

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

**Seventy-Eighth Session  
March 4, 2015**

The Committee on Commerce and Labor was called to order by Chairman Randy Kirner at 1:36 p.m. on Wednesday, March 4, 2015, in Room 4100 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 [www.leg.state.nv.us/App/NELIS/REL/78th2015](http://www.leg.state.nv.us/App/NELIS/REL/78th2015). In addition, copies of the audio or video of the meeting may be purchased, for personal use only, 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 Randy Kirner, Chairman  
Assemblywoman Victoria Seaman, Vice Chair  
Assemblyman Paul Anderson  
Assemblywoman Irene Bustamante Adams  
Assemblywoman Maggie Carlton  
Assemblywoman Olivia Diaz  
Assemblyman John Ellison  
Assemblyman Ira Hansen  
Assemblywoman Marilyn K. Kirkpatrick  
Assemblywoman Dina Neal  
Assemblyman Erven T. Nelson  
Assemblyman James Ohrenschall  
Assemblyman P.K. O'Neill  
Assemblyman Stephen H. Silberkraus

**COMMITTEE MEMBERS ABSENT:**

Assemblywoman Michele Fiore



**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Kelly Richard, Committee Policy Analyst  
Matt Mundy, Committee Counsel  
Leslie Danihel, Committee Manager  
Earlene Miller, Committee Secretary  
Olivia Lloyd, Committee Assistant

**OTHERS PRESENT:**

Agata Gawronski, Executive Director, Board of Examiners for Alcohol,  
Drug and Gambling Counselors  
Caleb S. Cage, Director of Military and Veterans Policy, Office of the  
Governor  
Michael Hillerby, representing Board of Dental Examiners of Nevada and  
State Board of Nursing

**Chairman Kirner:**

[The roll was called. A quorum was present.] We are going to hear the bills on the work session first. I am removing Assembly Bill 72 from the work session, and Assembly Bill 179 will not be heard at the request of the bill sponsor. We will introduce four bill draft requests (BDR).

**Kelly Richard, Committee Policy Analyst:**

The first bill draft request is BDR 57-65. It was requested by the Interim Legislative Committee on Health Care.

**BDR 57-65**—Requires certain insurers to contract with any qualified provider of health care in certain circumstances. (Later introduced as [Assembly Bill 230](#).)

**Kelly Richard, Committee Policy Analyst:**

The second is BDR 54-412, which makes several changes related to the Board of Medical Examiners' statutes.

**BDR 54-412**—Revises provisions governing the practice of medicine. (Later introduced as [Assembly Bill 227](#).)

**Kelly Richard, Committee Policy Analyst:**

The third is BDR 53-754, which revises provisions governing workers' compensation.

**BDR 53-754**—Revises provisions governing workers' compensation. (Later introduced as [Assembly Bill 229](#).)

**Kelly Richard, Committee Policy Analyst:**

The fourth bill draft request, BDR 52-999, revises provisions governing trade regulations.

**BDR 52-999**—Revises provisions governing trade regulations. (Later introduced as [Assembly Bill 228](#).)

**Chairman Kirner:**

I would entertain a motion to introduce the four bill draft requests.

ASSEMBLYMAN O'NEILL MOVED FOR COMMITTEE INTRODUCTION OF BDR 57-65, BDR 54-412, BDR 53-754, AND BDR 52-999.

ASSEMBLYMAN NELSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN PAUL ANDERSON AND FIORE WERE ABSENT FOR THE VOTE.)

We will move to the work session with [Assembly Bill 85](#).

**[Assembly Bill 85](#)**: Revises provisions governing alcohol, drug and gambling counselors. (BDR 54-388)

**Kelly Richard, Committee Policy Analyst:**

The first bill in work session is [Assembly Bill 85](#). [Referred to work session document ([Exhibit C](#)).] It was heard in Committee on February 9, 2015. It was scheduled for work session on February 25, 2015, but was pulled from the work session to give members more time to review the amendment. The amendment is available on the Nevada Electronic Legislative Information System (NELIS).

[Assembly Bill 85](#) makes various changes to statutes governing the operation of the Board of Examiners for Alcohol, Drug and Gambling Counselors and the professions it regulates. It requires applicants to pass an oral examination as well as a written examination to be licensed or certificated. It removes the

requirement that the Board shall issue a license or certificate without endorsement by examination and instead provides the Board the discretion to issue the license or certificate. It also allows the Board to refuse to renew the license or certificate of a professional whom the Board determines no longer meets the qualifications.

The bill makes several changes regarding the number of months certain licenses or certificates are valid. It extends from one to two years the validity of a clinical alcohol and drug abuse counselor license. Applicants for licensure as an alcohol and drug abuse counselor must have completed 1,000 hours rather than six months of supervised counseling. It also makes various changes to the education required for interns and requires an applicant for certification as an intern to have completed not less than 30 hours of training specific to alcohol and drug abuse.

The measure also authorizes the Board to consider any original criminal charges filed against an applicant, licensee, or certificate holder, even if the person was convicted of a lesser crime when the Board is determining whether to issue, renew, restore, suspend, revoke, reinstate, or impose discipline. It removes a provision in current law allowing an applicant for licensure or certification to practice counseling alcohol abusers or problem gamblers for a period not to exceed 30 days while his or her application is being reviewed by the Board. Related to the business of the Board, the bill transfers certain duties of the Secretary-Treasurer of the Board to the Executive Director and authorizes the Executive Director to delegate certain duties.

The bill repeals provisions related to the regulation of detoxification technicians and leaves the authority to certify detoxification technicians with the Division of Public and Behavioral Health of the Department of Health and Human Services.

There is a conceptual amendment attached to create a new classification of licensure, called a Certified Peer Support Specialist. The amendment lays out the qualifications for the profession and scope of practice in conceptual form.

**Chairman Kirner:**

Is there any discussion or any questions?

**Assemblywoman Carlton:**

The provision that still allows the Board to refuse the renewal of a license of a current professional in the state whom they deem no longer meets the qualifications is contrary to the grandfathering clauses that we have done on a number of different boards. Is that provision still in the bill?

**Chairman Kirner:**

It is still in the bill.

**Assemblywoman Carlton:**

I have an issue that they would change the criteria on someone who has been doing a job for 10 or 15 years while completing their continuing education and everything else they were supposed to do. If they changed the requirements from a bachelor's degree to a master's degree, we would automatically be taking someone's livelihood away. I have concerns about that. I think there has to be a little more substance before we take someone's job away.

**Chairman Kirner:**

What is the section? I thought there was a "may" instead of a "shall."

**Assemblywoman Carlton:**

I read "allows," but I am not sure what the criteria would be.

**Assemblywoman Bustamante Adams:**

It is in section 4, on page 3, line 40.

**Chairman Kirner:**

Section 5, subsection 1, of the bill says that the Board may hold hearings and conduct investigations concerning any matter related to an applicant for the license or certificate. In subsection 2, it says the Board may refuse to issue a license or certificate or renew the license or certificate of an applicant "if the Board determines that the applicant . . . ," and then there is a whole series of reasons.

**Assemblywoman Carlton:**

My concern is the renewal. An initial licensure is a privilege in this state, but once a person has been working in the state, to deny a renewal if there is no discipline or problem, that is taking someone's job away.

**Chairman Kirner:**

The list includes various reasons: is not of good moral character, has submitted a false credential, has been disciplined in another state, and has failed to comply with any requirement for a license or certificate. It does not seem to be punitive for those who may already have a certificate unless they were in violation of any of these provisions or they committed some sort of a violation.

**Assemblywoman Carlton:**

Without a disciplinary proceeding, they would not have their side of the story heard, and it would eliminate any discipline that the Board may want to impose,

at which time the person could explain what is going on. The Board could just automatically decide to not renew. It is one thing on initial licensure, but on renewals it could be a very serious issue.

**Agata Gawronski, Executive Director, Board of Examiners for Alcohol, Drug and Gambling Counselors:**

If there is disciplinary action, it is reviewed with a deputy from the Office of the Attorney General and brought before the Board for reconsideration. It is never an automatic rejection of the renewal application. It says "may" for that reason.

**Chairman Kirner:**

I will entertain a motion.

ASSEMBLYMAN O'NEILL MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 85.

ASSEMBLYMAN NELSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN BUSTAMANTE ADAMS,  
CARLTON, NEAL, AND OHRENSCHALL VOTED NO.  
ASSEMBLYMEN PAUL ANDERSON AND FIORE WERE ABSENT  
FOR THE VOTE.)

Assemblyman Ellison will take the floor statement for Assembly Bill 85.

We will move to Assembly Bill 89.

**Assembly Bill 89:** Makes various changes to provisions relating to certain professions. (BDR 53-295)

**Kelly Richard, Committee Policy Analyst:**

Assembly Bill 89 was heard in Committee on February 4, 2015. [Referred to work session document ([Exhibit D](#)).] The bill was placed on work session on February 25, 2015, but was taken off so that members could have additional time to review the mock-up.

Assembly Bill 89 generally enacts provisions relating to the employment of veterans, and enacts certain other provisions relating generally to professionals. The measure requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to gather and report aggregate unemployment data concerning veterans to the Interagency Council on Veterans Affairs on a monthly basis. The bill also requires a regulatory body

to prepare and submit an annual report to the Council on the number of veterans who have applied for a license, who have been issued a license, or who have renewed a license.

The bill explicitly allows private employers to adopt employment policies which provide a hiring preference on the basis of an applicant being a veteran or the spouse of a veteran. It also provides for an exemption from the driving skills test in order to receive a commercial driver's license for persons with military experience in driving such vehicles.

The bill authorizes a regulatory body to grant a license by endorsement to a qualified professional who is licensed in another state or territory and is also an active member, veteran, spouse of an active member, or surviving spouse of a veteran of the Armed Forces of the United States, to practice his or her respective profession in this state. A qualified health care professional who receives a license by endorsement is entitled to a 50 percent reduction in the fee for the initial issuance of a license or an examination as a prerequisite to licensure. The measure also authorizes certain regulatory bodies to enter into a reciprocal agreement with the corresponding regulatory authority in another state or territory of the United States for the purposes of authorizing a licensee to practice concurrently in Nevada and another jurisdiction.

Attached to the bill page is the mock-up that was in Committee last week, and it is available on the Nevada Electronic Legislative Information System. The amendment accomplishes the following: It removes section 4 relating to the employment of physicians by a medical facility; it clarifies provisions relating to the waiver of certain requirements for drivers of commercial vehicles; it removes provisions in section 14 relating to modifications of the requirements for postgraduate education or training; it revises *Nevada Revised Statutes* (NRS) 633.400 to include timelines for action by the State Board of Osteopathic Medicine on applications for license by endorsement and removes section 28 as redundant; it removes section 37 relating to fee increases for the Board of Examiners for Social Workers; it adds a provision to require the reports mandated by this bill to continue in perpetuity; and it makes other changes in various sections intended to clarify the bill's original intent.

Two additional amendments are attached. The first amendment, submitted by the bill sponsor, addresses the fiscal note from the Department of Employment, Training and Rehabilitation. The amendment revises the reporting requirements in section 1 of the bill from monthly to quarterly.

The second amendment was submitted by the Board of Dental Examiners of Nevada, and is intended to expedite the approval of applications for licensure by

the Board. The amendment allows the Secretary-Treasurer to accept or reject certain applications submitted to the Board.

There is an amendment ([Exhibit E](#)) submitted by Assemblyman Kirner that is not attached to the work session document. It inserts a new section into the bill which would amend *Nevada Revised Statutes* 630.0129 by allowing medical assistants to be supervised by advance practice registered nurses.

The Committee members have before them three single amendments in addition to one mock-up.

**Chairman Kirner:**

This is a very comprehensive bill. The mock-up which was provided by Caleb Cage is significant. The first amendment removes the fiscal note and that is a change in the reporting structure. There is an amendment proposed by Michael Hillerby, and the amendment I submitted.

**Caleb S. Cage, Director of Military and Veterans Policy, Office of the Governor:**

Thank you for the opportunity to be here. I am available for questions.

**Chairman Kirner:**

Are there any questions?

**Assemblywoman Carlton:**

At the original hearing on this bill, I asked Mr. Cage about the term "reciprocity" and how it was going to be defined. We wanted to make sure that the people who were coming into the state have the needed qualifications. Blanket reciprocity would not allow the Board to deny anyone access to the state. They would have to take them no matter what their history. I know there is another bill which deals with the physicians' compact that will address many of these issues. I have concerns with the term reciprocity. Are we going to a credentialing scheme that would allow the Board to protect the public?

**Caleb Cage:**

The licensure by endorsement is the language that is used throughout the bill. Licensing reciprocity was the language I used in my presentation. I believe there is a reference to reciprocity within the bill, but for the most part, in the individual professions, credentialing is referred to as licensing by endorsement.

**Assemblywoman Carlton:**

Would the proposer of the bill have an issue with removing the word "reciprocity" to make sure no one could make a legal challenge that they had to allow into the state?

**Matt Mundy, Committee Counsel:**

I wanted to offer a clarification. I think Assemblywoman Carlton is referring to section 12. There are two different sections. One is a licensure by endorsement provision that provides generally for licensure for veterans and their spouses. That is in NRS Chapter 622, but the reciprocity statute in section 12 authorizes the state to enter into a reciprocal agreement with other states, whereby they would be required to recognize their licensure if they entered into those agreements. There are no specific terms in the statute as to what the qualifications are, only the direction in subsection 2, which says that the regulatory body must determine that the corresponding regulatory authority is authorized to enter into such an agreement and the applicable provisions of law governing the practice of the respective profession be substantially similar to those in the state. They would be required to recognize the license should they enter into a reciprocal agreement. I want to make that clarification between the reciprocity statute and the licensure by endorsement statute which is specific to veterans.

**Assemblywoman Carlton:**

Similarly equivalent is good, but I have always worried about any discipline that the professional might be under. There could be a disciplinary hearing going on in another state, but with a reciprocity agreement we would be required to accept that person and our board would not have the opportunity to deny them. I want to make sure we give the board the tools they need to get the best professionals.

**Assemblyman O'Neill:**

If a person is coming into the state with disciplinary problems, he or she would not be automatically granted a license, because that is part of the review process. I disagree that reciprocity is a blanket acceptance with a blind eye.

**Matt Mundy:**

The state would be bound by the terms of the agreement, which would require the regulatory body to recognize substantially similar provisions in existing law. I cannot speak, in the context speculatively, of a disciplinary proceeding that is going on in another state at the time they already have a license under a reciprocal agreement. I do not know the answer to that.

**Assemblywoman Kirkpatrick:**

I have to agree with Assemblywoman Carlton because she has worked on boards in the Legislature for over 14 years. I think there needs to be an amendment. I do not think that anyone wants them to not be able to get a license and to streamline the process, but when you leave the terms so broad, the Legislature has no way to go back and address the issue for two years.

We have been talking about this issue for over four years since we first put the Office of Military and Veterans Policy in the Office of the Governor. There was talk during the interim about the medical profession during the Governor's Behavior Committee, on which some of us served. This is not new, but there has to be some clarity because boards have to know what the specific rules are and not be left to interpretation or there will be havoc.

In a time when over half of my constituents are unemployed and have been for the last five years, I struggle with section 2, subsection 2 of the bill. Although subsection 1 says that any employer can adopt employment policies, which they can already do, subsection 2 says it "does not violate any local or state equal employment law." I worry that we are now creating an unfair advantage for veterans over someone else who is qualified for the position. I think it could be bad for business because you, Mr. Cage, will want to promote those businesses that hire veterans first. What about people who will not go to a retail store because they cannot even get a job application there? I wish there were a different way to do it. Having been in leadership for the past four sessions, my members and I had bills that had preferences on different things. This is a fair game for everybody. I think you could have some private partnerships without having this bill in place. For those reasons and as the wife of a veteran, I oppose this bill.

**Matt Mundy:**

I want to make it clear that people who are licensed under reciprocity agreements are still subject to disciplinary action in this state based on the statutory requirements and the authority of the boards. To some extent, those boards are able to discipline licensees for activity or negligence out of state by recognizing their licensure here, but that would be specific to the boards based on what the statute gives the board as far as authority and discipline.

**Assemblywoman Carlton:**

I have heard boards say that they have professions that go shopping for states with reciprocity and fewer restrictions because they would rather practice in that state. This is not about limiting who can come here. We want good people and the board to have the tools to select them.

**Chairman Kirner:**

Assemblywoman Carlton, could this be strengthened with an amendment?

**Assemblywoman Carlton:**

If we could turn it to credentialing and use the boilerplate credentialing language that we have used in a number of other boards, I believe it would give more

strength and a level of comfort to make sure they have the opportunity to deny licenses.

**Chairman Kirner:**

What are your thoughts, Mr. Cage?

**Caleb Cage:**

Nevada is one of four states in the nation without licensure reciprocity language in the law for veterans. That is our intent. If reciprocity language is going to overall destroy this bill, we can make whatever amendments are necessary to accommodate it. The 46 states that Nevada is behind in veteran services have reciprocity with veterans, and that is what this bill is trying to accomplish.

**Assemblywoman Bustamante Adams:**

I want to echo the comments of Assemblywoman Kirkpatrick as a military spouse. Last session in Assembly Bill No. 349 of the 77th Session, we attempted to accommodate this without all of the other additions as far as licensing military spouses and veterans. I support that, but I will oppose the bill because of the private employment procedure and the constituents in my district. I appreciate the inclusion of the minimum standards of the federal level on the commercial licenses for drivers.

**Caleb Cage:**

To say the veterans preference is a national best practice is a throwaway phrase. The Office of the Secretary of Defense is pushing this nationally. The National Conference on State Legislatures has produced a white paper endorsing this concept, and many other organizations have as well. The reason we are pursuing this preference is that we, in Nevada, have been approached by many employers who have said they want to hire veterans, service members, and their families in our state in the private sector. That would be like the state and federal government being able to hire veterans into their workforce through veteran's preferences as they do currently.

We want to have that same protection. There are 10 other states pursuing this type of legislation. One retailer came to us and said they have a commitment to hire every veteran who wants a job as long as they are honorably discharged, but they want to be sure they are in compliance with our laws to do that. This is not necessarily a special benefit to veterans. We have tried to stay away from just giving special benefits to veterans. This is recognizing that 300,000 service members will be exiting the military each year for the next three years and bringing their families to communities across America. We have a vested interest in reintegrating them quickly into our workforces, our systems

of higher education, and our communities so we can engage with them, help them thrive, and help us thrive.

**Assemblywoman Kirkpatrick:**

My son-in-law is on active duty and is about to be laid off in Fairbanks, Alaska. They had 5,000 people stationed there, and 4,000 have to leave. Is there not another way to do this? I think that every employer has the ability to ask if the potential employee is a veteran. The way it is worded in the bill sends a mixed message to other people. Why could you not change the language so that it does not appear that the veterans will be the only ones who will be hired? You said that you have somebody who wants to hire all of them. Why could you not change this language so the employer could make the determination but the qualifications mean something?

**Caleb Cage:**

I guess I do not understand. This says a private employer "may" adopt an employment policy that gives preferences in hiring to a veteran or the spouse of a veteran. It is not saying a private employer "shall." It is saying they "may." I think the language is appropriately accommodating.

**Assemblywoman Kirkpatrick:**

My concern is in section 2, subsection 2, which says, "does not violate any local or state equal employment law."

**Caleb Cage:**

That is what private-sector employers are asking to have. They want the same protections that the State of Nevada has in its preference. It is the same preference that the federal government has enacted through the Veterans Opportunity to Work Act (VOW Act) and the Veterans' Recruitment Appointment program (VRA) where they can hire veterans directly. With section 2, subsection 1 and not subsection 2, this becomes toothless.

**Chairman Kirner:**

Is it fair to say that we have to have that language to avoid conflicts with our private employers?

**Caleb Cage:**

The private employers are coming to us and asking, does this violate any state law? They are trying to be sure they are in compliance when they hire veterans.

**Chairman Kirner:**

Does this language resolve that concern?

**Caleb Cage:**

That is the intent. Is there anything that Legal can add to that?

**Matt Mundy:**

I would agree with the comments that have been made that the language in subsection 2, "does not violate any local or state equal employment laws," is necessary to facilitate the intent of the section. Otherwise, it could potentially create a conflict by permissively allowing these hiring preferences in the light of existing equal employment law. That wording would be necessary to facilitate the intent of the section.

**Chairman Kirner:**

I am going to move the discussion to the proposed amendment submitted by the Board of Dental Examiners ([Exhibit D](#)). There was some concern expressed about the review, approval, or rejection by the Secretary-Treasurer.

**Assemblyman Silberkraus:**

Looking at having the Secretary-Treasurer making decisions between Board meetings, I would like to see if we could have that reviewed by the Board at the next regular Board meeting or possibly bringing in the Board President to work with the Secretary-Treasurer on making that approval before the Board meeting.

**Caleb Cage:**

Are you asking that the Secretary-Treasurer's approval be provisional based on the conditional approval of the Board?

**Assemblyman Silberkraus:**

I understand the Board meets nearly every month, if not every other month, so it would be a temporary approval until it could be confirmed by the full Board.

**Michael Hillerby, representing Board of Dental Examiners of Nevada:**

The Board meets frequently. I am not aware of any provision in the law for a provisional license. The determination of whether the application is complete and meets statute is a black-and-white matter. It is an administrative function for the Secretary-Treasurer to approve. The report of those licensees who were approved will be presented at the next Board meeting so the Board is aware of what happened. If there was a question on a license or it was going to be denied, that information would be sent to the applicant, and he or she would be given the opportunity to provide whatever additional information was needed. There is not much of a subjective decision by the Secretary-Treasurer. The application is either complete and the person has met all of the qualifications in law to receive a license, or they have not. There is no subjectivity. If there was a concern, we would contact the applicant for

licensure and ask for any additional information. That decision would be delayed. We were trying to do this to get with the spirit of the bill so we could move those decisions more quickly, so applicants who meet all of the qualifications are not delayed in getting their licenses.

**Assemblyman Nelson:**

The question that Assemblyman Silberkraus and I have is, is this giving too much power to the Secretary-Treasurer? What is the Board's function? Are you saying that they have a checklist and if the applicant has completed everything, he is approved?

**Michael Hillerby:**

I do not know that I could characterize it accurately as just a checklist, but the qualifications are clearly delineated in the NRS, so the Board staff will review those and tell the Secretary-Treasurer. The Secretary-Treasurer looks at all of those, and the entire list of successful applications is forwarded with his recommendation for approval to the Board. As I understand it, one motion is taken on those. So we are getting rid of the delay between the review by the Secretary-Treasurer of the staff's recommendation and the Board meeting.

**Assemblyman Nelson:**

Will the staff make the recommendation to the Secretary-Treasurer, who will take it to the Board?

**Michael Hillerby:**

Yes.

**Assemblyman Nelson:**

Does the Board rubber-stamp it?

**Michael Hillerby:**

The Board votes to issue the licenses. If they are complete, there is not really a discretionary component. If the applicant meets all of the qualifications in state law, we issue him a license. There is just the administrative function that the Board is making a blanket vote to approve the group of licensees whose applications were reviewed by the staff, deemed sufficient, reviewed by the Secretary-Treasurer, and given to the Board. Hopefully, we are trying to remove the short delay.

**Assemblyman Nelson:**

Do not most boards usually have that function? You seem to be saying that does not really happen here. The Secretary-Treasurer makes the final decision, and it is an automatic thing in most cases, is that right?

**Michael Hillerby:**

I will check with the Board and get a more complete answer to your question. A number of these functions have been delegated particularly by the larger boards to their executive staff. The staff reviews the applications and completes background checks, including fingerprint clearances, transcripts, and diplomas. If all those pieces are complete, I do not know if we have a lot of discretion to deny a license. If there were any concerns, the applicant would be told what they were. If they were denied, the applicant could request a hearing in front of the Board.

**Chairman Kirner:**

The one thing that struck me was that it was a delegation of authority to the Secretary-Treasurer. It seems to me that the Secretary-Treasurer can recommend, but the Executive Director should be the one to sign the document.

**Michael Hillerby:**

I will have to ask who signs the license. We will not do anything to slow down the progress of this bill; we will find another way to do this.

**Chairman Kirner:**

When I look at this amendment ([Exhibit D](#)), I see "review, approval or rejection by Secretary-Treasurer." I am suggesting that there be a review and a recommendation for approval or rejection by the Secretary-Treasurer. I think there may be model language in section 13, subsection 4 of the mock-up. Are you comfortable to go back and look at that?

**Michael Hillerby:**

Of course, I would be happy to. I will get with the Board immediately to clarify this amendment. We will do anything we need to do to speed this process and not be an impediment.

**Chairman Kirner:**

I would like to see the bill moved today, but I would like to see the amendment before it goes to the Assembly floor. We need to consider the bill in that light today, that the Secretary-Treasurer would only make a recommendation for approval or rejection to the Executive Director with the concept outlined in section 13, subsection 4.

**Michael Hillerby:**

We will work on that.

**Chairman Kirner:**

The last amendment ([Exhibit E](#)) is something that was overlooked in the last session. It falls under Chapter 630 of NRS and has to do with including the advance practice registered nurse (APRN).

**Assemblywoman Carlton:**

Last session when we did the APRN bill, this was one of the provisions that was overlooked. This would allow the APRN to supervise a medical assistant along with all of the other professionals that are allowed to supervise, so in the team atmosphere of health care, they are an equal member of the team.

**Michael Hillerby, representing State Board of Nursing:**

On this issue I am representing the State Board of Nursing. The amendment ([Exhibit E](#)) is new to us. The Board is concerned that the way it is written and if it is going to move forward, we will need to deal with some language. Chapter 632 of the NRS is the nursing chapter. It does not have any language that contemplates one of our licensees licensing someone else in another chapter. The amendment would reference an APRN in the chapter of the Board of Medical Examiners, which does not regulate nurses. We would like an opportunity to work with you through this thorny situation.

**Assemblywoman Carlton:**

I would like to withdraw this amendment. I did not know it would cause this problem, and I would not do this to Mr. Cage. I will talk to Mr. Hillerby and Mr. Lee about how to deal with this.

**Chairman Kirner:**

I am interested in moving this bill. If there is no other discussion, I will entertain a motion.

ASSEMBLYWOMAN SEAMAN MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 89.

ASSEMBLYMAN SILBERKRAUS SECONDED THE MOTION.

**Chairman Kirner:**

Is there any other discussion?

**Assemblywoman Carlton:**

Without the change in the reciprocity language, I will have to be opposed to this bill.

**Assemblyman Ellison:**

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

**Matt Mundy:**

For the purposes of amending and do pass, we will amend A.B. 89 in light of the mock-up, in addition to the attached amendment to section 1, dated March 4, 2015, changing "each month" to "quarterly" for the purposes of reporting requirements. The amendment with respect to NRS Chapter 631 for the Board of Dentistry would be revised so the Secretary-Treasurer would be advising the Executive Director of an applicant's status. We would model the language after section 13, subsection 4, which would authorize the Executive Director to approve the license between meetings of the Board.

**Chairman Kirner:**

That concurs with my thinking as well. Is there any further discussion? [There was none.] I will call for the vote.

THE MOTION PASSED. (ASSEMBLYMEN BUSTAMANTE ADAMS, CARLTON, DIAZ, KIRKPATRICK, AND OHRENSCHALL VOTED NO. ASSEMBLYMEN PAUL ANDERSON AND FIORE WERE ABSENT FOR THE VOTE.)

Assemblyman Silberkraus will take the floor statement for Assembly Bill 89.

We canceled the hearing on Assembly Bill 179 today. The Governor is going to have a bill signing, and there may be members of the Committee who wish to attend that. Is there any public comment? [There was none.] We will reschedule Assembly Bill 179 and Assembly Bill 180 for the near future.

The meeting is adjourned [at 2:29 p.m.].

RESPECTFULLY SUBMITTED:

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Earlene Miller  
Committee Secretary

APPROVED BY:

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Assemblyman Randy Kirner, Chairman

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

DATE: **EXHIBITS**

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

**Date:** **March 4, 2015**

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

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 85	C	Kelly Richard, Committee Policy Analyst	Work Session Document
A.B. 89	D	Kelly Richard, Committee Policy Analyst	Work Session Document
A.B. 89	E	Assemblyman Kirner	Proposed Amendment