

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

**Seventy-Fourth Session
May 8, 2007**

The Subcommittee on Commerce and Labor was called to order by Subcommittee Chair William Horne at 3:42 p.m., on Tuesday, May 8, 2007, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman William Horne, Chair
Assemblyman Garn Mabey

COMMITTEE MEMBERS ABSENT:

Assemblyman Mark Manendo

GUEST LEGISLATORS PRESENT:

Senator Joseph J. Heck, Clark County Senatorial District No. 5

STAFF MEMBERS PRESENT:

Dave Ziegler, Committee Policy Analyst
Earlene Miller, Committee Secretary
Patricia Blackburn, Committee Assistant

OTHERS PRESENT:

Keith L. Lee, representing the Board of Medical Examiners
Neena Laxalt, representing the Nevada Nurses Association

Minutes ID: 1251



Ann Lynch, representing Hospital Corporation of America (HCA) Far West
Division

[The roll was called and a quorum was present.]

**Senate Bill 412 (1st Reprint): Makes various changes regarding health care.
(BDR 54-540)**

Chair Horne:

We are here to address some issues regarding Senate Bill 412 (1st Reprint). A particular issue was the conflict between this bill and Assembly Bill 385 which was sponsored by Assemblyman Mabey.

Senator Joseph J. Heck, Clark County Senatorial District No. 5:

I have provided a conceptual amendment (Exhibit C). When the bill was first heard, I believe there were six issues that caused concern. The first was the eminent physician licensing which caused a conflict with Assembly Bill 385. I met with Assemblyman Mabey and Mr. Lee. There is a revised definition for how we would license an eminent physician. The revised language would appear in Section 24 of the bill and in *Nevada Revised Statutes* 633(NRS). I believe we have consensus on the issue. The bill sponsored by Assemblyman Mabey is still in the Senate Committee on Commerce and Labor and if this is agreed to, I will present the amendment there so the language will be the same in both bills.

Chair Horne:

I would like to see a copy of A.B. 385 to see the language we are striking. Are we amending Section 3 of S.B. 412 (R1)?

Senator Heck:

That is correct.

Chair Horne:

We are deleting Section 3, subsection 2(a) and (b), lines 28 through 33 and replacing it with subsections 2 and 3 of Section 3 of A.B. 385.

Senator Heck:

That is correct.

Chair Horne:

I do not have an issue with that.

Senator Heck:

The next issue was the issue of a physician licensed by endorsement. We have some suggested changes. Since the conceptual amendment was done, there has been additional discussion between myself and Mr. Lee. In the section under Resolution in the conceptual amendment, please strike "(with the exception of subparagraph 6)." Per Assemblyman Mabey's suggestion, in line 21 we have decreased the number of years for adverse actions reported to the National Practitioner Data Bank from ten years to five. Originally, at the request of the Board of Medical Examiners, we added a subsection 6 which would list that the individual would have to meet the requirements as listed in those particular chapters of the NRS which deal with the mechanics of being licensed, not with the credentials. In discussions with Mr. Lee, we felt it would be better to put in the current statute language of paragraph 2(c) of NRS 630.1605 so the new number 6 would read, "Meets all statutory requirements for licensure to practice medicine in effect at the time of the application except for the requirements set forth in NRS 630.160." That allows them to do all of the mechanics associated with licensing including background checks, investigations, and finger printing. It was never the intent of this bill to take those pieces out of the equation. Legal counsel in the Senate felt that was not the case when the bill was drafted, but this gives more comfort to the Board of Medical Examiners and I have no problem including it.

Assemblyman Mabey:

When we spoke this morning, Mr. Lee, you had concern about the five years and wanted to go back to ten. I am concerned about your position.

Keith L. Lee, representing the Board of Medical Examiners:

We are comfortable with five years. The language that Senator Heck referred to in NRS 630.1605 actually appears on page 6 of S.B. 412 (R1) as deleted language on lines 8 through 10. That is the language we have agreed to put back in as a new subparagraph 6 to subsection (b).

Chair Horne:

Are we going to put it back in Section 7?

Senator Heck:

It will become a new subparagraph 6.

Chair Horne:

Where is the language in NRS 630.1605 going to be inserted?

Senator Heck:

On the second page of the amendment, the green language will come out and the language from NRS 630.1605 will go in there. The same language would be inserted into Section 25 which deals with NRS 633 making the appropriate changes to the citation. That one will read, "Meets all statutory requirements for licensure to practice osteopathic medicine in effect at the time of the application." There are a couple other citation changes that would reflect that chapter, but in substance they would remain the same.

The next issue dealt with the nurse licensure compact. The resolution to that is to delete Sections 13-14 and 19-21 of the bill. That removes all references to the nurse licensure compact from the bill.

The next issue was a conflict with the oriental medical physicians' scope of practice. The resolution there is under Section 30 of the bill in line 35 to insert the reference "to practitioners of oriental medicine." In line 37, we will enter a reference of NRS 634A.

The next issue raised by Dr. Carl E. Heard was about off-site supervision of physician assistants. The resolution to that is in Section 34. The deletion is in the amendment lines 34 through 37.

Chair Horne:

Someone is going to have to refresh my memory on this issue.

Senator Heck:

The way this was worded, it would imply that a physician assistant could not work at an office remote from the supervising physician, which happens in rural areas. The supervising physician may be at one clinic and the physician assistant they supervise would be at another office. There is in statute, the ability to supervise via telecommunication and being readily available. It was felt that this provision would prevent those two individuals from working in two different locations. The intent of the language was to prevent a supervising physician from hiring ten physician assistants, putting them all around the valley, and then trying to handle multiple people in different offices. During the interim, the Legislative Committee on Health Care will look at this issue in more detail and I feel it would be acceptable to delete it now to answer Dr. Heard's concern. We will then address it in that committee during the interim.

Chair Horne:

I think the initial intent is worthy. Do you have anecdotal evidence that there are physicians who are doing that?

Senator Heck:

I have no evidence that it has happened in Nevada, but it has happened in other states. Some of the situations where it has been seen are in movements to put primary care sites in drug stores. They have one physician who serves as the supervising physician for a chain and they put a physician assistant in each one of the drug stores. That is cause for concern. The usual and customary direct supervision between the physician and physician assistant is not there. Telephonic supervision is acceptable on a sporadic basis, but not as a regular way of doing business.

Assemblyman Mabey:

Do you have any suggestions on how we would word that?

Senator Heck:

I thought the original language covered it, but Dr. Heard thought it caused some conflict. Maybe limiting the number of physician assistants that can be supervised would help.

Chair Horne:

Is it as simple as stating a certain number of sites?

Senator Heck:

We could reinsert the deleted language and then exempt federally qualified health centers from this section.

Chair Horne:

What effect is that going to have?

Senator Heck:

It specifically addresses the concerns of Dr. Heard who oversees the vast majority of federally qualified health centers in Nevada, and how they operate by having physician assistants staff most of the centers. The reason for that is they serve uninsured and underinsured patients, and are concerned about overhead. They do have a few supervising physicians who oversee a much broader pool of physician assistants at different sites throughout the State. Specifically, that was Dr. Heard's concern. Putting this language back in and exempting them addresses his concern about providing quality care to the uninsured and underinsured, while preventing the types of clinics seen in other states.

Assemblyman Mabey:

How many different centers does Dr. Heard have?

Senator Heck:

He has about 20.

Assemblyman Mabey:

How many physicians oversee those 20?

Senator Heck:

I am not sure. The last issue I had was the temporary license of osteopathic physicians to cover for another physician. Dr. Heard stated that under the current law an osteopathic physician can only be issued a temporary license to cover for another osteopathic physician. It is probably just an oversight in our law. The language there is to simply say that a temporary license can be issued to practice osteopathic medicine to cover for a physician licensed under the provisions of NRS 630 or NRS 633. That way the osteopathic physician can cover for a medical doctor or an osteopathic doctor.

Chair Horne:

I am alright with that. Do you have any questions Assemblyman Mabey?

Assemblyman Mabey:

I do not have any questions.

Chair Horne:

Does Mr. Lee oppose reciprocity?

Keith Lee:

We concur with the presentation from Senator Heck and appreciate working with him and Assemblyman Mabey on this language. We would withdraw the amendment we previously presented at the Committee hearing. We are in accord with the amendment that Senator Heck has proposed.

Chair Horne:

Is there anyone else who has any concerns with S.B. 412 (R1)?

Neena Laxalt, representing the Nevada Nurses Association:

We had serious concerns in the Senate, but most of those concerns were addressed by Senator Heck. The remaining issue was the nurse compact. Obviously, with the deletion, we agree with the bill.

Ann Lynch, Vice President, Hospital Corporation of America (HCA) Far West Division:

I am a member of the Task Force for the Fund for a Healthy Nevada. One of the items that we proposed was the nurse compact. I understand, although it

does not make me happy, the reasons it has to be abandoned. I would hope that the Legislative Committee on Health Care will continue to work on this. I think it is something that has to be accomplished in order to maintain quality health care in Nevada with the nurse shortage. Nurses are not leaving because they are worn-out, but for many other reasons. It is a nationwide shortage and the only way we can solve it is to pool our resources with other states. I understand the issues that were brought forth and why people were concerned about them.

Chair Horne:

It was conveyed to me that nurses and their representatives were not consulted about the compact language. That would be a good start during the interim.

Is there anyone else in favor of S.B. 412 (R1)? Is there anyone in opposition to S.B.412 (R1)? Is there anyone to speak from a neutral position with concerns? Are there any questions from Assemblyman Mabey?

Assemblyman Mabey:

I am good with this bill and appreciate Senator Heck's and Mr. Lee's work.

Chair Horne:

I do not have any concerns with what has been proposed. Assemblyman Mabey agrees with the amendments to the bill. I will recommend to the Assembly Committee on Commerce and Labor during work session, that the amendments to S.B. 412 (R1) be accepted and Senator Heck will take the same changes to the Senate to be added to A.B. 385.

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Senator Heck:

We are holding A.B. 385 pending this meeting. I will give the language to our legal counsel to be inserted in that bill and give Mr. Ziegler a copy of the clean legal language.

The meeting is adjourned [at 4:07 p.m.].

RESPECTFULLY SUBMITTED:

Earlene Miller
Committee Secretary

APPROVED BY:

Assemblyman William Horne, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Commerce and Labor

Date: May 8, 2007

Time of Meeting: 3:42 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 412 (R1)	C	Senator Joseph J. Heck	Conceptual Amendment