

**MINUTES OF THE
SENATE COMMITTEE ON COMMERCE AND LABOR**

**Eightieth Session
March 11, 2019**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 2:04 p.m. on Monday, March 11, 2019, in Room 2135 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 Nicole J. Cannizzaro
Senator James Ohrenschall
Senator Chris Brooks
Senator Joseph P. Hardy
Senator James A. Settelmeyer
Senator Heidi Seevers Gansert

STAFF MEMBERS PRESENT:

Cesar Melgarejo, Policy Analyst
Bryan Fernley, Committee Counsel
Lynn Hendricks, Committee Secretary

OTHERS PRESENT:

Jake Wiskerchen, Chair, Board of Examiners for Marriage and Family Therapists
and Clinical Professional Counselors

CHAIR SPEARMAN:

I will open the work session on Senate Bill (S.B.) 37.

SENATE BILL 37: Revises provisions relating to the regulation of marriage and family therapists and clinical professional counselors. (BDR 54-250)

Senate Committee on Commerce and Labor
March 11, 2019
Page 2

CESAR MELGAREJO (Policy Analyst):

I have a work session document ([Exhibit C](#)) summarizing the bill and including the amendment offered by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.

SENATOR HARDY:

I am not sure why we want to change the membership of the Board and reduce the number of marriage and family therapists (MFTs) from four to three and increase the number of members of the public from two to three. Professional boards should have a majority of professionals on the board.

JAKE WISKERCHEN (Chair, Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors):

The Board initially considered this change back in April 2018 on the heels of a U.S. Supreme Court decision, *North Carolina State Board of Dental Examiners v. Federal Trade Commission*. In that situation, professionals had a controlling majority on the dental board who were able to railroad some decisions that were not in the public's best interests. Our Board is comprised of four MFTs, three clinical professional counselors (CPCs) and two members of the public. We believed it was prudent to get ahead of whatever wave might be coming in the form of reaction to the *North Carolina Dental Board* decision. We have not encountered anything alleging that we are doing anything inappropriate, but a balance of three MFTs, three CPCs and three members of the public seemed appropriate. We adopted the concept in April 2018, accepted it as a bill draft request in August 2018 and adopted the bill as written, prior to the amendments, in January 2019. All three of those were unanimous votes.

SENATOR HARDY:

In this body, we have heard from MFTs and CPCs, and sometimes they do not agree. Four MFTs are not going to be able to railroad three CPCs and two members of the public; four is still less than five. Did I miss something?

MR. WISKERCHEN:

The intent was that a balance of professionals more accurately balances the power differential. In the past, the MFTs resisted the inclusion of CPCs into the field. As a body that protects the public, we are not interested in promoting any one professional group over another.

Senate Committee on Commerce and Labor
March 11, 2019
Page 3

SENATOR BROOKS:

I agree with Senator Hardy. The current makeup of the Board is more consistent with every other similar professional board, as far as the percentage of public input.

SENATOR OHRENSCHALL:

If my recollection is right, there are more MFTs than CPCs in Nevada, and the current makeup of the Board seems proportional to that. It is good to have members of the public involved, but this is a professional board. I am not sure, but this may be the most public members on any board. I would be interested in making the other changes but keeping the membership of the Board as it is.

MR. WISKERCHEN:

The Board is neutral on this. I cannot overrule a decision made by my voting body without them present in an open meeting.

SENATOR SETTELMAYER:

I agree with the concept stated by Senator Ohrenschall. My interpretation was that the *North Carolina Dental Board* case had to do with the number of board members who were in the professional association. In that case, there were something like five board members, of which one was a member of the public and four were members of the association. It was felt to be a conflict because the association then was able to control the board, and the board did not have any dentist members who were not also members of the association. With that in mind, I support the motion.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED S.B. 37 WITH THE AMENDMENT LISTED AND DELETING SECTION 3 OF THE BILL.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on S.B. 156.

Senate Committee on Commerce and Labor
March 11, 2019
Page 4

SENATE BILL 156: Exempts certain persons who perform certain dental services on equines and livestock from provisions governing veterinary medicine. (BDR 54-36)

MR. MELGAREJO:

I have a work session document ([Exhibit D](#)) summarizing the bill. There were no proposed amendments.

SENATOR BROOKS MOVED TO DO PASS S.B. 156.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SPEARMAN:

I will open the work session on S.B. 186.

SENATE BILL 186: Enacts provisions governing the interstate practice of physical therapy. (BDR 54-514)

MR. MELGAREJO:

I have a work session document ([Exhibit E](#)) summarizing the bill and the proposed amendments offered by the Nevada Physical Therapy Board.

CHAIR SPEARMAN:

I was at Nellis Air Force Base a few weeks back, and the base commander told me that when service members are assigned here, it is difficult for their spouses to find work as physical therapists because the licensing process is protracted.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 186.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Senate Committee on Commerce and Labor
March 11, 2019
Page 5

CHAIR SPEARMAN:
I will open the work session on S.B. 208.

SENATE BILL 208: Revises provisions governing cosmetology. (BDR 54-565)

MR. MELGAREJO:
I have a work session document (Exhibit F) summarizing the bill. There were no proposed amendments.

SENATOR SEEVERS GANSERT MOVED TO DO PASS S.B. 208.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Senate Committee on Commerce and Labor
March 11, 2019
Page 6

CHAIR SPEARMAN:

Is there any public comment? Hearing none, I will adjourn this meeting at 2:21 p.m.

RESPECTFULLY SUBMITTED:

Lynn Hendricks,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	4		Attendance Roster
S.B. 37	C	2	Cesar Melgarejo	Work session document
S.B. 156	D	1	Cesar Melgarejo	Work session document
S.B. 186	E	5	Cesar Melgarejo	Work session document
S.B. 208	F	1	Cesar Melgarejo	Work session document