

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

**Seventy-Eighth Session  
April 10, 2015**

The Senate Committee on Health and Human Services was called to order by Chair Joe P. Hardy at 7:04 a.m. on Friday, April 10, 2015, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E 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 Pat Spearman

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Mary Wherry, M.S., R.N., Deputy Administrator of Community Services,  
Division of Public and Behavioral Health, Department of Health and  
Human Services

**Chair Hardy:**

We will open the work session with Senate Bill (S.B.) 6.

**SENATE BILL 6:** Revises provisions relating to the delivery of health care.  
(BDR 40-63)

Senate Committee on Health and Human Services  
April 10, 2015  
Page 2

**Marsheilah Lyons (Policy Analyst):**

I will read from our work session document ([Exhibit C](#)). Senate Bill 6 was heard on April 8, 2015. The Committee heard a proposed amendment to replace the bill in its entirety.

SENATOR KIECKHEFER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 6.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

**Chair Hardy:**

We will open the hearing on S.B. 33.

**SENATE BILL 33**: Makes various changes relating to county hospitals.  
(BDR 40-475)

**Ms. Lyons:**

I will read portions of the work session document ([Exhibit D](#)). Senate Bill 33 provides that some records of a county hospital are held confidential. There is an amendment that strikes sections 2 through 5 from the bill.

SENATOR LIPPARELLI MOVED TO AMEND AND DO PASS AS AMENDED S.B. 33.

SENATOR WOODHOUSE SECONDED THE MOTION.

**Senator Kieckhefer:**

I understand the challenges of the University Medical Center of Southern Nevada (UMC), in its dual role as a business entity and a public entity, but shutting off the public scrutiny of strategic decision-making regarding large sums of public money is not something I can approve.

Senate Committee on Health and Human Services  
April 10, 2015  
Page 3

**Chair Hardy:**

Although I appreciate the root of your decision, it is not the expenditure of monies so much as the strategic planning that the UMC Board of Trustees would like to keep confidential.

THE MOTION PASSED. (SENATOR KIECKHEFER VOTED NO.)

\* \* \* \* \*

**Chair Hardy:**

I open the hearing on S.B. 248.

**SENATE BILL 248**: Revises provisions relating to certain persons with disabilities. (BDR 38-982)

**Ms. Lyons:**

I will refer to our work session document ([Exhibit E](#)). Senate Bill 248 requires the Department of Motor Vehicles to put a notation upon the driver's license, instruction permit or identification card indicating that person has a disability and needs assistance to use a voting device. An amendment was proposed as shown in the work session document, which deletes the qualifying language for an identification card, clarifying that the right of assistance cannot be denied or impaired. When the need of assistance is apparent, the need is known by the polling place; the voter may request assistance in any manner.

**Chair Hardy:**

The rationale is this: we do not ask people for credentials proving their need for any kind of assistance; we just help them.

**Senator Kieckhefer:**

It is ensuring that persons needing assistance are not questioned on that request.

SENATOR KIECKHEFER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 248.

SENATOR LIPPARELLI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

**Chair Hardy:**

We will go to S.B. 303.

**SENATE BILL 303**: Revises provisions relating to the protection of children.  
(BDR 38-1036)

**Ms. Lyons:**

I will refer to our work session document ([Exhibit F](#)). Senate Bill 303 revises provisions relating to the protection of children. Two amendments put forth by Clark County and the Clark County District Attorney's Office are included in the work session document.

**Senator Woodhouse:**

It was obvious from the testimony we had on this bill from foster parents that we have a system that is broken. I hope this bill with these amendments helps. I will be looking at ways to assist in providing some solutions in the interim so that next Legislative Session, if still broken as it is now, we can address it in a positive way. Senator Spearman and I received considerable reactive feedback over the weekend about how the system is broken.

**Chair Hardy:**

Since this process is ongoing, if we need to do more on the Senate Floor or in the Assembly or in the interim, such as requiring a report system, it might be better.

**Eric Robbins (Counsel):**

The amendment we prepared with the Clark County District Attorney's Office should go a long way to address any confrontational issues brought up during the testimony on the bill.

SENATOR KIECKHEFER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 303.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

**Senator Hardy:**

We will now move on to S.B. 327.

**SENATE BILL 327**: Revises certain provisions governing air ambulances.  
(BDR 40-1017)

**Ms. Lyons:**

Our work session document ([Exhibit G](#)) addresses the governing of air ambulances. There are four amendments including Proposed Amendment 9837 from Senators Farley and Hardy. The second is from Temple Fletcher of Care Flight. There is an amendment from Jeannette Belz on behalf of Air Care International. The final is from Donna Miller on behalf of Flying ICU.

SENATOR WOODHOUSE MOVED TO AMEND WITH ALL AMENDMENTS  
AND DO PASS AS AMENDED S.B. 327.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

**Chair Hardy:**

We are now going to consider S.B. 441, which has been asked to change its name per one of the amendments.

**SENATE BILL 441**: Revises provisions relating to cottage food industries.  
(BDR 40-988)

**Ms. Lyons:**

In our hearing, while walking through the amendment, the health division put forward its concerns with acidified foods being referred to as cottage foods. As noted in our work session document ([Exhibit H](#)), the amendment clarifies these producers on labeling as a craft food operations not subject to food inspection.

**Senator Kieckhefer:**

Is that what we passed in S.B. No. 206 of the 77th Session, or is that specifically acidified food, i.e., pickles?

**Ms. Lyons:**

What was passed last Session is considered cottage foods; what we are considering here is craft food.

SENATOR KIECKHEFER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 441.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

**Chair Hardy:**

We will now address S.B. 459.

**SENATE BILL 459**: Establishes an opioid overdose prevention policy for Nevada.  
(BDR 40-1119)

**Ms. Lyons:**

Our work session document ([Exhibit I](#)) for S.B. 459 has amendments worked on by many groups addressing several concerns.

**Chair Hardy:**

I would call the Committee's attention to section 16 of the work session document, [Exhibit I](#). Pursuant to *Nevada Revised Statutes* 639 regarding misdemeanors and any inadvertent error in this area, the intent is to allow physicians to look up a patient's opioid prescriptions in the system to prevent overdose. We need to assure that a physician cannot be accused of committing a crime if there are difficulties. Our Counsel, Eric Robbins, and the Governor's staff assisted us with these. For example, there could be issues if physicians were writing opioids in a hospital, and away from access to the system.

**Ms. Lyons:**

For clarification, physicians in inpatient facilities are exempt.

**Mr. Robbins:**

On the second page of the proposed amendments in the work session document ([Exhibit I](#)), the first two paragraphs in "Add the following language" need to be clarified as to which is applicable.

**Chair Hardy:**

I accept the second, third and fourth paragraphs as the most meaningful.

**Senator Kieckhefer:**

Am I to understand that everyone is in consensus with these amendments now, which appeases everyone?

**Senator Lipparelli:**

If we adopt the fourth paragraph of the amendment, it seems that the third paragraph would be redundant, unless Mr. Robbins has a different view.

**Mr. Robbins:**

I concur that it could be redundant.

**Chair Hardy:**

So, as long as the "physician cannot be held liable" portion gets into the fourth paragraph, we will then accept the second paragraph and the fourth paragraph as the amendment.

**Senator Spearman:**

I would like to make sure the intent would be perfectly clear if a person were not in the company of a member of this Committee.

SENATOR LIPPARELLI MOVED TO AMEND WITH THE PROPOSED AMENDMENTS, ELIMINATING THE FIRST PARAGRAPH LISTED UNDER "ADD THE FOLLOWING LANGUAGE" AND INCORPORATING THE "PHYSICIAN CANNOT BE HELD LIABLE" LANGUAGE AND DO PASS AS AMENDED S. B. 459.

SENATOR KIECKHEFER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

**Chair Hardy:**

Now we will hear S.B. 489.

**SENATE BILL 489**: Provides for the regulation of peer support recovery organizations. (BDR 40-1191)

**Ms. Lyons:**

S.B. 489 was heard on April 8, 2015. No amendments are included in our work session document ([Exhibit J](#)).

**Senator Kieckhefer:**

I would like to clarify that this relates to mental health only and not substance abuse peer support recovery organizations. Were substance abuse treatment and support to be involved, I can see the costs skyrocketing.

**Mary Wherry, M.S., R.N., (Deputy Administrator of Community Services, Division of Public and Behavioral Health, Department of Health and Human Services):**

The peer support agencies do not define which services are reimbursed. Medicaid only reimburses for mental health services.

**Senator Kieckhefer:**

The bill states mental health peer support services, addiction or substance abuse services. The description of the intent of the bill is to create a stand-alone industry; no one would be captured under this regulatory environment as it stands right now. When the in-home personal care attendant services provider issue was addressed, it created, in very short order, a massive line item in the Medicaid budget that is difficult to fund on a line-item basis. I question why we are initiating this.

**Ms. Wherry:**

If commercial insurance companies, for example, wanted to use peer support agency personnel for their substance abuse or co-occurring disorder patients, that would be at their discretion. A peer support agency could be the vehicle to



access peer support personnel to be used with their commercial products. This bill allows the agency to employ peer support persons.

**Chair Hardy:**

Can we isolate Medicaid to limit it to mental health peer support systems?

**Ms. Wherry:**

All I can say is that provider type 17, the substance abuse provider type in the Medicaid chapter as written today, is not included. Peer support is only allowed for provider type 14, the mental health type. Only if Medicaid were to expand the chapter to include provider type 17 for peer support for the substance abuse population would this be applicable. Medicaid has not expanded support to case management, peer support or anything beyond the essential health benefits for narcotics abuse.

**Senator Kieckhefer**

Ms. Wherry, do you know if that type of change would require a State plan amendment or simply a rule?

**Ms. Wherry:**

I do not know if the State plan service description is specific to only mental health. I do not recall including substance abuse services when I wrote the description in 2005.

**Chair Hardy:**

I believe Senator Kieckhefer has a concern that needs to be resolved.

**Senator Spearman:**

May I suggest that if it is not clarified in a current bill, it may be possible to clear it up by referencing the part of the *Nevada Revised Statutes* that deals with that particular chapter, whether mental health or substance abuse?

**Chair Hardy:**

If necessary, The Committee will meet behind the bar on the Senate Floor today on S.B. 489. Now, we will address S.B. 498.

**SENATE BILL 498:** Provides for the regulation of community health worker pools. (BDR 40-1190)

Senate Committee on Health and Human Services  
April 10, 2015  
Page 10

**Ms. Lyons:**

The Committee has not heard S.B. 498 ([Exhibit K](#)). This is a budget bill as it relates to community health worker pools. In order to meet the deadlines for committee bills today, the Committee could choose to rerefer the bill to the Senate Committee on Finance.

SENATOR KIECKHEFER MOVED TO REREFER WITHOUT  
RECOMMENDATION S.B. 498 TO THE SENATE COMMITTEE ON  
FINANCE.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

Remainder of page intentionally left blank; signature page to follow

Senate Committee on Health and Human Services  
April 10, 2015  
Page 11

**Chair Hardy:**

With no other business before the Committee, the meeting stands adjourned at 7:44 a.m.

RESPECTFULLY SUBMITTED:

---

Debra Burns,  
Committee Secretary

APPROVED BY:

---

Senator Joe P. Hardy, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness or Agency</b>	<b>Description</b>
	A	1		Agenda
	B	3		Attendance Roster
S.B. 6	C	3	Marsheilah Lyons	Work Session Document
S.B. 33	D	12	Marsheilah Lyons	Work Session Document
S.B. 248	E	5	Marsheilah Lyons	Work Session Document
S.B. 303	F	7	Marsheilah Lyons	Work Session Document
S.B. 327	G	6	Marsheilah Lyons	Work Session Document
S.B. 441	H	11	Marsheilah Lyons	Work Session Document
S.B. 459	I	4	Marsheilah Lyons	Work Session Document
S.B. 489	J	1	Marsheilah Lyons	Work Session Document
S.B. 498	K	1	Marsheilah Lyons	Work Session Document