

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

**Seventy-Seventh Session  
April 24, 2013**

The Committee on Health and Human Services was called to order by Chair Marilyn Dondero Loop at 2:39 p.m. on Wednesday, April 24, 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 Ellen B. Spiegel, Vice Chair  
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 Marilyn Dondero Loop, Chair (excused)  
Assemblywoman Teresa Benitez-Thompson (excused)  
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:**

Marla McDade Williams, Deputy Administrator, Health Division,  
Department of Health and Human Services  
Melaine Mason, Deputy Administrator, Bureau of Services to the Blind  
and Visually Impaired and Bureau of Vocational Rehabilitation,  
Rehabilitation Division, Department of Employment, Training and  
Rehabilitation  
Dan Musgrove, representing the City of North Las Vegas

**Vice Chair Spiegel:**

[Roll was called. Rules and protocol were explained.] There is a quorum present. I would like to welcome our newest Committee member, Mr. Tyrone Thompson. Mr. Thompson is going to be an enormous asset to this Committee. He has an extensive background in health and human services. He has worked with people of all ages and experiences from youth and gang members to senior citizens and homeless people. I think he will provide us with a tremendous amount of insight on a number of issues. Everyone please join me in welcoming Mr. Thompson to our Committee.

I will now open the hearing on Senate Bill 53. We will welcome Ms. McDade Williams.

**Senate Bill 53: Revises various provisions relating to vital statistics.  
(BDR 40-312)**

**Marla McDade Williams, Deputy Administrator, Health Division, Department of Health and Human Services:**

Senate Bill 53 makes changes in *Nevada Revised Statutes* (NRS) Chapter 440 as they relate to vital statistics and the maintenance of vital records. Over the past decade, Nevada has modernized its vital record system. We now have an electronic death registry system as well as an electronic birth registry system. Portions of NRS Chapter 440 currently recognize a paper system for maintaining vital records. This bill allows us to formally recognize the electronic record-keeping capability. I will briefly review the sections of the bill.

Section 2 specifies that birth and death certificates can be made public records after the designated period of time: 125 years for birth records and 50 years for death records. Section 3 allows the State Registrar of Vital Statistics or the State Board of Health to reject an application for an amendment if the application is not accurate and complete, or the necessary supporting documents are missing. Currently, we do not have the authority to reject changes or documents when we are presented with them. This bill strengthens our authority in that area.

Section 4 allows for the maintenance of electronic statistical indexes. We no longer use index cards, so this modernizes that. Section 5 allows for electronic vital statistic records to be deemed the original record. Section 6 changes the language in subsection 2 from "informant" to "person who produced the certificate." If a certificate is incomplete, we reject it back to the hospital or the hospital clerk. Generally, an informant is considered a family member so it would not be appropriate to reject it back to a family member.

Section 7 allows for preparation and storage of electronic vital statistic records. Section 8 requires funeral directors to notify a coroner or coroner's deputy when an unattended death occurs. The coroner, or coroner's deputy, should be notified in addition to the local health officer.

Finally, sections 9 and 10 modify the time to file a birth certificate from four years to one year. It aligns Nevada's law with the Model State Vital Statistics Act and Regulations.

**Vice Chair Spiegel:**

Are there any questions from the Committee?

**Assemblyman Hambrick:**

In section 7, when you say "the format prescribed," I take it that is the way the information is provided, but on the electronic transfer, will that platform be identical throughout the state whether it is Clark County or Washoe County, or Esmeralda County? Will they all be expected to have the same platform for transferring that information?

**Marla McDade Williams:**

Yes.

**Assemblyman Sprinkle:**

Under section 5, it says an electronic version can now be the original copy and all other copies can be disposed of. Am I reading that correctly? Is there no more hard copy of birth or death certificates?

**Marla McDade Williams:**

You are correct in that you can make an electronic copy available as being the original record. Any destruction of records would be consistent with our records retention policy. Basically, this allows us to simply issue an electronic record, but does not specify that we will be replacing or destroying any old records.

**Assemblyman Sprinkle:**

In the future, these records will be done electronically. If that is the case, could you describe to me what kind of fail-safes are out there in case we were to lose this electronic data? If we lose the records of births and deaths, that would be a little disconcerting to me.

**Marla McDade Williams:**

I will be happy to provide the details about how we intend to not lose records if that would be helpful. Clearly, we would have an electronic backup system for all of the records that we have. We currently have a vault where we store many of our records. I can provide the detail on that.

**Assemblyman Thompson:**

Assemblyman Sprinkle had my question. I wanted to ask how secure the system was, what the backup process was, and whether there are other communities that have a really good system that we have been looking at, or if it is something that we have built on our own.

**Vice Chair Spiegel:**

Ms. McDade Williams will get that information to the Committee. There are more questions from members.

**Assemblyman Oscarson:**

In section 2, subsection 2, paragraph (a), it says: "If the vital statistic is a certificate of birth, 125 years after the date of the birth." What were the dates previous to this language being changed? Were there previous time frames or not? Have you added those?

**Marla McDade Williams:**

There are presently no time frames in place, so we do not have anything to guide us when a record could be made public.

**Assemblyman Oscarson:**

I represent some of the smaller counties in Nevada. Have you looked at how difficult this might be for some of them to do this reporting? Esmeralda County is a good example. Will they have access? Will there be a link? Is it going to

be something they can utilize? I know a lot of the documents are still hard copies in some of the smaller communities. Tell me how you intend to implement that with the least amount of difficulty for the rural communities.

**Marla McDade Williams:**

The real intent of this bill is to make it easier for individuals to get copies of birth or death certificates in an electronic fashion. It speeds up the process. This is authorizing legislation; it is not mandating that everything come to us electronically. We still intend to work with everybody at whatever level they can work with us in terms of submitting documentation to us. The real benefit is to the consumer or the citizen to be able to get an electronic copy of their records. It makes it faster and is less burdensome on us once we get everything into the system.

**Assemblyman Eisen:**

I just want to understand the purpose of section 2. My understanding is that the exceptions that are referenced in NRS 440.170, section 2, subsection 2, are really about the release of aggregated data for reporting, whether that is to the federal government or wherever, about what our birth and death rates are, et cetera. I am trying to understand the purpose of the release of identifiable information. What would be the reason that we would want to set a time frame? Why, after 125 years, would all of the information on birth certificates become public information? I am not clear on what that accomplishes. It is very unlikely that I will be able to see it. Under what circumstances would we be interested in releasing information other than the way it is exempted here in the aggregate for statistical purposes?

**Marla McDade Williams:**

If I understand the question correctly, it would be primarily for historical research purposes that you would want to release any individual record. You are correct. For statistical purposes, we can release it now, and there are certain parameters on the information we can release for statistical purposes. This section would be primarily for historical research. Somebody may make a request for records prior to 125 years ago from today. If this bill goes through, we could release those records, but they would be for historical research purposes only. There would be no other valid purpose.

**Assemblyman Thompson:**

You mentioned that you previously did not have a time limit. Where did you come up with 125 and 50 years? Is it just a random number? What was the logic or rationale for that?

**Marla McDade Williams:**

We work with other states and their vital records systems. This information is coming from the Model Law.

**Assemblyman Thompson:**

So, there are other communities that have adopted the 125 and 50 years.

**Marla McDade Williams:**

That is correct.

**Assemblyman Thompson:**

Do you know about how many?

**Marla McDade Williams:**

I would have to look that up.

**Assemblyman Martin:**

A lot of people need original, raised seal birth certificates for whatever purpose. If this bill were to go through, would this affect that process? Would it make it faster, or slower, or not possible all together? Hopefully it will speed things up on your end, but, if you could, just clarify the process for obtaining the original document.

**Marla McDade Williams:**

The electronic copies would meet the current standards that anybody requires to produce documentation. Other states currently use them.

**Vice Chair Spiegel:**

In section 4, subsection 1, it speaks about arranging and permanently preserving the certificates in a systematic manner. I am wondering how it is being done now and if old records have been converted over from whatever system there was because I know things like paper and microfiche tend to fade and disintegrate over time.

**Marla McDade Williams:**

Some of our older records have been converted over, when we moved into the electronic system, we did some programming to allow some of those records to come over. As we get requests for older records, we fill in all the relevant data and then are able to produce them as electronic records and get them into the system. For those that are not electronic, we have the vault that we maintain them in.

**Vice Chair Spiegel:**

In section 6, subsection 2, it says: "If any certificate of birth is incomplete, the local health officer shall immediately notify the person who produced the certificate and require him or her to supply the missing items if they can be obtained." What happens if that person is no longer available—if they have quit or are out on extensive leave—is there a backup provision in place?

**Marla McDade Williams:**

Generally, it is the hospital. The hospital has backup people in place who can produce the information.

**Vice Chair Spiegel:**

So, it does not really need to be the person, it needs to be the facility or person?

**Marla McDade Williams:**

You see that the change goes from "informant" to "person who produced the certificate." Hospitals and hospital clerks are the ones who really produce the certificates now. I believe your legal staff can guide you as to the definition of "person" in statute, but it would apply to the hospital, whereas "informant" really referred to a family member, and that was problematic.

**Vice Chair Spiegel:**

Thank you. Is there anyone in support for Senate Bill 53? [There was no one.] Is there anyone in opposition? [There was no one.] Is there anyone in the neutral position? [There was no one.] I will close the hearing on Senate Bill 53. I will open the hearing on Senate Bill 54 (1st Reprint). I would like to welcome Ms. Mason.

**Senate Bill 54 (1st Reprint): Revises provisions governing the operation of certain vending stands by persons who are blind or visually impaired. (BDR 38-370)**

**Melaine Mason, Deputy Administrator, Bureau of Services to the Blind and Visually Impaired and Bureau of Vocational Rehabilitation, Rehabilitation Division, Department of Employment, Training and Rehabilitation:**

Senate Bill 54 (1st Reprint) deals with snack bars, cafeterias, vending machines, and other retail businesses on public property, operated by individuals who are blind or visually impaired as part of the Business Enterprises of Nevada program (BEN). The state's blind business enterprise program was modeled after the 1936 federal Randolph-Sheppard Act that allows licensed individuals who are blind or visually impaired to operate vending stands in or on federal property

without being required to pay space rent. [Ms. Mason continued to read from prepared testimony ([Exhibit C](#))].

**Vice Chair Spiegel:**

Could you clarify whether the vending stands would also include kiosks if they are operated and managed by someone who is blind?

**Melaine Mason:**

Currently, we do not operate any kiosks. I am not certain what kind of kiosk business you are referring to. We have a definition of what a vending stand is in the statute. I do not believe that word is referred to.

**Vice Chair Spiegel:**

Thank you. I will look it up in statute and find the answer.

**Assemblyman Eisen:**

I am not raising any particular objection, but I am trying to understand the motivation for the bill. If I heard you correctly, there has already been a court decision clarifying that rent could not be charged for these folks. I guess I am trying to understand what the purpose of bringing the bill forward actually is.

**Melaine Mason:**

The purpose of the bill is so that we do not have to relitigate every jurisdiction on this issue, that the law speaks to that specifically. At this time, the *Nevada Revised Statutes* is silent to the rent. It was modeled after the federal statute, but I believe the reason the litigation came forward was because it was silent on rent. If we make it loud and clear and close that gap, we would reduce the possibility of more litigation for the same purpose in different jurisdictions.

**Assemblyman Eisen:**

If the federal law is in place and that has already been interrupted, would that not apply to all jurisdictions within the state of Nevada?

**Melaine Mason:**

The federal law operates on federal properties; the state statute covers state and local municipalities.

**Assemblyman Thompson:**

How many stands, cafeterias, or snack bars throughout Nevada do we have with these services from the blind?



**Melaine Mason:**

We have approximately 26 statewide. Three of our largest sites are at the Hoover Dam. Another notable site we operate is the food service at the Fallon Naval Air Station. We have them in a variety of state and county buildings.

**Assemblyman Thompson:**

When you mentioned the City of North Las Vegas, which specific sites, if any?

**Melaine Mason:**

I think it is city hall.

**Assemblyman Thompson:**

The new city hall?

**Melaine Mason:**

Can I defer that question to someone else?

**Dan Musgrove, representing the City of North Las Vegas:**

I believe we just have vending machines. I do not think we have been able to price out a circumstance where we could do actual food service in our new city hall. It is something that we have been working with them on, but we have not gotten there yet. I will double check to be sure.

**Assemblyman Thompson:**

If it is a snack bar or cafeteria stand, being that the rent is free, what else does the local government agency have to provide? What is included in the contract? If the rent is free for the services from the blind, do they have to upkeep anything? How does that work?

**Melaine Mason:**

The BEN program maintains their immediate site. If we were to negotiate with another entity for cleaning the kitchen, that would be in the contract, and we would gladly pay for those services. The spirit of this bill is for rent and common areas, such as landscaping. You are going to keep your landscaping up regardless of the site being there.

**Vice Chair Spiegel:**

Are there any other questions? [There were none.] Is there anyone in support of this bill? [There was no one.] Is there anybody wishing to testify in opposition? [There was no one.] Is there anyone in the neutral position? [There was no one.] I will close the hearing on Senate Bill 54 (1st Reprint). Is there any public comment? [There was none.]

This meeting is adjourned [at 3:09 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:** April 24, 2013

**Time of Meeting:** 2:39 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.B. 54 (R1)	C	Melaine Mason, DETR	Written Testimony