

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Eighty-Second Session
February 22, 2023**

The Committee on Health and Human Services was called to order by Chair Sarah Peters at 1:31 p.m. on Wednesday, February 22, 2023, in Room 3138 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. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Sarah Peters, Chair
Assemblyman David Orentlicher, Vice Chair
Assemblywoman Cecelia González
Assemblywoman Michelle Gorelow
Assemblyman Ken Gray
Assemblyman Gregory T. Hafen II
Assemblyman Brian Hibbetts
Assemblyman Gregory Koenig
Assemblywoman Sabra Newby
Assemblyman Duy Nguyen
Assemblywoman Angie Taylor
Assemblywoman Clara Thomas

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Patrick Ashton, Committee Policy Analyst
David Nauss, Committee Counsel
Eric Robbins, Committee Counsel
Terry Horgan, Committee Secretary
Ashley Torres, Committee Assistant

OTHERS PRESENT:

Cody Phinney, Deputy Administrator, Regulatory and Planning Services, Division of Public and Behavioral Health, Department of Health and Human Services
Jennifer Lanahan, representing Reno-Sparks Indian Colony
Fergus Laughridge, Health Director, Fort McDermitt Wellness Center, Fort McDermitt Paiute and Shoshone Tribes
Teresa Hayes, Environmental Health Program Manager, Deputy Food and Drug Commissioner, Division of Public and Behavioral Health, Department of Health and Human Services
Brian Wachter, Senior Vice President, Retail Association of Nevada

Chair Peters:

[Roll was taken. Committee rules and protocol were reviewed.] I am going to open the hearing on Assembly Bill 24. This bill revises the membership of the Committee on Emergency Medical Services.

Assembly Bill 24: Revises the membership of the Committee on Emergency Medical Services. (BDR 40-222)

Cody Phinney, Deputy Administrator, Regulatory and Planning Services, Division of Public and Behavioral Health, Department of Health and Human Services:

I appreciate the opportunity this afternoon to share with you Assembly Bill 24. The purpose of our bill is to improve the representation of local emergency response programs on the Committee on Emergency Medical Services. There are several tribes in the state that run emergency medical response systems. Last year I visited with at least one of those, and it was clear that communication between those tribes and our emergency medical services program could be improved. This program has a particularly active advisory committee that functions very well, and representation would formalize the communication in a way that is beneficial to the program, the regulated communities, and the tribes that are running the emergency medical services. Thank you for the opportunity to be here today, and I look forward to answering any questions you may have.

Chair Peters:

Are there any questions from the Committee on this bill?

Assemblyman Gray:

I am wondering why the committee is asking to appoint the one member as opposed to whoever the appointing authority was for the other members.

Cody Phinney:

That is the way the bill was drafted. The purpose was to spare the State Board of Health additional appointments. We have received some feedback on that aspect of the bill—that perhaps all members should be appointed by the State Board of Health. We certainly do not have any concerns about that.

Chair Peters:

Thank you for that clarification.

Assemblyman Hibbetts:

In the fiscal note, I noticed that there is a fiscal impact on state insurance. Do you have any explanation as to what exactly the fiscal impact would be?

Cody Phinney:

I am not immediately thinking of what the impact on state insurance would be related to this, but I would be happy to do some more research and get back to you on it.

Assemblyman Hibbetts:

If you could get the information to the Committee staff, I would appreciate it.

Chair Peters:

Are there any other questions from the Committee?

Assemblywoman Thomas:

The one member appointed by the committee, would that be one of the tribal members?

Cody Phinney:

Yes. That was drafted as the one member, and that would be the tribal representative.

Chair Peters:

We received a proposed amendment from Mr. Chris McHan [[Exhibit C](#)]. Can you confirm whether that is a friendly amendment?

Cody Phinney:

We also received information about that amendment. For the record, we understand the intent of the amendment is to add both a tribal member and a "third-services" member who is defined in their letter [[Exhibit D](#)]. We do perceive it as a friendly amendment if the intent is to keep both of those new members. The language they provided does say 11 members as opposed to 9, so that is our understanding. We would be happy to work with Mr. McHan to make sure that is clear.

Chair Peters:

I look forward to hearing how that works out.

Assemblyman Nguyen:

Our population is very diverse in Nevada now; in fact, we are one of the most diverse states in the country. In terms of the makeup of this group, was any consideration given to folks coming from backgrounds with bilingual knowledge? In terms of addressing needs, in terms of the emergency response, does that currently exist? If not, had you thought of considering it in the future?

Cody Phinney:

When you say, "this group," may I clarify you mean the advisory committee itself? I am not recollecting a specific focus on bilingualism in that group currently, but again, I would need to look at that. In general, that is something the Department of Health and Human Services and the Division of Public and Behavioral Health are always looking to improve on and make sure we represent.

Assemblywoman Taylor:

I have a question regarding the amendment [[Exhibit C](#)]. The recommendation in the amendment is to add someone who is employed by or serves as a volunteer in "third-service." You said you would be happy to work with them. Who would appoint that person? Would that member be a voting member or ex officio? If a voting member, where would that appointment fall?

Cody Phinney:

This is an excellent opportunity for me to clarify the feedback I mentioned earlier about having all the members appointed by the State Board of Health included in that amendment, so that does seem like a clear and friendly amendment from where I am sitting today. We have had some communication, so the amendment—in addition to having all the members appointed by the Board of Health—would add the volunteer member from "third-services" as defined in their letter, and the tribal member. The language they provided appears to strike the tribal language, and our communications so far indicate that may be an error. That is what I want to make sure we keep.

Assemblywoman Taylor:

Thank you for the clarification.

Chair Peters:

Thank you for confirming that, as I was concerned about that as well. Our legal counsel, Eric Robbins, has offered to comment on Assemblyman Hibbetts' previous question.

Eric Robbins, Legal Counsel:

There was a question about the fiscal effect on the State. The reason we marked it as having a fiscal effect on the State is because *Nevada Revised Statutes* (NRS) 450B.152 sets some of the procedure for this committee. That statute says that although the members of the

committee serve without compensation, they get the standard per diem allowance and travel expenses when they are involved, when they are doing tests in accordance with the business of the committee. If you add another member, then you will increase that per diem, so that is why we marked it as having a fiscal effect. I am seeing two fiscal notes here from the director of the Department of Health and Human Services and the Division of Public and Behavioral Health, both noting no fiscal effects. It may be that there would not be a fiscal effect, but that is why we marked it that way.

Assemblyman Hibbetts:

Thank you for the clarification.

Chair Peters:

When you get into the fiscal side, things work in a different way. It is not the same; it is not as straightforward as the policy side. I had some questions related to compensation for the committee members. It is unclear in the language we were provided in this brief revision to that section whether committee members receive compensation, whether it is per diem or a daily for the meeting periods at least. The reason I ask this question is, especially for our tribal members who are often quite rural and for the volunteers as well, getting to a meeting may be the most prohibitive part. Are there virtual meetings or are they in-person meetings?

Cody Phinney:

The members serve without compensation but with per diem, as Mr. Robbins stated. We do have hybrid-style meetings for those individuals for whom it is a burden to travel or who have other meetings that they cannot leave town for. We generally have a hybrid-style meeting in a meeting room at our location that the chair is in with our staff, and then others can participate via virtual means.

Chair Peters:

Are there any other questions from the Committee? [There were none.] We are going to hear testimony in support, opposition, and neutral on A.B. 24. We will begin testimony in support of A.B. 24.

Jennifer Lanahan, representing Reno-Sparks Indian Colony:

I am here on behalf of the Reno-Sparks Indian Colony. We just wanted to voice our support for the bill.

Chair Peters:

Is there anyone else who would like to present testimony in support of A.B. 24? [There was no one.] Next, we will hear testimony in opposition to Assembly Bill 24. [There was none.] We will now hear neutral testimony on A.B. 24.

Fergus Laughridge, Health Director, Fort McDermitt Wellness Center, Fort McDermitt Paiute and Shoshone Tribes:

I tried to dial in to support A.B. 24, and I do support this bill. In 1999 when the first legislation was passed to put forth this committee, it was quite broad in nature, and many of

the parties or agencies that supply emergency medical services (EMS) were represented at that time. Since then, it has gone through a couple of housekeeping revisions. In 2005, they replaced the definition from "fireman" to "firefighter." In 2009, they transferred the appointment authority from the Governor to the State Board of Health. In 2015, they changed "volunteer firefighter" to read "volunteer organization that provides emergency medical services pursuant to NRS Chapter 450B," which is the authorizing language for emergency medical services in the state of Nevada. I had the opportunity to be the director of emergency medical services during the 1999 Session when we passed this particular piece of work. I stand now in support of bringing in our tribal members who have been mis-served—as testimony has alluded to already—and move this forward as written. I believe the amendment that was offered [[Exhibit C](#)] was addressed back in 2015 for the volunteer of an organization that provides EMS pursuant to NRS Chapter 450B. I will close my comments and I stand in support.

Chair Peters:

We will reclassify your testimony in support of this bill. Thank you for being here with us today. That closes the testimony for this bill. Ms. Phinney, do you have any closing remarks on the bill? [There were none.] We look forward to seeing that amendment, and please let me know if you need any help or resources with that. We will close the hearing on [A.B. 24](#) and open the hearing on [Assembly Bill 40](#).

**[Assembly Bill 40](#): Revises provisions related to inspections of food establishments.
(BDR 40-223)**

Teresa Hayes, Environmental Health Program Manager, Deputy Food and Drug Commissioner, Division of Public and Behavioral Health, Department of Health and Human Services:

We are the agency charged with implementing changes to *Nevada Revised Statutes* Chapter 446. I would like to provide you with a short description of [Assembly Bill 40](#) relating to food establishments requiring an applicant for a permit to operate a food establishment to provide an electronic email address for purposes of communicating certain notices, which allows us to provide our notices in an electronic format rather than a hard copy. Our purpose is to be responsive to business. Paper-based inspections may result in delays in getting inspection information to the operator who can promptly make any necessary changes. Paper forms may be lost or damaged, leading to delays in the resolution of observed hazards. Also, corporate headquarters may be in another state or country.

Environmental Health Services has had multiple requests from industry leaders to institute this change. Digital inspection reports allow field inspectors to upload their inspection reports, so the operator gets the findings the same day the inspection took place. More immediate inspection results lead to faster identification and attention to deficiencies, which improves response times. In addition, an electronic submission provides a digital trail that proves that the owners and managers were notified of existing problems.

The Division of Public and Behavioral Health has submitted an amendment to correct two areas that were missed during our review process [[Exhibit E](#)]. In section 1, we propose including an email address on the application, but not requiring it in case an operator does not have an email address. In section 3, I would like to clarify that the notice to revoke or suspend a permit will not be considered served to the permittee if the notice is sent via email.

Chair Peters:

Committee members, I want to direct you to the Nevada Electronic Legislative Information System. The proposed amendment is under the general Committee exhibits, if you would like to review it. Are there any questions from the Committee on A.B. 40? All my questions had to do with the obligation of the licensee to have an email address and what the ramifications would be for folks who did not have one. I think the amendment has fixed the concerns I had.

Assemblywoman Taylor:

You said a notice will not be considered served if it is delivered electronically. Does that mean there will still be a hard copy that follows up with the recipient or the business owner?

Teresa Hayes:

We have been giving paper inspection reports directly. If they would like, we will give them electronically. Any official notices will still be delivered in paper by certified mail.

Assemblywoman Taylor:

So you will continue the process, but you will add the electronic piece at the request of those on the receiving end.

Assemblyman Gray:

You had me until you said it was still going to be done in a hard copy as well. I like the fact that 2023 is here and we are doing more and more of this by electronic means.

Chair Peters:

I appreciate it too, but we have seen this go sideways with other agencies that have adopted similar measures, so I appreciate the discretion, and stepwise iterations on this. There is no way for us to mandate that state or federal agencies be automatically filtered into the inbox of an email that I have found so far. There is no way for state or federal agencies to be automatically filtered into a search engine, either. That puts a damper on our ability to be able to send those things out knowing people are receiving them, so I appreciate the discretion on that.

Assemblyman Nguyen:

I have a quick technical question since we just experienced an Internet interruption here. Things can go wrong even here, right? In terms of correspondence, if the statutes say we can communicate with the license holder by email, by registered mail, is that something the permit holder can do in response that would be considered official? Can they communicate

back to you by electronic mail and would it be okay? I want to make sure that it is a two-way street.

Teresa Hayes:

Yes, we regularly communicate electronically with our permittees.

Cody Phinney:

I want to make sure we are crystal clear that when we have a service that is the revocation or suspension of a permit, that is when we absolutely want those hard copy certified mail processes. We do not often get to that point, but when we are at the point of doing something very serious, we want to make sure that we have total records. Most of the work Ms. Hayes and her group do works very well in electronic format, but if it is not convenient or not conducive to the operator, we try to be as flexible as possible. I just want to make that crystal clear on the record.

Assemblyman Nguyen:

I was asking that coming from a customer standpoint. Dealing with different agencies sometimes we can receive information in a certain way, but when we reply, sometimes we get red flagged, Oh no, you cannot respond to us by email. You have to fill out this form and do it by snail mail and do it a certain day. I know it is not in the statute in front of us, but I want to make sure—in terms of reducing barriers and adding access for our Nevadans—we think of that as well as ensuring that our customers and our license holders have friendly experiences. In terms of complying, there is an appeal process. I know it is not in this language, but there is an appeal process, and they can use electronic mail to do that. I want it to be clear that electronic mail is not a one-way communication.

Chair Peters:

Are there any other questions from Committee members? We are going to move into testimony in support, opposition, and neutral on A.B. 40, and we will begin with testimony in support of Assembly Bill 40.

Bryan Wachter, Senior Vice President, Retail Association of Nevada:

We are proud to count numerous restaurants in our membership. We share some of the concerns that the Chair expressed, but we are happy to be modernizing this level of communication, and we look forward to having a more robust avenue to be able to do that with the Department.

[[Exhibit F](#), a letter in support of Assembly Bill 40, was submitted but not discussed and will become part of the record.]

Chair Peters:

Is there anyone else who would like to provide support testimony for A.B. 40? [There was no one.] We are going to move into opposition testimony. Is there anyone who would like to provide testimony in opposition to A.B. 40? [There was no one.] We are going to move into neutral testimony on A.B. 40. Is there anyone who would like to provide neutral testimony

on A.B. 40? [There was no one.] Are there any closing comments from the presenters today on Assembly Bill 40?

Teresa Hayes:

Thank you for the opportunity to speak today, and I am happy to answer any follow-up questions.

Chair Peters:

We have your amendments, so we can get them prepared. With that, we are closing the hearing on A.B. 40. Our last agenda item is public comment. Is there anyone who would like to provide public comment today? [There was no one.] With that, the meeting is adjourned [at 2:06 p.m.].

RESPECTFULLY SUBMITTED:

Terry Horgan
Committee Secretary

APPROVED BY:

Assemblywoman Sarah Peters, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a proposed amendment to [Assembly Bill 24](#) dated February 21, 2023, submitted by Chris McHan, EMS Chief, Elko County Ambulance Service.

[Exhibit D](#) is a letter dated February 21, 2023, submitted by Chris McHan, EMS Chief, Elko County Ambulance Service, regarding [Assembly Bill 24](#).

[Exhibit E](#) is a proposed amendment to [Assembly Bill 40](#), presented by Teresa Hayes, Environmental Health Program Manager, Deputy Food and Drug Commissioner, Division of Public and Behavioral Health, Department of Health and Human Services.

[Exhibit F](#) is a letter dated February 21, 2023, signed by Aviva Gordon, Chair, Legislative Committee, Henderson Chamber of Commerce and Emily Osterberg, Director of Government Affairs, Henderson Chamber of Commerce, in support of [Assembly Bill 40](#).