

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

**Seventy-Sixth Session  
May 18, 2011**

The Committee on Commerce and Labor was called to order by Chair Kelvin Atkinson at 2:07 p.m. on Wednesday, May 18, 2011, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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/76th2011/committees/](http://www.leg.state.nv.us/76th2011/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:**

Assemblyman Kelvin Atkinson, Chair  
Assemblyman Marcus Conklin, Vice Chair  
Assemblywoman Irene Bustamante Adams  
Assemblywoman Maggie Carlton  
Assemblyman Richard (Skip) Daly  
Assemblyman John Ellison  
Assemblyman Ed A. Goedhart  
Assemblyman Tom Grady  
Assemblyman Crescent Hardy  
Assemblyman Pat Hickey  
Assemblyman William C. Horne  
Assemblywoman Marilyn K. Kirkpatrick  
Assemblyman Kelly Kite  
Assemblyman John Ocegüera  
Assemblyman James Ohrenschall  
Assemblyman Tick Segerblom

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Marji Paslov Thomas, Committee Policy Analyst  
Sara Partida, Committee Counsel  
Andrew Diss, Committee Manager  
Earlene Miller, Committee Secretary  
Sally Stoner, Committee Assistant

**OTHERS PRESENT:**

Robert Crowell, representing Asurion Insurance Services  
Brett Barratt, Commissioner of Insurance, Division of Insurance,  
Department of Business and Industry  
James Jackson, representing Nevada Homeopathic and Integrative  
Medical Association and Board of Homeopathic Medical Examiners  
Paula Berkley, representing State Board of Physical Therapy Examiners  
and Board of Occupational Therapy  
Lisa Cooper, Executive Director, Board of Massage Therapists  
Rocky Finseth, representing Nevada Physical Therapy Association  
Billie Shea, Chair, Board of Massage Therapists  
Amber Joiner, representing Nevada State Medical Association  
Patricia Fenkell, Private Citizen, Sparks, Nevada  
Jim Jenks, representing Herbalrose  
Cheryl Blossom, Private Citizen, Reno, Nevada  
Jim Noriega, Private Citizen, Las Vegas, Nevada  
C. J. Carl, Private Citizen, Las Vegas, Nevada  
Pauline Alwes, Naturopathic Doctor, Las Vegas, Nevada  
Paul Michael, M.D., Practicing Hematologist and Oncologist, Las Vegas,  
Nevada  
Lisa Haworth, M.D., Family Practice Physician, Henderson, Nevada  
Fern Netzky, Board Member, The Caring Place, Las Vegas, Nevada  
Mitzi Reed, Private Citizen, Las Vegas, Nevada  
William Thornhill, Private Citizen, Las Vegas, Nevada  
Lisa Browder, Complementary Therapies Manager, Nathan Adelson  
Hospice, Las Vegas, Nevada  
Patricia Aiken, National Director, Cardioprim, Las Vegas, Nevada  
Lynn Thornhill, Private Citizen, Las Vegas, Nevada  
Jon Olson, Private Citizen, Las Vegas, Nevada  
Kevin Fitzgerald, Private Citizen, Las Vegas, Nevada

Keith Lee, representing State Contractors' Board  
Tyson Falk, representing State Board of Podiatry

**Chair Atkinson:**

[The roll was taken, and a quorum was present.] We will open the hearing with Senate Bill 152 (2nd Reprint).

**Senate Bill 152 (2nd Reprint): Revises provisions governing insurance adjusters. (BDR 57-939)**

**Robert Crowell, representing Asurion Insurance Services:**

Asurion is a global technology protection company that provides an automotive claims adjudication system that covers consumer portable electronic equipment such as cell phones. It has a format that provides for both online and call center adjustment of damage, loss, or repair of cell phones. It allows a person to go online or call a center, input his phone number, and if covered, have a new phone shipped at no cost, usually within 48 hours. Senate Bill 152 (R2) seeks to clarify that the automated claims adjudication system used by Asurion is an authorized technique in the State of Nevada. We have worked with the Division of Insurance to ensure that the legislation complies with their regulatory oversight responsibilities and needs.

Section 1 of the bill defines an automated claims adjudication system and provides that the automotive claims adjudication system applies only to consumer portable electronics and can be used only with the oversight of a Nevada licensed adjuster or agent. Section 2, subsections 2(f) and (g), provide that employees of a licensed adjuster who collect data at the call center or online are not required to be licensed as an adjuster provided they are supervised by a licensed adjuster or agent where not more than 25 employees are supervised by a Nevada licensee. Section 2, subsections 2(f) through (q), define who is or is not an adjuster. Those definitions come from the National Association of Insurance Commissioners (NAIC) model guidelines. Section 6 speaks to business licensees for businesses that are seeking to be licensed in the State of Nevada as adjusters. The law requires each business licensee to provide the names of all firm members and corporate officers. This bill would say they have to supply not only the names of all firm members and directors but also any individuals in the firm who own more than 10 percent of the outstanding voting securities of that entity, so the Division of Insurance would know who those individuals are.

**Chair Atkinson:**

Are there any questions from the Committee?

**Assemblywoman Bustamante Adams:**

What problem are you trying to solve by making these changes?

**Robert Crowell:**

There is an argument that the individuals who perform services at the call centers, or who may assist in online data collection, need to be licensed as adjusters under current law, and there is an argument that they do not need to be as well. Asurion is attempting to make sure that its business model, which is the automated claims adjusting system, is consistent throughout the United States and is appropriately supervised and regulated. We are attempting to clarify that Nevada law allows this type of an automated claim adjudication system with these types of employees of the company.

**Assemblywoman Bustamante Adams:**

On page 3, line 32, can you define for me what it means by "a branch office of an alien insurer"?

**Robert Crowell:**

An alien insurer is one who is not domiciled in Nevada but in another country or state.

**Chair Atkinson:**

Are there additional questions from the Committee?

**Assemblywoman Carlton:**

Asurion was represented by someone else the other day, and they wanted to have the sales of cell phone insurance under their producer's license. They want one group of people to be licensed to do something but the people who answer the phones and deal with the claims to not be licensed. In the insurance scheme, usually if you have the licensing at the front end, do we not usually have the licensing at the back end?

**Robert Crowell:**

I do not know why this company chose two different firms to present two different bills. I know that Senate Bill 292 deals with the insurance side and this bill deals with the adjusters. It does not seek to eliminate people from being licensed. It says people who are normally data collection employees or clerical in nature do not have to be licensed as long as they are supervised by a licensed agent or adjuster in Nevada.

**Assemblywoman Carlton:**

Are the people who answer the phone in an insurance office licensed?

**Robert Crowell:**

They are not subject to licensure in my opinion.

**Assemblywoman Carlton:**

Would this be equitable across the lines of that work classification?

**Robert Crowell:**

That is my understanding.

**Assemblyman Kite:**

As a licensed insurance agent, if I have a customer service representative (CSR) sitting in the front of my office, they can barely say the word "insurance" without being licensed. They cannot indicate a policy, charges, coverages, or anything without a license.

**Assemblywoman Carlton:**

Did my question make sense?

**Assemblyman Kite:**

Your question made absolute sense. I wanted to clarify that if a person in the front office gives any information pertaining to insurance or an insurance policy, he or she must be licensed.

**Chair Atkinson:**

Are there any other questions from the Committee? I see none. Is there anyone else in favor of this bill? I see none. Is there any opposition to Senate Bill 152 (R2)? Is there any neutral testimony?

**Brett Barratt, Commissioner of Insurance, Division of Insurance, Department of Business and Industry:**

I am neutral on this bill. I support the additions in section 2, subsection 2, paragraphs (h) through (q). As Mr. Crowell indicated, those are model law requirements and this is an opportunity to get those into statute.

**Assemblyman Segerblom:**

Do these laws allow us to charge a premium tax?

**Brett Barratt:**

The insurer in this case would be and does pay premium tax on these insurance policies that they would issue on these portable electronic devices. In this bill, we are focused on the adjusting, and this bill indicates that you do not need to be a licensed adjuster to accept claims in a database. There is not the same expertise needed as in a property or casualty claim.

**Chair Atkinson:**

Are there any questions from the Committee? I see none. Is there anyone else to speak from a neutral position? [There was none.] Is there other testimony on S.B. 152 (R2)? Seeing none, I will close the hearing on S.B. 152 (R2). I will open the hearing on Senate Bill 412 (1st Reprint).

**Senate Bill 412 (1st Reprint):** Provides for the regulation of the practice of complementary integrative medicine. (BDR 54-1105)

**James Jackson, representing Nevada Homeopathic and Integrative Medical Association and Board of Homeopathic Medical Examiners:**

We submitted through the Nevada Electronic Legislative Information System (NELIS) a letter of support ([Exhibit C](#)) and a proposed amendment ([Exhibit D](#)). There is an additional amendment to section 54 of the bill in which we added some specific exceptions about to whom this does not apply, and to make it clear that this bill and *Nevada Revised Statutes* (NRS) Chapter 630A apply only to those who are licensed under NRS Chapter 630A ([Exhibit E](#)).

This bill is not intended to apply to anybody other than a licensee under NRS Chapter 630A. We simply want to clarify that we want to change the name of this board to reflect the changing trends in practice of homeopathic and integrative medicine in the United States. We are not trying to put unlicensed people out of business. It is our understanding, belief, and position that the bill as written clarifies that, unless you should be licensed under NRS Chapter 630A because you are a practicing doctor of homeopathy or integrative medicine and holding yourself out for same, this bill would not apply to you. Some disagree with that assessment. If the Committee believes that it is part of its policy to expand the exclusion, it is fine. We were concerned about excluding those who are unlicensed now and who may want to be considered for licensing later. I understand that Jim Jenks wants to bring his own licensing bill, but I question on behalf of the Board and the Association as to whether or not NRS Chapter 630A is the place where those types of exclusions belong, beyond the exclusions we have listed in section 54, because they are members of other licensing boards or regulatory agencies. We are not trying to capture any other licensee of any other board. If you are a physician under NRS Chapter 630A, you have to follow it and that is our intent.

There have also been some comments about us criminalizing behavior. I would note for the record that the criminal provisions that are in NRS Chapter 630A are being changed only to the extent of the name of the board. It does not expand any criminal sanctions; it does not bring anyone else into the purview of criminal sanctions if they are practicing medicine under NRS Chapter 630A without a license. That is consistent as well with other medical licensing

boards. We are not expanding the role of the state in criminally prosecuting someone who is practicing an unlicensed modality unless that person is representing himself as a homeopathic or integrative medicine physician. Most of this bill addresses the change of the name of the Board only. There is a provision with respect to the prescriptive rights of homeopathic physicians. We believe that is consistent with Assembly Bill No. 286 of the 69th Legislature. It is also consistent with the legislative history and intent of that bill, which was to give practitioners under NRS Chapter 630A full prescriptive rights as long as they held a license or degree in osteopathic or allopathic medicine. I would like to put on the record that Board members Diane Kennedy and Corazon Ibarra and Executive Director Nancy Eklof are present today.

**Chair Atkinson:**

Are there any questions from the Committee?

**Assemblyman Horne:**

I received a call from a personal trainer today who said he may be put out of business because he uses kinesiology in his business and is not licensed. What section would give concern to those people?

**James Jackson:**

There were many modalities listed in the original bill, and all of that was removed in the first reprint. If you are not a physician under NRS Chapter 630A, this does not apply to you.

**Assemblywoman Carlton:**

I have a concern about section 1, subsection 2, which says the State of Nevada encourages and supports the use of health care savings accounts. There are a number of different ways for people to be able to pay for their health care, but here the state appears to single out one scheme which is not supported by everyone in the state. Why was that used in this bill?

**James Jackson:**

We do not see that as important to the purpose of the bill. I agree that perhaps we should remove that language. We also came to an agreement with the Chiropractic Physicians' Board of Nevada to remove a word from section 17 so that it would not be interpreted as affecting their practice. We are trying to limit this to NRS Chapter 630A physicians only. We have no problem with eliminating section 1, subsections 2 and 3.

**Assemblywoman Carlton:**

Our usual legislative declaration on health care is for public safety, not to endorse one plan over another. I hope we could come up with a public safety declaration.

**James Jackson:**

I have no problem with that.

**Chair Atkinson:**

Are there any questions from the Committee?

**Assemblyman Ohrenschall:**

I also have received concerns about oriental medicine practitioners.

**James Jackson:**

Oriental medicine has its own board that has nothing to do with homeopathy. Our concern is the safety of the public.

**Chair Atkinson:**

That is covered under a different section of the NRS. Are there additional questions from the Committee? I see none. Is there anyone else to testify in favor of S.B. 412 (R1)?

**Paula Berkley, representing State Board of Physical Therapy Examiners and Board of Occupational Therapy:**

I understand that we are exempt from this bill and appreciate the cooperation of the sponsors.

**Lisa Cooper, Executive Director, Board of Massage Therapists:**

We are in support of this bill and have been working with Mr. Jackson on the amendment.

**Rocky Finseth, representing Nevada Physical Therapy Association:**

We support the measure with the amendment presented by Mr. Jackson.

**Billie Shea, Chair, Board of Massage Therapists:**

I agree with everything that has been said.

**Chair Atkinson:**

Are there any questions from the Committee? I see none. Is there anyone else to testify in favor of this bill? I see none. Is there anyone in opposition?



**Amber Joiner, representing Nevada State Medical Association:**

We are in opposition to this measure for the same reason we have been in opposition to similar attempts in the past. I understand when they say they are just trying to change the name of their Board, but if that were true, this would be a very simple clean-up bill and all we would have to do is substitute the word "homeopathic" for the words "complementary integrative." This bill does more than that. Section 11 defines complementary integrative medicine. The definition includes homeopathic medicine but it is much broader than that. That is the core of our concerns. It broadens that without requiring that these people have certain medical educations or the ability to do things that currently only medical doctors (MD) and doctors of osteopathic medicine (DO) can do.

We had concerns with the prescribing portion of the bill. We do not think it makes clear that a practitioner of homeopathic medicine would also have to be a MD or a DO. If that is the intent, we hope that will be clarified. We think that people who prescribe should be MDs or DOs in these contexts. We want to be sure that this is not extending to other homeopathic practitioners. Often there is overlap. We have homeopathic practitioners who are MDs and DOs and who are able to prescribe. It is the people who are not adequately trained that we would not want to include in this section. We want to make that concern clear.

We do not see the need for this bill. We do not see the need to change the name of the Board. Complementary and integrative procedures and alternative procedures are done in Nevada by MDs and DOs, but others do not have solid scientific background enough and are not adequately trained to do them. Our concern is that we do not know why there is a need to expand. We want to make sure for public health reasons that only MDs and DOs are practicing medicine. This is expanding the practice of medicine to people who are not adequately prepared.

**Chair Atkinson:**

Are there any questions from the Committee? I see none.

**Patricia Fenkell, Private Citizen, Sparks, Nevada:**

I represent myself and countless other Nevadans who turn to alternative medicines when needed, especially with the rise in the cost of living, unemployment, health insurance, and health care. I have grave concerns about S.B. 412 (R1) limiting the people's choice to choose their preferred mode of health care as well as shutting unlicensed practitioners and those with small alternative practices.

The bill does spell out which practitioners would be included or exempt from licensing or penalty. I strongly support a safe harbor exemption for those who are unlicensed. The fees for application and licensure would undoubtedly be prohibitive for those with small practices and likely put them out of business. I believe the language of the bill is too vague and lends itself to broad interpretation. This would include the name change to "complementary and integrative medicine." Traditionally this is much more inclusive. Not to give a name to those who are exempt leaves it wide open to the Board. It leaves Nevadans powerless in the wake of the Board reducing their health care choices. As Nevadans are being forced to tighten their belts in the face of our current economy, I ask that you too do your best to do more with less in regards to this bill. This bill attempts to legislate the invisible practices like yoga, chi gong, mind-body therapies, faith healing and many more which are older than jurisprudence itself. This is not the realm of government. Nevada is a state of proud, rugged individualists. We do not need more health-related legislation. Please honor our right to choose. Say no to this bill or give us a bill that will not cost us our right to choose.

**Chair Atkinson:**

Are there any questions from the Committee? I see none.

**Jim Jenks, representing Herbalrose:**

My mission is to protect our freedom of speech and freedom of choice in health and nutrition matters. I greatly appreciate all of the deletions and amendment that Mr. Jackson has made. This is a greatly changed bill. I still oppose S.B. 412 (R1) as it is written and with the amendments. We are concerned about increasing a safe harbor for unlicensed practitioners, and we have a proposed amendment ([Exhibit F](#)). We believe this could be a good bill but it must have the amendments and the deletions. A lot of small businesses are affected by this bill and I am one of them. Please do not pass this bill until it contains the amended language and protects the consumers' access to all alternative and complementary health care options and freedom of speech.

**Chair Atkinson:**

Are there any questions from the Committee?

**Assemblywoman Carlton:**

Licensure is not about freedom of speech. It is about protecting the public. The scope of practice is not a typical scope of practice. It has caused the Homeopathic Board some problems in the past. This is a Board that has had a rocky history but has survived. When I consider what they are proposing as a scope of practice compared to what they have had, it seems clearer, more succinct, and does not get into the medically technical words which are so

medically tuned that a normal person cannot understand them. I find the proposed scope addresses the current issues of what is going on within alternative medicine. Because you are not licensed under NRS Chapter 630A, where do you think this applies to you?

**Jim Jenks:**

You are absolutely right and I appreciate your comments. My concern is that we do not want to leave the door open so wide that we can be drawn back into that. My concern as an herbalist is that should I need to be licensed, I would want to go to a group of my peers. As this bill has been changed, I would not be under this Board.

**Chair Atkinson:**

I have the same concerns as Assemblywoman Carlton.

**Cheryl Blossom, Private Citizen, Reno, Nevada:**

In sections 11 and 17 it talks about complementary integrative medicine including without limitation anybody who provides relief for any abnormal physical or mental condition. That is a very broad, overreaching definition of what complementary integrative medicine could actually affect. My request is that we clean up this section of language also.

**Chair Atkinson:**

We will have the proponents suggest that.

**Jim Noriega, Private Citizen, Las Vegas, Nevada:**

I am a certified practitioner of the Trager Approach for movement education and believe that this bill would apply to me and prevent me from practicing. I oppose this bill and have submitted a proposed amendment ([Exhibit G](#)). The purpose of this amendment is to change the definition of complementary integrative medicine (CIM) to bring it into agreement with the actual licensing requirements set forth in section 60, subsection 2, paragraphs (c) and (d).

I would like to comment on some things Mr. Jackson said. I got the impression that this bill was meant not to include unlicensed practices and that it only applied to people who are practicing complementary integrative medicine. If that were the case, this would be a title act. It is a practice act. Section 58 makes it illegal to practice CIM. I am aware there have been some changes to the bill and 30 references to specific practices have been removed. The definition that included all those practices has remained the same.

**Chair Atkinson:**

Are there any questions from the Committee? I see none.

**C. J. Carl, Private Citizen, Las Vegas, Nevada:**

My concern is the overall tone of the bill. If the original intent of the bill was to change the name, why did it start out naming everyone and everything and then backing off as opposition appeared while maintaining language that is so broad as to still bring them in? In section 11, the broadness states "without limitation." If people are amended out, they could choose to incorporate any of them. In section 17, "unhealthy or abnormal physical or mental condition" is so broad that it could cover anybody. The broad language in this bill would allow them to do anything they chose if the bill is passed in any format. The only safe avenue is to not adopt this bill at all. If the only intent is to change the name of the Board, this process is inappropriate.

**Chair Atkinson:**

Are there any questions from the Committee? I see none.

**Pauline Alwes, Naturopathic Doctor, Las Vegas, Nevada:**

My concern about this bill is about the Nevada public. I discussed the bill with the Board of Medical Examiners, and they advised me that the testing that is being requested in this bill is already in place. This licensing procedure is under NRS Chapter 453. We are talking about dangerous controlled substances that people who have not had the proper internship and training will be qualified to use. This is unleashing a fury on Nevada that we do not need. I am asking you to vote against the bill.

**Chair Atkinson:**

Are there any questions from the Committee? I see none.

**Paul Michael, M.D., Practicing Hematologist and Oncologist, Las Vegas, Nevada:**

I have been licensed under NRS Chapter 630 for the past 26 years. You may ask why an allopathic physician here testifying against a bill that technically involves homeopathy. There has been so much confusion over the last 10 to 15 years. Some people consider homeopathic medicine to be holistic medicine and that is not correct. Sixty-five percent of oncology patients use complementary and alternative medicines, which is much greater than the average patient. I have integrated complementary therapies into my own patients' treatment and I am a practicing physician. I know how much it means to these patients and how it relieves pain, suffering, nausea, and vomiting from chemotherapy I may administer.

I have two objections to this bill. First under section 54, subsection 1, regarding the healing arts, the exclusions should include all complementary therapies. These are noninvasive, nondangerous, and what I consider to be

mind-body medicine. These are natural mental abilities and practices that people can do in their own homes. I think the exclusions in section 52, subsection 1, should extend to all of the practices. I am a part of a wonderful group in southern Nevada called The Caring Place, where we have volunteers who provide cancer patients complementary therapies for free. Those therapies should include healing touch, shiatsu, guided imagery, massage therapy, and reflexology.

My other objection is to the definitions under sections 11 and 17. I think this idea of expanding homeopathy to all complementary and alternative medicines, even the invasive or noninvasive therapies, is like taking a baseball diamond and expanding it to the whole North American continent. That is the difference between homeopathy, which has been a well defined, structured practice of medicine for the last 100 years, and what some people call holistic medicine, which is now called integrative medicine. I am for regulation of alternative medicines that are harmful and often involve medications and stem cell therapies. The true complementary medicines, like those we practice at The Caring Place, should be excluded. I think sections 11 and 17 need to be narrowed and defined.

**Lisa Haworth, M.D., Family Practice Physician, Henderson, Nevada:**

I am a cancer patient at The Caring Place and submitted testimony ([Exhibit H](#)). My concern is with the language of the bill. I think the spirit of the bill is courageous, but the language is inaccurate. If you look at the literature regarding complementary and alternative therapies, they do have definitions. Complementary integrative medicine does not equate to homeopathic medicine. Homeopathic medicine is one arm of many in the CIM aspect. If you look at reports of the National Institute of Health, American Cancer Society, and other literature ([Exhibit I](#)) that describes CIM, homeopathy is not the equivalent of CIM; it is one component of it. If the bill's intention is for homeopathy, then the language should be directed to homeopathy. If this does not occur, I believe that the bill needs to define complementary medicine versus alternative medicine and integrative medicine, which are defined in my letter. There should also be a delineation of risk. Many of the treatments such as positive imagery have minimal risk and should not be in the same category as someone ingesting a possible toxin or having something that is diagnostic or therapeutic.

**Fern Netzky, Board Member, The Caring Place, Las Vegas, Nevada:**

I am a corporate attorney, a former high school English teacher, and a breast cancer survivor. The Caring Place has submitted written documents ([Exhibit J](#)). Many of us learned about this bill after it passed the Senate. I read the first amendment, but not the one proposed today. The homework is not done for the broad definition of CIM and I would like to point out to the Committee that

the people of Nevada already have the definition of healing arts. It is in the NRS chapter which regulates medical doctors. This definition adds the word "holistic" before system in section 17 and removes any requirement for in-depth training and education. I do not understand that. I reread the first reprint that would block this from requiring dual licensing.

I would like to point that when we asked for clarification, Mr. Jackson assured us that it is not intended to scoop in all of these people, but he said in his email:

While the original draft of S.B. 412 went well beyond what we intended, it ultimately falls to the legislative body to decide if there should be any change in policy through statutory authority granted as to whether or not any other currently unlicensed modalities or practitioners should be licensed, certified, or subject to a board's oversight, whether the Board of Homeopathic Medical Examiners or another appropriate board.

That may help you understand why the complementary care community is very concerned about this. After the amendment, the applicability is still not clear. I would like to receive a response from him about how the language in the amended bill means that it applies only to those who are already licensed under the law. My trainer commented that for anyone who has a doctor with a description of "osteo" in his title, the two definitions in sections 11 and 17 will apply to them.

**Chair Atkinson:**

Are there any questions from the Committee?

**Assemblyman Ellison:**

Dr. Michael, you mentioned sections 11, 17, and 54, subsection 1. Do you think that this bill can be cleaned up, or do you think it should be killed?

**Paul Michael:**

I think the bill could be cleaned up, but the danger of lumping together complementary, alternative therapies, and homeopathy is a problem. They are three completely different things. As a cancer physician, I see that my patients are going to have limited access to care that they are integrating into their own health and wellness if this bill is passed, with all of this expansion and limiting it to alternative and homeopathic medicine. There has been so much added to that, including stem cells that people go to Mexico to get. There is a whole wealth of information that is being bombarded on these people. Let us leave out complementary medicine, which is part of our own wellness system within our bodies. That does not need to be regulated because that is something we

can all practice daily or use a practitioner who is not a physician. The other issue with this bill is that you will have to have a license for every yoga practitioner and reflexologist and, technically, double licensure for massage therapists.

[Chair Atkinson turned over the Chair to Vice Chair Conklin.]

**Vice Chair Conklin:**

Are there additional questions from the Committee?

**Assemblywoman Carlton:**

To be licensed under NRS Chapter 630A, it requires the applicant to hold a license in good standing as either an allopath or an osteopath. On page 11 of the bill, it retains that language. I am assuming that your concerns come from what is on lines 5 and 6: "or has received an equivalent education satisfactory to the Board." The current law says you have to be a doctor before you will qualify. If this is the part that is giving you concern, I would like the Board to explain their intent.

**Paul Michael:**

That is my concern. As a physician, I use guided imagery, and if I were to continue to do so, I would have to have a dual license under the expanded Homeopathic Board and so would the practitioners we use at a place like The Caring Place.

**Assemblywoman Carlton:**

I do not see that applying. The only way you can apply for this license is if you are currently licensed under one of the other licensing schemes.

**Vice Chair Conklin:**

Are there additional questions from the Committee? I see none. Is there anyone else wishing to testify in opposition?

**Mitzi Reed, Private Citizen, Las Vegas, Nevada:**

I founded two holistic organizations, and today I am one of over 1,000 practitioners and 5,000 holistic-minded people in Las Vegas. I am well connected in the holistic community and have a database of over 5,000 people who mostly are very health-oriented. I am against this bill because we are already federally regulated and it is our constitutional right to have freedom of association. This will hurt our local economy and the health of many people who have turned to this type of healing, including me. I come from a corporate background and do holistic coaching and marketing. I often recommend to my

clients resources that may help them and should be free to do so. They should be free to accept my recommendations.

If this bill passes, it will restrict our freedom of choice. It does not guarantee our health and well-being by using a state-regulated service. This is a burdensome and costly measure that is not needed or wanted. The language in this bill is too broad and can be interpreted in many ways. It gives the board too much power. To charge people who are only trying to do what is right, to relieve suffering, and not intentionally and maliciously hurting anyone, with felony charges are quite extreme. This will prevent anyone from obtaining employment of any kind because the charge will be on his record. This bill does not create jobs, trust, or safety. To lump all of the alternative and complementary medicine into one industry takes away the very meaning and intention of alternative medicine and will force us to be at the will of a medical profession that has failed many people over the years. I support the people of the holistic community and we do not want this bill to be passed. This bill states that if a person is not licensed, he or she cannot practice and will be brought up on felony charges. I respectfully ask that the Committee not vote for this bill.

**Vice Chair Conklin:**

Are there any questions from the Committee? I see none.

**William Thornhill, Private Citizen, Las Vegas, Nevada:**

I became an American citizen in December 2010. I moved from Canada, where they have socialized medicine, and I hate to see us move in this direction. One of the earlier speakers was talking about how simple this is, and I wonder why it takes 30 pages. Why do we need a new board? This bill said the board would be revenue neutral and funded by donations. If we are going to have people donate to fund the board, will those donors be bonded so we can be assured that the board is going to have funds to be able to keep operating? Where is the budget for the new board so we can keep the funding in place? If there is a shortfall on the funding, will the new board disband? How can Nevada consider creating more government jobs when we are already financially stressed? Everyone believes we need controls over corrupt practices; however, this bill requires more research and thought. We are killing a fly with a machine gun when we could be using a flyswatter. I believe, with input from the industry, we could have an excellent bill and it could fill everybody's needs. We need to stop this bill and start over.

**Vice Chair Conklin:**

Are there any questions from the Committee?



**Assemblywoman Carlton:**

This is not a new board. It is a board that is changing its name. The adversarial nature of this issue is because of the confusion on the scope of practice. Boards in the State of Nevada are revenue neutral and fee based. Their licensees support them and they are billed for using the Office of the Attorney General as legal counsel. We have boilerplate language that we include for most boards to accept gifts, grants, and donations because at times someone donates a piece of equipment or something else to be passed to a charity. We typically give entities the opportunity to accept donations. This is not creating jobs, because these jobs already exist on this small board with limited resources.

**Vice Chair Conklin:**

Mr. Thornhill may contact Assemblywoman Carlton to obtain more information about the state boards. Are there additional questions from the Committee? I see none.

**Lisa Browder, Complementary Therapies Manager, Nathan Adelson Hospice, Las Vegas, Nevada:**

We have a very large complementary therapies program, and we are concerned about the broad scope of the bill and the interpretation. We want to be assured that this does not apply to complementary therapies. We are against this bill.

[Chair Atkinson reassumed the Chair.]

**Chair Atkinson:**

Is there anyone else to speak?

**Patricia Aiken, National Director, Cardioprim, Las Vegas, Nevada:**

Whenever I hear the phrase "protect the public," I think of Ronald Regan saying the most dangerous words in the English language are, "We are from the government and we are here to help." I am hearing that this bill is only for allopaths and osteopaths, but when I look through the bill, homeopaths are mentioned. We have to keep in mind that the number-one cause of death in the United States is iatrogenic disorders. Allopaths are the leading cause of death in the United States. Homeopaths have a very low iatrogenic rate, if any. Naturopaths and chiropractors are low on that list also. I think that is reflected in their malpractice insurance costs. I think this is a foolish bill and it needs to be reworked.

**Lynn Thornhill, Private Citizen, Las Vegas, Nevada:**

It is disconcerting to try to keep up with the changes in this bill. I rely on natural health products for many of my needs. I am ultimately responsible for

my own health. I use experts in my area and glean information from the Internet, and printed materials, but the bottom line is I do not want more control. I oppose regulation about from whom I can buy a product, receive therapy, or obtain information. Please say no to this bill.

**Jon Olson, Private Citizen, Las Vegas, Nevada:**

With all of the sections that were deleted, there were definitions. They did not limit the scope of the rights of the Board. It is still as large as it was. If this were just a rename of the Board as indicated, why not use the definition that is already in section 48, which is homeopathy. It does criminalize other practices because of the broadness. My concern is with the Board having the right to control practitioners and assistants. Most of us are not interested in becoming physicians and most of the people who have spoken are limited and would be considered practitioners. There is nothing to address what is required for that. Many of them are spiritual-based practices. Not faith-based, but spiritual-based. This does not give any exceptions for any of the energy medicines. The broadness of section 11 pulls all of that in because they are holistic systems that deal with the mind, body, and spirit.

**Chair Atkinson:**

Are there any questions from the Committee? I see none.

**C. J. Carl:**

As a layman, I find it confusing that a bill that was introduced to simplify matters has further increased the confusion. I work for a weight loss and supplement company and have helped thousands of people lose weight with our products and successfully keep it off for three years or more. With this bill, I may not be able to continue to do my job. I request you to not pass this bill.

**Kevin Fitzgerald, Private Citizen, Las Vegas, Nevada:**

I have lived in the State of Nevada most of my life. Nevadans have always been proud of their independence, self-reliance, and sense of community. We are loyal to our friends, helpful to our neighbors, and welcome strangers. This bill runs contrary to these ideals. I am an herbalist, and despite the assurances from the gentleman who introduced the bill and the deletions, I believe this is far too broadly written and vague so that we could be dragged back into this. Although they eliminated the different categories of modalities, I think the Board could still have jurisdiction.

[Read from prepared testimony ([Exhibit K](#)).]

**Chair Atkinson:**

Are there any questions from the Committee? I see none. Is there anyone else to testify against this bill? I see none. Is there anyone to testify from a neutral position? I see none.

**James Jackson:**

This is a process. This has been an ongoing change. The original bill was the result of the submission of the yearly required report from the Board of Homeopathic Medical Examiners. The bill was too broad and too inclusive and had things that were not included in the yearly report. We worked to move this bill to where it is. There can be additional work done. I spoke with many opponents to the bill. Most of the licensing boards are satisfied that they have been removed from the purview of this and we are not threatening in any way their licensing provisions under the chapter that applies to them. My point in my previously mentioned email is that we do not believe it is the Board's province to dictate to this legislative body who or what should be licensed and regulated. That is why we removed all of that language from the bill.

With respect to our belief that we have gotten this bill, with the assistance of the Legislative Counsel Bureau drafters, to apply only to practitioners under NRS Chapter 630A, section 54 would be amended to say, "This chapter applies solely to health care practitioners licensed under the provisions of Chapter 630A of the NRS and does not apply to . . ." and we then go on to a number of the other licensed boards. If the Committee feels we need to expand the list of excluded in spite of that language, we are willing to work with whoever wants to do that. The Board of Massage Therapists maintains their position that they understand this bill does not include them.

With respect to complementary modalities, our intent is that it does not come under the purview of this Board, nor are we trying to exercise any jurisdiction over it. With respect to the backgrounds, requirements, and training for current homeopathic physicians, if this name change happens, they are required to complete and obtain a medical degree in either allopathic or osteopathic medicine, hold a license in this or another state, and complete at least three years of postgraduate study. They are trained and qualified and then they have to convince the Board that they are qualified in terms of their training, moral character, and ability to practice, touch, and provide treatment to Nevada citizens. This Board concerns themselves with and addresses safety. They conduct their disciplinary actions when warranted and do not ignore them. Likewise, when they get complaints on nonlicensed individuals who are perhaps practicing medicine, they have an obligation under the current law to refer those to the Office of the Attorney General. The Attorney General decides if a person is practicing without a license, not the Board.

On page 11, where it says, "or has received an equivalent education satisfactory to the Board" the idea there was if someone came from another country and could convince the Board that they had completed all of the necessary training and experience, it would give the Board some leeway.

**Chair Atkinson:**

Are there any questions from the Committee? I see none. I will close the hearing on S.B. 412 (R1). We will now move to the work session.

**Senate Bill 289:** Makes various changes relating to insurance. (BDR 57-521)  
[This bill was not heard.]

**Senate Bill 329 (1st Reprint):** Revises provisions governing prescriptions.  
(BDR 54-904)  
[This bill was not heard.]

**Chair Atkinson:**

We will start the work session with Senate Bill 17.

**Senate Bill 17:** Establishes provisions relating to the reissuance of certain drugs for certain animals. (BDR 54-22)

**Marji Paslov Thomas, Committee Policy Analyst:**

This bill was sponsored by Senator Wiener and was heard on April 29, 2011. It authorizes the owner of an animal to donate a drug dispensed for the animal but that will not be used by that animal, if certain conditions are met. There were no proposed amendments ([Exhibit L](#)).

ASSEMBLYMAN SEGERBLOM MOVED TO DO PASS  
SENATE BILL 17.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HORNE WAS ABSENT  
FOR THE VOTE.)

**Senate Bill 18:** Revises provisions governing the State Contractors' Board.  
(BDR 54-500)

**Marji Paslov Thomas, Committee Policy Analyst:**

Senate Bill 18 was sponsored on behalf of the State Contractors' Board and heard on April 20, 2011. It authorizes the State Contractors' Board to discipline

licensed contractors for failure or refusal to comply with an order of the Board. Assemblyman Daly proposed an amendment ([Exhibit M](#)).

ASSEMBLYMAN DALY MOVED TO AMEND AND DO PASS  
SENATE BILL 18.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HORNE WAS ABSENT  
FOR THE VOTE.)

**Senate Bill 19:** Requires an applicant for a contractor's license or a licensed contractor to notify the State Contractors' Board if the applicant or licensee is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to, certain crimes. (BDR 54-499)

**Marji Paslov Thomas, Committee Policy Analyst:**

This bill was sponsored on behalf of the State Contractors' Board and heard on April 20, 2011.

[Read from work session document ([Exhibit N](#)).]

**Chair Atkinson:**

Is there any discussion?

**Assemblywoman Bustamante Adams:**

Was the question about the definition of moral turpitude answered?

**Chair Atkinson:**

I do not think we will be able to answer that for Assemblywoman Carlton.

**Assemblywoman Carlton:**

I understand that. The Contractors' Board is a licensing board. People come to them to be qualified to be a contractor. The Board now wants to be able to look at the applicant's past history. They are trying to protect the public from people who might be dangerous. Their mission in public safety is to make sure that the contractor is well qualified. I do not think the Board has the wherewithal and knowledge to evaluate felony convictions and have hearings on whether a person should be allowed to continue as a contractor. If a person is convicted of a felony and is jailed, pull their license. To have this be retrospective for 15 years, I have concerns. There are a lot of things that can be a class E felony. I do not think it is the purview of a licensing board to

decide the moral character of a person. I do not think they need this language to sift through a person's past.

**Keith Lee, representing State Contractors' Board:**

We already have in statute, as do the other licensing boards under Title 54, the ability to look at a prospective applicant as well as a licensee on acts of moral turpitude. There is no definition for moral turpitude because it lends itself to interpretation. I previously testified about someone who had a previous sexual abuse claim of which we were unaware. He used the pretext of giving a bid to someone to do a job, and once he got into the home, he sexually abused the owner of the home. This is an informational piece and a tool for the Board to protect the public.

**Assemblyman Ellison:**

As a contractor, I do not have a problem with this bill.

**Assemblyman Ohrenschall:**

If the applicant for the contractor's license had been pardoned or his record had been sealed, would he still have to report under this bill?

**Keith Lee:**

If the issue had been resolved to the authorities, that would carry a lot of weight.

ASSEMBLYMAN ELLISON MOVED TO AMEND AND DO PASS  
SENATE BILL 19.

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN BUSTAMANTE ADAMS,  
CARLTON, AND HICKEY VOTED NO.)

[Senate Bill 21 \(1st Reprint\)](#): Revises certain provisions concerning catastrophic injuries. (BDR 53-479)

**Marji Paslov Thomas, Committee Policy Analyst:**

Senate Bill 21 (1st Reprint) was sponsored on behalf of the Nevada Attorney for Injured Workers and heard by the Committee on April 29, 2011.

[Read from work session document ([Exhibit O](#)).]

**Chair Atkinson:**

Is there any discussion? [There was none.]

ASSEMBLYWOMAN CARLTON MOVED TO DO PASS  
SENATE BILL 21 (1ST REPRINT).

ASSEMBLYMAN SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Senate Bill 36 (1st Reprint):** Revises provisions governing the State Board of Podiatry. (BDR 54-502)

**Marji Paslov Thomas, Committee Policy Analyst:**

Senate Bill 36 (1st Reprint) was sponsored by the State Board of Podiatry and was heard by the Committee on May 11, 2011.

[Read from work session document ([Exhibit P](#)).]

**Chair Atkinson:**

Is there any discussion?

**Assemblyman Horne:**

Why do we not have these requirements for all of these types of boards instead of coming back every session and hearing the same thing as it pertains to different boards?

**Tyson Falk, representing Board of Podiatry:**

We would agree with that if it is the view of the Committee.

**Chair Atkinson:**

We can deal with the bill as it is and do an amendment on the floor if needed.

**Assemblyman Daly:**

Susan Fisher has a list of which boards have this included in their regulations and we can get that from her.

ASSEMBLYMAN HORNE MOVED TO DO PASS  
SENATE BILL 36 (1ST REPRINT).

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Senate Bill 37**: Makes various changes concerning complaints received by a health care licensing board. (BDR 54-106)

**Marji Paslov Thomas, Committee Policy Analyst:**

Senate Bill 37 was sponsored by Senator Wiener and heard by the Committee on April 25, 2011. It requires a health care licensing board that receives a complaint concerning a matter within the jurisdiction of another such board to refer the complaint to that board. There are no amendments ([Exhibit Q](#)).

**Chair Atkinson:**

Is there any discussion? [There was none.]

ASSEMBLYMAN OHRENSCHALL MOVED TO DO PASS  
SENATE BILL 37.

ASSEMBLYMAN HICKEY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Senate Bill 58**: Makes various changes relating to an employer who knowingly misrepresents or conceals a material fact relating to a person's eligibility for industrial insurance benefits. (BDR 53-287)

**Marji Paslov Thomas, Committee Policy Analyst:**

Senate Bill 58 was sponsored on behalf of the Attorney General and was heard by the Committee on April 20, 2011. This bill provides criminal penalties for an employer who knowingly makes a false statement or conceals a material fact regarding the eligibility of a person claiming industrial insurance benefits if the amount of the benefits obtained or attempted to be obtained is \$250 or more. It also adds false statements and concealments to the existing list of violations that the Attorney General is authorized to investigate and prosecute. There are no proposed amendments ([Exhibit R](#)).

**Chair Atkinson:**

Is there any discussion?

**Assemblywoman Bustamante Adams:**

I believe Assemblywoman Carlton had a question on whether the category D felony was reported to the employer and I am not sure that it got answered.

**Assemblywoman Carlton:**

That question was answered for me.



ASSEMBLYWOMAN CARLTON MOVED TO DO PASS  
SENATE BILL 58.

ASSEMBLYMAN SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Senate Bill 63 (1st Reprint):** Revises provisions relating to industrial insurance and the Uninsured Employers' Claim Account. (BDR 53-476)

**Marji Paslov Thomas, Committee Policy Analyst:**

Senate Bill 63 (1st Reprint) was sponsored on behalf of the Division of Industrial Relations and was heard by the Committee on April 29, 2011. It authorizes the Division to obtain a summary judgment against an employer who fails to pay the Division an amount owed for payments made from the Uninsured Employers' Claim Account on behalf of that employer. There are no proposed amendments ([Exhibit S](#)).

**Chair Atkinson:**

Is there any discussion? [There was none.]

ASSEMBLYMAN SEGERBLOM MOVED TO DO PASS  
SENATE BILL 63 (1ST REPRINT).

ASSEMBLYMAN DALY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Senate Bill 117 (1st Reprint):** Revises provisions governing the licensure of certain physicians. (BDR 54-194)

**Marji Paslov Thomas, Committee Policy Analyst:**

Senate Bill 117 (1st Reprint) was sponsored on behalf of the Legislative Committee on Health Care and was heard on April 25, 2011. Senator Wiener testified on behalf of the Committee. It authorizes the Board of Medical Examiners to issue a license to a resident enrolled in a progressive postgraduate training program in any state or Canadian province approved by the Board, Accreditation Council for Graduate Medical Education, or Coordinating Council of Medical Education of the Canadian Medical Association. The applicant also has to meet other criteria. There are no proposed amendments ([Exhibit T](#)).

**Chair Atkinson:**

Is there any discussion? [There was none.]

ASSEMBLYWOMAN CARLTON MOVED TO DO PASS  
SENATE BILL 117 (1ST REPRINT).

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Senate Bill 132:** Revises provisions governing licensure of osteopathic physicians. (BDR 54-195)

**Marji Paslov Thomas, Committee Policy Analyst:**

This bill was sponsored by the Senate Committee on Health and Human Services and was heard by the April 25, 2011. It repeals the prospective expiration of the provisions authorizing the State Board of Osteopathic Medicine to license by endorsement an osteopathic physician who is admitted to practice in the District of Columbia or any state or territory of the United States, if the practitioner meets certain requirements. There are no proposed amendments ([Exhibit U](#)).

**Chair Atkinson:**

Is there any discussion? [There was none.]

**Assemblywoman Kirkpatrick:**

I would like to reserve the right to change my vote on the floor.

ASSEMBLYMAN OHRENSCHALL MOVED TO DO PASS  
SENATE BILL 132.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION PASSED.

(ASSEMBLYWOMAN BUSTAMANTE ADAMS VOTED NO.)

**Senate Bill 205:** Requires national certification for a registered nurse to receive a certificate of recognition as an advanced practitioner of nursing. (BDR 54-84)

**Marji Paslov Thomas, Committee Policy Analyst:**

Senate Bill 205 was sponsored by Senator Leslie. It was heard by the Committee on April 29, 2011. It provides that, in addition to existing

requirements, in order for a registered nurse to obtain a certificate of recognition as an advanced practitioner of nursing he or she must submit to the State Board of Nursing proof of certification as an advanced practitioner of nursing from a nationally recognized certification agency approved by the Board. Assemblywoman Carlton proposed an amendment to clarify that any person who has met the requirements as an advanced practitioner of nursing prior to June 1, 2014, would be grandfathered in ([Exhibit V](#)).

**Chair Atkinson:**

Is there any discussion?

**Assemblyman Conklin:**

Is the proposed amendment clarifying what the bill already does?

**Assemblywoman Carlton:**

That is correct. They said that was their intent but it was not perfectly clear.

ASSEMBLYMAN CONKLIN MOVED TO AMEND AND DO PASS  
SENATE BILL 205.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Senate Bill 259 (1st Reprint):** Revises provisions governing certain trust companies. (BDR 55-629)

**Marji Paslov Thomas, Committee Policy Analyst:**

Senate Bill 259 (1st Reprint) was sponsored by Senator Schneider and was heard by the Committee on May 4, 2011. The bill revises provisions governing the management of a trust by a family trust company or a licensed family trust company. The bill specifies the applicability of the Uniform Prudent Investor Act to a trust managed by such companies. There was one proposed amendment by Robert Armstrong which would change the effective date of the bill to "upon passage and approval" ([Exhibit W](#)).

**Chair Atkinson:**

Is there any discussion?

**Assemblywoman Carlton:**

This bill is for the very rich but it is a good idea.

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS  
SENATE BILL 259 (1ST REPRINT).

ASSEMBLYWOMAN BUSTAMANTE ADAMS SECONDED THE  
MOTION.

THE MOTION PASSED UNANIMOUSLY.

[Senate Bill 292 \(1st Reprint\)](#): Revises provisions relating to insurance.  
(BDR 57-1074)

**Marji Paslov Thomas, Committee Policy Analyst:**

Senate Bill 292 (1st Reprint) was sponsored by Senator Schneider and was heard by the Committee on May 16, 2011. It does several things relating to insurance. It authorizes the Commissioner of Insurance to issue a license to a vendor of portable electronics to act as a producer of insurance in portable electronics insurance. There is one proposed amendment submitted by Jesse Wadhams on behalf of Asurion Insurance which is attached to the work session document ([Exhibit X](#)).

**Chair Atkinson:**

Is there any discussion?

ASSEMBLYMAN GOEDHART MOVED TO AMEND AND DO PASS  
SENATE BILL 292 (1ST REPRINT).

ASSEMBLYMAN SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CARLTON AND KITE  
VOTED NO.)

[Senate Bill 328 \(1st Reprint\)](#): Revises provisions governing the payment and  
collection of wages and other benefits. (BDR 53-108)

**Marji Paslov Thomas, Committee Policy Analyst:**

Senate Bill 328 (1st Reprint) was sponsored by Senator Horsford and was heard by the Committee on May 9, 2011. It exempts a "creative professional" from the class of employees who must be paid overtime by an employer. There are no proposed amendments ([Exhibit Y](#)).

**Chair Atkinson:**

Is there any discussion? [There was none.]

ASSEMBLYWOMAN KIRKPATRICK MOVED TO DO PASS  
SENATE BILL 328 (1ST REPRINT).

ASSEMBLYMAN DALY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON AND KITE  
VOTED NO.)

**Senate Bill 331 (1st Reprint):** Revises provisions relating to unlawful  
discrimination in places of public accommodation. (BDR 54-799)

**Marji Paslov Thomas, Committee Policy Analyst:**

Senate Bill 331 (1st Reprint) was sponsored by Senator Leslie and heard by the  
Committee on May 11, 2011. It revises provisions relating to unlawful  
discrimination in places of public accommodation. There are no proposed  
amendments ([Exhibit Z](#)).

**Chair Atkinson:**

Is there any discussion? [There was none.]

ASSEMBLYMAN HORNE MOVED TO DO PASS  
SENATE BILL 331 (1ST REPRINT).

ASSEMBLYMAN SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Senate Bill 353:** Revises provisions governing dealers in coins and collectibles.  
(BDR 54-903)

**Marji Paslov Thomas, Committee Policy Analyst:**

This bill was sponsored by Senator Leslie and was heard by the Committee on  
April 27, 2011. It exempts from the definition of "secondhand dealer" a person  
who engages in the business of buying and selling coins and collectibles. There  
are no proposed amendments ([Exhibit AA](#)).

**Chair Atkinson:**

Is there any discussion? [There was none.]

ASSEMBLYMAN HICKEY MOVED TO DO PASS  
SENATE BILL 353.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Senate Bill 368: Prohibits discrimination in housing and certain other transactions involving real property on the basis of sexual orientation or gender identity or expression. (BDR 10-416)

**Marji Paslov Thomas, Committee Policy Analyst:**

Senate Bill 368 was sponsored by Senator Parks and heard by the Committee on May 11, 2011. It prohibits discrimination in housing and certain other transactions involving real property on the basis of sexual orientation, gender identity, or gender expression. There are no proposed amendments ([Exhibit BB](#)).

**Chair Atkinson:**

Is there any discussion? [There was none.]

ASSEMBLYMAN OHRENSCHALL MOVED TO DO PASS  
SENATE BILL 368.

ASSEMBLYMAN SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The meeting is adjourned [at 4:11 p.m.].

RESPECTFULLY SUBMITTED:

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Earlene Miller  
Committee Secretary

APPROVED BY:

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Assemblyman Kelvin Atkinson, Chair

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

## EXHIBITS

**Committee Name:** Committee on Commerce and Labor

**Date:** May 18, 2011

**Time of Meeting:** 2:07 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 412 (R1)	C	James Jackson	Letter of Support
S.B. 412 (R1)	D	James Jackson	Proposed Amendment
S.B. 412 (R1)	E	James Jackson	Proposed Amendment
S.B. 412 (R1)	F	Jim Jenks	Proposed Amendment
S.B. 412 (R1)	G	Jim Noriega	Proposed Amendment
S.B. 412 (R1)	H	Lisa Haworth	Testimony
S.B. 412 (R1)	I	Lisa Haworth	Handout
S.B. 412 (R1)	J	Fern Netzký	Written Documents
S.B. 412 (R1)	K	Kevin Fitzgerald	Prepared Testimony
S.B. 17	L	Marji Paslov Thomas	Work Session Document
S.B. 18	M	Marji Paslov Thomas	Work Session Document
S.B. 19	N	Marji Paslov Thomas	Work Session Document
S.B. 21 (R1)	O	Marji Paslov Thomas	Work Session Document
S.B. 36 (R1)	P	Marji Paslov Thomas	Work Session Document
S.B. 37	Q	Marji Paslov Thomas	Work Session Document
S.B. 58	R	Marji Paslov Thomas	Work Session Document
S.B. 63 (R1)	S	Marji Paslov Thomas	Work Session Document
S.B. 117 (R1)	T	Marji Paslov Thomas	Work Session Document
S.B. 132	U	Marji Paslov Thomas	Work Session Document
S.B. 205	V	Marji Paslov Thomas	Work Session Document
S.B. 259 (R1)	W	Marji Paslov Thomas	Work Session Document
S.B. 292 (R1)	X	Marji Paslov Thomas	Work Session Document
S.B. 328 (R1)	Y	Marji Paslov Thomas	Work Session Document
S.B. 331 (R1)	Z	Marji Paslov Thomas	Work Session Document
S.B. 353	AA	Marji Paslov Thomas	Work Session Document
S.B. 368	BB	Marji Paslov Thomas	Work Session Document