

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Fourth Session  
March 5, 2007**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 10:01 a.m., on Monday, March 5, 2007, in Room 3143 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/](http://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](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Marilyn Kirkpatrick, Chair  
Assemblywoman Peggy Pierce, Vice Chair  
Assemblyman Kelvin Atkinson  
Assemblyman Bob Beers  
Assemblyman David Bobzien  
Assemblyman Chad Christensen  
Assemblyman Jerry D. Claborn  
Assemblyman Pete Goicoechea  
Assemblyman Ruben Kihuen  
Assemblyman Harvey J. Munford  
Assemblywoman Bonnie Parnell  
Assemblyman James Settelmeyer  
Assemblyman Lynn D. Stewart  
Assemblywoman RoseMary Womack

**STAFF MEMBERS PRESENT:**

Amber Joiner, Committee Policy Analyst  
Scott McKenna, Committee Counsel  
Cheryl Williams, Committee Secretary  
Olivia Lloyd, Committee Assistant

Minutes ID: 471



**OTHERS PRESENT:**

Carlos Brandenburg, Ph.D., Administrator, Division of Mental Health and Developmental Services, Department of Health and Human Services

**Vice Chair Pierce:**

[Roll call.]

[Vice Chair Pierce chaired the meeting due to Chair Kirkpatrick's hoarseness.]

There are 13 members present so we have a quorum. Today we will hear one bill.

I will now open the hearing on Assembly Bill 233. This bill was sponsored on behalf of the Commission and I will call the representative up first.

**Assembly Bill 233: Increases the number of members of the Commission on Mental Health and Developmental Services. (BDR 18-625)**

**Carlos Brandenburg, Ph.D., Administrator, Division of Mental Health and Developmental Services, Department of Health and Human Services:**

I am here today to provide testimony on A.B. 233, which is a bill to increase the members of the Commission of Mental Health and Developmental Services to include a member of the Substance Abuse Prevention and Treatment Agency. Assembly Bill No. 2 of the 22nd Special Session transferred BADA, which was at that time the Bureau of Alcohol and Drug Abuse, which is now known as the Substance Abuse Prevention Treatment Agency (SAPTA), from the Division of Health to the Division of Mental Health and Developmental Services. The Commission is a legislatively approved Body designed to establish policy for the care and treatment of those individuals who are mentally ill or developmentally disabled. The Commission of the Mental Health and General Services includes nine members; all are appointed and serve at the pleasure of the Governor for four-year terms. They include members in the area of psychiatry, general medicine, a psychiatric nurse, psychology, social work, American family therapy, a member of the general public who represents mental health, a member of the general public who represents the developmental services, and a consumer, who has or is in the process of receiving treatment from the Division. This bill adds the tenth member, who is someone who has experience and is competent in alcohol abuse prevention or treatment. I would be more than happy to answer any questions that you may have on this bill.

**Assemblyman Beers:**

You listed the skill set of the members. Does each member of the Commission have a specific needed skill set? There are no duplicates?

**Carlos Brandenburg:**

That is correct.

**Assemblyman Settlemeyer:**

Adding more people to make a decision can make it more complex. It can give you more information, but it will increase the cost to the State. Do you not think that persons H and I are the same? If someone is a current or former recipient of mental health do you not believe that they have a special interest in the field, since they received it?

**Carlos Brandenburg:**

Not necessarily. What you are looking for are specific areas of competence. With the area of substance abuse you are looking at the issue of co-occurring disorder and that is a unique area. We have not had any problems with the nine members of the Commission; they are a policy setting Body for the entire division. As you know, we provide services to those individuals who are mentally ill as well as the developmentally disabled. One of the major gaps in our service delivery system is in providing services to those individuals who are mentally ill *and* [emphasis added] have substance abuse, and I think this is the reason A.B. No. 2 was passed the last special session. This particular Commission will bring that area of expertise and competence to the Commission.

**Assemblyman Settlemeyer:**

I agree with your proposed addition, but I am asking what is the difference between H and I? I is described as someone with special interests in the field of mental health; H is someone who has had or is a current recipient of mental health services, fits the same description. They must have a special interest because they may have received aid in the past. Is there any reason why H and I cannot be combined in order to maintain the number of nine?

**Carlos Brandenburg:**

Not really, because what you are looking for in a consumer is a recipient of service. One of the areas that we, as a Division, have been working on is to empower our consumers. You might have a person who has an interest in the area of mental health but might not ever have been a consumer. That consumer actually brings to the table a very unique perspective of someone who has actually received services but might not have had the overall interest in the Division.

**Assemblyman Settlemeyer:**

I completely concur that all people that are interested are not necessarily consumers, but I do believe that all consumers are interested.

**Vice Chair Pierce:**

For the Committee's information, I have a fiscal note here from the Fiscal Department and there is no fiscal impact with this measure.

**Assemblywoman Kirkpatrick:**

I would like to know, if the Governor appoints three of the members, who picks the rest of the members that are on the Commission, and where do you get them from?

**Carlos Brandenburg:**

The way the Statute is currently written, I do the following: for the member of the General Board of Medicine, I go through the Board of Medical Examiners and get them to give me three names; with psychiatry I go to the Nevada Psychiatry Association and get them to give me three names; with the nurses I go to the Nevada Board of Nursing and get them to give me three names; and with Psychology I go to the Nevada Psychological Association and get them to give me three names. Those names are then forwarded on to the Governor for his consideration.

**Assemblywoman Kirkpatrick:**

To address Mr. Settlemeyer on position I, where do you get that person—a representative of the general public who has a special interest in the field.

**Carlos Brandenburg:**

We will talk to the agency directors and find out who is in their advisory group, who is on their advisory boards, and who is interested in that area. We also get names from the three regions, north, south and rural.

**Assemblywoman Kirkpatrick:**

It seems like I and J are fairly identical in order to give you another position to keep. The more people you put in the mix the harder it gets. I would have concerns adding another person at this point.

**Carlos Brandenburg:**

Let me assure you, I have been the Administrator since 1995, appointed then by Governor Miller. The Commission has been very active and I would respectfully ask this Committee not to mess with the numbers. Either approve this new member or not, but do not take away the current membership. It has been a valuable policy-making Body. We have had no problems with the

numbers; the issues that you are concerned with are nonexistent. We have not had problems with those things, so I would respectfully ask you to look at adding the tenth member and not take away any other member.

**Assemblyman Stewart:**

One concern that I have is if we approve this, we now have an even number. Is that going to cause a problem with a tie when deciding policy. Can you comment on that?

**Carlos Brandenburg:**

I do not believe that it is going to cause a problem in terms of the actual voting; historically we have had a good consensus of the Commission.

**Assemblyman Goicoechea:**

Mr. Stewart raised the same question that I wanted to ask. Typically we try to stay away from even boards because they might be getting along right now but things can change.

**Assemblyman Settlemeyer:**

I understand that there is no fiscal impact. I was the Chairman of the Nevada State Conservation Commission for six years, and when the board changed and we had more people from one particular area than another, it created problems. We were not allowed to travel as often to meetings in certain places because of the change in the makeup of the Committee. I understand that you will use the existing budget; however, it could adversely affect your ability to travel, to have more meetings in different areas. I do not know if your Board is like most others so that you try to have at least one or two meetings in the north and one or two in the south. This could have an effect. I would ask you to follow up; you indicated that there has not been a problem with the Board so why did you bring this bill forward?

**Carlos Brandenburg:**

The bill was brought forward because the Substance Abuse Prevention Treatment Agency, SAPTA, was transferred under us. In order to be able to give them representation in the Commission, when the transition plan was developed by Governor Guinn, part of the agreement was to develop the transition plan. There was to be a member of the substance abuse community in the Commission of Mental Health and Developmental Services.

The reason that there is not going to be a fiscal impact is that I have sufficient funds in the Substance Abuse Prevention Treatment Agency budget to cover this tenth Commissioner. I have the funds; your point is well taken. I have

already encumbered the funds; the funds will be there for the four meetings that we will have, two in the north and two in the south.

**Vice Chair Pierce:**

Any other questions?

I have a concern. Where it says, "a person who has knowledge and experience in the prevention of alcohol and drug abuse or the treatment and recovery of alcohol and drug abusers," I would be more comfortable if the "or" was an "and" because I do not think there is a lot of science behind the prevention of alcohol and drug abuse, and I want to be sure that the person appointed has a scientific background. I think that there are programs that say that they prevent alcohol and drug abuse, and there is not much scientific basis for that, and those programs do not get tracked and vetted sufficiently.

**Carlos Brandenburg:**

We put the "or" there as opposed to the "and" because it is currently written that way in SAPTA. There are two parts of the program: there is the prevention side of the house that has some evidence-based practice and has treatment strictly for prevention, and then there is the treatment side of the house that has evidence based in treatment and recovery. We wanted to have some flexibility in choosing either someone that has best practice on the prevention side and/or someone that has best practice on the recovery side. You might not necessarily have a person that has both of the evidence-based practice, knowledge, skills and scientific knowledge for prevention and treatment. That is why we put "or" as opposed to "and."

**Vice Chair Pierce:**

And you have knowledge of evidence-based?

**Carlos Brandenburg:**

Yes, our providers on the prevention side provide evidence-based practice on prevention, and then on the treatment side they provide evidence-based practice. Your point is well taken; rest assured that we do have evidence on both sides of the house, and that is why I wanted flexibility to either pick a prevention provider "or" a treatment provider.

**Assemblywoman Parnell:**

I think this is really needed. I am a little surprised at the suggested opposition because if you look at the first month of this Legislative Session with so much attention being drawn to the meth problem, this would be the only person serving on this Commission with any knowledge of drug treatment prevention,

which I imagine now would greatly center around the meth problem. I would support this.

**Vice Chair Pierce:**

Are there any other questions for Dr. Brandenburg? Is there anyone else that would like to give testimony in support of A.B. 233? Seeing none, is there anyone who would like to give testimony in opposition to A.B. 233? Is there anyone that would like to testify as to neutrality on A.B. 233? Seeing none, I will close the hearing on A.B. 233.

Is there anyone that would give public comment today? Are there any comments from any of the members before we adjourn? [There were none.]

[Meeting adjourned at 10:17 a.m.]

RESPECTFULLY SUBMITTED:

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Cheryl Williams  
Committee Secretary

APPROVED BY:

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Assemblywoman Marilyn K. Kirkpatrick, Chair

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

**EXHIBITS**

**Committee Name:** Committee on Government Affairs

**Date:** March 5, 2007

**Time of Meeting:** 10:01 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster