

**/MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON COMMERCE AND LABOR**

**Seventy-Third Session
April 27, 2005**

The Committee on Commerce and Labor was called to order at 2:00 p.m., on Wednesday, April 27, 2005 with Vice Chairman John Oceguela presiding in Room 4100 of the Legislative Building, Carson City, Nevada. The meeting was videoconference, in Room 4401 of the Grant Sawyer State Office Building, Las Vegas, Nevada. The meeting agenda is incorporated herewith as [Exhibit A](#). All exhibits are available for viewing by clicking on the link provided within this document via the internet. The complete set of exhibits is on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mr. John Oceguela, Vice Chairman
Ms. Francis Allen
Mr. Bernie Anderson
Mr. Marcus Conklin
Mrs. Heidi S. Gansert
Ms. Chris Giunchigliani
Mr. Lynn Hettrick
Mr. David Parks
Mr. Richard Perkins
Mr. Bob Seale
Mr. Rod Sherer

COMMITTEE MEMBERS ABSENT:

Ms. Barbara Buckley, Chairwoman (excused)
Mr. Morse Arberry Jr. (excused)
Ms. Kathy McClain (excused)

GUEST LEGISLATORS PRESENT:

Senator Bernice Mathews, Washoe County Senatorial District No. 1

STAFF MEMBERS PRESENT:

Brenda J. Erdoes, Chief Legal Counsel
Diane Thornton, Committee Policy Analyst
Russell Guindon, Deputy Fiscal Analyst
Keith Norberg, Deputy Fiscal Analyst
Vanessa Brown, Committee Attaché

OTHERS PRESENT:

Pamela Hogan, Physical Therapist, and Member, Nevada State Board of
Physical Therapy Examiners
Bud Cranor, First General Public Member, Nevada State Board of
Engineers and Land Surveyors
Roland Westergard, Chairman, Nevada State Board of Engineers and Land
Surveyors
Todd Russell, Attorney-at-Law, Counsel, Nevada State Board of
Accountancy
Orville Reed, Certified Safety and Health Professional
Noni Johnson, Executive Director, Nevada State Board of Professional
Engineers and Land Surveyors

Vice Chairman Ocegüera:

[Meeting called to order. Roll called.] The hearing opened on S.B. 152.

**Senate Bill 152 (1st Reprint): Revises provisions relating to physical therapists.
(BDR 54-471)**

Senator Bernice Mathews, Washoe County Senatorial District No. 1:

This bill passed out of the Senate unanimously. This bill is a cleanup bill for the Physical Therapist Board of Examiners and will allow the Physical Therapy Association to issue temporary licenses. Temporary licensees will practice under the auspices of a license, if they come in from another state and have all the education and meet the basic requirements for licensure, but have not been licensed in the state of Nevada. It would give them an opportunity to do that under the auspices of a licensed physical therapist until those licenses are final. Temporary licensees will have to go through the entire process; the application, fingerprinting, and everything they have to do for the licensing board. When this bill was returned from printing, there were a few mistakes. You now have the corrected copy of S.B. 152, which is attached hereto and made a part of

([Exhibit B](#), pgs. 4-8). We received S.B. 152 back from the bill drafter with the amendment, which included physical therapist assistants.

Pamela Hogan, Physical Therapist, and Member, Nevada State Board of Physical Therapy Examiners:

[Pamela Hogan proffered and read testimony from [Exhibit B](#), pg. 1, which is incorporated herein.]

Former Assemblyman Jack Close, who also is a current member on this Board, and I contacted Chairwoman Buckley via email prior to this hearing regarding the omission of the physical therapist's assistant from S.B. 152 in the section regarding the graduate of physical therapy designation. I have provided you all a copy of this bill, and our Board office highlighted page 2 of, lines 21 and 22, and page 3, lines 1 through 29, for your convenience ([Exhibit B](#), as marked on pages 4-8). The intent as we originally submitted the bill was to provide this option for our newly graduated physical therapists and physical therapist assistants. However, as currently written, the bill limits the graduate designation to physical therapists. We request that a few editorial changes be made to allow for the inclusion on the physical therapists assistant.

We feel very uncomfortable taking something away from the physical therapists assistant. I thank you in advance for your favorable consideration of this legislation. In the packet ([Exhibit B](#), pgs. 2 and 3), I did include the email I sent to Ms. Buckley and the email Jack Close sent her as well.

Assemblyman Sherer:

In Section 4, page 4, line 30 of S.B. 152, it says, "the Board may, pursuant to subsection 3, establish a fee of not more than \$150 to consider approval of a course of study or training." What is that for?

Pamela Hogan:

Currently per statute, a physical therapist (PT) is licensed yearly. To be licensed, a PT must take 15 hours of continuing education per year. The courses the PT take must be approved in advance by the Board. The subcommittee of the Board is overwhelmed with the number of courses as well as the considerable cost to facilitate this. We wanted to add this provision so we can charge up to \$150. I am taking a course in about three weeks. I called the core sponsor to ask if they had a problem with submitting the course and paying a fee, and she said, "Absolutely not. We do this in many states." I then asked if \$150 or less was out of line, and she said fees ranges from \$50 upwards with the state of Texas charging \$250.

Assemblyman Sherer:

Do you have a list of accredited courses for which no fee is charged?

Pamela Hogan:

Yes, courses are approved for a two-year period. The list is available on the website, and the core sponsor has a letter stating they have been approved for a period of time.

Senator Mathews:

As a follow up, almost all professional boards do that. They charge to approve for their accreditation. They say these courses meet the minimum standards for re-licensure.

Vice Chairman Ocegüera:

Public hearing closed on S.B. 152, and public hearing opened on S.B. 59.

Senate Bill 59 (1st Reprint): Revises provisions governing regulation and licensure of professional engineers and land surveyors. (BDR 54-176)

Bud Cranor, First General Public Member, Nevada State Board of Professional Engineers and Land Surveyors:

I am here today to speak in support of S.B. 59. I bring the perspective of the general public to the Board and represent the concerns of laypersons. During my tenure on the Board, I have been impressed with the diligence and care shown by the Board members and the staff to ensure that Nevada licenses the most qualified and competent engineers and surveyors to build our state. I realize how important it is to have licensed, educated professionals plotting maps, laying out boundaries, and engineering high-rise offices, businesses, and homes. We depend on these men and women to make sure our roads and bridges are sound, our mines are safe, our electrical and mechanical systems function properly, and they help take care and properly design and care for the infrastructure that sustains our society.

The passage of this bill will assist our state in this endeavor to ensure that we continue to license the most competent, ethical, and professional men and women in these professions.

When the composition of the Board was changed in the 2003 Legislative Session, several engineering positions were removed, and two land surveyors and the general public member were added. These were good additions, adding value to hearing other responsibilities and ensuring the public's health and

safety. However, the multi-faceted practices within the engineering profession, as well as the volume of applications for licensure, necessitate the expertise of additional members we believe this bill would provide. For example, structural engineering is one of 17 current disciplines in which a person can be registered in Nevada. This is a highly technical discipline, and we see many applications and issues dealing with structural engineering; however, the Board does not currently have a structural engineer as a member. This bill would help solve that problem and bring the necessary expertise to the table with no impact to our state's General Fund resources and without increasing costs or fees to any of our licensees.

[Bud Cranor, continued.] This bill also addresses licensure and will allow us the opportunity to help more Nevada students become licensed engineers and land surveyors and to stay here in Nevada. Licensure is good for our state and helps ensure continuing education, development of ethical practice and procedures, and provides constant awareness for our building laws and codes that these people need to be aware of. It encourages members of these professions to maintain the highest standards of discipline, conduct, and professional competency. By allowing our graduates to take engineering licensure exams upon completion of their college education, more of our students will be encouraged to stay in Nevada to become licensed rather than going elsewhere to seek that licensure. This will not relax the crucial experience components that are necessary, but will allow potential licensees the opportunity to take the exam when they feel they are prepared and ready. Upon successful completion of that exam, they will need to complete the required professional experience and supervision to receive their license.

As a layperson, this bill is good common sense. It provides the Board the additional expertise to continue to ensure our citizens are served and protected, and encourages the licensure and continuing education of the men and women engaged in this highly technical and vital profession. This bill makes sense to me as a member of the public and a layperson. I have spoken with numerous members of this profession in discussing this bill; none are in opposition. In addition, I know the Board has been very diligent in going out to the professional societies in engineering and land surveying to garner support and to gather their input in the crafting of this bill. This bill will be very beneficial in our efforts to ensure quality engineers and land surveyors in our state.

Vice Chairman Oceguela:

The part about being able to take the test during the four-year period of time: you can't be qualified for licensure until you have met all those requirements, during those four years. Does that help them in any way to secure employment, or what does that do for them?

Bud Cranor:

Currently, you have to pass the exam and fulfill the work experience requirement to be licensed. By allowing them to take the exam upon completion of college, or by giving them the option of taking the exam at anytime while they are working in the field makes it easier and encourages them to take the exam for licensure. There is no experience waiver which is crucial in the engineering and land surveying professions, and they have that real-life field experience.

Assemblyman Sherer:

Is the test a national or state test? Who certifies the test?

Roland Westergard, Chairman, Nevada State Board of Professional Engineers and Land Surveyors:

It is an exam prepared by national committees appointed by the president of the National Council for the Examination of Engineers and Surveyors. The representation on the committees includes people from the college scene and practicing engineers. The test covers a wide scope of the practice of engineering.

Assemblyman Seale:

Is it true that there are a lot of professions with similar requirements of experience and education that are allowed to take the exam before applicants have completed their education? For example, I am a CPA (certified public accountant), and I was allowed to take the exam after I graduated from college, but before I completed the experience requirement. Is it not true that some states, if not most, that have the same standard?

Roland Westergard:

That is the case, sir. You are right.

Assemblywoman Gansert:

I have an engineering degree from Santa Clara in California. I took the Engineering and Training test when I finished college. I am not sure if this is the same exam, but you had to have the two years' experience. Twenty years ago, that is the way it was set up in California.

Roland Westergard:

That is an excellent point. The exam is composed of two parts: one is a fundamental of engineering exam, which is an 8-hour exam, and a candidate can take that exam even before graduation. The second is the practice exam; another 8-hour exam. California allows people to take the exam after two years.

We get local young people and some older people in Nevada, who have to wait the four years, so instead of waiting, they go down to California after two years, take the exam, and we hold their application. At the end of four years, if they have acceptable experience, they are licensed based on the successful passage of the exam in California.

Noni Johnson, Executive Director, Nevada State Board of Professional Engineers and Land Surveyors

In lieu of oral testimony Noni Johnson proffered written testimony in support of S.B. 59, which was marked as ([Exhibit C](#)).

Vice Chairman Ocegüera:

Public hearing closed on S.B. 59 and public hearing opened on S.B. 257.

Senate Bill 257 (1st Reprint): Makes various changes relating to regulation of certified public accountants. (BDR 54-360)

Todd Russell, Attorney-at-Law, Counsel, Nevada State Board of Accountancy:

Senate Bill 257 is the State Board of Accountancy's bill. It is a housekeeping bill. Section 1 of the bill requires CPAs who perform audits to retain documents related thereto for seven years. This request came out of the Enron/Arthur Anderson situation where documents were being destroyed by auditors. The Board felt that in order to protect the public, it was important to have the highest possible standard and retention of those documents as possible. This is under the UAA [Uniform Accounting Act], which is in fact the highest standard. Section 1 requires that those who perform audits at the station portion retain those documents.

Section 2 of S.B. 257 merely eliminates reference to NRS 628.210, which is no longer needed as it dealt with the public accountants who were grandfathered in in 1960, and there is only one left. There is no longer any reference in the statute of this section.

Section 3 eliminates the requirement of the Board of Accountancy to publish and send out a list of CPAs and Board members, which is a cost-saving measure. We list the names of the Board members on our website, which was the change that was made particular to this section and is primarily a cost-saving measure.

Section 4 clarifies that public accounting experience needs to be obtained under the direct supervision of a CPA. This was always the requirement of the State Board of Accountancy, but we felt it necessary to put it in the statute to emphasize and clarify that requirement.

[Todd Russell, continued.] Sections 5, 6, and 7 of S.B. 257 amend *Nevada Revised Statutes* (NRS) Chapter 628 to bring it in compliance with the new CPA [certified public account] examination. We now administer a computerized examination prepared by the American Institute of Certified Public Accountants (AICPA). These provisions of the statutes were in contradiction to how that exam is provided by the American Institute of Certified Public Accountants.

Section 8 sets forth the experience requirement for licensure as a CPA. Section 9 eliminates reference to NRS 628.210. This language is no longer needed in light of the fact that it dealt with public accounts.

Sections 10 and 11 of S.B. 257 bring Section 1 back into the enforcement provisions of Chapter 628, so we have the ability to seek enforcement of the criminal violation of failing to retain those records.

Section 12 repeals two sections concerning public accountants. It is basically a housekeeping bill, except for Section 1, which establishes a very high standard in regard to the destruction of any documents. This bill is there to protect the public.

Assemblyman Seale:

I need to disclose that I am a CPA, but this bill will not affect me any differently than anyone else. Additionally, one of the witnesses, Harry Parsons, is a former partner of mine, but we currently have no similar interests that will affect my vote on this bill. The part where we are giving a provisional pass on just passing one part, but in the late 1800's you had to pass two parts in order for the provisional—tell me again why that has changed?

Todd Russell:

It is changed, primarily that now you go in and you take your segments, or windows of opportunity under the computerized exam. Under the AICPA manual, which they set up, you are required to take one section at a time; no longer are you required to take the full examination. So there is a major change on how the exam is given. It allows much more flexibility for people who take the exam and study for different sections. You used to have to sit for the whole exam and get a minimum grade in certain sections and also pass two sections, so it gives much more flexibility for applicants, and it gives them a much broader base on how to take the exam and hopefully pass it.

Vice Chairman Ocegüera:

Public hearing on S.B. 257 is closed and the public hearing on S.B. 278 is opened.

**Senate Bill 278: Revises provisions relating to occupational safety and health.
(BDR 53-1347)**

Orville Reed, Certified Safety and Health Professional:

I am asking for title protection for certified safety health managers as was previously afforded some years ago for certified safety professionals. Through education, experience, and examination, I have been afforded the title of certified safety and health professional, so I can assist the employers and employees in their work and to work safely. If a person needed health care and they were being treated by a registered nurse, they would know that nurse had received through experience, education, and examination the title of registered nurse. Certified safety and health professionals are asking for the same thing being afforded to them so that no other person could state that they are a certified safety and health professional without the experience, knowledge, education, and examination to achieve the title.

Vice Chairman Ocegüera:

Would you like to outline the bill?

Orville Reed:

In NRS 618.710, this was afforded not only the associate safety professional, but the certified safety and health professional and the certified industrial hygienist title protection in the past. This is merely what the certified safety and health professionals are asking as well. There are approximately 14 other states that have afforded some title protection, and we're asking that you look at that and afford us that as well. We do this through experience, education, and examination by the Institute of Safety and Health Management to achieve this title, and we're asking the same as was previously done for these other groups. I don't foresee many costs to the state in doing this.

Assemblyman Anderson:

Who would be putting themselves out in this area that is going to be eliminated from doing this job?

Orville Reed:

Only those folks who would misrepresent themselves as a certified safety and health manager when, in fact, they had not achieved that through knowledge, experience, education, and examination.

Assemblyman Anderson:

If I am a physician and I no longer wish to be in practice and I choose to set myself up in this particular area, but I am not going to practice medicine, would I then re-sit to pick up this additional title?

Orville Reed:

If I chose not to be a certified safety and health manager and again in the future wished to regain that title, I would have to be re-examined with a written examination.

Assemblyman Anderson:

So by virtue of passing any other series of titles with the creation of this new title, I am going to lose the ability to do that, even though I may have been employed in that position for some time?

Orville Reed:

If I was in a position, I would no longer be entitled to use that credential as a certified safety and health manager.

Vice Chairman Ocegüera:

The public hearing on S.B. 278 is closed. Meeting adjourned. [2:33 p.m.]

RESPECTFULLY SUBMITTED:

James S. Cassimus and
Transcribing Attaché

APPROVED BY:

Assemblyman John Ocegüera, Vice Chairman

DATE: _____

EXHIBITS

Committee on Commerce and Labor

Date: April 27, 2005

Time: 200 p.m.

Bill	Exhibit	Witness/Agency	Description
	A	Agenda	Commerce and Labor Meeting 4/27/05
SB 152	B pg. 1	Pamela Hogan, Physical Therapist, and Member, Physical Therapy Board of Examiners	Pamela Hogan's Testimony in Support of SB 152
SB 152	B pg. 2	Pamela Hogan	Letter dated 4/22/05 to Committee Chair from Hogan
SB 152	B pg. 3	Pamela Hogan	Email dated 4/25/05 from Close to Chair Buckley
SB 152	B pgs. 4-8	Pamela Hogan	SB152 First Reprint
SB 59	C	Noni Johnson	Justification in support of SB 59