

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

**Eightieth Session
April 5, 2019**

The Committee on Commerce and Labor was called to order by Vice Chair Jason Frierson at 12:48 p.m. on Friday, April 5, 2019, 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.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Ellen B. Spiegel, Chair
Assemblyman Jason Frierson, Vice Chair
Assemblywoman Maggie Carlton
Assemblyman Skip Daly
Assemblyman Chris Edwards
Assemblywoman Melissa Hardy
Assemblyman Al Kramer
Assemblywoman Susie Martinez
Assemblyman William McCurdy II
Assemblywoman Dina Neal
Assemblywoman Jill Tolles
Assemblyman Steve Yeager

COMMITTEE MEMBERS ABSENT:

Assemblywoman Sandra Jauregui (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Patrick Ashton, Committee Policy Analyst
Wil Keane, Committee Counsel
Katelyn Malone, Committee Secretary
Olivia Lloyd, Committee Assistant



OTHERS PRESENT:

K. Neena Laxalt, representing Board of Psychological Examiners
Morgan Gleich, Executive Director, Board of Psychological Examiners
Dan Musgrove, representing Chiropractic Physicians' Board of Nevada
Jason O. Jaeger, President, Chiropractic Physicians' Board of Nevada
Julie Strandberg, Executive Director, Chiropractic Physicians' Board of Nevada
Marlene Lockard, representing Nevada Chiropractic Association
Tamara Giannini, Environmental Health Supervisor, Southern Nevada Health District

Vice Chair Frierson:

[Roll was taken. Committee rules and protocol were explained.] We will open the hearing on Assembly Bill 453.

Assembly Bill 453: Revises provisions relating to the Board of Psychological Examiners. (BDR 54-934)

K. Neena Laxalt, representing Board of Psychological Examiners:

We are thankful for the opportunity to present Assembly Bill 453 today. We had presented our revisions to the Legislative Counsel Bureau, and there were many technical changes made. As written, the bill includes only the technical changes and excludes the portion of the bill that we had originally written. We have included an amendment (Exhibit C), which adds back in the language of our original bill.

Morgan Gleich, Executive Director, Board of Psychological Examiners:

[Morgan Gleich spoke from prepared text (Exhibit D).] I am here to speak on behalf of A.B. 453 and the requested changes to *Nevada Revised Statutes* (NRS) Chapter 641. Upon review, it appears that some of our initial requests were not included in the bill. Assembly Bill 453 makes the necessary changes to NRS Chapter 641 to include the registration of psychological assistants, psychological interns, and psychological trainees in all appropriate regulations. It has been noted that the Board of Psychological Examiners is currently unable to take disciplinary actions on a registration-level applicant directly, which restricts the Board from investigating, disciplining, or revoking registrations from the professionals we regulate.

In addition to the changes contained in A.B. 453, the Board of Psychological Examiners is requesting the following: a change to the board's makeup, a revision of our fees, clarification and updates to our licensure by endorsement language, and changes regarding board disciplinary notices. I respectfully present these four additional changes as a friendly amendment to A.B. 453. The first two amendments were presented to the Legislative Commission's Sunset Subcommittee at the Board's interim evaluation, and we were encouraged to move forward in finding a sponsor for the legislative changes.

The first amendment request from the Board is to restore the board to seven members. In the last legislative session, the board makeup was reduced to six members after the regulation of

behavior analysts was removed from its jurisdiction. The Board requests that a seventh member be appointed to the Board to fulfill the Board's role and its committee work, and to minimize the difficulties associated with an even-numbered board. We believe the seventh member should be a licensed psychologist with experience as a core or full-time faculty member at an accredited program or internship, who understands the national standards for education and training, who could lead the Board in maintaining clear equivalency standards, and will stay up-to-date with the profession's competency expectations. It is true that the professionals' ability to self-regulate and protect the public is stronger when the education, training, and regulatory worlds work in tandem. Having a designated seat on the Board for an educator would ensure this cooperation and partnership. Additionally, having a member of the Board who is guaranteed to have an understanding of the national standards for training and education allows the Board to continue its work in its evaluation committee, which provides the Board the ability to review and evaluate nontraditional education and training from programs that are not part of the American Psychological Association (APA).

The second amendment request from the Board revises the fees outlined in NRS 641.228. The most notable changes will be to the biennial fee for psychologists, the restoration fee for a license after nonpayment of the biennial fee, and the introduction of two new fees: a fee for issuance of a license by endorsement and a fee for the restoration of a license after nonsubmission of continuing education courses upon renewal. The Board has not increased its fee for biennial renewal since 1997. Since that time, the Board has been able to manage our increased operating costs due to the increased number of licensed psychologists in the state and the added regulation of behavior analysts. With the removal of the regulation of behavior analysts at the beginning of 2019, the Board is seeing a deficit in its budget. The basis of the Board's budget is the biennial fees received each even-numbered year. We hope to increase the fees incrementally so the needs of the Board can be evaluated and managed by *Nevada Administrative Code* (NAC) 641.019. While the Board will increase its fees to meet its needs, it will also be a priority to keep the biennial fee well within the average range of fees in western states. This change will allow the Board to appropriately service and oversee the psychology population without utilizing the reserves the Board has accumulated. The request for increased fees is intended to provide us with financial freedom for the next 20 years.

The Board is also requesting to introduce two new fees. The Board has observed that many licensees are not completing the required continuing education credits as prescribed by law. The Board believes that a late fee, similar to the one we currently charge for nonpayment, will reinforce the continuing education requirements that must be fulfilled by the due date. The endorsement licensure fee allows for a discounted fee that would provide the Board with adequate operating income to process these applications. As noted, licensing fees are the cornerstone of the Board's budget. If the Board does not receive such fees, the demand on the Board's office would increase, and it could be detrimental to the future development of the Board.

The third amendment request aligns our expedited licensure language with that of Senate Bill 69 of the 79th Session, the most recently passed expedited licensure language.

The requested changes mirror the language in S.B. 69 of the 79th Session. The fourth amendment request removes the requirement that notice of a public hearing be published in a state newspaper for one month if notification cannot be made to the individual via U.S. Postal Service. This requirement has caused an unnecessary delay in the Board's ability to act on a complaint related to a formally licensed individual that is received from another jurisdiction. The requested language mirrors other professional boards' language to accept U.S. Postal Service mail or personal delivery, and not require the additional obstruction of posting in a newspaper prior to taking action.

Assemblywoman Carlton:

Currently, the Board does not regulate psychological assistants, trainees, or interns, as they are added to the bill. Is that correct?

Morgan Gleich:

We have been regulating these professions since last session. However, the disciplinary piece is missing, so we currently cannot act on any inappropriate behaviors.

Assemblywoman Carlton:

The bill specifies a fee for their registration. Have you not been charging them a fee?

Morgan Gleich:

That is correct. We have been allowed to charge them a fee since 2017.

Assemblywoman Carlton:

You have new language in the bill that states that the Board can charge a fee for the initial registration of the psychological assistants, interns, and trainees. However, the Board currently charges these professionals a registration fee. Is that correct?

Morgan Gleich:

That is correct.

Assemblywoman Carlton:

In that case, I do not know why this language is in the bill.

Morgan Gleich:

Most of the language changes were made by the Board's deputy attorney general. There may be a legal reason as to why she included the fee in the bill. We have been charging the fee for two years.

Wil Keane, Committee Counsel:

Existing language, NRS 641.228, provides the authority for the Board to charge a fee for psychological assistants, psychological interns, and psychological trainees. It seems that the intent behind the request was to state that their application would not be complete until the fee is paid. The Board has the authority to charge the fee, but the existing language did not require the fee to be included with their application.

Assemblywoman Neal:

Why is it necessary to discipline the psychological interns, assistants, and trainees for their actions to the extent of a gross misdemeanor and several other punishments?

Morgan Gleich:

The psychological assistants, interns, and trainees are three different stages of the doctoral training program. Some will not register with the Board when they come to Nevada for training, which is illegal. Others will apply but do not pay the registration fee. Our attorney recommended that these pieces be included wherever we can take action.

Assemblywoman Neal:

That helps me to understand its perspective. These provisions seem to be included as a precautionary measure. How often do these prohibited acts occur?

Morgan Gleich:

It could have been a one-time occurrence, or it could be the result of the Board forging a better relationship with the APA, which allows us to hear about matters occurring in the industry outside of what we hear from our six board members. We have heard of a few instances that worry us.

Assemblyman Daly:

Section 11 states that instead of submitting information about an investigation to the Attorney General, the Board will submit information to local law enforcement. I am assuming that if it is submitted to law enforcement, that it is some type of criminal violation. How does this interact with section 18, which states that "the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person"? What is the process for submitting information on criminal violations versus injunctions?

Morgan Gleich:

I do not know, as the Board's deputy attorney general requested most of the changes. I imagine the language mirrors that of another occupational board's statute, but I can get back to you with the answer.

Assemblyman Daly:

I am curious as to what the process normally is because I do not think that a professional violating the terms of their license is considered a criminal offense. If it is, it must be written somewhere else in your statute because it is not in the bill.

Morgan Gleich:

I understand that law enforcement will not often feel that administrative issues rise to the level of a criminal offense. I assume there is a reason for the language, but I do not have the answer.

Assemblyman Daly:

The changes that are proposed in the second amendment will require the bill to be passed by a two-thirds majority vote. The fee structure is proposed to be evaluated and revised by regulation. Are any of the fees currently in regulation?

Morgan Gleich:

All of the fees that we charge regularly are outlined in NAC. There are certain fees that have been established in NRS as well. We license over 500 licensees. Even a \$50 fee increase could dramatically change our budget, but it would not affect the licensee.

Vice Chair Frierson:

Are there any additional questions from Committee members? [There were none.] We will now hear testimony from those in support. [There was no one.] We will now hear testimony from those in opposition. [There was no one.] Is there anyone who would like to provide neutral testimony? [There was no one.]

K. Neena Laxalt:

We will get back to you with the answers to the questions about the legal changes that were made. A lot of the changes were technical, so we will provide information to the Committee about the purposeful changes. If we feel the change is unnecessary, we will exclude that section. Thank you for your consideration of this bill.

Vice Chair Frierson:

We will close the hearing on Assembly Bill 453.

[Assemblywoman Spiegel assumed the Chair.]

Chair Spiegel:

We will open the hearing on Assembly Bill 457.

Assembly Bill 457: Revises provisions governing chiropractic physicians and chiropractor's assistants. (BDR 54-933)

Dan Musgrove, representing Chiropractic Physicians' Board of Nevada:

I want to thank Chair Spiegel and Vice Chair Frierson for allowing this bill to be introduced as a Committee-sponsored bill. I also want to call attention to the amendment ([Exhibit E](#)), which proposes additional cleanup language and conforming changes. The Chiropractic Physicians' Board of Nevada wants to perform efficiently, have applicants licensed quickly, and ensure reciprocity.

Jason O. Jaeger, President, Chiropractic Physicians' Board of Nevada:

The purpose of the amendment ([Exhibit E](#)) is to place administrative responsibilities related to licensure on the Executive Director as opposed to the Secretary of the Board, speed up the initial application process by removing the 60-day time limit and allowing an applicant to take the Nevada jurisprudence examination as soon as his or her application is complete,

modify the examinations that the Board will accept for initial licensure in order to broaden the pool of potential candidates, and align the acceptable testing scores on the Nevada jurisprudence examination with current practices.

Section 1, subsection 3 of the bill removes "not more than two persons who are resident graduates of the same school or college of chiropractic may serve simultaneously as members of the Board" from the board appointee requirements. Section 2, subsection 1 removes "not less than 60 days before the date of the examination," and section 2, subsection 2 removes "an application must be filed" from the requirements for filing an application and adds, "An applicant may not take the examination until the Board determines that his or her application is complete."

Section 3, subsection 1, paragraph (b) has been revised and removes "not less than 60 days before the date of the examination" from the education requirements. Section 4 of the bill revises *Nevada Revised Statutes* (NRS) 634.100. "Not less than 60 days" is removed from the fee requirements in section 4, subsection 1. Section 5 of the bill states that, "An applicant for a license to practice chiropractic who has the qualifications prescribed in NRS 634.090 may, while waiting to take the Board's examination but for no longer than 2 years, perform chiropractic." We have reduced the time frame allowed from "2 years" to "90 days."

Section 6, subsection 9 is revised to read, "The Board may adopt regulations that provide for random audits of licensees and holders of a certificate as a chiropractor's assistant to ensure compliance with subsection 3 or 4, as appropriate." Section 6, subsection 10 has been revised to be subsection 11, and states that:

The Board may adopt regulations that provide for the prorating or waiving of the renewal fee for a licensee or holder of a certificate as a chiropractor's assistant if such prorating or waiving is based upon the date on which:

- (a) The Board issues a license to practice chiropractic or a certificate as a chiropractor's assistant; and
- (b) Such license or certification must be renewed.

"Incompetence or negligence in the practice of chiropractic" has been added to section 8, subsection 2 as grounds for initiating disciplinary action. The word "felony" has been revised to "crime" in section 8, subsection 3, paragraph (b) as a conviction that is grounds for disciplinary action. Section 9, subsection 2 states, "If the Board finds the person guilty as charged," but is revised to state, "If the Board finds the person violated one or more of the grounds made in the complaint." Section 9, subsection 2, paragraph (f) states that "The order of the Board may contain such other terms, provisions or conditions as the Board deems proper to remedy or address the facts and circumstances of the particular case." Finally, "gross malpractice, repeated malpractice or" is removed from section 10.

Assemblywoman Carlton:

I need to understand the addition of "Incompetence or negligence" in section 8, subsection 2, because I do not know how that will be defined for the purposes of initiating disciplinary action. On page 10, line 7, "felony" is replaced with "crime," but just because someone is convicted of a crime, it does not mean that someone is guilty of a felony. I think we need to expand upon that, to determine what problem we are trying to solve. Page 10, lines 29 and 30 replace "guilty as charged" with "violated one or more of the grounds made in the complaint." Again, a violation can be quite minor and does not necessarily mean someone is guilty. Can you address these concerns?

Julie Strandberg, Executive Director, Chiropractic Physicians' Board of Nevada:

Unfortunately, I do not have an answer for you, but I can get back to you.

Chair Spiegel:

Have there been reoccurring issues with members that prompted the Board to need more discipline than what is already in statute? We do not typically have boards asking for it to be easier to discipline its members.

Julie Strandberg:

We have received complaints that brought some issues to our attention. Unfortunately, we were unable to handle the issues properly and had to dismiss them. However, I will defer this question to the Board's legal counsel because I do not have a thorough answer, and I will get back to you.

Assemblyman Daly:

Section 9, subsection 2, paragraph (f) seems to state that the Board may give a licensee a penalty less than the minimum penalty in statute. If that is the intention of the paragraph, why would the Board want to do that?

Julie Strandberg:

I will have to have the Board's legal counsel answer this question for you as well.

Assemblyman Daly:

Does your statute currently provide the general authority for the Board to adopt the regulations necessary to carry out its policies? If you have the overarching authority to adopt regulations, I think the language in section 6, subsections 9 and 11 is unnecessary. In my opinion, the language may present a challenge in the future as it creates an argument against the Board for doing what it needs to.

Julie Strandberg:

Currently our statute specifies that licensees must obtain 36 hours of continuing education. Our thought was to specifically indicate the random audits that may be conducted in accordance with similar language in other boards' statutes.

Assemblyman Daly:

If you have the authority to adopt regulations as needed, I do not think you need this language as well. It could be grounds for a dispute later. Just because other statutes have this language does not mean you should, especially if it is wrong.

Chair Spiegel:

I have a question about section 1, subsection 3, which deletes the language, "Not more than two persons who are resident graduates of the same school or college of chiropractic may serve simultaneously as members of the Board." If that language is removed, is there not a potential for cronyism? Graduates from one school, or people who have known each other for years, could overrule others or create detrimental policies instead of acting fairly and holistically. Can you speak to the legislative intent of this revision?

Julie Strandberg:

In the past, this has been a concern, which is why the language was written in statute. However, more recently, we only have a small pool of applicants for board members. We do not have an issue with graduates from the same school knowing each other because there is a large age range amongst board members. The potential for cronyism does not appear to be an issue as it perhaps was when the language was written.

Dan Musgrove:

To further clarify, the language has chilled membership. There are very few chiropractic colleges, and even fewer that are considered to be top schools. With this provision in place, we are unable to allow most practicing chiropractors to be on the board. As Ms. Strandberg indicated, with the limited number of chiropractors willing to take on the responsibilities, repealing the language is an effort to expand our applicant pool.

Chair Spiegel:

Have you had issues with vacancies on the board?

Julie Strandberg:

Not since I have been on the board—in the last four years.

Chair Spiegel:

Since there are no additional questions from Committee members, please go ahead and review the amendment.

Dan Musgrove:

The proposed amendment ([Exhibit E](#)) revises section 2 of the bill so that the Executive Director handles all paperwork and submissions related to applications for licensure. Section 3, subsection 1, paragraph (c), subparagraph (1) outlines the requirements for an applicant to be licensed. We have removed the language that requires an applicant to hold certificates. We have removed language in subparagraph (2) that is outdated, and replaced it with a mandate that an exit examination be administered by a chiropractic college. Lastly, on page 7, a new section has been added to amend NRS 634.115 and replaces the

term "Secretary" with the term "Executive Director" within the section. The amendment outlines a few changes that were not included in the drafting of the original bill.

Assemblywoman Carlton:

Section 7, subsection 2, paragraph (a), subparagraph (2) of the amendment references what is typically referred to as a "blue book test." These tests are not meant to fail anyone, but are meant for informational purposes to ensure that the licensee understands the rules and practices of the state, as well as their duties and responsibilities. Based on the amendment, it seems as though a license can be denied if an applicant does not pass this test. What is the thought process for this change? I do not believe that any other board does this, and I do not believe the intent of the test is to fail anyone.

Jason Jaeger:

The test is an open-book test, and is designed to be a learning tool, as you have explained. The open-book test requires a score of 90 percent to pass, and we have no expectation that passing the test should be an issue.

Assemblywoman Carlton:

The test is still a component of denial, though. Is that correct?

Jason Jaeger:

It could be grounds for denial, yes.

Assemblywoman Carlton:

We are revising the policy for what an applicant could be denied for. The test was not previously a grounds for denial, but would now be grounds for denial. Is that correct?

Jason Jaeger:

Historically, there was an opportunity to deny a license based on an applicant's test score as the test required a score of 75 percent to pass and was a closed-book examination. We have since changed the test to be an open-book exam on an online platform and raised the passing score from 75 percent to 90 percent. However, I would submit that it is the same process.

Assemblywoman Carlton:

I would respectfully disagree.

Assemblyman Daly:

Section 3, subsection 1, paragraph (c), subparagraph (1) refers to an exam administered by the National Board of Chiropractic Examiners "or their equivalent." Can you clarify if the Board recognizes an equivalent exam, or if you are relying on the National Board of Chiropractic Examiners to recognize an equivalent?

Jason Jaeger:

We are not creating our own exam. Currently, there is only one national testing entity, the National Board of Chiropractic Examiners. However, there exist two chiropractic

associations and an accreditation that can be obtained from the Council on Chiropractic Education or its equivalent. Adding "or their equivalent" to the National Board of Chiropractic Examiners' exam makes the language consistent in statute.

Assemblyman Daly:

The National Board of Chiropractic Examiners' exam is recognized in statute, but there is another organization that administers the test that the Board has recognized as well. Is that correct?

Jason Jaeger:

Yes, that is correct.

Chair Spiegel:

We will now hear testimony from those in support.

Marlene Lockard, representing Nevada Chiropractic Association:

We are in support of A.B. 457. We did not have the opportunity to review the amendment prior to this hearing but support the original bill.

Chair Spiegel:

Is there anyone else who wishes to testify in support? [There was no one.] Is there anyone who wishes to testify in opposition? [There was no one.] Is there anyone who wishes to provide neutral testimony? [There was no one.]

Dan Musgrove:

We took copious notes on the questions you have asked and will get the answers to you as quickly as possible.

Chair Spiegel:

We will close the hearing on Assembly Bill 457 and open the work session.

Assembly Bill 141: Prohibits a pharmacy benefit manager from imposing certain limitations on the conduct of a pharmacist or pharmacy. (BDR 57-947)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit F](#)).] Assembly Bill 141 prohibits a pharmacy benefit manager from putting limitations on a pharmacist or pharmacy about providing information to a person covered by a pharmacy benefits plan.

Assemblywoman Hardy proposes the following conceptual amendments to A.B. 141. Please see attached conceptual amendments on page 2 of the work session document ([Exhibit F](#)).

1. On page 2, lines 12 through 13, replace this subsection with the following language:
(3) The usual and customary price—at the point of sale—for a covered prescription

- drug if the usual and customary price is lower than the applicable cost-sharing amount;
2. On page 2, lines 8 through 10 and lines 14 through 17, revise these provisions to clarify that a pharmacist shall dispense any drug only in accordance with the medical provider's prescription; and
 3. Clarify that this bill's provisions apply to all pharmacies and pharmacists, regardless of ownership—that is, no pharmacy or pharmacist is exempt from this bill's provisions.

Chair Spiegel:

Is there any discussion on the bill?

Assemblywoman Carlton:

I have a question about the third conceptual amendment. Hospital pharmacies are a bit different than regular pharmacies. They often have to develop alternative options for hospital patients, especially if they are treated after-hours. Has this been discussed, and would this bill impact hospital pharmacies in any way?

Assemblywoman Hardy:

In discussing the bill with stakeholders, there were no conversations specifically regarding hospital pharmacies. There were no issues brought to my attention in any of the discussions we had.

Assemblywoman Carlton:

Were there any hospital representatives in the discussions?

Assemblywoman Hardy:

No, they did not approach us with any concerns.

Assemblywoman Carlton:

I am happy to support the bill, but I would feel more comfortable if the sponsor reached out to the hospital pharmacies to ensure that we have not caused any unintended consequences. They have a unique business, and I think we should forewarn them of the bill.

Chair Spiegel:

I think we should hold this bill until next week's work session so Assemblywoman Hardy has time to get the answer to the question and the Committee can feel comfortable voting on it.

Assemblywoman Hardy:

We met with all other stakeholders and Committee members who expressed concern and then we wrote the amendments. Everyone was in supportive agreement of the amendments. I am happy to reach out to the hospital pharmacies.

Assemblyman Edwards:

I do not think this bill addresses hospital pharmacies. In a hospital, a patient does not have contact with a pharmacist, but rather a doctor or a nurse. This bill would not apply in a hospital setting.

Wil Keane, Committee Counsel:

The intent of the amendment is to clarify that the bill applies to all pharmacists and pharmacies who are governed by *Nevada Revised Statutes* (NRS) Chapter 639. Hospital pharmacies are licensed under NRS Chapter 639 as institutional pharmacies. This bill would apply to them. However, I cannot confirm whether or not hospital pharmacies interact with pharmacy benefit managers on a regular basis.

Assemblyman Edwards:

Would it solve the problem to add the phrase "except for hospital pharmacies" as a conceptual amendment?

Chair Spiegel:

I would prefer that we let Assemblywoman Hardy get the answer to the question, and that we revisit the bill in a work session next week.

We will move to the next bill in the work session.

**Assembly Bill 175: Revises provisions governing environmental health specialists.
(BDR 54-669)**

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit G](#)).] Assembly Bill 175 revises requirements for registration to engage in the practice of environmental health and provides for provisional and temporary registration of certain environmental health specialists. The bill also revises the scope of practice for environmental health specialists and, except for provisions prohibiting the use of certain titles, abbreviations, and letters, excludes certain persons and practices from the registration requirements and disciplinary provisions governing registered environmental health specialists and trainees. Furthermore, A.B. 175 revises various provisions related to the Board of Registered Environmental Health Specialists.

Assemblywoman Peters proposes the following amendments to Assembly Bill 175, as outlined on pages 3 and 4 of the work session document ([Exhibit G](#)).

1. In subsection 2 of section 5, replace the phrase "for an entity whose activities are limited solely to issues relating to air quality" with "for a local air pollution control agency as defined by NRS 445B.500." This amendment is intended to exempt all employees of a local air pollution control agency from the chapter governing environmental health specialists; and

2. In section 24, subsection 2 of NRS 625A.100, delete lines 20 through 30. This language is not needed by the Board.
3. In section 22, add a new subsection to NRS 625A.060 that requires the Board to adopt, by regulation, the qualifications of a hearing officer; and
4. In section 30, subsection 1 of NRS 625A.130, increase the maximum fees the Board may charge. The table on page 2 of the work session document ([Exhibit G](#)) shows the increased fees.

Chair Spiegel:

Is there any discussion on the bill? Seeing no discussion, I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 175.

ASSEMBLYMAN DALY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN EDWARDS AND KRAMER
VOTED NO. ASSEMBLYMEN FRIERSON AND JAUREGUI WERE
ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Peters.

We will move to the next bill in the work session.

Assembly Bill 310: Revises provisions regarding the manner in which prescriptions are given to pharmacies. (BDR 54-885)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit H](#)).] Assembly Bill 310 requires that a prescription be given to a pharmacy only by electronic transmission with certain exceptions. The bill also authorizes disciplinary action and imposes a misdemeanor criminal penalty against a prescriber who violates this requirement.

Liz MacMenamin, Retail Association of Nevada, proposes the following amendments to A.B. 310. Please see attached proposed amendments on pages 2 and 3 of the work session document ([Exhibit H](#)).

1. Remove the misdemeanor penalty and require only administrative sanctions for failure to comply with the electronic prescribing provisions in this chapter;

In section 7 of the bill:

2. On page 11, line 26, revise subsection 1 to require an electronic prescription only for a prescription of a controlled substance;
3. On page 12, line 20, revise subsection 3(b) to include a "written prescription" as a means of giving a prescription to a pharmacy when the prescription is exempt from the electronic transmission requirement;
4. On page 12, lines 24 through 26, clarify in subsection 4 that section 7 must not be construed to require a prescriber to indicate any circumstances on the written or oral prescription; and

In section 13 of the bill:

5. On page 18, line 40, change the date from January 1, 2020, to January 1, 2021.

Chair Spiegel:

Is there any discussion on the bill? Seeing no discussion, I will entertain a motion to amend and do pass.

ASSEMBLYMAN YEAGER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 310.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN FRIERSON AND JAUREGUI
WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Yeager.

We will move to the next bill in the work session.

[Assembly Bill 319](#): Revises provisions governing professional licensing. (BDR 54-314)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit I](#)).] Assembly Bill 319 allows a person to petition certain regulatory bodies for determination of whether the person's criminal history will disqualify the person from obtaining a certificate, license, permit, qualification, or registration. Additionally, the bill requires a regulatory body to post on its Internet website the requirements for licensure and a list of crimes that would disqualify a person from obtaining a certificate, license, permit, qualification, or registration.

Assemblywoman Tolles proposes the following conceptual amendments to A.B. 319, as specified on page 3 of the work session document ([Exhibit I](#)).

1. Add Assemblymen Hardy, Kramer, and McCurdy as cosponsors of the bill;

In section 1 and all other sections of the bill that replicate the requirements of section 1:

2. In subsection 2, line 17, increase the time period from 60 days to 90 days where a regulatory body shall inform the person of its determination;
3. In subsection 2, lines 17 through 22, clarify that a regulatory body is not bound by its determination of qualification or disqualification;
4. In subsection 6, line 36, increase from \$25 to \$50 the fee a regulatory body may impose upon a person who submits a petition;
5. In subsection 7, line 41, replace the word "shall" with "may" to make it optional for a regulatory body to post on its Internet website its requirements for licensure and a list of crimes that would disqualify a person from obtaining a certificate, license, permit, qualification, or registration;
6. Add a new subsection that authorizes a regulatory body to request that a petitioner submit either a criminal history record from the Central Repository for Nevada Records of Criminal History or a criminal history record from the Federal Bureau of Investigation, or both;
7. Add a new subsection that prohibits a person from submitting a petition to a regulatory body that contains false or misleading information;
8. Revise section 1 to exclude the State Contractors' Board from the provisions of this bill; and
9. Delete sections 33 through 35 and section 39, and any other conforming sections that address gaming, horse racing, unarmed combat, or schools for training drivers and instructors in such schools.

Chair Spiegel:

Is there any discussion on the bill?

Assemblywoman Carlton:

The Central Repository for Nevada Records of Criminal History only provides a person's criminal history records within the state of Nevada. The criminal history records from the Federal Bureau of Investigation (FBI) include criminal activity in other states and provide a thorough analysis. The sixth amended part of the bill states "or both," and I am curious what the criteria is for boards to request one or the other. If a board only requested state criminal history records, but an applicant had criminal history in other states, the board could prequalify an applicant for licensure who will ultimately be denied because of their criminal

history. This seems contradictory to what Assemblywoman Tolles is trying to accomplish. I have concerns that a board will request Nevada criminal history records, but not FBI criminal history records. We would be putting the applicant in a no-win situation.

Assemblywoman Tolles:

If I understand what you are saying, you think that the "or both" statement should be an "and" statement. You want to mandate that a board request an applicant's criminal records from the FBI, and if a board wants to additionally request an applicant's criminal records from the state, they can choose to. The entire amendment is enabling, but I suppose we could "authorize a regulatory board to request that a petitioner submit a criminal record from the Federal Bureau of Investigation, and optionally submit a criminal record from the Central Repository for Nevada Records of Criminal History." Am I understanding you correctly?

Assemblywoman Carlton:

You could require boards to request both, but the more thorough investigation lies with the FBI criminal history records. I think mandating a higher level of investigation would allow the boards to make more sound decisions on an applicant before he or she pursues education and training. If an applicant only submits criminal history records at a state level, they will not necessarily be submitting their entire record, and a board could deny them upon receipt of the FBI background check. I would suggest we require the FBI background check, which should encompass the criminal history in the state of Nevada as well.

Assemblywoman Tolles:

I am happy to vote the bill out of Committee today, and I can commit to working with Assemblywoman Carlton and the Legislative Counsel Bureau (LCB) staff to clarify the language.

Assemblyman Kramer:

I feel that if an applicant has only lived in Nevada, and they are aware that a misstatement of facts will be grounds for denial later, that the Nevada background check would suffice. However, if an applicant has moved to Nevada from another state, we should request that they submit to an FBI background check. I think the cost and time savings for a Nevada background check for someone who has only lived in Nevada would be worthwhile. I think an applicant's residency could be a component of the amendment as long as the applicant realizes that their FBI records will be requested at a later date, and the applicant's license can be denied if they have not disclosed everything up front.

Chair Spiegel:

I had not realized when I read the amendment that the authorization for the regulatory body to request a background check is a "may" as opposed to a "shall" statement. Does that not undermine the intent of the bill?

Assemblywoman Tolles:

To clarify, the "may" statement is in regard to what is posted on the Internet. The regulatory boards are "authorized" to request a criminal history record because a board may choose to

run the background check themselves. They also have the ability to request the applicant obtain the background check themselves.

Chair Spiegel:

Thank you for the clarification. We will hold this bill until next week's work session as well.

Assemblywoman Carlton:

To Mr. Kramer's point, he is correct, but there are people who commit crimes in other states while residing in Nevada. The state criminal history records would not be a thorough representation of an applicant, which is why almost all boards obtain fingerprints from the FBI. Obtaining a fingerprint card from the FBI is the best way to solve the problem.

Chair Spiegel:

We can take a motion to amend and do pass with the amendments provided and the additional commitment to revise the wording in the sixth amended part of the bill to require an FBI background check only.

Wil Keane, Committee Counsel:

To clarify, we would move forward with all of the amendments except the sixth one which we would revise to state that a board can request an applicant submit a criminal history record from the FBI. Is that correct?

Chair Spiegel:

Yes, that is correct.

Assemblywoman Tolles:

I can commit to working with LCB staff to determine how they would write the amendment, as opposed to the conceptual amendment, to see if it addresses Assemblywoman Carlton's concerns. I think we need more consultation.

Chair Spiegel:

We will hold the bill until next week's work session then.

Assemblywoman Carlton:

I think that would be best. I think it would also be best to have Mr. Keane write a conceptual amendment because the amendment would not be ready in time, and we would not want the bill to be delayed.

Assemblywoman Tolles:

Would a further explanation in the new subsection that the regulatory body has the option to run the FBI background check themselves clear up concerns for you?

Assemblywoman Carlton:

I am afraid that a smaller board would request the Nevada criminal history records, and an applicant would be denied when the board receives the FBI criminal history records at a later

time. That does not solve the problem. I want to ensure that the boards are providing clear qualifying or disqualifying determinations before an applicant invests their time and money for a license.

Assemblywoman Tolles:

I prefer to vote on the bill in today's work session, but I understand.

Chair Spiegel:

We will move to the next bill in the work session.

Assembly Bill 334: Makes various changes relating to the Board of Medical Examiners.
(BDR 54-943)

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit J](#)).] Assembly Bill 334 adds a violation of statutes governing pharmacists and pharmacy to the provisions that constitute grounds for initiating disciplinary action or denying licensure by the Board of Medical Examiners. The bill further clarifies that a licensee or applicant does not have to report to the Board any disciplinary action that originated with the Board and revises the Board's deadline for issuing final orders that impose discipline. This bill also provides that when appropriate videoconference facilities are not available, the Board may meet at a location that provides a telephonic dial-in number for use by the general public.

Finally, the bill allows a professional or occupational regulatory body to recover the fees for hearing officers as costs incurred by the regulatory body as part of investigative, administrative, and disciplinary proceedings against a person.

There are no amendments.

Chair Spiegel:

Is there any discussion on the bill? Seeing no discussion, I will entertain a motion to do pass.

ASSEMBLYWOMAN CARLTON MADE A MOTION TO DO PASS
ASSEMBLY BILL 334.

ASSEMBLYWOMAN MARTINEZ SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN FRIERSON AND JAUREGUI
WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Jauregui.

We will move to the next bill in the work session.

**Assembly Bill 361: Revises provisions relating to the practice of medicine.
(BDR 54-839)**

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit K](#)).] Assembly Bill 361 provides that a physician who unlawfully allows a person to perform or participate in any supervised activity for the purpose of receiving credit toward certain medical degrees is subject to a civil penalty of not more than \$10,000 for each violation. This provision applies if an action to enforce the civil penalty is brought not later than two years after the date of the last such violation. Additionally, a Board of Medical Examiners representative may enter and inspect any premises of a licensee to determine if such a violation has occurred.

There are no amendments.

Chair Spiegel:

Is there any discussion on the bill? Seeing no discussion, I will entertain a motion to do pass.

ASSEMBLYMAN DALY MOVED TO DO PASS ASSEMBLY BILL 361.

ASSEMBLYMAN YEAGER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN FRIERSON AND JAUREGUI WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Carlton.

We will move to the last bill in the work session.

**Assembly Bill 455: Makes various changes relating to families of injured workers.
(BDR 53-1102)**

Patrick Ashton, Committee Policy Analyst:

[Read from ([Exhibit L](#)).] Assembly Bill 455 provides that the Division of Industrial Relations of the Department of Business and Industry and the administrator of the Division are not prohibited from notifying an injured employee or the surviving spouse or dependent of an injured employee of benefits to which those persons may be entitled outside of the workers' compensation system.

Assemblywoman Spiegel proposes to amend the bill as follows:

Add to subsection 9(b) of section 1 on page 3, language to specify that the notifications: (1) are limited to information concerning services offered by nonprofit entities; and (2) must

be solely for the purpose of informing the recipient of benefits that are available to the recipient.

Chair Spiegel:

Is there any discussion on the bill? Seeing no discussion, I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 455.

ASSEMBLYMAN YEAGER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN FRIERSON AND JAUREGUI
WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Martinez.

That concludes the work session. Is there anyone who would like to provide public comment?

Tamara Giannini, Environmental Health Supervisor, Southern Nevada Health District:

I have been asked to comment on Assembly Bill 175. Section 27, subsection 1 states, "To engage in the practice of environmental health as an environmental health specialist trainee, a person must file with the Board an application for a provisional registration as an environmental health specialist trainee not later than 30 days after the date on which the person initially becomes employed in a position in which he or she receives training." The Southern Nevada Health District supports that the time frame for application be kept at 90 days, and not revised to 30 days. For young professionals and recent graduates, as well as for those who have recently relocated to Nevada, a 30-day time frame for application may pose a financial hardship.

Chair Spiegel:

Have you reached out to Assemblywoman Peters about your concerns?

Tamara Giannini:

I have not. Brian Northam with the Southern Nevada Health District has been commenting on this bill but could not be here today. He asked me to speak on this bill today.

Chair Spiegel:

Thank you. Is there anyone else who wishes to provide public comment? [There was no one.]

The meeting is adjourned [at 2:14 p.m.].

RESPECTFULLY SUBMITTED:

Katelyn Malone
Committee Secretary

APPROVED BY:

Assemblywoman Ellen B. Spiegel, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to [Assembly Bill 453](#) presented by Morgan Gleich, Executive Director, Board of Psychological Examiners.

[Exhibit D](#) is written testimony presented by Morgan Gleich, Executive Director, Board of Psychological Examiners, regarding [Assembly Bill 453](#).

[Exhibit E](#) is a proposed amendment to [Assembly Bill 457](#) submitted by the Chiropractic Physicians' Board of Nevada, and presented by Jason O. Jaeger, President, Chiropractic Physicians' Board of Nevada.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 141](#), dated April 5, 2019, presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Assembly Bill 175](#), dated April 5, 2019, presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Assembly Bill 310](#), dated April 5, 2019, presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Assembly Bill 319](#), dated April 5, 2019, presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Assembly Bill 334](#), dated April 5, 2019, presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Assembly Bill 361](#), dated April 5, 2019, presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Assembly Bill 455](#), dated April 5, 2019, presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.