

55th NEVADA LEGISLATIVE ASSEMBLY - COMMITTEE ON HEALTH AND WELFARE,
CHAIRMAN WOODROW WILSON PRESIDING February 27, 1969

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

Absent: None.

Chairman Wilson called the meeting to order promptly at 2:30 P.M., and introduced Kenneth F. MacLean, M.D., President of the Nevada State Board of Medical Examiners; Kenneth E. Turner, M.D., Member, Nevada State Board of Medical Examiners; Bryce Rhodes, Esq., Attorney for Board of Medical Examiners, Reno, Nevada, Gill Blonsley, Administrative Assistant, District Health Department, Clark County, Nevada, Darrell D. Luce, 1717 E. Charleston, Las Vegas, Nevada (representing the Church of Christ Scientists) and G. P. Falbaum, 1001 East Telegraph Street, Carson City, Nevada; Dr. Otto Ravenholt, Department of Health & Welfare, Clark County, Nevada.

A.B. 319 - Authorizes issuance of certain professional licenses to noncitizens.

Mr. Bryce Rhodes - Attorney for Board of Medical Examiners.

"We felt the Medical Practice Act. should be updated; particularly in regard to the foreign medical school graduates. The Board had a two-day session in Las Vegas recently, and analyzed the Medical Practice Act of all the other States in order to come up with a proper licensing procedure for the State of Nevada. It was necessary that the Act be changed from its prior form to include not only the Citizens of the United States and Canada, but those who had filed a petition or filed a declaration to become a citizen.

We have set out two requirements that he must have served as an interne for at least 1 year in a hospital recognized for interne training by the American Medical Association, or have been engaged in the actual practice of medicine for over 7 years immediately previous to March 28, 1949, or be a graduate of a foreign medical school recognized by the Educational Council of Foreign Medical Graduates, who has received the standard certificate of the Educational Council of Foreign Medical Graduates and has served as an interne for at least 1 year in a hospital recognized for interne training by the American Medical Association."

Dr. MacLean: "We thought we should delete certain language as to scope of medical practice. It just streamlines it and makes it more modern".

Mrs. Brookman said she had a similar bill drafted for the Registered Nurses profession, and would it be in order to go and get it so that the Doctors could look it over.

Chairman Wilson told Mrs. Brookman that the Nursing Profession has their own board and the Doctors have nothing to do with it.

Mrs. Frazzini made reference to Page 2, Lines 6 & 7 "who is a graduate of a medical school located in the United States or Canada", then, she said, "further on (Page 4, Lines 11 and 12) we talk about the 'Educational Council of Foreign Medical Graduates'. Now, is that an oversight, or does it refer to something else?"

Mr. Rhodes replied that the former language applied only to the graduate of a medical school in the United States or Canada.

Dr. MacLean said he had been a member of the Board for 20 years and Chairman of this Board for 18 years. "In that time, we have turned down a lot of well qualified Doctors because this Act does not apply to anyone but those graduates of the United States or Canada. There are many problems in licensing foreign medical school graduates. A large problem is in language problems, and their schools just don't provide the education that our schools do."

May: "On Page 2, Line 40, I don't know if I want to ask why are you deleting the language qualifications, or why it was inserted in the first place"?

MacLean: "I don't know unless it is that we have always used the English language, and it is more convenient for medical practice. For instance, if we get a man who is a heart surgeon and he takes his examination here, we feel the Board of Examiners should be able to fairly examine this man. Materia Medica, which is simply pharmacology, is not even taught in medical schools now. There is a large pool of highly trained, very well-qualified physicians in the United States, and we have no means of licensing them. We are not talking about foreign graduates. Reference, beginning with Line 1 (sub. Par. (c). "We license by reciprocity with other states. I doesn't have to take a written examination to come to Nevada. We interview every candidate. We license no one without interviewing them before the Board.

"We have 5 members of our Board, all appointed by the Governor for 4-year terms. There are 4 of us on the Board coming up for reappointment this year, due to deaths, retirements, etc."

Brookman asked if an area had to have a certain population in order to qualify, for instance, for a plastic surgeon.

Dr. MacLean replied, "no, we have a plastic surgeon in Reno, but he may settle wherever he feels he can make a living."

Mr. Espinoza mentioned Page 5, Line 11 (d) "Be of good moral character". He said this invariably shows up, and we have been changing this every chance we get as far as the applicant's moral character, unless he has been convicted of a criminal offense".

Mrs. Frazzini complimented Dr. MacLean for the progress made on this bill in letting in the foreign students and referred to the optometry bill where it states "must be a citizen of the United States".

A.B. 224 - Increases fee for physical examinations for food handlers.

Chairman Wilson asked the committee if this bill should be brought out of indefinite postponement. He said Mr. Gill Blonsley, Administrative Assistant, District Health Department, Clark County, Nevada, was present today to testify before this committee regarding A.B. 224, and he thought Mr. Blonsley's testimony would shed a different light on the decision of the committee regarding the raising of fees for physical examinations for food handlers.

Mr. Gill Blonsley: "This has presented a real and substantial problem in Clark County for the past couple of years, and is emerging as a problem this year in Washoe County. We have the problem of examining all of the food handlers cards in the metropolitan areas, cooks, dish washers, cocktail waitresses, bus boys, and any and all people who handle food. This \$2 limitation has presented a 2-fold problem in Clark County. It causes the Health Department to make decisions that are not always in the best interests of the public. We have to curtail the way we examine. Such as, we cannot give blood tests, and we feel they are so important. This year, the 26,000 cards we handled produced a revenue of \$52,000, but based on our existing limitations, we sustained a loss of \$18,000.

If there is an objection to the \$4 charge, then perhaps we could charge it to X dollars, and leave it to the discretion of the County Commissioners?"

Homer: "This is a County Ordinance? The requirement of an examination? It isn't a State law? I'm confused. I put in a bill 2 years ago to make it a State law, and it was pointed out at that time that Clark and Washoe Counties had a County option to give these tests. Why can't this be done by the mobile unit?"

Blonsley: "This would make a legislative problem. Please appreciate that we are processing 500 people a week. The mobile x-ray unit functions 3 to 4 months a year in Clark County."

"In our Venereal Disease clinic we are finding a large number of people with food handler's cards. This is not just in Clark County. We are finding it everywhere. "

Chairman Wilson said he felt there must be a ceiling put on the amount of fee charged for these x-rays and physical examinations for the food handlers. He suggested a ceiling of \$4. Otherwise, he said, "what is to keep them from going to \$10?"

Chairman Wilson intimated that the teen-age children from poor homes would be kept from working because they could not afford the \$4 for the physical examination required by the Health Department.

Mr. Blonsley replied that he never kept anyone from working because they couldn't afford to pay for their health card. They take the test, if they pass, they are issued a 30-day temporary card. At the end of the 30 days, they have received a paycheck and then can afford to pay for the permanent card. He said he didn't want anyone sitting on the welfare rolls because they couldn't afford a health card.

Dr. Otto Ravenholt suggested deleting reference to any specific amount.

Chairman Wilson again insisted a maximum figure must be assessed.

Dr. Ravenholt said \$4 would leave them room. "We are not trying to open the door on some monster here".

S.B. 168 - Removes practice of naturopathy as exemption from provisions regulating profession of cosmetology.

Chairman Wilson: "Let's defer action on this until we can have someone come in".

Assemblyman May moved to hold until Monday, March 3rd. Seconded by Frazzini. Unanimously carried.

A.B. 321 - Changes designation of mental hygiene division and mental hygiene advisory board.

Dr. Homer said this was just a matter of changing a name. He promised to have information on this for the committee by Monday, March 3rd.

A.B. 391 - Requires parents to submit to schools immunization information regarding pupils.

Mr. Darrell D. Luce, representing Christian Science Churches in the State of Nevada. He read from A.B. 391, Sec. 1, ending on line 5 with the word "status." He said the Christian Science Churches were asking for an amendment which would read: "however, a statement signed by a parent or guardian that the child has not been immunized because he is being reared as an adherent of a religious denomination whose religious teachings require reliance on prayer for healing shall be accepted in lieu of the affidavit".

(He submitted a letter from the Christian Scientists Committee on Publication for the State of Nevada, regarding Hearing on Assembly Bill 391, which is attached to these minutes as Exhibit A.)

Assembly

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Mr. Luce said a Christian Science child would not be immunized in any shape or form.

Mr. May said that it was the intent of the bill to allow specifically for these religious beliefs, and apologized to Mr. Luce for inadvertence on the part of the bill drafter.

Dr. Ravenholt said they lose one-third of the immunizations in the first year of school through failure of the parents to respond. He said that not just through religious aspects, but it would be the right of the individual parent whether or not to have the child immunized. He suggested striking out the words "licensed physician" (Line 5).

Mr. Swallow to Mr. Luce: "You stated the fact that if the law requires something, then you conform with it."

Luce: "We are not disobedient people to the laws. We protest so that we can protect our religious beliefs. We try to get the law changed, but we do not disobey the law".

A.B. 91 - Mr. Luce.

"The basic reason for this is the Christian Science Church has under their control such a thing as we call "nursing homes". We do not have one in the State of Nevada. We would like to have one, without having to change the law again. Our head office has gone to the Department of Health, Education & Welfare and asked them to seek amendments to the nursing home administrators bill and asked them if this would jeopardize any benefits we are presently getting from the Federal Government. Their answer was that it would not jeopardize." (Mr. Luce's proposed amendment attached as Exhibit "B".)

Mr. Luce suggested that perhaps A.B. 91 was not in compliance with The Department of Health, Education & Welfare in Washington, D.C.

"Our nursing homes would be just for those who wanted to rely on Christian Science treatment. No medications or medical practice would be allowed. Are institutions are recognized under The Federal Medicare Act. There is a specific reference to payment for treatment in such institutions."

Homer: "I would have no objection personally to this amendment as introducer of this bill."

A.B. 319 - Frazzini moved DO PASS. Foote seconded. Unanimously carried.

A.B. 391 - Frazzini moved to amend A.B. 391 by deleting "by a licensed physician" and adding the amendment as proposed by Mr. Luce, and adding after the word 'affidavit' 'or for other personal reasons'.

Foote moved for reconsideration of A.B. 224. Frazzini seconded. Unanimously carried.

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May moved DO PASS A.B. 224 eliminating any mention of money. Seconded by Frazzini. Unanimously carried. (Chairman Wilson called for a show of hands. There were 5 for, and 2 against. Motion carried.

Chairman Wilson appointed Assemblyman Homer to see that A.B. 91 was pulled off the board and to get it amended.

Assemblyman Hagen moved that the amendment as proposed by Mr. Luce to A.B. 91 be adopted. Seconded by Frazzini. Unanimously carried.

Chairman Wilson announced that there would be a hearing on SB 96 on Friday, February 28th at 2:30 P.M. or as soon thereafter as the Assembly adjourned.

He dismissed the meeting.

CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION
FOR THE STATE OF NEVADA
1717 EAST ORANGE AVENUE
LAS VEGAS, NEVADA 89104

RECEIVED & LOGGED
COMMITTEE

TELEPHONE
DAY 661-1001
NIGHT 662-2000

Hearing on Assembly Bill 391

Dear Committee Members:

I wish to submit the following amendment to A.B. 391. The Bill would be changed to read as follows:

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personal
visions*

"When any child is enrolled for the first time in any public school in Nevada, the parent or guardian of such child shall submit a written affidavit by a licensed physician showing such child's immunization status; however, a statement signed by a parent or guardian that the child has not been immunized because he is being reared as an adherent of a religious denomination whose religious teachings require reliance on prayer for healing shall be accepted in lieu of the affidavit."

The parent or guardian shall also complete a written form, granting or denying permission for the school, in cooperation with local health officials, to provide such tests and immunizations for such child during the time the child continues in public school as may be recommended by the health division of the department of health, welfare and rehabilitation.

I would like to point out to you the following Federal law: 42 U.S.C. 247 (b). (Part of a law to make Federal grants to States and communities to encourage intensive community immunization programs, particularly for preschool children, against poliomyelitis, diphtheria, whooping cough, tetanus and measles.) "Nothing in this section shall be construed to require any State or any political subdivision or instrumentality of a State to have an immunization program which would require any person who objects to immunization to be immunized or to have any child or ward of his immunized."

I would also like to call to your attention the following section of the Nevada State law: 439.530

(Part of a law to create a State Board of Health.) "None of the provisions of this chapter or the laws of this state regulating the practice of medicine or healing shall be construed to interfere with treatment by prayer or with any person who administers to or treats the sick or suffering by mental or spiritual means, nor shall any person who selects such treatment for the cure of disease be compelled to submit to any form of medical treatment, nor shall any such person be removed to any isolation hospital or camp without their consent; provided, the sanitary and quarantine laws of the state are complied with."

Therefore, I would like to submit the following proposed amendment to your bill, and might suggest also, that you consider the rewording of the bill to comply with Federal requirements:

This amendment could be used with Federal Section 102:

"This act shall not apply to any institution conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of such church or denomination and exempt from licensing, and, notwithstanding any other provision of this Act, no license and registration or provisional license shall be required of any individual responsible for planning, organizing, directing, controlling and administering such institutions."