



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

SUMMARY MINUTES AND ACTION REPORT

The eleventh meeting of the Nevada Legislature's Legislative Committee on Health Care was held on June 17, 2008, at 9 a.m. in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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 www.leg.state.nv.us/74th/Interim. 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 CARSON CITY:

Assemblywoman Sheila Leslie, Chair
Senator Maurice E. Washington, Vice Chair

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Joseph J. Heck
Senator Steven A. Horsford
Assemblywoman Susan I. Gerhardt
Assemblyman Joe Hardy

OTHER LEGISLATOR PRESENT:

Senator Maggie Carlton

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Marsheilah D. Lyons, Principal Research Analyst, Research Division
Sarah Lutter, Senior Research Analyst, Research Division
Brenda J. Erdoes, Legislative Counsel, Legal Division
Sara Partida, Senior Deputy Legislative Counsel, Legal Division
Rebecca C. Dobert, Senior Administrative Assistant, Research Division

OPENING REMARKS

Assemblywoman Sheila Leslie, Chairwoman, welcomed members, presenters, and the public to the eleventh meeting of the Legislative Committee on Health Care (LCHC). She noted the return of LCHC member Senator Heck from his tour of duty in Iraq. There was brief discussion of the July 2008 meeting and related planning.

APPROVAL OF MINUTES OF THE MEETINGS HELD ON APRIL 10, 2008, AND APRIL 21, 2008, IN LAS VEGAS, NEVADA, AND MAY 6, 2008, IN CARSON CITY, NEVADA

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

ASSEMBLYMAN HARDY MOVED TO APPROVE THE MINUTES OF THE APRIL 10, 2008, AND APRIL 21, 2008, MEETINGS HELD IN LAS VEGAS, NEVADA, AND THE MAY 6, 2008, MEETING HELD IN CARSON CITY, THE MOTION WAS SECONDED BY ASSEMBLYWOMAN GERHARDT AND PASSED UNANIMOUSLY.

DISCUSSION CONCERNING OPPORTUNITIES TO IMPROVE PUBLIC SAFETY THROUGH EFFECTIVE SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT FOR PERSONS IN THE CRIMINAL JUSTICE SYSTEM IN NEVADA

(As directed by Chairwoman Leslie, this agenda item was taken out of order.)

- Fred C. Osher, M.D., Director of Health Systems and Services Policy, Justice Center, Council of State Governments (CSG), provided a Microsoft PowerPoint presentation detailing Nevada's opportunities to improve public safety through effective substance abuse and mental health treatment for the criminal justice population ([Exhibit B-1](#) and [Exhibit B-2](#)). The review included: a report of the activities of the CSG Justice Center's behavioral health work in Nevada; an overview of a Justice Center blueprint for Nevada; an explanation of relevant probation violator statistics; and the impacts of probation violation.

Dr. Osher discussed the preliminary findings of the impacts of probation violation in detail, including:

1. Screening and assessment of probationers;
2. Issues related to the supervision of probationers;
3. Substance abuse and mental health treatment options available to probationers in Nevada; and
4. Revocation options.

Dr. Osher's presentation also included a map of prison admissions and Substance Abuse Prevention and Treatment Agency certified programs in the Las Vegas and North Las Vegas areas, arranged by zip code ([Exhibit B-1](#)). He noted that the CSG staff would be happy to testify further on this issue and would continue to work with the LCHC to assess the needs of the justice system in Nevada. Dr. Osher outlined the CSG Justice Center's remaining steps, including evaluation of screening and assessment processes, the quality and capacity of in-prison programs, and probation revocation rates among individuals with behavioral disorders. In conclusion, Dr. Osher explained plans to facilitate interagency partnerships and to develop a written report for the 2009 Legislative Session.

- Chairwoman Leslie stated that a program funding proposal from the CSG related to this presentation had been withdrawn from the presentation that day due to the current fiscal crisis. She asked whether there were truly no screening and assessment processes available for probationers or if the tools available were simply inadequate.
- Dr. Osher responded that an assessment report was made on probationers in Nevada, but that it was incomplete and did not contain adequate review of substance abuse problems reflected in the probationer population.

Discussion followed of the screening and assessment tools available to evaluate probationers in Nevada, the contradictions they presented in their current forms, and how those problems might be addressed.

- Chairwoman Leslie stated that the information presented could be of interest to the Advisory Commission on the Administration of Justice (*Nevada Revised Statutes* [NRS] 176.0123) and that she would speak to Justice James W. Hardesty, Nevada Supreme Court, Chair of the Commission, about it. Chairwoman Leslie asked if the treatment options portion of the presentation used data from Las Vegas only.
- Dr. Osher responded that the data focused on the Las Vegas area.
- Chairwoman Leslie said that her impression was that, even if clients could pay for services, they were simply not available in northern and rural Nevada.

Discussion followed regarding the service gaps that exist in Nevada, how to fill them, and best-use practices that might be examined as models. It was noted that the average prison time served was 17 months and that by providing appropriate treatment services that average could be significantly reduced.

- Assemblyman Hardy asked how the Health Insurance Portability and Accountability Act of 1996 and portability issues came into play in the justice system if a prisoner admitted to mental health or substance abuse problems in a matter of public record.
- Dr. Osher said that this issue had not been addressed specifically in Nevada, but there were models in other states. He explained some of the relevant consent issues and

issues with criminal proceedings being public. Dr. Osher discussed strategies for the creation of a one-way flow to address a prisoner's needs in a lawful manner.

- Assemblyman Hardy asked if a blueprint for practice existed that could be used in Nevada.
- Dr. Osher felt that there were models available but that local appetites needed to be gauged before practice could be implemented.

DISCUSSION AND SUGGESTIONS CONCERNING THE EMERGENCY ADMISSION OF A PERSON ALLEGED TO BE A PERSON WITH MENTAL ILLNESS TO A MENTAL HEALTH FACILITY FOR EVALUATION, OBSERVATION, AND TREATMENT PURSUANT TO NRS 433A.160 TO 433A.190, INCLUSIVE

(As directed by Chairwoman Leslie, this agenda item was taken out of order.)

- Lesley R. Dickson, M.D., President, Nevada Psychiatric Association, presented a Microsoft PowerPoint review of Legal 2000, the Nevada process of civil commitment ([Exhibit C](#)). Discussed in the review were steps in the process for civil commitment in Nevada, including: (1) modes of patient arrival to medical treatment facilities; (2) initial patient evaluation; (3) the flow of care for patients not meeting Legal 2000 commitment criteria; (4) the flow of care for patients meeting Legal 2000 commitment criteria; and (5) continuing treatment and evaluation options for committed patients.
- Davette Shea, R.N., Education Specialist, Desert Springs Hospital Medical Center, testified about hospital admission issues for mental health patients under Legal 2000. She discussed constraints in hospitals' insurance coverage, family notification problems, and how community resources might be better used to assist these patients.
- Dr. Dickson continued to review Legal 2000 criteria for commitment. She discussed NRS 433A.115 "'Person with mental illness' defined." Dr. Dickson explained the difficulty of aligning Legal 2000 patient holds with NRS criteria. She reviewed medical clearance criteria to be met under Legal 2000, including discussion of NRS 433A.165, "Examination required before transportation of person to mental health facility."
- Ms. Shea added that she felt every effort was made by hospital staff to track Legal 2000 patients, but that standardization would benefit the process. She noted difficulties associated with a shortage of psychiatric treatment staff in Nevada and stated that insurance often drives which health care provider may treat a client.

- Dr. Dickson presented some possible solutions to problems with the Legal 2000 process, including: (1) amending NRS to clarify patients' legal status; (2) developing procedures and policies within hospitals to assure that patients' legal and psychiatric status is known to all members of the treatment team and hospital risk management service; (3) providing in-service training to physicians, nurses, social workers, ward clerks, and others regarding the Legal 2000 process; (4) requiring that general hospitals have psychiatric staff available; and (5) the encouraging of financial arrangements that would facilitate psychiatric consultation to the medically and/or psychiatrically underserved. Dr. Dickson reviewed the Nevada Psychiatric Association's proposed amendment to NRS 433A.165.
- Ms. Shea added that psychiatrists do treat patients in emergency rooms in Nevada but rarely see the patient after that. .
- Chairwoman Leslie asked if this proposal had been discussed with the larger coalition of health care providers assessing mental health issues in southern Nevada.
- Dr. Dickson replied that some of the coalition members were aware of the proposal and clarified the nature of the work done by the coalition.
- Bill Welch, President and Chief Executive Officer, Nevada Hospital Association, testified that the Nevada Psychiatric Association's proposal had not been brought before the full coalition, though the Legal 2000 issue had been cursorily discussed. He felt that the proposal would need full discussion within the coalition and that the proposal addressed only a portion of the problems presented by Legal 2000 holds.

Discussion ensued of when the coalition would next meet and whether they would discuss the Nevada Psychiatric Association's proposal.

- Chairwoman Leslie said that the recommendation would be added to the LCHC's consideration for its work session, but encouraged the broader coalition to further discuss it.
- Senator Heck explained some of the complications of Legal 2000 from a medical perspective. He asked what the ability of a health care provider was to hold a patient assessed as needing psychiatric treatment for longer than the 72 hours prescribed by Legal 2000 and specifically recommended changes to Part B of the Legal 2000 hold process.
- Chairwoman Leslie agreed that the hold process was problematic and requested that the Division of Mental Health and Developmental Services, Department of Health and Human Services (DHHS), be advised of a need for a review of this process.

DISCUSSION REGARDING THE PROCESS FOR APPOINTING A STATE HEALTH OFFICER

(As directed by Chairwoman Leslie, this agenda item was taken out of order.)

- Richard Whitley, M.S., Administrator, Health Division, DHHS, explained that NRS 439.090, "State Health Officer and Administrator: Qualifications," defined the qualifications for the State Health Officer and NRS 439.100, "State Health Officer: Appointment; vacancy; unclassified service," specified the position as unclassified and as being appointed by the Director of the DHHS. He reviewed time limitations for appointing the Officer; reviewed the history of the State Health Officer in Nevada; and explained recruitment, position restrictions, and related conflict of interest policy. Mr. Whitley introduced proposed changes to the job description, the hiring process, and salary for the State Health Officer, in order to more readily facilitate hiring of the position.
- Chairwoman Leslie asked if the Board of Medical Examiners had jurisdiction over the State Health Officer qualification requirements.
- Mr. Whitley replied yes.
- Mary Guinan, M.D., Ph.D., Acting State Health Officer, Health Division, DHHS, explained her qualifications and the process she went through to be appointed. She noted the overly difficult nature of the process, which had nearly precluded her from qualifying for an administrative license in Nevada. Dr. Guinan explained the testing process for receiving the license, the delays and complications she experienced despite her extensive experience, and was of the opinion that the process was preventing experienced physicians from outside Nevada from seeking to practice in the State.
- Chairwoman Leslie asked if these issues would be addressed in a bill draft request put forth by Mr. Whitley.
- Mr. Whitley said they would be, with the caveat that the Board of Medical Examiners was responsible for portions of the definitions in statute. He explained that similar complications and issues applied to the hiring of other health care staff, not solely the State Health Officer.

REVIEW OF THE ALLOCATIONS OF MONEY FROM THE FUND FOR A HEALTHY NEVADA PURSUANT TO NRS 439.630 AS REQUIRED PURSUANT TO ASSEMBLY BILL 182 (CHAPTER 446, STATUTES OF NEVADA 2007)

(As directed by Chairwoman Leslie, this agenda item was taken out of order.)

- Chairwoman Leslie turned the meeting over to Vice Chair Washington.
- Laura Hale, Chief, Grants Management Unit, DHHS, used spreadsheets to review the Grants Management Advisory Committee's recommended funding by program and

service area ([Exhibit D-1](#) and [Exhibit D-2](#)). She primarily reviewed the funding details provided by [Exhibit D-1](#), including funding related to adaptive resources.

- Vice Chair Washington noted the LCHC's appreciation of the data provided.

UPDATE REGARDING THE SYSTEM OF COLLECTING DATA RELATING TO WAITING TIMES AT HOSPITALS PURSUANT TO SENATE BILL 244 (CHAPTER 450, *STATUTES OF NEVADA 2007*)

(As directed by Chairwoman Leslie, this agenda item was taken out of order.)

- Rory Chetelat, Emergency Medical Services (EMS) Manager, Southern Nevada Health District (SNHD), provided detailed data relating to wait times at hospitals in Nevada during May 2008 ([Exhibit E-1](#), [Exhibit E-2](#), and [Exhibit E-3](#)).
- Assemblywoman Gerhardt said that she had heard reports of nursing personnel logging EMS personnel out of computer systems, rather than the EMS personnel completing the transactions themselves.
- Mr. Chetelat said that he had also heard those reports and the issue was under review.
- Assemblywoman Gerhardt requested that the details of the findings be related to the LCHC members once the reports had been investigated.
- Senator Heck said that some of the reports seemed to be related to patients recorded as having experienced wait-times of greater than two hours who, in truth, had not been checked out of the computer systems.

DISCUSSION REGARDING THE COMPOSITION, ROLES, AND RESPONSIBILITIES OF PROFESSIONAL LICENSING BOARDS

(As directed by Chairwoman Leslie, this agenda item was taken out of order.)

- Chairwoman Leslie resumed the Chair and explained that this item's genesis was recent discussion of the hepatitis C outbreak in Las Vegas, during which many participants had expressed confusion and requested clarification regarding board makeup and function in Nevada.

- Sara Partida, Senior Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau (LCB), provided an overview of the authority of professional licensing boards to temporarily suspend a professional license in Nevada ([Exhibit F](#)). Specifically detailed were: the authority of boards to temporarily suspend a professional license; confidentiality of records; cooperation with law enforcement and other licensing entities; oversight of professional licensing boards; and removal of board members.
- Assemblyman Hardy posed a question about the recusal process for legislators.
- Brenda J. Erdoes, Legislative Counsel, Legal Division, LCB, responded that Chapter 281A of NRS, “Ethics in Government,” containing an ethics code, specifically addressed recusal and disclosure, including requirements related to disclosure relevant to future voting and participation in committee meetings. She explained that disclosure rules encompassed a wide range of detail and, in certain cases, would not restrict a legislator’s involvement in committee meetings.
- Assemblyman Hardy asked if, once having recused themselves from discussion of an issue, a legislator could still attend or preside over a committee meeting hearing that issue.
- Ms. Erdoes responded that language in the ethics code states “participate in the discussion,” which she would interpret to include chairing a committee discussion of a subject from which one had recused himself; however, disclosure did not necessarily preclude *any* involvement, depending on the scope and nature of the conflict of interest. Reiterating, she said that there were opportunities for legislators to revise a recusal as being not as comprehensive as originally thought.
- Senator Horsford asked the representatives of the Board of Medical Examiners present to respond to the information provided in [Exhibit F](#) regarding the Board’s authority to summarily suspend certain licenses based on a finding of public health.
- Drennan A. Clark, J.D., Executive Director/Special Counsel, Board of Medical Examiners, responded that he agreed with the opinion as set forth in [Exhibit F](#), that the Board did have the authority to summarily suspend a physicians license under NRS 233B.127, “Applicability of chapter or grant, denial or renewal of license; expiration of license; notice of adverse action by agency; summary suspension of license,” if it could make a finding that there is a danger to the public to support that suspension.
- Senator Horsford asked what findings made by the Board on two of the fourteen physicians investigated in the hepatitis C outbreak were based on.
- Mr. Clark responded that there were no findings made against the two physicians under NRS 233B.127. He said that the complaints filed against those two physicians were filed under the basis of violation of the standards of practice provisions within

Chapter 630 of NRS, “Physicians, Physician Assistants, and Practitioners of Respiratory Care.” Subsequently, through the Office of the Attorney General and pursuant to NRS 630.388, “Authority of Board to apply for injunctive relief,” temporary restraining orders were obtained prohibiting the physicians in question from practicing during investigation. Mr. Clark said that later findings related to those complaints could not be used to suspend the physicians’ licenses because the physicians had not been found to be an imminent danger to the public. Even though both physicians had been involved in some of the procedures later proven to have transmitted disease to patients, reports by both the SNHD and the Centers for Disease Control and Prevention (CDC) indicated that it was the actions of non-physician staff that were responsible for the disease transmission.

- Senator Horsford asked if it was the case that NRS 233B.127 simply did not apply to the two physicians in question, or had the Board made a determination based generally on Chapter 630 of the NRS.
- Mr. Clark responded that the Board had been advised by the Office of the Attorney General that NRS 233B.127 was not applicable and licensure could not be suspended because a required finding of imminent danger to the public could not be made, per the SNHD and CDC reports; therefore, they could only proceed pursuant to the normal disciplinary practices imposed in statute.
- Senator Horsford asked what the status of the additional 12 physicians under suspicion was and whether they were still being investigated. If so, what was the status of the investigation?
- Mr. Clark answered that the investigation was ongoing but that the Board had not yet been able to obtain relevant medical files in the custody of the Las Vegas Metropolitan Police Department (LVMPD) and that further action was pending receipt of those records. He added that the Board was aware of the magnitude of the work effort involved for the LVMPD in maintaining proper custody of the confiscated medical records and how it was slowing the retrieval process.
- Senator Horsford asked if the 12 additional physicians involved in the hepatitis C scare were still practicing and, if so, where.
- Mr. Clark responded that he did not know if they continued to practice. He reiterated that until the Board had specific evidence authorizing the filing of complaints against them, the Board could not limit the physicians’ unrestricted license to practice.
- Senator Horsford asked how the Board could be sure that these physicians did not present an imminent danger to the public if they did not know if or where they were practicing medicine.

- Mr. Clark responded that the Board investigators were responsible for developing and tracking those details.
- Senator Horsford asked: (1) if the Board investigators reported to Mr. Clark, since he is the Executive Director of the Board of Medical Examiners; and (2) for Mr. Clark to elaborate on his role as Special Counsel to the Board.
- Mr. Clark responded that he assisted with the drafting of regulations, as requested. He stated that he did not provide legal advice to the Board of Medical Examiners.
- Senator Horsford asked whether Mr. Clark had specifically advised the Board regarding the hepatitis C investigation.
- Mr. Clark replied that he had been participating in the investigation with the Office of the Attorney General to make any legal determinations necessary for the Board to operate and take action. He clarified that, as a practicing attorney, he could not definitively say that he had not provided legal advice as a matter of habit, but he relied heavily on the opinions of the Board's Deputy Attorney General for guidance for the Board.
- Senator Horsford asked who provided legal counsel to the Board of Medical Examiners specific to the hepatitis C investigation.
- Mr. Clark responded that this counsel was provided by the Office of the Attorney General and the Board's two Deputy General Counsels. Specifically, Lyn E. Beggs, J.D., Deputy General Counsel, was noted as handling any hepatitis C related prosecutions on behalf of the Board.
- Senator Horsford then asked what contact had been made with three recently temporarily appointed Board members to provide them briefing on their role in the investigation.
- Mr. Clark responded that letters of explanation had been given to the newly appointed members, who were soon to be involved in a training provided by the Office of the Attorney General. The Board members were also in the process of choosing an acting Chair for the Board in light of the recent death of the previous Chair.
- Senator Horsford asked if it was true that recent Board discussion of conflict of interest policy had resulted in the determination that the Board did not need such a policy.

- Mr. Clark explained that the Board had been advised by a Deputy Attorney General that all members were subject to Chapter 281A of NRS, which essentially provided a code of ethics and conflict of interest policy; therefore, the Board did not need to adopt an additional policy. Mr. Clark stated that Board members agreed to sign supplementary documents verifying that they are subject to and will adhere to the provisions of Chapter 281A.
- Senator Horsford asked if Mr. Clark expected the policy to be considered and adopted at the next Board meeting.
- Mr. Clark replied in the affirmative, that the written statements proclaiming adherence to the statutory requirements of Chapter 281A would be signed.
- Senator Horsford asked why the Board still had not seen the need to take action to summarily suspend, pending a full investigation, the licenses of the physicians involved in the hepatitis C outbreak. He said that those physicians clearly used poor judgment in practice and represented a breach of the public trust. He noted that constituents continued to be afraid of receiving medical care and stated he was at a loss as to why the Board had not taken any action against the physicians in a way that protected the public interest and protected due process.
- Mr. Clark repeated that both the CDC and the SNHD had reported the findings that no physician was culpable in the hepatitis C transmissions, only support personnel.
- Senator Horsford stated that he believed this was an area where Mr. Clark was indeed giving legal advice to the Board, rather than acting solely as Executive Director. He said that the only finding needing to be made by the Board was to protect the public interest, not the physicians. Senator Horsford said that legislators needed to be sure that the boards they created would protect the public interest; he said the finding of fact to suspend licensure is based on concern for public health and welfare.
- Chairwoman Leslie asked if, when physicians changed location of practice, they must notify the Board.
- Mr. Clark replied yes. He did not personally know where the physicians in question were practicing, though the Board did.

Discussion ensued about what constituents could do to find out where the physicians in question were practicing. It was noted that the addresses of all Board certified physicians are listed on the Board's website and that there is a toll-free telephone number that may be called.

- Chairwoman Leslie pointed out that page two of [Exhibit F](#) showed that several boards in Nevada had the additional authority to provide for the summary suspension of their members. She asked if the Board of Medical Examiners would like to have that additional authority.
- Mr. Clark responded that the Board would like to have that authority, as it would give them the opportunity to act more aggressively.
- Chairwoman Leslie, referencing page six of [Exhibit F](#), asked if further authority to share records should be granted to the Board in order to better enable cooperation with law enforcement investigations.
- Mr. Clark replied that it was erroneous to say that the Board did not already have that authority, which is clearly provided for in statute. He clarified that delays in document sharing between the Board and law enforcement during the hepatitis C investigation were the result of the Board attempting to protect the names of their complainants and peer and medical reviewers.

Discussion followed regarding details of the Board of Medical Examiner's cooperation with the law enforcement investigation of the hepatitis C exposure.

- Assemblyman Hardy asked if all current Board of Medical Examiner members had been trained in ethics and reporting issues.
- Mr. Clark said that all but the three newest members, who were scheduled to be trained. He restated that all Board members would be signing an affirmation of being subject to Chapter 281A at the next meeting of the Board.
- Assemblyman Hardy asked if, were this type of situation to happen again, the State would still have to rely on the withdrawal of a business license to close the medical facility involved.

Discussion followed of various aspects of medical facility closure.

- Senator Washington said that his understanding was that officers of the Board could only be removed via an impeachment hearing, even though they are appointed and not elected. He requested that the possibility of amending statute to address this be investigated.
- Chairwoman Leslie agreed that it seemed impractical to impeach an appointed official and asked for Ms. Erdoes' input as to why this was.

- Ms. Erdoes noted that impeachment was included in the *Nevada Constitution* as a way to remove appointed officials, but not as the only way; it was a later court case that defined that. She commented that one way to deal with this could be to remove the term of office and provide that the appointee serve at the pleasure of the Governor.

Discussion followed of ways that board members could be removed from office without initiating litigation and related legal and constitutional issues and interpretation. Chairwoman Leslie and Senator Washington requested further clarification from Legal staff of the distinction between elected and appointed officials and the ability to remove either prior to the LCHC's work session meeting.

- Senator Heck stated that he understood that the physicians in question were not culpable in medical practice, though he felt that their administrative practice was problematic. He suggested adding a provision to statute stating that a physician with fiduciary interest in a practice where abuses take place is culpable for those abuses, though they may be innocent of the abuse in terms of actual medical practice.
- Marsheilah D. Lyons, Principal Research Analyst, Research Division, LCB, used [Exhibit G-1](#) and [Exhibit G-2](#) to review recommendations related to the composition, roles, and responsibilities of certain health care professional licensing boards.
- Chairwoman Leslie pointed out page four of [Exhibit G-1](#), standardizing certain board functions, and asked for more information on item 14.
- Senator Washington added a request for clarification about a provision for administrative support services within item 14.
- Larry Matheis, Executive Director, Nevada State Medical Association, said that the motivation behind item 14 was to combine and streamline functions pertaining to licensing and making a complaint against a medical professional, noting that there were currently 21 ways to file a complaint. He discussed the potential cost savings of streamlining these processes.
- Chairwoman Leslie asked for Mr. Matheis to work with the LCHC staff to identify states that have modeled this effectively before the Committee's work session.
- Senator Heck commented he agreed that there needed to be a better way to appoint board members and to streamline their administrative processes.
- Senator Washington asked the LCHC staff to identify what chapters of the NRS suggested recommendations would fall under so that planning could be done with regard to which legislative committees would hear them.
- Assemblywoman Gerhardt requested that Mr. Matheis expand the "investigations" portion of his recommendation.

- Ms. Lyons stated that she was available to provide more information to any Committee member about any of the recommendations listed in [Exhibit G-1](#).
- Chairwoman Leslie said that she was interested in looking at Board appointment processes to address the accusations of cronyism and conflict of interest that had been raised.

REPORT FROM 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 (SENATE BILL 4, 23RD SPECIAL SESSION, CHAPTER 4, *STATUTES OF NEVADA 2007*)

(As directed by Chairwoman Leslie, this agenda item was taken out of order.)

- Senator Maggie Carlton, Chairwoman, Clark County Senatorial District No. 2, provided a review of consensus recommendations from the subcommittee ([Exhibit H](#)). She said that they could likely fall under one omnibus bill. Recommendations included:
 1. Request a bill draft to modify the requirement that an applicant for a license to practice medicine must prove to the Board of Medical Examiners he is a citizen or lawfully entitled to remain and work in the United States by creating an exemption for applicants in the J-1 Physician Visa Waiver Program.
 2. Request a bill draft to allow physicians who have recently completed a residency program to be provisionally licensed upon receipt of satisfactory fingerprint reports, pending completion of the remainder of the board application process, and allow physicians who have recently completed a residency program to be provisionally licensed pending completion of certain examinations/or board certifications.
 3. Request a bill draft to create provisions to make it easier for professionals licensed in other states to become licensed in Nevada if certain criteria are met.
 4. Request a bill draft to specify that supervision of Physician Assistants can be done through telecommunications and remote file review.
 5. Request a bill draft to allow boards to hire counsel outside the Office of the Attorney General, where appropriate.
 6. Request a bill draft to provide boards with the authority to investigate and refer unlawful professional practices to authorities for penalties.

- Chairwoman Leslie asked if there were any objections to adding these items to the LCHC's "Work Session Document." There were none.
- Senator Carlton addressed issues of concern with regard to a lack of consensus on the appropriate level of regulation for the use of lasers, intense pulsed light therapy, and injections of cosmetic substances. She requested that this continue to be investigated by the LCHC, to be further addressed during the 2009 Legislative Session.
- Chairwoman Leslie noted that the work of the LCHC was near completion for the current interim and asked that the relevant parties continue to meet and work on these concerns informally.
- Senator Carlton said that she would continue to work on this and encouraged all interested legislators and LCHC members to participate, noting that individual bill draft requests remained that could be submitted to address these concerns.

CONSIDERATION OF REGULATIONS PROPOSED OR ADOPTED BY CERTAIN LICENSING BOARDS PURSUANT TO NRS 439B.225

LCB File No. R185-07, Board of Examiners for Alcohol, Drug and Gambling Counselors

LCB File No. R092-08, State Board of Medical Examiners

LCB File No. R101-08, Chiropractic Physicians' Board of Nevada

LCB File No. R119-08, Board of Hearing Aid Specialists

LCB File No. R121-08, State Board of Pharmacy

- Sara Partida, Senior Deputy Legislative Counsel, Legal Division, LCB, provided a review of regulations proposed or adopted by certain licensing boards in Nevada, including a brief summary of each recommendation ([Exhibit I](#)).
- Chairwoman Leslie asked about the status of the regulations relevant to File No. R092-08 concerning licensed professional counselors.
- Ms. Partida was unsure about the status of that particular regulatory work.

PUBLIC COMMENT

- James S. Tate Jr., M.D., F.A.C.S., F.I.C.S., President, Association of Black Physicians, and Chairman, Board of Directors, Association of Black Physicians, Las Vegas, Nevada, cautioned the LCHC not to make bad laws to address bad practices. He asked that the LCHC keep the Association in mind when making recommendations about board structure and roles. Addressing Mr. Clark's testimony

that the Board of Medical Examiners could not summarily suspend physician licenses, Dr. Tate noted that this was not true, but that the practice was rife with cronyism. He said that the board applicant processes must be amended to reduce the effects of cronyism. Dr. Tate commented, with regard to the hepatitis C investigation's focus on nurse anesthetists, that those personnel clearly were directed by physician administrators to provide abusive care in order to save money on office costs.

- Bobette Bond, Legislative Liaison, Health Services Coalition, Las Vegas, requested that there be a transparency provision included with any board restructuring legislation put forth by the LCHC.
- Chairwoman Leslie said that she would set aside time at the beginning of the LCHC's work session to hear public testimony.
- Larry Matheis, previously identified, provided a written outline of some recommendations from the Nevada State Medical Association regarding facility licensing issues and streamlining the process of making a complaint against medical personnel in Nevada, including reporting and procedural plans ([Exhibit J-1](#) and [Exhibit J-2](#)).
- Gerald Ackerman, M.S., Associate Director, Center for Education and Health Services Outreach, University of Nevada School of Medicine, Reno, Nevada, provided a memorandum and offered assistance with completing a pilot program to assay licensing board issues ([Exhibit K](#)).

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 1:05 p.m.

Respectfully submitted,

Rebecca C. Dobert
Senior Administrative Assistant

Marsheilah D. Lyons
Principal Research Analyst

APPROVED BY:

Assemblywoman Sheila Leslie, Chair

Date: _____

LIST OF EXHIBITS

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

[Exhibit B-1](#) is a Microsoft PowerPoint presentation titled “Nevada’s Opportunities to Improve Public Safety Through Effective Substance Abuse and Mental Health Treatment for the Criminal Justice Population,” dated June 17, 2008, given by Fred C. Osher, M.D., Director of Health Systems and Services Policy, Justice Center, Council of State Governments (CSG).

[Exhibit B-2](#) is a draft report titled “Reinvesting in Behavioral Health Care to Reduce Crime and Involvement in Criminal Justice Systems: A Blueprint for State Administrators and Policymakers,” provided by Fred C. Osher, M.D., Director of Health Systems and Services Policy, Justice Center, CSG.

[Exhibit C](#) is a Microsoft PowerPoint presentation titled “Legal 2000 The Nevada Process of Civil Commitment,” dated June 17, 2008, given by Lesley R. Dickson, M.D., President, Nevada Psychiatric Association, Las Vegas.

[Exhibit D-1](#) is a spreadsheet titled “Grants Management Advisory Committee Recommended Funding by Program Area and Service Area,” presented by Laura Hale, Chief, Grants Management Unit, Department of Health and Human Services (DHHS).

[Exhibit D-2](#) is a report titled “Funding Recommendations by Subcommittee and Program Area,” submitted by Laura Hale, Chief, Grants Management Unit, DHHS.

[Exhibit E-1](#) is a chart titled “Southern Nevada Health District Month Over Month,” dated February 1, 2008, to May 31, 2008, given by Rory Chetelat, Emergency Medical Services (EMS) Manager, Southern Nevada Health District (SNHD).

[Exhibit E-2](#) is a graph titled “Southern Nevada Health District Transfer of Care,” from May 1, 2008, to May 31, 2008, dated June 10, 2008, submitted by Rory Chetelat, EMS Manager, SNHD.

[Exhibit E-3](#) is a table titled “Southern Nevada Health District Transfer of Care Summary,” dated May 1, 2008, to May 31, 2008, provided by Rory Chetelat, EMS Manager, SNHD.

[Exhibit F](#) is a letter dated June 17, 2008, to Assemblywoman Sheila Leslie, Chair of the Legislative Committee on Health Care, regarding the authority of boards to temporarily suspend a professional license, given by Sara Partida, Senior Deputy Legislative Counsel, Legal Division, LCB.

[Exhibit G-1](#) is a document titled “Recommendations Related to the Composition, Roles, and Responsibilities of Certain Health Care Professional Licensing Boards,” dated June 17, 2008, given by Marsheilah D. Lyons, Principal Research Analyst, Research Division, LCB.

[Exhibit G-2](#) is a chart detailing types of medical professional and related licenses regulated by boards in Nevada, submitted by Marsheilah D. Lyons, Principal Research Analyst, Research Division, LCB.

[Exhibit H](#) is a report titled *Report of 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*, dated June 17, 2008, given by Senator Maggie Carlton, Chairwoman, Clark County Senatorial District No. 2.

[Exhibit I](#) is a document titled “Agenda Item X: Consideration of Regulations Proposed or Adopted by Certain Licensing Boards Pursuant to NRS 439B.225,” dated June 17, 2008, presented by Sara Partida, Senior Deputy Legislative Counsel, Legal Division, LCB.

[Exhibit J-1](#) is a letter dated June 17, 2008, to The Honorable Sheila Leslie, Chair, Legislative Committee on Health Care, regarding recommendations of the Nevada State Medical Association about public health emergency declaration and response issues, submitted by Larry Matheis, Executive Director, Nevada State Medical Association.

[Exhibit J-2](#) is a document titled “Filing a Complaint Against a Licensee in Nevada,” dated June 17, 2008, submitted by Larry Matheis, Executive Director, Nevada State Medical Association.

[Exhibit K](#) is a memorandum dated June 3, 2008, to Senator Maggie Carlton, Chair, and Members of the Subcommittee 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, from Caroline Ford, Assistant Dean/Director, Center for Education and Health Services Outreach, University of Nevada School of Medicine, Reno, titled “Collection of Health Workforce Data,” and presented by Gerald Ackerman, M.S., Associate Director, Center for Education and Health Services Outreach, University of Nevada School of Medicine, Reno, Nevada.

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