

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

**Eighty-first Session
April 26, 2021**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 8:04 a.m. on Monday, April 26, 2021, Online and in Room 2134 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Pat Spearman, Chair
Senator Dina Neal, Vice Chair
Senator Melanie Scheible
Senator Roberta Lange
Senator Joseph P. Hardy
Senator James A. Settelmeyer
Senator Keith F. Pickard

GUEST LEGISLATORS PRESENT:

Assemblyman Jason Frierson, Assembly District No. 8

STAFF MEMBERS PRESENT:

Cesar Melgarejo, Policy Analyst
Wil Keane, Counsel
Lynn Hendricks, Committee Secretary

OTHERS PRESENT:

Christine Saunders, Progressive Leadership Alliance of Nevada
Tess Opferman, Nevada Women's Lobby
Marlene Lockard, Service Employees International Union, Local 1107
Dora Martinez, Nevada Disability Peer Action Coalition
Lynn Chapman, Independent American Party
Janine Hansen, President, Nevada Families for Freedom
Paul J. Moradkhan, Vegas Chamber
Bob Russo

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Marcos Lopez, Americans for Prosperity
Amber Stidham, Henderson Chamber of Commerce
Leticia Methereil, Division of Public and Behavioral Health, Department of Health
and Human Services
Laura Kruskall, Associate Professor, University of Nevada, Las Vegas
Kara Freeman, Nevada Academy of Nutrition and Dietetics
Jennifer Kandt, Executive Director, Nevada Funeral and Cemetery Services
Board

CHAIR SPEARMAN:

I will open the hearing on Assembly Joint Resolution (A.J.R.) 10 of the 80th Session.

ASSEMBLY JOINT RESOLUTION 10 OF THE 80TH SESSION: Proposes to amend the Nevada Constitution to prospectively increase the required minimum wage paid to employees. (BDR C-1273)

ASSEMBLYMAN JASON FRIERSON (Assembly District No. 8):

I am here to present A.J.R. 10 of the 80th Session, which proposes to amend the Nevada Constitution to prospectively increase the required minimum wage paid to employees. This resolution was approved during the 2019 Legislative Session, and if approved in identical form this Session, the proposal will be submitted to the voters for final approval or disapproval in the 2022 general election.

More people than ever are working at jobs that pay too little and offer too few benefits. We were committed to increasing the minimum wage in Nevada gradually over the next few years to reach \$12 by 2024 with the passage of A.B. No. 456 of the 80th Session. While many felt increasing our minimum wage gradually over the next few years to \$12 an hour did not go far enough, others thought it went too far. I felt our efforts last Session reflected a meaningful increase in the wages that workers can earn, as well as a fair amount of collaboration with stakeholders.

Just this last July, Nevadans saw that first increase: \$8 an hour for workers who receive health insurance and \$9 an hour for workers who do not receive health insurance. The Bureau of Labor Statistics reported that in 2020, 10 percent of our labor force, or about 125,000 workers, made \$9.77 an hour or less. This increase was the first Statewide increase in our minimum wage in

over a decade. Minimum wage is just that—an hourly wage floor, not an hourly wage ceiling.

This resolution would allow Nevadans to decide how the minimum wage is enacted in our State, which I think is critical. Assembly Joint Resolution 10 of the 80th Session proposes to amend the Nevada Constitution to set the minimum wage at \$12 per hour beginning July 1, 2024, regardless of whether the employer offers health benefits to its employees. Additionally, A.J.R. 10 of the 80th Session removes the annual adjustment to the minimum wage as currently established in the Nevada Constitution and instead provides that if at any time the federal minimum wage is greater than \$12 per hour, the State minimum wage will be increased to the amount established as the federal minimum wage. Finally, A.J.R. 10 of the 80th Session allows the Legislature to establish a minimum wage that is greater than the hourly rate set forth in the Nevada Constitution.

I urge your support for what I believe is critical legislation. The distinction between minimum wage depending on whether there are healthcare benefits has been included in the Nevada Constitution and our statutory structure for some time. Nevada is the only state that has this distinction. We have had numerous conversations in an attempt to define what the healthcare benefits need to be in order to qualify. It is an unusual way to calculate the minimum wage and distinguish between minimum wage rates, and we believe it is time to make a change so that Nevada can remain competitive with surrounding states.

SENATOR SETTELMAYER:

We have the ability to raise the minimum wage in this building; that has already been determined. Other than potentially reducing the minimum wage, what does this measure do that the Legislature cannot already do?

ASSEMBLYMAN FRIERSON:

Just because we can raise the minimum wage does not mean we will. We are seeing right now some struggles with partisanship that have prevented us from being able to do the work we need to do for workers in Nevada. This measure puts the matter before the public to let voters determine whether we want to remain stagnant—and we have been, even though we have had the ability—or move forward so workers are in a position to provide for their families.

The conversations we have had over the years about minimum wage have included folks who say minimum wage is for teenagers working in the summer. This is an outdated understanding about who is out there earning minimum wage. We have folks earning minimum wage trying to support families. Allowing minimum wage to remain stagnant hurts those families and those hard-working Nevadans. We say put it before the people and let them make the decision about whether we stay stagnant or move forward.

As I mentioned in my opening remarks, most of the states that surround Nevada have done the same. If you look at a map in the U.S. Department of Labor, all but two of the states around Nevada have a minimum wage far above Nevada's \$8 or \$9. This measure will allow us to be competitive regionally and also be responsive to hard-working workers trying to put food on the table. Again, A.J.R. 10 of the 80th Session does not force the issue as much as it allows voters to decide. This is frequently a good way, if we have any disagreements in the Legislature, to let the voters decide what direction the State should go.

SENATOR SETTELMAYER:

In 2015, I voted for and accepted the idea of raising the minimum wage in Nevada. We have the ability to do that right now, if we have the political courage. Other than potentially reducing wages by \$1 an hour, what does this measure do that we cannot do right now?

ASSEMBLYMAN FRIERSON:

The measure proposes to set a floor, a limit on how low the minimum wage can go. What we have right now is the option. We can increase it; we can decrease it. This resolution proposes to set a floor so we will not go backwards. We will then not depend on the changing tide of politics to decide whether people can earn enough to provide for their families.

SENATOR SETTELMAYER:

If we have the ability to raise the minimum wage right now, that is what we should do, rather than wait potentially for a couple more years.

ASSEMBLYMAN FRIERSON:

I do not want the record to reflect something that I do not think is accurate. We are acting now. We acted when we passed A.B. No. 456 of the 80th Session that raised the minimum wage every year until 2024. That bill passed; it was

not unanimous, but it passed. This would amend the Constitution to meet that in 2024.

I do not want anybody to think this measure proposes that we wait. We passed the bill last Session that increased the minimum wage every year up to 2024, so we are not waiting. We are just proposing to amend the Constitution to match what we did last Session.

SENATOR SETTELMAYER:

What would the minimum wage be in 2024? Would it be \$12, as this measure says?

ASSEMBLYMAN FRIERSON:

Yes, it would be \$12.

CHRISTINE SAUNDERS (Progressive Leadership Alliance of Nevada):

We are in support of A.J.R. 10 of the 80th Session. For our communities and economy to thrive, jobs need to pay at least enough to get by with the basics. When people cannot afford to go to the doctor or make basic home repairs, all of us are hurt. In addition, the economy slows down when people cannot afford even these basics. Increasing the minimum wage boosts not only individual households but the communities where workers live and spend their money. This measure would codify the statutory changes of A.B. No. 456 of the 80th Session and eliminate the healthcare carveout that is a big disadvantage. Nevada needs an updated process to ensure the Legislature can take action on the minimum wage laws and not leave employees behind.

TESS OPFERMAN (Nevada Women's Lobby):

We are in full support of A.J.R. 10 of the 80th Session. This will help women in low-wage jobs who need a living wage. We need to raise the minimum wage. The statistics have been presented time and time again. We know there is a significant pay gap between the genders. Women in Nevada make about 84 cents for every dollar their male counterparts make, and this goes down for people of color.

MARLENE LOCKARD (Service Employees International Union, Local 1107):

We are in support of this measure.

Some of those in opposition to this measure have indicated that raising the minimum wage to \$15 an hour would create layoffs and hurt the workers we are trying to help. Just this weekend, *The New York Times* published a report on executive pay. While the Covid-19 pandemic plunged the world into an economic crisis, sent unemployment skyrocketing and left millions of Americans struggling to make ends meet, in many of the companies hit hardest by the pandemic, the executives in charge were showered with riches. Chief executive officers (CEOs) are minting fortunes while laid-off workers line up at food banks.

The gap between executive compensation and average worker pay has been growing for decades. The executives at big companies now make on average 320 times what their typical worker makes, according to the Economic Policy Institute. In 1989, that ratio was 61 to 1. From 1978 to 2019, compensation for typical workers grew 14 percent. For CEOs, it rose 1,167 percent. The pandemic only compounded these disparities, as hundreds of companies awarded their leaders pay packages worth significantly more than most Americans will make in their entire lives.

DORA MARTINEZ (Nevada Disability Peer Action Coalition):

We are in support of A.J.R. 10 of the 80th Session. I echo the sentiments of others who have spoken in support of this measure. When the pandemic started, people with disabilities were the first to be let go and the last to be considered for anything.

LYNN CHAPMAN (Independent American Party):

We are opposed to A.J.R. 10 of the 80th Session. James Sherk, Research Fellow, Labor Economics, testified before the U.S. Senate. Part of his testimony said:

Minimum wage positions are typically learning wage positions. ... Raising the minimum wage makes such entry-level positions less available Even if minimum wage workers do not lose their jobs, the overlapping and uncoordinated design of U.S. welfare programs prevents those in need from benefiting from higher wages. As their income rises they lose federal tax credits and assistance. These benefit losses offset most of the wage increase. A single mother with one child faces an effective marginal tax rate of 91 percent when her pay rises from \$7.25 to \$10.10 an hour. Studies also find higher minimum wages do not reduce poverty rates. Despite

the best of intentions, the minimum wage has proved an ineffective—and often counterproductive—policy in the war on poverty.

... One of the central premises of economics is that "demand curves slope downward"—when prices rise people buy less of a good or service. When gasoline becomes more expensive Americans drive less, and when it becomes less costly Americans drive more. The same applies to business owners. When the price of goods or services they use in production rises, they buy less of them. This includes labor costs—when wages rise employers hire fewer workers. Economists estimate the long-run elasticity of labor demand in the U.S. economy at around -0.3 percent. In other words, a 10 percent increase in labor costs causes employers to cut their workforce by 3 percent. Higher compensation costs without corresponding increases in productivity cause employers to hire fewer workers. This finding applies to employers of both highly skilled and unskilled workers. Employers will not pay workers more than their productive value to a firm. Business that do so quickly go out of business.

This measure is not right for Nevada. It does not belong in the Constitution.

JANINE HANSEN (President, Nevada Families for Freedom):

We are opposed to A.J.R. 10 of the 80th Session. I have written testimony ([Exhibit B](#)) explaining our opposition to this measure.

PAUL J. MORADKHAN (Vegas Chamber):

We oppose this measure. We would like to thank Assemblyman Frierson for reaching out to stakeholders last Session on this measure. We continue to have concerns because of the elimination of the healthcare provision and the timing as we work to recover from the economic effects of the pandemic. We recognize the effort that was put into the timeline and incremental increases.

BOB RUSSO:

I oppose A.J.R. 10 of the 80th Session. I understand the idea behind the minimum wage law may be well-meaning. However, the evidence shows that minimum wage laws do not benefit the economy nor the people they are intended to help. They have a detrimental effect, particularly on Black people,

young people and immigrants, who are people with low skills entering the workforce for the first time. They certainly hurt small businesses operating on slim margins. Economists at the University of Washington studied the employment effects of Seattle's move to gradually increase its minimum wage to \$15 an hour. It was raised to \$13 in 2016 and to \$15 in 2021. The findings showed that it led to a 9 percent reduction in low-wage jobs. The pay increase it generated did not make up for the reduction in employment, and earnings for low-wage workers fell overall.

The bottom line is minimum wage laws do not work. They end up raising the cost of goods and services, which ends up costing everyone more money in the long run. They should be avoided, and the free market should be able to run its course and set wages accordingly.

MARCOS LOPEZ (Americans for Prosperity):

We are in opposition. I have a letter ([Exhibit C](#)) stating our position on this measure.

I will be brief, since we have already hashed this out in previous sessions. As Milton Friedman said, "One of the great mistakes is to judge policies and programs by their intentions rather than their results." That speaks to the heart of this issue. This measure is well-intentioned, but the research is clear that it does not achieve any of its goals. It would have done so the last 20-odd times we have raised the minimum wage, both State and federal. There is an extensive body of research that shows it does not achieve any of its goals, from reducing poverty to increasing wages in the long run for the majority of people. We find ourselves back at the same spot every five to ten years, and we are not treating the heart of the problem.

We propose that a better way forward is to address occupational licensing reform. This provides a way for people to find new opportunities and new work and make far above what the floor of wages are in any state or city.

AMBER STIDHAM (Henderson Chamber of Commerce):

We are speaking in opposition to this measure. We echo the sentiments of Mr. Moradkhan.

CHAIR SPEARMAN:

I wanted to take a look at what economists are saying about this issue. The first article, "Raising the Minimum Wage Would Boost an Economic Recovery—and Reduce Taxpayer Subsidization of Low-Wage Work" by Lily Roberts and Ben Olinsky of the Center for American Progress, notes:

The Federal Reserve of Chicago determined that low-wage worker households spent an additional \$2,800 in the year after a \$1-per-hour increase to the minimum wage. The most recent analysis from the Economic Policy Institute [a nonpartisan organization] found that increasing the minimum wage to \$15 by 2025 would generate \$107 billion in higher wages. Their earlier analysis indicates that an increase from \$7.25 to \$9.80 per hour between 2012 and 2014 would have generated approximately 100,000 new jobs.

This article can be found at:

<<https://www.americanprogress.org/issues/economy/news/2021/01/27/495163/raising-minimum-wage-boost-economic-recovery-reduce-taxpayer-subsidization-low-wage-work/>> .

The second article, "The Pandemic Proves the Value of Raising the Minimum Wage" by Matthew Winkler with *Bloomberg*, reports that the pandemic was counterintuitive. Most people would think the pandemic would have shown that higher wages would be bad for business, but it did quite the opposite. A couple of the world's largest retailers have already said they are going to raise their wages to an average of more than \$15 an hour from the current average of \$14 an hour.

This article can be found at:

<<https://www.bloombergquint.com/gadfly/pandemic-shows-value-of-raising-the-minimum-wage>> .

I quote those articles because I like to get on the record some facts that are nonpartisan, that come from economists and academicians who are studying this and other matters as they relate to business.

I have a couple of questions. Who will ultimately decide this issue?

ASSEMBLYMAN FRIERSON:

Who decides? Ultimately, it will be the voters.

Minimum wage has already passed in Nevada. It is already scheduled to go up to \$12 an hour by 2024. This measure simply allows for voters to decide about a floor.

CHAIR SPEARMAN:

If the voters should pass this measure in 2022, what will happen? Do we need to make conforming changes in statute?

ASSEMBLYMAN FRIERSON:

If A.J.R. 10 of the 80th Session is approved by the voters, it will remove barriers in the Constitution that are inconsistent with A.B. No. 456 of the 80th Session. It would allow the law the Legislature passed in 2019 to proceed. It would also prohibit us from going any lower than \$12 an hour after 2024. It would ensure that if the federal government raises the minimum wage higher than that, there will be no barrier to Nevada following suit.

CHAIR SPEARMAN:

The pandemic revealed something surprising. Prior to January 2020, individuals who bagged groceries, stocked shelves and worked at night were called low-wage workers. By April 2020, they had become essential workers. That is a distinction we must not lose sight of.

ASSEMBLYMAN FRIERSON:

You have made the point in previous hearings that workers were characterized as low-wage until the pandemic, when we realized they were people we needed to get by and get through this past year. I agree wholeheartedly.

I want to note that much of the opposition to A.J.R. 10 of the 80th Session has centered on either an issue that was resolved last Session, which was the minimum wage amount, or on a national movement to raise the minimum wage to \$15, which this measure does not do. The issue before us is not even whether \$12 should be the floor, but whether we should allow the Nevada voters to make that decision. We are not looking at \$15 unless the federal government goes to that level. We may in the future, depending on the economy and when we come out of this recession. As you pointed out, the

Covid-19 pandemic has exacerbated this problem and highlighted the need to address this issue, and address it now.

I look forward to getting this measure before voters so they can decide.

SENATOR HARDY:

I am sure this has been taken into account somewhere, but how are the differently abled people with Opportunity Village affected by this change in minimum wage? Is there a difference, or does this put everybody in the same boat?

ASSEMBLYMAN FRIERSON:

This language does not change our statutory structure with respect to subminimum wage jobs and the criteria to qualify for them.

SENATOR HARDY:

Will the Constitution differentiate between minimum and subminimum wage?

ASSEMBLYMAN FRIERSON:

No, the Constitution does not currently differentiate. The subminimum wage offered at Opportunity Village is not in the Constitution; it is statutory, and this measure does not propose to change that.

SENATOR HARDY:

Have I missed something in A.J.R. 10 of the 80th Session that makes this clear?

ASSEMBLYMAN FRIERSON:

There are a lot of things with respect to wages that are not in the Constitution and are not proposed to be there. This is a resolution to amend the Constitution. The parts of our statutory structure that deal with wages and benefits are not addressed at all in this measure. This measure simply addresses the minimum wage and removes the requirement that we look at whether health insurance is offered.

The short answer is that distinction is not currently in the Constitution, and this measure does not propose to put it in the Constitution.

CHAIR SPEARMAN:

I will close the hearing on A.J.R. 10 of the 80th Session and open the hearing on Assembly Bill (A.B.) 73.

ASSEMBLY BILL 73 (1st Reprint): Revises provisions relating to the licensure of dietitians. (BDR 54-259)

LETICIA METHERELL (Division of Public and Behavioral Health, Department of Health and Human Services):

The Division of Public and Behavioral Health is responsible for the licensing and regulation of the practice of dietetics in Nevada in accordance with *Nevada Revised Statutes* (NRS) and *Nevada Administrative Code* (NAC) chapter 640E. As of April 2, 2021, there are 730 licensed dietitians and 7 provisionally licensed dietitians in Nevada. The Division licenses dietitians, and the Commission on Dietetic Registration (CDR) issues the registered dietitian credential.

Effective January 1, 2024, the CDR will change the minimum degree requirement for eligibility to take the registration examination for dietitians, which is required to become a registered dietitian, from the current requirement of a bachelor's degree to a graduate degree in 2024. All other eligibility requirements will remain the same. As NRS 640E.150 currently requires an applicant to successfully complete the Registration Examination for Dietitians administered by the CDR, a graduate degree will be required starting January 1, 2024, for all applicants who have not passed this exam, even though the statutes will continue to note that only a bachelor's degree or higher is required, regardless of whether this bill passes. The change in degree requirements is being initiated by the CDR and not by the Division.

The purpose of the bill is to clean up discrepancies in statutes created by the change in degree requirements and make other changes to reflect updates in names of organizations, eliminate unnecessary fees, revise provisional licensing requirements, remove a provision that would penalize registered dietitians who were previously licensed in Nevada who want to return to Nevada to practice, and repeal sections of NRS that are no longer needed.

The CDR will grandfather in currently registered dietitians with a bachelor's degree. All Nevada licensed dietitians are registered dietitians, so those with a bachelor's degree who maintain their registered dietitian credentials in good

standing will continue to be licensed without obtaining a graduate degree. If an individual with a bachelor's degree lets a license expire, he or she would be able to reapply for licensure without obtaining a graduate degree so long as the credential as a registered dietitian in good standing is maintained. There is no licensing grace period for dietitians according to State licensure statutes, but the CDR does allow for a 7-month grace period if a registered dietitian fails to pay the annual maintenance fee in time. This gives a registered dietitian with a bachelor's degree plenty of time to act before the registered dietitian status is terminated. If registered dietitian status is terminated and the individual only has a bachelor's degree, the person would be required to obtain a graduate degree to retake the exam to become a registered dietitian and reapply for licensure.

According to the CDR's frequently asked questions, the following reasons were listed for the change in the degree requirement:

- The need to elevate entry-level registered dietitian education to a graduate level is consistent with the knowledge, skills, and research base required in the field of nutrition and dietetics and is necessary to protect the public, remain competitive, and increase recognition and respect. Furthermore, it has been found that graduate degree requirements do not deter student interest in a health professions career.
- Almost all other health care professions have increased entry-level educational standards based on expansion of knowledge and need for deeper and wider expertise; further, level of education is a factor that influences respect as a valued member of the healthcare team.
- It has been observed that health care professionals with advanced degrees tend to have higher self-esteem and attain a higher profile within the profession as writers, researchers and leaders.

The nutrition programs at the Universities of Nevada, Reno and Las Vegas, were also consulted, and they felt that the universities could meet the graduate level demands as a result of this change.

I will walk through the bill.

Sections 1, 1.3 and 6.5 of the bill update the names of the national entities for credentialing dietitians and/or accrediting dietetics education programs.

Section 1.5 amends NRS 640E.150 by replacing the current initial dietitian licensure qualification criteria with criteria that an individual must be a registered dietitian in good standing which will clear up the discrepancy created January 1, 2024, with one part of the NRS requiring a bachelor's degree or higher, while the exam required in the NRS would require a minimum of a graduate degree to take. This will make it clear and transparent that to become a licensed dietitian in Nevada one must first be a registered dietitian. It also keeps Nevada statutes current whenever the CDR changes the qualification for an individual to become a registered dietitian. The CDR is the nationally recognized expert when it comes to administering credentialing standards for registered dietitians to protect the public.

Section 2 amends NRS 640E.170 to no longer refer to the education and experience required by NRS 640E.150. Instead, it allows a person who is eligible to take the registration exam but who has not successfully completed the exam to engage in the practice of dietetics under the direct supervision of a licensed dietitian.

Section 3 amends NRS 640E.180 to allow for the issuance of a provisional license to an individual who is eligible to take the registration exam but who has not successfully completed it yet.

Section 4 amends NRS 640E.220 by repealing the requirement that the Board shall require a licensed dietitian who fails to submit an application for renewal of a license within two years after the date of the expiration of the license to take the examination required by NRS 640E.150 before renewing the license. The current statute penalizes registered dietitians who were licensed in Nevada but left the state to practice in another state for more than two years. They would be required to retake the examination, whereas a registered dietitian who was never licensed in Nevada would not be required to take the exam. In addition, this would require a registered dietitian previously licensed in Nevada with only a bachelor's degree to obtain a graduate degree beginning in 2024 in order to qualify to take the required registration exam in statutes. By repealing this requirement and making the criteria for licensure to be a registered dietitian, this problem would be resolved; as long as the applicant was a registered dietitian in good standing, he or she would qualify to be licensed.

Section 5 eliminates three unnecessary fees. With A.B. 73 requiring an applicant for initial dietitian licensure to be a registered dietitian, the examination of an

applicant for a license is not required, as the applicant will be required to take the registration examination in order to become a registered dietitian. The late renewal of a licensure fee is not required because there is no grace period, as previously mentioned, so a dietitian with an expired license would have to reapply for licensure. This penalizes a licensed dietitian by requiring that the person submit a new, initial application, resulting in the additional cost and inconvenience of getting another background check done. The Division's online licensing system allows dietitians to log into their account and print a duplicate license. Therefore, the fee for issuance of a duplicate license is not needed.

Section 6 of the bill amends NRS 640E.270 by eliminating impersonating an applicant or acting as proxy for an applicant in any examination required pursuant to NRS 640E as a reason for denying, refusing to renew, revoke or suspend a license because the required registration examination listed in statutes is being eliminated. As the bill requires an individual to be a registered dietitian in order to be licensed as a dietitian, successful completion of the registration examination would be fulfilled when the individual becomes a registered dietitian.

Section 7 repeals NRS 439.537, NRS 640E.160 and NRS 640E.210.

First, NRS 439.537 is being repealed because NRS 640E.360 would continue to prohibit individuals to represent themselves as licensed or qualified to engage in the practice of dietetics including using words or letters after their names designating themselves as dietitians.

Second, NRS 640E.160 is being repealed as the foreign education equivalency will be addressed in the process required for an individual to become a registered dietitian.

Finally, repeal of NRS 640E.210 would remove the ability for the Board to waive requirements to become a licensed dietitian, including the requirement to take the registration examination. This provision has never been used to waive licensure requirements since the first dietitian license was issued in 2013. In addition, this would no longer be needed with passage of A.B. 73 as all initial applicants would be required to be registered dietitians to become licensed dietitians, eliminating individual qualification criteria, such as taking the registration exam, to become licensed.

SENATOR HARDY:

As I understand it, today it is possible to become a registered dietitian with just a bachelor's degree. In the future, a graduate degree will be required to be a registered dietitian. Is that a master's degree, or is it a doctorate degree?

Also, in the future those registered dietitians with bachelor's degrees will be grandfathered in. Will they be grandfathered in if they are registered in another state?

MS. METHERELL:

The graduate degree can be either a master's degree or a doctorate. The title of registered dietitian is awarded at a national level, and the requirements are the same for all registered dietitians, regardless of what state they are in.

SENATOR HARDY:

Are we going to grandfather in registered dietitians from other states to practice in Nevada?

MS. METHERELL:

Yes.

SENATOR HARDY:

Just so I am clear, the Board is not going to keep them out; we are going to open the door and let any registered dietitian become a registered dietitian in Nevada. When do we close that door and require them to have a master's degree or a doctorate?

MS. METHERELL:

The registered dietitian is a national title because the CDR is a national organization. Any registered dietitian in any state would have to meet those same standards through the CDR.

The CDR plans on changing its degree requirement in January 2024. Any registered dietitians who retain their status in good standing throughout America would still be able to apply with a bachelor's degree as long as they are registered dietitians. However, starting January 2024, people who have never before been registered dietitians will need to have a master's or doctoral degree in order to take the CDR exam to become registered dietitians. This also applies to people who have terminated their registered dietitian license.

SENATOR HARDY:

For instance, if Mary Smith from Utah, Wyoming or Arizona decides to move to Nevada in 2027 and is a registered dietitian, if she has kept up her registration, she would be able to have the grandfather clause in Nevada and we could recruit her. Is that right?

MS. METHERELL:

Yes, that is correct.

SENATOR NEAL:

When you are grandfathering in dietitians from out of state, is there any review of their training? I know they have all passed the same national exam, but that does not mean they all have the same skills and expertise. A dietitian from a state with limited health care does not meet the same standards as one from a state with more advanced health care. All dietitians are not equal; even when they have the same training, they do not administer their skillset in the same way. Will you be helping them to retool themselves? Also, some environments, such as a rehabilitation facility or an intensive care unit (ICU), require a specialized skillset to deal with that level of care. Can you discuss that briefly?

LAURA KRUSKALL (Associate Professor, University of Nevada, Las Vegas):

I have been an associate professor at the University of Nevada, Las Vegas (UNLV), for almost 22 years. I created all of the programs in nutrition sciences at UNLV and am familiar with the process of training dietitians.

To answer your question, it is true that there are many skillsets required by dietitians, and we practice in multiple settings. Health care is probably the largest. We have specialty certification and board certification beyond the registered dietitian nutritionist credential. For example, for someone working in an ICU, there is a certification in critical care. There are advanced certifications in oncology nutrition, gerontological nutrition, pediatrics, obesity and weight management, renal dietetics and many other specialties. It is up to the employer to decide whether an individual dietitian has the appropriate advanced certification or skillset.

Also, dietitians have a continuing education cycle in which we must earn 50 continuing education units every 5 years. This is part of a large process called the professional development portfolio where dietitians must perform their own self-assessment and determine what skills they are strong in and what

skills they are lacking. You can obtain the skills you lack through continuing education. It is up to the individual dietitian through the interview process to demonstrate those skills to the employer.

SENATOR NEAL:

How many employers mandate that dietitians have the advanced certification?

DR. KRUSKALL:

It is up to the employer. The advanced certifications are elected; they are not mandatory.

SENATOR NEAL:

I have had experience with dietitians recently in a rehabilitation facility and an ICU setting. The nutrition of patients is of great importance to their care, their ability to heal and their ability to absorb medications.

When my dad was in the hospital, I learned firsthand how potassium, calcium, magnesium and other elements interact in the functioning of your organs. His nutrition was important to his ability to get out of the rehabilitation facility. I discovered that his diet did not meet the standard of care he required. He needed fruits and vegetables, but all he got was meat. This caused sodium depletion and other issues. We did not know that lack of sodium can put you in a comatose state. A nonmedical person would not know that sodium depletion was the problem. That, to me, is a skillset. That is a very particular skillset, and it is an advanced skillset. It is not something the patient's family should be left to figure out. We were trusting a dietitian to give him the proper feeding he needed to sustain life at a healthy level.

Because of my personal experience, I strongly feel there should be some mandates regarding advanced certification. Employers should not be able to decide what a patient receives, not in the dietetic and nutrition front, because there are serious issues going on with patients. In my dad's situation, we finally got a more skilled dietitian who saw that his potassium was low. Instead of giving him potassium tablets, she chose to think about his whole body and gave him banana peels instead. It was something that was constantly monitored every day.

For patients in rehab who are trying to get well, there is a daily, hourly fight to maintain those levels. A dietitian is on the front line of that along with the doctor. This is life or death.

We need to deal with skill levels in this bill. Can you talk about that?

DR. KRUSKALL:

I am not sure how to address it in A.B. 73. I agree with you that like physicians, nurses and pharmacists, not all dietitians are created equal, and not all have the same skillset. Some are more educated and skilled than others. I do not know how this bill could address that.

The CDR sets the standards. The Academy of Nutrition and Dietetics updates our educational standards every five years, and the new educational standards will be out in 2022. They are moving toward a competency-based model rather than a knowledge-based model. That is why the graduate degree requirement is coming forward. We are realizing that dietitians are becoming more frontline. It used to be that we just worked under physicians. We still do, and everything has to be signed off by a physician, but at the same time our skills are becoming more and more advanced.

I am not sure how this bill would address weeding out a good dietitian from a not-so-good dietitian.

SENATOR NEAL:

It is not so much that as the advanced certifications. A registered dietitian who works in a rehab facility, for example, should be required to have advanced certification in rehab dietetics, whether the employer asks for it or not. I would like to see every dietitian have advanced certification, in fact.

I rarely see dietetics bills, and I have been here for 11 years in one form or another. This bill is an opportunity to start thinking about the additional criteria dietitians should take on, even if the language is permissive. You need to start spelling out the expectation in statute. Remember, there are patients on the other end.

It is also true that families rarely understand the role of the dietitian. They are more likely to see doctors and nurses than dietitians, and they may not understand the importance of what you do. But you are driving the food, and

getting the right food is a critical determinant in whether the patient will get well.

My mother was a dietitian, and my sister is a pharmacist, and I know that medication can only go so far, but nutrition is a huge factor in whether or not a person actually gets well. I want this issue dealt with. By the next Legislative Session, I might not even be in this building; I might just quit this job. If I have an opportunity to put something in the language, I want to be able to deal with this.

MS. METHERELL:

I understand where you are coming from, and I agree with the concept. On the other hand, I would feel uncomfortable making a quick decision on this without doing some kind of study or at least talking to different stakeholders. I do not know how many dietitians would obtain the certification, and we do not have enough dietitians in the rural counties as it is. We need to work out the most effective way of doing this without causing a negative consequence.

SENATOR NEAL:

Thank you for that. A study might not be a good idea because of the cost. The cost of a study could kill your bill this Session. I might have to just move on with my life.

MS. METHERELL:

It is something we can definitely look into. Dr. Kruskall, would you be willing to work with me on this? I want to have a better understanding of all the consequences before we act.

DR. KRUSKALL:

I would agree with that. I also want to look at what other states have done. The Academy of Nutrition and Dietetics is looking at licensure bills in all states. I do not know of another state that specifies or mandates specialty credentials to obtain a license. That is not mandated anywhere. However, we all agree that the skillsets and responsibilities of dietitians are changing, hence the new graduate degree requirement.

I agree with Ms. Methereil that we should not make a hasty decision about this and require that all registered dietitians obtain a specialty credential. Registered dietitians do more than just work in the ICU. For example, we have sports

dietitians who work in an athletics setting. We have oncology dietitians. There are so many specialty credentials that it would be very difficult to spell that out in a bill. However, this is something to keep an eye on in the future, especially with the new graduate degree requirement.

CHAIR SPEARMAN:

One of my sisters was in a rehab facility on a renal diet. The doctor who was caring for her was not as conscientious as he should have been, but the dietitian caught a problem before it exacerbated my sister's kidney disease.

Maybe it is not as much of an additional skillset as an emphasis—making sure dietitians who go into specialized settings understand the needs of those settings. I agree with Senator Neal that most families are not skilled in dietetics. To expect them to catch a nutrition-related problem is unrealistic, but if someone does not catch it, the person in the bed will be the one to suffer. That would be a tragedy.

Dietitians are in a lot of different settings, but there are some basic things they all have to know. How can we make sure every dietitian is well versed in the situation Senator Neal talked about and make sure they are doing that?

DR. KRUSKALL:

The Academy of Nutrition and Dietetics, which is the governing body for all dietitians, might be our best resource in this regard. We have written standards of practice and standards of professional performance that all dietitians must adhere to. If dietitians violate a standard of practice, they can lose their registered dietitian credential and their license to practice.

CHAIR SPEARMAN:

Is it written in statute that dietitians must adhere to those standards of practice?

DR. KRUSKALL:

If a dietitian fails to meet one of those standards and a patient is injured, those standards of practice will be used in a court of law to determine if the dietitian met the standard of care.

CHAIR SPEARMAN:

Mr. Keane, can we do an amendment along those lines?

WIL KEANE (Counsel):

We can certainly amend this bill. It sounds like there were two different ideas being discussed. One is the basic credentials to be able to be licensed. If the Committee wants to add to the credentials, the provisions are already in the bill. You can see them in sections 1.5, 2 and 3, where we eliminated the existing education and experience standards and substituted in "being a registered dietitian" as has already been discussed today. If the Committee wanted to add back in some of those standards or add in new standards, those would be the places to do it.

The second issue I heard discussed was having standards of practice that are required to be adhered to. That could be added into the chapter as well, if that is what the Committee wants to do.

CHAIR SPEARMAN:

Senator Neal, would that get close to addressing your concern?

SENATOR NEAL:

I will talk to the presenters of the bill offline to work out what they think will be manageable in a permissive way. I do not know what the fiscal note was on this bill. I want to add to the bill, but not to the point where it goes to the Senate Committee on Finance.

MS. METHERELL:

The statutes currently outline the basic requirements to be a registered dietitian. As we know, the CDR is elevating it to a graduate degree or higher. Reinstating the old language would not be helpful. To be a registered dietitian, you would have to do those things.

As it is now, A.B. 73 specifies how complaints against dietitians are handled. We did actually receive a complaint recently, in fact. One of the requirements is to send it to the CDR, which we did. If the CDR refuses to take action, then according to regulation, we would take action on any complaints we receive. Complaints against dietitians are rare; this is the first one we have received since we started licensing dietitians. I do not know if adding the national standards would be helpful. We do not generally get involved unless there is a complaint.

DR. KRUSKALL:

A registered dietitian can be stripped of that credential. Just because you have earned the registered dietitian credential does not mean you can keep it in perpetuity. If a complaint is filed against an individual registered dietitian with the CDR, the CDR has the power to strip that credential.

CHAIR SPEARMAN:

Please meet with Senator Neal and Mr. Keane to see if you can agree on some language. In the meantime, perhaps there could be some type of advisory bulletin that says, "This is what you all should be doing, and if you're not, you're in trouble." That is the simplified version. This could also be managed in the NAC rather than in statute. This is something we have to address because it is extremely serious.

KARA FREEMAN (Nevada Academy of Nutrition and Dietetics):

We support A.B. 73. I have a letter ([Exhibit D](#)) explaining the need for the bill and answering some questions.

The CDR is the national credential authority for dietitians. That body is changing the requirement for registered dietitians, and the NRS is currently restrictive in what is required for licensure. The purpose of A.B. 73 is to simplify our requirements in Nevada by simply stating that in order to be a licensed dietitian, a person must be in good standing with the CDR. If we do not make this change, it will be difficult for anyone to become a licensed dietitian in Nevada. As Dr. Kruskall said, our education process is competency-based, and our programs are accredited by the Accreditation Council for Education in Nutrition and Dietetics (ACEND). I have been a program reviewer for ACEND for more than 25 years.

Another important section of the bill allows for a provisional license to graduates so they can work under the supervision of a registered dietitian while waiting to take the national registration exam. Right now, they are in limbo, since they cannot work as licensed dietitians.

MS. METHERELL:

Our current statutes basically reflect current CDR standards for the most part. This bill will make it clear what you need to be a registered dietitian. As we all heard, the CDR is actually increasing the standards to the graduate degree. As Dr. Kruskall said, they are also looking at competency-based standards. Overall,

A.B. 73 might not get us where Senator Neal wants to be, but it is at least moving us in a better direction.

We can definitely look into the regulations and see what we can do through the regulatory process, as well as putting out a technical bulletin on the importance of dietetics and the responsibilities of dietitians in accordance with our statutes and regulations.

CHAIR SPEARMAN:

I will close the hearing on A.B. 73 and open the hearing on A.B. 437.

ASSEMBLY BILL 437 (1st Reprint): Revises provisions relating to embalming.
(BDR 54-513)

JENNIFER KANDT (Executive Director, Nevada Funeral and Cemetery Services Board):

This is a fairly simple bill that makes three changes to embalming licensing.

The first change updates the educational requirement for an embalming license to graduation from mortuary school as opposed to 60 semester hours or 90 quarter hours of nonmortuary science coursework. We have had graduates from a mortuary science school come into Nevada without the required amount of nonmortuary science coursework, and we have had to send them to get additional credits.

The second change has to do with reciprocity. During the pandemic, we had individuals in Las Vegas who wanted to come out of retirement. Because they had not been practicing for the previous two years, they could not obtain reciprocity, and we had to issue them apprenticeship licenses. It would be more friendly to change this requirement to two of the last five years so we could have them come out of retirement and practice in Nevada.

The third change allows students of a mortuary science program into embalming rooms. It is our understanding that the College of Southern Nevada is going to proceed with a mortuary science program. They are working on accreditation. Because of that, having students in the prep room would be ideal.

SENATOR HARDY:

This reminds me of being a medical student, going into a funeral home to see how everything happened. I notice that medical students are not included in the list of those who are allowed into rooms where embalming is going on, nor are medical residents. Medical students who want to go into pathology, for instance, are going to be exposed to mortuaries, and likewise pathology residents are medical students who want to be pathologists. Is that included somewhere else in the bill, or is that something we need to add?

Ms. KANDT:

This is not something that has come up for us. We have never had a request from a medical school to allow medical students or residents into funeral homes. We would have no issue with the concept if you want to add them, though I would think they would be more likely to want to go to the coroner's office or the medical examiner's office as opposed to a funeral home to see embalming.

SENATOR HARDY:

I notice attending physicians and their assistants are included in the list of persons allowed into the embalming room.

Ms. KANDT:

That occurs when a family requests a private autopsy, which could potentially be done in a funeral home. That could be one reason an attending physician would go into a funeral home.

SENATOR HARDY:

Would their assistants include medical students and residents?

Ms. KANDT:

I suppose they could. It is not something I have encountered.

SENATOR HARDY:

I would rather not do an amendment. All I need is your statement that you intend "physicians and their assistants" to include medical students and medical residents.

Ms. KANDT:

Yes, that could include medical students and medical residents who are there on assignment by their attending physicians.

SENATOR LANGE:

We just heard a bill about dietitians, and they deleted several provisions listing age, moral character and other requirements and replaced them with a simple, "be a registered person in good standing." I see in section 9, subsection 4, where you have, "be a graduate of an embalming college" I am wondering if you need subsections 1, 2, and 3.

MS. KANDT:

I do not know where the age requirement initially came from. It is so low that I do not think it is going to impede anyone from becoming licensed.

Licensed embalmers do need graduation from a mortuary science program; that is standard. However, the other education requirement was written out of a desire to have mortuary science be seen as a profession in which practitioners had a bachelor's degree level of education. The reality is that mortuary science programs are all associate degree programs. When we added in those nonmortuary science hours, it made it a bachelor's degree level of education. That is not really necessary.

In terms of good moral character, we have defined that in our regulations pretty specifically. It covers crimes committed within a set period of years and crimes having to do with the profession. The criticism of the good moral character clause is that it is vague. We tried to define it further in regulation.

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CHAIR SPEARMAN:

I will close the hearing on A.B. 437. Is there any public comment? Hearing none, we are adjourned at 9:43 a.m.

RESPECTFULLY SUBMITTED:

Lynn Hendricks,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
A.J.R. 10*	B	1	Janine Hansen / Nevada Families for Freedom	Opposition Testimony
A.J.R. 10*	C	1	Marcos Lopez / Americans for Prosperity	Opposition Letter
A.B. 73	D	1	Kara Freeman / Nevada Academy of Nutrition and Dietetics	Support Letter