We'll have to wait on this bill. We need to get this together. We have that one in writing. I thought we could do this today, but I guess not. We'll move it to our Friday work session.

What about the fee for this? Have you cleared this with the Governor? We are seeing bills involving fees being vetoed.

Trudy Larson:

Actually, this is an internal fee for what is already charged for the institutions within the system. This is not external and is to cover expenses. The committee inquired whether they could charge an additional fee to anyone outside the system who comes to the committee, since they are the only ones who can permit bodies to be received by other groups.

Chairwoman Leslie:

That isn't the question. Before we vote on this, could you please clarify with the Governor's Office that he will not be vetoing this bill because of that fee?

Trudy Larson:

I would be happy to. I would be surprised if there was any objection, since it is a pretty small fee, but your point is well taken.

Chairwoman Leslie:

We don't want to be passing bills that are going to be vetoed later over a fee. Anyone else want to testify on this bill? Seeing none, we will close the hearing on S.B. 193. We will now move to our final bill, S.B. 261.

Senate Bill 261 (1st Reprint): Includes snowboarders in provisions governing skier safety. (BDR 40-1155)

Sean Gamble, Legislative Advocate, representing the Incline Village General Improvement District (GID):

I want to thank Senator Townsend for sponsoring this bill. This bill came about because we want to include snowboarding in the statutes with skiing. We have included new definitions and changed others. We have included definitions for "snowboarder" and "snowboarding." We are changing "ski area" to "snow recreation area" to include all types. We are changing "ski lift" to "chairlift," "ski patrol" to just "patrol," and, wherever skiing is mentioned, we are including snowboarding. We are doing this because in 1987, when the Skier Safety Act was written, snowboarding wasn't even allowed in any of the ski resorts. Now they are allowed everywhere, so we decided we need a change to the laws to include snowboarders.

Section 18, subsection (d), line 41, was added to the bill by Senator Cegavske to post signs that it is a misdemeanor to be under the influence of drugs, alcohol, or other substance abuse while skiing. She wanted them to be aware they could be subject to a misdemeanor.

Chairwoman Leslie:

Is that provision on page 4 going to apply to ski resorts in Nevada, since most of them are in California?

Sean Gamble:

Yes, Madam Chair, it is the ski resorts in Nevada. I don't know what their laws are in California. When we were working on the Skier Safety Act of 1987, California did not have anything in statute for this. I believe they go via county for the laws for the ski resorts.

Chairwoman Leslie:

This would be just Incline and half of Heavenly?

Sean Gamble:

Basically, and Mount Charleston.

Assemblyman Hardy:

Are "intoxication" and "under the influence," elsewhere defined, matching up with the 0.08 or 0.1? Are we defining that anywhere?

Sean Gamble:

Dr. Hecht was the one who proposed this particular language to include anyone who would be, basically, DUI- [driving under the influence] based, which I assume would be 0.08. However, I don't know for sure.

Chairwoman Leslie:

We need to look at that statute. We will get that for our work session. I didn't know it was a misdemeanor to get on a chairlift if you had been drinking. It isn't a good idea, but is it really a misdemeanor, specifically, to get onto a chairlift, or are we adding that to the intoxication statute?

Sean Gamble:

Senator Cegavske had seen in the statutes that it was a misdemeanor; that is why she wanted to have the signs posted to allow people to know that if they are getting on a chairlift intoxicated, they could be subject to a misdemeanor.

Chairwoman Leslie:

We'll pull that statute as well and look at it before we vote on this bill.

Assemblywoman Koivisto:

Do you think people who are under the influence look at signs before they do stupid things?

Sean Gamble:

As a matter of fact, I had not even addressed this part of the bill. We were just trying to change skiing to include snowboarding. This was something brought up in the Senate, so I agreed to include that.

Chairwoman Leslie:

It would be good to let Senator Townsend know we are going to look at that provision.

Assemblyman Mabey:

Is there any information you can give us regarding accidents on snowboarding versus skiing?

Sean Gamble:

I can get that information. I don't have it with me.

Assemblyman Mabey:

When I ski and these snowboarders come down the slopes at 80 miles per hour, it is very disturbing.

Chairwoman Leslie:

I understand and agree, but we've learned to share the slopes with them. I know they have a lot more wrist injuries, and skiers have more knee injuries. We understand your intent, and the statutes do need to be updated. However, we need to take a closer look at that one provision on chairlifts.

We will close the hearing on S.B. 261 and put it on work session for next week. Is there any other business to come before the Committee? Seeing none, we are adjourned [at 2:48 p.m.].

RESPECTFULLY SUBMITTED:

RESPECTFULLY SUBMITTED:

Joe Bushek
Recording Attaché

James S. Cassimus
Transcribing Attaché

APPROVED BY:

Assemblywoman Sheila Leslie, Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: May 4, 2005

Time of Meeting: 1:35 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		AGENDA
S.B. 205	B	Marilyn Newton, Photojournalist	Copy of hardbound book, <i>Alkali Angels</i>
S.B. 205	C	Marilyn Newton, Photojournalist	Photographs of Nevada graveyards
S.B. 193	D	Dr. Trudy Larson, UCCSN	Amendment to <u>S.B. 193</u>