

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Seventy-third Session  
March 2, 2005**

The Senate Committee on Judiciary was called to order by Chair Mark E. Amodei at 8:05 a.m. on Wednesday, March 2, 2005, in Room 2149 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 Mark E. Amodei, Chair  
Senator Maurice E. Washington, Vice Chair  
Senator Mike McGinness  
Senator Dennis Nolan  
Senator Valerie Wiener  
Senator Terry Care  
Senator Steven Horsford

**GUEST LEGISLATORS PRESENT:**

Senator Dina Titus, Clark County Senatorial District No. 7  
Senator Joe Heck, Clark County Senatorial District No. 5

**STAFF MEMBERS PRESENT:**

Nicolas Anthony, Committee Policy Analyst  
Kelly Lee, Committee Counsel  
Johnnie Lorraine Willis, Committee Secretary

**OTHERS PRESENT:**

William R. Uffelman, President, Nevada Bankers Association  
Mendy Elliott, Wells Fargo Bank  
Jack Mayes, Executive Director, Nevada Disability Advocacy and Law Center

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Ronda Moore, Help America Vote Act Coordinator, Office of the Secretary of State

Roy Chandler, Coordinator, Coroner's Visitation Program, Office of the Coroner, Clark County

Michael Murphy, Coroner, Clark County

Vernon O. McCarty, Coroner, Washoe County

Alexander Haartz, M.P.H., Administrator, Health Division, Department of Human Resources

Rory Chetelat, Emergency Medical Services Manager, Health District, Clark County

Harriet E. Cummings, Appellate Deputy, Office of the State Public Defender, Department of Human Resources

Mary Liveratti, Deputy Director, Department of Human Resources

Chair Amodei opened the hearing on Senate Bill (S.B.) 23.

SENATE BILL 23: Authorizes certain persons with physical disabilities to use signature stamps under certain circumstances. (BDR 38-690)

William R. Uffelman, President, Nevada Bankers Association, said his organization testified on S.B. 23 when it was first heard in the Senate Committee on Human Resources and Education. He said the bill was to allow handicapped persons to use a signature stamp to sign their names. Mr. Uffelman explained his association was not overly concerned about the concept, but was very concerned about the implementation. He said he spoke with Vice Chair Washington concerning the ease of forgery with signature stamps. Mr. Uffelman said banks and businesses often used facsimile signatures, whether they be electronic signatures, rubber stamps or any other kind of signature representation. He stated there were probably a thousand ways to sign a check.

Mr. Uffelman said when a banking customer signed a signature card and opened an account, the bank assumed the liability for forgeries; however, when a business opened an account to do business with a bank, the business assumed the liability for forgeries. However, if the Legislature decided to implement S.B. 23, he explained, the bank would require a customer agreement similar to that of a commercial business, which assumed the liability for forgeries, making the individual liable for misuse of his or her signature stamp.

Mr. Uffelman commented his association worked with Senator Titus and Legislative Counsel Brenda Erdoes, and he believed there was a proposed amendment to the bill.

Mendy Elliott, Wells Fargo Bank, said her company had developed a document for clients to sign if they wanted to use a rubber-stamp signature.

Jack Mayes, Executive Director, Nevada Disability Advocacy and Law Center, said he had his staff research the issue because of the Bankers Association's concerns. He explained there were two issues: one was the unauthorized use of the signature stamp, and the other was the liability of the individual who owns the stamp. Mr. Mayes explained his staff had conducted research leading to Minnesota and reported that Minnesota treats the unauthorized use of the signature stamp just as it would any other forgery of a signature. Mr. Mayes said Minnesota handled the liability of the owner of the stamp in a similar manner to the way authorities pursued the unauthorized use of a stolen credit card, which made the owner liable for the first \$50. He said in the case of the signature stamp, it would have to be reported stolen to the proper authority.

Mr. Mayes explained S.B. 23 was similar to Minnesota's law and should be handled through the State's general fraud statutes. He said he understood from previous hearings there would be an attempt to add this rider to an identity theft bill.

Chair Amodei asked Mr. Mayes whether he was requesting the Committee to take no action on the bill. Mr. Mayes responded, in Minnesota, the general fraud statutes covered the issue of misuse of a signature stamp.

Chair Amodei told Mr. Mayes he appreciated the information, but asked whether the Committee should take any action in light of the fact that the author of the bill was trying to consolidate the issue in an identity-theft bill. Mr. Mayes replied he just wanted the Legislature to allow the use of signature stamps for handicapped individuals. He commented the issue came to light through the voting process. Mr. Mayes explained when an individual votes, there was a requirement for the voter to sign the register. He said the person in question had cerebral palsy and a difficult time writing.

Mr. Uffelman said the Minnesota statute Mr. Mayes referred to, in fact, says the signature stamp will always be used in the presence of the person whose signature it is. He said the witnessed use of a signature stamp was not an issue, only the unwitnessed use of a signature stamp. Mr. Uffelman asserted he would have an issue if the statute was treated as credit card theft. He pointed out one check could be written for several thousand dollars resulting in a major loss to the banking institution.

Senator Wiener explained when the bill was first heard in the Senate Committee on Human Resources and Education, she discussed with legislative counsel whether or not the issue could be included in the large identity-theft bill that was being constructed. She said one of the things they discussed was having the stamps issued through a State agency or department, so there would be tracking on the stamp. Senator Wiener indicated that legislative counsel believed that could be cumbersome and what would be better would be to certify the use of the stamp.

Senator Wiener said when the bill was first heard, she reflected on all of the ways the stamp could be misused, and she was definitely in favor of creating a punishment for any such misuse. She explained this issue was discussed and would be included in the identity theft bill.

Chair Amodei asked Senator Wiener whether the inclusion of this issue in the identity theft bill would address the use of such a stamp for the voting problem mentioned by Mr. Mayes. Senator Wiener replied the voting part of this issue was not addressed, only the protection of the signature stamp itself.

Chair Amodei asked Mr. Mayes and Mr. Uffelman whether they objected to an amendment that changed S.B. 23 to allow using the signature stamp for voting and other governmental purposes in the presence of the owner of the stamp. Mr. Mayes replied his agency had no objection. Mr. Uffelman also indicated his association had no objection to that use.

Chair Amodei asked Mr. Mayes to work with the Committee's legal advisor to draft an amendment to S.B. 23 making those changes.

Chair Amodei, addressing Senator Titus, said the discussion of the Committee in regard to S.B. 23 was to amend the bill to deal with the use of the stamp for voting. He said the banking people were concerned about the structure of the liability issue for misuse of a signature stamp, and Senator Wiener indicated part of the issue was being dealt with in the identity theft bill. He said the Committee wanted to address the issue of signature-stamp use for voting and other governmental purposes, and make sure the stamp could only be used in the presence of the owner of the signature stamp, and then pass the bill out.

Senator Dina Titus, Clark County Senatorial District No. 7, said she had met with the banking people and proposed an amendment that used the same language as that of the digital-signature language from the regulation from the Secretary of State's Office.

Chair Amodei said he had no problem with that, as long as it did not undermine the identity-theft bill. Senator Titus said she did not believe it would.

For the record, Ms. Elliott said, "It actually complements both intents."

Senator Titus read aloud a proposed amendment to the bill, which would be added to the language from existing *Nevada Revised Statute* (NRS) 720.150, subsection 4, which had to do with digital signatures:

The liability that may be incurred by a person who uses a signature stamp and a person, government, governmental agency or a political subdivision of a government that accepts the signature stamp, including, without limitation, the limitation of such liability.

She said that language makes it clear arrangements could be made.

Chair Amodei asked whether the use of a signature stamp for voting still needed to be addressed by the Committee. Mr. Mayes replied he believed the bill addressed that issue. He explained there would also be regulations set by the Office of Disability Services. He said it was imperative to set down the restriction that the signature stamp only be used in the presence of its owner.

Chair Amodei said he did not see a problem with that stricture as far as the governmental issue was concerned, however, it could be very tough to implement for banking services.

Senator Titus said the Committee on Human Resources and Education heard compelling testimony on this issue. She said the testifiers indicated sometimes it was the little things that made a big difference in their lives.

Ronda Moore, Help America Vote Act (HAVA) Coordinator, Office of the Secretary of State, said her office would like to be involved in the procedures because there were safeguards involved with election laws. She said election law security needed to be protected to ensure the identity of the person using the stamp. She said there were also federal laws that applied to this issue.

Chair Amodei asked Mr. Mayes if he would coordinate with the Office of the Secretary of State when he promulgated the regulation for the Nevada Disability Advocacy and Law Center, so no one would get "nailed by the election police." Mr. Mayes replied his agency had been working with the Secretary of State's Office, with the HAVA coordinator, on this issue.

SENATOR HORSFORD MOVED TO AMEND AND DO PASS AS  
AMENDED S.B. 23.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR WASHINGTON WAS ABSENT  
FOR THE VOTE.)

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Chair Amodei closed the hearing on S.B. 23 and opened the hearing on S.B. 118.

SENATE BILL 118: Makes various changes concerning county coroners.  
(BDR 40-747)

Senator Nolan said he wanted to disclose he was still on the rolls as a Clark County coroner, even though he had not investigated a death in over a year.

Senator Nolan said S.B. 118 was designed to accomplish three things. He said the first part of the bill created an account within each county for the purpose of retaining monies to be used by the coroner's office.

Senator Nolan commented his colleague would explain the Coroner's Visitation Program, which was the second part of the bill. He said the program was designed to help divert problem youths and had been very successful. Senator Nolan explained there was a sunset clause on the program, pending the report to the Legislature, and his colleague would give that report. He said the intent of the bill was to remove the sunset clause, so the program could continue.

Senator Nolan said the third part of the bill allowed coroner-investigators to obtain records from pharmacies of the deceased being investigated. He said when a person died, unless it was an obvious homicide or a car accident, coroners investigated the death. He noted any death in an urban setting would have a coroner investigator. He explained that most times, investigators documented natural death, but some cases involved unusual circumstances a coroner would have to discover. He said it was the coroner's job to determine the mode, manner and approximate time of death. Senator Nolan explained prescription drugs found at the scene might or might not be in the name of the deceased person. He said the quantity of those drugs sometimes presented a questionable contribution to the cause of death. Senator Nolan explained the investigator had to count the amount of the issued drug and determine whether the individual complied with the dosage on the prescription label. He said sometimes, that determination affected the ultimate decision on the cause of death.

Senator Nolan told the Committee that under current law if an investigator went to a pharmacy to compare the amount of drug in the bottle with the prescribed amount, he would not be able to view those records because no law allowed a pharmacist to divulge those records. He said the investigator would have to jump through hoops to get the information he needed to do his job. Senator Nolan explained that pharmacists usually wanted to cooperate, but current law did not allow them to do so. He commented S.B. 118 would allow pharmacists to provide those records.

Roy Chandler, Coordinator, Coroner's Visitation Program, Office of the Coroner, Clark County, shared with the Committee his handout concerning the Coroner's Visitation Program ([Exhibit C](#)) and said the coroner's office had divided the youth into two different at-risk groups for the deterrence program, those who were at risk of committing violent acts and those who were charged with

reckless offenses like drag racing, drinking alcohol and drug use. He continued his presentation by reading [Exhibit C](#).

Mr. Chandler emphasized the current program did not cost taxpayers any money, and if allowed to continue, would not cost taxpayers any money. He said monies obtained from the fees charged were used to purchase equipment for the classes.

Mr. Chandler explained this program was not just to show dead bodies to these at-risk teenagers. He said the coroner's office had developed a very good curriculum.

Mr. Chandler clarified, a student was first questioned about how he or she ended up in the program and then led to recognize the dead bodies were those of other teenagers who did the same things that brought the student to the class.

After that explanation, Mr. Chandler said the class became an educational program on what a coroner's office does. He said he explained the statistics average out to 1 dead person under the age of 17 coming through a coroner's office every 3 days. Mr. Chandler said the students toured the Clark County Coroner's Office, so they saw it was nothing like television, and true death could not be photographed.

Mr. Chandler explained that at the end of the program, students were asked to sign contracts accepting they needed to make changes their lives. He said he did not know whether those contracts were binding, but it was an admission from the student that he or she recognized and truly understood the consequences of his or her behavior. Mr. Chandler said when the students left the classroom, they had to decide whether to make changes in their lives.

Mr. Chandler stated it was well known that the "Scared Straight" program did not work. He said this was not a scared-straight-type program; it was an educational program. He emphasized the program had proven it worked. Mr. Chandler said only 12.2 percent of the students who came through the program were arrested. He stressed those were not convictions, only arrests, and commented not all arrests led to convictions. Mr. Chandler explained that was why the Coroner's Office wanted the sunset clause removed from the law,



so coroners could continue this educational program. He pointed out the program had drawn students from other states, as well as from Nevada.

Senator Wiener asked whether the program accepted self-referred students. Mr. Chandler replied an outreach program was initiated, and parents could refer students. He said when the Web Site was released, people had applied to enter their children into the program.

Michael Murphy, Coroner, Clark County, said a set of 15-year-old quintuplets from Texas flew to Las Vegas to go through the program. He explained the reason the program was getting more advertisement and was receiving more and more referrals was because of a Web page, the Office of the Coroner's unidentified dead program page that mentioned the Coroner's Visitation Program.

Senator McGinness asked how many counties in the State had a county coroner. Mr. Murphy replied two counties in the State had individual coroner agencies; in the other counties, the sheriff was the ex officio coroner, with deputies assigned to the on-the-scene-investigation work of a death. He said, typically, the smaller surrounding counties would send investigative work for review by a medical examiner to either Washoe County or Clark County.

Senator McGinness commented the bill did not contain a fiscal note; however, it required the creation of an account for the office of the county coroner. He said the Legislature was hounded every session about its unfunded mandates and wondered how the Clark County Coroner's Office would respond. Senator Nolan replied the fund did not have to do with the Youth Offender Program, which was separate and sustained by user fees. He said Mr. Murphy would explain the fund the coroner's office wished to establish. Senator Nolan said there was a proposed amendment ([Exhibit D](#)) to the bill, and the authors of the bill were amenable to making the bill county specific with a population cap if needed.

Mr. Murphy said current television trends have changed the way people perceive coroner's offices. He said coroner's offices were previously in the shadows or behind the scenes of an investigation, but now the coroner's office was clearly more in the public eye. Mr. Murphy commented that often the death investigator on the scene was the one who made the decision whether the case was a crime of some type or a natural occurrence. He said the public has a more elevated expectation of service than ever before. Mr. Murphy claimed the

public always received an excellent level of service from the coroner's offices, but were now scrutinizing that service more carefully.

Mr. Murphy explained law enforcement agencies in southern Nevada did not routinely respond to a death report unless they believed an accident or intentional death had taken place. He said as a result, the coroner's investigators now had more responsibility to ensure everything on the scene had been checked out.

Mr. Murphy noted the Washoe County Coroner was involved in developing a certification program through Saint Louis, Missouri, called the American Board of Medical Death Investigators. He said all of the coroners believed the program was valuable. Mr. Murphy commented due to lack of resources, the Clark County Coroner's Office personnel never had the benefit of certification by the American Board of Medical Death Investigators. Mr. Murphy said the last component of the bill added a dollar to the price of a death certificate to fund additional professional training for coroner staff and allowed coroners to gain certification by the American Board of Medical Death Investigators. He said 20 percent of the forensic autopsies were performed at the scene of the death. Mr. Murphy explained it was important that coroners were well trained, not only in office forensics, but also in investigative fieldwork.

Mr. Murphy explained the income from the dollar S.B. 118 added to the cost of death certificates would be used for three purposes. He said that fund would be used for training, expansion into other youth programs and equipment for the Coroner's Visitation Program.

Mr. Murphy said in the future, the northern and the southern coroner offices would like to start statewide training that could be offered to sheriffs' deputies who were currently involved with death investigations in smaller counties. He noted they did some training for those counties at the present time, but would like to expand the program.

Senator Care asked whether the coroners could determine what drugs were contained in a body at the time of death. Mr. Murphy replied they could, to a point. Senator Care asked why the coroner needed to know what prescriptions the victim had when he could already determine what substances were in the body. Mr. Murphy replied the coroner's office uses a standard panel of basic drugs because the uniqueness of the pharmaceutical drugs on the market today,

both legal and illegal, made it almost impossible to test for every poison, drug, or every substance known. He said investigations done on the scene were important to discover at least an area of research to pursue. Mr. Murphy noted having access to the prescriptions also helped explain why certain drugs were in the body.

Senator Care said the bill was not specific regarding whether the request for access to prescriptions was for the deceased only. Mr. Murphy replied, "Yes, we are looking for information about the decedent, specifically."

Vernon O. McCarty, Coroner, Washoe County, said his position regarding the bill was much the same as Clark County's; however, some go-lightly issues needed to be discussed. He asserted his opinions were gathered from over 30 years of his service as a coroner. He emphasized Washoe County had taken no position regarding the bill.

Mr. McCarty explained one of the reasons the coroner needed access to a deceased person's prescription records was to know whether the person was habituated to the drug. He said the coroner could test for and identify the drug on a list as to what was in the body at the time of death, but a person who had been on that drug long term could tolerate much higher levels than those not regularly taking the drug.

Mr. McCarty said methadone was the current drug of choice, and the coroner's office had seen a fourfold increase in deaths associated with this drug. He explained there was a huge range between lethal for a patient who had just started using the drug and lethal for a patient who had been taking the drug for years. He said because of the large difference in tolerance, the coroner needed to know how long the person had been using a drug.

Mr. McCarty said the Coroner's Visitation Program was not a body show-and-tell program. He said when the program was created, he opposed it because of the unethical, nonsensitive approach to training juveniles at the expense of a decedent family. Mr. McCarty explained that in Washoe County, a tour of the office was not part of the program. He said he took the training to the high school driver education program, biology program and government classes. He said in the context of a classroom, he explained the purpose of the coroner's office and how certain behaviors impacted insurance, impacted estate settlements, and what other issues that may arise.

Mr. McCarty said students in northern Nevada did not tour the coroner's office, because when bodies were not present, there was not much to see except stainless steel.

In regard to the additional dollar being requested in the bill, Mr. McCarty said he felt it was a death tax and should not be whitewashed to look good. He explained as the Washoe County Coroner, he sat down with families and explained they needed to make arrangements to include certified copies of the death certificate for the Department of Veterans Affairs, U.S. Social Security Administration, every life insurance policy, and for transferring titles of automobiles, homes and other such possessions. Mr. McCarty stated he did not feel comfortable giving the above-mentioned counseling when he was aware the certificates would be used as an income source. He said he believed there were ways to fund coroner functions other than attaching an additional dollar to a death certificate.

Senator McGinness asked what the potential revenue was from adding a dollar to the death certificate. Mr. McCarty responded Washoe County had around 3,800 deaths a year, and the surviving families needed around 3 to 5 death certificates to settle the decedent's affairs. He said if an individual was well insured and had properties, the family could end up purchasing 20 to 30 death certificates.

Senator McGinness asked what the numbers of death certificates were for Clark County. Mr. Murphy replied that in 2003, the Clark County Coroner's Office handled 12,751 deaths and sold 88,000 death certificates. He said it was not routine for the Clark County Coroner's Office to counsel survivors on how many death certificates the family may need.

Senator Wiener asked Mr. Murphy to explain the differences between a standard certification and the additional Crime Scene Investigation (CSI) training the bill requested. Mr. Murphy responded pre-CSI required about 12 months in training. He said there were six months of classroom training and another six months in fieldwork. He explained because of funding cutbacks, law enforcement no longer responded to all death reports with trained investigative personnel. Mr. Murphy said as a result of this change, the last set of eyes reviewing the data on a death scene was the coroner's office investigator. He said the nature of investigations had changed in that the standard, on-the-scene investigation typically took two to three hours, which involved logging of the

death, examining the body in the setting, and noting time of death, all prescription drugs and reports of the family. Mr. Murphy explained that for a possible homicide death, everyone was on the scene, including law enforcement investigators, as well as coroner investigators.

Mr. Murphy explained every case had to be examined as if it was a homicide case; because of this, the training was more intense and investigation-specific than that for a death by natural causes. He said this kind of investigation required in-depth medical death knowledge. He commented the trend for forensic investigation was for juries to expect a higher level of information from the coroner's office. Mr. Murphy said Clark County was not equipped to produce this higher level of information expected of the coroner's office. He pointed out that the Clark County Coroner's Office had only recently gone to digital cameras, even though these cameras have been in use for years.

Mr. McCarty explained that in 1998, the American Board of Medical Death Investigators used federal grant funds and a nationwide screening procedure to produce a protocol for events cataloging death procedures from the time the telephone rang to the time a body was released to a funeral home. He said the slogan for that protocol was "Every Scene, Every Time." He said from those procedures came the *National Guidelines for Death Investigation*, published in 1998 by the National Institute of Justice. Mr. McCarty identified the current standard for an on-the-scene investigator as someone having at least an associate's degree who possessed the skills to: recognize the disease by the prescription, handle basic social counseling with the family, know which cases required autopsies and which did not, prepare a narrative report of findings, catalog personal effects and property and notify the next of kin. Mr. McCarty stated coroners such as television's *Quincy M.E.*-type were actually rare. He said there were less than 500 such individuals in the whole country, and forensic pathologists were retiring faster than they were being trained.

Mr. McCarty commented the first test case for the 1998 guidelines was in Eureka County, Nevada. He said it was the only murder case in Eureka County in 20 years, and with some training and guidance, the county put together a good case that resulted in a conviction.

Mr. McCarty said over the course of the last 25 years, he had roamed northern Nevada and northern California conducting training sessions for sheriffs' offices to try to bring them up to speed.

Mr. McCarty said in the Washoe County Coroner's Office, five of the six investigators had passed the national certification exam. He explained when asked in court what their qualification was, they answered "by examination."

Senator Nolan said he and Coroner McCarty had, in the past, discussed the subject in S.B. 118 and disagreed on some of the elements of the program. He said the northern coroner presented many programs throughout Washoe County and the other northern Nevada rural areas that were successful. Senator Nolan said the point of disagreement between himself and Coroner McCarty regarded bringing students into the lab to see the dead bodies, so the fact of the student's own mortality was stressed and reinforced by the presence of dead teenagers much like themselves. Senator Nolan stressed the authors of the bill were amenable to putting a county population cap on the bill in order to exempt smaller counties from the requirement of bringing students into the lab. He said the monies generated for programs would be available to the smaller counties to send people to Las Vegas to attend programs and training. Senator Nolan pointed out that as a part-time coroner, he was aware there was a major difference in the training for a full-time coroner and an occasional coroner, and he said the additional training would benefit all the coroners in the State.

Senator Horsford said he applauded the efforts of the coroners. He said he worked in an area with many youthful offenders, and was grateful for any program that emphasized and reinforced the lessons of what could happen to these youth. He said any program that helped keep these youthful offenders out of prison, or worse yet, dead, was worthwhile.

Senator Horsford said in his neighborhood, there was a Walgreen Company or a Rite Aide Corporation pharmacy on every corner, and he could only imagine the effort it took to get information concerning a prescription that may be involved in a death.

Senator Horsford mentioned the dollar addition to the fee for death certificates discussed in the bill was more applicable to places such as Clark County. He said based on the success story the Committee heard he encouraged all counties to try this program.

Chair Amodei said NRS 62E.720 established the visitation program, and he asked whether the language was what allowed Washoe County Coroner's visitation program to run a little differently from the Clark County Coroner's visitation program. He asked Mr. McCarty if the current language of the statute allowed Washoe County Coroner's Office sufficient flexibility for establishing its program as he wanted, within the confines of his jurisdiction. Mr. McCarthy replied he would continue training, using his acquired skills whether or not this law existed. Chair Amodei said, "So, the answer is yes?" Mr. McCarty responded, "Yes."

Chair Amodei asked whether any of the representatives from the coroners' offices had spoken to Alexander Haartz, M.P.H., Administrator, Health Division, Department of Human Resources, regarding Mr. Haartz's concern about the funds included in S.B. 118.

Mr. Haartz pointed out, in his capacity as administrator of the Health Division, he was also the State administrator for the Office of Vital Records. He said his concern with the bill was section 2, subsection 2, which created a new business practice for the Health Division in terms of how the Office of Vital Records processed fees collected for death certificates. He said currently, all fees collected for the issuance of vital records were deposited directly to the General Fund. He said this issue could be handled in one of two ways: his office could continue to deposit all fees directly to the General Fund and have the State Treasurer's Office make the allocations to the counties, or they could work with the money committees creating a new mechanism for the Health Division to retain the fees and disburse the funds to the various counties.

Chair Amodei asked whether Mr. Haartz had any preferences on how the funds would be handled. Mr. Haartz said he would rather not create a new business practice for the Health Division. He wanted the funds handled in the same way as the Children's Trust Fund and the Review of Death of Children Account in NRS 432B.409.

Chair Amodei said he did not want to send this bill to the Senate Committee on Finance. He asked Senator Nolan and Senator Wiener whether they had a preference that did not reinvent the wheel. Senator Nolan replied he preferred to have the State Treasurer's Office handle the funds, as they already had practices set up to handle many different kinds of such funds. He said he would

willingly discuss the issue with the Treasurer's Office in order to find out how to accommodate the fund transfers.

Chair Amodei asked Mr. Haartz to meet with Senator Nolan and a representative of the Treasurer's Office to discuss the language for an amendment to handle this issue. Senator Amodei pointed out that besides the amendment presented by Senator Nolan and the issue of how to handle the collection of funds, he was not sure how small counties, such as Esmeralda County, would use the possible \$50.

Mr. Murphy said it was never their intention to create problems for small counties; rather, it was always the intention of Clark County to open its program to everyone who could use the training. He pointed out the Clark County program was already training individuals from all over the country, and its program would be open to everyone in the State.

Mr. McCarty reiterated the reason he had conducted training in the rural counties for so many years was to get sets of eyes and ears out there that gave him the correct information because he would end up doing the autopsies anyway. He said he routinely filed death certificates in Washoe County and Carson City when deaths occurred in northern Nevada's rural counties, so the accounting would not be that big of a problem.

Chair Amodei asked Mr. McCarty whether he had a problem with someone such as Carson City Sheriff Kenny Furlong getting money from death certificates when he did not do much of the death investigation work. Mr. McCarty replied that with the small amount involved, he did not have a problem with where the money went; he would be providing the service anyway.

Senator Nolan said because there were only two official coroner offices in the State, perhaps the amendment could have language directing all the funds to those offices, so they could provide training for the rest of the State.

Senator Wiener said if the Committee passed the bill, it would effectively remove the sunset on the Coroner's Visitation Program. Kelly Lee, Committee Counsel responded the sunset removal was only for the visitation program. She said the changes were for renumbering the other sections, not eliminating them.



Senator Nolan said the authors of the bill would bring a clean amendment before the Committee after speaking with the State Treasurer. He said the amendment would include the language specifying when a coroner asked for prescription information, it would only be for the deceased.

Chair Amodei said the record should reflect this topic was appropriately noticed by the open meeting law, and persons who did not appear to speak on this issue apparently had no problem with the bill.

Chair Amodei closed the hearing on S.B. 118 and opened the hearing on S.B. 119.

SENATE BILL 119: Revises provisions governing privileges of certain review committees. (BDR 4-884)

Senator Joe Heck, Clark County Senatorial District No. 5, presented S.B. 119 and said this bill expanded the protection from discoverability peer review meetings currently protected by statute to include peer review committee meetings of a county or district board of health that regulated emergency medical services in accordance with NRS 450B.

Senator Heck disclosed he was a contract consultant to the Clark County Health District, which was affected by the bill. He said he would receive no monetary benefit and was advised he could materially participate and vote on the bill. He commented a written disclosure would be filed with the director of the Legislative Counsel Bureau.

Senator Heck said the meat of the bill had important protections for commonly called peer review meetings. He said those protections already applied to other health-care-related organizations including medical facilities, review committees of medical and dental societies and other such institutes. Senator Heck continued, the reason for the proposed expansion was the changing health-care environment in Clark County and the development of a regional trauma system.

Senator Heck conveyed the peer-review process was an essential part of quality assurance and quality improvement in the provision of health care. He said during peer review, health care providers from all disciplines came together as colleagues to present interesting cases in a professional environment designed to be educational. Senator Heck explained identifiable patient information was

removed from all the materials for the protection of the patients' confidentiality. He said the attending physicians would then present the cases beginning with the history, physical exam, signs and symptoms and diagnostic studies. The physicians then concluded with the diagnoses, treatments and outcomes of the cases. Senator Heck said critical analyses and discussion of the cases by the physicians present then ensued. He said the goal of peer review was to determine best practice models and to learn from the experiences of other physicians. He noted the process was designed to be educational, not disciplinary.

Senator Heck noted that before February 2005, Clark County had only one trauma center at the University Medical Center (UMC). The UMC conducted case peer reviews at its facility, as required by the American College of Surgeons, which was the national organization that verified trauma-center capabilities. He said the State Health Division required this verification prior to granting a hospital the trauma-center designation, and that particular peer review was protected under current statute. He said since February 2005, the Health Division granted the trauma designation to Sunrise Hospital and Medical Center, LLC and St. Rose Dominican Hospital Siena Campus in Henderson would also receive the designation. Senator Heck expressed that each of these centers could conduct its own peer reviews under the protected system; however, to build an integrated trauma system, each trauma center must participate in a comprehensive peer-review process. He said this process must include all trauma facilities, as recommended by the American College of Surgeons. He pointed out that in this manner, the entire trauma system benefited from the best practices identified by each center. He said, unfortunately, current law did not provide the protections each facility enjoyed individually. He stated that was the reason for this bill. He said if S.B. 119 passed, it would extend the protections to Clark County's newly formed Regional Trauma Advisory Committee, enabling southern Nevada to continue to build an integrated trauma system and ensuring the best possible trauma care for all residents and visitors.

Senator Wiener asked whether the bill represented standard procedures in other communities where there were multiple trauma centers and if there was a location identified to hold the meetings. Senator Heck replied yes, it was the standard of care for all trauma-system development in the United States. He said a location had not been designated for holding the meetings, and it was possible they could be held at the Clark County Health District offices or be

rotated among the three participating facilities. Senator Heck said the issue with current statute was if multiple trauma centers held a peer review in one of the facilities, the protections for those meetings only applied to the individuals who worked in that facility, and other trauma participants would not be protected from discoverability. He said this bill was to protect those trauma workers and physicians under the Regional Trauma Advisory Committee.

Senator Wiener asked what the consequences of not being protected were. Senator Heck responded that although the intent was to be educational, there were times when several surgeons had differing opinions on how a case should be managed. He said those discussions should be nondiscoverable in case of a malpractice charge in the future.

Senator Care noted a lot of bills this Session dealt with open meeting laws and the county or district boards of health were subject to those laws. He said his problem with this bill involved a public board participating in the peer review. He continued that his understanding of the bill was that the documents taken to the peer review would be discoverable, but the minutes of the peer review would not be discoverable. Senator Care asked if his understanding was correct. Senator Heck said Senator Care's understanding was correct.

Senator Care asked whether there was an occasion where peer reviews involved more than one hospital. Senator Heck replied each hospital conducted its own peer review; however, the goal of building a trauma system was to have all participating trauma facilities meet collectively and discuss cases that each facility may have. He explained if the meeting was moved from the hospital location, then the nondiscoverable protection would not be covered by law.

Senator Heck said perhaps the language of the bill should be changed to say a "medical review committee" instead of "district or county board of health." He said the Regional Trauma Advisory Committee meetings would be open meetings, the bill only wanted to protect the subcommittee that held peer reviews.

Rory Chetelat, Emergency Medical Services Manager, Health District, Clark County, said Senator Heck stated the case very clearly, but he would like to add that a trauma system in southern Nevada was important and should include all the caretakers. He said trauma typically occurred in the field, and started with a

911 call. He said care then extends through trauma hospital care and sometimes went through rehabilitation. He said the only way to ensure these patients received the best appropriate care was to have an umbrella of protection for all the participants, beginning with dispatchers. Mr. Chetelat said multiple agencies were involved in a trauma case, and current law did not provide protection for those individuals. Mr. Chetelat said the Clark County Health Division provided the review; however, if more than one facility was involved, there was no discoverability protection. He reiterated the continuum of care needed protection in order to provide the best care and outcome by all participants sharing their experiences and best practices.

Senator Care asked whether the bill protected the inefficient or slow actions of a dispatcher in a trauma case. Mr. Chetelat said what was asked for was protection to review the entire aspect of trauma from beginning to end to improve best practices as an educational component. He said certain aspects of the records would still be discoverable but not the discussions and findings of those peer review committees.

Senator Care commented that was carrying coverage too far. He said he thought the bill was for doctors and emergency medical staff.

Senator Heck said the quality assurance review of emergency medical services dispatch was already under its own umbrella of protection and emergency services had protection under current statute. He explained the individual records were not protected from discoverability and if there was a problem with time to dispatch or time of the arrival of a unit, then those records were public and discoverable. He said the bill was presented so the minutes of the peer review discussions of such cases were undiscoverable, not to hide medical error.

Senator Wiener said during the 18th Special Session on medical malpractice, one of the issues that surfaced and passed was the right of an individual who saw medical errors to come forward and tell what happened. She asked how this bill would affect those individuals' rights. Senator Heck said this bill should not affect those rights at all. He said the peer review was a separate procedure, and if a medical error were discovered during the care of a patient, the requirements to report the error would still hold. He explained when patient records came to a peer review, they contained no identifiable information. Senator Heck explained even if a medical error were discovered in a review, no

one would be able to track it back to the patient. He said the peer review was a general systems review and systems development that looked at system issues. He said under this legislation, there should be no impediment to medical-error reporting.

Vice Chair Washington asked what the current practices were in regard to discovery procedures of emergency medical providers. Senator Heck replied any record generated during a patient-care encounter was discoverable, as were all the medical records of a hospital. He said emergency medical services had similar coverage to hospitals for internal peer reviews.

Vice Chair Washington inquired whether the medical records were discoverable. Senator Heck replied, "Yes." Vice Chair Washington said, therefore, an emergency medical technician would be required to testify regarding a medical proceeding or matter. He said as the statute was written, these individuals were prevented from testifying about anything they learned or heard at one of these peer-review committees, but were not prevented from testifying about a standard of care they provided or saw or what the medical record reported.

Senator Heck indicated he was not adverse to changing the language in section 1, subsection 3 of S.B. 119 to say "medical review committee of a county or district board of health," if that would help narrow down the predictability to not imply any other review committee within a district board of health would have the same protection.

Senator Care asked whether there was a way to draft the bill so the county or district board of health or its members were not involved in the review process in any way. Senator Heck replied that in discussions with legal counsel for the hospital facilities and the health district, it was felt the way the bill was written best encompassed all the providers who needed to be involved in one learning group without fear of retribution. He explained the possibility of holding the meetings at other locations was pursued, but it was discovered a meeting held in a participating facility would not cover everyone. It covered only the medical staff of the facility where the meeting was held and not emergency medical staff or other trauma workers not staffed in that trauma center. He said it was the consensus of all those involved that putting peer reviews under the Regional Trauma Advisory Committee, which was charged with the trauma system development, was the best way to simplify the procedure. He said if

legislative counsel had another recommendation, the authors of the bill would be happy to entertain it.

Chair Amodei asked for any other testimony on S.B. 119. Senator Heck explained there was a trauma convention and Dr. Michael Metzler, Director of Trauma Services, Sunrise Hospital and Medical Center, could not come to testify, but would like his written testimony ([Exhibit E](#)) entered into the record.

Chair Amodei closed the hearing on S.B. 119. He said the language of the bill could be amended on the Senate Floor if the Committee felt that should be done. He said Senator Heck had offered to further define the district board of health by inserting the word "medical" in section 1, subsection 3 of S.B. 119. He said he understood Senator Care's concerns, but was unsure whether the authors of the bill had considered Senator Care's worry about the misuse of the legislation.

Chair Amodei indicated Senator Heck could also consider revising the bill after it passed through the Senate and moved to the Assembly.

Vice Chair Washington asked if the Committee was going to amend section 1, subsection 3, of S.B. 119, whether the same language should be applied to section 2 subsection 1, paragraph (a), sub-subsection (3) of the bill. Senator Heck affirmed the language would carry throughout the bill wherever appropriate, and "review committee" would be changed to "medical review committee."

SENATOR WASHINGTON MOVED TO AMEND AND DO PASS  
S.B. 119.

SENATOR NOLAN SECONDED THE MOTION.

Senator Care commented he stood consistent with his earlier stance on the open meeting laws and would oppose this bill. Chair Amodei said the action taken that day should not stop, and if Senator Care had an idea that further addressed narrowing the scope of the bill, everyone would like to have it on the Senate Floor before the bill passed through.

Senator Wiener said she was going to take a different tactic by supporting the amend-and-do-pass motion in Committee, but reserving the right to oppose it on the Senate Floor. Chair Amodei responded that was appropriate. He said he wanted to keep bills moving through the Committee to avoid ending up with massive work sessions and massive referrals. He said with that stipulation on the record, it was appropriate for Committee members to reserve the right to change their minds on the Senate Floor without offending the Chair.

THE MOTION CARRIED. (SENATOR CARE VOTED NO.)

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Chair Amodei closed the hearing on S.B. 119 and opened the hearing on Assembly Bill (A.B.) 17.

ASSEMBLY BILL 17: Repeals requirement that certain attorneys appointed to represent indigent defendant report to State Public Defender concerning such representation. (BDR 14-379)

Harriet E. Cummings, Appellate Deputy, Office of the State Public Defender, Department of Human Resources said she supported A.B. 17, which would repeal the provisions of NRS 180.070. She indicated the bill was requested by the Public Defender's Office as a housekeeping measure. Ms. Cummings said NRS 180.070 required any attorney, other than a public defender, or deputy public defender appointed to represent an indigent defendant to report to the State Public Defender concerning the attorney's representation in a form prescribed by the State Public Defender. However, she said, since NRS 180.070 was enacted in 1971, no form for these reports had ever been produced, no form had ever been completed, no form had ever been collected and no forms had ever been requested by the State Public Defender's Office or anyone else. Ms. Cummings commented A.B. 17 would end a reporting requirement that was never implemented and for which there appeared to be no need, now or in the future.

Chair Amodei asked Mary Liveratti, Deputy Director, Department of Human Resources, if she had any testimony or would just like the Committee to act on the bill. Ms. Liveratti said the Department of Human Resources would just like the Committee to act on the bill.

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SENATOR WIENER MOVED TO DO PASS A.B. 17.

SENATOR CARE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Amodei adjourned the meeting at 9:49 a.m.

RESPECTFULLY SUBMITTED:

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Johnnie Lorraine Willis,  
Committee Secretary

APPROVED BY:

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Senator Mark E. Amodei, Chair

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