

**MINUTES OF THE
SENATE COMMITTEE ON COMMERCE, LABOR AND ENERGY**

**Seventy-Eighth Session
May 15, 2015**

The Senate Committee on Commerce, Labor and Energy was called to order by Chair James A. Settelmeyer at 8:54 a.m. on Friday, May 15, 2015, in Room 2135 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 James A. Settelmeyer, Chair
Senator Patricia Farley, Vice Chair
Senator Joe P. Hardy
Senator Becky Harris
Senator Mark A. Manendo
Senator Kelvin Atkinson
Senator Pat Spearman

STAFF MEMBERS PRESENT:

Marji Paslov Thomas, Policy Analyst
Dan Yu, Counsel
Christine Miner, Committee Secretary

OTHERS PRESENT:

Paula Berkley, Board of Examiners for Audiology and Speech Pathology
Loretta Ponton, Executive Director, Board of Examiners for Audiology and
Speech Pathology

Chair Settelmeyer:

I will open the work session on [A.B. 86](#).

[ASSEMBLY BILL 86 \(2nd Reprint\)](#): Revises provisions governing the Silver State Health Insurance Exchange. (BDR 57-390)

Marji Paslov Thomas (Policy Analyst):

I will read the summary of the bill from the work session document ([Exhibit C](#)).

Chair Settlemeyer:

Elisa Cafferata had some concerns during the hearing. Bruce Gilbert, of the Silver State Health Insurance Exchange, wanted to process the bill as it stands.

Senator Harris:

Do ethics for government employees apply to individuals who will be serving as board members? If there were a potential for financial gain by the individual serving on the board, would he or she be able to use the position for those behaviors?

Dan Yu (Counsel):

I have read the communication exchanges between Mr. Gilbert and the party in opposition to the bill as originally drafted, and based on my review, those statutory provisions would apply.

Senator Spearman:

Is there a way to make sure that it is explicit and not implicit in the bill?

Mr. Yu:

The provisions apply. Is it explicitly laid out in the bill? There is no internal reference, which could be done. Regardless of whether there is an internal reference to those particular provisions to the statute, it would still apply. The open meeting law provisions would apply; the other provisions regarding the ethics of the member of the board as public officers would still apply. Internal reference is not needed, but one could be placed at the direction of this Committee.

SENATOR HARRIS MOVED TO DO PASS A.B. 86.

SENATOR SPEARMAN SECONDED THE MOTION.

Senator Spearman:

The open meeting issue is in the bill, but because it is this type of legislation, we should put in some internal reference so there can be no doubt in the mind of anyone who serves on the board that conflict of interest must be disclosed.

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Chair Settlemeyer:

I appreciate the concerns. The bill sponsor, Mr. Gilbert, head of the Affordable Care Act for the Silver State Health Insurance Exchange, did not agree to the amendments that came forward. We have the bill before us.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

We will move on to A.B. 89.

ASSEMBLY BILL 89 (1st Reprint): Makes various changes to provisions relating to certain professions. (BDR 53-295)

Ms. Paslov Thomas:

I will read the summary of the bill and Proposed Amendment 7161 by Chair Settlemeyer from the work session document ([Exhibit D](#)).

Chair Settlemeyer:

The purpose of the amendment is to mirror the provisions of A.B. 89 to S.B. 68 to avoid conflict and the need for a conference committee to reconcile the differences. This is Caleb Cage's bill, who is the Director of Military and Veterans Policy, Office of the Governor, and deals with veterans and expedited licensures to ensure the two sections comport.

SENATE BILL 68 (1st Reprint): Revises provisions governing professions. (BDR 54-290)

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED A.B. 89 WITH PROPOSED AMENDMENT 7161.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

We will move on to A.B. 115.

ASSEMBLY BILL 115 (1st Reprint): Revises provisions governing audiologists, speech-language pathologists and hearing aid specialists. (BDR 54-165)

Ms. Paslov Thomas:

I will read the summary of the bill and proposed amendments from the work session document ([Exhibit E](#)).

Chair Settlemeyer:

The amendments to A.B. 115 do not conflict with one another and were approved by the sponsor. Merging of the boards came out of the Sunset Subcommittee of the Legislative Commission to facilitate streamlining the process of the boards.

SENATOR FARLEY MOVED TO AMEND AND DO PASS AS AMENDED A.B. 115 WITH AMENDMENTS PROPOSED BY THE BOARD OF EXAMINERS FOR AUDIOLOGY AND SPEECH PATHOLOGY AND PROPOSED AMENDMENT 6870.

SENATOR MANENDO SECONDED THE MOTION.

Senator Hardy:

Why do we allow for scoping or other things that are not related to diagnosis or for medical reasons?

Paula Berkley (Board of Examiners for Audiology and Speech Pathology):

Would you explain your question?

Senator Hardy:

Is treatment done with the scope allowed that is not for diagnosis or for medical reasons?

Loretta Ponton (Executive Director, Board of Examiners for Audiology and Speech Pathology):

It is for assessment and evaluation purposes only. If during the scoping process there were any indication of a medical reason for a perceived problem with speech, it would be referred to a physician for diagnosis and treatment.

Senator Hardy:

Is this scoping not conducted for a medical reason?

Ms. Ponton:

It is done to assess the function of the throat during speech.

Senator Hardy:

So, the throat is a place in the body we do not have a medical reason to do something to?

Ms. Ponton:

No, more extensive diagnostic procedures can be done on the throat.

Senator Hardy:

So, is it diagnostic if it is more diagnostic?

Ms. Ponton:

The terms "diagnostic" and "evaluation" were discussed with the Nevada State Medical Association board. The word "diagnosis" is a medical term. "Evaluation" and "assessment" are more appropriate terminology to use in this instance.

Chair Settlemeyer:

The words "evaluation" and "assessment" were requested by the Medical Association Board.

THE MOTION PASSED (SENATOR HARDY VOTED NO.)

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Chair Settlemeyer:

We will go on to A.B. 126.

ASSEMBLY BILL 126 (1st Reprint): Revises provisions governing massage therapy. (BDR 54-207)

Ms. Paslov Thomas:

I will read the summary of the bill and proposed amendment from the work session document ([Exhibit F](#)).

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED A.B. 126.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

This brings us to A.B.129, which I will pull back for lack of support by the Committee.

ASSEMBLY BILL 129 (1st Reprint): Revises provisions concerning annuity benefits. (BDR 57-541)

Chair Settlemeyer:

We will now go on to A.B. 295.

ASSEMBLY BILL 295 (1st Reprint): Revises provisions relating to the provision of certain wellness services. (BDR 54-698)

Ms. Paslov Thomas:

I will read the summary of the bill and proposed amendments from the work session document (Exhibit G).

Chair Settlemeyer:

This bill addressed various members' concerns and issues. A compromise was worked out and the amendments are not in conflict.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED A.B. 295.

SENATOR SPEARMAN SECONDED THE MOTION.

Senator Hardy:

The definition for detoxification practices and therapies as defined is a noninvasive verification. Colonic hydrotherapy, intravenous therapy and prescription drugs are medical interventions that are not allowed. Clarification of

detoxification, as assumed in some of the wellness services, is to be noninvasive from any opening in the body for the purposes of detoxification, other than dietary supplements and Fleet enemas.

Chair Settlemeyer:

"Definitions of Wellness Services In Assembly Bill 295" ([Exhibit H](#)) is published on the judiciary Website. Alexis Miller of the Sunshine Health and Freedom Foundation presented these. The definitions are a reference to explain the wellness terms in the bill.

Mr. Yu:

One of the proposed changes to A.B. 295, [Exhibit G](#), added the language in section 3, subsection 7, "Authorized and" before the term "used in this section, 'wellness services' means healing." That language is not necessary and will not be included when drafting the amendment. This change is indicated in the work session document, [Exhibit G](#), and will not appear in the final amendment.

Senator Hardy:

Will any of section 7 be included in the final amendment?

Mr. Yu:

The language in blue in the work session document, [Exhibit G](#), in section 7 will remain; the language in green in the first line "authorized and" will not be included. It is a technical issue.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

I need to bring back A.B. 89. There was a proposed amendment submitted by Michael Hillerby, [Exhibit D](#), left out. There is not a conflict to include this amendment and we will not need to go into a conference committee on this.

SENATOR HARDY MOVED TO RESCIND THE PREVIOUS ACTION TAKEN ON A.B. 89.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

We will vote on A.B. 89 with the inclusion of the new amendment.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 89 WITH BOTH AMENDMENTS.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Settlemeyer:

We will move on to S.B. 353. There were concerns about creating a private cause of action. No other state has this language in its law, and the sponsor agreed to delete section 2 from the original bill. The work session document is before you ([Exhibit I](#)).

SENATE BILL 353: Enacts provisions relating to sexual orientation conversion therapy. (BDR 54-748)

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS
AMENDED S.B. 353.

SENATOR ATKINSON SECONDED THE MOTION.

Senator Hardy:

The definition for the word "questioning" means feel or express doubt about, raise objections to, call into question, have suspicions about or have reservations about. When a therapist of any kind does any counseling and the counseling may or may not include or deal with gender issues, and that therapist makes any comment about a gender issue, the patient may construe or perceive that as a conversion therapy. I am adamantly opposed to this bill for that reason.

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THE MOTION PASSED. (SENATOR HARDY VOTED NO.)

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Chair Settlemeyer:

There being no public comment and no additional discussion, this meeting is adjourned at 9:23 a.m.

RESPECTFULLY SUBMITTED:

Renee Fletcher,
Committee Secretary

APPROVED BY:

Senator James A. Settlemeyer, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	4		Attendance Roster
A.B. 86	C	1	Marji Paslov Thomas	Work Session Document
A.B. 89	D	78	Marji Paslov Thomas	Work Session Document
A.B. 115	E	9	Marji Paslov Thomas	Work Session Document
A.B. 126	F	1	Marji Paslov Thomas	Work Session Document
A.B. 295	G	7	Marji Paslov Thomas	Work Session Document
A.B. 295	H	2	Chair Settlemeyer	Sunshine Health Freedom Foundation Definitions of Wellness Services
S.B. 353	I	1	Chair Settlemeyer	Work Session Document