

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Eighty-First Session
May 12, 2021**

The Committee on Health and Human Services was called to order by Chair Rochelle T. Nguyen at 1:34 p.m. on Wednesday, May 12, 2021, Online and in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Rochelle T. Nguyen, Chair
Assemblywoman Sarah Peters, Vice Chair
Assemblywoman Teresa Benitez-Thompson
Assemblywoman Annie Black
Assemblywoman Michelle Gorelow
Assemblyman Gregory T. Hafen II
Assemblywoman Lisa Krasner
Assemblyman Andy Matthews
Assemblyman David Orentlicher
Assemblywoman Shondra Summers-Armstrong
Assemblywoman Clara Thomas
Assemblywoman Robin L. Titus

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Patrick Ashton, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Nick Christie, Committee Manager
Terry Horgan, Committee Secretary
Trinity Thom, Committee Assistant

Minutes ID: 1088



OTHERS PRESENT:

Matt Walker, representing Silver State Equality

Chair Nguyen:

[Roll was taken. The Chair reminded Committee members, witnesses, and members of the audience of Committee rules, protocol, and procedures for virtual meetings, oral testimony, and taking public comment, which can be submitted up to 48 hours after the conclusion of the meeting.]

Welcome to our audience joining us here either in person, online, or by phone. Today, we just have a work session, so let us begin. We will start with Senate Bill 61 (1st Reprint).

Senate Bill 61 (1st Reprint): Revises provisions governing the program for the operation of vending facilities by licensees who are blind. (BDR 38-320)

Patrick Ashton, Committee Policy Analyst:

As nonpartisan staff, I cannot advocate for or oppose any measures that you will consider today.

[Patrick Ashton read a description of the bill from the work session document, Exhibit C.] Senate Bill 61 (1st Reprint) was heard on May 3, 2021. The bill makes various changes to the program for the operation of vending facilities by licensees who are blind. Among other things, the bill:

- Requires the Bureau of Services to Persons Who Are Blind or Visually Impaired in the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to provide certain training and assistance to licensees in the program and to those who wish to become licensees;
- Grants the Bureau the right of first refusal on behalf of licensees with regard to operating a vending facility in or on public buildings or property;
- Authorizes vending facilities to be operated in or on buildings or properties of the Nevada System of Higher Education, the Nevada State Park system, the Department of Corrections, and, under certain conditions, an airport authority or department of aviation, with the approval of the Bureau and the state agency;
- Revises timelines within which state or public entities must notify the Bureau regarding reactivation, leasing, releasing, licensing, or issuing permits to operate vending facilities in or on a public building or property as well as notification related to new construction, remodeling, leasing, et cetera of public buildings or property;
- Provides for the election of the Nevada Committee of Vendors Who Are Blind; and

- Authorizes the Bureau to enter a contract to establish a vending facility on private property through which the licensee may pay an incentive to the property owner for certain locations.

There were no amendments.

Chair Nguyen:

Members of the Committee, are there any questions? Seeing none, at this time I would entertain a motion to do pass.

ASSEMBLYWOMAN THOMAS MADE A MOTION TO DO PASS
SENATE BILL 61 (1ST REPRINT).

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE
MOTION.

Are there any comments on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN BLACK, HAFEN,
KRASNER, MATTHEWS, AND TITUS VOTED NO.)

I will assign that floor statement to Assemblywoman Thomas.

Next, we will move to a work session on Senate Bill 275 (1st Reprint).

**Senate Bill 275 (1st Reprint): Revises provisions relating to communicable diseases.
(BDR 40-220)**

Patrick Ashton, Committee Policy Analyst:

[Patrick Ashton read a description of the bill from the work session document, [Exhibit D](#).]
We heard Senate Bill 275 (1st Reprint) on May 3, 2021; it makes various changes related to communicable diseases. Among other things, the bill:

- Requires any order issued by a state or local health authority to isolate, quarantine, or treat a person or group of people with a communicable disease in an infectious state or to people exposed to such a disease to state the reasons the actions prescribed in the order are the least restrictive means to prevent, suppress, or control the disease;
- Requires city and county boards of health to adhere to existing procedures under which the chief medical officer or district health officer may isolate, quarantine, or treat people infected with or exposed to a communicable disease;
- Requires the chief medical officer or a district health officer to know or suspect that a communicable disease is in an infectious state and poses a risk to the health of the public before ordering the person with the communicable disease to submit to testing;

- Requires the State Board of Health and district boards of health to establish a process by which a person may appeal an order to submit to such testing;
- Prohibits a court from issuing an order necessary for a health authority to order involuntary treatment without clear and convincing evidence that the person has a communicable disease in an infectious state and is likely to pose a danger to the public;
- Sets forth legislative findings that the spread of communicable diseases is a public health matter that should not be addressed through criminalization;
- Prohibits health authorities from warning a person against engaging in an occupation or accessing a place of public accommodation if a similar order from certain entities would constitute prohibited discrimination against a person with a disability;
- Makes it a misdemeanor for a person to intentionally transmit a communicable disease to another under certain circumstances;
- Creates an affirmative defense if a person exposed to a communicable disease through prohibited conduct knew the defendant had the disease, knew the conduct could result in transmission, and consented to engage in the conduct—or if the defendant used or attempted to use means to prevent transmission;
- Repeals provisions making it a category B felony for a person who tested positive for human immunodeficiency virus (HIV) to intentionally, knowingly, or willfully engage in conduct in a manner that is intended or likely to transmit the disease. Such a person would be guilty of a misdemeanor under certain circumstances;
- Authorizes a court to order a person or decedent to be tested for a communicable disease upon the petition of certain people only if the court determines there is probable cause to believe the petitioner was likely exposed and testing is necessary to determine appropriate medical treatment;
- Requires information concerning testing for sexually transmitted diseases to be included in the information provided to victims of sexual assault under the Sexual Assault Survivors' Bill of Rights;
- Requires the Legislative Counsel, to the extent practicable, to ensure that people with HIV are referred to using language commonly viewed as respectful and to avoid duplicative references to HIV and acquired immunodeficiency syndrome in *Nevada Revised Statutes* and provides it is the policy of the state to use similar references in *Nevada Administrative Code*;
- Repeals various provisions of existing law related to HIV and people with HIV; and

- Reestablishes the Advisory Task Force on HIV Exposure Modernization for the 2021-2022 Legislative Interim.

Senator Dallas Harris proposed the attached amendment during the bill hearing, which:

1. Revises provisions of the bill concerning authorized actions of a board of county health or a city board of health relating to communicable diseases that pose a risk to public health.
2. Revises provisions of the bill to require a health authority who knows, suspects, or is informed of the existence of any communicable disease that is at risk of becoming infectious or developing in such a way that it endangers the health of the person with a communicable disease to conduct an investigation.
3. Revises provisions of the bill to prohibit a person from making public the name of, or other personally identifying information about, a person exposed to a communicable disease who has been investigated by the health authority without the consent of the person.

Members, there was a request to withdraw the next amendment, which was proposed on May 11, 2021. In other words, the amendments to section 6 are not up for consideration.

Chair Nguyen:

Thank you for that clarification, Mr. Ashton. Do we have any questions from Committee members? Again, I want to make it clear that the second proposed amendment has been withdrawn [pages 35 and 36, [Exhibit D](#)]. Seeing none, I would entertain a motion at this time to amend and do pass.

ASSEMBLYWOMAN PETERS MADE A MOTION TO AMEND AND DO
PASS SENATE BILL 275 (1ST REPRINT).

ASSEMBLYWOMAN GORELOW SECONDED THE MOTION.

Do we have any comments on the motion?

Assemblywoman Krasner:

HIV is the only communicable or sexually transmitted disease for which you must take medication every day of every week of every month for the rest of your life. Now that we do have treatment for HIV, it is no longer a death sentence; however, it is a life sentence without parole. This bill allows someone who intentionally gives someone else HIV—you, your kid, your grandkids—only to be prosecuted with a misdemeanor. That is not right. This should be a felony, and I will be voting no.

Chair Nguyen:

Do we have any other comments from Committee members?

Assemblywoman Titus:

I support the concept of the bill, and I was going to vote in favor of this bill; however, with the amendment, I will now be a no on this bill.

Chair Nguyen:

I think we can clarify. Do you know that the amendment was withdrawn? Mr. Walker, will you come up to the table? I want to make sure we are clear about this.

Matt Walker, representing Silver State Equality:

I spoke with Senator Harris today, and she requested that the Committee consider moving the bill with the initial amendment presented. It is on NELIS [Nevada Electronic Legislative Information System] reflected as the amendment submitted by Alisa Nave-Worth. Also, the health district's amendment that was presented at the hearing.

Chair Nguyen:

I want to make clear that the amendment was withdrawn and the amendments the bill is proceeding on today were as presented in this Committee.

Assemblywoman Titus:

Thank you for that clarification. Now that I am looking at the one here, I will still be a no, and I am sorry if I did not make this clear at the time of the hearing. The concept that we are going to quarantine people who are exposed as opposed to being infectious—I am concerned that this is a bit of an overreach on that particular aspect of it, so I am going to be a no, unfortunately.

Assemblyman Hafen:

I, too, am slightly confused with the amendments that are being withdrawn. I will be a yes out of Committee today, but I would like to reserve my right on the floor.

Chair Nguyen:

Thank you, and I will remind Committee members that they can always change their minds when they vote for things on the floor. Additionally, I appreciate the heads-up. Are there any other comments from Committee members?

Assemblywoman Summers-Armstrong:

For clarity, can Mr. Walker tell us what got withdrawn, or what the issue was with the amendment that has been withdrawn, and why it is an issue today?

Matt Walker:

Thank you for the opportunity to clarify the record. Amendment #2 submitted by Senator Dallas Harris [pages 35 and 36, [Exhibit D](#)] has been withdrawn today because, in section 6, subsection 4, there was insufficient clarity given on what elements should constitute the crime of transmitting a communicable disease or what other behavior was likely to transmit a communicable disease. There was some desire by proponents to see health districts not have the ability to levy a misdemeanor offense if there is a violation of a health order and the

elements of subsection 4 not met. The health districts, obviously, felt it was very important for them to have some enforcement power and that there be a misdemeanor associated with violating a health order, period. After a lot of great discussion with your Committee staff and the LCB [Legislative Counsel Bureau], Mr. Patrick Ashton and others, there was simply no way to meet in the middle on that language. As a default, Senator Harris wished to leave the statute as is, leaving both the misdemeanor as defined in subsection 4 and the misdemeanor associated with violating a health order. Our client, Silver State Equality, is in full support of withdrawing that amendment.

Assemblywoman Summers-Armstrong:

Thank you. That makes a lot of sense.

Chair Nguyen:

I am going to turn this over to Patrick Ashton to also provide some clarifying comments.

Patrick Ashton:

Committee members, when you go on NELIS, you can find the updated work session document for S.B. 275 (R1). If you look at the combined work session document that was provided to you yesterday, we only will consider amendments 1, 2, and 3 on the bill [page 2, [Exhibit D](#)] and also the attached amendment that was presented by Senator Harris during the bill hearing [pages 3 through 34]. The other amendment [pages 35 and 36] was withdrawn.

Chair Nguyen:

Do we have any other comments from Committee members at this time? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN BLACK, KRASNER,
MATTHEWS, AND TITUS VOTED NO.)

I will assign that floor statement to Assemblywoman Peters.

Next is Senate Bill 391 (1st Reprint).

Senate Bill 391 (1st Reprint): Revises provisions relating to dentistry. (BDR 40-455)

Patrick Ashton, Committee Policy Analyst:

[Patrick Ashton read a description of the bill from the work session document, [Exhibit E](#).] We heard Senate Bill 391 (1st Reprint) on May 5, 2021. The bill provides that the state dental health officer is not required to be licensed to practice dentistry in this state if certain other criteria are met. The bill removes a prohibition on the state public health dental hygienist pursuing an outside business or vocation, instead authorizing such activity with the approval of the Division of Public and Behavioral Health of the Department of Health and Human Services. In addition, the bill authorizes the Board of Dental Examiners to issue a limited license as a dentist or dental hygienist to the state dental health officer or the state public health dental hygienist.

Senate Bill 391 (1st Reprint) also authorizes the Division to issue a permit as a dental responder to a dentist, dental hygienist, or dental therapist who has received certain training in emergency response. Dental responders may provide emergency medical care, immunizations, medical care in mobile clinics, and humanitarian care during a state of emergency, a declaration of disaster, public health emergency, or other health event.

The bill creates the Committee on Dental Emergency Management within the Division, and it prescribes duties of the Committee which relate to emergency management and the practice of professions that provide dental care.

Finally, S.B. 391 (R1) outlines requirements related to providing services through teledentistry and requires hospitals and Medicaid managed care plans or health maintenance organizations to take certain measures to improve access to oral health care through teledentistry. There were no amendments.

Chair Nguyen:

Do we have any questions from Committee members on Senate Bill 391 (1st Reprint)? Seeing none, I will entertain a motion at this time to do pass S.B. 391 (R1).

ASSEMBLYWOMAN PETERS MADE A MOTION TO DO PASS
SENATE BILL 391 (1ST REPRINT).

ASSEMBLYWOMAN THOMAS SECONDED THE MOTION.

At this time, do we have any comments on the motion?

Assemblyman Hafen:

Again, I will be voting this out of Committee today, but reserve my right on the floor.

Chair Nguyen:

Thank you. Do we have any other comments on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN BLACK, KRASNER,
MATTHEWS, AND TITUS VOTED NO.)

I will assign that floor statement to Assemblywoman Benitez-Thompson.

Next, we will go to Senate Bill 379 (1st Reprint).

Senate Bill 379 (1st Reprint): Provides for the collection of certain data concerning providers of health care. (BDR 40-457)

Patrick Ashton, Committee Policy Analyst:

[Patrick Ashton read a description of the bill from the work session document, [Exhibit F.](#)] We heard Senate Bill 379 (1st Reprint) on May 5, 2021. It requires the director of the Department of Health and Human Services to establish and maintain a database of certain demographic and practice information about health care providers. The director must make an electronic data request available to health professional licensing boards to request certain data from applicants for the renewal of a license or certification. In addition, the director must establish the Health Care Workforce Working Group to analyze information in the database and make recommendations concerning how to attract health care providers to Nevada. Finally, certain data from the database must be published annually. There were no amendments.

Chair Nguyen:

Are there any questions from members of the Committee? Seeing none, at this time I would entertain a motion to do pass S.B. 379 (R1).

ASSEMBLYWOMAN PETERS MADE A MOTION TO DO PASS
SENATE BILL 379 (1ST REPRINT).

ASSEMBLYWOMAN SUMMERS-ARMSTRONG SECONDED THE
MOTION.

Do we have any comments on the motion at this time?

Assemblywoman Titus:

I am going to support this measure although at first, I was not. With the testimony that it is definitely voluntary, and that it can be used to help with certain designations in health care shortage areas and anticipate future needs, I think it is important to do.

Chair Nguyen:

Do we have any other comments on the motion?

Assemblywoman Benitez-Thompson:

I am really excited about this. I am excited to see the data that gets collected as well. Maybe down the line, the boards might want to consider giving one CEU [continuing education unit] for those who complete the questionnaire in order to encourage that. I know we want to encourage a good response rate, so I think that would be fair. I am just throwing this concept out there for future legislatures to deliberate.

Chair Nguyen:

I am not going to lie. I enjoy the fact that I get to waive my CLE [continuing legal education] requirements while the legislative body is in session. Do we have any other comments on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN BLACK AND MATTHEWS
VOTED NO.)

I will assign that floor statement to Assemblywoman Benitez-Thompson.

Next, we will go to our final bill on the work session, Senate Bill 305 (1st Reprint).

Senate Bill 305 (1st Reprint): Makes various changes relating to access to organ transplants for persons with disabilities. (BDR 40-40)

Patrick Ashton, Committee Policy Analyst:

[Patrick Ashton read a description of the bill from the work session document, [Exhibit G](#).] We heard Senate Bill 305 (1st Reprint) on May 3, 2021. The bill makes various changes related to access to organ transplants for individuals with disabilities. Specifically, it:

- Prohibits health care providers, medical facilities, facilities for the dependent, the Department of Corrections, city or county jails, and those who provide medical services to incarcerated individuals from taking certain actions related to organ transplants solely on the basis of a person's disability;
- Limits the extent to which a person's disability may be considered when making recommendations or decisions regarding an organ transplant;
- Authorizes a person aggrieved by failure to comply with these requirements to institute a civil action for injunctive or other appropriate relief and requires a court to give priority to such an action; and
- Prohibits all health insurers from denying, limiting, or seeking reimbursement from an insured for care related to an organ transplant because the insured is a person with a disability, among other things.

There were no amendments.

Chair Nguyen:

Do we have any questions on S.B. 305 (R1)? Seeing none, I would entertain a motion to do pass S.B. 305 (R1).

ASSEMBLYWOMAN PETERS MADE A MOTION TO DO PASS
SENATE BILL 305 (1ST REPRINT).

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

Do we have any comments on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign that floor statement to Assemblyman Matthews.

That concludes our work session part of the agenda, and I will move to public comment. Again, as we begin public comment, a reminder to those providing public comment either in person or on the phone, please clearly state your name for the record and spell it and limit your comments to two minutes. Is there anyone for public comment? [There was no one.] At this time, I will close public comment. Are there any other comments from Committee members before we adjourn today? Seeing none, that concludes our meeting for today. We do not have any bills scheduled for this week. We will have a possible work session on Friday for any remaining bills. The meeting is adjourned [at 1:57 p.m.].

RESPECTFULLY SUBMITTED:

Terry Horgan
Committee Secretary

APPROVED BY:

Assemblywoman Rochelle T. Nguyen, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for [Senate Bill 61 \(1st Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Senate Bill 275 \(1st Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Senate Bill 391 \(1st Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Senate Bill 379 \(1st Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Senate Bill 305 \(1st Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.