

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

**Eightieth Session
March 29, 2019**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 1:07 p.m. on Friday, March 29, 2019, in Room 2135 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 and to Room 125, McMullen Hall, Great Basin College, 1500 College Parkway, Elko, 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 Marilyn Dondero Loop, Vice Chair
Senator Nicole J. Cannizzaro
Senator Chris Brooks
Senator Joseph P. Hardy
Senator James A. Settlemeyer
Senator Heidi Seevers Gansert

GUEST LEGISLATORS PRESENT:

Senator Moises Denis, Senatorial District No. 2
Senator Julia Ratti, Senatorial District No. 13
Senator Melanie Scheible, Senatorial District No. 9

STAFF MEMBERS PRESENT:

Rocky Cooper, Legislative Auditor
Cesar Melgarejo, Committee Policy Analyst
Bryan Fernley, Committee Counsel
Carol Stonefield, Deputy Research Director
Jennifer Richardson, Committee Secretary

OTHERS PRESENT:

Irene Bustamante Adams

Margot Chappel, Deputy Administrator, Regulatory and Planning Services,
Division of Public and Behavioral Health, Department of Health and
Human Services

Bruce Fong, D.O. H.M.D., President, Board of Homeopathic Medical Examiners

Janine Hansen, Nevada Families for Freedom

Bob Russo

Daphne Lee

Corazon Ibarra, M.D., H.M.D., Board of Homeopathic Medical Examiners

Miranda Hoover, Board of Homeopathic Medical Examiners

Christian Schonlau, Chief Financial Officer, Office of the Attorney General

Shelly Capurro, Nevada State Board of Accountancy

Paul Enos, Nevada Society of Certified Public Accountants

Anna Durst, Nevada Society of Certified Public Accountants

Erik Jimenez, Senior Deputy Treasurer, North, Office of the State Treasurer

Tammi Davis, Association of County Treasurers of Nevada

Dave Dawley, Assessor, Carson City Assessor's Office

Sharath Chandra, Administrator, Real Estate Division, Department of Business
and Industry

Jenny Reese, Nevada Association of Realtors; Nevada Land Title Association

Caryn Solie, Nevada Dental Hygienists' Association

Neena Laxalt, Nevada Dental Hygienists' Association

Patti Sanford, Nevada Dental Hygienists' Association

Shawn Griffin, Community Chest

Cortney Bloomer, Healthy Communities Coalition; Lyon County Health and
Wellness Hub

Deborah Loesch Griffin, Lyon County Health and Wellness Hub

Nancy Scott

Anthony Sampson Sr., Chairman, Pyramid Lake Paiute Tribe

Marla McDade Williams, Reno-Sparks Indian Colony

Alan Mandell, Vice Chairman, Pyramid Lake Paiute Tribe

Will Adler, Silver State Government Relations; Pyramid Lake Paiute Tribe

Chris Ferrari, Nevada Dental Association

Kellie Butterworth, R.D.H.

Kellie McGinley, D.D.S., Nevada Dental Association

Erin Anderson, D.D.S., Nevada Dental Association

David White, D.D.S.

Jade Miller, D.D.S., Nevada Dental Association

Ted Twesme, D.D.S.

Emily Ishkanian, D.M.D.

Senate Committee on Commerce and Labor
March 29, 2019
Page 3

Debra Shaffer-Kugel, Executive Director, Board of Dental Examiners of Nevada

CHAIR SPEARMAN:

We will open the hearing on Senate Bill (S.B.) 98.

SENATE BILL 98: Revises provisions governing the practice of homeopathic medicine. (BDR 54-519)

IRENE BUSTAMANTE ADAMS:

I am here to present S.B. 98. During the 2018 Interim, I chaired the Sunset Subcommittee of the Legislative Commission. The Sunset Subcommittee is authorized to review every board, commission, committee and similar entities created by statute. Pursuant to *Nevada Revised Statutes* (NRS) 232B, the Sunset Subcommittee is directed to recommend a board or commission be continued, modified, consolidated or terminated.

Senate Bill 98 contains a recommendation from the Sunset Subcommittee to terminate the Board of Homeopathic Medical Examiners (BHME) and transfer its licensing authority to the State Board of Health (SBH). The BHME is authorized to regulate the practice of homeopathic medicine, to determine qualifications of applicants, issue licenses, issue certificates, investigate complaints and transact all business related to its duties.

The BHME was reviewed by the Sunset Subcommittee on March 21, 2018. Under Title 54, boards are required to report their activity to the Legislative website. According to that information, there are 68 total licensees: 30 homeopathic, 28 advanced practitioners and 10 assistants. A new license was issued in the 3rd quarter of 2016. In the last 10 years of the BHME's posted reports, 15 licenses were issued and 1 individual was disciplined.

The Sunset Subcommittee considered BHME's expenditures, revenues and operations. The Sunset Subcommittee learned that the BHME owed \$145,000 to the Office of the Attorney General (OAG) for services rendered. The debt started to accrue in 2004. In their testimony, representatives of the BHME stated they had a verbal understanding with the OAG. The OAG would provide services to the BHME and not charge fees.

The Sunset Subcommittee asked the OAG for information about the relationship it has with the BHME and to recommend a solution to the debt. The OAG

replied with an explanation of charges that have not been paid by the BHME. The OAG indicated that it is statutorily obligated to provide legal services to the BHME on request. The OAG has been able to absorb the costs associated with the service provided to this point.

The OAG reported to the Sunset Subcommittee that it has received no payments from the BHME since 2007. The OAG will need to seek an appropriation to augment the budget deficiency. The general response letter ([Exhibit C](#)) from the OAG has been submitted to the Committee.

Nevada Revised Statutes 232B.240 places on a board the burden of providing there is a public need for the board's continued existence. We did not find the BHME's records for management of operations as meeting the standards in statute. They did not prove to the Sunset Subcommittee the need for their existence. Therefore, the Sunset Subcommittee voted unanimously to recommend terminating the BHME.

Prior to recommending transfer of duties to the Department of Health and Human Services (DHHS), the Sunset Subcommittee consulted DHHS about how it would administer the licensing function. The SBH licenses a number of occupations and facilities including music therapists, dieticians and medical laboratories. For that reason, no fiscal cost is associated with the occupations that were established by previous legislation.

In June 2018, DHHS was asked if there would be additional costs associated with transferring of these duties. The minutes reflect that there would be little impact. The provisions of S.B. 98 would terminate the BHME, transfer its duties to DHHS and be effective on passage.

The Sunset Subcommittee does not intend to eliminate the professional licenses in the field of homeopathic medicine. The bill transfers the duties so that a different entity would manage that responsibility.

The Nevada State Funeral Board (NSFB) is the only other board recommended for termination by the Sunset Subcommittee. In 2013, the Legislature decided to create the Nevada Funeral and Cemetery Services Board with a new director, new board membership and new direction. It required they report to the Sunset Subcommittee throughout the following Interim on its progress of revamping its

organization. They were able to improve. It would not have happened without the steps to take them there.

SENATOR SETTELMAYER:

I have to disclose, I was on the Sunset Subcommittee. There were many issues that came forward. When we heard the bill about the NSFB, the Legislature was able to draft a solution that improved quality for everyone associated with it. It is our hope to do the same for the BHME.

We saw problems for the constituencies. We do not intend to remove homeopathic medicine in the State. It is our intent to encourage them. The Sunset Subcommittee found few new licenses issued. There were individuals who wished to enter the field but were unsuccessful. It appeared there was an economic self-protection bias within the BHME.

CAROL STONEFIELD (Deputy Research Director):

We have submitted to the Committee balance sheets from the Legislative Auditor ([Exhibit D](#)) and ([Exhibit E](#)). Mr. Cooper is available to discuss those if there are questions.

The letter, [Exhibit C](#), from the OAG cited by Ms. Bustamante Adams, has a detailed breakdown of the fees owed by the BHME. The letter breaks down the debt into four sections. Section A, page 1 addresses matters for which the OAG has rendered legal services. Section B, page 5, addresses the fees disputed by the BHME. Section C, page 7, is the OAG's collection efforts against the BHME and its payment agreement. Section D, page 8, has recommendations from the OAG.

Between 2004 and 2018, the BHME used approximately 850 hours of legal services with an estimated cost of \$76,000. The BHME was represented by the OAG in litigation of disciplinary matters for numerous open meeting law complaints between 2006 and 2008.

The BHME stated there was a verbal agreement between them and the OAG where the BHME would receive legal services and the OAG would not collect on the fees. The OAG reported the only verbal agreement in its records was a reference to an understanding that the BHME would pay \$500 per month to retire the debt. No payments have been received since 2007.

The OAG verified it has been able to absorb the costs associated with providing legal services to this point. The OAG indicated it would seek an appropriation to augment the budgetary deficiency. The Chief Financial Officer at the OAG is present to answer questions.

SENATOR SETTELMAYER:

I remember testimony during the Sunset Subcommittee meetings during the Interim. There were discussions about the costs for another agency or department to take it over. It was said to have minimal costs. I am shocked by the fiscal note. Why is the fiscal cost high?

MARGOT CHAPPEL (Deputy Administrator, Regulatory and Planning Services, Division of Public and Behavioral Health, Department of Health and Human Services):

We submitted a new fiscal note that is significantly lower. The new estimate is \$59,000 for the first year, \$19,000 for the second year and less than \$40,000 per year after 2 years.

MS. STONEFIELD:

Based on licensing fees, the revenue available to the BHME is \$59,000 per year. I would note, S.B. 98 is identified by the Senate Fiscal Analyst as eligible for exemption. If the bill is voted out of this Committee, it would be moved by the Chair of the Senate Committee on Finance for resolution on the financial issues, including the fiscal note and the debt owed to the OAG.

ROCKY COOPER (Legislative Auditor):

Ms. Stonefield is correct about \$59,000 in revenue for fiscal year (FY) 2018. However, that amount includes a one-time payment of \$30,000. The annual revenue for the BHME is typically \$30,000 per year.

CHAIR SPEARMAN:

There was a one-time payment to the BHME of \$30,000? What was the reason for that payment?

MR. COOPER:

There was a legal dispute that occurred. One of the licensees paid \$30,000 to resolve the dispute. The \$30,000 payment was later disputed by the payee and a hold was put on the payment.

Senate Committee on Commerce and Labor
March 29, 2019
Page 7

The revenue from licensing fees is typically \$30,000 without the one-time payment of \$30,000 from the dispute.

CHAIR SPEARMAN:

The fiscal note for the BHME will be \$40,000 after 2 years. There will be a difference of \$10,000 between revenue and the cost of operation.

MS. CHAPPEL:

Correct, there is approximately \$30,000 collected per year. The BHME can adjust its fees for licensure at a later time if needed.

SENATOR SETTELMAYER:

The BHME agreed to a payment plan with the OAG to pay off its debt. If the current BHME made that agreement and the agreement was accepted, the new BHME would be bound by it.

MS. CHAPPEL:

I was told that by the time the BHME moves under our direction, it would be taken care of.

CHAIR SPEARMAN:

Mr. Fernley, would the new BHME be bound by an agreement made by the old BHME?

BRYAN FERNLEY (Committee Counsel):

Yes. Section 16, subsection 2 of the bill states any contracts or other agreements entered into by the BHME will transfer to the agency that is taking over its responsibilities. If there are supplemental appropriations that resolve the debt, the debt would not carry over. That would be addressed in the finance committees.

BRUCE FONG, D.O. H.M.D. (President, Board of Homeopathic Medical Examiners):
We oppose S.B. 98. I will read from a prepared statement ([Exhibit F](#)).

JANINE HANSEN (Nevada Families for Freedom):

We oppose S.B. 98. We are interested in alternative health. We are fearful of putting the BHME under the direction of DHHS. Traditional medicine is antagonistic toward natural medicine. We are concerned about this option.

My son was sent home from his mission after he lost 25 pounds. He could not hold down a tablespoon of food. I took him to a medical doctor who prescribed psychotropic drugs for depression. My homeopathic doctor diagnosed him with salmonella, hepatitis A and a genetically modified food poisoning. My son was able to get help so that he was able to recover.

I had a uterine infection and lost four pints of blood. I was able to get help through ultraviolet blood irradiation from my homeopathic doctor.

It is critical to keep medical doctors separate from homeopathic doctors because of the antagonism between the DHHS and the BHME. We are glad the BHME will resolve its debt. We ask the Committee to maintain the liberty for choosing alternative medicines.

BOB RUSSO:

I oppose S.B. 98. I will read from a prepared statement ([Exhibit G](#)).

SENATOR SETTELMAYER:

I was looking at the report from the OAG. In the Gerber case, Dr. Gerber had to pay \$30,000 in attorney fees. The \$30,000 was paid to the BHME. The BHME lost the case in judicial review. Where is the \$30,000?

DR. FONG:

We are holding it. We are in the process of figuring out if we will continue to hold that money, remand the money to the OAG or be forced to give the money back to Dr. Gerber. We are waiting for an additional judicial review.

SENATOR SETTELMAYER:

Are you appealing the judicial review?

DR. FONG:

Yes, we had a meeting at the Second Judicial District Court. We have remanded the decision on Dr. Gerber's license. The BHME chose to not follow the judicial review and has not returned Dr. Gerber's license. That issue is contested by Dr. Gerber and his counsel at this time.

CHAIR SPEARMAN:

The accrued cost for services rendered by the OAG is \$140,000 since 2004. It is 2019, 15 years later. In 15 years, the BHME continues to accrue debt. There has been little reimbursement to the OAG.

You stated that if the BHME was moved under the direction of DHHS, nobody there would be knowledgeable of your medical discipline to properly supervise the BHME. Do you think it is a fair trade to take responsibility of the BHME from someone trained in homeopathic medicine and give it to a person who is fiscally responsible for the money collected and to pay its debt?

I am concerned the OAG will file for an appropriation. It has been 15 years. With the \$30,000 Senator Settlemeyer referenced, there is an outstanding debt of \$110,000. I want to balance the need for knowledgeable people in homeopathic medicine with fiscally responsible people. It seems like nobody in the BHME is taking care of the outstanding debt.

DR. FONG:

Most doctors do not do business well. I have been on the BHME since 2006. I am not good with numbers, but I am good at getting people to work with me. Since becoming President of the BHME, I have raised \$60,000 in donations and new licenses.

There was confusion within the BHME about what legal costs were going to be taken care of by the OAG. May I state the agreement we have with the OAG?

CHAIR SPEARMAN:

You may submit the agreement in writing. I am concerned with allowing people, who are not good with money, to oversee a board with this type of debt. The BHME needs someone who is financially responsible and understands fiscal oversight.

DAPHNE LEE:

I oppose S.B. 98. I agree with Ms. Hansen. In 1973, my grandfather lobbied to legalize acupuncture in Nevada. He was met with a lot of skepticism. With great perseverance, he was able to demonstrate the positive effects of acupuncture.

CORAZON IBARRA, M.D., H.M.D. (Board of Homeopathic Medical Examiners):
We oppose S.B. 98. I will read a prepared statement ([Exhibit H](#)).

Senate Committee on Commerce and Labor
March 29, 2019
Page 10

MIRANDA HOOVER (Board of Homeopathic Medical Examiners):
We oppose S.B. 98. I will read a prepared statement ([Exhibit I](#)).

SENATOR SETTELMAYER:

The BHME and the OAG are both at fault for the poor payment structure. The attorney fees are paid by the prevailing party. The Executive Director of the BHME and the OAG did not specify payment of services in the initial agreement clause.

Will the BHME raise fees on its members to pay for the errors created by the previous individuals?

Ms. HOOVER:

The bill owed to the OAG is \$142,000. The BHME paid the OAG \$30,000 as down payment to the outstanding balance. We have a payment process for the next 75 months. Any legal costs accrued from this point forward will be paid when due in order to keep the BHME current. We do not anticipate a change to the fee structure.

SENATOR SEEVERS GANSERT:

The largest expense in your financial statements is under support services. It was \$24,000 per year. What was the purpose for that? Was that for the Executive Director?

Ms. HOOVER:

Yes, the costs are \$2,000 per month for the Executive Director.

CHAIR SPEARMAN:

For those who are concerned about homeopathic medicine, it is not the intent of the bill to eliminate the BHME. The bill states the BHME is in need of better management.

CHRISTIAN SCHONLAU (Chief Financial Officer, Office of the Attorney General):

We are neutral toward S.B. 98. The OAG received the \$30,000 payment mentioned by Ms. Hoover. We have a payment plan with the BHME. I submitted to the Committee a copy of the payment agreement and the recent \$30,000 payment ([Exhibit J](#)).

To clarify a comment made in regard to our payment practices as they relate to fee recovery, we charge an hourly rate which is calculated in the OAG cost allocation plan. For every hour that services are provided to a client, we make arrangements for the faulted party to reimburse those costs. The agency incurring the costs is responsible and it does not dissolve their debt with the OAG.

SENATOR SETTELMAYER:

I apologize for not being clear on the record in regard to who is at fault for the debt. It is policy to make sure those discussions between an agency and the OAG occur. These errors occurred before your time.

Can you clarify the Gerber case? His case was under petition for judicial review where it was reversed. What is the policy when someone wins the judicial review? Is the money returned to that person? Where does the money go?

MR. SCHONLAU:

I cannot answer that question as it is outside the duties of my position.

CHAIR SPEARMAN:

We will close the hearing on S.B. 98. We will open the hearing on S.B. 128. Senator Cannizzaro will lead the hearing.

SENATE BILL 128: Revises provisions governing the administration of occupational licensing boards. (BDR 54-518)

MS. BUSTAMANTE ADAMS:

I am presenting S.B. 128. During the 2018 Interim, I chaired the Sunset Subcommittee of the Legislative Commission. Senate Bill 128 contains recommendations from the Sunset Subcommittee relating to two separate boards, as well as a revision to NRS 622 relating to all licensing boards in general. These provisions are included in three bills.

The bill proposes to amend NRS 622 to grant all boards the ability to utilize provisions in Title 54, which entitles a board to conduct financial transactions electronically. Some boards do not permit licensees to submit payments electronically. Some boards accept payments by cashier checks or money orders because of limitations set by statutory provisions.

Many board functions can be conducted electronically, including payment for: registrations, examinations, renewals, fees, fines, assessments, purchasing materials and enrolling in continuing education. Some boards have chosen not to accept electronic funds transfers (EFT), while other boards view existing statutory provisions as limiting their options for accepting EFTs.

The Sunset Subcommittee recommended the boards be authorized but not required to conduct e-commerce. The Sunset Subcommittee expressed an interest in enabling boards to conduct business electronically. The Sunset Subcommittee was concerned boards are not serving those they license as efficiently as possible. The bill provides that a licensing board may enter into a contract individually or by participating in a contract entered into by the Director of the Office of Finance to establish a system to permit e-commerce.

Section 1 provides that a licensing board may require a cardholder to pay a convenience fee if the issuer charges a fee for each use of a credit card, debit card or EFT. For this reason, S.B. 128 requires a two-thirds vote for passage. The recommendation for e-commerce was included in S.B. 219 sponsored by Senator Settelmeyer and heard by the Committee on March 4, 2019.

SENATE BILL 219: Revises provisions relating to certain regulatory bodies.
(BDR 54-646)

Sections 2 and 3 relate to the State Board of Landscape Architecture (SBLA). Section 2, subsection 4 of the bill contains the limitations on e-commerce.

Section 3 addresses concerns brought to our attention in regard to licensees who are reviewed by the SBLA. The SBLA has five members. If a complaint involves an investigation and a hearing, the SBLA board member investigating the complaint is eliminated from the hearing; therefore, the SBLA requests the Executive Director be permitted to review a complaint and determine whether an investigation is warranted. This recommendation is in Senate Bill 125 cosponsored by Senator Hardy.

SENATE BILL 125: Revises provisions relating to landscape architecture.
(BDR 54-612)

The Nevada Physical Therapy Board (NPTB) is the second board S.B. 128 addresses. The changes in section 4 are related to the Sunset Subcommittee

meeting on April 23, 2019. There were several concerns about the NPTB regarding the lack of controls and poor operations with the segregation of duties. There was a lack of adequate records to manage expenditures, exceeding revenues, financial audits and budgets not prepared for FY 2015-2016. The previous Executive Director made unauthorized payments to herself prior to resignation.

The NPTB needs to provide members training with lists of websites relating to ethics, government and open meeting law. The NPTB has taken steps to address these issues. Section 4 of this bill requires new members of the NPTB to attend the training offered by the OAG on the duties and responsibilities while serving as a member of a regulatory body.

Nevada Revised Statutes 622.200 requires the OAG to offer training; however, board members are not required to attend. Some boards are more diligent than others at obtaining this training. The Sunset Subcommittee has informed the NPTB that it expects a report in the next Interim on the training the board members have received.

We believe the lack of oversight shown by the NPTB and other boards is due to lack of understanding of their role and operations required. This is addressed in S.B. 186 sponsored by Senator Seevers Gansert. The Legislature may consider this in the future.

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

SHELLY CAPURRO (Nevada State Board of Accountancy):
We support S.B. 128 and the proposed amendment from Anna Durst.

PAUL ENOS (Nevada Society of Certified Public Accountants):
We are neutral toward S.B. 128. We spoke with the sponsor about the proposed amendment from Anna Durst.

ANNA DURST (Nevada Society of Certified Public Accountants):
We are neutral toward S.B. 128. We have a proposed amendment ([Exhibit K](#)). We have a handout ([Exhibit L](#)) that explains firm mobility.

Senate Committee on Commerce and Labor
March 29, 2019
Page 14

SENATOR HARDY:

I remember our discussion on firm mobility. Firm mobility brings professionals to our State who may wish to stay and make Nevada their home.

SENATOR SETTELMAYER:

Ms. Bustamante Adams, what are your thoughts on the proposed amendment?

MS. BUSTAMANTE ADAMS:

I have no objections to the proposed amendment. The provisions in S.B. 128 are included in three bills being considered in the Legislature this Session.

SENATOR CANNIZZARO:

We will close the hearing on S.B. 128. We will open the hearing on S.B. 199.

SENATE BILL 199: Revises provisions relating to real property. (BDR 32-747)

SENATOR MELANIE SCHEIBLE (Senatorial District No. 9):

I am presenting S.B. 199. I submitted a proposed amendment ([Exhibit M](#)) to the Committee. The proposed amendment made significant changes to the bill.

The bill addresses a problem with property tax billing after the sale of a property. Property taxes are due once per year but are paid in quarterly installments. There have been issues with taxes due and liens on properties after being sold. There were individuals in Clark County who purchased land in the middle of the fiscal year. Although the taxes were paid, there were additional installments due within days of closing escrow on their property.

The individuals responsible for the property taxes were not notified of the taxes due until the taxes were past due. Government employees spend time and resources trying to track down people who owe taxes. These individuals did not know property taxes were due on their sold properties.

This bill creates better communication between the county assessor, treasurer and recorder. All three of these offices are involved when real property is sold from one individual to another. The county recorder maintains the deed for the property. The county treasurer mails the property tax bill. When the county recorder is not updating and distributing new lists of property owners, the tax bills are sent to the wrong individual.

The bill requires the county recorder to run a regular check of their system to flag properties that have changed ownership in order to inform the county assessor of those changes. The county assessor then has the information needed to send the property tax bill to the correct person.

This bill addresses another concern from the county treasurer and the county assessor. Sometimes addresses are wrong on deeds. An address on a deed needs to be the address where the tax bill is sent, but that address is not always the same as the address of the property for which taxes are due. There is a provision in section 4 to correct this issue.

The bill has a provision to address increases in land values after property developers have built homes on properties bought from other individuals. The proposed amendment addresses the difference in taxes known at the time when the property changes ownership.

SENATOR SEEVERS GANSERT:

I know people who experience these issues. This is a good bill.

SENATOR SETTELMAYER:

In section 2 it states a broker will mail a new owner of a residential property the property taxes owed. Is that currently done? Would I be getting a monthly statement on taxes owed or is this for new property owners?

SENATOR SCHEIBLE:

That refers to new property owners. The idea is that the county assessor runs a record check for properties that changed ownership.

SENATOR SETTELMAYER:

It would not be sent every month for the rest of time, only the first month.

SENATOR SCHEIBLE:

Correct, within the first 30 days, they should receive a letter.

SENATOR SETTELMAYER:

If they fail to do this, what is the correction? What is the penalty?

SENATOR SCHEIBLE:

If the State agency fails to fulfill the notification obligations, the person, who owes the taxes, will not be responsible for late fees or penalties. The intent is to identify where the system failed.

SENATOR SETTELMAYER:

That makes sense; if it is the government's failure, I do not owe fees and penalties.

SENATOR SEEVERS GANSERT:

Consider a requirement to send the notification via certified mail. There is currently no specification.

ERIK JIMENEZ (Senior Deputy Treasurer, North, Office of the State Treasurer):
We support S.B. 199. We are involved with all of the stakeholders of the bill.

TAMMI DAVIS (Association of County Treasurers of Nevada):
We are neutral toward S.B. 199.

DAVE DAWLEY (Assessor, Carson City Assessor's Office):
We are neutral toward S.B. 199. I would like to clarify an earlier statement. The assessor does not send out tax bills; that is done through the treasurer. The deeds are recorded at the county recorder, and the assessor receives notification of the record. We update the mailing address after the notification. After updating the mailing list, we send a list to the county treasurer.

SENATOR SEEVERS GANSERT:

How are special assessments billed? Are they billed like property tax or are they billed together?

Ms. DAVIS:

If you are referring to special assessments created under NRS 279, those are billed separately. They carry the same level of lien as property taxes, but they are billed individually. We have fees on the tax bill that are also called special assessments. Those are billed and treated as taxes.

SENATOR SETTELMAYER:

If the State engineer was to say he needed water for a basin's litigation purposes, would that be included in the assessor's bill? You indicate that it would be sent by the assessor and the treasurer would bill me?

Ms. DAVIS:

Yes, that would be included on the property tax bill.

SENATOR SEEVERS GANSERT:

Special assessments are confusing. If property taxes are not sent to the correct agency, a special assessment would not be going to the right place. Can you clarify that?

MR. DAWLEY:

Special assessments are added to the tax bill so people do not receive two separate bills; they receive one bill. It would be added together and sent to the new owner.

SENATOR SEEVERS GANSERT:

When there is a mistake by the government and property taxes go to the wrong place, the penalties are waived. Do you waive penalties associated with special assessments if they are caught in the same process?

Ms. DAVIS:

We view them the same. If the government agency is at fault, the penalties are waived.

SHARATH CHANDRA (Administrator, Real Estate Division, Department of Business and Industry):

We are neutral toward S.B. 199. There is a fiscal concern for the Division. These additional requirements add to our workload.

JENNY REESE (Nevada Association of Realtors; Nevada Land Title Association):

We are neutral toward S.B. 199. Nevada Land Title Association is limited by what is provided by the buyer. That is the information we use.

SENATOR SCHEIBLE:

I will continue to work with stakeholders to come up with a final version of the proposed amendment before the work session.

CHAIR SPEARMAN:

We will close the hearing on S.B. 199. We will open the hearing on S.B. 366.

SENATE BILL 366: Revises provisions relating to dental hygienists and the practice of dental hygiene and dental therapy. (BDR 54-661)

SENATOR JULIA RATTI (Senatorial District No. 13):

I am presenting S.B. 366. The intent of this bill is to improve dental care in Nevada, which is ranked 47 in the Nation for dental care services. The connection is well-documented between poor oral health and significant overall health concerns such as cancer, heart disease, preterm labor and stroke.

It is critical for all populations to have access to preventative and therapeutic care by licensed oral healthcare providers. We need a multipronged approach to improve the health outcomes in Nevada.

Dental hygienists are a readymade workforce with expansive education and responsibility. Allowing dental hygienists to practice to the full extent of their education by introducing a midlevel provider improves service for Nevadans. By removing and reducing barriers to care, providing cost-effective ways to improve oral health and reducing dental pain and suffering, we are promoting overall health and reducing oral health disparities in our State.

This bill proposes four solutions. I want to disclose that I brought this bill forward on behalf of the Nevada Dental Hygienists' Association. They are the experts on this subject matter.

The first solution the bill offers is with self-regulation. The dental hygiene profession should be self-regulated the way similar professions such as nursing are self-regulated. Dental hygienists graduate from accredited institutions, take national and regional board examinations, obtain professional licensure and maintain continuing education.

The second solution addresses challenges with pain management. Dental hygienists are limited to providing local anesthesia and nitrous oxide under the direct supervision of a dentist. The bill moves to allow dental hygienists to practice to the full extent of their education by allowing the administration of local anesthesia under the authorization of a dentist without the requirement of direct supervision.

The third solution in the bill tackles the shortage of providers by introducing a midlevel practitioner. Nevada is classified as a dental healthcare professional shortage area by federal and State agencies. This shortage includes our urban, rural and frontier areas.

Patients face barriers such as transportation, cost, language, education, location and time available to them. The solution is to add a midlevel provider that can bring care to many vulnerable populations. The midlevel provider would be a dental therapist. Other states have shown them to be able to provide care that is diverse, valuable, safe and cost-effective.

In Nevada, there are two pathways to practice dental care, either through a public health endorsement or through a collaborative practice with a dentist. The Commission on Dental Accreditation (CODA) has adopted standards for dental therapy education. Six states have passed legislation to allow the practice of dental therapists. Nine more states are looking into this concept.

The fourth solution within the bill is to allow access to teledentistry. Teledentistry is the use of technology and telecommunication for dental care, consultation, education and public awareness. Teledentistry combined with appropriate pain management techniques will allow for the expansion of services that are provided to ensure patients get the care they need.

I would like to acknowledge not all stakeholders agree on the contents of this bill. We will work together to resolve the issues.

CARYN SOLIE (Nevada Dental Hygienists' Association):

We support S.B. 366. I will read a prepared statement ([Exhibit N](#)). I provided to the Committee documents ([Exhibit O](#)) about dental therapists from the State of Minnesota. We are willing to participate in a transparent and honest dialogue with the understanding that at the end of the day we can respectfully agree to disagree on some of our issues.

I would like to address online rumors. The Nevada Dental Hygienists' Association wants to clarify that S.B. 366 is not about independent practice for dental hygienists or dental therapists. The bill is not about diminishing the team approach to oral health care. The bill is not endorsing uneducated, poorly trained or unsafe practitioners. Regulatory boards are bound to protect the public. Liability will be addressed as it currently is for all healthcare providers.

SENATOR SETTELMAYER:

Section 12 of the bill outlines the required members of the Nevada State Board of Dental Hygienists (SBDH). You indicate that hygienists are not setting up independent practices. Why are dentists not required to serve on the Board for this profession?

Ms. SOLIE:

We met with the Nevada Dental Association twice before the bill was drafted by the Legal Division. We did not have an in-depth conversation. There will be amendments to discuss that issue.

SENATOR SETTELMAYER:

I was concerned because someone is representing the indigent community and the general public, but nobody is representing dentists.

Ms. SOLIE:

That language is similar to the language for the Board of Dental Examiners of Nevada, which includes someone who represents or is a provider for the indigent populations.

NEENA LAXALT (Nevada Dental Hygienists' Association):

We support S.B. 366. I will read a prepared statement ([Exhibit P](#)) from Lancette VanGuilder who could not be present today. I have a proposed budget ([Exhibit Q](#)) for the SBDH outlined in the bill.

SENATOR HARDY:

What is the difference between dental hygienists and dental therapists? There is more discussion about dental therapists. Dental hygienists go to three years of school and are trained in anesthesia. Can you clarify this?

Ms. SOLIE:

Dental therapists require more education than dental hygienists. They perform additional duties. Dental hygienists are educated and licensed, they administer local anesthesia and nitrous oxide under the direct supervision of a dentist. The hierarchy is as follows: dentist, dental therapist, dental hygienist and dental assistant.

SENATOR HARDY:

Are dental therapists required to take three years of training?

Ms. SOLIE:

Yes, dental therapy includes three years of additional training beyond dental hygiene training.

SENATOR HARDY:

Does the bill address dental therapists? It seems like dental hygienists are at the height of their practice.

Ms. LAXALT:

The bill is divided into four subjects. First, self-regulation is proposed for dental hygienists. Second, the bill addresses direct supervision of local anesthesia for dental hygienists. Third, the bill creates dental therapy as a midlevel profession. Fourth, the bill allows for teledentistry. Dental therapy is the most contested subject of the bill.

SENATOR HARDY:

Who is independent? Is the intent of the bill to propose independent dental therapists?

Ms. SOLIE:

No, the bill requires individuals to be licensed as dental hygienists before completing additional education to be licensed as dental therapists. They would complete continuing education in dental therapy, which is an additional three years, before they are eligible to be licensed as dental therapists. Then they would need to pass a national written exam and complete a clinical practical exam. Continuing education, liability insurance and emergency medical procedure training is mandated for dental therapists.

SENATOR HARDY:

What does "up to three years" mean in regard to training?

Ms. SOLIE:

The CODA guideline requires a two to three year program. Some educational facilities operate around the clock and are completed in two years. Some facilities have breaks in the schedule and take up to three years. The scope of education and the standards they meet are more important than the time spent.

SENATOR SEEVERS GANSERT:

In section 65, the scope of practice for the dental therapists is similar to dentists. I am confused. Why have two similar professions? Do we have qualified professionals in the State to perform these services?

MS. SOLIE:

In regard to the scope of practice, the duties are defined in CODA guidelines. They are similar; however, dentists have education in procedures such as crowns, bridges, implants and surgeries.

Regarding qualified professionals in Nevada, there are none. There are dental therapists in other states. The bill will encourage and allow for the practice within Nevada.

SENATOR SEEVERS GANSERT:

Section 65 lists crowns and caps. What type and level of anesthesia will a dental therapist be able to administer compared to a dentist?

MS. SOLIE:

Dental therapists are allowed to perform local anesthesia. Their education does not allow sedation.

CHAIR SPEARMAN:

Senator Ratti stated that providing a midlevel dentistry professional would help Nevadans. Nevada has an average of 3,525 people per dental practice. The U.S. average is 2,960 per dental practice. Nevada has an average of 11,146 people per specialty practice. The U.S. average is 10,133 per specialty practice.

Will the addition of dental therapists impact the number of people able to provide dental care?

MS. SOLIE:

Yes, it will allow more providers to be available to Nevadans. Disproportionately, Nevada ranks 47th in the nation for access to dental care. We rank low for states that can meet the Medicaid population, homeless, homebound and seniors living in assisted care facilities. We have a low number of dentists who are Medicaid providers.

Senate Committee on Commerce and Labor
March 29, 2019
Page 23

PATTI SANFORD (Nevada Dental Hygienists' Association):
We support S.B. 366. I will read a prepared statement ([Exhibit R](#)).

SHAWN GRIFFIN (Community Chest):
We support S.B. 366. We coordinate volunteer medical and dental events in rural Nevada. I personally worked as a volunteer for those events.

The stories I have will bring everyone to tears. On the first day of one such event, I had to decide who would receive services and who would not. Because the decision was overwhelming, I asked people to write their name on a piece of paper and put it in a coffee can to be picked at random. I did not want to decide who was going to be turned away.

A woman sitting next to me had two teeth wobbling in her mouth. She had to tell people whether or not they could be serviced. Later in the morning, I held a child in my arms while a mother had her front tooth removed because she was unable to obtain care at any point in her life. She was poor, she lacked access and she could not afford dental care. Another woman was in tears after her surgery to remove a tooth that prevented her from smiling her entire adult life.

There were 500 people in the room waiting for dental care. Fewer than 100 were served. This happens today. This bill will address the shortage of dental care in the rural communities.

Think of dental therapists as nurse practitioners for the dental profession.

COURTNEY BLOOMER (Healthy Communities Coalition; Lyon County Health and Wellness Hub):
We support S.B. 366. I will read from two letters ([Exhibit S](#) and [Exhibit T](#)) from our members.

DEBORAH LOESCH GRIFFIN (Lyon County Health and Wellness Hub):
We support S.B. 366. I want to share with the Committee the needs of children in Lyon County. For the past five years, Lyon County has organized "dental days" in our schools. We see an average of 100 children; 50 percent of the children have severe cavities and decay and 10 percent of the children have infections.

The issue for children who do not have accesses to dental care is for subsequent diseases associated with poor dental health and for their ability to learn. Poor dental care disrupts a child's education.

NANCY SCOTT:

I support S.B. 366. I am a retired elementary school teacher. In my 33 years of teaching in rural areas, I have seen my share of pain from dental problems, and I have seen how it affects a child's ability to learn. Preventative dental care in the rural areas would be a step in the right direction.

ANTHONY SAMPSON, Sr. (Chairman, Pyramid Lake Paiute Tribe):

We support S.B. 366. We support the portion that allows dental therapists to be licensed in the State. While most tribes are sovereign nations, most of their partnerships are with Indian Health Service (IHS). They require dental therapists to be licensed within the State when they transact and engage services.

Most tribal communities in Nevada lack dentists and dental clinics that provide regular care. The Pyramid Lake Paiute Tribe (PLPT) is located in a rural area of Nevada. We have limited access to dental practitioners who can accommodate our needs for our tribe members.

The implementation of S.B. 366 will allow our tribe and other tribes the ability to provide additional dental care services. Lack of dental hygiene, practitioners and public education causes suffering for our children, elders, veterans and adult members.

Apart from the lack of practitioners, many of our members suffer from poor dental hygiene due to affordability. Because of these financial hardships, they are unable to receive dental care, partials, dentures or other orthodontic work.

The bill will allow public education for preventative dental health care our tribal members need. This will benefit other indigenous tribes throughout the State. By implementing the bill, we can address the minor concerns before they become life-threatening.

The PLPT health clinic provides medical services that include a dental program through IHS. By passing S.B. 366 we can utilize the teledentistry market. It will allow us to hire a licensed dental therapist. Our current dentist would be able to extend dental hygiene care to our members with the practice agreement.

MARLA MCDADE WILLIAMS (Reno-Sparks Indian Colony):

We support S.B. 366. The lead dentist at our clinic has identified how the addition of dental therapy would be helpful for community members who do not have access to dental care.

On March 25, 2019, the State of Idaho enacted a bill to include dental therapy as a profession within their state.

ALAN MANDELL (VICE Chairman, Pyramid Lake Paiute Tribe):

We support S.B. 366. I will read a prepared statement ([Exhibit U](#)).

WILL ADLER (Silver State Government Relations; Pyramid Lake Paiute Tribe):

We support S.B. 366. The ratio of dentists to patients in the State is large. If you microcosm this ratio to the rural counties, the rural counties are an absolute desert for dentistry. This bill will help the rural counties the most. That is where the lack of service is greatest in the State. Who provides services to these rural areas?

Rural counties and tribes are the target for this bill. Medical offices need a level of stability and a population center in order to sustain a business. This bill will give a flexible path to dentistry through people who are willing to drive to the rural communities to provide service.

Please pass S.B. 366.

CHRIS FERRARI (Nevada Dental Association):

We oppose S.B. 366. I would like to address a comment made in earlier testimony. We are very sensitive to the rural populations. Nevada dentists performed over \$5 million in pro bono care in 2017 and 2018. In regard to the administration of nitrous oxide, section 30, subsection 4, would allow dental therapists to provide nitrous oxide.

In regard to the lack of Medicaid providers, we work closely with the Managed Care Organization and we are unaware of a waiting list. We have many providers willing to serve Medicaid patients. We dispute Nevada's rank of 47th in the Nation for dental care access. I have other statistics that state we are ranked 25th in the Nation in terms of access to dentists per capita.

These issues are not dentists versus hygienists. In 2015, former Assemblywoman Benitez-Thompson sponsored a bill to expand the role for dental hygienists throughout the State. Hygienists are a respected part of the dental care delivery team.

KELLIE BUTTERWORTH, R.D.H.:

I oppose S.B. 366. I will read a prepared statement ([Exhibit V](#)).

KELLIE MCGINLEY, D.D.S. (Nevada Dental Association):

We oppose S.B. 366. I will read a prepared statement ([Exhibit W](#)).

SENATOR SEEVERS GANSERT:

How long did you go to school to become a pediatric dentist?

DR. MCGINLEY:

After dental school and a residency program, I went to school for four years.

CHAIR SPEARMAN:

Do you treat patients in urban and rural areas?

DR. MCGINLEY:

I practice in Reno. I do not treat patients in the rural areas.

ERIN ANDERSON, D.D.S. (Nevada Dental Association):

We oppose S.B. 366. I will read a prepared statement ([Exhibit X](#)).

DAVID WHITE, D.D.S.:

I oppose S.B. 366. I practice dentistry in Reno and Elko. I have been practicing in both locations since 2004. Over the past 15 years, I have seen an increase in the number of dental providers in the northeast region of the State. In the last five years, I have seen three graduates move to Elko from the University of Nevada, Las Vegas School of Dental Medicine. This is good.

The *Med Health Policy Report* published by the University of Nevada, Reno cited a 12 percent increase in dentists serving rural Nevada. The bill does not solve the issue of access to care, because there are no provisions mandating what shortage areas need practitioners. Minnesota saw a limited number of people providing care in rural areas after adding dental therapists to the dental care field.

Twenty-five percent of the providers in the northeast region of the State are coming from Idaho and Utah because of the success of the mining industry. The mines provide excellent benefits to my patients and they demand the highest quality of services. Folks from Utah and Idaho recognize the opportunity here and move to provide those services.

The bill will not address our needs in the rural areas.

JADE MILLER, D.D.S. (Nevada Dental Association):
We oppose S.B. 366. I will read a prepared statement ([Exhibit Y](#)).

TED TWESME, D.D.S.:
We oppose S.B. 366. I will read a prepared statement ([Exhibit Z](#)).

EMILY ISHKANIAN, D.M.D.:
We oppose S.B. 366. I will read a prepared statement ([Exhibit AA](#)).

DEBRA SHAFFER-KUGEL (Executive Director, Board of Dental Examiners of Nevada):
We are neutral toward S.B. 366. The fiscal note for SBDH is being processed. We are available to answer questions about statements made in previous testimony or on questions that may arise.

MS. LAXALT:
In closing, there is a need for dental care services in Nevada. This bill is not directly aimed at the rural areas. The urban areas have dental hygienists who can attest to the problems in their communities. Training required by CODA will ensure dental therapists will be suitable for Nevadans' needs. Senate Bill 366 may not solve all of our dental care issues, but it does offer four ways to begin addressing them.

CHAIR SPEARMAN:
Because we have a time constraint, the following written statements are submitted for the record: ([Exhibit BB](#), [Exhibit CC](#), [Exhibit DD](#), [Exhibit EE](#), [Exhibit FF](#), [Exhibit GG](#), [Exhibit HH](#), [Exhibit II](#), [Exhibit JJ](#), and [Exhibit KK](#)). We will close the hearing on S.B. 366. We will open the work session on S.B. 230.

SENATE BILL 230: Revises provisions relating to certain real estate professions.
(BDR 54-311)

Senate Committee on Commerce and Labor
March 29, 2019
Page 28

CESAR MELGAREJO (Policy Analyst):

I have the work session document ([Exhibit LL](#)) which explains S.B. 230 and the four proposed amendments.

CHAIR SPEARMAN:

We will take a vote on S.B. 230.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS S.B. 230
AS AMENDED.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

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Senate Committee on Commerce and Labor
March 29, 2019
Page 29

CHAIR SPEARMAN:

We will close the work session on S.B. 230. With no public comment, the meeting is adjourned at 3:38 p.m.

RESPECTFULLY SUBMITTED:

Jennifer Richardson,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	10		Attendance Roster
S.B. 98	C	8	Irene Bustamante Adams	Nevada Office of the Attorney General Response Letter
S.B. 98	D	5	Carol Stonefield	2016/2017 Board of Homeopathic Medical Examiners Balance Sheet
S.B. 98	E	6	Carol Stonefield	2017/2018 Board of Homeopathic Medical Examiners Balance Sheet
S.B. 98	F	3	Bruce Fong, D.O. / Board of Homeopathic Medical Examiners	Opposition Written Testimony
S.B. 98	G	1	Bob Russo	Opposition Written Testimony
S.B. 98	H	1	Corazon Ibarra, D.D.S.	Opposition Written Testimony
S.B. 98	I	1	Miranda Hoover / Board of Homeopathic Medical Examiners	Opposition Written Testimony
S.B. 98	J	1	Christian Schonlau / Office of the Attorney General	Nevada Office of the Attorney General Payment Agreement with State Board of Homeopathic Medical Examiners
S.B. 128	K	13	Anna Durst / Nevada Society of CPAs	Proposed Amendment
S.B. 128	L	1	Anna Durst / Nevada Society of Certified Public Accountants	Nevada State Board of Accountancy CPA Firm Mobility Information
S.B. 199	M	3	Senator Melanie Scheible	Proposed Amendment
S.B. 366	N	2	Caryn Solie / Nevada Dental Hygienists' Association	Support Testimony

S.B. 366	O	6	Caryn Solie / Nevada Dental Hygienists' Association	Dental Therapy in Minnesota Issue Brief
S.B. 366	P	2	Neena Laxalt / Nevada Dental Hygienists' Association	Support Testimony, Lancette VanGuilder
S.B. 366	Q	4	Neena Laxalt / Nevada Dental Hygienists' Association	Proposed Budget
S.B. 366	R	1	Patti Sanford / Nevada Dental Hygienists' Association	Support Testimony
S.B. 366	S	2	Cortney Bloomer / Healthy Communities Coalition; Lyon County Health and Wellness Hub	Support Letter, Wendy Madson and additional signers
S.B. 366	T	2	Cortney Bloomer / Healthy Communities Coalition; Lyon County Health and Wellness Hub	Support Letter with Data, Wendy Madson
S.B. 366	U	1	Alan Mandell / Pyramid Lake Paiute Tribe	Support Testimony
S.B. 366	V	3	Kellie Butterworth, R.D.H.	Opposition Written Testimony
S.B. 366	W	2	Kellie McGinley, D.D.S. / Nevada Dental Association	Opposition Written Testimony
S.B. 366	X	1	Erin Anderson, D.D.S. / Nevada Dental Association	Opposition Written Testimony
S.B. 366	Y	2	Jade Miller, D.D.S. / Nevada Dental Association	Opposition Written Testimony
S.B. 366	Z	3	Ted Twesme, D.D.S.	Opposition Written Testimony
S.B. 366	AA	1	Emily Ishkanian, D.M.D.	Opposition Written Testimony
S.B. 366	BB	1	Senator Pat Spearman	Support Testimony, Mackenzie Baysinger, Human Services Network
S.B. 366	CC	1	Senator Pat Spearman	Opposition Written Testimony, Dr. Jacqueline Alford

S.B. 366	DD	2	Senator Pat Spearman	Opposition Written Testimony Dr. Tina Brandon Abbatangelo
S.B. 366	EE	1	Senator Pat Spearman	Opposition Written Testimony Ed De Andrade
S.B. 366	FF	1	Senator Pat Spearman	Opposition Written Testimony, Dr. Ashley Hoban
S.B. 366	GG	2	Senator Pat Spearman	Opposition Written Testimony, Deaudre LeCato
S.B. 366	HH	1	Senator Pat Spearman	Opposition Written Testimony, Dr. Ingrid Lubbers
S.B. 366	II	1	Senator Pat Spearman	Opposition Written Testimony, Dr. Alana Saxe
S.B. 366	JJ	1	Senator Pat Spearman	Opposition Written Testimony, Dr. Jeffrey Suffoletta
S.B. 366	KK	2	Senator Pat Spearman	Opposition Written Testimony, Dr. Robert Talley
S.B. 230	LL	11	Cesar Melgarejo	Work Session Document