

**MINUTES OF THE
SENATE COMMITTEE ON HEALTH AND EDUCATION**

**Seventy-fifth Session
March 24, 2009**

The Senate Committee on Health and Education was called to order by Chair Valerie Wiener at 5:26 p.m. on Tuesday, March 24, 2009, in Room 1214 of the Legislative Building, Carson City, 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 Valerie Wiener, Chair
Senator Joyce Woodhouse, Vice Chair
Senator Steven A. Horsford
Senator Shirley A. Breeden
Senator Maurice E. Washington
Senator Barbara K. Cegavske
Senator Dennis Nolan

STAFF MEMBERS PRESENT:

Marsheilah D. Lyons, Committee Policy Analyst
Mindy Martini, Committee Policy Analyst
Sara Partida, Committee Counsel
Betty Ihfe, Committee Secretary

CHAIR WIENER:

We convene in a work session today. Consulting the work session document ([Exhibit C](#), the original is on file in the Research Library, we will begin with Senate Bill (S.B.) 20.

[SENATE BILL 20](#): Revises provisions governing education. (BDR 34-300)

MINDY MARTINI (Committee Policy Analyst):

On page 3 of [Exhibit C](#), S.B. 20 revises provisions governing the contents of accountability reports. The measure removes the requirement that an out-of-state applicant applying for initial licensure must have previous experience. Finally, the measure requires the Commission on

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Professional Standards in Education (Professional Standards) to establish a training program for substitute teachers.

This particular work session primarily focuses on the training program for substitute teachers. The Committee has received four amendments on this particular measure. On page 4, you will see a side-by-side table that compares the four amendments proposed to the bill.

CHAIR WIENER:

Would the Committee like an overview of the side-by-side table?

MS. MARTINI:

The comparison table on page 4 of [Exhibit C](#) shows the amendments and their sponsors. The first component addresses whether or not long-term and short-term substitutes should be required to participate in the training. As introduced, the measure would require that the substitute teachers receive the training by July 1, 2011, in order for the school district to call them for substitute-teacher training. Bill Hanlon, coordinator of the Southern Regional Professional Development Program, would eliminate the date specific, so there would be no date for short- or long-term substitutes. The amendments received from Senator Cegavske and from the Clark County School District (CCSD) would keep the dates specific for long-term substitute teachers, but short-term substitute teachers could go through the training at their leisure and as quickly as they could, but there would be no date specific.

The second component concerns a reporting provision to identify how many of the short- and long-term substitute teachers have participated in the training program. Senator Cegavske's and the amendment from CCSD are the same. They would add that provision.

The third component which adds a planning provision is only picked up in the amendment from Senator Cegavske. This measure would have school districts plan on how to increase the number of short- and long-term substitutes in the training program.

If you recall from the hearing on this measure, Francisco Aguilar, on behalf of the Aggassi College Preparatory Charter School, submitted an amendment asking for additional exemptions to be added. It would exempt all professionals who are non-licensed teachers and hired on a part-time basis to teach his or her

professional subject area and not participate in the training program. Senator Cegavske also picked up an exemption that would allow any person who had taught or is currently teaching at an accredited postsecondary institution to be exempt from participating in the training.

The next component addresses the Regional Professional Development Programs (RPDPs). Mr. Hanlon added that the RPDPs be authorized to provide training to parents to improve the academic achievement of children. If funding is available, they would be authorized to provide the training to parents. Senator Cegavske proposes that the RPDPs be authorized to provide training to school administrators concerning ways to increase the effectiveness of substitute teachers in the classroom.

The final component concerns regulations. The amendment from Senator Cegavske would require the Professional Standards to adopt statewide regulations. The CCSD amendment proposes that each school district would adopt its own regulations for the training program.

CHAIR WIENER:

Since we see these amendments in a side-by-side table, could pieces of them be picked up as long as they are not conflicting?

SARA PARTIDA (Committee Counsel):

The Committee can certainly pick and choose from these amendments, so long as they do not choose conflicting pieces.

CHAIR WIENER:

That is why you are here.

SENATOR NOLAN:

Since Senator Cegavske's and the CCSD's amendments are almost identical, we could adopt those. If there is agreement on those, the third component was proposed only by Senator Cegavske, so we could adopt it as well. The CCSD did not have a planning provision. Doing this would follow well with the rest of the bill and the amendments from CCSD and Senator Cegavske.

In the way of systematic progression, I propose we adopt Senator Cegavske's proposed amendment on the first three components which comport almost

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identically with the CCSD's amendment with the exception of the planning provision. That gets us halfway there.

SENATOR NOLAN MOVED TO ADOPT THE FOUR AMENDMENT COMPONENTS PRESENTED BY SENATOR CEGAVSKE FOR S.B. 20.

SENATOR HORSFORD SECONDED THE MOTION.

SENATOR CEGAVSKE:

I spoke with Assemblywoman Bonnie Parnell concerning the amendments because she was the chair of the interim Legislative Committee on Education, and I did get her approval on these amendments. It is important that we have a mechanism so the administrators can understand how they are supposed to work with substitute teachers and know the assistance the substitutes need when they are in the classroom. The substitute teachers are at a loss a lot of times when they are brought in, and they just do not know. If we can get the administrators in the training, that would help. We have so many new administrators, especially in the CCSD, and to assist them in learning how to work with the substitute teachers is critical.

CHAIR WIENER:

Can we vote on the motion which concerns the first four amendments? It is up to the maker of the motion and the second.

SENATOR NOLAN:

I will defer to Senator Horsford.

SENATOR HORSFORD:

This issue we have to debate is the RPDPs are not yet funded. There is no proposal yet through the budget committees to restore their funding. To add something before we figure that out may not be prudent. Even the proposals I have heard do not fully fund what the RPDPs do now. How are we adding these provisions with no funding? I do not disagree that administrators, and I would even add that the parents, could benefit from this training. I would have some debate as to whether or not this should be a RPDP function or responsibility, but my biggest issue is just as the current budget stands, the RPDPs are not funded.

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SENATOR CEGAVSKE:

I agree with your comments, Senator Horsford. For the last component pertaining to the Professional Standards, it is one with which I am not completely thrilled. Is that language in the bill?

Ms. PARTIDA:

Yes, it is the current language.

SENATOR CEGAVSKE:

Since that language is in the bill, the CCSO would like to delete it. Should we leave it in there or should we delete it? I am inclined to delete it, but I defer to Senator Horsford since he has the other bill, S.B. 330.

SENATE BILL 330: Enacts the Initiative for a World-Class Education in Nevada.
(BDR 34-171)

SENATOR WOODHOUSE:

I question having the Professional Standards adopt the regulations for the training program. I just wonder how long it would take them to do it. I say this because I sat on that commission for years, and I know how long it took us to do things.

SENATOR CEGAVSKE:

We will be hearing another bill this week from last Session that has to do with this. We sent something to the Professional Standards and asked them to have it ready by this Session. They just indicated to me they are not ready, because they moved into a new building and did not have time to meet. They proposed they may have it to us in two more years, and I said, "Forget it." This is why I would like to delete it; but again, we are going against what Assemblywoman Parnell wanted. That is one of the reasons I was concerned; however, I do not mind sending it over and letting them debate it.

SENATOR HORSFORD:

Why does the Nevada Department of Education (NDE) just not do it? I am not comfortable with deleting it and not saying where it goes. I am not comfortable with every school district doing it because that is a free for all.

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SENATOR CEGAVSKE:

Then, put it with the NDE. I know that is what the school districts' trouble was with it because they want to do their own. I wanted to see if we could not have a plan through the State.

SENATOR HORSFORD:

With the issue of the highly qualified teachers, the issue of the long-term substitutes and the issue of people being placed in classrooms who are not qualified in the subject matter, those concerns are in the State Improvement Plan. It is germane to the NDE's responsibility. I agree with you; we need a standard protocol. It should not be so restrictive though that the school districts do not have a certain amount of flexibility, but there should be at least a common approach. That approach should be set by the NDE.

SENATOR CEGAVSKE:

Let us put it into the NDE. They may put it in to the Professional Standards. I do not want that to happen; but if it falls to the NDE, they are dictated to by the State Board of Education and State Board for Career and Technical Education (State Board). The State Board uses the Professional Standards for these things. That is what I am concerned about.

SENATOR WOODHOUSE:

I do not have a problem with it going to the NDE even knowing it could very well go to the Professional Standards. The other thing the NDE might do is ask school districts to send their plans. Then maybe we could get something that would cover the whole State, if that were the direction of the NDE.

SENATOR CEGAVSKE:

I have no problem with taking it out of the Professional Standards. I am fine with the recommendations. My hesitancy is when Assemblywoman Parnell chaired the committee, the Professional Standards language was in there. I am fine if we want to put it with the NDE. If the maker of the motion and the second would do their amendment over, we could manage this entire thing at once.

CHAIR WIENER:

Are we looking at components one through four, one through six or are we submitting our own amendment to send it to the NDE? Do I have an amended motion?

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SENATOR HORSFORD:

I propose the language for the final component on page 4 of [Exhibit C](#) read, "The NDE will develop the regulations for the training program for substitute teachers with input from the local districts."

SENATOR NOLAN MOVED TO FURTHER AMEND HIS PREVIOUS MOTION ON [S.B. 20](#) TO READ THAT THE DEPARTMENT OF EDUCATION WILL DEVELOP THE REGULATIONS FOR THE TRAINING PROGRAM FOR SUBSTITUTE TEACHERS WITH INPUT FROM THE LOCAL SCHOOL DISTRICTS.

SENATOR HORSFORD SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

CHAIR WIENER:

We have two bills that address the same subject. One is [S.B. 123](#) and the other is [Assembly Bill \(A.B.\) 216](#).

[SENATE BILL 123](#): Removes the prospective expiration of the Nevada Academy of Health. (BDR S-202)

[ASSEMBLY BILL 216](#): Revises provisions relating to the Nevada Academy of Health. (BDR 40-119)

MARSHEILAH D. LYONS (Committee Policy Analyst):

[Senate Bill 123](#) removes the prospective expiration of the Nevada Academy of Health (Academy) and [A.B. 216](#) does that as well. In addition, [A.B. 216](#) adds additional language to clarify some of the responsibilities of the Academy and revises some of its membership requirements. For [A.B. 216](#), there was an additional amendment that specifies the designee for the Centers for Medicare and Medicaid Services—the quality improvement organization—needed to be the Nevada representative.

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SENATOR HORSFORD:

My intention is to move to amend and do pass A.B. 216 because it includes all the provisions including the membership and the representative to the quality-improvement organization. It is more inclusive than S.B. 123.

SENATOR HORSFORD MOVED TO AMEND AND DO PASS A.B. 216.

SENATOR WOODHOUSE SECONDED THE MOTION.

SENATOR CEGAVSKE:

Senator Washington wanted to be a sponsor on this bill. The bill came from the Assembly Committee on Health and Human Services, correct?

CHAIR WIENER:

Yes. It is that committee's bill.

THE MOTION PASSED UNANIMOUSLY.

CHAIR WIENER:

There is no action on S.B. 123. Senate Bill (S.B.) 135 is our next bill for discussion.

SENATE BILL 135: Requires pupils enrolled in certain grades in public schools to wear uniforms. (BDR 34-662)

MS. MARTINI:

Senate Bill 135 would require the boards of trustees of school districts to establish and enforce a policy that requires students enrolled in kindergarten (K) through Grade 3 to wear school uniforms. Senator Bob Coffin, the sponsor of this bill, submitted an amendment to require school uniforms in the high school grades instead of K through third. Each school would be authorized to design the uniform under guidelines set by the school district.

CHAIR WIENER:

Do we have any discussion? I would entertain a motion on this measure. With no action on this bill, we will move on to S.B. 159.

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SENATE BILL 159: Requires the establishment of the Cancer Drug Donation Program. (BDR 40-14)

Ms. LYONS:

Senate Bill 159 on page 13 of [Exhibit C](#) requires the State Board of Pharmacy (Pharmacy Board) to establish a cancer drug donation program. Two amendments were proposed to this bill. The first would add Assemblyman Lynn D. Stewart as a joint sponsor. The second was proposed by the Pharmacy Board. With that amendment, the fiscal note is removed from the bill.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 159.

SENATOR HORSFORD SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR WIENER:

The next bill is S.B.197.

SENATE BILL 197: Revises provisions relating to the reissuance of certain prescription drugs. (BDR 39-804)

Ms. LYONS:

On page 17 of [Exhibit C](#) is a cover sheet for S.B. 197. There are two amendments proposed to this bill. The first is to include the Nevada Department of Corrections (NDOC) with those who have the ability to donate drugs. The second amendment is to make revisions in several sections of the *Nevada Revised Statutes* (NRS) which the Pharmacy Board indicated needed to be made. Those sections previously listed the exclusion of drugs that are not schedule II. The chair of this Committee discussed this with them, and it was determined it needed to include all scheduled controlled substances and not just the schedule II drugs.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 197.

SENATOR WOODHOUSE SECONDED THE MOTION.

SENATOR NOLAN:

I agree with the concept. Since we did not have testimony from the NDOC, I do not know their position on this. In one of their last audits pertaining to their narcotic scheduled drugs and their handling, security and lock-up of those drugs, procedurally, they have had a real problem. Before we would pass this bill and the amendments, I would like to hear from the NDOC to make sure they have a system in place that ensures there is a level for tracking the narcotic schedule drugs.

CHAIR WIENER:

This bill will tighten that up even more. I built this on a bill that I worked and had passed six years ago that involved the NDOC. They were already "in law" along with skilled nursing home facilities, mental health and beds assigned in the rural hospitals. They were all brought in, and it is current law. In the bill-drafting phase, that piece had been omitted. We are bringing it back to include it. What we are doing with the amendment is creating even tighter reins on those who are already in the NRS. They have been included for six years in terms of the controlled substance piece. In current law, the reissue is allowed one time within the facility, and the original pharmacist is doing that. Now with the reissue part, it is even tighter with the amendment that no controlled substances can be reissued.

This bill does allow them, rather than reissuing in their own institution, the option to work with a nonprofit or a group of nonprofits that has someone licensed. They work within all the rules and regulations of the Pharmacy Board. They could work to have the drugs donated to them for one reissue, but none of them could be controlled substances. What we are doing is fixing something that we did not know was a problem. We learned about it in the hearing, and this bill fixes it.

MS. LYONS:

On page 18 of [Exhibit C](#) is the section related to mental health facilities. In section 1, subsection 1, paragraph (a), it previously read, "The drug is not a schedule II drug specified in or pursuant to chapter 453 of NRS." Based on federal law, according to the Pharmacy Board, none of the scheduled drugs are able to be reissued through this program even with what we have currently in the NRS. The presumption is that these organizations were simply following the federal Drug Enforcement Agency guidelines and regulations related to this. This is just a "clean-up" to make sure that State law mirrors federal law.

SENATOR NOLAN:

Despite the fact that we have State and federal law with regard to how anybody handles schedule I and schedule II narcotics, how they have to maintain those, how they have to track them and how they have to log them, I have a concern about this. Pharmacists have to maintain a log that is inspected routinely, but even with those procedures in place, we still have trouble with narcotics disappearing from some prison lockups. I just want to make sure that in light of the issues of the NDOC, they are comfortable with the procedures to be put in place with this legislation.

CHAIR WIENER:

This has been law for six years with the correction system, and all the other entities described in the bill. The reason the NDOC was added back in is because it was inadvertently excluded. This bill will tighten it up even more in terms of the reissue part because the controlled substances cannot be in any way integrated into the reissue process. This will create even a greater protection on that second use than we have had for the past six years in current law.

SENATOR NOLAN:

Did you say we went from them being able to have a single reuse to no reuse?

CHAIR WIENER:

The drugs have to be pristine. They either have to be a blister pack or a sealed, protected vial of whatever the medicine is. There would be one reissue for the drug, and that is it. This is all about the pharmacy being strict about regulations and protecting the integrity of the drug. They have to follow all the rules such as the drugs cannot be expired and all those rules. The Pharmacy Board is very strict about this, and they have set the regulations that are already in place.

This bill does allow us to give the entities in the bill the option, rather than reissuing it once to their own populations under strict guidelines by the Pharmacy Board, to play by the same rules, regulations and requirements. Someone has to be licensed; the person receiving it has to have a prescription. They could partner or collaborate with nonprofits that work with a doctor or a registered licensed pharmacist to donate those unused, unexpired and pristine-protected drugs to the nonprofit for distribution to anybody getting a

prescription filled—one time. This would be humanitarian aid, and it is well-protected along the way.

Ms. LYONS:

I want to clarify that the nonprofits these drugs would be going to would be a nonprofit pharmacy. It would be another licensed pharmacy to which they would be going.

SENATOR NOLAN:

Are there nonprofit pharmacies?

CHAIR WIENER:

Yes. The Friends in Service Helping nonprofit organization has its own pharmacy. We had some nonprofit voices at the table, and they thought with this measure, there would be new enterprises. There might be collaborations actually created if they knew this resource was available. They could work together with the pharmacist or the doctor to make these drugs available. I am sure they probably would be working with some of these agencies to be at the front door to receive them on a regular basis. It is possible, but at this time it is helping us maximize the use of medications that people might not otherwise have access to.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR WIENER:

The next bill is S.B. 307.

[SENATE BILL 307](#): Requires the Office of the Director of the Department of Health and Human Services to study issues relating to Medicaid. (BDR S-241)

Ms. LYONS:

On page 23 of [Exhibit C](#), there were no amendments proposed for this measure.

SENATOR CEGAVSKE MOVED TO DO PASS S.B. 307.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR WIENER:

Is there any other business to come before the Committee?

SENATOR CEGAVSKE:

Since we are sending S.B. 20 to the NDE, would you object to adding the school administrators as part of those advised, counseled or getting information about the substitute teachers? Could we add that amendment to it?

MS. PARTIDA:

The motion was the NDE would do that in consultation with the school districts. Is that to what you were referring?

SENATOR CEGAVSKE:

No. It was the section adding a provision to authorize the RPDPs to provide training to the administrators concerning ways to increase the effectiveness of the substitute teachers. We would just add the language of the administrators.

CHAIR WIENER:

Would that be as funding is available? Do we need to revote on that, Ms. Partida? What is the language we should use?

MS. PARTIDA:

You could add another amendment on to S.B. 20.

CHAIR WIENER:

I will entertain an amendment to S.B. 20.

SENATOR CEGAVSKE MOVED TO FURTHER AMEND S.B. 20 TO INCLUDE THE ADMINISTRATORS IN THE TRAINING FOR WORKING WITH THE SUBSTITUTE TEACHERS AS FUNDS ARE AVAILABLE.

SENATOR NOLAN SECONDED THE MOTION.

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THE MOTION PASSED UNANIMOUSLY.

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CHAIR WIENER:

With no more business to come before the Senate Committee on Health and Education, the meeting is adjourned at 6:02 p.m.

RESPECTFULLY SUBMITTED:

Betty Ihfe,
Committee Secretary

APPROVED BY:

Senator Valerie Wiener, Chair

DATE: _____