



**NEVADA LEGISLATURE
SUNSET SUBCOMMITTEE OF THE
LEGISLATIVE COMMISSION**
(Nevada Revised Statutes [NRS] 232B.210)

SUMMARY MINUTES AND ACTION REPORT
(Corrected on 09/09/16)

The second meeting of the Nevada Legislature's Sunset Subcommittee of the Legislative Commission was held on Tuesday, December 15, 2015, at 9 a.m. in Room 3137 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 <http://www.leg.state.nv.us/interim/78th2015/committee/>. In addition, copies of the audio or video record are available through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835) and may be available online at <http://www.leg.state.nv.us/Granicus/>.

SUBCOMMITTEE MEMBERS PRESENT IN CARSON CITY:

Senator James A. Settelmeyer, Chair
Senator Donald G. Gustavson
Senator David R. Parks
William "Buzz" Harris
Teresa Rankin

SUBCOMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblyman Glenn E. Trowbridge, Vice Chair
Assemblywoman Irene Bustamante Adams
Assemblyman Erven T. Nelson

ADDITIONAL LEGISLATORS PRESENT:

Assemblyman Lynn D. Stewart, Assembly District No. 22
Assemblywoman Victoria A. Dooling, Assembly District No. 41

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Carol M. Stonefield, Chief Principal Research Analyst, Research Division
James W. Penrose, Senior Principal Deputy Legislative Counsel, Legal Division
Michael Morton, Deputy Legislative Counsel, Legal Division
Janet Coons, Principal Administrative Assistant, Research Division

Items taken out of sequence during the meeting have been placed in agenda order.

AGENDA ITEM I—OPENING REMARKS

Chair Settlemeyer called the meeting to order. He announced that David Goldwater, a public member of the Subcommittee, resigned his position, and a new public member will be appointed.

AGENDA ITEM II—PUBLIC COMMENT

Chair Settlemeyer called for public comment. He explained that each speaker would be limited to three minutes.

Assemblyman Lynn D. Stewart, previously identified, said he has received 12 complaints regarding the Board of Dental Examiners of Nevada from his constituents. He explained the complaint process and stated his constituents feel intimidated by the Board and that the current system lacks due process. Assemblyman Stewart submitted a document prepared by Carol M. Stonefield, previously identified, which identified five models of occupational regulation in the United States ([Exhibit B](#)). He said Nevada uses the model where a board has the most authority; he recommended the Sunset Subcommittee consider using a model that reduces the powers of occupational boards.

L. Scott Brooksby, D.D.S., D.I.C.O.I., Las Vegas, Nevada, and President, Las Vegas Dental Association, submitted written testimony regarding the complaint and investigation process used by the Board of Dental Examiners of Nevada ([Exhibit C](#)).

Tina Tsou, Secretary, Las Vegas Dental Association, supported the recommendations of Assemblyman Stewart.

Robert H. Talley, D.D.S., C.A.E., Executive Director, Nevada Dental Association, stated the Association supports any investigation into allegations made against the Board and is confident the Subcommittee will find the Board to be viable, fair, and protective of Nevada's citizens.

Paul E. Larsen, Esq., representing Wongu University of Oriental Medicine, submitted written testimony ([Exhibit D](#)) regarding the State Board of Oriental Medicine. He asked the Subcommittee to consider reorganizing the Board or transferring its responsibilities to another body.

Daniel M. Davies, President, Chief Executive Officer, Wongu University of Oriental Medicine, stated none of the current members of the State Board of Oriental Medicine participate in the national organizations that set standards for oriental medicine.

Maggie Tracey, O.M.D., Dipl. O.M., Minden, Nevada, presented written testimony, which supported the State Board of Oriental Medicine but also addressed her concerns regarding the current Board ([Exhibit E](#)). She submitted a list of concerns regarding the actions of the Board ([Exhibit F](#)) and a letter on behalf of Katie Gaffney, L.Ac., Dipl. O.M. ([Exhibit G](#)).

Katania Taylor, O.M.D., L.Ac., Reno, Nevada, suggested the State Board of Oriental Medicine should be reorganized to eliminate its current dysfunction.

Tammy Williams, Member, Board of Dispensing Opticians, stated her support for the Board to oversee opticians.

Margaret Milligan, Licensed Optician, Las Vegas, Nevada, stated her support for the Board of Dispensing Opticians because it keeps the profession competitive and ethical.

James Morris, Attorney, Lexington, Kentucky, testified he left his law practice to take over the American Board of Opticianry and the National Contact Lens Examiners. He discussed the importance of testing opticians and offered his support for the Board of Dispensing Opticians.

AGENDA ITEM III—APPROVAL OF MINUTES OF THE MEETING HELD ON NOVEMBER 4, 2015, IN LAS VEGAS, NEVADA

MOTION: Senator Parks moved to approve the minutes of the meeting held on November 4, 2015, in Las Vegas, Nevada. The motion was seconded by Vice Chair Trowbridge and passed unanimously.

AGENDA ITEM IV—SELECTION OF BOARDS, COMMISSIONS, AND SIMILAR ENTITIES FOR REVIEW

Carol M. Stonefield, previously identified, reviewed the boards and commissions selected for evaluation at the November 4, 2015, meeting. After discussing the master table of boards, commissions, and similar entities ([Exhibit H](#)), the Subcommittee members identified the additional following entities for possible review:

1. Committee on Anatomical Dissection (page 4);
2. State 4-H Camp Advisory Council (page 4);
3. Personnel Commission (page 4);
4. Employee-Management Committee (page 4);
5. Committee on Catastrophic Leave (page 5);
6. Merit Award Board (page 5);

7. Nevada Junior Livestock Show Board (page 6);
8. Advisory Committee on Housing (page 8);
9. Local Government Employee-Management Relations Board (page 8);
10. Board for Administration of Subsequent Injury Account for Associations of Self-Insured Public or Private Employers (page 8);
11. Board for Administration of Subsequent Injury Account for Self-Insured Employers (page 8);
12. Occupational Safety and Health Review Board (page 9);
13. Nevada Transportation Authority (page 9);
14. State Board for Career and Technical Education (page 13);
15. Commission on Educational Technology (page 13); and
16. State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children (page 14).

MOTION: Senator Gustavson moved to approve the suggested 16 entities for review. The motion was seconded by Senator Parks and passed unanimously.

AGENDA ITEM V—PUBLIC HEARING CONCERNING THE TERMINATION, MODIFICATION, CONSOLIDATION, OR CONTINUED OPERATION OF CERTAIN ENTITIES PURSUANT TO NRS 232B.240

A. Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers (NRS 281.1571)

Carol M. Stonefield, previously identified, stated the Commission is inactive. She referred to a summary of background information regarding the Commission, measures pertaining to legislator compensation commissions from 1985 through 2015, NRS 281.157 through 281.1575, and Assembly Joint Resolution No. 10 (File No. 40, *Statutes of Nevada 2015*) ([Exhibit I](#)).

Assemblywoman Victoria A. Dooling, previously identified, provided written comments regarding compensation commissions and A.J.R. 10 ([Exhibit J](#)). She provided a chart identifying the methods used by other states to determine legislator compensation and a map illustrating compensation methods ([Exhibit K](#)). She requested the Subcommittee recommend

termination of the Commission in Chapter 281 (“General Provisions”) of NRS. Assemblywoman Dooling submitted a letter ([Exhibit L](#)), which requested the Commission be dissolved, from Assemblyman David M. Gardner, Assembly District No. 9, and cosponsor of A.J.R. 10.

Chair Settlemeyer said the Governor’s Office would be contacted regarding possible termination of the Commission, and a request for comment on that action would be made.

B. State Board of Oriental Medicine (NRS 634A.030)

Chair Settlemeyer pointed out the State Board of Oriental Medicine was reviewed by the Sunset Subcommittee during the 2011–2012 Interim.

Seung B. Park, O.M.D., Park’s Oriental Medical Clinic, Reno, Nevada, and President, State Board of Oriental Medicine, submitted written testimony, which discussed the standards of education and licensing required by the Board; the governing structure of the Board; and recommended statutory changes ([Exhibit M](#)).

Based on the required information submitted by the Board ([Exhibit N](#)), Ms. Rankin questioned the following: (1) the bank accounts according to NRS 634A.080; (2) the request to amend the definition of “physician” in NRS 0.040 to include an oriental medicine physician; and (3) the lack of regulations for the practice of Dry Needling.

Discussion took place regarding the number of new doctors over the last six years; the application and testing processes; the practice of Dry Needling; reciprocity with other states; and Wongu University of Oriental Medicine in Las Vegas.

Senator Parks requested the number of acupuncturists and O.M.D.s in the State and the total number of applicants accepted and rejected over the last few years.

Merle Lok, Executive Director, State Board of Oriental Medicine, offered to answer any administrative questions.

C. Nevada State Board of Optometry (NRS 636.030)

Louis Ling, Legal Counsel, Nevada State Board of Optometry, introduced Vincent A. Gassen, O.D., President, and Judi D. Kennedy, Executive Director, Nevada State Board of Optometry. Addressing the materials submitted by the Board ([Exhibit O](#)), he said the Board is fully functioning and is doing what is expected of it by the Nevada Legislature and the public.

Discussion ensued regarding the number of licensees, the number of Board members, and how potential discipline cases are handled during Board meetings.

D. Board of Dispensing Opticians (NRS 637.030)

K. Neena Laxalt, Government Consulting, Reno, Nevada, pointed out the materials submitted to the Subcommittee for review ([Exhibit P](#)). She noted there is only one optometrist in the State who also has a dispensing optician's license.

Joshua Wasson, Licensed Optician, Reno, Nevada, and President, Board of Dispensing Opticians, requested the Board retain its independence.

Marilyn Brainard, Treasurer and Public Member, Board of Dispensing Opticians, submitted a letter ([Exhibit Q](#)) supporting the continued independence of the Board.

Corinne Sedran, Executive Director, Board of Dispensing Opticians, discussed the current number of dispensing opticians in Nevada.

Further discussion ensued regarding: (1) whether optometrists should oversee opticians; (2) complaints and regulations regarding "cosmetic" contact lenses; and (3) continuing education requirements.

E. Board of Dental Examiners of Nevada (NRS 631.120)

Chair Settlemeyer mentioned the materials submitted by the Board of Dental Examiners of Nevada for the Subcommittee's review ([Exhibit R](#)).

Michael D. Hillerby, Director of Legislative Affairs, Kaempfer Crowell, Reno, Nevada, represented the Board of Dental Examiners of Nevada.

John A. Hunt, Attorney at Law, Morris Polich & Purdy, Las Vegas, Nevada, and General Counsel, Board of Dental Examiners of Nevada, said he has represented the Board for 25 years. He explained the complaint process and the Board's role in the process. Mr. Hunt shared the Board's *Disciplinary Screening Officer Manual* ([Exhibit S](#)) and said he would reach out to Assemblyman Stewart.

Chair Settlemeyer and Mr. Hunt discussed the number of cases and the amount of fees charged. Mr. Hunt stressed that if a case is remanded, the licensees do not pay any investigative costs. He noted that of the 22 cases last year, only two went before a full Board hearing. Chair Settlemeyer pointed out the Subcommittee has the ability to request a legislative audit of the Board's legal fees and reimbursements associated with the investigations.

Debra Shaffer-Kugel, Executive Director, Board of Dental Examiners of Nevada, stated the fees for two attorneys in 2015 were \$287,000. She clarified the fees encompass more than just investigative costs or legal fees associated with discipline.

Chair Settlemeyer requested Ms. Shaffer-Kugel submit a breakdown of the fees.

Timothy T. Pinther, D.D.S., Minden, Nevada, and President, Board of Dental Examiners of Nevada, said there are approximately 2,091 licensed hygienists and 1,652 licensed dentists in the State. He noted seven dentists, three dental hygienists, and one public member serve on the Board.

Further discussion took place regarding the following: (1) the fees charged by Mr. Hunt; (2) how dentists' names are handled on Board meeting agendas; (3) the relationship between the Board and the Committee on Dental Hygiene; (4) the examination process; (5) different types of licenses; (6) reciprocity with other states; (7) revised provisions governing the standard of proof in administrative hearings per Assembly Bill 53 (Chapter 160, *Statutes of Nevada 2015*); (8) dispute resolutions found in Chapter 631 ("Dentistry and Dental Hygiene") of NRS; and (9) dental screening officers.

F. Committee on Dental Hygiene (NRS 631.205)

Chair Settlemeyer clarified the Committee on Dental Hygiene is a subcommittee of the Board of Dental Examiners of Nevada. He noted the information submitted by the Committee for review ([Exhibit T](#)).

AGENDA ITEM VI—PUBLIC COMMENT

Chair Settlemeyer called for public comment.

Michael D. Hillerby, previously identified, representing the Nevada Optometric Association, stated his support for the Nevada State Board of Optometry.

Daniel M. Davies, previously identified, clarified the relationship between Wongu University of Oriental Medicine and the State Board of Oriental Medicine, and he provided a history of the university's process for accreditation. Mr. Davies noted the university received licensing from Nevada's Commission on Postsecondary Education because the Board was considered incapable of supervising the university's Title IV program. Mr. Davies said he would address in writing a number of issues discussed earlier that he believes are inaccurate.

Paul E. Larsen, previously identified, testified that misstatements were presented to the Subcommittee by the President of the State Board of Oriental Medicine, which he will also address in writing.

The following document was submitted for the record:

1. A letter from Gregory W. Greenwood, DMD, PharmD, MaCSD, regarding John A. Hunt ([Exhibit U](#)).

Chair Settlemeyer announced the next meeting would be held on February 9, 2016.

AGENDA ITEM VII—ADJOURNMENT

There being no further business to come before the Subcommittee, the meeting was adjourned at 12:01 p.m.

Respectfully submitted,

Janet Coons
Principal Administrative Assistant

Carol M. Stonefield
Chief Principal Research Analyst

APPROVED BY:

Senator James A. Settlemeyer, Chair

Date: _____

EXHIBITS

| EXHIBIT | WITNESS/ENTITY | DESCRIPTION |
|---------------------------|---|---|
| Exhibit A | Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, Legislative Counsel Bureau (LCB) | Agenda |
| Exhibit B | Assemblyman Lynn D. Stewart, Assembly District No. 22 | Information regarding the organization of professional and occupational regulation in the United States |
| Exhibit C | L. Scott Brooksby, D.D.S., D.I.C.O.I., Las Vegas, Nevada, and President, Las Vegas Dental Association | Written testimony |
| Exhibit D | Paul E. Larsen, Esq., representing Wongu University of Oriental Medicine | Written testimony |
| Exhibit E | Maggie Tracey, O.M.D., Dipl. O.M., Minden, Nevada | Written testimony |
| Exhibit F | Maggie Tracey, O.M.D., Dipl. O.M., Minden, Nevada | List of concerns regarding the State Board of Oriental Medicine |
| Exhibit G | Katie Gaffney, L.Ac., Dipl. O.M. | Letter |
| Exhibit H | Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB | List of boards and commissions selected for review on November 4, 2015, and the master table of State boards, commissions, and similar entities for possible review |
| Exhibit I | Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB | Information on the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers |
| Exhibit J | Assemblywoman Victoria A. Dooling, Assembly District No. 41 | Written testimony |
| Exhibit K | Assemblywoman Victoria A. Dooling, Assembly District No. 41 | Information regarding legislator compensation |
| Exhibit L | Assemblyman David M. Gardner, Assembly District No. 9 | Letter regarding legislator compensation |

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| Exhibit M | Seung B. Park, O.M.D., Park's Oriental Medical Clinic, Reno, Nevada, and President, State Board of Oriental Medicine | Written testimony |
| Exhibit N | Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB | Information regarding the State Board of Oriental Medicine |
| Exhibit O | Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB | Information regarding the Nevada State Board of Optometry |
| Exhibit P | Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB | Information regarding the Board of Dispensing Opticians |
| Exhibit Q | Marilyn Brainard, Treasurer and Public Member, Board of Dispensing Opticians | Letter |
| Exhibit R | Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB | Information regarding the Board of Dental Examiners of Nevada |
| Exhibit S | John A. Hunt, Attorney at Law, Morris, Polich & Purdy, Las Vegas, Nevada, and General Counsel, Board of Dental Examiners of Nevada | <i>Disciplinary Screening Officer Manual</i> for the Board of Dental Examiners of Nevada |
| Exhibit T | Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB | Information regarding the Committee on Dental Hygiene |
| Exhibit U | Gregory W. Greenwood, D.M.D., PharmD, MaCSD | Letter |

This set of "Summary Minutes and Action Report" is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits and other materials distributed at the meeting are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: (775) 684-6827.

CORRECTION TO THE MINUTES

AGENDA ITEM IV—SELECTION OF BOARDS, COMMISSIONS, AND SIMILAR ENTITIES FOR REVIEW

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12. Occupational Safety and Health Review Board (page 9);
13. Nevada Transportation Authority (page 9);
14. State Board for Career and Technical Education (page 13);
15. Commission on Educational Technology (page 13);

16. State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children (page 14); and
17. Board of Trustees of the Fund for Hospital Care to Indigent Persons (page 28).

MOTION: Senator Gustavson moved to approve the suggested 17 entities for review. The motion was seconded by Senator Parks and passed unanimously.

The minutes and motion have been corrected by adding the Board of Trustees of the Fund for Hospital Care to Indigent Persons to the list of entities that were selected and approved for review.

Respectfully submitted,

Janet Coons
Principal Administrative Assistant

Carol M. Stonefield
Chief Principal Research Analyst

APPROVED BY:

Senator James A. Settlemeyer, Chair

Date: _____