

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

**Eighty-first Session
May 4, 2021**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 8:07 a.m. on Tuesday, May 4, 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:

Assemblywoman Venicia Considine, Assembly District No. 18
Assemblywoman Selena Torres, Assembly District No. 3

STAFF MEMBERS PRESENT:

Cesar Melgarejo, Policy Analyst
Wil Keane, Counsel
Kim Cadra-Nixon, Committee Secretary

OTHERS PRESENT:

Lauren Chapple-Love, Ph.D., Elle Psychological Services, LLC
Eric Jeng, Director of Outreach, Asian Community Development Council; One
APIA Nevada
Paige Barnes, Nevada Nurses Association
Lorenzita Santos, One APIA Nevada
Laura Drucker, Psy.D., Nevada Psychological Association
Christine Saunders, Progressive Leadership Alliance of Nevada

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Sophia Romero, Legal Aid Center of Southern Nevada, Inc.
Barbara Paulsen, Nevadans for the Common Good
Gillian Block, Washoe Legal Services
Paul Moradkhan, Vegas Chamber
Connor J. Cain, Nevada Bankers Association

CHAIR SPEARMAN:

We will open the hearing today with Assembly Bill (A.B.) 327. We have worked diligently on this legislation since the Seventy-ninth Legislative Session.

ASSEMBLY BILL 327 (1st Reprint): Requires certain mental health professionals to complete continuing education relating to cultural competency.
(BDR 54-175)

ASSEMBLYWOMAN SELENA TORRES (Assembly District No. 3):

Assembly Bill 327 requires mental health professionals to complete continuing education relating to cultural competency, diversity, equity and inclusion.

Senate Bill No. 364 of the 80th Session and S.B. No. 470 of the 80th Session required medical facilities licensed in Nevada to follow various procedures surrounding cultural competency in the workplace. These procedures include antidiscrimination policies and the annual completion of certified cultural competency training.

Cultural competency training focuses on skills and knowledge that value diversity, understanding and response to cultural differences and increased awareness of providers' and care organizations' cultural norms.

Last summer, Dr. Sandra Gray, who is a licensed Nevada psychologist, reached out to me expressing her interest in ensuring that all licensed mental health professionals in Nevada, not just those persons employed by a medical facility, also receive training on cultural competency. Unfortunately, Dr. Gray cannot be with us today as she had a previous engagement, but I want to ensure the record reflects her commitment to social justice and professional development for all mental health providers.

We know that effective health communication is as important to health care as clinical skills. There is strong evidence that cultural competence training for healthcare and mental health professionals improves a provider's knowledge,

understanding and skills for treating patients from culturally, linguistically and socioeconomically diverse backgrounds.

During my childhood, I experienced firsthand how important it is for health professionals to have cultural competence training. My father, who fled the Salvadoran Civil War as a teenager, suffered from posttraumatic stress disorder. Although he sought help from healthcare professionals, he struggled to find someone who understood his cultural identity. If those healthcare professionals had cultural competency training, my father would have had access to better care much earlier in his life.

To effectively serve diverse communities, we need healthcare practitioners who understand, respect and value all the cultural differences and perspectives of mental health.

Assembly Bill 327 requires a behavior analyst, psychiatrist or physician assistant practicing under the supervision of a psychiatrist; nurse who provides psychiatric care; marriage and family therapist; clinical professional counselor; social worker; clinical alcohol and drug counselor; alcohol and drug counselor; or problem gambling counselor to complete at least two hours of instruction concerning cultural competency and diversity, equity and inclusion as part of his or her continuing education each biennium.

At the request of the Nevada Nursing Association, this same requirement is expected of all nurses. This does not add additional training requirements to the previously mentioned professionals. Rather, the legislation requires that of the required training, two Continuing Education Units (CEUs) are in cultural competency.

Assembly Bill 327 requires boards and associations that oversee CEUs to accept the training received under NRS 449.103. This bill will also allow medical facility employees who are required to complete training in accordance with S. B. No. 364 of the 80th Session to use the training already mandated. Dr. Chapelle-Love, a licensed psychologist, will provide additional information on the importance of this measure.

LAUREN CHAPPLE-LOVE, PH.D. (Elle Psychological Services, LLC):

I testify today in support of A.B. 327 as I believe, in concurrence with extant research, that as mental health professionals, we are bound to our ethical

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principles to seek continued training to practice benevolence for the communities we serve. I have submitted support testimony ([Exhibit B](#)).

ASSEMBLYWOMAN TORRES:

I echo the remarks of Dr. Chapple-Love. Many mental health professionals have reached out to me to express their support of this legislation. We worked diligently with all stakeholders on A.B. 327. This bill will support hardworking families in our State.

SENATOR HARDY:

Will this course also serve for the ethics requirement in continuing education credits for mental health professionals?

ASSEMBLYWOMAN TORRES:

No, ethics training is different than cultural competency training. Both types of training are important.

SENATOR NEAL:

You are on point about the need for this training. Who will conduct cultural competency training?

ASSEMBLYWOMAN TORRES:

In Nevada, there is a lack of mental health professionals from diverse backgrounds. Senate Bill No. 364 of the 80th Session laid some of the groundwork for this legislation. The medical boards will make the determination of the class content.

DR. CHAPPLE-LOVE:

As part of our graduate-level degree, we are required to complete multicultural-related competencies. Once we graduate, the continuing education courses we choose are entirely up to us. This bill will encourage a number of multicultural competencies.

SENATOR NEAL:

There is an absence of research concerning diversity. I do like this legislation, but the research must be elevated to build the curriculum for the training.

ASSEMBLYWOMAN TORRES:

Senator Neal, we will continue to work on the points you raised.

CHAIR SPEARMAN:

Thank you to the Nevada Psychological Association for the Legislator of the Year Award, which honored me for my commitment to prioritizing mental health-care needs. A speaker at this ceremony discussed the history of embedded racism in the medical community.

A tragic incident happened in Las Vegas this summer between a deaf woman and a police officer. The cultural training must include culturally competent instructors who understand the needs of Black, Indigenous and People of Color (BIPOC) communities as well as differently abled individuals. Assemblywoman Torres, are you open to an amendment to specify cultural competency for those working with the differently abled community?

ASSEMBLYWOMAN TORRES:

Defining cultural competencies will be a fine addition to A.B. 327 because it will ensure all groups are captured in the curriculum. Research in diverse communities will also be at the forefront of this training.

CHAIR SPEARMAN:

Dr. Chapple-Love, will you speak to the significance of historical biases?

DR. CHAPPLE-LOVE:

Historically, implicit biases affect the decisions made by mental health professionals and have negatively impacted members of marginalized communities. Bias can affect diagnosis, and it is important to know the latest research about diversity and equity in the mental health field. For example, referring to children by their personal pronoun is considered a suicide prevention tool.

CHAIR SPEARMAN:

There was a disturbing video released yesterday of a six-year-old child being paddled by an elementary school principal. The child put a scratch on a computer screen. Is this action felony child abuse? The lack of cultural competency was evident in this situation.

I do not know what paradigm will be useful for pursuing shifts in terms of how medical professionals are trained. I anticipate the primary objection will be funding for cultural competency training.

The healthcare system has failed BIPOC communities. We need this training and policy drives finances. This training must be embedded in our education.

Covid-19 revealed what those in BIPOC communities already knew. Dr. Susan Moore died from complications of Covid-19. She was a physician and a Black woman and in her own words was treated like a drug dealer. We have a moral obligation to correct racism. If we do not correct racism, history will not be kind to us.

ERIC JENG (Director of Outreach, Asian Community Development Council; One APIA Nevada):

The Asian Community Development Council and One APIA Nevada, support A.B. 327. I have submitted written testimony ([Exhibit C](#)).

PAIGE BARNES (Nevada Nurses Association):

I represent the Nevada Nurses Association in support of A.B. 327. The Nevada Nurses Association believes this bill is timely. Our nurses have experienced the benefits of the LGBTQI training provided in a hospital setting. This training was implemented because of legislation from the Eightieth Legislative Session. We believe this bill is both a logical and long-overdue step.

As Assemblywoman Torres mentioned, the Nevada Nurses Association requested the expansion of education to apply to all nurses. Both nurses and patients will benefit from education on cultural competency. Nevada has a vast array of cultures in the State. Diversity is part of what makes Nevada home. Our nurses must have cultural competency and diversity education to treat each patient as an individual.

LORENZITA SANTOS (One APIA Nevada):

We support A.B. 327. When I was 15 years old, I had a mental health crisis and had to undergo intensive psychiatric care at a mental hospital. Since then, I have met with several mental health professionals to discuss my struggles as a second generation Filipino-American and a member of the LGBTQI community.

I spoke with many mental health professionals who lacked fundamental knowledge of the Asian Americans and Pacific Islanders (AAPIA) issues. I had to dedicate time during my sessions to explain the basics of AAPIA issues. Each session that was not successful cost time and money. The lack of cultural competency is a barrier for me and members of the AAPIA community.

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Of all groups, AAPIA adults are the least likely to seek mental health services. Cultural competency training will ensure members of the AAPIA are heard, understood and properly cared for. I ask you to support of A.B. 327.

LAURA DRUCKER, PSY.D. (Nevada Psychological Association):

I am a psychologist and represent Nevada Psychological Association in support of A.B. 327. We have submitted a letter of support ([Exhibit D](#)). We are willing to be involved in the process of improving awareness of diversity, equity and inclusion needs in our community. In listening to the testimony today, we agree this legislation does not guarantee cultural competency, but it does reflect the Statewide commitment to the process.

There is a rising awareness in our Country of systemic and structural racial, ethnic, gender and economic disparities. Because of this awareness, it has become even more important that mental and behavioral health professionals provide services to underrepresented and underserved communities and continue training in cultural competencies. The Nevada Psychological Association is also in support of the need to train, recruit and retain a more diverse mental and behavioral health workforce in Nevada.

CHRISTINE SAUNDERS (Progressive Leadership Alliance of Nevada):

On behalf of Progressive Leadership Alliance of Nevada and myself as a social work educator, I echo the sentiments of those who spoke in favor of A.B. 327.

CHAIR SPEARMAN:

I wish to read a statement of the U.S. Department of Defense (DOD), Office for Diversity, Equity and Inclusion.

The changing face of the Nation demands that we change. As the demographic makeup of the American population continues to evolve, it is imperative that the Department of Defense focus its efforts on emerging talent to ensure that we successfully attract, recruit, develop and retain a highly skilled Total Force capable of meeting current and future mission requirements.

Those of us having served in the military despise any type of denigration based on ethnicity. I am a graduate of the DOD Equal Opportunity Management Institute, and this statement has been in effect since the 1970s. Our soldiers

are willing to defend democracy around the globe. If our soldiers are willing to do this mission, our State can do no less.

ASSEMBLYWOMAN TORRES:

The legislation in A.B. 327 is timely, unfortunately, too timely in light of the Black Lives Matter movement and the unfortunate rise in hate crimes against the Asian community. This bill will ensure better access to mental health care to disenfranchised communities.

If anyone listening to this hearing is in need of services, please call 211. We have services available now. This legislation will also help remove the stigma associated with mental illness.

CHAIR SPEARMAN:

Please consult with Mr. Melgarejo to draft a friendly amendment to strengthen the bill. We will now close the hearing on A.B. 327 and open the hearing on A.B. 359.

ASSEMBLY BILL 359 (1st Reprint): Revises provisions governing trade practices. (BDR 52-684)

ASSEMBLYWOMAN VENICIA CONSIDINE (Assembly District No. 18):

I will present A.B. 359 which revises provisions governing trade practices. Approximately 850,000 Nevadans speak a language other than English in their homes. This represents more than one in four families and 31 percent of our population. Of this group, 70 percent speak Spanish. Between 1980 and 2018, Nevada had an increase of over 1,000 percent of those speaking a foreign language at home. This represents the largest percentage increase in the Country.

These populations are vibrant markets for goods and services. Business entities reach out to communities that speak a language other than English with the intent to create a business relationship. These entities advertise to that community using the language of that community. Assembly Bill 359 establishes follow-through of that business relationship. This bill is narrow and requires that when a contract is needed, it is provided in the language of the advertisement. It provides that it is a deceptive trade practice not to provide certain translations in a language other than English.

If a person signs an agreement in a language in which they are not fluent, they may misunderstand the terms. The intent of this bill is not to harm small business but to encourage vibrant marketplaces to have clear communication. We have submitted a conceptual amendment ([Exhibit E](#)).

Sections 2 and 3 include definitions. Section 3, subsection 2 requires subsequent documents that change the term of the original document also be in the language of the advertisement. Section 3, subsection 3 defines terms not included in this legislation.

Section 4, subsection 1 provides that the contract or agreement must be in the language of the advertisement. Section 4, subsection 3 lists the main types of transactions covered by this bill.

Nevada is not the first state to pass similar legislation. Section 4 of the bill will incorporate the amendment, [Exhibit E](#). The provisions of the amendment apply to credit cards and automobile loans provided by consumer banks in Nevada.

Section 5, subsection 2 refers to the Federal Consumer Leasing Act. Section 8 clarifies the elements that do not require translations. Section 10 through the remainder of the bill includes conforming and enforcement language.

SENATOR HARDY:

The conceptual amendment refers to section 1, subsection 4; however, there are no subsections in section 1.

ASSEMBLYWOMAN CONSIDINE:

There is an error in the conceptual amendment. The amendment is proposed for section 4, subsection 4. I will have this corrected.

SENATOR NEAL:

The amendment narrows the bill to just the two categories of credit cards and auto loans?

ASSEMBLYWOMAN CONSIDINE:

Yes, banks in our State are only required to provide translations in consumer credit products concerning credit cards and auto loans.

SENATOR NEAL:

Why are contracts regarding real property excluded from this bill? These contracts are complicated. Contracts regarding refinancing are also excluded.

ASSEMBLYWOMAN CONSIDINE:

Mortgages are not included in similar legislation in other states. I agree with your concerns; however, I did not think I could reach consensus with all stakeholders if the bill included mortgage loans. Regarding contracts concerning refinance, I will look more closely at the language. This bill is a good first step.

SENATOR NEAL:

Do you agree to look at the language concerning refinancing? I am probusiness but I am also propeople. This bill is needed for consumer protection. Sometimes people of color do not understand the contracts they sign, and it affects their credit. In this circumstance, I would lean more toward people than toward business. Some of the exclusions in the bill, such as invoicing and bank statements, will negatively affect those whose first language is not English.

ASSEMBLYWOMAN CONSIDINE:

I will look at the language concerning refinancing. I agree with your statements regarding consumer protection. Assembly Bill 359 is a starting point in increasing consumer protection.

SENATOR NEAL:

How will the consumer know about the provisions in section 9?

ASSEMBLYWOMAN CONSIDINE:

I will use local and Statewide chambers to educate businesses. I will use consumer groups and attorneys to educate the consumer.

SENATOR NEAL:

I like your bill. It will be helpful in District 4. I invite you to help communicate the bill through local groups in my district. When do you want this bill to be effective?

ASSEMBLYWOMAN CONSIDINE:

The effective date will be on October 1 to allow time for translation of contracts. I will work with your community in District 4 to communicate protections provided in this bill.

CHAIR SPEARMAN:

My doctorate is in business administration, and we studied three concepts—value proposition, differentiation and competitive advantage. Assembly Bill 359 takes value proposition and differentiation and combines the two to create competitive advantage. Is this correct?

ASSEMBLYWOMAN CONSIDINE:

Yes, Chair Spearman, that is correct.

CHAIR SPEARMAN:

This bill could actually help small businesses carve out their own niche in certain marketplaces. Businesses are reaching out to consumers who do not speak English because businesses understand we are becoming a diverse society. How can this bill be used to present a value proposition for businesses?

ASSEMBLYWOMAN CONSIDINE:

Businesses that reach out to diverse communities can expand their markets. The goal of this bill is not to harm businesses, and therefore, if businesses are not advertising to communities in other languages, they will not be required to provide translations.

CHAIR SPEARMAN:

In 2019, a McKinsey & Company business analysis reaffirms the strong business case for ethnic and cultural diversity in corporate leadership. The analysis states that businesses that value diversity have increased profit margins.

SOPHIA ROMERO (Legal Aid Center of Southern Nevada, Inc.):

I am in support of A.B. 359 and have submitted written testimony ([Exhibit F](#)).

BARBARA PAULSEN (Nevadans for the Common Good):

I represent Nevadans for the Common Good. I have submitted written testimony ([Exhibit G](#)) in support of A.B. 359.

MS. SAUNDERS:

I represent the Progressive Leadership Alliance of Nevada, and we are in support of A.B. 359. Our State has the largest immigrant population per capita. Immigrants are an important part of the fabric of our society. This bill guarantees that contracts must be available in the language used in the

negotiation. This ensures no one can be taken advantage of by a contract they cannot confirm was in agreement with the conversation. This bill is important consumer protection legislation, and we urge your support.

GILLIAN BLOCK (Washoe Legal Services):

I represent Washoe Legal Services, and we are in support of A.B. 359. I echo the comments of those testifying before me. People with limited English proficiency are often vulnerable to predatory practices. If businesses advertise to non-English speaking communities in a language other than English, they should not be allowed to then take advantage of those same consumers by providing a contract the consumer cannot fully understand.

It is not sufficient for consumers to rely on friends, neighbors or even their own children to translate important legal documents. This bill will put important consumer protections in place by preventing these practices.

PAUL MORADKHAN (Vegas Chamber):

The Vegas Chamber is neutral on A.B. 359. The amendment we suggested relating the advertising standard was adopted in this revision of the bill. Creating a tangible and measurable standard is fair to both business and consumers.

CONNOR J. CAIN (Nevada Bankers Association):

We thank Assemblywoman Considine for her willingness to work with the Nevada Bankers Association to balance the goals of reining in abusive practices while taking into consideration our industry's efforts to ensure safe and highly regulated products and services are accessible and inclusive.

One of the best examples of these efforts is accounts that are Bank On-certified by Cities for Financial Empowerment Fund. These are accounts that many of our members offer to expand banking access for consumers outside the financial mainstream. They are low- or no-cost and do not have overdraft fees. We want to ensure that consumers have access to mainstream banking accounts and are not forced to rely on expensive alternative financial services.

We thank Assemblywoman Considine for her tireless work to strike the right balance between business and consumers and testify neutral to A.B. 359.

SENATOR NEAL:

Why did the banks oppose language including statements and invoices in the bill?

MR. CAIN:

The Nevada Banker's Association did not discuss this with Assemblywoman Considine. We are open to discussing this with the bill's sponsor.

SENATOR NEAL:

Statements and invoices are an important piece in the effectiveness of this bill. You have been representing banks for a while and are aware that the notice provisions to identify discrepancies are the responsibility of the customer.

The Nevada Banker's Association was a good partner in educating communities of color about available loans during the pandemic. The subissues of inequities surfaced to the top in these communities. They were not able to participate fully due to a lack of understanding of the complexities of terms in the available loans. There are more opportunities to harm consumers because banks are now established without brick-and-mortar businesses. It is important to have bank statements and invoices translated into languages other than English.

MR. CAIN:

It is important to have safe, secure banking accounts for both individuals and businesses. The Nevada Banker's Association will work with Assemblywoman Considine on the language in the bill concerning invoices and statements.

ASSEMBLYWOMAN CONSIDINE:

We will continue to work on A.B. 359 to make it a stronger bill.

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CHAIR SPEARMAN:

We will close the hearing on A.B. 359 and adjourn at 9:47 a.m.

RESPECTFULLY SUBMITTED:

Kim Cadra-Nixon,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
A.B. 327	B	1	Lauren Chapple-Love / Elle Psychological Services, LLC	Written Testimony
A.B. 327	C	1	Eric Jeng / Asian Community Development Council; One APIA Nevada	Written Testimony
A.B. 327	D	1	Laura Drucker / Nevada Psychological Association	Support Letter
A.B. 359	E	1	Assemblywoman Venicia Considine	Conceptual Amendment
A.B. 359	F	1	Sophia Romero / Legal Aid Center of Southern Nevada, Inc.	Written Testimony
A.B. 359	G	1	Barbara Paulsen / Nevadans for the Common Good	Written Testimony