

55th Nevada Legislative Assembly - Committee on Health and Welfare,
Chairman Woodrow Wilson presiding Feb. 13, 1969

Hearing, Re: AB 67 and AB 77, AB 91.

Members Present: Wilson, Foote, Swallow, Frazzini, Brookman, Homer,
Espinoza, and May.

Absent : Hafen

Chairman Wilson called the meeting to order at 2:45 P.M.
and introduced the following guests:

William Locke, Board of Pharmacy, Reno, Nevada; W.L.
Merithew, Board of Pharmacy, Reno, Nevada; John V. Lundemo,
Legislative Intern, Reno, Nevada; James Nolan, D.C., Minneapolis,
Minnesota; Michael E. Graff, D.C., Las Vegas, Nevada; Wade L. Soll,
D. C., Henderson, Nevada; Ransom L. Sare, D. C., Glendale, Calif.;
Karl L. Harris, Health & Welfare & Rehabilitation and Robert J.
McAllister, Superintendent, Nevada State Hospital, Sparks, Nevada.

Chairman Wilson announced that the bills that would be
the subject of discussion at this hearing were: AB 67, which
establishes administrative and commitment procedures for Southern
Nevada comprehensive mental health center; AB 77, which prohibits
administration and prescription of drugs by chiropractors; and AB 91,
which provides for licensure of nursing home administrators.

He then introduced Dr. McAllister, regarding AB 67. Referring
to Sec. 3, Dr. McAllister said that through legislation, he hoped
that a definition could be made for "Director" and "Administrator"
of the Mental Health Center in Southern Nevada. He said the Admini-
strator could be any person - psychiatrist, social worker, psychiatric
nurse, with administrative experience. He said mental hospitals
throughout the State are established this way, and he suggested that
the salary be commensurate with the particular professional status of
the person engaged. He said the position of medical director should
obviously be held by a physician, if possible a psychiatrist. However,
the duties today do not necessarily call for a psychiatrist, and they
are hard to come by. He said we might face that day when we would be
hiring a psychiatrist from the community and would not have an
administrator.

He said he had not been to Southern Nevada to see anything
at the center. He said he understood construction had not begun, but
that they anticipated it would within 6 to 10 months. The proposed
completion date was January 1979, but he said it is more likely to be
one year from now, or possibly later.

Assemblyman Foote asked Dr. McAllister if this center would
become a hospital.

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Dr. McAllister answered that it would provide for 24-adult beds for psychiatric patients and a 16-bed separate unit for children, with a full gamit of out-patient services and a provision for patients to come in in the morning and return to their homes that same night.

Miss Foote said she understood there was a vacancy at the Sparks mental institution for a psychiatrist. Dr. McAllister replied there were presently 2 psychiatrists and 2 social workers positions at Las Vegas mental health center, and one of the two positions was filled until January 1st and now is vacant. However, they have one interested man from the midwest who will possibly fill this position, and possibly 4 or 5 applicants that have expressed an interest in the Las Vegas area. He said some staff would be transferred when this center is opened.

Assemblyman Homer asked if this hospital were already funded and let for bid? Dr. McAllister replied that it had been funded, but not let for bid. However, a Mr. Moffit would be the architect.

Assemblyman Espinoza asked what would be the salary offered to a psychiatrist at the Southern Nevada center? Dr. McAllister replied that it would be the same as offered in the facility in the northern part of the State. \$25,000 in the B category and \$23,000 in the A category - B is higher than A. He said there were some pay increase recommendations which he had supported.

Assemblyman Foote asked if the two requested positions had been broken down in the budget yet? Dr. McAllister replied that the budget division had the breakdown.

Assemblyman Frazzini asked Dr. McAllister if he excluded his psychiatrists from outside practice. Dr. McAllister replied, "no, but we do run a survey on how much time he spends on his outside practice."

Assemblyman Espinoza said he understood last year a psychiatrist was earning \$23,000 and spending about 2 hours a day at the hospital. Dr. McAllister replied that was 2 years ago, and that man was no longer with us today.

Chairman Wilson asked Dr. McAllister if there were further proposals that were not yet incorporated into this bill. Dr. McAllister replied there were, and suggested working with the bill drafter on these.

Assemblyman Foote suggested that before the committee go into these, they should first be asked if they are interested in having these proposed changes, and made a motion that the amendments to AB 67 be prepared by Dr. McAllister and the bill drafter for further consideration by the committee. Seconded by Assemblyman May. Unanimously carried.

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Assemblyman May asked if the proposed amendment had been included in the budget. Dr. McAllister did not answer.

AB 65 - which provides procedure for medical reports to juvenile correctional institutions and abrogates surety bonds for superintendents, Miss Foote said she had received information from Dr. Ravenholt*regarding the proposed glucose treatment tests for inclusion in Sec. 1, Part 3. He mentioned prices for the various tests already being given. He said the State does the blood tests. The hospital x-rays at a cost of \$10 - \$15, in comparison to \$2.00 at the Health Center. Urinalysis runs between \$30 and \$5; V.D. tests are done either at the hospital or by the County. *(Dr. Otto Ravenholt, Superintendent, Southern Nevada Mental Health Center).

Miss Foote said it was Dr. Ravenholt's reasoning that their Department probably could give the glucose treatment test, but that more careful thought and study should be given to it by the Department as to behavioral problems that would show hyperglycemia. He said that he felt that by administering this test, we could be opening a "Pandora's Box". Dr. Ravenholt said that children under detention would react differently than an ordinary child being given a test for hyperglycemia, in that they would be under a great deal of tension, their adrenalin glands would be overactive, and the tests would not be accurate.

Assemblyman Foote said she would therefore not care to give further consideration to this proposed amendment.

Assemblyman Swallow asked Miss Foote if Dr. Ravenholt had discouraged her on this test. Miss Foote answered that the tests given on just any person might be a lot different than a test given on a person who was incarcerated.

Chairman Wilson then called for the hearing to consider AB 91, which provides for licensure of nursing home administrators, and introduced Mr. Karl Harris, Health & Welfare & Rehabilitation, State of Nevada, who said he had nothing more to offer than his testimony given at the last hearing of this Committee February 11th, 1969.

Dr. Homer asked him if the State of Nevada has an official State's Healing Arts Statute? "In other words", he said, "the Federal regulations on Nursing Home Administrators state that a 'qualified' administrator must come under the Healing Arts Statutes if the State has one. In the absence of one, then it is mandatory in order to qualify for this Board to be composed of these men who administer this care." He asked how this would effect the small county nursing homes. "Are they going to be cut off because they can't qualify?"

Mr. Harris answered that Ormsby County has the only small one. He said that in the hospitals where there are nursing home facilities, we would have to license that part as a nursing home facility.

Dr. Homer asked about homes run by private individuals, and said he believed that if they had more than 5 patients, that there was a stipulation there.

Mr. Harris said in those cases, the patients must be partially self-sufficient; able to take care of themselves, such as taking their own medicine, dressing themselves, etc.

Assemblyman Swallow suggested checking some places like those in White Pine County. He said they have a feeling that their 2 facilities will be closed down because they cannot qualify.

Chairman Wilson assured him the committee would not rush through on this bill, and that every consideration would be given to the study and findings. He told Mr. Swallow that the committee was not talking about licensing of nursing homes, but nursing home administrators. He said, "however, Assemblyman Swallow, if you are having this type of feedback, let's follow it up. I want to get some explanation of how far reaching this thing really is".

Chairman Wilson then asked Mr. Harris what would be wrong with having a Board to license the administrators and the Health & Welfare Department license the facility? "Would it be expensive to meet your criteria for licensing?"

He further asked if Mr. Harris had thought of setting up statutes for the administrators. Mr. Harris replied that they had nothing written out, but that he had personal feelings. He said there were people at the last hearing from private nursing homes, but, he said, there are just as many public nursing homes that you haven't heard from. Wilson asked, "Is it the consensus of this committee that we defer action on AB 91 until we have heard from the public nursing homes, and have obtained other information that we have coming from the Department of Health?"

Foote moved. May seconded. Unanimously carried that action on AB 91 be deferred until a later date when more information could be obtained.

AB 77 - Chairman Wilson said that at the last hearing, he had invited all the "pros" to speak; however, if there were others at this hearing, or any had been overlooked at the last ~~who were~~ ~~at the hearing~~, he invited them to speak at this time for AB 77. There were none. He therefore invited all those against AB 77 to speak, ~~at this time.~~

Wade L. Soll, D.C., Henderson, Nevada.

He said his Association represents the majority of the practicing chiropractors in the State of Nevada, and he was present

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to protest in their behalf. He said, "this is the type of legislation that would put the statutes back as they were in 1955". He said if you go back into the history of the chiropractor, licensing requirements were formerly only 18 months. However, they called it three years- or 6 months courses of 3 each, or a total of 2,400 hours. He said that in 1951 they included the basic sciences, which examination is given to all physicians no matter in what field they choose to practice. In 1955, the Legislature saw fit to grant to manipulative chiropractors the use of one narcotic drug. The 1967 session of the Legislature introduced a bill to clarify the statute of chiropractics. This bill was bottled in committee, and in order for different people to get their own legislation out, they had to go against this bill. At that time, it was written into the bill that chiropractors could write prescriptions; - osteopaths and chiropractors could write prescriptions.

He said, "I heard we entered in the back door. This is not true." Referring to the statute which included chiropractors with osteopaths, he said that both were written in at the same time. He said that it read, "physicians, duly licensed by their respective boards. He said this obviously does not apply to all chiropractic physicians, but only to the extent they are authorized by chapters 633 and 634 of NRS to use drugs, etc.

Dr. Ransome L. Sare, D.C., said a licensed chiropractor has to be a highschool graduate and takes a 2-year basic science course in an accredited college of chiropractics. He said Allopathy or Osteopathy does not require any post graduate courses. Many of the men who graduated prior to World War II have gone back to school and learned pharmacology, or the use of antibiotics and other of the new drugs that appear on the market.

Dr. Soll said his Association had given post graduate work in pharmacology and the Public won't consent to its use. They make it mandatory that our members take additional courses are they are expelled. He suggested a new chiropractic licensing board on which there would be one pharmacist, 3 chiropractic physicians, 1 Ph.d who is qualified in the basic sciences and pre-teaching.

Brookman asked how many chiropractors in the State are practicing under the "Grandfather" clause. Dr. Soll replied: Two-thirds of them were Grandfathered somewhere along the line". He said this same thing has happened in pharmacy, architecture, and along other lines as well. He said that every man, no matter when he graduated, should go back and learn new methods and become aware of the changes that have been made since he graduated.

Dr. Soll said he had been grandfathered and has gone back to take many courses.

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Dr. Homer asked him which chiropractic colleges are accredited to teach pharmacology necessary to obtain a diploma? He said "as you know, in most states, the law does not allow you to practice pharmacology?"

Dr. Soll replied that he thought other chiropractors would bear him out when he said that in order to practice pharmacology, they had to call it 'symptomology' or something related.

Mr. Swallow said he would like one of the gentlemen to clarify just basically how many hours that the chiropractors have to have in order to become licensed? He said, "Dr. Soll, you mentioned they have the same amount as a medical doctor has?"

Dr. Soll answered, "approximately, yes". He said to clarify this, it is the same quality".

Mr. Swallow asked him if they could go into medicine if they preferred. Dr. Soll answered "no, it isn't the same subjects". They are of the same quality, but we do not have Federal Funds to operate our colleges.

Assemblyman Swallow asked Dr. Soll if, when he discussed these things, he could break them down to the number of hours of pharmacology, toxicology, materia medica, etc., that were studied in a chiropractic college.

Dr. Sare replied that they have to have a Baccalaureate degree of Chemistry or Doctor of Public Health. He said Los Angeles College of Chiropractics is one of 3 accredited colleges by the California State Department of Education as a Class A College of Chiropractics, and all instructors must meet these basic educational requirements. "In the general outline of classes, it is always difficult from the standpoint of the school, because each are subject to the pressures of the alumni and those in practice."

Dr. Sare said further, "Since 1953, Los Angeles College of Chiropractics has required a 4-year course, or 4,480 hours in order to meet the requirements of the State of California. You cannot miss more than 10% without being dismissed. They take the role every day, just like in grade school".

"Minor surgery specifically is set out and established. The State of California requires they teach certain subjects, including the use of all the usual techniques in suturing, bandaging- 72 hours actual class room time. The rest of the training varies from clinical training to pharmacology. They start out by carrying bed pans then as they learn, they get to do examinations all by themselves, with about 3 instructors watching them. They perform a certain amount of minor surgery which is carried over from curriculum work. It will be a minimum of approximately 72 hours and can be more, according to the type of patients they may have."

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"Pharmacology is covered in three different areas. Classes in toxicology, designed for poisons, prescriptions, which includes techniques of treating poisoning such as stomach pumping and specific drugs that are indicated as antidotes, and techniques of prescription writing. Pharmacology as such is not specifically delineated in the classroom, as this would not be acceptable in most states when applying for a license. Why do we include drug treatment? The pharmacology, or practice of it, may include the use of drugs. It is incumbent on us to train our students to know how everybody treats. If a patient comes to you and has been under treatment for X, Y & Z, it stands to reason then that something is wrong. Perhaps if you know the pharmacology, you know if the drug or the dosage might have been incorrect. We use as reference Psychologic Basis of Therapeutics by Goodwin and Gillman, and Lobe's Test Book of Medicine. In the process, this material is covered at least to give a sufficient working knowledge to the average practitioner."

"If you were a graduate of the University of California with a Doctor of Medicine Degree, you still wouldn't meet with the requirements of the Los Angeles College of Chiropractic. We have a large number of students who went to the College of Chiropractics and then transferred to the accredited college and used their credits towards a BS degree".

Two years of pre-professional training, and 2 years of chiropractic college is sufficient for a Bachelor of Arts or Bachelor of Science degree.

Dr. Homer: "Dr. Soll, does the State of California license chiropractors to write prescriptions? To perform minor surgery?"

Dr. Soll: "About administering drugs and antibiotics, I don't know of anyone who has ever been prosecuted or arrested for so doing. The State of California has some rather peculiar writing in its Act. It just says you can't practice medicine, dentistry or optometry".

Miss Foote: "Dr. Soll, what degrees did you say you have - chemistry, bio-chemistry, Doctor of Chiropractics, and Doctor of Public Health? How many hours does a Medical Doctor put in before he is licensed to prescribe medicines and to write prescriptions?"

Dr. Soll answered that there was additional work required for a medical degree in surgery. He thought an additional 4,800 hours. He said he thought pre-professional training came under different statutes.

Mrs. Brookman asked Dr. Soll if he felt a chiropractor has the right to write prescriptions of drugs. Dr. Soll replied, "it depends on the patient. He should treat the patient".

Brookman, regarding the Grandfather law. "Do you think they have the right to write prescriptions if they haven't been back to school?"

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Dr. Soll: "Over the years of practice, you learn something; through the school of hard knocks, or trial and error. The ones I know personally would have no desire to go into this. The integrity of the individual Doctor would be involved".

Brookman to Swallow: "How many extra hours per year do you have to put in to be a pharmacist?"

Swallow: "We do not go back to school. The law is trying to effect this, that a druggist will have to have a certain amount of schooling. I have 4 years college to get my Bachelor of Science Degree. It is optional whether you graduate with a masters. The first year is spent in general college work like other colleges, and the other is USP, toxicology, chemistry, etc. And of course, a course in Latin."

Dr. Soll: "Getting back to Grandfathering - one of the better thought of surgeons in Las Vegas did not have one day of medical school. He has taught from experience".

Swallow: "Most of these people are gone from our profession at this time".

Dr. Homer: "I would like to ask Dr. Sayre if, in the courses of pharmacology in his school, did you take Latin?"

Dr. Sare: "No".

Dr. Homer: "Then how do you write prescriptions?"

Dr. Sare: "In English".

James Nolan, D.C. Stated he was a member of a chiropractic college, and also a licensed chiropractor in the State of Nevada. He said he teaches at Northwestern College of Chiropractics at Minneapolis. He has 25 students in minor surgery classes, and injects the proper local anaesthetics. "When you assume the responsibility of taking care of a patient, you should be able to provide the care that is needed immediately at hand for the patient. We do want to use the routine pain relieving drugs. We can put the patient's lower back in position, but with the injection of a muscle relaxant, in 15 or 20 minutes can put the patient in a more relaxed position, which he said, can relieve the patient's pain and make him easier to work with. He said the chiropractors are being put in a bottle and the lid screwed on. "If you want to see our profession grow and render a greater service to the State of Nevada, and with the growing shortage of family doctors, I feel the well-trained chiropractor could fit into these vacancies. In Minnesota, we have 82 communities with a clinic constructed, and no doctor to fill it. With this kind of proposed bill, you are killing the chiropractic profession." Further, he said that the chiropractors do limit themselves. The Chiropractors are interested in muscular-skeletal manipulation and disorders, and not in medicine.

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Miss Foote: "We were told that the Greek word for chiropractic is, "use of hands". From the statements you made, I was lead to believe the chiropractic association, and your reason for being here, is for chiropractors to become general practioners of medicine?"

Dr. Nolan said to throw out the meaning of the word chiropractor. A chiropractor means physical. Chiro means hand, or with the hand. You can't depend too strongly on definitions. A doctor or physician handles his patients a lot more than an orthopedist-a man who practices internal medicine."

Swallow: "How many states now permit prescriptions to be written in your profession?"

Dr. Soll: "I believe we are the only State to write into the law the prescriptions law. In all of the 50 states, they practice broader than we do here. Certain things in California are a little filmy. They treat the patient the way they need to be treated."

Swallow: A 2-day per year renewal law for any profession doesn't seem like much"

Soll: "It will be increased to a total of 50 hours".

Dr. Homer: "When I went to apply for a reciprocal license, (in California) they told me I would have to have (in 1957), it was stated verbally to me by the party on the Board of Examiners that I would have had to deliver 2 babies, perform 10 vaginal examinations, and then I would have to go to their school. No other school would do. It had to be their school of physiotherapy. It would take approximately 6 months in order to qualify. This is not so today. The Attorney General's ruling was that they were exceeding their scope of practice, and they were ordered to desist."

Swallow: "I would like to ask Dr. Soll why he quoted a definition of chiropractic from a medical dictionary?"

Soll: "The reason why I quoted this, "chiro" is from the Medical Doctor. Of course, a legislative procedures committee is more apt to understand a medical definition. The Medical Dictionary is considered the medical authority in a court of law.

Dr. Homer: "The Supreme Court doesn't accept our definitions?"

Soll: "As far as I know, they have not".

Homer: "Yes, I do know. The supreme Court has rendered a decision on what constitutes chiropractic, and has given a definition".

Bill Locke, President, Board of Pharmacy. Said what they are trying to do is to take something out of the law that should not have been in there. He said they had checked on some prescriptions

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that he could make available to the Committee. He said he did not feel the people who wrote them were qualified to do so.

Dr. Soll said he didn't know what prescriptions he had reference to, but he thought a pharmacist was not qualified to diagnose whether the prescription was proper without knowing the patient. "It is in the pharmacy law that no prescription, or the name of the patient can be revealed".

Swallow: "On the part where you talk about the pharmacists, whether we are qualified to diagnose whether a prescription is proper, I will say this, when a Doctor makes a mistake, the only person who is qualified to catch the mistake is the pharmacist, and if he does not catch it, he must stand the law suit."

Soll: "If the prescription exceeds the recommended dosage, you would know that, and it isn't what I meant."

Chairman Wilson announced it was getting late, thanked the guests and dismissed them, and announced there would be a hearing, he thought with another committee, but it would be announced at a later date. He announced the next regular meeting of the committee would be held Tuesday afternoon, 2:30 P.M., Feb. 18th. The meeting was adjourned at 5:00 P.M.