



NEVADA LEGISLATURE
LEGISLATIVE COMMITTEE ON HEALTH CARE
(Nevada Revised Statutes 439B.200)

SUMMARY MINUTES AND ACTION REPORT

The fourth meeting of the Nevada Legislature's Legislative Committee on Health Care was held on Wednesday, February 17, 2010, at 9 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://leg.state.nv.us/Interim/75th2009/Committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Valerie Wiener, Chair
Assemblywoman Peggy Pierce, Vice Chair
Senator Allison Copening
Assemblyman Joseph (Joe) P. Hardy, M.D.
Assemblywoman Ellen B. Spiegel

COMMITTEE MEMBER PRESENT IN CARSON CITY:

Senator Maurice E. Washington

OTHER LEGISLATOR PRESENT:

Senator Maggie Carlton

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Marsheilah D. Lyons, Principal Research Analyst, Research Division
Sara L. Partida, Principal Deputy Legislative Counsel, Legal Division
Sally Trotter, Senior Research Secretary, Research Division

INTRODUCTION, OPENING REMARKS, AND COMMITTEE SCHEDULE

- Senator Valerie Wiener, Chair, welcomed members, presenters, and the public to the fourth meeting of the Legislative Committee on Health Care (LCHC). Chair Wiener noted the procedures for Committee business and testimony.

APPROVAL OF MINUTES OF THE MEETING HELD ON DECEMBER 9, 2009, IN LAS VEGAS, NEVADA

- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYWOMAN SPIEGEL MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE DECEMBER 9, 2009, MEETING HELD IN LAS VEGAS. THE MOTION WAS SECONDED BY SENATOR COPENING AND PASSED UNANIMOUSLY.

DISCUSSION CONCERNING PROPOSED BUDGET CUTS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)

- Marsheilah D. Lyons, Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB), presented a table provided by the DHHS containing proposed budget cuts ([Exhibit B](#)). She reviewed updates to the recommendations reported after the table was provided. Ms. Lyons commented that she could forward any concerns or questions regarding the budget cuts to the DHHS to address.
- Chair Wiener voiced her concerns about the proposed budget cuts and closure of the juvenile facility (Summit View Youth Correctional Facility).

In response to Senator Washington’s inquiry regarding federal medical assistance percentages (FMAP), Charles Duarte, Administrator, Division of Health Care Financing and Policy (DHCFP), DHHS, affirmed the State will meet the requirements to receive FMAP funds under the reduced Medicaid budget.

- Chair Wiener requested more information from the DHHS regarding the \$10 million reductions that were removed from the budget.
- Chair Wiener called for public testimony on this agenda item.
- Charlene Villandry, Las Vegas, testified regarding the challenges she faces raising her developmentally challenged son and asked that there be no reduction in Medicaid funds.
- Ramona Tasios, Las Vegas, explained the importance of the services her brother receives at the adult day care facility he attends.

- Christopher A. Vito, M.H.A., Founder and President, Nevada Adult Day Healthcare Centers, Inc. (NADHC), Las Vegas, discussed the mission of the NADHC. He noted that comparison data indicates the services provided at an adult day care center are less costly than those provided by a convalescent hospital. Mr. Vito stated that without day care services, some patients would be forced to stay at home or to live in a nursing home.
- Chair Wiener asked Mr. Vito to provide the comparison data to the LCHC.
- Cristina V. Vito, R.N., Administrator/Director of Nursing, NADHC, Las Vegas, stated that important health care services are provided at the NADHC, which enable patients to remain in their homes. She commented the goal of the NADHC is to keep its clients independent and healthy, and to provide the quality of life they deserve.
- Delores Comstock, North Las Vegas, discussed the services and activities provided to her mother at an adult day care facility and addressed the hardships she would encounter if those services were not available.
- Christopher A. Vito, previously identified, proposed a “share the care” program between families and adult day care providers that would keep elderly and disabled persons out of nursing homes.
- Wanda Gant stated that her mother, who had been in a rehabilitation center, now attends an adult day care center where she receives superior care. She said her mother would have to return to a rehabilitation center if day care centers are closed.
- Renaldo Serisans commented that he would not be able to work if the adult day care center his daughter attends is closed.
- Kimberly Petitt, Las Vegas, stated that she relies on adult day care for her husband who recently suffered a stroke.
- Liza Sanchez, Las Vegas, informed the LCHC that she is able to work because her mother (who suffered a stroke) attends an adult day care facility. She said the center is a safe place that provides the care her mother needs.
- Delores Brooks reported on the assistance she receives at an adult day care center that was referred by her physician.
- Ruth Green testified as to the importance of the center, the transportation, and other services she receives from an adult day care center.

- Gary Cushening stated that the centers provide elderly and disabled persons an opportunity to have fruitful lives by offering nutrition, preventive medicine, and socialization. He opined there should be additional adult facilities.
- Thelma Carter spoke on behalf of her mother, who suffers from dementia. She commented on the importance of the care her mother receives at the adult day care center.
- Yvonne Delouse discussed her mother's experiences at a nursing home and said since moving her to an adult day care facility she has not had any problems.
- Brenda Chaco, North Las Vegas, commented on improvements she has noticed in her adult daughter since she began attending a day care facility.
- Michael Wang, a New Life Adult Day Health Care Center employee, Las Vegas, noted the importance of the relationship-building activities that adult day care provides. He stated that these programs save the State money by keeping patients out of nursing homes.
- Gary L. Fagg shared that the assistance his adult mentally delayed daughter receives at an adult day care center enables him to work.
- Barbara Conway, R.N., New Life Adult Day Health Care Center, Las Vegas, discussed the importance of the socialization and interaction patients receive at the adult day care center. She mentioned some of the specialty care services that are provided.
- Beatrice Turner voiced her opposition to closing adult day care centers in Nevada.
- Yvonne Delouse, previously identified, pointed out problems with staff-to-patient ratios in nursing homes. She commented that the closure of adult day care centers would force patients into nursing homes, and place additional burdens on nursing home staff.
- Cheryl Shepard, R.N., NADHC, Las Vegas, mentioned the high staff ratios at NADHC and stressed the importance of the amount of attention that each client receives.
- Howard Chin, New Life Adult Day Health Care Center, Las Vegas, stated the health benefits in the United States are better than any in the world and they should be retained.
- Cecilia Cervantes commented regarding the services her father receives at an adult day care.
- Mark Nichols, Executive Director, National Association of Social Workers, Nevada Chapter, testified against the proposed budget cuts.

STATUS REPORT REGARDING EMERGENCY MENTAL HEALTH SERVICES IN NEVADA AND THE IMPACT OF THE BUDGET REDUCTIONS ON CERTAIN MENTAL HEALTH PROGRAMS IN THE STATE

- Harold Cook, Ph.D., Administrator, Division of Mental Health and Developmental Services, DHHS, provided information on revisions made to the Legal 2000 form (“Application, Certification and Medical Clearance for Emergency Admission of an Allegedly Mentally Ill Person to a Mental Health Facility”). Dr. Cook discussed challenges with the Legal 2000 including: (1) medical provider capacity, security, and transportation; (2) cuts in education funding; (3) a restrictive definition of “person with mental illness,” *Nevada Revised Statutes* (NRS) 433A.115, that excludes care to some patients; and (4) the volume of Legal 2000s and long wait times in emergency rooms. Dr. Cook reported the revised procedure has improved communication and the medical clearance process. He stated insufficient resources prohibit completely resolving all of the issues. Dr. Cook commented on budget cuts made in 2007-2009. He reported on the effects of clinic closures and the reduction in the number of inpatient physicians in rural Nevada, as well as the closure of the North Las Vegas Clinic. (See [Exhibit C](#) and [Exhibit C-1](#).)

In response to Chair Wiener’s request for more detail on exclusion of patients and any resolution that has been proposed, Dr. Cook discussed difficulties encountered when Legal 2000 patients have other problems that manifest as mental illness, such as dementia, which does not meet the definition of mental illness, so they do not qualify for services.

Discussion ensued regarding wait times, the process after patients are medically cleared, and court commitments.

Responding to Chair Wiener’s inquiry regarding prescription savings, Dr. Cook explained there were discrepancies in the caseload count, and prior to 2007, additional pharmacy funding had been requested without taking into account the patients who had private pharmacy benefits. He reported those individuals were identified and currently only 40 percent of the individuals on Medicaid receive free prescriptions, while the other patients use private pharmacies.

In response to Chair Wiener’s question regarding patients’ services when facilities are closed, Dr. Cook stated that in Las Vegas the patients go to the Downtown Las Vegas Clinic, and Dayton patients go either to Carson City or Silver Springs clinics.

UPDATE OF THE STUDY CONDUCTED PURSUANT TO SENATE BILL 307 (CHAPTER 88, *STATUTES OF NEVADA 2009*) CONCERNING ISSUES RELATING TO MEDICAID

- Charles Duarte, Administrator, Division of Health Care Financing and Policy (DHCFP), DHHS, reported that a public hearing was held regarding the amendments to the State Plan for Medicaid (SPA). He noted that the SPA would (1) establish a Graduate Medical Education supplemental payment program for the University Medical Center; (2) modify the methodology for estimating the federal upper payment limit; and (3) establish an upper payment limit supplemental payment program for certain private hospitals. Mr. Duarte commented that when fully implemented the SPA would result in approximately \$47 million in additional federal funds annually. He mentioned that the DHCFP is evaluating an upper payment limit supplemental payment program for hospital outpatient services and physician services that could add \$4 million to \$5 million in federal funds. (See [Exhibit D](#).)

Discussion ensued between Chair Wiener and Mr. Duarte regarding the effective date of the SPA and the timeline for federal approval.

- Mr. Duarte commented that the federal government could take up to three years to approve the SPA. He noted once it is approved, the SPA will be retroactive to January 2010 for services.

PRESENTATION CONCERNING THE STATUS OF THE J-1 PHYSICIAN VISA WAIVER PROGRAM

- Richard Whitley, M.S., Administrator, Health Division, DHHS, provided a history of the J-1 Physician Visa Waiver Program (Program). He discussed complaint procedures, site inspections, and oversight authority provided for in Senate Bill 229 (Chapter 210, *Statutes of Nevada 2009*). Mr. Whitley said the problems the Health Division encounters with this Program are at the federal level. He commented on the changes made at the State level to improve the Program.
- Christine Roden, R.N., M.P.H., Manager, Primary Care Office, Health Division, DHHS, highlighted the corrective action plan for the J-1 Physician Visa Waiver Program. She discussed the: (1) lack of oversight and transparency; (2) procedures for complaints; (3) medical licensing “bottlenecks”; (4) lack of employer/physician compliance; (5) lack of program management; and (6) limited funding for program management. Ms. Roden provided an overview of the program and policy changes that have been implemented to address these issues. She reported that 43 physicians in this program are currently working in Nevada, with 11 of those physicians providing services in rural communities of the State. (See [Exhibit E](#) and [Exhibit E-1](#).)

Discussion ensued between Chair Wiener and Mr. Whitley regarding the challenges faced when attempting to address complaints without oversight at the federal level.

- Lawrence P. Matheis, Executive Director, Nevada State Medical Association, discussed the challenges the State has in finding and recruiting physicians. He stated the creation of the Primary Care Advisory Council was a solution the Health Division instituted to address issues regarding the J-1 Physician Visa Waiver Program. Mr. Matheis noted the process used to evaluate contracts and the protections offered by the passage of S.B. 229.

In response to Chair Wiener's inquiry regarding any improvement that could be added to the program to enrich its effectiveness, Mr. Matheis suggested coordinating with federal agencies and educating others about the Program.

- Maggie Carlton, Nevada State Senator, Clark County Senatorial District No. 2, commented on the problems encountered with the J-1 Physician Visa Waiver Program, the effectiveness of the oversight and enforcement by the Health Division, and the Program's goals.
- Ms. Roden provided the number of approved waivers over the last five years. She stated the approval provides for a three-year contract and currently 89 percent of the participants have been retained for the three-year contract period and approximately 67 percent have been retained for a five-year commitment. Ms. Roden discussed recruitment methods that include sending CDs to medical schools and to residents, as well as posting vacancies online.

UPDATE REGARDING THE H1N1 FLU VIRUS IN NEVADA AND PRESENTATION CONCERNING THE MANAGEMENT OF THE H1N1 FLU VIRUS IN NEVADA

- Tracey D. Green, M.D., State Health Officer, Health Division, DHHS, provided an update on H1N1 results and highlights of the statewide strategic planning meeting. She reported on: (1) what went well; (2) what did not go well; and (3) what would be done differently in the event of another incident ([Exhibit F](#)).
- Chair Wiener commented on the success of in-school inoculations in the Carson City School District and asked about the possibility of expanding the program.
- Dr. Green reported that the Health Division is examining a pilot program to reintroduce providing inoculations at schools. She commented on a shortage of school nurses and stated efforts are being made to create additional school nurse positions and provide more vaccinations in schools.

Responding to Chair Wiener's inquiry regarding cost-effectiveness, Dr. Green noted one savings would be realized by fewer absences.

Discussion ensued regarding adding the H1N1 vaccine to the seasonal flu shot. Dr. Green remarked that the American Academy of Pediatrics is considering adding the seasonal flu shot to the recommended series of vaccines for children.

In response to Assemblywoman Spiegel's inquiry regarding uniform statewide eligibility for persons with underlying medical conditions, particularly in the two rural counties where incidences were reported, Dr. Green commented a more definitive statement would be made in the future to prevent those types of problems.

PRESENTATION CONCERNING THE STUDY OF THE ABUSE OF PRESCRIPTION NARCOTIC DRUGS AND THE MANNER OF MONITORING AND ADDRESSING THE ABUSE OF PRESCRIPTION NARCOTIC DRUGS IN NEVADA PURSUANT TO ASSEMBLY BILL 326 (CHAPTER 301, *STATUTES OF NEVADA 2009*)

- Carolyn J. Cramer, General Counsel, State Board of Pharmacy, provided a report on a stakeholder meeting convened to discuss the problem of prescription drug abuse in Nevada. She discussed: (1) the goal of the meeting; (2) the identification of issues that contribute to prescription drug abuse; (3) where the drugs are obtained; (4) law enforcement; (5) prevention efforts; (6) drug diversion in youth; (7) prescribing practices; (8) the facilitation of drug destruction; and (9) education. She stated the goal of the study is to provide draft legislation to the LCHC by May 2010. (See [Exhibit G.](#))

Discussion ensued between Chair Wiener and Ms. Cramer regarding the strengthening of Nevada's statutes to regulate prescribing practices, the availability of controlled substance history data, and "real time" access that would benefit practitioners by providing up-to-date patient information.

- Douglas C. Cooper, C.M.B.I., Interim Executive Director, Board of Medical Examiners, stated that other medical boards have participated in coalitions to address the problem of prescription drug abuse but have limited involvement in educating practitioners. He reported on logistical problems, increased wait times, and the amount of time a doctor might spend with a patient. Mr. Cooper commented on the problem of "doctor shoppers" and suggested "real time" access to address this issue.
- Dianna Hegeduis, Esq., Executive Director/Board Counsel, State Board of Osteopathic Medicine, commented that a recent board meeting included a presentation by the Federation of State Medical Boards. She reported on education efforts using newsletters to provide updates and information on new regulations. Ms. Hegeduis voiced her support for educating practitioners about over-prescribing.

OVERVIEW OF OPTIONS FOR THE REGULATION OF MEDICAL ASSISTANTS IN NEVADA

- Tracey D. Green, M.D., State Health Officer, Health Division, DHHS, provided information on definitions of medical assistants in the NRS and the *Nevada*

Administrative Code (NAC), the key scope of practice laws in other states, training requirements and certifications for medical assistants, and exemptions in other states ([Exhibit H](#), [Exhibit H-1](#), and [Exhibit H-2](#)).

Responding to Chair Wiener's questions about supervision levels, Dr. Green stated that provisions would be listed in the protocols for onsite and offsite supervision, as well as an allowance for a second supervising physician in the case of a medical assistant working in a role requiring direct supervision.

In response to Assemblyman Hardy's inquiry regarding the 2,000-hour training requirement for medical assistants and what is necessary to fulfill that requirement, Dr. Green responded that a student would have one-on-one supervision during training hours. She will provide more information to the Committee.

- Lawrence P. Matheis, Executive Director, Nevada State Medical Association, commented that the issue of regulating medical assistants is emerging due to new treatments delegated primarily in the cosmetic field. He explained that the State allows licensed physicians to delegate tasks to unlicensed health care workers as long as a procedure can be performed safely and the licensee assumes responsibility. Mr. Matheis discussed the lack of direction provided by NRS concerning these activities and the need to clarify existing regulations. He suggested that the LCHC may want to request the drafting of a bill to address the delegation of medical tasks to unlicensed health care workers. Mr. Matheis suggested the proposed legislation could define relevant terms and establish a "registration" program to monitor the use of delegation authority by licensed professionals and the tasks performed by unlicensed workers. (See [Exhibit I](#).)

Discussion ensued concerning registration for medical assistants, public concerns regarding qualifications of medical assistants to perform medical procedures, and methods to identify medical assistants.

- Senator Copening asked if complaints registered against medical assistants are tracked.
- Mr. Matheis stated he is not aware of any lawsuit involving a medical assistant. He opined that is due to the liability being held by the medical professional that delegates the responsibility.
- Dr. Green reported that there has never been a complaint registered by the Board of Medical Examiners against a medical assistant.
- Chair Wiener asked if the State Board of Nursing has received any complaints regarding medical assistants.
- Chris Sansom, R.N., B.S.N., Director of Operations, State Board of Nursing, explained the Board's jurisdiction is over nurses. She stated complaints are tracked and

some calls are referred to other boards. Ms. Sansom reported that a call regarding unlicensed personnel would be referred to the Board of Medical Examiners.

- Carolyn J. Cramer, previously identified, discussed a complaint the State Board of Pharmacy received regarding a medical assistant providing a controlled substance prescription and commented that the Board receives complaints regarding Botox injections.
- Dianna Hegedius, previously identified, advised that the State Board of Osteopathic Medicine has received complaints regarding the results of Botox injections administered by medical assistants.

In response to Chair Wiener's query, Ms. Hegedius noted that the State Board of Osteopathic Medicine is working on regulations concerning medical assistants.

- Douglas C. Cooper, previously identified, stated that medical assistants can administer controlled substances and he voiced opposition to defining tasks for medical assistants.
- Assemblyman Hardy reported that 2,000 hours of training for medical assistants equates to one year of supervised one-on-one training. He commented that many complex issues are involved and there is no "simple fix."
- Vice Chair Pierce stated that the regulations needed to be more definitive and a description of medical assistants that includes training and certification requirements should be developed.
- Assemblyman Hardy commented that training for medical assistants is specialized according to the supervising physician's field.
- Valerie M. Rosalin, R.N., Director, Governor's Office for Consumer Health Assistance, stated that her agency receives complaints against medical assistants.

PRESENTATION CONCERNING THE COLLABORATION OF LICENSING BOARDS IN THE INVESTIGATION AND OVERSIGHT OF PROVIDERS OF HEALTH CARE

- Marla McDade Williams, Chief, Bureau of Health Care Quality and Compliance (BHCQC), Health Division, DHHS, stated since September 2008, the Health Division has made 195 referrals to other professional licensing boards, as well as the State Fire Marshal and local business licensing entities. She provided information regarding referrals to respective professional licensing boards and referrals by selected facility type. Ms. Williams noted that most of the joint investigations by the BHCQC are complaint-driven. She stated that the BHCQC ensures that complaints are investigated within 45 days. (See [Exhibit J](#) and [Exhibit J-1](#)).

Responding to Chair Wiener's query regarding how often collaborative work is performed between the BHCQC and the boards and to provide an example, Ms. Williams stated that collaborative efforts are reserved for high profile issues. She cited an incident during the summer of 2009 when an unlicensed ambulatory surgical center (ASC) was investigated and the BHCQC had engaged the Board of Medical Examiners and the State Board of Pharmacy for assistance.

- Chris Sansom, previously identified, provided a history on the role and jurisdiction of the State Board of Nursing and an overview of the Health Care Regulatory Network and communication between agencies and licensing boards ([Exhibit K](#)). She reported on the collaborative efforts between the State Board of Nursing, the Health Division, and other boards during the investigation of an outbreak of hepatitis C infections from the Endoscopy Center of Southern Nevada and related clinics. Ms. Sansom commented that the NRS allows collaboration and communication between the State Board of Nursing and other boards and law enforcement agencies.
- Douglas C. Cooper, previously identified, stated that NRS 630.336 authorizes the Board of Medical Examiners to collaborate with other agencies or licensing boards during an investigation. He outlined the complaint and investigative processes. Mr. Cooper reported in 2009 the Board received 1,111 complaints. He commented the Board has worked on cases with county coroners, city licensing agencies, and law enforcement agencies throughout the State, as well as bilateral investigations with out-of-state boards and noted the Board has dedicated investigative staff. Mr. Cooper discussed Assembly Bill 123 (Chapter 149, *Statutes of Nevada 2009*), which, he noted, identifies areas where a quick exchange is necessary and provides the Board with the authority for disciplinary action resulting from infractions received from the BHCQC. He stated the Board has identified four areas where quick exchange would be necessary: (1) in the event of a failure to maintain accreditation; (2) permit expiration; (3) investigation by the Health Division's BHCQC; and (4) anytime there is a suspension or revocation of the accreditation to perform deep sedation procedures. (See [Exhibit L](#).)
- Carolyn J. Cramer, previously identified, said the State Board of Pharmacy also has assisted the Health Division in investigations. She said new rules were implemented to allow pharmacists to provide more oversight of ASCs. Ms. Cramer reported on collaborative efforts between the State Board of Pharmacy and other agencies regarding prescription and scope of practice issues.
- Dianna Hegeduis, previously identified, noted that the State Board of Osteopathic Medicine has a positive working relationship with other boards. She reported on a task force meeting held with the Health Division regarding unlicensed surgery technicians.
- Kathleen Kelly, Executive Director, Board of Dental Examiners of Nevada, stated that the Board has authority per Chapter 631 ("Dentistry and Dental Hygiene") of NRS to seek injunctive relief against any individual practicing dentistry without a license.

She reported that licensees are held accountable and evidence from undercover investigations is turned over to the Office of the Attorney General for prosecution. Ms. Kelly stated the Board works collaboratively with other boards and law enforcement agencies and noted that immunity provisions apply when information is shared.

PRESENTATION CONCERNING THE HISTORY OF LEGISLATION FROM PREVIOUS SESSIONS OF THE NEVADA LEGISLATURE WHICH PROPOSED TO CONSOLIDATE OR RESTRUCTURE CERTAIN PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS

- Marsheilah D. Lyons, Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB), provided a synopsis of the history of legislation from previous sessions which proposed to consolidate or restructure professional and occupational licensing boards ([Exhibit M](#)).

In response to Chair Wiener's query concerning the legislative intent of S.B. 276 (Chapter 225, *Statutes of Nevada 2005*), Ms. Lyons opined the intent was to provide uniformity among boards.

Responding to Assemblyman Hardy's question regarding S.B. 269 (Chapter 494, *Statutes of Nevada 2009*), Ms. Lyons stated that the measure addresses the consolidation of the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.

- Senator Copening inquired about S.B. 4 (Chapter 4, *Statutes of Nevada, 23rd Special Session*), which authorized the Subcommittee of the Legislative Committee on Health Care to Review the Laws and Regulations Governing Providers of Health Care, the Use of Lasers and Intense Pulsed Light Therapy, and the Use of Injections of Cosmetic Substances, and asked if that legislation proposed to consolidate or restructure occupational licensing boards.
- Chair Wiener asked staff to provide more information on S.B. 4 to the Committee.

DISCUSSION REGARDING THE CONSOLIDATION OF ADMINISTRATIVE SERVICES FOR HEALTH PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS

- Lawrence P. Matheis, Executive Director, Nevada State Medical Association, presented an overview of proposals in the Legislature regarding the structure and function of State boards and the State's approach to licensing and overseeing the performance of licensed health professionals. He discussed the current system and challenges with the system that include: (1) budgets without direct accountability to the Legislature or reports in the State Executive Budget; (2) staff positions that are not under the State personnel system; (3) staff counsel retention; and (4) lack of oversight

for lobbyists, public relations, and travel. Mr. Matheis proposed separating the board and the administrative functions and consolidating current boards into a single administrative unit under the State's Executive Branch. He stated the process could begin by creating a State office to oversee the budget and audit functions of the boards. Mr. Matheis opined significant cost savings, efficiency, and effectiveness could be realized by consolidation. He noted how this process would allow the boards to focus on the functions of reviewing licenses and conducting hearings on complaints. (See [Exhibit N](#) and [Exhibit N-1](#).)

Responding to a question posed by Chair Wiener regarding the auditing function, Mr. Matheis stated that consolidated audits would be easily reviewed and questions could be addressed. He noted complementary reviews would be valuable to ensure all agencies are working at an adequate level.

- Vice Chair Pierce commented a consolidation of administrative services for health professional and occupational licensing boards would prohibit lobbyists' influence and she recognized that similar efforts in the past have not been effective.
- Mr. Matheis expounded on the importance of accountability.
- Assemblywoman Spiegel commented that a consolidation of certain boards would also facilitate crisis management. She inquired about the cost of consolidation and its effect on fees.
- Mr. Matheis stated that the need for coordination is obvious and coordination would be "built in" if all of the boards were consolidated under one State office. He said any process of this type would have associated costs but it would be worth the effort.

In response to Vice Chair Pierce's inquiry regarding other states that do not have a board structure, Mr. Matheis commented there are none and reiterated he was not proposing the elimination of any boards.

CONSIDERATION OF REGULATIONS PROPOSED OR ADOPTED BY CERTAIN LICENSING BOARDS PURSUANT TO *NEVADA REVISED STATUTES 439B.225*

LCB File No. 154-09, State Board of Osteopathic Medicine

LCB File No. 200-09, Board of Dental Examiners of Nevada

LCB File No. 203-09, State Board of Health

LCB File No. 002-10, State Board of Nursing

- Sara L. Partida, Principal Deputy Legislative Counsel, Legal Division, LCB, provided a synopsis of the regulations proposed or adopted by certain licensing boards in Nevada, which the LCHC is required to review pursuant to NRS 439B.225 ([Exhibit O](#)).

At the request of the State Board of Osteopathic Medicine, LCB File No. 154-09, State Board of Osteopathic Medicine regulations, were removed from the agenda.

Discussion ensued regarding the LCHC's role in the review of the regulations.

PUBLIC COMMENT

- Lynn Ann Homnick, R.F.N., Administrator and Executive Director, Silver Sky Assisted Living, commented concerning fee increases to facilities as a result of the budget crisis.

In response to Chair Wiener's request for suggestions regarding any relief, Marla McDade Williams, previously identified, discussed fines based on the severity of scores resulting from inspections. Ms. Williams stated the BHCQC is fee-funded and is considering rolling costs into the application and renewal fees.

- Charles Perry, President and Chief Executive Officer, Nevada Health Care Association, provided information on the impact of cuts to Medicaid payments on skilled nursing facilities ([Exhibit P](#)).
- Elizabeth MacMenamin, Vice President, Government Affairs, Pharmacy and Health Care, Retail Association of Northern Nevada, voiced opposition to "real time" reporting that was discussed under Agenda Item No. VIII (prescription drug abuse). She said it is problematic for the industry and is not currently being used by any other state.

Responding to Chair Wiener's inquiry regarding what process of reporting she would recommend, Ms. MacMenamin suggested a daily input of information and a process to ensure that the physicians are checking the information. She reiterated her concerns regarding security and the lack of required technology for "real time" reporting.

- Lilliam Shell, Nevada Rural Health Centers, offered to work with the Legislature on regulations for medical assistants in rural areas. She commented her providers' use the data provided by the State Board of Pharmacy to identify potential substance abusers and said the reports are valuable.
- Chair Wiener stated the next meeting of the LCHC will be held on March 17, 2010, and asked members to submit suggestions for agenda topics.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 3:25 p.m.

Respectfully submitted,

Sally Trotter
Senior Research Secretary

Marsheilah D. Lyons
Principal Research Analyst

APPROVED BY:

Senator Valerie Wiener, Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Marsheilah D. Lyons, Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is a document titled “Nevada Department of Health and Human Services Proposed Budget Cuts,” dated February 8, 2010, presented by Marsheilah D. Lyons, Principal Research Analyst, Research Division, LCB.

[Exhibit C](#) is the written testimony of Harold Cook, Ph.D., Administrator, Division of Mental Health and Developmental Services (DMHDS), Department of Health and Human Services (DHHS), dated February 17, 2010.

[Exhibit C-1](#) is a document titled “Introduction to the revised Legal 2000,” referenced by Harold Cook, Ph.D., Administrator, DMHDS, DHHS.

[Exhibit D](#) is the written testimony of Charles Duarte, Administrator, Division of Health Care Financing and Policy, DHHS, titled “Testimony by Charles Duarte on the Medicaid Study of S.B. 307,” dated February 17, 2010.

[Exhibit E](#) is a Microsoft PowerPoint presentation titled “J-1 Visa Waiver Program for Foreign-born Physicians, Expanding Access to Primary Care,” offered by Christine Roden, R.N., M.P.H., Manager, Primary Care Office, Health Division, DHHS.

[Exhibit E-1](#) is a document titled “Nevada State Health Division, Corrective Action Plan for the J-1 Visa Waiver Program for Foreign-born Physicians, Program and Policy Changes, Regulations and Statutes,” provided by Christine Roden, R.N., M.P.H., Manager, Primary Care Office, Health Division, DHHS.

[Exhibit F](#) is a document titled “H1N1 talking points: Nevada State Health Division, Legislative Healthcare Committee Meeting,” submitted by Tracey D. Green, M.D., State Health Officer, Health Division, DHHS.

[Exhibit G](#) is a document titled “Update to the Legislative Committee on Health Care, From: Nevada State Boards of Pharmacy, Medicine and Osteopathy, Re: Prescription Drug Abuse in Nevada,” presented by Carolyn J. Cramer, General Counsel, State Board of Pharmacy.

[Exhibit H](#) is a document titled “Nevada State Health Division, Vaccination Strategies, Medical Assistants,” submitted by Tracey D. Green, M.D., State Health Officer, Health Division, DHHS.

[Exhibit H-1](#) is a document titled “Attachment B, Nevada State Health Division, Vaccination Strategies, Medical Assistants, Key State Scope of Practice Laws,” provided by Tracey D. Green, M.D., State Health Officer, Health Division, DHHS.

[Exhibit H-2](#) is a document offered by Tracey D. Green, M.D., State Health Officer, Health Division, DHHS, containing suggested statutory language for the definition and certification of medical assistants.

[Exhibit I](#) is a document titled “Presentation to Legislative Committee on Health Care Regarding Delegation of Medical Tasks by Licensed Professionals to Unlicensed Health Workers,” provided by Lawrence P. Matheis, Executive Director, Nevada State Medical Association, dated February 17, 2010.

[Exhibit J](#) is a document titled “Referrals to Respective Professional Licensing Boards Made by the Bureau of Health Care Quality and Compliance for the Period Sept. 2008 to Present,” submitted by Marla McDade Williams, Chief, Bureau of Health Care Quality and Compliance (BHCQC), Health Division, DHHS.

[Exhibit J-1](#) is a document titled “Referrals by Selected Facility Type Made by the Bureau of Health Care Quality and Compliance, State Health Division, For the Period Sept. 2008 to Present,” provided by Marla McDade Williams, Chief, BHCQC, Health Division, DHHS.

[Exhibit K](#) is written testimony titled “Discussion Regarding Oversight of the Health Care Regulatory Network (i.e. communication between agencies and licensing boards) from the perspective of the Nevada State Board of Nursing,” presented by Chris Sansom, R.N., B.S.N., Director of Operations, State Board of Nursing.

[Exhibit L](#) is a document titled “Before the Legislative Committee on Health Care, Honorable Senator Valerie Wiener, Chairperson, Wednesday, February 17, 2010, Carson City, Nevada, Regarding the Collaboration of Licensing Boards in the Investigations and Oversight of Providers of Health Care,” submitted by Douglas C. Cooper, C.M.B.I., Interim Executive Director, Board of Medical Examiners.

[Exhibit M](#) is a table titled “Agenda Item XI, Legislation from Previous Sessions of the Nevada Legislature Which Proposed to Consolidate or Restructure Certain Professional and Occupational Licensing Boards,” offered by Marsheilah D. Lyons, Principal Research Analyst, Research Division, LCB.

[Exhibit N](#) is a document titled “Presentation to Legislative Committee on Health Care Regarding Consolidating Administrative Services for Health Professional and Occupational Licensing Boards,” presented by Lawrence P. Matheis, Executive Director, Nevada State Medical Association, dated February 17, 2010.

[Exhibit N-1](#) is a memorandum dated October 15, 2009, to Senator Valerie Wiener, Chair, Legislative Committee on Health Care, and Assemblywoman Peggy Pierce, Vice Chair, Legislative Committee on Health Care, regarding “Department of Professions,” submitted by Lawrence P. Matheis, Executive Director, Nevada State Medical Association.

[Exhibit O](#) is a document titled “Agenda Item XIII: Consideration of Regulations Proposed or Adopted by Certain Licensing Boards Pursuant to NRS 439B.225,” provided by Sara L. Partida, Principal Deputy Legislative Counsel, Legal Division, LCB.

[Exhibit P](#) is the written testimony of the Nevada Health Care Association (NHCA) provided by Charles Perry, President and Chief Executive Officer, NHCA.

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