

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

**Seventy-Third Session
April 18, 2005**

The Committee on Health and Human Services was called to order at 2:46 p.m., on Monday, April 18, 2005. Chairwoman Sheila Leslie presided in Room 3138 of the Legislative Building, Carson City, Nevada, and, via simultaneous videoconference, in Room 4401 of the Grant Sawyer State Office Building, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Ms. Sheila Leslie, Chairwoman
Ms. Kathy McClain, Vice Chairwoman
Ms. Susan Gerhardt
Mr. Joe Hardy
Mr. William Horne
Mr. Garn Mabey
Ms. Bonnie Parnell
Ms. Peggy Pierce
Ms. Valerie Weber

COMMITTEE MEMBERS ABSENT:

Mrs. Sharron Angle (excused)
Mrs. Ellen Koivisto (excused)

GUEST LEGISLATORS PRESENT:

Senator Valerie Weiner, Clark County Senatorial District No. 3
Senator Dina Titus, Clark County Senatorial District No. 7

STAFF MEMBERS PRESENT:

Barbara Dimmitt, Committee Analyst
Joe Bushek, Committee Attaché

OTHERS PRESENT:

Alex Haartz, Administrator, State Health Division, Nevada Department of Human Resources

Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education, State of Nevada

Bobbie Gang, Legislative Advocate, representing the Nevada Women's Lobby

Valerie Rosalin, Director, Consumer Health Assistance, Bureau for Hospital Patients, Office of the Governor, State of Nevada

Paulette Gromniak, Quality Assurance Specialist, Bureau for Hospital Patients, Office of the Governor, State of Nevada

Chairwoman Leslie:

[Meeting called to order and roll taken.] We'll open the hearing on S.B. 197.

Senate Bill 197 (1st Reprint): Provides for establishment of State Program for Fitness and Wellness and Advisory Council on State Program for Fitness and Wellness. (BDR 40-36)

Senator Valerie Weiner, Clark County Senatorial District No. 3:

[Handed out [Exhibit B](#) and [Exhibit C](#).] I urge your support for S.B. 197. This bill provides for establishment of a statewide program and an advisory council on fitness and wellness. This statewide program and its advisory council will focus on increasing public knowledge and raising public awareness about physical fitness and wellness. This will involve educating the public about fitness, proper nutrition, and prevention of obesity, chronic diseases, and other diseases.

The need for this council in Nevada is preeminent. According to NCSL [National Conference of State Legislatures] in their April 2005 magazine, about one-half of obese children become obese adults. In fact, the children of today are likely to be the first generation in our country's history to live sicker lives than their parents and to die before their parents.

Regarding adults, the CDC [Centers for Disease Control and Prevention], in Healthy People 2010, states that only 15 percent of adults in our country engage in regular physical activity. About 40 percent of adults participate in no leisure time physical activity at all.

During the last interim, our Legislature took a serious look at the problem of obesity. The interim study on the medical and societal costs and impacts of obesity was comprised of Senator Cegavske, Assemblyman Atkinson,

Assemblyman Mabey, and myself as chair. Our work helped us learn that a person's life can be significantly compromised, or even shortened by as much as 30 years, because of obesity and obesity-related illnesses.

[Senator Weiner, continued.] If the health issues themselves were not enough, the current impact on federal and state budgets is staggering. According to NCSL, in 2003, obesity cost our country \$75 billion. Taxpayers carried about half that burden in Medicare and Medicaid costs. Next door, California spent about \$7.7 billion in that same year, and about \$3.4 billion of that, again, was Medicare or Medicaid spending.

In an effort to address obesity, Americans spend about \$33 billion each year on weight reduction products and services. More than 40 percent of American women, and nearly 30 percent of our men, are trying to lose weight at any given time. These weight gains can be sneaky for most of us. The average American gains one pound a year, every year, and in 20 years, that's substantial. Think about it in very easy terms. That's about 10 unneeded or unburned calories a day. Certainly the work of the interim study on obesity was a great place to start to determine what we need to do in Nevada. The effects of that committee's work had some great outcomes without any legislation mandating them. The Health Division has a regularly updated website that took over from where the committee started its work, providing information about people, resources, and programs in Nevada to help with fitness and wellness.

Clark County School District announced their change of policy the day we could have asked for bill drafts, making a substantial change in nutrition policy for snacks and the foods that are provided in meals. A series of meetings across the state have been conducted by public health educators, with citizens and the Health Division, to determine the impact of obesity in Nevada. The Health Division came forward at the end of our work in the subcommittee and said that they have been working on a statewide plan to address obesity in Nevada.

Even in this legislative building, there's an unprecedented awareness of the need for fitness and wellness. Legislators and staff are currently participating in the Nevada 100 Challenge, which is an eight-week fitness and wellness program that is sponsored by UNLV [University of Nevada, Las Vegas]. For the record, Assemblyman Ocegüera and I have entered this challenge as a team, and as we pondered the name, we both pretty much came up with the same one. Our team name is "The Tall and The Short of It." I'm proud to admit that I've already added some very positive changes to my own lifestyle, including healthier eating—which many are finding hard to believe, but it's true—and more frequent cardiovascular activities throughout the week.

[Senator Weiner, continued.] The commitment to fitness and wellness pays dividends. In addition to feeling better and stronger, physical fitness helps our cognitive skills. Many studies in California, and a recent one in Illinois, have shown a direct connection between physical fitness and cognitive development. Unfortunately, Nevada is coming from behind again. We're one of only four states in the country that does not have a statewide council to promote physical fitness and wellness. The passage of S.B. 197 will change that.

Senate Bill 197 will establish a statewide fitness and wellness program in the Health Division. In addition, it will establish an advisory council. The State program for fitness and wellness will address 12 specific activities to improve health and wellness in our state. You'll notice that there's no fiscal note, because this will perform at the level that funds are available.

I could cite a lot of statistics, but we all know we have a problem in Nevada with this issue. We have a need, and we have an opportunity to do something about it. I will make a pledge to you, as I did in my own House, that when this bill is passed and signed into law, I will contribute \$1,000 to help jumpstart the work of the program, and motivate and sustain the work toward a healthier Nevada.

Chairwoman Leslie:

My only problem with the bill is that it doesn't have an appropriation. Is the idea to put this in statute and hope the next Governor will fund it appropriately, or are you trying to raise money privately starting with your donation?

Senator Weiner:

Working with several health care educators and health care professionals, what I learned—coming from different organizations and different parts of the state—is that there are monies that would probably be available to Nevada if we had a statutory commitment to fitness and wellness. This is certainly a major step in chronic disease prevention, and I know that there are CDC dollars in chronic disease prevention and obesity. It is a major focus of national concern. We don't have a statewide commitment to this, and it would help invite dollars into the state if we just had a statutory commitment.

Alex Haartz, Administrator, State Health Division, Nevada Department of Human Resources:

[Handed out [Exhibit D](#).] While it doesn't create a fiscal impact, I can appreciate your comments. Our experience with the arthritis approach is very similar. There was a statutory framework, created around arthritis prevention and control, in which subsequently the Centers for Disease Control determined that there was more of a commitment, and that makes grant applications stronger. That works

in the private sector as well. There are a number of efforts that the Health Division is undertaking. They all kind of coalesce, and this would be a good place to tie all of those activities and opportunities and strengthen our opportunity to bring either federal funds or private grant funds into the state.

Chairwoman Leslie:

In Section 6, where it outlines who the members of the advisory council would be, it talks about the State Health Officer. Later on in Section 7, the next page, page 3, it says the State Health Officer or his designee will serve as the chairman. Are you comfortable with that? Does that seem appropriate to you and the health officers in your division?

Alex Haartz:

Yes, very much so. He's willing to serve in that capacity.

Chairwoman Leslie:

The composition looks pretty good to me. You don't have any suggestions?

Alex Haartz:

The composition seemed reasonable as well.

Senator Wiener:

That was the amendment; that's why this is in first reprint. As I developed this bill, we made a decision that we wouldn't just focus on children, and we wouldn't just focus on the adult population, but focus on everybody who has a need and to change behaviors. So, you'll find that, in the bill, there's a strong collaboration between education and health, and as we work through who should be on the committee, initially the original bill had two representatives from organizations that deal with chronic diseases. It was suggested, and it was my oversight, that there's so much mention of nutrition throughout the bill, yet we did not have a representative of that component, so a dietitian was put into the bill in lieu of the second chronic disease organization.

Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education, State of Nevada:

I'm just here to support the bill and will provide and cooperate in any way we can. It's actually been a neglected area through the Department of Education. We have one health person, and she's funded with federal HIV/AIDS funding—so, very limited on the health. We can use all the help we can get in this area, both in the physical education and the health side of the K through 12 program. We're here to support it and do whatever we can to assist in the program.

Chairwoman Leslie:

If we had a group in place, it would be a way to get a recommendation back to Washoe County at least that we put PE [physical education] teachers back in elementary schools. Is that what this group would look at?

Keith Rheault:

I would hope it would be one of those things where they both look at physical education in our K through 12 and health programs. I know we're currently working on a state policy on health, and we're taking public input that the State Board will be reviewing and that would also tie in nicely. That deals with nutrition, vending machines, and a number of things in schools currently that need to be looked at.

Bobbie Gang, Legislative Advocate, representing the Nevada Women's Lobby:

We would like to be on record in support of this bill. I'd like to just read one short section from a report that was done by the Institute for Wellness Policy Research, a national organization, and it regards the status of women in Nevada. It was done in cooperation with the Center for Applied Research at the University of Nevada, Reno and the Women's Research Institute of Nevada at UNLV. When they were analyzing the health and well-being of women in the state of Nevada, they analyzed indicators of women's mortality from heart disease, breast cancer, lung cancer, incidence of diabetes, chlamydia and AIDS, mental health status and mortality from suicide, and health-related limitations on everyday activities.

Nevada ranks toward the bottom of the states, both nationally and regionally, for women's health and well-being. At forty-second among all the states, and last of eight in the Mountain West region, it receives a grade of D on a scale that IWPR [Institute for Women's Policy Research] has developed.

Chairwoman Leslie:

We will close the hearing on S.B. 197, and open the hearing on S.B. 155.

Senate Bill 155: Requires hospitals to provide patients with certain information regarding Bureau for Hospital Patients. (BDR 40-1254)

Senator Dina Titus, Clark County Senatorial District No. 7:

[Handed out Exhibit E.] I'm here in support of S.B. 155. This bill would require medical facilities to distribute information about the Consumer Health Assistance Program that's sponsored by the State. This program was created by the Legislature to serve as an advocate for patients' rights. This agency

offers assistance with hospital and provider bills, prescription needs, medical benefits, worker's comp, uninsured needs, and dealing with insurance companies. I'm passing out to you a copy of part of their brochure ([Exhibit E](#)) to give you some idea of what they do. With just a small budget and a small staff, the office has done a good job attempting to do outreach. Still, few people know of the existence of these services. The office has an excellent record of helping people to save money with their medical bills.

[Senator Titus, continued.] Being sick and in the hospital, or having a family member in that situation, is very traumatic. Often, though, dealing with the aftermath can be equally traumatic. We all know what it's like to navigate the bureaucratic maze and try to deal with all of the red tape and the forms. Even the most sophisticated person can often find this complex and difficult to do. This agency helps you with those kinds of problems. It doesn't do us any good to have good programs supported by the State if nobody knows about them, so they're not used the way they should be. We should get this information out. What better, more sensible way is there to get the information out than to have it provided to patients in medical facilities?

Medical facilities are already required to give you certain information when you check into them. Now, they can simply insert this information about the program of assistance for somebody who may come out of their hospital or their facility with some problems and who needs some help with these complicated issues. In the Assembly, the agency itself felt this was a good idea, even though it's going to mean more work for them, because more people will know about it.

Chairwoman Leslie:

I'm surprised we're not already doing this. We heard a lot of testimony in the last few weeks about information that's given out to patients, and this Committee, in fact, passed a bill that is now requiring the posting of the information regarding a 50 percent discount for the indigent. I'm wondering if you considered that at all. Maybe we could work with the hospitals to add not only a brochure, but also add the information about the sheet that hospitals post on the wall.

Valerie Rosalin, Director, Consumer Health Assistance, Bureau for Hospital Patients, Office of the Governor, State of Nevada:

[Handed out [Exhibit F](#).] I am here to support S.B. 155, putting our information onto all of the admission and discharge forms. I did submit a recommendation in the language for Nevada hospitals to implement into their admission and discharge forms. The people of Nevada do need our services. I have with me

Paulette [Gromniak], the Quality Assurance Specialist for the Bureau of Hospital Patients, for any examples of some of the cases on which we have worked.

Chairwoman Leslie:

Are we talking about putting this brochure in with the other papers, or are we actually putting on the hospital forms the information about your office?

Valerie Rosalin:

It could go either way. I did have one sheet that they could have inserted into their paperwork, or if they are going to reprint their admission and discharge forms, we gave them the option of just giving them our information, and wherever they wanted to insert it, they could do it at that time.

Chairwoman Leslie:

The bill, on page 2, refers to that. A written disclosure could mean a brochure or just a line on a form. Is that what you are saying?

Valerie Rosalin:

Correct, as long as the information is there. What I had submitted was that as a patient of this hospital, you have the right to contact the Consumer Health Assistance Bureau for Hospital Patients with any questions regarding your stay, including, but not limited to, billing. This is a free service provided by the State of Nevada to assist Nevada consumers in understanding their patient rights and responsibilities. It is really just one paragraph with our information.

Paulette Gromniak, Quality Assurance Specialist, Bureau for Hospital Patients, Office of the Governor, State of Nevada:

I'm in support of this bill. I think that the more our name is out there, the more we can help all Nevadans, both north and south.

Assemblywoman Weber:

I've had an opportunity to work with Valerie [Rosalin] and several different constituents, and this does seem to be a secret. The folks that have been interfaced with this program get help quickly and save time at the front end before things become problems for them. That they have information is a great idea.

Chairwoman Leslie:

In looking at your language, we'll have to discuss it some more. When you say things like, "Understanding their patient rights and responsibilities," I'm not sure that translates to consumers as, "You'll help me figure out my hospital bill." I think that's the important part of it.

Senator Titus:

I want to get this information to them as plain, as attractive, and as simple as possible so they see it, notice it, and they know that this is where they can get some help. However you want to word it or however you want to require it is fine. If you think the brochure gets more attention, we could do it that way. There's no point in putting it somewhere in the middle of a whole bunch of other writing—where they'll never see it—because that defeats the purpose.

Chairwoman Leslie:

Or understand it. You've given the committee something to work on, and we'll take that under advisement.

I'll put on the record that we did receive testimony on the previous bill that we will enter into the record in support of S.B. 197 from the American Cancer Society ([Exhibit C](#)) and the Department of Sports Education Leadership at UNLV ([Exhibit D](#)). I'll also put it on the record that the Hospital Association doesn't have a problem with this bill.

We'll close the hearing on S.B. 155, and we'll put it in a future work session. This meeting is adjourned [at 3:12 p.m.].

RESPECTFULLY SUBMITTED:

Julie Morrison
Committee Manager

APPROVED BY:

Assemblywoman Sheila Leslie, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: April 18, 2005

Time of Meeting: 1:30 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
197	B	Senator Valerie Weiner	Information about obesity from Monica Lounsbery, Ph.D.
197	C	Senator Valerie Weiner	Testimony from Buffy Gail Martin, American Cancer Society
197	D	Alex Haartz/ State Health Division	Written testimony, 1 page
155	E	Senator Dina Titus	Consumer Health Assistance Brochure
155	F	Valerie Rosalin/ Consumer Health Assistance	Recommended language for the bill