

**MINUTES OF THE
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-Seventh Session
April 12, 2013**

The Senate Committee on Health and Human Services was called to order by Chair Justin C. Jones at 12:58 p.m. on Friday, April 12, 2013, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Justin C. Jones, Chair
Senator Debbie Smith, Vice Chair
Senator Tick Segerblom
Senator Joseph P. Hardy
Senator Ben Kieckhefer

GUEST LEGISLATORS PRESENT:

Senator Pat Spearman, Senatorial District No. 1

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Risa Lang, Counsel
Joyce Hinton, Committee Secretary

OTHERS PRESENT:

Myra Ocampo, Service Employees International Union Nevada

Chair Jones:

We will open the meeting and hear Senate Bill (S.B.) 112. We discussed this bill and the proposed amendment on April 11, 2013.

SENATE BILL 112: Revises certain provisions relating to health care.
(BDR 40-441)

Senator Kieckhefer:

I would recommend an amendment to the proposed amendment. This amendment will ask the Legislative Committee on Health Care to consider the implementation of Assembly Bill (A.B.) No. 123 of the 75th Session during the upcoming interim.

SENATOR KIECKHEFER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 112.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Jones:

We will open the hearing for S.B. 450. We heard this bill and the proposed amendment from the Southern Nevada Health District on April 11, 2013.

SENATE BILL 450: Revises the qualifications for certain district health officers. (BDR 40-1081)

SENATOR HARDY MOVED TO AMEND AND DO PASS S.B. 450 WITH THE PROPOSED AMENDMENT FROM SOUTHERN NEVADA HEALTH DISTRICT.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Jones:

We will open the hearing on S.B. 362.

SENATE BILL 362: Makes various changes concerning health care facilities that employ nurses. (BDR 40-710)

Senator Pat Spearman (Senatorial District No. 1):

I have submitted a description of the mock-up for the proposed amendment to S.B. 362 ([Exhibit C](#)). Proposed Amendment 8259 ([Exhibit D](#)) represents the best way to ensure licensed nurses and certified nursing assistants (CNAs) work in an environment that facilitates quality patient care and minimizes additional fiscal responsibilities to the hospitals. I met with the National Hospital Association (NHA) and the nurses' representatives. They expressed that the most important outcome of this legislation was quality patient care. This was our focus in the initial amendment. However, the NHA disagreed with the fines and the reports that hospitals would be required to submit. The nurses' representatives were disappointed because the amendment did not include staffing ratios and provisions to refuse an assignment. There was a request for another study. Studies were conducted in 2003, 2005 and 2007. The recommendations have been the same each time we bring this issue forward. I do not want to kick the can down the road anymore.

We have been able to accomplish the most important outcomes with Proposed Amendment 8259. This amendment considers the objections of the NHA and the nurses' representatives. The CNAs will be added to the staffing committees and will be part of the patient direct care staff. The revised amendment adds how the health care facility will implement and follow the staffing guidelines they develop. These are not staffing guidelines suggested by a legislative committee or me. Their own staffing committees will develop these guidelines. The health care facilities' staffing guidelines will be submitted to the Health Division, Department of Health and Human Services, for inspection and licensing protocols.

The Health Division has an established inspection schedule for the health care facilities, so additional financial encumbrances for the facilities are eliminated. The Health Division will provide an independent oversight to ensure the staffing plans prepared by the health care facilities are appropriate. The compromise in this amendment eliminates an increase in the State's fiscal responsibility because the oversight and enforcement infrastructure is already in *Nevada Revised Statute 449*.

This amendment will satisfy the intent of both the NHA and the nurses' representatives. The hospitals do not incur additional expenses, and the direct care licensed nurses and CNAs have an environment that does not jeopardize their licenses. There is no fiscal note to S.B. 362.

Senator Kieckhefer:

Can a staff assignment be refused if a staffing plan is not followed?

Senator Spearman:

Yes, and that was one of the recommendations in the previous studies of 2005 and 2007. This was also to be part of the implementation of 2009. This issue is not new.

Senator Kieckhefer:

What is a nurse assignment, and when is it given?

Myra Ocampo (Service Employees International Union Nevada):

Nurses are assigned to a floor or unit on a daily basis. The skill sets of the nurses are assessed; they are then given assignments according to patient needs. If the unit is specialized such as an intensive care unit, the nurse must be certified for that specialty.

Senator Kieckhefer:

Can a nurse report to work for a specific unit and then be sent to another unit?

Ms. Ocampo:

There is the possibility of a nurse being asked to move to a different unit.

Senator Spearman:

The different staffing scenarios will be included in the facilities' staffing plans. The concern of the nurses was that they would be given more patients than they could optimally provide with care. This could put both the patients and the nurses' licenses in jeopardy.

Senator Kieckhefer:

We are including direct care licensed nurses and CNAs. Do CNAs get nursing assignments?

Senator Spearman:

Yes, CNAs do get assignments. We included CNAs because it is important those responsible for direct care be at the table. Their perspective is important, and if they are not at the table, we lose valuable insight.

Senator Kieckhefer:

Are there licensed nurses who are not involved in direct patient care?

Senator Spearman:

Yes, but we want to make sure nurses at every level as well as CNAs are represented. We are only talking about a staffing committee. There are no other costs.

Senator Kieckhefer:

I am not concerned about costs. I am trying to understand how this will work. I do not have the opportunity to refuse assignments in my job. I am having a hard time envisioning the implementation.

Senator Segerblom:

I support S.B. 362. It is a great bill and a good compromise. We need to do this.

SENATOR SMITH MOVED TO AMEND AND DO PASS S.B. 362 AS
AMENDED AND REREFER TO THE SENATE COMMITTEE ON
FINANCE.

SENATOR HARDY SECONDED THE MOTION.

Senator Kieckhefer:

I will vote yes today, but I reserve my right to change my vote later once I understand it better.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Jones:

We are adjourned at 1:13 p.m.

RESPECTFULLY SUBMITTED:

Joyce Hinton,
Committee Secretary

APPROVED BY:

Senator Justin C. Jones, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 362	C	1	Senator Spearman	Descriptions of Mock-Up
S.B. 362	D	11	Senator Spearman	Proposed Amendment 8259