

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

**Seventy-fourth Session  
February 13, 2007**

The Senate Committee on Commerce and Labor was called to order by Chair Randolph J. Townsend at 8:03 a.m. on Tuesday, February 13, 2007, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 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 in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Randolph J. Townsend, Chair  
Senator Warren B. Hardy II, Vice Chair  
Senator Joseph J. Heck  
Senator Michael A. Schneider  
Senator Maggie Carlton

**STAFF MEMBERS PRESENT:**

Wil Keane, Committee Counsel  
Scott Young, Committee Policy Analyst  
Lynn Hendricks, Committee Secretary

**OTHERS PRESENT:**

Susan Fisher, Chiropractic Physicians' Board of Nevada  
Cindy Wade, Executive Director, Chiropractic Physicians' Board of Nevada  
Berlyn D. Miller, Nevada Chiropractic Association  
Denise Selleck Davis, Nevada Osteopathic Medical Association  
Vicki Chan-Padgett, MPAS, PAC  
John Padgett, Ph.D., PAC

**VICE CHAIR HARDY:**

I will take a motion to introduce Bill Draft Request (BDR) 58-544.

**BILL DRAFT REQUEST 58-554**: Revises provisions regulating utilities that furnish water or provide sewage disposal services. (Later introduced as [Senate Bill 86](#).)

SENATOR CARLTON MOVED TO INTRODUCE BDR 58-544.

SENATOR HECK SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS TOWNSEND AND SCHNEIDER WERE ABSENT FOR THE VOTE.)

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VICE CHAIR HARDY:

I will open the hearing on Senate Bill (S.B.) 19.

**SENATE BILL 19**: Revises provisions relating to licenses and certificates issued by the Chiropractic Physicians' Board of Nevada. (BDR 54-573)

SUSAN FISHER (Chiropractic Physicians' Board of Nevada):

Section 1 of this bill provides for more stringent reapplication requirements for those whose licenses have been automatically suspended. Subsection 2 of the bill outlines the requirements for reinstatement of a license that has been automatically suspended. Those wishing to reinstate must provide the Chiropractic Physicians' Board of Nevada proof they have been practicing in another state or country for the preceding five years, show proof they have completed required continuing education, have an examination score of 75 percent or better, pay a reinstatement fee and pay the fee for an inactive license for the intervening years.

SENATOR CARLTON:

How much is the inactive fee?

MS. FISHER:

The inactive fee is \$100 per year. This means that a person reinstating a license after five years would have to pay \$500 in inactive fees before reinstating.

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SENATOR CARLTON:

Is there a way for them to withdraw without declaring themselves inactive or being in violation of your regulations?

CINDY WADE (Executive Director, Chiropractic Physicians' Board of Nevada):

No. According to the statute, if they do not renew their license by January 1, they are automatically suspended.

SENATOR CARLTON:

Do you have a process by which licensees may voluntarily withdraw their licenses if, for example, they are leaving the State?

MS. WADE:

No. They do have the option to put their license on inactive status while they are gone. Licensees may self-revoke their licenses by not renewing, then going through the reinstatement procedure when they wish to return. However, this is regulation rather than statute.

MS. FISHER:

Currently, there is no procedure by which licensees may remove themselves from the Board's files without penalty. This is a question chiropractors have raised.

SENATOR CARLTON:

We may want to look at adding a process for voluntary withdrawal.

SENATOR HECK:

Why do you want to charge someone who is not practicing in the State to maintain their license on an inactive status?

MS. WADE:

It makes it easier for them to reinstate if they choose to return.

SENATOR HECK:

Putting a license into inactive status should be a one-time fee rather than an annual payment. It seems extreme for a license to be automatically suspended under these circumstances.

MS. WADE:

We could change our suspension rules. This type of suspension is not on the record as a disciplinary action but merely as failure to renew.

SENATOR HECK:

Why are you requiring those who reinstate to take an exam? If they have already been licensed to practice in the State of Nevada, the exam seems redundant.

MS. WADE:

The test is on the laws of Nevada, which change frequently. We also require the Special Purposes Examination for Chiropractic test given by the National Board of Chiropractic Examiners to cover changes in best practices. Both of these are only for people who cannot provide proof that they have been practicing and keeping up continuing education since they were last licensed.

SENATOR HECK:

That is not how the bill reads. It states that anyone wishing to reinstate a license for any reason must submit evidence of practice and also pass the exam at 75 percent.

SENATOR CARLTON:

In section 1, subsection 2, are paragraphs (a) through (e) meant to be separated by "and" or "or"?

WIL KEANE (Committee Counsel):

"What you do is you look after the second to last paragraph, which is (d), and there's an 'and' at the end of (d). So all of those requirements will be required, every single one of them."

SENATOR CARLTON:

Perhaps we need to change the language to "or."

SENATOR HECK:

My concern is about putting up barriers to health care professionals who have been licensed in Nevada and wish to return by requiring them to pass additional examinations.

MS. FISHER:

This language was added because of the Board's experience with a licensee who had been out of the country and wished to return. He could not show proof that he had been practicing or had completed any continuing education in the meantime and said the country where he had been did not issue certificates. We had no authority to deny his request to reinstate his license and felt in the interest of public safety we needed such authority.

SENATOR HECK:

I agree. My concern is that those who meet the requirements of paragraphs (a), (b) and (c) should not also have to take the examination.

MS. FISHER:

We can work on the language to make that change.

Section 2 of the bill changes renewal of licenses from annually to biennially, to be paid by January 1 of odd-numbered years. We have one full-time and two part-time staff, and it takes several months to process all the renewals each year, even with temporary staff hires. If renewals only had to be processed every other year, it would reduce costs and simplify work for our staff.

SENATOR CARLTON:

Are you planning to institute rolling renewal dates?

MS. FISHER:

Not at this time. We are considering making that change in the next few years, however.

In Section 2 of the bill, subsection 3 changes the number of continuing education hours from 12 to 18 a year, which is the national average. With the proposed change to biennial renewal, the requirement is for 36 hours of continuing education every 2 years. I have heard no objections from chiropractors on this change.

Section 3 of the bill shows the change in fees to biennial renewal. The annual amount of the fees has not changed.

SENATOR HECK:

If that is the case, why is this bill marked as requiring a two-thirds majority vote?

MR. KEANE:

"The two-thirds requirement is for section 1, not for section 3. It's for section 1 because of the ... fees that they're imposing for the new situation where people have ... been suspended for years. That's an entirely new fee."

SENATOR HECK:

I do not see that new fee listed in the fee schedule.

MR. KEANE:

It's actually the fee that's already on the schedule for being inactive. It's just they're imposing it in a situation that it was not imposed before. My understanding is right now someone could have been gone for ten years, and they effectively would not have to pay any fee for that ten-year period while they were gone, whereas now [upon passage of this bill], they would have pay an inactive fee for those ten years.

MS. FISHER:

Section 4 of the bill removes the requirement for the Board to file license suspensions with the county recorder. All other professional boards in the State have repealed this requirement, and we would like to do the same. It is an unnecessary, costly and time-consuming step. In some counties, the county recorder is so backlogged that suspensions are not recorded until after the suspension has been lifted.

CHAIR TOWNSEND:

Have all the professional boards we oversee made this change?

SCOTT YOUNG (Committee Policy Analyst):

I believe that is the case, but I will verify it.

SENATOR HARDY:

The word "suspension" has negative connotations. I would like to confirm that we are not referring to people who have done something wrong and had their license involuntarily suspended. These are automatic suspensions only.

MS. FISHER:

That is correct.

BERLYN D. MILLER (Nevada Chiropractic Association):

We support this bill in concept. I agree with Senator Heck's comments and will work with the Board and the subcommittee to amend the language.

CHAIR TOWNSEND:

I will close the hearing on S.B. 19 and open the hearing on S.B. 23.

**SENATE BILL 23**: Revises provisions governing fees charged by the Chiropractic Physicians' Board of Nevada. (BDR 54-621)

MS. FISHER:

This bill changes the terminology regarding fees to mirror the language used by other states. We are often contacted by hospitals or clinics asking for written verification of a licensee's good standing, meaning that there have been no disciplinary actions against the licensee. The existing language refers to "written certification of licensure," which does not include the person's standing. Page 2, lines 30 through 32, change this to allow the issuance of a certificate of good standing.

Page 2, lines 33 and 34, add a new fee to provide written verification of a person's license. The Board currently gets over 1,000 requests a year for proof of a license from insurance companies and health care organizations. We have no mechanism to charge a fee for those requests.

SENATOR CARLTON:

Is this just a letter saying the person is licensed to practice in Nevada?

MS. FISHER:

Yes.

SENATOR CARLTON:

Why should that cost \$50 when the certificate of good standing is only \$25?

MS. WADE:

Our intention was to have the \$50 as a cap and start out charging \$20 or \$25.

SENATOR HARDY:

Having these two forms as separate items has the potential to cause problems. I cannot imagine a situation in which someone would want to know whether a person was licensed but not whether their standing was good.

CHAIR TOWNSEND:

Is there a reason why you cannot combine the two items and have one form that verifies both the license and the person's standing?

MS. WADE:

The letter of good standing has been used in the past in response to requests from other boards when doctors wish to practice in another state. We have not charged for these letters in the past. We could combine the two into one item, using language such as "written verification of license and standing."

SENATOR CARLTON:

We will need to craft the language to make sure information about disciplinary actions is not released until the Board has made a final determination.

MS. FISHER:

I will contact the boards of other states to see how they handle this.

CHAIR TOWNSEND:

Why are these matters contained in two separate bills?

MS. FISHER:

We submitted it as one bill. It was separated into two bills at the request of the Legal Division of the Legislative Counsel Bureau. The intention was to have one bill cover fiscal matters and one bill cover language matters; however, both bills seem to have a fiscal impact. We would be happy to have it in one bill.

MR. KEANE:

I will look into the reason for the split.



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SENATOR CARLTON:

Page 3, lines 16 through 21, refer to the annual review of schools that are not accredited by the Council on Chiropractic Education (CCE). Why are we considering nonaccredited schools?

MS. FISHER:

There are for-profit training organizations that put on training programs. Nevada is a destination state, and many of these organizations would like to present their programs here. The Board reviews the curricula and trainers of these programs.

MS. WADE:

The CCE also has agreements with chiropractic colleges from other countries, such as Australia and England. They are not formally accredited, but the CCE recognizes their status as trainers.

MR. MILLER:

We are comfortable with this bill. I suggest the two certificates be combined into one and am available to work with the subcommittee on any modifications.

CHAIR TOWNSEND:

I will close the hearing on S.B. 23 and open the hearing on S.B. 21.

**SENATE BILL 21**: Revises provisions relating to osteopathic medicine. (BDR 54-577)

DENISE SELLECK DAVIS (Nevada Osteopathic Medical Association):

Physician assistants represented by our physicians have asked for a language change in this bill. It currently refers to "osteopathic physician's assistants," which is a nonexistent title. The correct designation should be "physician assistant" throughout. We would also like to see supervision of a physician assistant defined in this bill.

VICKI CHAN-PADGETT, MPAS, PAC:

I am here as the director of Touro University's Physician Assistant program. I agree with Ms. Selleck Davis's comments.

JOHN PADGETT, PH.D., PAC:

Section 37 of the bill states that osteopathic physician's assistants who are now certified will become licensed. We would like this applied to all physician assistants.

SENATOR CARLTON:

Section 6 of the bill indicates that a person can become a physician assistant through "general education, practical training and experience" alone. This is antiquated language from 1973 and no longer applies. Is this not true in Nevada?

MS. CHAN-PADGETT:

In almost all states, a person must graduate from an accredited program in order to be licensed as a physician assistant. Nevada once had a grandfather clause with language like this, but this is no longer the case. The original language required the osteopathic physician to apply for the physician assistant's license. The intent here was to change this to mirror the language in the statutes covering the Board of Medical Examiners.

SENATOR HECK:

Let me disclose that I am a licensee of the State Board of Osteopathic Medicine. As a member of this Committee, I am disappointed by the fact that they did not send a representative to this discussion; as a licensee, I am embarrassed to learn they have not filed their required audits for the last two years. While there are important changes in this bill that need to be implemented for the sake of physician assistants who work with osteopathic physicians, we should look for another vehicle to put them into statute and thus send a message to the Board that their bill will not pass.

SENATOR CARLTON:

I would recommend the material be added to the omnibus board bill I have requested, with the changes mentioned.

**BILL DRAFT REQUEST 54-131:** Makes various changes to provisions governing occupational licensing boards.

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CHAIR TOWNSEND:

We will inform the parties present here today when work begins on that larger bill. We will close the hearing on S.B. 21. Hearing no further comment, I will adjourn this meeting at 9:06 a.m.

RESPECTFULLY SUBMITTED:

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Lynn Hendricks,  
Committee Secretary

APPROVED BY:

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Senator Randolph J. Townsend, Chair

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