

Amendment No. 73

Assembly Amendment to Assembly Bill No. 158	(BDR 40-455)
Proposed by: Assembly Committee on Health and Human Services	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) green bold italic underlining is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) green bold underlining is newly added transitory language.

KCR



Date: 3/27/2013

A.B. No. 158—Revises provisions governing the Advisory Council on the State Program for Fitness and Wellness. (BDR 40-455)



ASSEMBLY BILL NO. 158—ASSEMBLYWOMAN DIAZ

FEBRUARY 21, 2013

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the Advisory Council on the State Program for Fitness and Wellness. (BDR 40-455)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public health; renaming the Advisory Council on the State Program for Fitness and Wellness as the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease; expanding the membership of the Advisory Council; revising the duties of the Advisory Council and the Health Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the Health Division of the Department of Health and Human Services
2 is required to establish, within the limits of available money, the State Program for Fitness and
3 Wellness and the Advisory Council on the State Program for Fitness and Wellness. The
4 purpose of the Advisory Council is to advise and make recommendations to the Health
5 Division concerning the Program. (NRS 439.517, 439.518) **Section 3** of this bill changes the
6 name of the Program to the State Program for Wellness and the Prevention of Chronic
7 Disease, and **section 4** of this bill makes the corresponding change to the name of the
8 Advisory Council. **Section 4** also increases the membership of the Advisory Council by
9 adding ~~three~~ **two** additional representatives of organizations committed to the prevention
10 and treatment of chronic diseases, ~~and~~ **one** representative of a local health authority, ~~and~~ **and**
11 **one representative of the Nevada System of Higher Education.** (NRS 439.518) **Section 5**
12 of this bill limits the service of the members of the Advisory Council to not more than two
13 additional, consecutive terms of 2 years each. (NRS 439.519) **Section 6** of this bill revises the
14 duties of the Health Division in various ways, including requiring the Health Division, with
15 the advice and recommendations of the Advisory Council, to prepare burden reports that
16 quantify the impact of certain health problems and chronic diseases on Nevada. (NRS
17 439.521)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439.515 is hereby amended to read as follows:

439.515 “Advisory Council” means the Advisory Council on the State Program for ~~Fit~~ness ~~and~~ Wellness ~~+~~ *and the Prevention of Chronic Disease.*

Sec. 2. NRS 439.516 is hereby amended to read as follows:

439.516 “Program” means the State Program for ~~Fit~~ness ~~and~~ Wellness ~~+~~ *and the Prevention of Chronic Disease.*

Sec. 3. NRS 439.517 is hereby amended to read as follows:

439.517 Within the limits of available money, the Health Division shall establish the State Program for ~~Fit~~ness ~~and~~ Wellness ~~+~~ *and the Prevention of Chronic Disease* to increase public knowledge and raise public awareness relating to ~~physical fitness and~~ wellness *and chronic diseases* and to educate the residents of this State ~~on matters relating to physical fitness and wellness, including, without limitation;~~ *about:*

1. ~~Programs for physical fitness;~~

~~— 2. — Nutrition; and~~

~~— 3. —~~ *Wellness, including, without limitation, behavioral health, proper nutrition, maintaining oral health, increasing physical fitness, preventing obesity and tobacco use; and*

2. The prevention of ~~obesity;~~ chronic diseases ~~and other diseases;~~ *, including, without limitation, asthma, cancer, diabetes, cardiovascular disease and oral disease.*

Sec. 4. NRS 439.518 is hereby amended to read as follows:

439.518 1. Within the limits of available money, the Health Division shall establish the Advisory Council on the State Program for ~~Fit~~ness ~~and~~ Wellness ~~+~~ *and the Prevention of Chronic Disease* to advise and make recommendations to the Health Division concerning the Program.

2. The Administrator shall appoint to the Advisory Council the following ~~nine~~ *13* voting members:

(a) The State Health Officer or the designee of the State Health Officer;

(b) The Superintendent of Public Instruction or the designee of the Superintendent;

(c) One representative of the health insurance industry;

(d) One provider of health care;

(e) One representative of the Nevada Association for Health, Physical Education, Recreation and Dance or its successor organization;

(f) ~~One representative~~ ~~Four~~ *Three representatives* of ~~an organization~~ *organizations* committed to the prevention *and treatment* of chronic diseases;

(g) One registered dietitian;

(h) One representative who is a member of a racial or ethnic minority group appointed from a list of persons submitted to the Administrator by the Advisory Committee of the Office of Minority Health within the Office for Consumer Health Assistance of the Department; ~~and~~

(i) One representative of private employers in this State who has experience in matters relating to employment and human resources ~~+~~; ~~and~~

(j) One representative of a local health authority ~~+~~; ~~and~~

(k) One representative of the Nevada System of Higher Education from a list of persons submitted to the Administrator by the Board of Regents of the University of Nevada.

1 3. The Legislative Commission shall appoint to the Advisory Council the
2 following two voting members:

- 3 (a) One member of the Senate; and
4 (b) One member of the Assembly.

5 4. A majority of the voting members of the Advisory Council may appoint
6 nonvoting members to the Advisory Council.

7 **Sec. 5.** NRS 439.519 is hereby amended to read as follows:

8 439.519 1. The members of the Advisory Council serve terms of 2 years. A
9 member may be reappointed ~~to serve not more than two additional, consecutive~~
10 ~~terms.~~

11 2. A majority of the voting members of the Advisory Council shall select a
12 Chair and a Vice Chair of the Advisory Council.

13 3. A majority of the voting members of the Advisory Council may:

14 (a) Appoint committees or subcommittees to study issues relating to ~~physical~~
15 ~~fitness and~~ ~~wellness~~ ~~to~~ ~~and the prevention of chronic disease.~~

16 (b) Remove a nonlegislative member of the Advisory Council for failing to
17 carry out the business of, or serve the best interests of, the Advisory Council.

18 4. The Health Division shall, within the limits of available money, provide the
19 necessary professional staff and a secretary for the Advisory Council.

20 5. A majority of the voting members of the Advisory Council constitutes a
21 quorum to transact all business, and a majority of those voting members present,
22 physically or via telecommunications, must concur in any decision.

23 6. The Advisory Council shall, within the limits of available money, meet at
24 the call of the Administrator, the Chair or a majority of the voting members of the
25 Advisory Council quarterly or as is necessary.

26 7. The members of the Advisory Council serve without compensation, except
27 that each member is entitled, while engaged in the business of the Advisory Council
28 and within the limits of available money, to the per diem allowance and travel
29 expenses provided for state officers and employees generally.

30 **Sec. 6.** NRS 439.521 is hereby amended to read as follows:

31 439.521 To carry out the provisions of NRS 439.514 to 439.525, inclusive,
32 the Health Division shall, within the limits of available money, and with the advice
33 and recommendations of the Advisory Council:

34 1. ~~Establish a solid scientific database of the most current information on~~
35 ~~Periodically prepare burden reports concerning health problems and diseases,~~
36 ~~including, without limitation, a lack of~~ physical fitness, ~~poor~~ nutrition ~~and the~~
37 ~~prevention of~~ , ~~tobacco use and exposure to tobacco smoke~~, obesity, chronic
38 diseases and other diseases, ~~as determined by the Health Division~~, using ~~the most~~
39 ~~recent~~ information obtained through surveillance, epidemiology and research . ~~to~~
40 ~~and use the database in carrying out the Program.~~ ~~As used in this subsection,~~
41 ~~“burden report” means a calculation of the impact of a particular health problem~~
42 ~~or chronic disease on this State, as measured by financial cost, mortality,~~
43 ~~morbidity or other indicators specified by the Health Division.~~

44 2. Identify , ~~and~~ review ~~to~~ ~~and encourage~~, in coordination with the
45 Department of Education, ~~the Nevada System of Higher Education and other~~
46 ~~appropriate state agencies~~, existing ~~evidence-based~~ programs related to nutrition ,
47 ~~and~~ physical fitness ~~to~~ ~~and tobacco prevention and cessation~~, including, without
48 limitation, programs of state and local governments, educational institutions,
49 businesses and the general public.

50 3. ~~Encourage local community efforts to increase opportunities for physical~~
51 ~~fitness.~~

1 ~~—4—~~ Develop , *promote* and coordinate ~~{a}~~ *recommendations for model*
2 ~~{program for proper}~~ *and evidence-based programs that contribute to reductions*
3 *in the incidence of chronic disease in this State. The programs should encourage:*

4 (a) *Proper* nutrition, physical fitness and health ~~{for implementation by state~~
5 ~~employees and agencies-~~

6 ~~—5—~~ ~~Develop and coordinate, in cooperation with the Department of Education,~~
7 ~~recommendations for model programs to encourage proper nutrition, physical~~
8 ~~fitness and health in the schools of this State, including, without limitation, physical~~
9 ~~fitness testing which can be administered through the schools-~~

10 ~~—6—~~ ~~Develop and coordinate recommendations for model programs that would~~
11 ~~encourage proper nutrition, physical fitness and health}~~ among the residents of this
12 State, including, without limitation, parents and children, senior citizens , *high-risk*
13 *populations* and persons with special needs ~~†~~

14 ~~—7—~~ ; and

15 (b) *Work-site wellness policies that include, without limitation, tobacco-free*
16 *and breast feeding-friendly environments, healthy food and beverage choices and*
17 *physical activity opportunities in schools, businesses and public buildings.*

18 4. Assist on projects within this State as requested by, and in coordination
19 with, the President’s Council on ~~{Physical}~~ Fitness , ~~{and}~~ Sports ~~†~~

20 ~~—8—~~ *and Nutrition.*

21 5. Identify and review methods for reducing health care costs associated with
22 *tobacco use and exposure to tobacco smoke*, obesity, chronic diseases and other
23 diseases ~~†~~

24 ~~—9—~~ ~~Identify and review methods for increasing the effectiveness and efficiency~~
25 ~~of the workforce of this State.~~

26 ~~—10—~~ , *as determined by the Health Division.*

27 6. Maintain a website to provide information *and resources* on nutrition,
28 physical fitness, health, wellness and the prevention of obesity and chronic
29 diseases.

30 ~~{†1. Provide educational materials and information on research concerning~~
31 ~~matters relating to physical fitness, wellness, and the prevention of obesity, chronic~~
32 ~~diseases and other diseases, including, without limitation, materials and information~~
33 ~~concerning programs and services available to the public and strategies for~~
34 ~~achieving and maintaining physical fitness and preventing obesity, chronic diseases~~
35 ~~and other diseases.~~

36 ~~—12—~~ 7. Solicit information from and, to the extent feasible, coordinate its
37 efforts with:

38 (a) Other governmental agencies;

39 (b) National health organizations and their local and state chapters;

40 (c) Community and business leaders;

41 (d) Community organizations;

42 (e) Providers of health care;

43 (f) Private schools; and

44 (g) Other persons who provide services relating to *tobacco use and exposure*,
45 physical fitness and wellness and the prevention of obesity, chronic diseases and
46 other diseases.

47 8. *Establish, maintain and enhance statewide chronic disease surveillance*
48 *systems.*

49 9. *Translate surveillance, evaluation and research information into press*
50 *releases, briefs, community education and advocacy materials and other*
51 *publications that highlight chronic diseases and the key risk factors of those*
52 *diseases.*

1 **10. Identify, assist and encourage the growth of, through funding, training,**
2 **resources and other support, the community's capacity to assist persons who have**
3 **a chronic disease.**

4 **11. Encourage relevant community organizations to effectively recruit key**
5 **population groups to receive clinical preventative services, including, without**
6 **limitation:**

7 **(a) Screening and early detection of breast, cervical and colorectal cancer,**
8 **diabetes, high blood pressure and obesity;**

9 **(b) Oral screenings; and**

10 **(c) Tobacco cessation counseling.**

11 **12. Promote positive policy, system and environmental changes within**
12 **communities and the health care system based on, without limitation, the Chronic**
13 **Care Model developed by the MacColl Center for Health Care Innovation and the**
14 **Patient-Centered Medical Home Recognition Program of the National Committee**
15 **for Quality Assurance.**

16 **13. Review and revise the Program as needed.**

17 **Sec. 7.** NRS 439.522 is hereby amended to read as follows:

18 439.522 The Health Division may, within the limits of available money, hold
19 public hearings at such times and places as it determines necessary to provide the
20 general public and representatives of governmental agencies and organizations
21 interested in the Program or issues affecting ~~physical fitness and~~ wellness **and the**
22 **prevention of chronic disease** an opportunity to present relevant information and
23 recommendations.

24 **Sec. 8.** Notwithstanding the provisions of subsection 1 of NRS 439.519, as
25 amended by section 5 of this act:

26 1. The term of the member of the Advisory Council on the State Program for
27 Fitness and Wellness appointed pursuant to paragraph (f) of subsection 2 of NRS
28 439.518 before July 1, 2013, expires on that date.

29 2. As soon as practicable after July 1, 2013, the Administrator of the Health
30 Division of the Department of Health and Human Resources shall appoint to the
31 Advisory Council on the State Program for Wellness and the Prevention of Chronic
32 Disease:

33 (a) Two members pursuant to paragraph (f) of subsection 2 of NRS 439.518, as
34 amended by section 4 of this act, to initial terms of 4 years;

35 (b) ~~Two members~~ **One member** pursuant to ~~that paragraph,~~ **paragraph (f)**
36 **of subsection 2 of NRS 439.518,** as amended by ~~that section,~~ **section 4 of this**
37 **act, to an initial ~~terms~~ term of 2 years; ~~and~~**

38 (c) ~~The~~ **One** member ~~required~~ pursuant to paragraph (j) of subsection 2 of
39 NRS 439.518, as amended by section 4 of this act, to an initial term of 2 years ~~;~~
40 **and**

41 **(d) One member pursuant to paragraph (k) of subsection 2 of NRS**
42 **439.518, as amended by section 4 of this act, to an initial term of 4 years.**

43 **Sec. 9.** This act becomes effective on July 1, 2013.