

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-Seventh Session  
May 27, 2013**

The Committee on Health and Human Services was called to order by Chair Marilyn Dondero Loop at 1:36 p.m. on Monday, May 27, 2013, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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 [nelis.leg.state.nv.us/77th2013](http://nelis.leg.state.nv.us/77th2013). 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:**

Assemblywoman Marilyn Dondero Loop, Chair  
Assemblywoman Ellen B. Spiegel, Vice Chair  
Assemblywoman Teresa Benitez-Thompson  
Assemblyman Wesley Duncan  
Assemblyman Andy Eisen  
Assemblywoman Michele Fiore  
Assemblyman John Hambrick  
Assemblyman Pat Hickey  
Assemblyman Joseph M. Hogan  
Assemblyman Andrew Martin  
Assemblyman James Oscarson  
Assemblyman Michael Sprinkle  
Assemblyman Tyrone Thompson

**COMMITTEE MEMBERS ABSENT:**

Assemblywoman Peggy Pierce (excused)

**GUEST LEGISLATORS PRESENT:**

None



**STAFF MEMBERS PRESENT:**

Kirsten Bugenig, Committee Policy Analyst  
Risa Lang, Committee Counsel  
Janel Davis, Committee Secretary  
Macy Young, Committee Assistant

**OTHERS PRESENT:**

None

**Chair Dondero Loop:**

[Roll was called. Rules and protocol were explained.] We have a work session scheduled for today. I would like to ask our policy analyst to take us through the bills. Go ahead please, Mrs. Bugenig.

**Kirsten Bugenig, Committee Policy Analyst:**

The first bill for consideration is Senate Bill 92 (2nd Reprint). This was brought forth by Christopher Roller from the American Heart Association.

**Senate Bill 92 (2nd Reprint): Makes certain changes related to the health of infants. (BDR 40-529)**

**Kirsten Bugenig, Committee Policy Analyst:**

[Mrs. Bugenig read a description of the bill from the work session document ([Exhibit C](#)).] During the hearing, Mr. Roller proposed to extend the effective date of section 1 to be July 1, 2015.

**Chair Dondero Loop:**

Thank you. Is there a motion?

ASSEMBLYMAN SPRINKLE MOVED TO AMEND AND DO PASS  
SENATE BILL 92 (2ND REPRINT).

ASSEMBLYMAN OSCARSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN PIERCE WAS  
ABSENT FOR THE VOTE.)

I will ask that Mr. Sprinkle take the floor statement.

**Senate Bill 362 (2nd Reprint): Makes various changes concerning certain health care facilities that employ nurses. (BDR 40-710)**

**Kirsten Bugenig, Committee Policy Analyst:**

[Mrs. Bugenig read a description of the bill from the work session document ([Exhibit D](#)).] There are no amendments proposed for this bill.

**Chair Dondero Loop:**

Is there a motion?

ASSEMBLYMAN OSCARSON MOVED TO DO PASS  
SENATE BILL 362 (2ND REPRINT).

ASSEMBLYWOMAN FIORE SECONDED THE MOTION.

Is there any discussion?

**Assemblyman Eisen:**

As some members of this Committee know, because they have been privy to the emails going back and forth, I have spent a great deal of time on this, and I have been concerned with some of the questions that were raised. I want to be clear on both of my perspectives on this, that I support it, and my interpretation of the intent of this legislation. There was concern that this bill would allow individual facilities to somehow reinterpret the Nursing Practice Act. It is simply not how I read the bill and I have read it over and over.

The policy has to be developed at the facility, but at the minimum standard, cannot fall below what already exists in terms of the rights of licensees of nursing boards who refuse an assignment for any of the list of reasons that are already delineated in *Nevada Revised Statutes* (NRS) 449.205. Specifically in that section of the statute, I would note that the licensee has the right to refuse to engage in conduct that violates his or her duty to protect patients from actual or potential harm.

It is very important that we are clear that there should be nothing about this bill that is interpreted to mean a nurse or other licensee of the board does not have the right to refuse an assignment that he or she feels puts a patient in danger. The existing statute in NRS Chapter 449 protects them from retaliation against that kind of action. I want to be clear that there is nothing intended here to move us backwards in terms of nurses' rights and responsibilities to make decisions in the best interest of their patients.

**Assemblyman Oscarson:**

I have been privy to those emails as well. I concur with my colleague; there is nothing in this bill that changes anything except it makes it the responsibility of the facility to carry out this function. I think it is a model piece of legislation that will move forward and keep us from having these continual discussions every session about nurse staffing and ratios. This is the perfect way to accomplish the problem. I appreciate all of the work from those who participated in the working group and in discussions.

**Chair Dondero Loop:**

Thank you.

THE MOTION PASSED. (ASSEMBLYWOMAN PIERCE WAS  
ABSENT FOR THE VOTE.)

Is there any public comment? [There was none.]

This meeting is adjourned [at 1:43 p.m.].

RESPECTFULLY SUBMITTED:

---

Janel Davis  
Committee Secretary

APPROVED BY:

---

Assemblywoman Marilyn Dondero Loop, Chair

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

**EXHIBITS**

**Committee Name:** Committee on Health and Human Services

**Date:** May 27, 2013

**Time of Meeting:** 1:36 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.B. 92 (R2)	C	Kirsten Bugenig	Work session doc.
S.B. 362 (R2)	D	Kirsten Bugenig	Work session doc.