



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

SUMMARY MINUTES AND ACTION REPORT

The seventh and final meeting of the Nevada Legislature's Sunset Subcommittee of the Legislative Commission was held on Thursday, June 16, 2016, 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," the "Meeting Notice and Agenda," and other meeting materials are available on the Nevada Legislature's website at <https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2015>. 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/>.

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

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

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblyman Glenn E. Trowbridge, Vice Chair
Senator David R. Parks
Assemblywoman Irene Bustamante Adams
Assemblyman Chris Edwards
Carmen Amen

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 K. 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 reported the Subcommittee has reviewed 34 entities and has taken action on 15, which leaves 19 entities for today's work session. Chair Settlemeyer said the Subcommittee will submit its final report and recommendations to the Legislative Commission (LC) (NRS 218E.150) in 2016; if adopted by the LC, the Subcommittee's recommendations for revisions of NRS will be submitted as bill draft requests (BDRs) for the 2017 Legislative Session.

AGENDA ITEM II—PUBLIC COMMENT

Chair Settlemeyer called for public comment.

The following comments addressed the State Board of Oriental Medicine:

Paul E. Larsen, Esq., representing Wongu University of Oriental Medicine, urged the Subcommittee to take action on the State Board of Oriental Medicine. He expressed concerns regarding the Board's conduct of protecting existing physicians from competition.

Daniel M. Davies, President and Chief Executive Officer, Wongu University of Oriental Medicine, shared the University's credentials. He expressed concern about the Board's determination to establish itself as a curriculum and program review committee and a licensing and accrediting agency because it does not have the expertise or legal authority to do so.

The following comments addressed the topic of "dry needling":

Jenelle Lauchman, President, Nevada Physical Therapy Association, submitted written comments regarding the practice of dry needling. She recommended that any changes to NRS 634A.200 should not apply to physicians or osteopathic medicine, and she requested the Subcommittee consider including physical therapists, licensed under Chapter 640 ("Physical Therapists, Physical Therapists' Assistants and Physical Therapists' Technicians") of NRS, in the list of exempted professions ([Agenda Item II A](#)).

Susan Priestman, physical therapist and resident of Nevada, explained that dry needling is an effective tool of chronic pain management and must be performed by skilled, licensed practitioners. She added that dry needling falls within the scope of physical therapy practice. Ms. Priestman stated the importance of keeping this service available to all clinicians who can safely deliver this service to the public, particularly in light of the overwhelming spike in the use of opioids.

Senator Parks and Ms. Priestman discussed whether acupuncturists should be allowed to perform dry needling. Ms. Priestman expressed her opinion that acupuncturists should

practice acupuncture. She stressed that dry needling is a separate technique used to alter muscle tone. Ms. Priestman said the tools are similar to those of acupuncture, but dry needling falls under the purview of physical therapy. Senator Parks verified that the recommendation in the work session document ([Agenda Item VI A-1](#)) deals strictly with Chapter 634A (“Doctors of Oriental Medicine”) of NRS and does not affect Chapter 640.

The following comments addressed the Commission for Common-Interest Communities and Condominium Hotels (CCICCH), Real Estate Division (RED), Department of Business and Industry (DBI):

Jonathan Friedrich, resident, Las Vegas, Nevada, submitted written comments regarding the CCICCH ([Agenda Item II B](#)). He suggested disbanding the CCICCH or radically changing it to meet its original intention.

Tim Stebbins, resident of Henderson, Nevada, and Director, Nevada Homeowner Alliance, suggested the structure of the CCICCH should be changed to better support homeowners.

The following comments addressed the Board of Dental Examiners of Nevada (Dental Board):

Adrian Ruiz, D.D.S., member of the Las Vegas Dental Association, submitted written comments that addressed the financial and administrative functions of the Dental Board ([Agenda Item II C](#)). He requested the Subcommittee consider recommending the creation of a medical licensing board to supervise the complaint process of all health care boards subject to Chapter 629 (“Healing Arts Generally”) of NRS.

David M. Wallace, resident of Nevada, shared his negative experience with dental implants and the lack of help he received from the Dental Board. He questioned the need for its existence and recommended its termination.

Christian Pham, D.M.D., resident of Nevada, submitted written comments regarding the importance of an independent review process ([Agenda Item II D](#)). He suggested members of the dental community appoint the members of the Dental Board with limited terms approved by the Governor.

Anna Dechirico, resident of Nevada, shared her negative experiences with the Dental Board, which have resulted in physical pain and financial hardship. She suggested the Dental Board chooses the dentists it wants to cover and does not act as a governmental agency.

Dawne Williford, resident of Nevada, questioned the mission statement of the Dental Board, suggesting it does not help dental patients. She stated that Debra Shaffer-Kugel, Executive Director, Board of Dental Examiners of Nevada, was rude to her when she filed a complaint and spoke negatively about a dentist who saved her husband’s life from the poor treatment he received from a previous dentist.

Andrea Smith, resident of Nevada, said she researched other dental boards in the western United States and discovered that none of them charges administrative fees, only licensure fees. Ms. Smith stated the Dental Board charged her a large sum of fees based on an unverified complaint; she discussed how the fees have negatively affected her life. Ms. Smith requested that NRS 622.400, which pertains to attorney's fees and costs, be dismissed.

Erika J. Smith, D.D.S., resident, Pahrump, Nevada, shared her unfavorable experience with the Dental Board, which resulted in the closing of her practice. She expressed her opinion that the Dental Board picks and chooses the dentists it wants to investigate. Dr. Smith suggested there must be more transparency in the review process, which would hold the Dental Board accountable.

Felipe M. Paleracio, D.D.S, Las Vegas, Nevada, submitted written comments proposing the Dental Board be required to take immediate action to: (1) repair damages to licensees overcharged for fees and costs; and (2) terminate its executive director and general counsel. Dr. Paleracio requested there be term limits for the members and legislation for supervising the complaint process of the Dental Board and all other medical boards subject to Chapter 629 of NRS ([Agenda Item II E](#)).

John A. Hunt, Esq., General Counsel, Board of Dental Examiners of Nevada, stated the Dental Board understands its job is to be remedial and take appropriate measures to protect the public. He pointed out that the licensees who testified today entered into stipulations with the advice of counsel where they admitted to wrongdoing; he noted this information can be found online. Mr. Hunt assured the Subcommittee that under the Dental Board, the due process of every individual is protected and the voices of Nevada citizens are heard. He added there has never been a lawsuit against the Dental Board for not properly following the review process.

The following comments addressed the Public Utilities Commission of Nevada (PUCN):

Angel DeFazio, representing PUC Watch Dogs, resident, Las Vegas, Nevada, submitted written comments requesting a full operational audit and oversight of the PUCN, suggesting it has been noncompliant with the Open Meeting Law ([Agenda Item II F-1](#)). She discussed changes to the PUCN Internal Manual ([Agenda Item II F-2](#)) and the history of meetings regarding BDRs ([Agenda Item II F-3](#)) and ([Agenda Item II F-4](#)). Ms. DeFazio submitted comments regarding Stephanie Mullen, Executive Director, PUCN ([Agenda Item II F-5](#)).

Michelle Johnson, resident of Nevada, submitted written comments and information regarding the PUCN's video and audio equipment for broadcasting its meetings over the Internet, the lack of uniformity with public access between the utility and administrative meetings, and the lack of administrative meetings since September 30, 2015 ([Agenda Item II G](#)).

Carole Fineberg, resident, Reno, Nevada, presented written comments regarding a PUCN payment program called Flexpay, age discrimination related to billing, and various concerns expressed by AARP ([Agenda Item II H](#)).

A. Jane Lyon, resident of Nevada, submitted written testimony regarding the submission of draft orders and the lack of checks and balances within the PUCN. She suggested there should be full-time management of the PUCN with an efficiency review by outsiders ([Agenda Item II I](#)).

Fred Voltz, resident of Carson City, Nevada, shared written comments regarding the qualifications of the PUCN's current executive director and comments made by its general counsel on social media. He offered six potential legislative remedies for structural problems of the PUCN ([Agenda Item II J](#)).

Sheila Stirling, Ph.D., resident of Nevada, submitted written comments regarding the administrative meetings of the PUCN ([Agenda Item II K-1](#)), ([Agenda Item II K-2](#)), ([Agenda Item II K-3](#)), and ([Agenda Item II K-4](#)).

The following comments addressed the Taxicab Authority, DBI:

Sam Moffitt, resident of Nevada, expressed concern with the following issues: (1) the large number of taxicabs on the road, which results in fewer rides for drivers; (2) the fuel surcharge as it relates to taxicabs that run on alternative fuels; and (3) the \$3 credit card fee. He suggested taking the taxicabs allocated last year off the road.

AGENDA ITEM III—APPROVAL OF MINUTES OF THE MEETING HELD ON APRIL 21, 2016, IN LAS VEGAS, NEVADA

MOTION: Senator Gustavson moved to approve the minutes of the meeting held on April 21, 2016, in Las Vegas, Nevada. The motion was seconded by Assemblyman Edwards and passed unanimously.

AGENDA ITEM IV—PRESENTATION OF THE LEGISLATIVE AUDITOR'S AUDIT REPORT OF THE BOARD OF DENTAL EXAMINERS OF NEVADA, AS RECOMMENDED BY THE SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION, FEBRUARY 9, 2016

Shannon Ryan, Audit Supervisor, Audit Division, Legislative Counsel Bureau (LCB), stated the audit of the Dental Board ([Agenda Item IV A-1](#)) was conducted pursuant to a special request by the Sunset Subcommittee and was approved by the LC on February 19, 2016. She provided background information on the Dental Board and details regarding the scope and objective of the audit. Ms. Ryan discussed three main areas of concern identified in the report: (1) licensees were overcharged for investigations; (2) better reporting and monitoring of legal expenses are needed; and (3) greater oversight of investigators' work is needed.

She pointed out the audit report contains 14 recommendations that address cost tracking; developing Board approved policies regarding cost assessment; a review of the disciplinary screening officer's (DSO) investigations; and ensuring records are sufficient, accurate, and retained. Ms. Ryan reported the Dental Board accepted 11 recommendations, but it rejected the following in its response to the audit report ([Agenda Item IV A-2](#)):

- Recommendation No. 3—Refund licensees amounts that were overcharged;
- Recommendation No. 6—Discontinue the use of charitable contributions as a condition within stipulation agreements; and
- Recommendation No. 10—Institute an independent review process regarding complaint investigation and resolution.

She noted that at the May 24, 2016, meeting of the Audit Subcommittee of the LC (NRS 218E.240), the Dental Board indicated a willingness to accept the recommendation related to the charitable contributions.

Concluding her presentation, Ms. Ryan identified the contents of the appendices in the report.

Assemblyman Edwards and Ms. Ryan discussed why the Dental Board would not return overcharges. She explained the Dental Board does not consider them to be overpayments because the licensees agreed to pay those amounts. According to NRS 622.400, Ms. Ryan said the Dental Board is only allowed to recover costs incurred; the audit found assessments that exceeded the amounts of expenditures incurred by the Dental Board.

Vice Chair Trowbridge and Ms. Ryan discussed the complaint process. Ms. Ryan explained the DSO is assigned to investigate a filed complaint; if further investigation is warranted, an informal hearing is held, which is when most settlement agreements are entered into. Ms. Ryan said the licensee can choose not to sign the agreement at that time and move forward to a formal hearing. In doing so, she stated the related fees and costs accumulate until the final hearing is conducted; if the matter is determined to be against the licensee, he or she would be obligated to pay all costs up to that point. Vice Chair Trowbridge suggested this is where the allegation of extortion comes in.

Assemblywoman Bustamante Adams questioned how the audit's recommendation to institute an independent review process regarding complaint investigation and resolution would compare to the Dental Board's current disciplinary process.

In order to concur whether a violation exists or whether the service rendered was adequate, Ms. Ryan said the Audit Division recommends an independent review process between the current steps of a preponderance of evidence of violation(s) and a corrective action stipulation or disciplinary agreement. She added that during the audit, she contacted other Nevada health

professional boards and other state dental boards and discovered they all contained a review procedure as part of their investigation process.

Chair Settlemeyer interjected that the Board of Medical Examiners has a similar process, to which Ms. Ryan confirmed it has a panel that looks at investigations.

Assemblyman Edwards questioned how much money and time could be saved through an independent mediator, to which Ms. Ryan replied that type of analysis was not conducted.

Ms. Rankin asked whether the audit found any provisions in the State Administrative Manual that would require restrictions related to the travel per diem.

Ms. Ryan replied the audit did not look at per diem meals, but she said Chapter 631 (“Dentistry and Dental Hygiene”) of NRS allows the Dental Board to set its travel costs, but it has not done so at this time.

Ms. Rankin commented on the following issues: (1) Nevada Administrative Code 631.255, under which the Dental Board requires court reporters rather than recorded hearings, may need to be amended as it substantially increases the cost for a full hearing before the Dental Board; (2) alternative dispute resolution costs usually see a 25 to 30 percent reduction; and (3) the findings regarding an independent review by the DSO, as it currently exists, may violate the *North Carolina State Board of Dental Examiners v. Federal Trade Commission* case, which the Subcommittee was briefed on during its April 21, 2016, meeting.

Regarding the charitable contributions, Subcommittee members and staff discussed the following: (1) whether they violate State law and the *Nevada Constitution*; (2) whether they can be returned under federal law; (3) difficulties in monitoring and enforcing their collection and distribution; and (4) their benefits to the community.

Ms. Ryan reminded the Subcommittee that the audit provided a recommendation to return the overpayments assessed to licensees, not charitable contributions.

AGENDA ITEM V—DISCUSSION OF THE REPORT AND ANALYSIS OF THE DIVISION OF INTERNAL AUDIT’S AUDIT REPORT OF THE TAXICAB AUTHORITY, DEPARTMENT OF BUSINESS AND INDUSTRY, PREPARED AT THE REQUEST OF THE LIVERY OPERATORS ASSOCIATION OF LAS VEGAS

Chair Settlemeyer reminded the Subcommittee that the Livery Operators Association of Las Vegas retained Applied Analysis (AA) to review the audit of the Taxicab Authority (TA), DBI, completed by the Division of Internal Audits, Governor’s Finance Office.

Jeremy Aguero, Principal, AA, provided an overview of AA’s analysis of the Division’s audit of the TA ([Agenda Item V A-1](#)). He stated the analysis was limited to issues dealing with: (1) taxicab fare increases, including without limitation, the implementation of the fuel

surcharge; and (2) the imposition of a credit card fee. Mr. Aguero noted that AA reviewed the findings of the Division's audit; reviewed historical meeting records; met with the State auditors, the DBI, and current and former members of the TA; and performed various analyses utilizing publicly available data to determine accuracy and completeness of the provided conclusions.

He shared a comparative analysis of taxi rates in selected U.S. markets ([Agenda Item V A-2](#)) and the sources that support the data ([Agenda Item V A-3](#)) he used to evaluate the fees charged; he supplied minutes from the January 28, 2013, meeting of the TA ([Agenda Item V A-4](#)) regarding the \$3.25 per gallon State-approved threshold and a timeline of Assembly Bill 351 (Chapter 526, *Statutes of Nevada 2011*) regarding the establishment of the credit card fee ([Agenda Item V A-5](#)).

Based on AA's analysis, Mr. Aguero identified five conclusions: (1) taxicab rates are not excessive on their face; (2) fuel surcharges were applied properly; (3) the State audit overstates the cost impact of the fuel surcharge; (4) credit card fees may exceed costs, but there is no restriction on them doing so; and (5) there is no single approach used to regulate credit card fees in comparable jurisdictions.

Steve Weinberger, C.P.A., Administrator, Division of Internal Audits, Governor's Finance Office, provided a written response to AA's report ([Agenda Item V B](#)). He pointed out the Division's audit focused on the effectiveness of the TA Board, while AA's report considered whether the cited charges and fees were reasonable and excessive.

AGENDA ITEM VI—WORK SESSION—DISCUSSION AND POSSIBLE ACTIONS ON RECOMMENDATIONS RELATING TO:

A. Commission for Common-Interest Communities and Condominium Hotels (NRS 116.600), RED, DBI

Chair Settlemeyer provided background information regarding the history and makeup of the Commission ([Agenda Item VI A-1](#)).

Discussion took place regarding NRS 116.600 and the idea of absentee board members.

MOTION: Vice Chair Trowbridge moved to continue the Commission for Common-Interest Communities and Condominium Hotels with the following modification: change "three owners of units" to "three unit owners who also reside in the same common-interest community in which the unit is located." The motion was seconded by Senator Parks and passed. Assemblywoman Bustamante Adams was absent for the vote.

B. Personnel Commission (NRS 284.030), Division of Human Resource Management (DHRM), Department of Administration (DOA)

Chair Settlemeyer provided background information regarding the history and makeup of the Commission ([Agenda Item VI A-1](#)).

MOTION: Senator Parks moved to continue the Personnel Commission with the following revisions to NRS: (1) require a majority vote of the entire Commission to decide an appeal from an employee; and (2) require the appointment of alternate members so that a full roster of five members is present at every meeting to take action on matters before the Commission. The motion was seconded by Assemblyman Edwards and passed. Assemblywoman Bustamante Adams was absent for the vote.

C. Employee-Management Committee (NRS 284.068), DHRM, DOA

Chair Settlemeyer provided background information regarding the history and makeup of the Committee ([Agenda Item VI A-1](#)).

MOTION: Senator Gustavson moved to continue the Employee-Management Committee without modification. The motion was seconded by Vice Chair Trowbridge and passed. Assemblywoman Bustamante Adams was absent for the vote.

D. Merit Award Board (NRS 285.030), DHRM, DOA

Chair Settlemeyer provided background information regarding the history and makeup of the Board ([Agenda Item VI A-1](#)).

MOTION: Senator Gustavson moved to continue the Merit Award Board with the following modifications: (1) NRS 285.010—Clarify that “adoption” means implementing an employee suggestion (this change would be made in other sections of Chapter 285 [“Awards to State Employees”] of NRS as well); (2) NRS 285.030—Remove the reference to Board expenditures up to \$1,000 per year because the budget for the Board has been legislatively established in Budget Account 1345, since Fiscal Year 2011; (3) NRS 285.050—Delete “currently” as it applies to suggestions under active consideration and clarify that an employee is limited to two suggestions in any calendar year; (4) NRS 285.060—Revise the time frame within which the head of a State agency must report findings and recommendations to the Board. Existing statute requires a report within 30 days of receiving an employee suggestion; and (5) NRS 285.070—Revise the time frame for paying installments of awards, depending on the amount of time that passes before a State agency realizes saving. The motion was seconded by Vice Chair Trowbridge and passed. Assemblywoman Bustamante Adams was absent for the vote.

E. Local Government Employee-Management Relations Board (NRS 288.080), DBI

Chair Settlemeyer provided background information regarding the history and makeup of the Board ([Agenda Item VI A-1](#)).

MOTION: Senator Parks moved to continue the Local Government Employee-Management Relations Board with the following modifications: (1) expand the board by adding two members; and (2) designate that at least three members shall be residents of southern Nevada. The motion was seconded by Assemblyman Edwards and passed. Assemblywoman Bustamante Adams was absent for the vote.

F. State Board of Education (NRS 385.021)

Chair Settlemeyer provided background information regarding the history and makeup of the Board ([Agenda Item VI A-1](#)).

Carol M. Stonefield, previously identified, commented that one of the appointed members currently represents business and industry. She suggested the Subcommittee may want to address the concern that not enough attention is paid to vocational education. Ms. Stonefield added the State Board for Career and Technical Education (CTE) dates back to 1917 and does not operate as an independent body. She confirmed that if the Subcommittee terminates the State Board for CTE and transfers its responsibilities to the State Board of Education, the statutes would need to be revised. Ms. Stonefield noted the three appointed voting members consist of one teacher, one parent, and one person active in business or industry.

MOTION: Assemblyman Edwards moved to continue the State Board of Education with the following modification: the teacher appointed to the Board shall represent CTE. The motion was seconded by Vice Chair Trowbridge and passed. Assemblywoman Bustamante Adams was absent for the vote.

G. Advisory Council on Parental Involvement and Family Engagement (NRS 385.610), Nevada's Department of Education (NDE)

Chair Settlemeyer provided background information regarding the history and makeup of the Advisory Council ([Agenda Item VI A-1](#)).

MOTION: Senator Gustavson moved to continue the Advisory Council on Parental Involvement and Family Engagement with the following modifications: (1) repeal the annual report to the Legislative Committee on Education (NRS 218E.605), due on July 1, that describes the activities of the Advisory Council and any recommendations for legislation, and further revise reporting by changing the biennial report to the Legislature to an annual report due on February 1 each year; and (2) revise the name by deleting “parental involvement” so that the name reads as the Advisory Council for Family Engagement. The motion was

seconded by Senator Parks and passed. Assemblywoman Bustamante Adams was absent for the vote.

H. State Board for Career and Technical Education (NRS 388.330)

(This agenda item was taken out of order.)

Chair Settlemeyer presented background information regarding the history and makeup of the Board ([Agenda Item VI A-1](#)).

MOTION: Senator Gustavson moved to terminate the State Board for Career and Technical Education and transfer its duties to the State Board of Education. The motion was seconded by Assemblyman Edwards and passed. Assemblywoman Bustamante Adams was absent for the vote.

I. Commission on Educational Technology (NRS 388.790), NDE

(This agenda item was taken out of order.)

Chair Settlemeyer presented background information regarding the history and makeup of the Commission ([Agenda Item VI A-1](#)).

Ms. Stonefield provided history regarding why a recommendation for termination of the Commission from a 2009–2010 Interim committee was not acted upon ([Agenda Item VI A-1](#)).

MOTION: Assemblyman Edwards moved to terminate the Commission on Educational Technology and transfer its duties to NDE. The motion was seconded by Senator Gustavson and passed. Assemblywoman Bustamante Adams was absent for the vote.

J. State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children (NRS 388F.020), NDE

Chair Settlemeyer provided background information regarding the history and makeup of the State Council ([Agenda Item VI A-1](#)).

MOTION: Senator Gustavson moved to continue the State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children without modification. The motion was seconded by Vice Chair Trowbridge and passed. Assemblywoman Bustamante Adams was absent for the vote.

K. Board of Trustees of the Fund for Hospital Care to Indigent Persons (NRS 428.195)

Chair Settlemeyer provided background information regarding the history and makeup of the Board ([Agenda Item VI A-1](#)).

MOTION: Senator Gustavson moved to continue the Board of Trustees of the Fund for Hospital Care to Indigent Persons without modification. The motion was seconded by Vice Chair Trowbridge and passed. Assemblywoman Bustamante Adams was absent for the vote.

L. State 4-H Camp Advisory Council (NRS 550.035), Public Service Division, Board of Regents, Nevada System of Higher Education

Chair Settlemeyer provided background information regarding the history and makeup of the Advisory Council ([Agenda Item VI A-1](#)).

MOTION: Assemblyman Edwards moved to continue the State 4-H Camp Advisory Council without modification. The motion was seconded by Senator Gustavson and passed. Assemblywoman Bustamante Adams was absent for the vote.

M. Nevada Junior Livestock Show Board (NRS 563.010), State Department of Agriculture

Chair Settlemeyer provided background information regarding the history and makeup of the Board ([Agenda Item VI A-1](#)).

MOTION: Assemblyman Edwards moved to continue the Nevada Junior Livestock Show Board without modification. The motion was seconded by Senator Gustavson and passed. Assemblywoman Bustamante Adams was absent for the vote.

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

(This agenda item was taken out of order.)

Chair Settlemeyer provided background information regarding the history and makeup of the Board ([Agenda Item VI A-1](#)).

MOTION: Assemblywoman Bustamante Adams moved to continue the Dental Board with the following modifications: (1) amend Chapter 631 of NRS to provide that for any preliminary investigation or informal hearing conducted by a DSO or other agent of the Board, the agent's findings and any proposed action against a licensee must be reviewed and approved by an internal review panel before they may become the basis of a settlement agreement with the licensee; and (2) send a letter to the Board directing an analysis and report of the practice of contracting with outside legal counsel, including a statement of reasons for contracting with outside counsel rather than employing General Counsel as staff; requesting an explanation as to why the Board will not refund licensees amounts they were overcharged; and requesting a reply to the Sunset Subcommittee and the Legislative Commission by January 1, 2017. The motion was seconded by Senator Gustavson.

Ms. Stonefield clarified the term “internal review panel” suggests Board members and people internal to the Board and “independent review process” suggests people from outside.

MOTION AMENDED: Assemblywoman Bustamante Adams amended her motion to replace “internal review panel” with “independent review process regarding complaint investigation and resolution.” The motion passed unanimously.

O. Committee on Dental Hygiene (NRS 631.205)

Chair Settlemeyer provided background information regarding the history and makeup of the Committee ([Agenda Item VI A-1](#)).

MOTION: Vice Chair Trowbridge moved to continue the Committee on Dental Hygiene without modification. The motion was seconded by Senator Gustavson and passed. Assemblywoman Bustamante Adams was absent for the vote.

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

(This agenda item was taken out of order.)

Chair Settlemeyer provided background information regarding the history and makeup of the State Board ([Agenda Item VI A-1](#)). He reminded the Subcommittee members that when they reviewed the State Board during the 2011–2012 Interim, they recommended continuation without modification. Chair Settlemeyer addressed licensing information and graduation rates ([Agenda Item VI A-2](#)). He recalled the 2015 Senate Committee on Commerce, Labor, and Energy and the Assembly Committee on Commerce and Labor addressed more individuals practicing Oriental medicine in the State. Chair Settlemeyer commented that according to Chris Bosse, Vice President of Government Relations, Renown Health, Nevada and Hawaii are the only two states that prohibit physicians trained in acupuncture from practicing acupuncture without an Oriental medicine license and is therefore requesting an exemption for physicians appropriately trained in all other states. He said there is a request from physical therapists to be exempt from Chapter 634A because they feel “dry needling” is different from acupuncture.

Senator Parks remarked that since physical therapy is governed under Chapter 640, today’s recommendations would not include physical therapists or other medical professionals who may use dry needling.

MOTION: Senator Parks moved to continue the State Board of Oriental Medicine with the following modifications: (1) physicians appropriately trained in acupuncture do not have to have an Oriental medicine license; (2) send a letter to the State Board of Oriental Medicine recommending that it withdraw the portion of LCB File No. R072-14 that imposes the doctorate requirement, and inform the Legislative Commission of the Subcommittee’s opposition to the proposed regulation; (3) amend NRS 634A to increase the number of members of the Board from the current five to seven and provide that one member of the

Board shall represent a school or college of Oriental medicine located in Nevada, the establishment and curriculum of which is approved by the Board pursuant to NRS 634A.090; (4) amend NRS 634A to provide that the members serve at the pleasure of the Governor, who may remove a member at will; (5) revise NRS 634A.200 to provide that the provisions of the chapter do not apply to physicians licensed under Chapter 630 (“Physicians, Physician Assistants, Medical Assistants, Perfusionists and Practitioners of Respiratory Care”) or Chapter 633 (“Osteopathic Medicine”) of NRS; and (6) require the State Board to submit reports of activities to the Sunset Subcommittee every six months until the 2019 Legislature convenes. Such reports will include minutes of meetings, the examination and licensing of applicants, approval of curricula of any school or college of Oriental medicine located in Nevada, oversight of practitioners, and any other issue as directed by the Sunset Subcommittee. The motion was seconded by Assemblywoman Bustamante Adams and passed unanimously.

Q. Public Utilities Commission of Nevada (NRS 703.020)

Chair Settlemeyer provided background information regarding the history and makeup of the Commission ([Agenda Item VI A-1](#)).

MOTION: Assemblyman Edwards moved to continue the Public Utilities Commission of Nevada without modification. The motion was seconded by Senator Parks and passed. Assemblywoman Bustamante Adams was absent for the vote.

R. Nevada Transportation Authority (NRS 232.510 and 706.1511), DBI

See the motion for the Taxicab Authority.

S. Taxicab Authority (NRS 232.510 and 706.8818), DBI

(This agenda item was taken out of order.)

Chair Settlemeyer said he would like to include a discussion of the Nevada Transportation Authority (NTA) at the same time. He suggested the two entities be combined and placed in their own department with oversight by one person who can be removed at the will of the Governor ([Agenda Item VI A-1](#)).

Ms. Rankin shared the history of the TA and cautioned the Subcommittee about the financial difficulties of transitioning from a division to a department.

Vice Chair Trowbridge acknowledged that new individuals hired by the TA are bringing new approaches to handling the issues. He suggested making a move now would be premature and supported leaving things the way they are—but with clear directions for expectations.

Chair Settlemeyer said he would vote against a motion to leave the entities as they are with no changes.

MOTION: Assemblyman Edwards moved to combine the Transportation Authority and the Nevada Transportation Authority under their own department. Senator Gustavson seconded the motion.

Subcommittee members and staff discussed the duties of the TA and NTA if they were to be combined. Chair Settlemeyer clarified all duties of both entities would be transferred to a new department and the 2017 Legislature would determine the name and other details. He suggested the rules and regulations should be the same for southern and northern Nevada.

Assemblywoman Bustamante Adams commented her main goals are protecting consumers, making certain that Nevada businesses stay competitive, and avoiding the duplication of duties.

Ms. Rankin suggested including an advisory board of taxicabs in a potential BDR.

MOTION: The previous motion by Assemblyman Edwards and seconded by Senator Gustavson passed. Vice Chair Trowbridge voted no. Senator Parks abstained.

AGENDA ITEM VII—RECOMMENDATIONS RELATING TO THE FUNCTIONS AND OPERATION OF THE SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

Discussion took place regarding the possibility of the LC appointing members earlier and allowing the Subcommittee to meet until the end of August.

MOTION: Senator Parks moved to write a letter to the Legislative Commission requesting an earlier appointment of Subcommittee members and revision to NRS allowing the Subcommittee to meet later. The motion was seconded by Assemblyman Edwards and passed. Assemblywoman Bustamante Adams was absent for the vote.

Ms. Rankin mentioned that nonvoting members continue until they quit or die. Noting there has been concern with appointing nonvoting members, she suggested a standard be included in statute regarding terms or meeting attendance.

AGENDA ITEM VIII—PUBLIC COMMENT

Chair Settlemeyer called for public comment.

Angel DeFazio, previously identified, stated her disappointment in the Subcommittee's decision to continue the PUCN with no modification.

Fred Voltz, previously identified, submitted additional information regarding the PUCN's General Counsel ([Agenda Item VIII A](#)).

Paula Berkley, resident of Nevada, submitted a memorandum supporting the requested amendment by the Nevada Physical Therapy Association ([Agenda Item VIII B](#)).

AGENDA ITEM IX—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 1:24 p.m.

Respectfully submitted,

Janet Coons
Principal Administrative Assistant

Carol M. Stonefield
Chief Principal Research Analyst

APPROVED BY:

Senator James A. Settelmeyer, Chair

Date: _____

MEETING MATERIALS

AGENDA ITEM	WITNESS/ENTITY	DESCRIPTION
<u>Agenda Item II A</u>	Jenelle Lauchman, President, Nevada Physical Therapy Association	Written comments
<u>Agenda Item II B</u>	Jonathan Friedrich, resident, Las Vegas, Nevada	Written comments
<u>Agenda Item II C</u>	Adrian Ruiz, D.D.S., member of the Las Vegas Dental Association	Written comments
<u>Agenda Item II D</u>	Christian Pham, D.M.D., resident of Nevada	Written comments
<u>Agenda Item II E</u>	Felipe M. Paleracio, D.D.S, Las Vegas, Nevada	Written comments
<u>Agenda Item II F-1</u>	Angel DeFazio, representing PUC Watch Dogs, resident, Las Vegas, Nevada	Written comments and supporting information
<u>Agenda Item II F-2</u>	Angel DeFazio, representing PUC Watch Dogs, resident, Las Vegas, Nevada	Documents regarding changes to the PUCN Internal Manual
<u>Agenda Item II F-3</u>	Angel DeFazio, representing PUC Watch Dogs, resident, Las Vegas, Nevada	History of PUCN meetings regarding bill draft requests
<u>Agenda Item II F-4</u>	Angel DeFazio, representing PUC Watch Dogs, resident, Las Vegas, Nevada	History of PUCN meetings regarding bill draft requests
<u>Agenda Item II F-5</u>	Angel DeFazio, representing PUC Watch Dogs, resident, Las Vegas, Nevada	Written comments and supporting information
<u>Agenda Item II G</u>	Michelle Johnson, resident of Nevada	Written comments and supporting information
<u>Agenda Item II H</u>	Carole Fineberg, resident, Reno, Nevada	Written comments and supporting information
<u>Agenda Item II I</u>	A. Jane Lyon, resident of Nevada	Written comments and supporting information
<u>Agenda Item II J</u>	Fred Voltz, resident of Carson City, Nevada	Written comments
<u>Agenda Item II K-1</u>	Sheila Stirling, Ph.D., resident of Nevada	Written comments and supporting information
<u>Agenda Item II K-2</u>	Sheila Stirling, Ph.D., resident of Nevada	Supporting information
<u>Agenda Item II K-3</u>	Sheila Stirling, Ph.D., resident of Nevada	Supporting information
<u>Agenda Item II K-4</u>	Sheila Stirling, Ph.D., resident of Nevada	Supporting information
<u>Agenda Item IV A-1</u>	Shannon Ryan, Audit Supervisor, Audit Division, Legislative Counsel Bureau	<i>Performance Audit Nevada State Board of</i>

	(LCB)	<i>Dental Examiners 2016</i>
<u>Agenda Item IV A-2</u>	Shannon Ryan, Audit Supervisor, Audit Division, LCB	Written responses to the <i>Performance Audit Nevada State Board of Dental Examiners 2016</i> from the Nevada State Board of Dental Examiners
<u>Agenda Item V A-1</u>	Jeremy Aguero, Principal, Applied Analysis (AA)	Microsoft PowerPoint presentation
<u>Agenda Item V A-2</u>	Jeremy Aguero, Principal, AA	Analysis of taxi rates
<u>Agenda Item V A-3</u>	Jeremy Aguero, Principal, AA	Sources for analysis
<u>Agenda Item V A-4</u>	Jeremy Aguero, Principal, AA	Meeting minutes
<u>Agenda Item V A-5</u>	Jeremy Aguero, Principal, AA	Timeline of Assembly Bill 351
<u>Agenda Item V B</u>	Steve Weinberger, C.P.A., Administrator, Division of Internal Audits, Governor's Finance Office	Microsoft PowerPoint presentation
<u>Agenda Item VI A-1</u>	Carol M. Stonefield, Chief Principal Research Analyst, Research Division, LCB	Work Session Document
<u>Agenda Item VI A-2</u>	Carol M. Stonefield, Chief Principal Research Analyst, Research Division, LCB	Licensing information
<u>Agenda Item VIII A</u>	Fred Voltz, resident of Carson City, Nevada	Written comments and supporting information
<u>Agenda Item VIII B</u>	Paula Berkley, resident of Nevada	Written comments

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