

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

**Seventy-ninth Session  
June 3, 2017**

The Senate Committee on Health and Human Services was called to order by Chair Pat Spearman at 8:30 a.m. on Saturday, June 3, 2017, 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 Pat Spearman, Chair  
Senator Julia Ratti, Vice Chair  
Senator Joyce Woodhouse  
Senator Joseph P. Hardy  
Senator Scott Hammond

**STAFF MEMBERS PRESENT:**

Megan Comlossy, Policy Analyst  
Eric Robbins, Counsel  
Debbie Carmichael, Committee Secretary

CHAIR SPEARMAN:

We will begin with the work session on Assembly Bill (A.B.) 382.

**ASSEMBLY BILL 382 (2nd Reprint)**: Establishes provisions governing payment for the provision of emergency services and care to patients. (BDR 40-570)

MEGAN COMLOSSY (Policy Analyst):

Assembly Bill 382 was heard in this Committee yesterday. This bill establishes provisions governing payment for the provision of emergency services and care to patients. It was sponsored by Assemblywoman Maggie Carlton and others. No amendments were proposed for this measure covered in the work session ([Exhibit C](#)).

SENATOR RATTI:

I have spent a lot of time thinking about this bill. In general, I have found health care policy to be the most challenging piece of my learning curve as a freshman Senator. There has been so much work done on this for such a long time. We are at the eleventh hour and need to make a decision. It is a challenge for me as a person who likes to understand the implications of the policies that we are making.

There are things that have weighed in on my decision, one being the passage of 16 years or so of time and not coming to a solution. I do believe there is a problem, and it needs to be solved. I will vote yes for this bill today, but I am not confident that this is the right solution to the problem. It is a solution that we can implement for a short period and see what happens. I do not make that decision lightly because I believe we could have some unintended consequences that may or may not happen. That gives me pause.

With more time, I may have gotten to a place where I may have been more comfortable. I do not know if I would have had any better idea because very bright people have been working on this for a long time and have not necessarily come up with a solution that makes everyone happy. Sometimes that is not possible. I cannot wait another two years; I cannot leave patients in the position of having this situation stay in place. For that reason, having to make a decision today and making the best decision I can, I will support A.B. 382.

SENATOR WOODHOUSE:

I am not going to repeat everything Senator Ratti just shared because I feel the same way. The only difference is I am not a freshman Legislator. This is a complicated and complex issue but is something that has to be dealt with. I, too, will be voting in support of the measure because I think we have to look at what is happening with patients in our hospitals, but the other side of that is what could be happening to our hospitals. I hope that in the Interim, should this bill be signed by the Governor, that we work out what the ramifications are and what the consequences might be. I know intelligent men and women can work this out together.

SENATOR HARDY:

I think this is a decision but not a solution. To pretend this is a solution and not a decision is unfair. The people who we are trying to keep out of the middle are

the ones who will be kept out of access. This two-year experiment, as it were, is going to have long-term consequences that are beyond our ability to see. It is lamentable that we did not have as open a process as we could have in this debate and decision-making process. I will be a no on this measure.

SENATOR HAMMOND:

It seems there has been a lot of work for the last 14 to 16 years on this or similar bills, if I am not mistaken. This is a complex issue that has taken this long to try to solve with this bill, but it does not seem we are sure this solves the problem. To make a decision that states we are putting it into effect and see what happens after 16 years of trying to get there, I do not think is a practical solution. I will be a no.

CHAIR SPEARMAN:

One of the things I wish had happened was to have more time. It has been 16 years; I just need a lot more time to try to figure it out. Within the last ten minutes or so, I have been leaning one way or the other with my vote, but with the understanding that we do not want patients in the middle of the whole process. I was particularly struck by the testimony. Two people testified last night that 30,000 people in emergency rooms are out of network, but not all 30,000 would have qualified for this. I am going to vote yes, but here is my commitment. Should the Governor not sign this bill, and if Assembly Joint Resolution (A.J.R.) 14 goes through, we have 18 months to try to figure this out. You have my word that is what we will do.

**ASSEMBLY JOINT RESOLUTION 14 (1st Reprint)**: Proposes to amend the Nevada Constitution to ensure access to affordable emergency medical care at reasonable rates to all persons in this State. (BDR C-1218)

I agree with Senator Hardy it is not The Solution but absent something else, I am not sure what we can do. I want everyone to work together in the Interim to figure it out in a way that is fair to the hospitals because I am acutely aware of the very small profit margin that they have and certainly do not want to do anything to exacerbate that. I will have to go on the side of the patient right now and hope you will work with me to work it out.

SENATOR RATTI MOVED TO DO PASS A.B. 382.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HAMMOND AND HARDY VOTED NO.)

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Ms. COMLOSSY:

The next bill in the work session is A.J.R. 14, sponsored by the Assembly Committee on Legislative Operations and Elections. This bill was heard last night. It proposes to amend the *Constitution of the State of Nevada* to ensure access to affordable emergency medical care at reasonable rates to all persons in this State. No amendments were proposed for this measure. If approved in identical form during the 2019 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2020 General Election as noted in the work session document ([Exhibit D](#)).

SENATOR RATTI:

At this point, I echo what Senator Spearman stated. I have reservations about putting a rate setting or putting many things into the Constitution. It would have to be passed twice. I would love to be a part of a working group toward a solution during the Interim to figure how we get to a place that we really can make a difference for patients, maintain access to health care, and maintain a healthy contracting environment. We need to take patients out of the middle of everything we all say we want to accomplish. I will vote yes for this, this time. For the record, I am not sure we should start a process at this time so that as the working group works, we can consider whether there is anything that needs to go into the Constitution. I will need some convincing for the second time on my vote.

SENATOR WOODHOUSE:

Senator Ratti has laid out what most of us regard as the issue. I, too, would make my commitment in the Interim to work on this so that next Session we will have a plan we can put in place and then not have to move forward with this. I, too, have concerns about putting something like this into the Constitution. This can be our "hammer" in order for us to make sure we come back to the next Legislative Session with a plan that is good for the patients, for our hospitals, for our doctors and all the other medical professional people. It is incumbent upon us to do this.

SENATOR HAMMOND:

Therein lies the problem. If you were talking about making changes and coming up with a better method in two years, then passing this means you would have to start again. I would rather wait and see what that solution is before making a commitment to voting for the bill. I will be a no.

SENATOR HARDY:

When I look at the writing of the 150 percent of the lowest rate that is Medicaid, not Medicare, whatever multiplication you do of Medicaid, it still has problems. We have heard about price fixing, price control or rate control, but this is in essence a rate coercion on somebody who cannot make it on the amount of money we have "put in there as a ceiling." I have real concerns. I will be voting no on this.

CHAIR SPEARMAN:

I was looking at the resolution; it states on page 2, line 33, "Finally, this resolution allows the Legislature by law to establish a different rate that may be charged for medically necessary emergency services ... ." It appears that it falls back on us one way or the other. I see some in the audience who have worked with me diligently on renewable energy issues. What I said to them going into the question on energy choice, I do not like to put something into the Constitution because it takes too long to change it. At the same time, had State Question No. 3 not passed, we probably would not be as far along as we are now with advancing solar and renewable energy issues.

This is one of those; I do not know if this is the best way to handle it, but you have my word. What we can do in the Interim between now and 2019 is come up with the best solution. When this Session is over, I am going to go back to my constituents and anyone who invites me to come and speak. I can say to them, we figured it out and you do not need to put it into the Constitution. To make sure that it is understood, it is not something that needs to be in the Constitution because we are going to get the job done, we are going to get the job done in the Interim as well. I will be voting yes for this but agree with what Senator Woodhouse said. It gives us all motivation to make sure we come up with not just a solution but the right solution.

SENATOR WOODHOUSE MOVED TO DO PASS A.J.R. 14.

SENATOR RATTI SECONDED THE MOTION.

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THE MOTION CARRIED. (SENATORS HARDY AND HAMMOND VOTED  
NO.)

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Remainder of page intentionally left blank; signature page to follow.

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CHAIR SPEARMAN:

There being no further business to come before this Committee, the meeting is adjourned at 8:57 a.m.

RESPECTFULLY SUBMITTED:

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Debbie Shope,  
Committee Secretary

APPROVED BY:

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Senator Pat Spearman, Chair

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

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
A.B. 382	C	1	Megan Comlossy	Work Session Document
A.J.R. 14	D	1	Megan Comlossy	Work Session Document