

MINUTES OF MEETING - HEALTH AND WELFARE - 55TH NEVADA ASSEMBLY
SESSION - Chairman Woodrow Wilson presiding March 14, 1969

Committee Members Present: Wilson, Foote, Frazzini, Homer,
Espinoza, Hafen and Swallow.

Absent: Brookman.

Chairman Wilson convened the meeting at 2:30 P.M. and introduced Dr. Robert J. McAllister, Superintendent of the Nevada State Hospital, Karl Harris, Director of the Nevada State Health & Welfare Department and Warden Carl Hocker, Nevada State Prison.

A.B. 466. Mr. Harris passed out copies of a letter from Robert A. Grayson setting out changes to be made.

Reference to "director" should be changed to "chief" in the following places: Page 5 line 41, page 6 lines 40 to 41, page 8 line 35, and page 10 line 16. Further, on page 15 line 45, the words "and superintendent" should be omitted.

Frazzini: "Are we going to make these changes as asked for in this letter?"

Wilson: "We will make decisions later".

A.B. 470. Mr. Harris said they had a note from the Department that it was all right in its original form, but said an amendment on page 1, Sec. 2, line 16 by deleting Line 16 and inserting Sec. 2 NRS 436.14 to 160: "A community health service shall have a local mental health advisory board." The amendments were agreeable to Mrs. Brookman, Dr. McAllister and Mr. Harris. It specified that we have a psychiatrist and has been changed so that it now doesn't specify that the members are of a particular profession."

Foote: It changes the references of the law".

Wilson: "Specifically stating that they don't have to have a psychiatrist."

Foote: "What this actually does is insert a new section?"

Wilson: "Yes, insert a new section".

A.B. 474. Mr. Harris said that the Administration states that they do not have any changes in this one.

A.B. 475. On page 1, line 16 and 17, the phrase "to a cottage type group care facility" should be omitted and the phrase "to the Nevada State Hospital" should be substituted".

A.B. 475 (continued)

On page 2 line 9, the phrase "from the Nevada State Hospital" should be added so that the sentence reads as follows: "1. When any mentally retarded child is transferred from the Nevada State Hospital to a cottage-type-group care facility, etc."

On page 2 line 42, Sec. 6 should be changed to be consistent with NRS 433.703(2), and should read as follows: "Any monies collected by the mental hygiene division under Sec. 3, 4 and 5 of this Act shall be deposited in the State Treasury and may be expended by the mental hygiene division for the support of the hospital or cottage-type group-care facility, as the case may be, in accordance with the allotment, transfer, work program and budget provisions of NRS 353.150 to 353.245, inclusive."

Homer: "Shouldn't this be mental hygiene and retardation in line with the bill we just changed? They will look back and see this. It isn't passed yet. Would a new bill have to come through?"

Hafen: "Shouldn't we change the bill right now rather than depending on it being taken care of in the Senate or something? While you are having that amendment drawn, why not take care of that?"

Wilson: "What if the Senate doesn't pass the bill?" Mr. Harris, what is your opinion on that?"

Harris: "My opinion is that we leave the bill changes to the Legislative Counsel".

Page 3, line 20, the phrase "or mentally disordered" should be omitted.

Harris said he would like some clarifications. Basically, we would like to raise the commitment age from 2 to 6 years. We think this should be a medical decision in regard to younger children. We have difficulty sometimes with the Courts committing children who are not suitable for the State Hospital retardation wards. We would like to eliminate the 2-year age."

Foote: "Two years ago we tried to eliminate the age or make it higher?"

Harris: "Yes, the same thing was proposed, but it was one year ago. We had a whole raft of material submitted and they told us this wasn't subject for a special session."

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A.B. 475 (continued)

On page 3 line 32, the phrase "or mentally" which is proposed to be deleted should be left in the law.

On page 5 line 34, the phrase "over two years of age" should be deleted. Subsection (a) on line 35 should read as follows: "A child over six years of age is properly committed to the hospital; or." "In addition, a new subsection (c) should be added which should read as follows: "Either under a judicial commitment as provided in subsection (a) or in a voluntary admission as provided in subsection (b) space is available in a facility operated by the mental hygiene division which is designed and equipped to treat the patient seeking admission."

On Page 5, after line 48, between Sections 18 and 19, the following sentence should be removed from NRS 433.698 and made a separate section apart from NRS 433.698: "The state is not responsible for payment of the costs of hospitalization for patients admitted in a facility not operated by the mental hygiene division except where, prior to hospitalization, the administrator of the mental hygiene division authorizes the expenditure of state funds for such purpose."

A.B. 479 - Mr. Harris said this was not on the agenda, but he wanted to give the committee a statement rendered by the Health & Welfare with regard to the fair hearing, if an applicant for any kind of assistance feels he has been aggrieved in any way, he is entitled to a fair hearing. It is conducted in the locality where he lives, and a transcript of the entire hearing is submitted to the Welfare Board, and then a decision is made. The time between the time of the hearing and the next time the Board meets is excessive. NRS 420.40 is suggested to be deleted, and the law be left to administrative procedures. Mr. Villa said he would agree to some consideration from the administration in setting up procedures that would be more expeditious in getting a hearing, and that he felt the committee should go ahead and delete Sec. 3, Sub. Par. 2, "Upon receipt of notice ----".

Mr. Harris said he agreed in part with Mr. Villa. At the present time, we have a hearing referee from the Division, and then the transcript is sent to the Welfare Board. There are chances of misinterpreting. You've got the help of the Welfare Division that originally made the decision, then the Welfare Division is the hearing officer, then the person doesn't appear before the Welfare Board. We would like to investigate the administrative possibilities of retaining the hearing officer, but then another step of a 3-member appeal board - one member of the Welfare Board, a representative designated by the Department and another member possibly a member of the Welfare Division. We think it can be done administratively with the approval of the Welfare Board without changing the law. I would resent having a Welfare Division be the Judge and Jury without going to Court

if it were my hearing.

Mrs. Brookman mentioned the hearing she and Mr. Wilson had attended with a few other Legislators. She said that was what they were trying to do when Mr. Warren Becker was here, to do, without having legislation. She said there was another item here, in having to wait 3 months.

Mr. Harris said there were new Federal regulations that put a 30-day limit on it.

Brookman: "I think we will leave it to the discretion of the Welfare Board to clean up their own house."

Wilson: "Mr. Harris, all of the persons you named were within the employ of the Division somehow or another. I would suggest, if the legislation gets through, that you create this advisory welfare counsel for agency and child welfare purposes, and possibly even a recipient could be a member of the counsel."

Mrs. Brookman asked if legislation would be necessary to form the advisory committee. Mr. Harris replied "yes, there is a BDR out on it".

Miss Foote: "If the amount given to the blind is increased, what does this do to the status of the other Welfare programs?"

Mr. Harris said it did not change, but there was some legislation on intent to put old age and aid to the blind according to need, but they are not. "Each individual program is separate as far as average grants are concerned. If you want to bring all of them up to \$135 a month - I thought raising the blind, because it is higher already would cause some problems with the others. I will have to check and see:

Miss Foote said she had no objections to raising the others.

Chairman Wilson asked if there were further questions on A.B. 479? There were none, so he introduced A.B. 589.

"We have several suggestions on that, and also, we have Warden Hocker who would like to speak to us regarding the suggested amendments by the Department of Health, Education and Welfare."

Warden Carl Hocker. "This is in conflict with executive policy. The Governor, in his budget, has requested a staff of

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medical psychiatrists to be located in the prison, in the ward where the women were confined prior to construction of the new women's section. At this point, the Senate Finance Committee has approved funds for this purpose.

The Governor, as a result of a study by his committee, is going to make certain recommendations to the Legislature in this area.

In the event that this unit is approved and funded, a psychiatrist will be appointed to head up the unit. In discussing this with other people, including Dr. McAllister, we feel it is not practical for someone in Sparks to administer something within the confines of the institution.

In further support of this, I will quote the Manual of crucial standards which is prepared by the American Prison Association. This is the Bible of Institutions, so to speak, prepared and written by the most prestigious group in the United States, is not in the world.

Mr. Harris said he was in perfect agreement with Warden Hocker regarding Section 1, Par. 1, and glad he came to point out that oversight. "I think the wording should be changed somehow perhaps to unite with what we have recommended in Par. 2. I don't think these psychiatrists at the prison should be supervised by the superintendent at the hospital. I do think the administrator of mental hygiene should have some authority, however. Since it will be a state psychiatric service, there should be some way he would come under the supervisory in administrative power only. He should be responsible to you for simple supervision."

Warden Hocker said there would be no problem or difference of opinion at all. He said he would certainly not attempt to supervise a psychiatrist in professional competence - but in administration, yes.

Dr. McAllister said that perhaps there could be an amendment to Sec. 9, Par. 1, Line 41 "the warden shall deliver such convict into the custody of the superintendent of the hospital for detention and psychiatric treatment at the prison or at the hospital until returned by the superintendent to the warden as cured".

"I don't know if custody is the right word. I suspect some patients might be treated at the hospital. Someone in minimum security."

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Warden Hocker said if they are successful in obtaining the new medical psychiatric unit, that would obviate that possibility. "You have inspected the physical plant and proclaimed it satisfactory or better."

McAllister: "I am very much in favor of it."

Harris read excerpts from a bulletin he had received from another state regarding traditional practices of transferring prisoners to State Hospitals from prisons if they are mentally ill, which in essence, stated that it is becoming increasingly undesirable. He said, "of course, this does not apply to Nevada," and he said he was not referring "to the good Doctor" (McAllister). He said the trend in this particular place, which had issued the bulletin, was not to be required to maintain maximum facilities for State prisoners. "As a result, a facility such as I have been talking about was established by the Board of Corrections, and has met the needs of both treatment of mental disorders and security".

Warden Hocker said the Senate Finance Committee had given a DO PASS, and he had an appointment to talk to Ways and Means Monday afternoon to present it to them. He said, "When this facility is in operation, then this administration could be changed to what we would like in here?"

Miss Foote said she thought there would have to be another bill.

Warden Hocker said, "then we will find out Monday".

Mr. Harris said that any prisoners who come under this paragraph remain at the prison and receive psychiatric treatment there. We would continue to provide whatever service we could come up with so that these prisoners could remain there.

Chairman Wilson asked if, with the present law as is, do you think it could suffice until the next session of the Legislature?

Mr. Hafen said, "If we change the provisions right now, this would allow what they are already doing? It would be permissive legislation."

Wilson: "And we would have to have another amendment." Could you give us suggestions regarding amendments to Sec. 9?"

Foote: "Is there any possibility of just eliminating Par. 1? Then no one has to be delivered to anybody. Change from 'Superintendent' to 'Administrator of Mental Hygiene Division' which supervises the psychiatric care provided for mentally ill prisoners. Delete Paragraph 1, Line 39 to Line 44. Makes Par. 2 Par. 1."

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A.B. 589 (continued)

Following are suggested changes from the Department of Health, Welfare and Rehabilitation, as stated in Mr. Grayson's letter of March 14, 1969.

On Page 4 line 22, the phrase "county from which commitment was made" should be omitted and the word "state" should be substituted.

On page 6 line 26, the phrase "county from which the commitment was made" should be omitted and the word "state" should be substituted.

On page 4 line 45, the word "superintendent" should be omitted and the following substituted in its place: "Administrator of the mental hygiene division."

A.B. 591 - Mr. Harris said that they had no further suggested amendments and approved it in its present form, except for the executive estimate of cost, which was being reduced from \$45,000 to \$2,500, which had to do with retaining counsel for persons being committed. He said "a person who is already committed and feels they do not need to be detained, should have requested prior counsel"(and should pay for it themselves.)

Chairman Wilson thanked Mr. Harris, Dr. McAllister, and Warden Hocker and excused them from the hearing room.

Action was then considered on the following measures:

A.B. 466 - Swallow moved DO PASS AS AMENDED. Homer seconded. Unanimously carried.

A.B. 474 - Brookman moved DO PASS. Espinoza seconded. One dissenting vote from Dr. Homer. Two not voting, Miss Foote and Mrs. Frazzini. Motion did not carry.

Mrs. Frazzini moved to Hold for further consideration, until the next meeting to give the committee an opportunity to study it.

A.B. 475 - Swallow moved DO PASS. Homer Seconded. Unanimously carried.

A.B. 479 - Swallow moved DO PASS AS AMENDED. Seconded by Frazzini. Unanimously carried.

Frazzini: "We didn't take any action on the amount to be specified?"

Swallow: We will leave it up to Ways and Means.

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A.B. 589 - Frazzini moved AMEND AND DO PASS. Swallow Seconded. Unanimously carried.

A.B. 591 - Swallow moved DO PASS AS AMENDED and RE-REFER TO WAYS AND MEANS. Frazzini seconded. Unanimously carried.

Chairman Wilson announced that A.B. 474 would be placed on the Agenda for Monday, March 17th.

Mrs. Brookman's BDR 40-1669 - Re Free Examination and Treatment of V.D. for minors in certain cases without parental consent, was indefinitely postponed by unanimous vote of the committee. Motion made by Homer, Seconded by Frazzini.

BDR 54-1815, requesting licensing for psychiatrists (to keep out certain undesirable elements) - "they are presently practicing under a certificate", Mrs. Brookman said.

Foote moved to introduce by request. Frazzini seconded. Unanimously carried.

Meeting was adjourned.