

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

**Seventy-Ninth Session  
May 19, 2017**

The Committee on Commerce and Labor was called to order by Chair Irene Bustamante Adams at 2:43 p.m. on Friday, May 19, 2017, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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/79th2017](http://www.leg.state.nv.us/App/NELIS/REL/79th2017).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Irene Bustamante Adams, Chair  
Assemblywoman Maggie Carlton, Vice Chair  
Assemblyman Nelson Araujo  
Assemblyman Chris Brooks  
Assemblyman Skip Daly  
Assemblyman Jason Frierson  
Assemblyman Ira Hansen  
Assemblywoman Sandra Jauregui  
Assemblyman Al Kramer  
Assemblyman Jim Marchant  
Assemblywoman Dina Neal  
Assemblyman James Ohrenschall  
Assemblywoman Jill Tolles

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Paul Anderson (excused)

**GUEST LEGISLATORS PRESENT:**

Senator Joyce Woodhouse, Senate District No. 5



**STAFF MEMBERS PRESENT:**

Kelly Richard, Committee Policy Analyst  
Wil Keane, Committee Counsel  
Earlene Miller, Committee Secretary  
Olivia Lloyd, Committee Assistant

**OTHERS PRESENT:**

Chelsea Capurro, representing Nevada Advanced Practice Nurses Association  
Jeanine Swygman, President, Nevada Advanced Practice Nurses Association  
Joan Hall, President, Nevada Rural Hospital Partners  
Catherine M. O'Mara, Executive Director, Nevada State Medical Association  
Jessica Ferrato, representing Nevada Nurses Association  
Barry Gold, Director, Government Relations, AARP Nevada

**Chair Bustamante Adams:**

[The roll was called.] I will open the hearing on Senate Bill 227 (2nd Reprint).

**Senate Bill 227 (2nd Reprint): Revises provisions relating to nurses. (BDR 54-213)**

**Senator Joyce Woodhouse, Senate District No. 5:**

Senate Bill 227 (2nd Reprint) authorizes an advanced practice registered nurse (APRN) to sign certain documents in the place of a physician's signature if it is within his or her scope of practice. Every day in Nevada, APRNs care for thousands of patients from newborns to nursing home residents in hospitals and community-based clinics to schools. All APRNs have advanced clinical training and graduate educations that expand their scope of practice beyond that of a registered nurse. These include advanced practice competencies such as clinical nurse specialists and nurse practitioners. They work with other health care professionals to manage patient's health needs. Advanced practice registered nurses are central to the functioning of the health care system. Given the current circumstances related to access of care, Nevada can no longer afford to maintain the regulatory status quo. Nevadans are challenged to access basic health care in urban and rural areas. As care solutions are considered, we need to recognize the value that the APRN workforce can play in providing health care to residents.

In an effort to provide increased availability of health care providers, I have sponsored Senate Bill 227 (2nd Reprint). I would like to highlight the key provisions of the bill. Section 2, establishes that when the signature, certification, stamp, verification, or endorsement of a physician is required, an APRN is authorized to provide his or her own signature, certification, stamp, verification, or endorsement if he or she is qualified to do so. The State Board of Nursing is required to adopt regulations specifically providing for when an APRN can do so.

Section 4 expands the ability of APRNs to sign documents including excusing a person from jury duty due to a permanent physical or mental disability. Section 7 gives the APRN the ability to authorize a student to self-administer medication for asthma, anaphylaxis, or diabetes. Sections 8, 9, and 11 authorize an APRN to exempt a student from immunizations if he or she is prevented by a medical condition from receiving that immunization.

Sections 23 through 33 authorize an APRN to sign a death certificate or stillbirth certificate and authorize an APRN to make a pronouncement of death. Sections 37, 38, and 52 through 63 give the APRN authority to execute orders for life-sustaining treatment or Physician Orders for Life-Sustaining Treatment (POLST) forms. Section 86 authorizes an APRN to allow a youth to return to play in competitive sports after sustaining a head injury. Sections 87 through 90 authorize an APRN to give a person who has a disability certification to obtain a disabled parking placard from the Department of Motor Vehicles. Sections 127 and 128 authorize an APRN to issue a health certificate to a perspective taxicab driver.

I have a soft spot in my heart for nurse practitioners because my sister was one in Oregon before she passed away due to brain cancer four years ago. When I was first elected to the Legislature, she said to me, "In this position, I hope you will have the opportunity to help nurse practitioners." I am doing what I can to support her and the APRNs of Nevada.

**Chelsea Capurro, representing Nevada Advanced Practice Nurses Association:**  
I am here in support.

**Jeanine Swygman, President, Nevada Advanced Practice Nurses Association:**

I am a doctor of nursing practice. Senate Bill 227 (2nd Reprint) is a clean-up bill in follow-up to Assembly Bill 170 of the 77th Session, which gave APRNs full practice authority. One of the promises of that bill was "build it and they will come," and since its passage in 2013, there has been an increase of APRNs in Nevada from 880 to 1,587 as of February 13, 2017. This is an 80 percent increase in APRNs. However, the benefit of APRN full-practice authority has not been realized due to practice barriers, which include outdated statutes requiring physician signatures on forms.

Advanced practice registered nurse signature recognition will improve health care access. By improving system efficiencies, it will decrease health care costs for the patient and the health care system. Health care delivery and form completion can be performed in the same visit, preventing consequences from delays caused by having to wait for a physician signature, which may involve another visit at another office at an increased cost. By eliminating the delay in care created by requiring a physician signature, the efficiency and utilization of the health care system will be maximized. It also promotes transparency and accountability for the care provided. This will address the valid concerns of physicians' liability for signing forms for patients they have not seen or with whom they have had minimal contact.

The PowerPoint slides ([Exhibit C](#)) that are on the Nevada Electronic Legislative Information System go into more depth and break down the various parts of the bill. There are also several sections that relate to mental health, such as determining competency to stand trial for defendants accused of a misdemeanor, and involuntary court-ordered admission of a person. These forms would only be allowed to be completed by psychiatric mental health APRNs and, as with every section of this bill, can only be completed if it is within the APRN's scope of practice.

In closing, S.B. 227 (R2) is a clean-up bill to allow APRNs to practice to the full extent of their education, training, and certification which was authorized by Assembly Bill 170 of the 77th Session. Advanced practice registered nurses are part of the health care solution for Nevada. The cost-effectiveness and health care quality provided by APRNs is noted across the health care continuum. The Nevada Advanced Practice Nurses Association respectfully requests the support of the Assembly Committee on Commerce and Labor and all Nevada legislators to pass S.B. 227 (R2) to allow APRNs to sign forms appropriate to their scope of practice where a physician is already allowed.

**Chair Bustamante Adams:**

We heard a similar bill in the Assembly, Assembly Bill 115, and I know Senator Woodhouse and Assemblywoman Titus worked together along with the others listed on the bill. We have the same verbiage in this bill. It is something the Committee members have heard before, so I do not know if the Committee has additional questions.

**Assemblywoman Carlton:**

When we did the first advanced practice registered nurse bill, a couple of these issues were not addressed. Thank you for bringing this bill, so everyone will practice at the top of their license.

**Chair Bustamante Adams:**

Is there anyone in support of S.B. 227 (R2)?

**Joan Hall, President, Nevada Rural Hospital Partners:**

I represent the 13 critical access hospitals in Nevada, their associated clinics, and distinct part long-term care. Advanced practice registered nurses play a vital role in the rural counties in providing patient care services. We see that this increases efficiencies and provides positive impact for patients and the timeliness of care. We would appreciate your support of this bill.

**Catherine M. O'Mara, Executive Director, Nevada State Medical Association:**

We are in support of S.B. 227 (R2). As Assemblywoman Carlton pointed out, when everybody is working at the top of their profession and the top of their skills ability, it is good for Nevada patients and good for access to care.

**Jessica Ferrato, representing Nevada Nurses Association:**

We are in support of S.B. 227 (R2). We think this streamlines the process for not just a parent, but mostly for patients. The rural parts of the state have a difficult time from an access perspective with providers, and we think that enabling APRNs to sign these forms on work they are already doing, streamlines and saves time for patients. That also occurs in the urban parts of the state.

**Barry Gold, Director, Government Relations, AARP Nevada:**

This bill is about access to affordable health care for patients, and it goes a long way in making sure that happens. I submitted written testimony ([Exhibit D](#)). This bill will help the APRNs provide that care to their patients.

On behalf of our thousands and thousands of members across the state, AARP strongly supports this bill and urges you to pass it.

**Chair Bustamante Adams:**

Are there any questions from the Committee? Seeing none, is there anyone in opposition? [There was no one.] Is there anyone to testify in the neutral position? [There was no one.] I will close the hearing on S.B. 227 (R2). We are in recess. [Recess began at 2:57 p.m.]

[Meeting reconvened at 3:06 p.m.].

We will move to the work session.

**Senate Bill 196 (1st Reprint): Requires certain employers in private employment to provide paid sick leave to employees under certain circumstances. (BDR 53-682)**

**Kelly Richard, Committee Policy Analyst:**

Senate Bill 196 (1st Reprint) is sponsored by Senator Ford and was heard in this Committee on May 17, 2017 ([Exhibit E](#)). The bill requires certain employers in private employment to provide paid sick leave to employees under certain circumstances. The mock-up amendment to the bill [page 3, ([Exhibit E](#))] changes substantially what is in the bill. This mock-up is what Senator Ford discussed in the Committee hearing.

The mock-up is Proposed Amendment 4740 to Senate Bill No. 196 First Reprint. It modifies section 1 of the bill to provide that paid sick leave applies only to full-time employees, and requires the accrual of paid sick leave at the rate of 1 hour for every 40 hours worked rather than 1 hour for every 30 hours worked. It increases from 48 to 80 hours the amount of paid sick leave that can accrue and be carried over from year to year by an employee. It provides that an employer may limit an employee to using 40 hours of sick leave per year rather than 24 hours per year.

The amendment would remove provisions authorizing an employer to require an employee who uses sick leave for three or more consecutive days to provide reasonable certification. It would remove the provision requiring an employer who rehires an employee within one year to reinstate previously accrued and unused sick leave. It would revise section 1, subsection 2 to remove the requirement that an employee be allowed to use paid sick leave beginning on the 90th calendar day of his or her employment and instead require the employee to be allowed to use accrued sick leave beginning on the first anniversary date of employment.

The amendment revises section 1, subsection 6, relating to the exemption for an employer who provides paid sick leave under a collective bargaining agreement, contract policy, or other agreement that provides full-time employees with paid sick leave or paid time off in an amount equivalent to the amount set forth in the bill. It removes the provision that requires the exempt employer to authorize the use of leave under the same conditions. It adds an exemption to subsection 6 to provide that an employer is not required to provide paid sick leave to an employee who works for the employer for less than 12 consecutive months. It adds a new subsection 7 to section 1 to clarify that this section does not allow an employee to be compensated more than once for the same hours of leave.

**Chair Bustamante Adams:**

Are there any questions from the Committee? Seeing none, I will entertain a motion.

ASSEMBLYMAN ARAUJO MADE A MOTION TO AMEND AND  
DO PASS SENATE BILL 196 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Is there any discussion?

**Assemblywoman Carlton:**

I shared my concerns with the sponsor; I cannot support this bill because it will not serve my constituency.

**Assemblywoman Tolles:**

I appreciate the intent of this bill, but I am also concerned about the costs to small businesses and the impact on start-up businesses, so I cannot be supportive.

**Chair Bustamante Adams:**

Assemblywoman Neal is participating by phone in this process. I will call for the vote.

THE MOTION PASSED. (ASSEMBLYMEN CARLTON, HANSEN,  
KRAMER, MARCHANT AND TOLLES VOTED NO. ASSEMBLYMAN  
PAUL ANDERSON WAS ABSENT FOR THE VOTE.)

**Chair Bustamante Adams:**

We will also consider Senate Bill 227 (2nd Reprint).

**Senate Bill 227 (2nd Reprint): Revises provisions relating to nurses. (BDR 54-213)**

There are no amendments. I will entertain a motion.

ASSEMBLYMAN KRAMER MADE A MOTION TO DO PASS  
SENATE BILL 227 (2ND REPRINT).

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN PAUL ANDERSON WAS  
ABSENT FOR THE VOTE.)

Thank you, Assemblywoman Neal, for participating. Having no further business, this meeting is adjourned [at 3:13 p.m.].

RESPECTFULLY SUBMITTED:

---

Earlene Miller  
Committee Secretary

APPROVED BY:

---

Assemblywoman Irene Bustamante Adams, Chair

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of a PowerPoint presentation titled "SB 227 APRN Signature Recognition," dated May 19, 2017, presented by Jeanine Swygman, President, Nevada Advanced Practice Nurses Association.

[Exhibit D](#) is written testimony provided by Barry Gold, Director, Government Relations, AARP Nevada, in support of Senate Bill 227 (2nd Reprint).

[Exhibit E](#) is a Work Session Document for Senate Bill 196 (1st Reprint), dated May 18, 2017, presented by Kelly Richard, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.