

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

**Seventy-Eighth Session  
February 18, 2015**

The Senate Committee on Health and Human Services was called to order by Chair Joe P. Hardy at 3:30 p.m. on Wednesday, February 18, 2015, 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 Joe P. Hardy, Chair  
Senator Ben Kieckhefer, Vice Chair  
Senator Mark Lipparelli  
Senator Joyce Woodhouse  
Senator Patricia Spearman

**GUEST LEGISLATORS PRESENT:**

Senator Pete Goicoechea, Senatorial District No. 19

**STAFF MEMBERS PRESENT:**

Marsheilah Lyons, Policy Analyst  
Eric Robbins, Counsel  
Debra Carmichael, Committee Secretary

**OTHERS PRESENT:**

John Carpenter  
Sean P. McDonald, MBA, Administrator, Division of Central Services and Records, Department of Motor Vehicles  
Ann Yukish-Lee CPM, DMV Services Manager II, Central Services Processing Center, Department of Motor Vehicles  
Mary E. Wherry, RN, MS, Deputy Administrator, Community Services, Division of Public and Behavioral Health, Department of Health and Human Services

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Leon Ravin, M.D., Acting Statewide Psychiatric Medical Director, Division of  
Public and Behavioral Health, Department of Health and Human Services

**Chair Hardy:**

The meeting is now open, and I request Committee introduction of a bill draft request (BDR), BDR 40-512.

**BILL DRAFT REQUEST 40-512**: Enacts the Caregiver Advise, Record, Enable (CARE) Act. (Later introduced as [Senate Bill 177](#).)

SENATOR LIPPARELLI MOVED TO INTRODUCE BDR 40-512.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Hardy:**

I open the hearing on Senate Bill (S.B.) 110.

**SENATE BILL 110**: Revises provisions governing the disposal of abandoned recreational vehicles. (BDR 43-609)

**Senator Pete Goicoechea (Senatorial District No. 19):**

Senate Bill 110 authorizes a person to apply for a letter of abandonment for an abandoned recreational vehicle (RV) in certain circumstances. Before applying for a letter of abandonment, the owner or occupant of the property where the abandoned RV is located shall attempt to identify the owner of the abandoned recreational vehicle. The property owner or occupant of the property must notify the owner of the RV by a registered or certified letter to the last known address of the vehicle owner. The property owner or occupant of the property must place a notice in a newspaper of general circulation published in the county in which the abandoned RV is located, describing the abandoned RV and the location where the abandoned RV was discovered and provide the serial number, vehicle identification number, registration number or any other identifying information relating to the abandoned RV. The notice shall state that if the ownership is not claimed and the abandoned RV is not removed within 30 days after the publication date of the newspaper, the owner or occupant of

the property where the abandoned RV is located will apply for a letter of abandonment.

**John Carpenter:**

The municipal solid waste landfills will not take abandoned RVs because they are titled by the Department of Motor Vehicles (DMV). A titled RV should go to a salvage yard or wrecking yard for disposal. However, the salvage or wrecking yards will not take them because they have to dismantle them, which costs money and there is no value.

I have an RV and mobile home park in Elko. When RVs are abandoned in my park, there is no way I can dispose of them other than to take them apart a piece at a time. A mobile home can be taken to the landfill where it will be dismantled, but an RV cannot go there.

**Senator Lipparelli:**

Who becomes the possessor of the RV?

**Mr. Carpenter:**

If the certified or registered letter was not answered and the RV owner did not respond to the 30-day notice in the newspaper, the property owner or occupant could apply to the DMV for a letter of abandonment. Once the DMV issued the letter of abandonment, the property owner or occupant where the abandoned RV resides could take the RV to the landfill where it would be dismantled or destroyed.

**Senator Lipparelli:**

Is title reissued by DMV?

**Mr. Carpenter:**

The letter of abandonment gives the property owner or occupant the right to dismantle or destroy the RV.

**Senator Goicoechea:**

With the letter of abandonment in hand, could the property owner or occupant pursue a title if it was valuable enough?

**Mr. Carpenter:**

In some instances, the RV owner will turn over the title to the property owner or occupant.

**Chair Hardy:**

Where does the State have a potential burden?

**Senator Goicoechea:**

Issuing the letter of abandonment is the potential burden. However, the bill does allow the DMV to charge a fee for the letter of abandonment.

**Chair Hardy:**

Are the fees paid after the title is issued?

**Senator Goicoechea:**

Fees are charged to get the letter of abandonment.

**Senator Kieckhefer:**

Section 1, subsection 5 of the bill states, "The Department may charge and collect a fee for issuing a letter of abandonment pursuant to this section, which must not exceed the actual cost to the Department of issuing the letter of abandonment." The fiscal note should say that.

**Sean P. McDonald, MBA (Administrator, Central Services and Records Division, Department of Motor Vehicles):**

The DMV does have a hefty fiscal note on this bill because of the July 1, 2015, implementation date. The Department would hire contract programmers. Contract pay is \$100 an hour at 1,217 hours to program. If we could have some time to do this, we could use existing resources to offset the fiscal note. Ideally, this could be included in our proposed system modernization, but that is 5 years out. The rest of the note is for updating regulations and recovering the cost of \$1.75 for mailing the letter of abandonment.

**Chair Hardy:**

Would the date of implementation take effect on July 1, 2021, instead of July 1, 2015, when the rest of the bill takes effect?

**Mr. McDonald:**

We are looking at a 5-year implementation period for the system modification if the proposed system modernization is passed and approved.

**Senator Kieckhefer:**

The Department of Motor Vehicles is going through a major overhaul on its Internet technology infrastructure and system. The current system is outdated and expensive to work, which is reflected in the fiscal note. Currently, is there a system for abandonment of vehicles?

**Ann Yukish-Lee (Services Manager, Central Services Processing Center, Department of Motor Vehicles):**

Currently, there is no system of abandonment. It would be a transfer of title. The programming hours would be used to create a modification to the system to record the letter of abandonment.

**Senator Kieckhefer:**

Could the bill be amended to allow DMV to transfer the title instead of preparing a letter of abandonment? Would that cancel the programming requirement?

**Ms. Yukish-Lee:**

Yes, the bill could be amended to do that, but the intent of the bill is to make it easier for the property owner. Because there is no title present, the property owner would obtain a statement of fact or go to court to have the vehicle awarded to the property owner.

**Mr. McDonald:**

To meet the July 1, 2015, deadline, the biggest impact is the 800 hours of programming to create a new transaction in the existing system for abandoned vehicles. Then, it requires an additional 480 hours to bring the programmers up to speed on DMV processes.

**Senator Kieckhefer:**

What happens now if a vehicle is abandoned on private property?

**Ms. Yukish-Lee:**

It is a lien-sell process. The property owner would call a tow company and sign a private property release requesting the vehicle be removed from the property. The tow company gains the responsibility to notify the last registered and titled

owner of the vehicle, advertising in the newspaper and providing that information to the DMV to gain title.

**Senator Kieckhefer:**

Does the tow company have to go to court to get the title transferred?

**Ms. Yukish-Lee:**

No, the tow company does not have to go to court. There is statute in place now that allows them to gain title.

**Senator Kieckhefer:**

Can we mirror that statute in this bill?

**Ms. Yukish-Lee:**

Yes, you could mirror that statute. Why would we not have them go through a lien-sell process?

**Senator Kieckhefer:**

We are trying to make the process easy.

**Senator Lipparelli:**

Could we add RVs to the already established process and not require the programmers?

**Ms. Yukish-Lee:**

If the property owner wants to have an RV towed from the property, an RV can go through the lien-sell process.

**Senator Lipparelli:**

Our intent is to weave together the language that notices the abandonment and roll it into the existing process.

**Ms. Yukish-Lee:**

Yes, you could establish that a property owner goes through that process. The statute regulating that is *Nevada Revised Statute* (NRS) 108.265.

**Chair Hardy:**

An RV is already defined as something that can be towed away; the lien-sell process happens without a fiscal note attached to it.

**Ms. Yukish-Lee:**

Yes, that is already in statute. An RV is not different from any other type of motor vehicle.

**Chair Hardy:**

The tow company, not the property owner, would be responsible to send out the letter?

**Ms. Yukish-Lee:**

Yes, that is correct.

**Chair Hardy:**

Would the tow company take title?

**Ms. Yukish-Lee:**

Yes, that is correct.

**Senator Goicoechea:**

If you are lucky enough to find a tow company to tow it off, the tow company will only do it once. The tow company has to salvage the RV, and there is no money in it. This is the problem we are faced with right now. If the RV is shiny enough, the tow company might take it; otherwise, they will drive right on by the property.

**Senator Lipparelli:**

Is it in the statutes that towing is part of the process?

**Ms. Yukish-Lee:**

Yes, it is in order to process a lien-sell.

**Senator Lipparelli:**

If the tow company did not want to go through the process of towing the RV, could the tow company perfect the process enough to achieve the outcome?

**Ms. Yukish-Lee:**

The statute states the tow company must tow the RV, store it at the company's facility and accrue a cost for the lien-sell process to occur.

**Senator Goicoechea:**

The tow company is a licensed salvage yard and must impound, hold the RV and accrue fees.

**Senator Kieckhefer:**

There has been some effort to make this bill work; however, we are not quite there.

**Senator Spearman:**

Is there a cost for mailing the letter of abandonment?

**Mr. McDonald:**

There is a cost, but we have a cost recovery method. That in itself is revenue neutral. It costs \$1.75 for an envelope and postage, but it is recouped. There is no fiscal impact for this part.

**Senator Spearman:**

Is it possible to send the letter electronically and not incur a cost?

**Ms. Yukish-Lee:**

The salvage company and the landfill company require paperwork to show a transfer of ownership.

**Senator Goicoechea:**

Once the 30-day requirement and notification by certified letter are completed, the property owner should be able to walk into the DMV field office and get the transfer of ownership. This would cut out the DMV programming requirement.

**Ms. Yukish-Lee:**

For the protection of the DMV, the property owner and landfill operator, there must be a chain of ownership on the vehicle to show what happened. The Department needs to show the letter of abandonment was applied for, the certified letter was sent and the advertisement in the newspaper requirement was met. The Department would keep the information on file. The DMV field office could issue the letter of abandonment providing all the criteria were met.

**Chair Hardy:**

We will continue to work on refining this bill. I close the hearing on S.B. 110 and open the hearing on S.B. 31.



**SENATE BILL 31**: Revises provisions relating to detoxification technicians, facilities and programs. (BDR 40-329)

**Mary E. Wherry, RN, MS (Deputy Administrator, Community Services, Division of Public and Behavioral Health, Department of Health and Human Services):**

Existing law requires the Division of Public and Behavioral Health to adopt regulations that prescribe the requirements for continuing education for persons certified as detoxification technicians. The regulations adopted by the Division may also prescribe the fees for the certification of detoxification technicians, facilities or programs. This bill transfers the authority to adopt such regulations from the Division to the State Board of Health.

**Chair Hardy:**

I will close the hearing on S.B. 31. I open the work session on S.B. 7.

**SENATE BILL 7**: Revises provisions governing the admission of persons with certain mental conditions to and the release of such persons from certain facilities. (BDR 39-64)

**Marsheilah Lyons (Policy Analyst):**

I will read the summary and compilation amendment for S.B. 7 from the work session document (Exhibit C).

**Chair Hardy:**

There is an additional conceptual amendment adding other professionals to those who may file an application for an emergency admission of a patient and decertification of an admitted patient. The proposed amendment also revises the level of training required for those professionals, Exhibit C.

**Senator Kieckhefer:**

I want to make sure the professional who decertifies a patient has a higher level of training than the professional who certifies a patient. In other words, I want the professional who says the patient is not a danger to self or others to have the highest level of training.

**Chair Hardy:**

We want to get people certified and decertified easily, but with the knowledge of what decertifying means to the safety of the patient and others. Mr. Robbins, can you tell us the qualifications for certifying a patient as in statute?

**Eric Robbins (Counsel):**

A physician, psychologist, marriage and family therapist (MFT), clinical professional counselor (CPC), social worker, registered nurse or accredited agent of the Department of Health and Human Services can certify a person for evaluation, observation and treatment. A licensed physician on the medical staff of a mental health facility or hospital can decertify a patient according to NRS 433A.195.

**Chair Hardy:**

The amendment adds physician assistant, under the supervision of a psychiatrist, psychologist; a clinical social worker with psychiatric training and expertise; an advanced practice registered nurse with psychiatric certification or training and expertise; or an accredited agent of the Department of Health and Human Services to those who may decertify a patient. The amendment is adding accreditation, experience and training requirements for those decertifying a patient.

**Mr. Robbins:**

Yes, that is correct. The difference between the professional who can certify and the professional who can decertify, under the proposed amendment, is the professionals who can decertify would have psychiatric training as specified by their respective licensing boards.

**Senator Kieckhefer:**

Do we know what it means to require MFTs and CPCs to have psychiatric training and expertise?

**Chair Hardy:**

The Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors would be required to determine the definition and criteria for the levels of psychiatric training and expertise required for the MFTs and the CPCs. We can hold this for another day and proceed with the rest of the amendment.

**Senator Kieckhefer:**

Yes, let us proceed with everything but the conceptual amendment for S.B. 7, [Exhibit C](#).

**Chair Hardy:**

I am amending page 2, item 2b of [Exhibit C](#) to add "consanguinity to the second degree."

**Chair Hardy:**

I will close the work session on S.B. 7.

SENATOR KIECKHEFER MOVED TO AMEND AND DO PASS S.B. 7 WITH THE CONCEPTUAL AMENDMENT IN THE WORK SESSION DOCUMENT AND REVISING ITEM 2B, TO INCLUDE CONSANGUINITY TO THE SECOND DEGREE AND ITEM 2C, TO DELETE DIVISION OF PUBLIC AND BEHAVIORAL HEALTH.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Hardy:**

I will open the work session on S.B. 14.

**SENATE BILL 14**: Revises provisions governing the Pharmacy and Therapeutics Committee within the Department of Health and Human Services. (BDR 38-325)

**Ms. Lyons:**

I will read the summary for S.B. 14 from the work session document ([Exhibit D](#)).

**Chair Hardy:**

I will close the work session on S.B. 14.

SENATOR LIPPARELLI MOVED TO DO PASS S.B. 14.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Hardy:**

I will open the work session on S.B. 15.

**SENATE BILL 15**: Requires a mental health professional to notify certain persons of explicit threats communicated by a patient in certain circumstances. (BDR 54-3)

**Ms. Lyons:**

I will read the summary from the work session document for S.B. 15 ([Exhibit E](#)).

**Mr. Robbins:**

I will read the compilation of the proposed amendments from [Exhibit E](#).

**Senator Lipparelli:**

What is the difference between the professionals listed in section 1, subsection 4, paragraph (h) and the professionals listed in the elements prior to paragraph (h) in the proposed draft amendment to S.B. 15 on page 3?

**Mr. Robbins:**

Some of the professionals who work for the federal facilities are not necessarily licensed pursuant to NRS. They can work for the federal government if they are licensed in any state. Many of the professionals are not licensed in Nevada.

**Leon Ravin, M.D. (Acting Statewide Psychiatric Medical Director, Division of Public and Behavioral Health, Department of Health and Human Services):**

I support this legislation. However, the bill represents an older version of "duty to warn," as opposed to the newly adopted by many states "duty to protect." The duty to protect allows the mental health professionals a more judicious approach to address a patient who made an explicit threat of imminent serious physical harm or death to a third party. The term, duty to protect, gives the mental health professional the ability to pursue avenues other than notifying the third party or the police. For example, hospitalizing the patient in a psychiatric setting and thus removing the threat could be more beneficial to the patient to preserve their privacy. This approach will allow for better patient engagement in

the long-term therapeutic relationship with the treating professional and better outcome to the patient care.

**Chair Hardy:**

On page 2, [Exhibit E](#), the amended portion of the bill under section 1, subsection 1, says:

If a patient communicates to a mental health professional an explicit threat of imminent serious physical harm or death to a clearly identified or identifiable person and, in the judgment of the mental health professional, the patient has the intent and ability to carry out the threat, the mental health professional shall apply for the emergency admission of the patient to a mental health facility pursuant to *NRS 433A.160* or make a reasonable effort to communicate the threat in a timely manner to ...

Does this address your concern?

**Dr. Ravin:**

Yes, it does to a significant degree. Other states indicated an option of incarceration as a possibility of containment. This is not a common scenario, but if someone violates a restraining order and is incarcerated, the duty to warn would no longer be applicable.

**Chair Hardy:**

I will close the work session on S.B. 15.

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 15.

SENATOR KIECKHEFER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Hardy:**

I will open the work session on S.B. 49.

**SENATE BILL 49**: Revises provisions relating to emergency shelters for children.  
(BDR 38-498)

**Ms. Lyons:**

Senate Bill 49 revises provisions relating to emergency shelters for children. There is one amendment proposed clarifying that emergency shelters have 16 or more beds. The amendment is included in the work session document for S.B. 49 ([Exhibit F](#)).

**Chair Hardy:**

I will close the work session on S.B. 49.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED S.B. 49.

SENATOR LIPPARELLI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Hardy:**

I will open the work session on S.B. 88.

**SENATE BILL 88**: Revises provisions governing the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. (BDR 38-337)

**Ms. Lyons:**

Senate Bill 88 revises provisions governing the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. There were no proposed amendments for this measure and no testimony in opposition, as noted in the work session document for S.B. 88 ([Exhibit G](#)).

**Chair Hardy:**

I will close the work session on S.B. 88.

SENATOR LIPPARELLI MOVED TO DO PASS S.B. 88.

SENATOR KIECKHEFER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Hardy:**

Having no further business on the agenda and no public comment, I adjourn the meeting at 4:34 p.m.

RESPECTFULLY SUBMITTED:

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Debra Carmichael,  
Committee Secretary

APPROVED BY:

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Senator Joe P. Hardy, Chair

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

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	2		Agenda
	B	3		Attendance Roster
S.B. 7	C	5	Marsheilah Lyons	Work Session Document
S.B. 14	D	1	Marsheilah Lyons	Work Session Document
S.B. 15	E	3	Marsheilah Lyons	Work Session Document
S.B. 49	F	1	Marsheilah Lyons	Work Session Document
S.B. 88	G	1	Marsheilah Lyons	Work Session Document