

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

**Seventy-fifth Session  
March 27, 2009**

The Senate Committee on Health and Education was called to order by Chair Valerie Wiener at 12:43 p.m. on Friday, March 27, 2009, 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 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

**GUEST LEGISLATORS PRESENT:**

Senator Allison Copening, Clark County Senatorial District No. 6  
Senator John J. Lee, Clark County Senatorial District No. 1  
Senator David R. Parks, Clark County Senatorial District No. 7

**STAFF MEMBERS PRESENT:**

Marsheillah D. Lyons, Committee Policy Analyst  
Mindy Martini, Committee Policy Analyst  
Sara Partida, Committee Counsel  
Shauna Kirk, Committee Secretary

**OTHERS PRESENT:**

Chase Kaiser, Intern to Senator Lee  
Crystal Abba, Assistant Vice Chancellor for Academic and Student Affairs,  
Director of Public Policy, Nevada System of Higher Education

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Albert Chen, Vice President of Operations, American Board for Certification of Teacher Excellence  
Ray Bacon, Nevada Manufacturers Association  
Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education  
Joyce Haldeman, Executive Director, Community and Government Relations, Clark County School District  
Julie Whitacre, Nevada State Education Association  
Bill Uffelman, President and CEO, Nevada Bankers Association  
Dr. Bryn Lapenta, Senior Director, Public Policy, Accountability, & Assessment/Legislative Issues, Washoe County School District  
Bart Mangino, Legislative Representative, Community & Government Relations, Clark County School District  
Lesley Pittman, United Way of Southern Nevada  
Randall C. Robison, Executive Director, Nevada Association of School Superintendents  
Jennifer Stoll-Hadayia, Public Health Program Manager, Washoe County Health District  
Julia Spaulding, MHA, Health Program Specialist I, STD Prevention and Control Program Coordinator, Health Division, Department of Health and Human Services  
Luana J. Ritch Ph.D., Chief, Bureau of Health Planning and Statistics, Health Division, Department of Health and Human Services  
Kara Bennis, Southern Nevada Health District  
Denise Selleck Davis, CAE, Executive Director, Nevada Osteopathic Medical Association

CHAIR WIENER:

We will open the meeting with Senate Bill (S.B.) 209.

**SENATE BILL 209**: Revises provisions governing the Governor Guinn Millennium Scholarship Program. (BDR 34-1097)

SENATOR JOHN J. LEE (Clark County Senatorial District No. 1):

A friend of mine had a young son with a baseball dream. He had a scholarship to go to California and play baseball. After one year, he decided not to continue to play baseball and came back to Las Vegas. He had a year in California, came back here and put in two years of volunteer service. Some of my children have become interns in Washington D.C. There is a call to our youth at a time when

they want to be involved in something but are not sure what that is yet. They do not have an educational agenda yet. They go off for two years, perform service somewhere in the nation, and get an idea of what they want to do. When they come back to Nevada, it takes four years to complete college. If they wanted to use a Millennium Scholarship, they would be short a year. The Millennium Scholarship only goes up to six years. The military has exclusions. What I am trying to do is put an exclusion into the bill and establish criteria for people who want to participate in charitable, religious or public-service assignments. This bill will have no affect on the State. Sitting with me is my intern from the University of Nevada, Reno (UNR). He is preparing to go into the U.S. Marines and on to law school through the military program. If he decided to go to a military academy for a year and then came back here, he would hit the seven-year cycle.

CHASE KAISER (Intern to Senator Lee):

The passage of this bill would allow young men and women to have an opportunity to improve themselves after improving the society in which we live.

CHAIR WIENER:

Based on Senator Lee's story, does this extend it a year? I can see that this could go on for a long time, and we may not have the funds.

SENATOR LEE:

My idea is to extend it for that one year. You cannot complete four years of study in Nevada with the scenario I gave you.

CHAIR WIENER:

Sara Partida, does the language on the bill go to seven years?

SARA PARTIDA (Committee Counsel):

Currently, someone who graduates from high school would have to apply for a Millennium Scholarship within six years of graduation. This bill would allow the Board of Regents to make an exception for someone who had served in one of these capacities. If you look on page 3 of the bill, the new language is in paragraph (f) of subsection 2, section 1. Above that is paragraph (e) and that would be similar to what they do with the armed forces.

CHAIR WIENER:

Could it be eight, nine or ten years with the current language?

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MRS. PARTIDA:

That would depend on the regulations set by the Board of Regents.

CHAIR WIENER:

It would rely on Legislative intent.

SENATOR LEE:

That is a very good point. You would have to have a waiver. It would not open the door for everybody. They would show documents as to where they were and apply for this additional year.

CHAIR WIENER:

The university would make these decisions with policies they have established.

CRYSTAL ABBA (Assistant Vice Chancellor for Academic and Student Affairs,  
Director of Public Policy, Nevada System of Higher Education):

The Board of Regents has not taken a formal position on this legislation. They are always supportive of anything that provides support to students. There was no time limit with the measure passed last Session when we provided an exemption for students that were active in the military. If one year is the intent, you may want to indicate that in the language. The Board of Regents, following the enactment of this measure, would adopt formal procedures and policies that would provide a framework for the campuses for the interpretation of that provision.

SENATOR CEGAVSKE:

Should the language state to the extent funds are available?

MS. ABBA:

That is reasonable. The State Treasurer's Office would be appropriate to indicate any fiscal impact this might have on the Millennium Scholarship fund. It depends on how many students we have and how you frame it. To some extent, it is unknown. It is reasonable and prudent to put such language in.

CHAIR WIENER:

Senator Lee, did you request someone from the State Treasurer's Office to testify?

SENATOR LEE:

I did. Because of the schedule change, he is probably going to be here at 3:30 p.m. He had no opposition, and they worked with me writing the bill.

CHAIR WIENER:

I would be concerned about the "funds available" language, because we know there is no infinite supply of resources. I would prefer to put a cap on it of seven years. You might have someone who does a "second hitch" with the Peace Corps. If we have that language, it will also put that person on alert when making those decisions.

SENATOR LEE:

I can put that into an amendment for you.

CHAIR WIENER:

That is just my opinion.

SENATOR WOODHOUSE:

I would agree. I do not want to put in a number of years, but I do like the concept of adding a phrase of "as funds are available."

CHAIR WIENER:

Would that be agreeable to the Nevada System of Higher Education?

MS. ABBA:

Absolutely.

CHAIR WIENER:

Would there be the provision for the military as well?

MS. ABBA:

We may want to speak with someone in the Office of the Military since they brought that forward last time. Students may be away for more than a year. Senator Cegavske's suggestion of "as long as funds are available" covers all of your bases.

CHAIR WIENER:

We will need an amendment on that, then.

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CHAIR WIENER:

We will close the hearing on S.B. 209 and open the hearing on S.B. 259.

[SENATE BILL 259](#): Establishes a temporary program for the alternative licensure of teachers. (BDR 34-679)

SENATOR BARBARA K. CEGAVSKE (Clark County Senatorial District No. 8):

I have written testimony I will read ([Exhibit C](#)). I received information from our staff that they had spoken with Christina Harper, Administrative Assistant to the Department of Education's Superintendent. Ms. Harper provided support staff assistance to the Commission on Professional Standards in Education. She confirmed that the Commission has taken no action on S.B. No. 264 of the 74th Session. She said the Commission deferred the Passport to Teaching to its Alternative Route Task Force, which has met throughout the 2007-2009 biennium. Ms. Harper said the Task Force had considered the Passport to Teaching along with other alternative routes. The Task Force met on March 16, 2009, and said they would have recommendations for the meeting in May 2009. We tried to comply with the request that this go before the Commission on Professional Standards. They did not do the job. I hope that we will take action on this to let them know that when we send something out asking to have compliance and work with us, that we mean it.

ALBERT CHEN (Vice President of Operations, American Board for Certification of Teacher Excellence):

The Committee has been given a brochure ([Exhibit D](#)) along with my written testimony that I will read ([Exhibit E](#)).

RAY BACON (Nevada Manufacturers Association):

We have always supported this bill. We were one of the first to be aware of the American Board for Certification of Teacher Excellence (ABCTE). On the average, we hire teachers annually through approximately 200 to 300 different sources. We have the University of Nevada, Las Vegas and the UNR, Henderson and Great Basin Colleges, but the vast majority of those teachers are coming from outside the State. Part of the high turnover rate is because those teachers tend to go home at some point. The advantage of alternative certifications like ABCTE is the vast majority of those teachers will probably come from here and just want to change their career. If they are already here and have a family and a home, they will be more likely to stay here. We would be hiring people from Nevada to teach, and they will have that practical experience. There have been

two studies; one was done by the Thomas B. Fordham Institute, and the other was done by the National Council on Teacher Quality. Both have shown that teachers coming from the alternative certification programs have the same or better track records as teachers coming from the traditional courses. There does not appear to be a quality issue when looking at recent national studies. We support this program and think it is time for it to move forward.

KEITH W. RHEULT, Ph.D. (Superintendent of Public Instruction, Department of Education):

I have signed in as neutral to the bill. I have been supportive of the special-qualifications license. I worked with former Assemblyman Garn Mabey who was the sponsor of the special-qualifications license bill in 2005. The only concern I had with the bill was specific statutes for specific programs for licensure. We have a problem making sure we can get the Teach for America applicants into Nevada. The problem we have run into is that they could qualify for the special-qualifications license. If you have a degree on a specific subject, the special-qualifications license statute says that the Department of Education will develop which licenses you would qualify for in Nevada. You do not have to have a teaching background. For example, Dr. Mabey could not teach health at a middle school, but he had a medical license. If you hold a professional license, it gives us the authority to exempt the subject-matter test, because they have already proven that with their medical license. We were able to say that if you come to the Department for a license and you hold a medical degree, you can teach health, physiology, and life science. There is a list of courses we have for all of these programs. We have done the same thing for a number of other subject matters. What I am getting at is any of these individuals could come and qualify under the special-qualifications license. The problem we have had is that it required a masters or higher degree to get the license. That is where we have run into trouble getting Teach for America teachers. A lot of them have a bachelor's degree in the subject. I was working with Assembly members to modify the special-qualifications license to allow a bachelor's degree in that field. The concern we have is to make sure they know the content, and that is why they are coming in through an alternative route. We are now asking for two years of mentoring instead of one year for the special-qualifications license, because they do not come from a typical teaching background. In fact, it does not require any additional coursework if they get a special-qualifications license in teaching methods. It would be picked up through on-the-job training and mentoring. My concern is to keep putting in special statutes. If we can get the special qualifications modified, anyone who is eligible for the American Board

for Certification of Teacher Excellence certification would qualify under the special-qualifications license currently without any additional requirements.

CHAIR WIENER:

This bill has the one-year mentoring. Is that current law under that program and would you expand to two years?

DR. RHEAULT:

Yes, it is currently one year. They put it in for one year because of the master's or Ph.D. requirement.

CHAIR WIENER:

Is it your thought that if we take it back to a bachelor's level degree, then the two years of mentoring ... ?

Dr. Rheault:

That would still be up for discussion and consideration by the Legislature.

CHAIR WIENER:

Is the mentoring piece where we are going to get the teaching experience?

DR. RHEAULT:

If they hold a professional license, all of the testing is waived. If they do not, we require them to pass the subject-matter test to prove they are competent in that area.

SENATOR HORSFORD:

Would the individuals who have an alternative route licensure be considered highly qualified teachers?

DR. RHEAULT:

The requirements allow for alternative routes and give three years to get highly qualified. All of the teachers should be highly qualified at this point, so I do not know if the three-year exemption would still apply. I will check on that. If they come in without demonstrating competence on the subject matter, I do not think they would be. That is why I am concerned with exempting them from the competency test unless it is part of the ABCTE-certification process.



SENATOR HORSFORD:

We would need to ensure that whatever their certification, it aligns with our standard to ensure they meet the competency requirements to teach in that subject matter.

DR. RHEAULT:  
Yes.

SENATOR HORSFORD:

I do not know if I agree with the idea of allowing individuals who only have a bachelor's degree to have this alternative approach. What fascinates me about some of this discussion is that the standards for the students to achieve are so high, but we keep relaxing the standards for the teachers teaching the subjects.

Mr. Chen, how does your program and the certification you provide align with our standards, and what is it you test on or certify the individuals on to ensure competency in the subject matter?

MR. CHEN:

When we put our programs together, we had subject-matter experts from all over the Country investigate the standards of each of the different states. We produced a study comparing Nevada standards with the ABCTE-standards testing to show alignment between the competencies. In ABCTE's program, there are two examinations a candidate would need to take. They are the Professional Teaching Knowledge Exam and a Subject Matter Competency Exam. These two exams are incredibly rigorous and align to the Nevada standards as it was two years ago. We also align with the practice exams as well.

SENATOR HORSFORD:

Can you provide that to our staff?

MR. CHEN:  
Yes, I will.

SENATOR HORSFORD:

Dr. Rheault, can you respond to the frustration by Senator Cegavske regarding the pilot that was given, and why, after two years, nothing has been done.

DR RHEAULT:

I do not sit on the Commission on Professional Standards, but I will give you a response. The language that was passed in the bill is part of *Nevada Revised Statutes* (NRS) 391.019. It was the clear intent that the Legislature wanted the Commission to review and possibly approve ABCTE certification. If you read the statute language, it says if the Commission approves the Passport to Teaching Certification, then it was to do certain things. It did not have a deadline, and I do not see the specific designation on the report on licensing. I know it was the intent that you wanted in there, but that is not the way the statute reads.

SENATOR HORSFORD:

The intent was clear. It is appalling that rather than follow legislative intent, the Commission chose to ignore us. I find that unacceptable. Because they failed to follow legislative intent, we are here having a broader discussion without any evidence of what a pilot program could have demonstrated to us.

SENATOR WOODHOUSE:

I would like to ask Joyce Haldeman to come forward. I wanted to ask her about the Alternative Routes to Licensure program (ARL) the Clark County School District (CCSD) has. Will you confirm both the master's and bachelor's programs are a part of that program?

JOYCE HALDEMAN (Executive Director, Community and Government Relations, Clark County School District):

I am not really qualified to give you that answer. I believe that a master's degree is a part of the ARL.

DR. RHEAULT:

It does not require a master's degree. There is the special-qualifications license and there is the ARL. The alternative route is a little different in that a school district has to agree to hire the teacher before we can issue the license. It only requires a bachelor's degree in the subject area they will be teaching. That one requires three years of mentoring and five successful evaluations before they can renew their license. The big difference between the ARL and the special-qualifications license is that we require them to take all of the coursework that would be required to get an elementary or secondary license. When they are done with the three-year alternative-route license, they can get a regular license issued by the State that they can take anywhere else in the Country.

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SENATOR WOODHOUSE:

Ms. Haldeman, could you get us a copy of what the procedure is that CCSD has, how far it goes and what your requirements are that may be in addition to what the State is requiring.

Ms. HALDEMAN:  
Yes.

SENATOR CEGAVSKE:

When are the special-modification provisions going to be approved?

DR. RHEAULT:

I do not know if it has been scheduled for a hearing yet.

JULIE WHITACRE (Nevada State Education Association):

We are in opposition to S.B. 259. We have a history of opposing this kind of legislation. It is our feeling that anything that has to do with teachers' licensures or creating a new kind of license needs to go in front of the Commission on Professional Standards. I understand there was some frustration that it was sent there last time. It is our strong view that the Commission was created over 20 years ago by the Legislature for the reason of putting licensure in the hands of the practitioners and out of the hands of the lawmakers. It was to put it in the purview of the people who have licenses and know how hard it is to get a license to keep the standards high for those licenses. It is our view that if the Commission, for whatever reason, does not feel that ABCTE standards are high enough or the program is not rigorous enough, it should be respected.

CHAIR WIENER:

There was support for this pilot last Session, and the intent was clear. Our intent was not even considered. I would caution the direction that particular group is going with the Legislative body. We spent a lot of time on this, and you were here. The history that followed this measure, based on the work product of this Committee, is disconcerting to me.

Ms. WHITACRE:

I completely respect that. I do not serve on the Commission. I am not saying that ignoring your intent was correct. I am concerned about starting down a slippery slope by putting licensure issues directly into statute instead of sending them to the Commission first. It would be a more responsible route to direct the

Commission to provide the program, instead of putting it into statute. You never know what other licensure routes are going to come into statute. Another reason to send it to the Commission is that ABCTE, or any other program, has an online test, and we do not control that test. They could change that at any time. If the Commission needs to address some of those issues and make changes to regulation, they can do that during an interim.

SENATOR CEGAVSKE:

I am disappointed with the Commission and the Teachers Association. You are the ones that asked me to do this, and I did that under good faith. I did it under the guidelines of what you told me and the process you wanted. Out of respect, I did that, and I did not get the respect back on the bill that we should have had. The excuse for them not doing this is because they do not want to and that is wrong. I did this in good faith, and I am extremely disappointed.

SENATOR HORSFORD:

Had the Commission simply taken up the matter and said they did not want to do it; they would have met the expressed intent of the Legislature. The fact that they did not even do that is why we have this matter before us. It is why it is hard for us to do what you are asking, which is to work through the Commission. This group would do that if there were a process that people could believe in. They should have met and come up with whatever reason why they felt this was not an appropriate alternative-licensure pathway. Dr. Rheault should not have to take the blame for this either, because the Commission does not report directly to him. No one on the Commission is here in front of us to ask questions. I guess they like it like that.

MS. WHITACRE:

I want to make it clear that I am not excusing the Commission and their actions. I am not saying that what they did was appropriate. I am not even saying whether I think ABCTE is a good program. I want to go on record, as I have historically, that the Nevada State Education Association believes the Commission on Professional Standards should deal with licensure issues. I apologize to Senator Cegavske. I am not sure why you are disappointed. We did this in good faith as well. I have always been clear that it is the view of the Association that these things need to go in front of the Commission and not the Legislature.

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CHAIR WIENER:

We will close the hearing on S.B. 259 and open the hearing on S.B. 317.

SENATE BILL 317: Requires instruction on financial literacy in the public high schools. (BDR 34-1109)

SENATOR ALLISON COPENING (Clark County Senatorial District No. 6):  
I have written testimony I will read ([Exhibit F](#)).

SENATOR HORSFORD:

I want to commend Senator Copening for bringing this bill forward. First, because of this economic crisis, we are faced with the fact that there is a personal-responsibility factor to some of what we are going through. People have entered into contracts they did not understand or about which they were not properly educated. Because of that, some people have lost their homes and their lives.

SENATOR WOODHOUSE:

I too would like to applaud Senator Copening for bringing this bill. In addition to the Nevada Bankers Association, the credit unions in Nevada also offer financial-literacy programs to students. Some of them have career speakers coming into classrooms. The majority are students who are willing to give time after school or on Saturdays for classes.

SENATOR COPENING:

I was at one of the credit unions and they had material that was directed at children and teenagers.

SENATOR WASHINGTON:

I wish you great success with this bill. Mr. Uffelman and I introduced this legislation in 2005. Unfortunately, it did not pass in the Assembly, but I applaud you for your efforts.

CHAIR WIENER:

Mr. Uffelman, did we get a resolution? It started as a bill.

BILL UFFELMAN (President and CEO, Nevada Bankers Association):

There was a resolution that was reduced to a letter. We appeared before the "State Advisory Committee on Curriculum" and made our pitch, and we got a

"thank you." That was the end of that effort, but we did not quit. The American Bankers Association has a program to teach children to save, which is in April. It used to be a day that bankers were to go into schools and teach the curriculum. Now it is a month. We want to reach about a million students next month. The United Way in Southern Nevada has made financial literacy a keystone of that program. In the fall, we have "get smart about credit" which revolves around credit cards and targets high schools. The Bankers Association provides a program called "Banking Is" to any teacher in the State who wants it. It costs me about \$8,000 a year to mail out compact discs. There is a lot of literacy curriculum available. My kids all graduated from Illinois schools, and they had to take a test that included balancing a checkbook and doing a budget.

SENATOR HORSFORD:

Senator Copening, are you in agreement with the amendment from Washoe County School District (WCSD) and the CCSD on the test provision they have submitted ([Exhibit G](#))?

SENATOR COPENING:

I have discussed that with them, and it makes better sense. Generally, at the end of a semester particular course tests are given. It would be implemented into that testing procedure rather than creating a completely new test and it would get all of these students tested.

SENATOR HORSFORD:

As one of the proponents of alternative methods of demonstrating proficiency, there may be more than one way for those students to demonstrate they know the subject matter as well.

CHAIR WIENER:

It also makes it more meaningful when it is integrated into real-life instruction rather than one more class.

DR. BRYN LAPENTA (Senior Director, Public Policy, Accountability, & Assessment/Legislative Issues, Washoe County School District):

The WCSD is here in support of S.B. 317. We have integrated into our advanced algebra course a nine-week piece that has financial literacy and meets the requirements that are outlined here. We also have an additional Washoe On-line Learning for the Future course where students can take financial literacy as an elective. We are looking for funding of a course for all juniors and seniors

in financial literacy. In addition, we have a branch of Clearstar Financial Credit Union at Reed High School and will have a full-service financial branch at the Academy of Arts, Careers and Technology opening in the fall.

SENATOR CEGAVSKE:

Does this amendment remove the fiscal note by Washoe and Clark Counties?

DR. LAPENTA:

That is correct.

BART MANGINO (Legislative Representative, Community & Government Relations, Clark County School District):

Clark County School District is also in support of S.B. 317.

LESLEY PITTMAN (United Way of Southern Nevada):

The United Way of Southern Nevada is in support of this measure. I have written testimony I will read ([Exhibit H](#)).

RANDALL C. ROBISON (Executive Director, Nevada Association of School Superintendents):

The Nevada Association of School Superintendents is in support of this measure with this amendment. I would also speak on behalf of the Nevada Credit Union League, which I also represent.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 317 WITH THE AMENDMENT PROVIDED FROM WASHOE COUNTY AND CLARK COUNTY SCHOOL DISTRICTS.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WIENER:

We will now open the hearing on S.B. 304.

**SENATE BILL 304**: Revises provisions relating to tests for certain communicable diseases. (BDR 40-844)

SENATOR DAVID R. PARKS (Clark County Senatorial District No. 7):  
I have written testimony I will read ([Exhibit I](#)).

JENNIFER STOLL-HADAYIA (Public Health Program Manager, Washoe County Health District):

I am here to speak on behalf of the Southern Nevada Health District. This bill represents a true collaborative effort among those in the human immunodeficiency virus (HIV) and sexually transmitted disease (STD) prevention community including the Nevada AIDS Advisory Task Force on which Senator Parks serves. Last fall, that Task Force began holding dialogs to discuss some of the emerging and unique needs in our State for preventing HIV and STDs, as well as what some of the barriers to prevention might be; and, if legislative action would be of help to us in eliminating those barriers and meeting the needs of our community. The amendments that were also submitted ([Exhibit J](#)) are also representative of the collaborative effort and are supported by the Washoe County Health District, Southern Nevada Health District, the Task Force and other members. The intent of S.B. 304 is to allow two recommended best practices in HIV and STD testing to be more readily available here in Nevada. Section 1 is in regard to syphilis testing in the first trimester of pregnancy. The earlier in a pregnancy we are able to test, diagnose and treat for syphilis, the less possibility for adverse outcomes to either mother or baby. This bill is particularly timely for us in Nevada, given congenital syphilis trends that are occurring. In brief, while congenital syphilis rates in the United States are going down, they are going up in Nevada. In 2005, we had one congenital syphilis case in the State. Just a year later, we had 14, and in 2008, we had 11. Those numbers may be small, but they are significant in terms of rates. This section of the bill would create a first line of defense for us in diagnosing syphilis cases as early as possible so it can be treated and adverse outcomes can be prevented.

Section 2 is specific to rapid HIV testing. Rapid HIV testing has been on the market for the past few years. It allows for a prick of a finger or an oral swab to detect antibodies to HIV in about 20 minutes, compared to the 5 to 7 days you would have to wait for results using traditional testing. This is very significant for the communities that are at highest risk, and those that may have barriers to returning for a result. Rapid HIV tests are Clinical Laboratory Improvement Amendments (CLIA)-waived tests; that means they have been determined to have an extremely low risk in the administration of the test to the client. There are still requirements to provide a rapid test; you must have a CLIA waiver from



the federal government and you must follow the manufacturer's instructions. In Nevada, there are some additional certification requirements beyond the federal requirements. They are primarily related to certification of personnel administering the test. They are not required by the conditions of a CLIA-waived test. The additional certification requirements are a significant barrier to our small business, small nonprofit organizations and minority-serving organizations that want to provide rapid HIV testing but cannot meet those additional requirements due to costs or infrastructure barriers. It is these kinds of organizations who have access to the high-risk populations I referenced earlier. Section 2 would exempt CLIA-waived HIV tests only from those additional certification requirements. A provider of that test would still have to adhere to all federal requirements as well as quality-assurance protocols. That is stated clearly in the proposed amendment, [Exhibit J](#). We believe this change would dramatically increase the number of tests that are being provided to our highest risk populations. As a result, more HIV will be detected, and those individuals can be referred to treatment.

JULIA SPAULDING, MHA (Health Program Specialist I, STD Prevention and Control Program Coordinator, Health Division, Department of Health and Human Services):

I have written testimony I will read ([Exhibit K](#)).

CHAIR WIENER:

What kind of a financial impact is that, other than the devastation of the human condition? What would that mean in terms of health-care costs? If we are detecting earlier, can we get in front of those costs on the public-policy side as well as the financial investment that we would not have to make?

MS. SPAULDING:

It is an inexpensive test. There are fees associated with it.

CHAIR WIENER:

Are there major health-care costs that we can avoid because of the early detection?

LUANA J. RITCH, PH.D. (Chief, Bureau of Health Planning and Statistics, Health Division, Department of Health and Human Services):

Yes. Any time we can prevent some of the adverse outcomes with the children who are born with congenital syphilis that can result in millions of dollars of

care. Many of the women who find themselves in a situation of delivering a baby with congenital syphilis are often women who may not have access to health care, or they may have known about their status earlier. They may be women whose babies are covered under Medicaid or other types of publicly funded medical-care programs. Any time we can identify or prevent a case earlier, we are going to save millions of dollars in lifetime care to a child who may be born with some of these severe physical deformities. Some of these conditions affect the baby cognitively, which affects their ability to learn and become a contributing member of their communities.

CHAIR WIENER:

Would the millions of dollars be per patient?

DR. RITCH:

It could be. There is the initial treatment and diagnosis and the ongoing lifetime costs for early intervention services, educational services, therapy and supportive services; it can add up to very high numbers quickly.

CHAIR WIENER:

Would this bill cut those costs and physical challenges substantially because of early detection through the test?

DR. RITCH:

Absolutely. The tests costs about \$100 versus the cost of lifetime care for cognitive and physical disabilities.

KARA BENNIS (Southern Nevada Health District):

The short-term costs associated with congenital syphilis are if the infection is not identified until the third trimester, the mother could give birth to that baby. The recommend treatment from the Centers for Disease Control and Prevention (CDC) for a delivery of such a child is 10 to 14 days of intravenous therapy (IV). That is IV therapy given every 4 hours for 10 to 14 days. There are initial hospital costs for the baby for one injection of a medication that costs approximately \$120 and the associated costs of the test.

CHAIR WIENER:

We will close the hearing on S.B. 304 and open the hearing on S.B. 305.

**SENATE BILL 305**: Makes various changes concerning a prescription for the sexual partner of a person diagnosed with a sexually transmitted disease. (BDR 40-845)

MS. STOLL-HADAYIA:

Again, I am here to represent the Washoe County Health District and the Southern Nevada Health District. This bill would allow for a practice we in the field call "expedited partner therapy," sometimes referred to as "partner delivered therapy." This is a proven strategy for treating sexual partners of those who are diagnosed with STDs when those partners may be difficult to reach. It is accomplished by either additional medication to the patient to then provide to their sexual partner or provide an additional prescription to the patient to provide to their sexual partner. This is a proven strategy that can reduce reinfection between partners with STD's by up to 70 percent in a community. In the Washoe County Health District's STD clinic, we see almost 20 percent that are the result of reinfection whereby, one member of a couple is treated and their sexual partner is not. They reinfect each other repeatedly. The ability to offer expedited or partner delivered therapy would give us an additional strategy for reducing reinfection and ultimately treating more STDs in our community. In a study by the *New England Journal of Medicine*, we also found that expedited partner therapy not only reduces reinfection and treats additional STDs, but it also reduces risk-taking behaviors overall between partners. This is significant for us in Nevada. Last year, we diagnosed almost 10,000 new cases of chlamydia and over 2,000 new cases of gonorrhea. The ability to offer expedited partner therapy, especially to extremely high-risk partners that may not have access to health care would result in more infections being treated. It can also be cost-effective. We estimate the ability to offer expedited partner therapy may save us \$25,000 a year. Expedited partner therapy may not be right for every client. It would still be up to the clinician and their clinical discretion in order to offer this option. It simply becomes another tool in our toolbox for treating STDs among partners. We also believe treating the whole client means treating their partners as well. There are some subject-matter experts here in the audience who may be able to answer technical or clinical questions regarding this.

CHAIR WIENER:

The doctor should see the patient before prescribing.

MS. STOLL-HADAYIA:

It is my understanding that one of the additional provisions of this bill allows for prescribing physicians to write a prescription for a client they have not examined. This bill would address that issue.

CHAIR WIENER:

Is there the possibility that by opening that up as an exception, we may be creating a policy we do not intend?

MS. STOLL-HADAYIA:

We had a number of discussions as to that issue as we constructed the language of this bill. That is one of the reasons the bill is specific to STDs only and specific to those STDs approved by our Board of Health for this practice. Not every STD has proven to be effective with the practice, and we would not want to open that slippery slope to those who are not proven for efficacy through expedited partner therapy. That is why the language of the bill is crafted as it is. We want to be sure the bill stays with its intent and does not go outside of its scope.

CHAIR WIENER:

That is something we cannot predict. Our job is to anticipate those possibilities, and what unintended consequences we may create with the best of intentions. Do the physician's assistants have the ability to write prescriptions?

MS. STOLL-HADAYIA:

Nonmedical doctors may write prescriptions under the orders of a medical doctor.

CHAIR WIENER:

How do we create an assurance that this does not get out of control without the physician's contact with the patient.

MS. STOLL-HADAYIA:

That is something we are concerned about as well. There is a requirement that quality-assurance protocols would be developed and those who would want to invoke this strategy would have to adhere to them. Those protocols could outline the maximum number of partners for whom medication is provided. In other states, they have done this. It would also describe the process for providing that medication or prescription and who would be allowed to do so in

regard to personnel. That could all be outlined by the Health Division and the State Board of Health as well. We know that the medications that are involved in the treatment of chlamydia and gonorrhea truly have no other benefit to our community except to treat those two STDs. They have no street value or narcotic value. The occurrences of side effects are extremely rare with those medications. However, we want to ensure protocols are outlined to address all of those issues. That is why it is included in the amendment ([Exhibit L](#)).

CHAIR WIENER:

Is this built on legislation that has been enacted in other states?

MS. STOLL-HADAYIA:

This particular language has not been modeled after another state's language, but the practice is modeled after other states' activities. Nevada is part of a region, which is related to something called "Infertility Prevention Project." It is a program federally funded to prevent reinfection of STDs, because we know that reinfection and untreated infection can lead to infertility. This practice is a recommendation of the region for all of the states in the region. Several states in the region do allow for expedited partner therapy.

SENATOR NOLAN:

The doctors have the ability to tell the patient to have his partner see a doctor for treatment.

MS. STOLL-HADAYIA:

Yes. That is correct. The language was crafted to create the opportunity to provide this practice. It is not a "must" or "shall," it is a "may." The first preferred gold standard in the treatment of STDs is to find, test and treat the partner.

SENATOR NOLAN:

Would it apply to someone whose partner is out of the state?

MS. STOLL-HADAYIA:

I am not sure, but I will follow up for you.

SENATOR NOLAN:

Is this something the public would be paying for?

Ms. STOLL-HADAYIA:

If the prescription were provided, the payment would follow the client's current payment mechanism, whether it is a personal pay or other methods. However, if it were provided by the health district, then the health district could provide for that cost. If we gain access to public health pricing, the cost to treat could be less than a dollar. We do not see a negative fiscal impact for this bill.

DENISE SELLECK DAVIS, CAE (Executive Director, Nevada Osteopathic Medical Association):

The physicians feel these are very important diseases to treat in a rapid manner because of what they lead to. Unfortunately, they feel it is unethical for them to treat a patient they do not see or write a prescription for someone they have not evaluated. It is unethical to write a prescription without a name on it. This goes against the tenets of the American Osteopathic Association. I have done a lot of research on this, and we have conflictions. The CDC says this is a good practice. On the other hand, the Federation of State Medical Boards has come out against writing any prescription for any patient who is not seen. Physicians have been sanctioned in the United States for writing prophylactic antibiotics for siblings of patients.

Ms. STOLL-HADAYIA:

This is a CDC recommendation, and it is stated as "may" language. There may be ways to achieve compromise language.

Ms. DAVIS:

The physician assistants can write prescriptions under a physician's license; nurse practitioners write under their own license. The Nevada State Medical Society is in support of this bill.

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CHAIR WIENER:

We will now close the hearing on S.B. 305 and adjourn the meeting of the Senate Committee on Health and Education at 2:40 p.m.

RESPECTFULLY SUBMITTED:

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Shauna Kirk,  
Committee Secretary

APPROVED BY:

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Senator Valerie Wiener, Chair

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