

**MINUTES OF THE  
SENATE COMMITTEE ON COMMERCE AND LABOR**

**Seventy-third Session  
March 23, 2005**

The Senate Committee on Commerce and Labor was called to order by Chair Randolph J. Townsend at 8:01 a.m. on Wednesday, March 23, 2005, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Randolph J. Townsend, Chair  
Senator Warren B. Hardy II, Vice Chair  
Senator Sandra Tiffany  
Senator Joe Heck  
Senator Michael Schneider  
Senator Maggie Carlton  
Senator John Lee

**GUEST LEGISLATORS PRESENT:**

Senator Barbara K. Cegavske, Clark County Senatorial District No. 8  
Assemblyman Bernie Anderson, Assembly District No. 31

**STAFF MEMBERS PRESENT:**

Kevin Powers, Committee Counsel  
Jeanine Wittenberg, Committee Secretary  
Scott Young, Committee Policy Analyst  
Jane Tetherton, Committee Secretary

**OTHERS PRESENT:**

Thom Gover, Senior Deputy Attorney General, Insurance Fraud Control Unit,  
Office of the Attorney General

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Alice A. Molasky-Arman, Commissioner, Division of Insurance, Department of  
Business and Industry  
George A. Ross, Las Vegas Chamber of Commerce  
Jeanette Belz, Property and Casualty Insurance Association of America  
Michael D. Geeser, American Automobile Association, Nevada  
Helen A. Foley, PacifiCare Health Systems  
Larry Ashley, Ed.S.  
Deborah R. Roberts  
K. Neena Laxalt, Nevada Association of Marriage and Family Therapists  
Alicia Smalley, National Association of Social Workers, Nevada Chapter

CHAIR TOWNSEND:

The meeting is open for discussion on Senate Bill (S.B.) 182, Assembly Bill (A.B.) 135 and A.B. 137. We will start with A.B. 135

ASSEMBLY BILL 135: Increases maximum annual amounts that may be assessed against certain insurers for purposes relating to investigation of insurance fraud. (BDR 57-1071)

THOM GOVER (Senior Deputy Attorney General, Insurance Fraud Control Unit, Office of the Attorney General):

I have presented the Committee with an exhibit in support of A.B. 135 ([Exhibit C](#)).

ALICE A. MOLASKY-ARMAN (Commissioner, Division of Insurance, Department of Business and Industry):

We support A.B. 135 and hope that it will provide additional resources for the Office of the Attorney General. I am leading a state and national campaign with respect to fighting insurance fraud.

GEORGE A. ROSS (Las Vegas Chamber of Commerce):

We support A.B. 135 and urge the Committee to do the same.

JEANETTE BELZ (Property and Casualty Insurance Association of America):

We also support A.B. 135.

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MICHAEL D. GEESER (American Automobile Association, Nevada):

We support A.B. 135. I have presented a letter to the Committee for consideration from the American Automobile Association (AAA) of Nevada ([Exhibit D](#)).

HELEN A. FOLEY (PacifiCare Health Systems):

We are in support of A.B. 135 and hope with the additional funding time can be devoted to the medical issues associated with insurance fraud.

CHAIR TOWNSEND:

Are there any other questions or comments on A.B. 135? The hearing is now closed on this bill. We will now hear discussions on A.B. 137.

**ASSEMBLY BILL 137**: Revises provisions governing insurance payments in settlement of certain third-party liability claims. (BDR 57-503)

ASSEMBLYMAN BERNIE ANDERSON (Assembly District No. 31):

I have provided the Committee a written testimony ([Exhibit E](#)) relating to one of the issues in A.B. 137. The claimant would receive written notification if a settlement was \$5,000 or more. There have been situations where a settlement amount has been given to an attorney and the money sits in the attorney's office without the claimant knowing that it is there. This proposal would help clarify that process.

CHAIR TOWNSEND:

Are there any other questions or issues on A.B. 137? The hearing is now closed on A.B. 137. Discussion is now open for S.B. 182.

**SENATE BILL 182**: Revises provisions governing certain alcohol and drug abuse counselors. (BDR 54-303)

SENATOR BARBARA K. CEGAVSKE (Clark County Senatorial District No. 8):

There are urgent needs in southern Nevada for mental health counseling and that is why we are in support of S.B. 182. A mental health emergency was declared in Clark County, and we need to find solutions to this issue. We urge support from the Committee on this bill, and we believe it warrants consideration.

LARRY ASHLEY, Ed.S.:

I am a professor at the University of Nevada, Las Vegas. I have worked in the profession of mental health for over 30 years.

The mental health emergency Senator Cegavske was referring to affected hospitals as well as other mental health service agencies. I try to treat patients who have alcohol and/or drug addictions as a dual diagnosis. Even though there are licensed mental health positions available, there are not enough competent professionals to fill them. There is a need for training in dual diagnosis for current professionals as well as newcomers to the mental health profession. There is also a federal proposal in the works to create a substance abuse resource center to help train professionals in the profession of mental health.

HELEN A. FOLEY (Nevada Association of Marriage and Family Therapists):

There is a need for more mental health professionals in Nevada, but there are problems with S.B. 182. I would like to introduce Deborah Roberts who is in the Las Vegas office today. She has been an active member of our organization and she would like to speak briefly about issues relating to this bill.

DEBORAH R. ROBERTS:

I am a marriage and family therapist (MFT) and a licensed alcohol and drug abuse counselor. There are so many different types of mental health professionals that the public is already confused as to what a specific professional is licensed to handle. Senate Bill 182 would authorize certain licensed alcohol and drug abuse counselors to apply for an endorsement of their license to engage in mental health counseling, which only adds to a patient's confusion.

MS. FOLEY:

The organization's major concern with S.B. 182 is that it would require an endorsement of a license to engage in mental health counseling. We do not understand why a professional in mental health is not already required to have that type of license. The endorsement issue in this bill is vague. We believe that the individual should be licensed to perform mental health counseling. What has happened with MFT and licensed clinical social workers (LCSW) is they are able to counsel; however, if they hold themselves out to be a problem-gambling specialist or a drug and alcohol abuse counselor, then they have to return to the Board of Examiners for Marriage and Family Therapists and get an endorsement.

If an individual is a licensed alcohol and drug abuse counselor, they can go to any of the following boards: Board of Examiners for Marriage and Family Therapists, Board of Examiners for Social Workers or the Board of Psychological Examiners and take an examination and receive a license. We are willing to work together with all involved to find a solution to these issues.

MS. ROBERTS:

My concern is how internships would be handled and who would provide supervision in the process of obtaining an endorsement to practice mental health counseling. I would like to be involved in a committee where all mental health boards could participate in the licensing process.

SENATOR HARDY:

Section 1, subsection 1, paragraph (c) reads as follows: "The Board determines that the licensed counselor will meet or exceed ... ." It seems to indicate there could be licensing to practice prior to meeting this requirement. I am not sure if the language is a drafting error or if there is a certain applied intent. Also under section 1, subsection 3, the bill states, "The Board shall adopt such regulations as are necessary ... ." It seems to put into regulations several issues that are also dealt with in the *Nevada Revised Statutes* (NRS), specifically the scope of practice, fees, the grounds for initiating disciplinary action and the procedures for disciplinary action. Is there a specific reason why we are dealing with those issues through regulation?

PROF. ASHLEY:

We can work with the Committee on those issues.

SENATOR HARDY:

Are you open to putting your issues into statutes as opposed to regulations?

PROF. ASHLEY:

Yes.

SENATOR HARDY:

Can you clarify the language, "will meet or exceed?"

PROF. ASHLEY:

The language was used to make sure competent professionals conducted the counseling process.

KEVIN POWERS (Committee Counsel):

I would agree with Senator Hardy. The "will meet or exceed" language opens a possibility for the Board to grant the endorsement to someone who is proceeding to meet those requirements but has not achieved them yet. That is why we have ... "will meet or exceed or has met or exceeded." It could be written to be limited to someone who actually has only met or exceeded at that time.

PROF. ASHLEY:

I am open to exploring that idea.

SENATOR HECK:

We are looking at the Board of Examiners for Alcohol, Drug and Gambling Counselors issuing an endorsement that may be under the governing body of another medically related board. Historically a licensing board issues endorsements to their own licensees to do certain work-related practices. Is the intent in the language in section 1, subsection 1, paragraph (c), "will meet or exceed ... ," for an individual who would have to pass the same licensing examination as an MFT or LCSW?

PROF. ASHLEY:

That was not the original intent. The intent was to provide criteria to show that an individual is qualified to counsel in the mental health profession.

SENATOR HECK:

It may be the way paragraph (c) is worded, because I understand it to mean that if you are going to "meet or exceed" the requirements of the other boards, you would need to take their exam.

PROF. ASHLEY:

I am open to discussion to determine the intent of the language.

SENATOR HECK:

Would the professional in mental health with an endorsement on their license only be treating patients with dual diagnosis, or will the endorsement give them the ability to treat patients for mental health disorders other than drug and alcohol disorders?

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PROF. ASHLEY:

That is not my intent. The signs and symptoms of a mental health or substance abuse disorder are almost identical, but they are not the same.

SENATOR TIFFANY:

You had mentioned other boards? Are there other boards where an individual can get a license?

PROF. ASHLEY:

The State currently has four boards.

SENATOR TIFFANY:

Is there a specific license for treating a patient with a dual mental diagnosis? Is this done in any other state?

PROF. ASHLEY:

No, the individual is considered a specialist in treating substance abuse through mental health counseling. The national trend, in treating patients with addictions has been to treat them with a primary diagnosis.

SENATOR TIFFANY:

Has the court system ever mandated a treatment that required a specialist for patients with dual diagnosis?

PROF. ASHLEY:

No, because historically the court system deals with mental health and substance abuse as separate disorders.

SENATOR TIFFANY:

Have you approached any of the boards regarding this issue?

PROF. ASHLEY:

Yes. I have had discussions with both the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors and both have been supportive.

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SENATOR CARLTON:

The Board of Examiners for Alcohol, Drug and Gambling Counselors will need to know specifically what you want to accomplish in relation to S.B. 182 and the Committee can also work with you.

SENATOR CEGAVSKE:

We are open to suggestions to make this bill work.

K. NEENA LAXALT (Nevada Association of Marriage and Family Therapists):  
Our board is open for any discussions on S.B. 182.

CHAIR TOWNSEND:

It is my understanding that there is not a license available in Nevada for a mental health counselor treating patients with dual diagnosis. The need is to find the growing demand in addictive behavior, because the focus should be on future demands. A licensing board is to protect the public. Boards might want to consider how a professional handles mental health counseling issues in order to better serve the public. My recommendation is for a subcommittee on S.B. 182.

PROF. ASHLEY:

I look forward to working with the Committee.

ALICIA SMALLEY (National Association of Social Workers, Nevada Chapter):  
Licensed clinical social workers are the largest providers of mental health services; they are licensed to diagnose and treat addictive disorders.

Senate Bill 182 seems to be another way to try to recruit additional counselors. There needs to be internships available for LCSWs or MFTs.

CHAIR TOWNSEND:

The issue of internships is something that the Committee is willing to discuss. The hearing is closed on S.B. 182 and the bill will go to subcommittee.

We have before the Committee four bill draft requests (BDRs).



**BILL DRAFT REQUEST 53-1347**: Revises provisions relating to occupational safety and health. (Later introduced as [Senate Bill 278](#).)

**BILL DRAFT REQUEST 54-144**: Provides for certification, regulation and discipline of alcohol and drug abuse prevention specialists and interns, and problem gambling prevention specialists and interns. (Later introduced as [Senate Bill 275](#).)

**BILL DRAFT REQUEST 54-98**: Establishes uniform disciplinary process for certain regulatory bodies which administer occupational licensing. (Later introduced as [Senate Bill 276](#).)

**BILL DRAFT REQUEST 58-366**: Restricts and takes away authority of cities and counties to impose franchise fees and other similar fees upon certain public utilities. (Later introduced as [Senate Bill 277](#).)

SENATOR HARDY MOVED TO INTRODUCE BDR 53-1347, BDR 54-144, BDR 54-98, AND BDR 58-366.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR TOWNSEND:

There being no other issues before the Senate Committee on Commerce and Labor today, the meeting is adjourned at 9:06 a.m.

RESPECTFULLY SUBMITTED:

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Jane Tetherton,  
Committee Secretary

APPROVED BY:

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Senator Randolph J. Townsend, Chair

DATE: \_\_\_\_\_