

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

**Eighty-first Session  
March 17, 2021**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 8:01 a.m. on Wednesday, March 17, 2021, Online. [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:**

Senator Pete Goicoechea, Senatorial District No. 19

**STAFF MEMBERS PRESENT:**

Cesar Melgarejo, Policy Analyst  
Kim Cadra-Nixon, Committee Secretary

**OTHERS PRESENT:**

Sarah Adler, Vitality Unlimited; New Frontier  
Lana Robards, Executive Director, New Frontier  
Ester Quilici, Chief Executive Officer, Chief Operating Officer, Vitality Unlimited  
Tiffany Tyler-Garner, Children's Advocacy Alliance  
Agata Gawronski, Executive Director, Board of Examiners for Alcohol, Drug and Gambling Counselors  
Helen Foley, First Med Health and Wellness Center  
Lea Case, Nevada Psychiatric Association  
Kelcey A. West, Nehemiah Ministries Christian Church

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Gillian Block, Nevada Coalition of Legal Service Providers  
Tess Opferman, Nevada Women's Lobby  
Phyllis Gurgevich, Nevada Bankers Association

CHAIR SPEARMAN:

We will open the hearing with Senate Bill (S.B.) 181.

**SENATE BILL 181**: Revises provisions relating to alcohol and drug counselors.  
(BDR 54-558)

SENATOR PETE GOICOECHEA (Senatorial District No. 19):

The purpose of this bill is to facilitate licensure of competent practitioners in our State. Northern Nevada struggles to get and maintain drug and alcohol counselors.

SARAH ADLER (Vitality Unlimited; New Frontier):

The purpose of this bill is to achieve equity in hours of supervision among behavioral health and substance use disorder licensed professionals as shown in the presentation ([Exhibit B](#)).

Nevada has a long history of substance use disorders, and sadly this disorder continues today. An opioid crisis still exists in Nevada. Opioid-related deaths peaked in Nevada in 2011 and emergency department visits peaked in 2016. Data shows an increase in both hospitalizations and deaths related to opioids in 2020.

We saw a 2.9 percent increase in all drug-related emergency department visits and a 26.1 percent increase in opioid-related emergency department visits.

Nevada also struggles with an increase in fentanyl-related deaths. The Southern Nevada Health District reported 63 deaths involving fentanyl in Clark County in the first 6 months of 2020. In the same period of 2019, 28 deaths were reported. Fentanyl is another drug we need to fight against in Nevada.

Nevadans struggle with other forms of substance abuse. In 2018, the Centers for Disease Control reported Nevada had the highest amphetamine death rate in the Nation. Based on 2018-2019 estimates, 25 percent of Nevadans over the age of 12 reported they engaged in binge drinking in the past month and 6 percent report suffering from alcohol use disorder in the past year.

Tribal communities report methamphetamine use as a significant problem. The cost to local governments is high due to incarcerations based on arrests from drug use. The number of women imprisoned due to substance abuse has also risen.

Mental health disorders in Nevada are in three major categories: mood-related disorders, anxiety-related disorders and severe mental illness.

The coexistence of both mental health and substance use disorder is referred to as a co-occurring disorder. The Substance Abuse and Mental Health Services Administration is the federal leader in helping us prevent and treat mental and substance use disorders.

*Nevada Revised Statutes* (NRS) 641, 641A, 6410B and 641C govern behavioral health professions. Since psychologists have a different level of education, I will speak about the other four mental health professions.

Licensed alcohol and drug counselors (LADC) require a master's degree level education and training. Licensed alcohol and drug counselors treat individuals with substance use disorder (SUD) as well as those with the substance use disorder component and a co-occurring disorder.

Licensed clinical alcohol and drug counselors (LCADC) require a master's level education which includes comprehensive course work in clinical mental health and diagnosis of mental health disorders. This requirement is in NRS 641.330. The LCADC can also treat individuals with substance abuse disorders and those with co-occurring disorders.

We have some good news. The stigma around mental illness is lessening. The bad news is LADCs and LCADCs are losing ground relative to the other three behavioral health professions. This results in a lack of professionals to treat individuals with SUD and co-occurring disorders through an integrated treatment from a single professional.

The occupational licensing boards report a decline of 67 licensed alcohol and drug counselors in the last 6 years. All other mental health professionals show increases in counselors.

All mental health professionals require a master's degree and internship with supervised hours. Licensed alcohol and drug counselors and licensed clinical alcohol and drug counselors require 1,000 more supervised internship hours than other mental health professionals.

Many years ago, Nevada licensed problem-gambling counselors with only a high school education and training. We also certified alcohol and drug counselors with an associate's level of education and training. In 1999, the statute was modernized to require a master's degree to obtain a LCADC license. The hours of supervision remained at 4,000 hours.

The result is an additional 1,000 hours of internship over other mental health fields. The extended hours in internships equate to a reduced salary of \$9,000 in a counselor's first year in practice.

Senate Bill 181 reduces the hours of supervised internship to be more in line with other mental health professionals. This bill also increases the flexibility of supervision for LCADC and includes an alternative track of supervised internships. These provisions are detailed on Slides 15 and 16 and in the proposed amendment ([Exhibit C](#)).

My summary is detailed on Slide 17.

LANA ROBARDS (Executive Director, New Frontier):  
I represent New Frontier in Fallon and ask for your support in passing S.B. 181. I have submitted written testimony ([Exhibit D](#)).

ESTER QUILICI (Chief Executive Officer, Chief Operating Officer, Vitality Unlimited):  
I have been with Vitality Unlimited since 1984 and have been a licensed LADC for over 30 years. I also serve as a clinical supervisor for interns. Vitality Unlimited's treatment centers and clinics are located in rural areas of Nevada.

Vitality Unlimited is a nonprofit, federally recognized, 501(c)(3) corporation with a long, successful history of providing community services, affordable housing, high-quality substance use disorder treatment and access to behavioral health services. We were founded in 1971 and are in our fiftieth year of operation.

Vitality integrated programs added to our continuum of care for substance abuse and mental health clients to include bilingual services, pet therapy, and transitional and low-income affordable housing for families, seniors and homeless veterans in Sun Valley.

I urge passage of S.B. 181 because the State needs this bill. We are finding it difficult to add to our workforce. Our current LADCs and LCADCs are aging. We need support for this mental health specialty. This specialty has receded nationally because we are moving toward more mental health specialists who do not want to treat people with addictions.

Vitality Unlimited has tried to attract more clinicians by paying higher wages and improving the work environment. We have locations in Carson City, Elko, Dayton, Reno and Sun Valley. We also think the provisions of this bill will be good for business. If we can help Nevada improve our record in behavioral health, we will raise the State's national profile.

Vitality Unlimited and New Frontier provide integrated services; this is important because we address the whole person. The Certified Community Behavioral Health Clinic model has been supported by the Legislature.

We want to remove barriers for mental health professionals coming into the State. We also want equity across the professions and this bill moves us toward this goal. I am also concerned about equity for substance abuse counselors paid through federal payment systems.

CHAIR SPEARMAN:

We will pause the hearing on S.B. 181 and open the hearing on S.B. 145, which relates to the Community Reinvestment Act rating assigned to financial institutions and how these institutions and communities interact.

**SENATE BILL 145**: Revises provisions relating to financial institutions.  
(BDR 55-481)

TIFFANY TYLER-GARNER (Children's Advocacy Alliance):

The core part of our work is supporting data-driven policy making, resource allocation and human services.

The Community Reinvestment Act of 1977 was created to encourage financial institutions to invest in the places where they do business, including low-to moderate-income neighborhoods.

We support S.B. 145. As we address the social issues we are facing, asset mapping allows us to further contextualize the investments in our State. When we understand the investments made in Nevada's communities, we can make informed decisions to allocate resources.

The required reports to the Legislature will help facilitate public and private partnerships by identifying investments in communities and assessing the quality of those investments.

While there is value in capturing data, the investment in social issues is an ecosystem. As we look to craft solutions for the issues we face, we look not only at federal investments but to those local entities that contribute to social issues.

There is value in being able to quantify, articulate and report on these issues to attract national investments. There is also value in demonstrating that our philanthropic ecosystem in Nevada has a number of financial institutions investing in low-to moderate-income communities. The example these institutions set can be a model for others.

We are one State with many needs. I hope you will consider the impact this bill will have for asset mapping, facilitating public and private partnerships and recognizing positive work to mitigate a number of pressing social issues.

SENATOR PICKARD:  
Will you define asset mapping?

MS. TYLER-GARNER:  
Asset mapping documents a community's existing resources and incorporates these strengths into community development work. If I was asset mapping food insecurity, I would look at the location of food pantries across the State. I would examine the volume of food service provided and to whom.

If I was conducting asset mapping in a food desert, I would examine the number and type of grocery stores in the area. Asset mapping provides a research reference of resources in a particular area.

SENATOR SETTELMAYER:

It seems asset mapping reports are available on the Federal Financial Institutions Examination Council's website. How will this help Nevadans?

CHAIR SPEARMAN:

I will respond to this question when we discuss the bill. We will now pause the hearing on S.B. 145 and will return to the hearing on S.B. 181.

SENATOR HARDY:

Is there a common national organization requiring a certain number of internship hours? Is there a national certification? I want to make Nevada more inviting to LADCs and LCADCs, but I do not want to sacrifice the quality of licensed professionals.

MS. ADLER:

There is an economic barrier to choosing an alcohol and drug specialty in a mental health field. This economic inequity in our State is the first issue we must face.

AGATA GAWRONSKI (Executive Director, Board of Examiners for Alcohol, Drug and Gambling Counselors):

There is no national requirement for supervised hours for these positions; however, there is international credentialing. We will accept international credentials in our licensure process if they meet State requirements. Our requirements require more higher education than most states. To change the education requirement would require a change to NRS 641C.

This bill is the first step in making licensing of LADCs and LCADCs more equitable with other mental health professionals.

SENATOR HARDY:

If there is no national standard and we can do whatever we want, then why only take a first step? We need to make all the needed changes at this time. I want to make Nevada inviting to these mental health professionals.

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I do not know the requirements in other states. I support what this bill attempts to do, but we need to make all necessary corrections.

SENATOR SETTELMAYER:

What statistical data do you have regarding alcohol abuse during the pandemic?

MS. ADLER:

I do not have statistical data regarding alcohol abuse during the pandemic, but I will gather this information and report to you.

SENATOR SETTELMAYER:

In my district, I understand arrests for driving under the influence have increased since the pandemic. I would like to know the statistics in our State. I support more counselors in our State. I would like to know the requirements for these mental health professionals in neighboring states. It is important to maintain the current quality of these professionals.

MS. ADLER:

We will gather the requested information.

HELEN FOLEY (First Med Health and Wellness Center):

First Med Health and Wellness Center is a Federally Qualified Health Center and provides mental health services as a secondary service. We have 23 mental health professionals working with us. We are also a Certified Community Behavioral Health Clinic and serve many children with mental health issues.

Seven of our 23 mental health professionals are alcohol and drug abuse counselors, and we need more of these specialists. It is important that alcohol and drug abuse counselors have a master's degree as well as supervised internship hours. Alcohol and drug abuse counselors should not be required to have more supervised hours than other mental health professionals.

First Med Health and Wellness Center supports this bill.

LEA CASE (Nevada Psychiatric Association):

On behalf of the Nevada Psychiatric Association, we testify neutral on S.B. 181.



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SENATOR PICKARD:

I agree we should reduce the number of supervised internship hours for LADCs and LCADCs, and I support this bill.

CHAIR SPEARMAN:

Can you tell us if the opioid and alcohol abuse rate has increased in the past year?

MS. ADLER:

The data in [Exhibit B](#), Slide 3 indicates the opioid rate has gone down slightly; however, the rate of opioid use in Nevada remains high. Preliminary data shows an increase in both hospitalizations and deaths related to opioids in 2020.

CHAIR SPEARMAN:

Have you examined work with addictive behavior in the faith-based communities?

MS. ADLER:

I do not have knowledge of this.

MS. QUILICI:

We are highly supportive of working with the faith-based communities. We work collaboratively with local ministers in Elko to provide food, clothing and shelter. We also see more alcohol overdoses in this area.

MS. ROBARDS:

New Frontier also supports 12-step programs and works with local churches. We find our patients do well within the support of the congregation.

CHAIR SPEARMAN:

When you treat an addict, you treat the entire family. The Covid-19 environment taught us a different way of living and a different way of dying. We do not often speak of this. When we reopen schools, we must have mental health support for our children. It is important to address cultural and ethnic diversity in fighting addiction.

MS. ADLER:

We are working with the Nevada State Board of Examiners for Alcohol, Drug and Gambling Counselors to offer interns remote supervision by someone who presents a different cultural and ethnic background.

CHAIR SPEARMAN:

We now close the hearing on S.B. 181.

VICE CHAIR NEAL:

We will now return to the hearing on S.B. 145 with a presentation from Senator Spearman.

SENATOR PAT SPEARMAN (Senatorial District No. 1):

I am pleased to present S.B. 145 for your consideration. This bill relates to the Community Reinvestment Act (CRA) rating assigned to financial institutions and how financial institutions interact with the community.

When CRA was first enacted in 1977, it was intended to address certain discriminatory practices, such as redlining. Since the 1930s, there has been overwhelming evidence some banking institutions refused to lend to some members of their communities. These members were mostly people of color in urban areas who were seeking home or business loans.

Before CRA was enacted, financial institutions were not helping people in their local communities. There were no financial investments in the community.

The CRA extends and clarifies the longstanding expectation that banks should and will serve the needs of local communities and not discriminate in lending practices.

The goal of CRA is to ensure every insured depository institution is meeting the credit needs of the entire service area. This service area includes communities with low to moderate income.

The CRA requires federal regulators to rate banks' performance and engagement in qualifying activities, such as business, consumer and mortgage lending. Community investment in civic- and faith-based organizations and low-cost services to benefit low- and moderate-income areas are also measured.

The need in communities before Covid-19 is nothing compared to the need in communities now. Some of the places where people go for help have been negatively affected by the pandemic.

Our neighborhoods continue to be highly segregated based on race and income. Residential segregation has substantial negative effects, especially for disadvantaged families who are disproportionately subjected to high interest rates and other factors affecting mortgage lending. People who live in disadvantaged neighborhoods are the least likely to be approved for a mortgage.

I understand many may wonder why we need this bill and why are we highlighting our Black, Indigenous and People of Color (BIPOC) communities. In the book *The Black Tax*, Shawn Rochester states:

While Black Americans have long felt the devastating effects of anti-Black discrimination, they have often had great difficulty articulating and substantiating both the existence and the impact of the discrimination to the American public, who is usually convinced it no longer exists.

This is why we hear things like "welfare queens" and "money will be used for drugs." Many people in the dominant cultures do not understand the lingering effects of discrimination of Jim Crow laws.

Professionals in academia, the media and business community along with the general public have struggled to explain significant and persistent gaps in wealth, employment, achievement and poverty between Black and White communities and what they perceive to be a postracial America.

In his new book, Shawn Rochester talks about the Black tax, the invisible tax everyone in a BIOPIC community experiences. The cost of being Black in America causes great financial distress. It is unconscious for some but is a daily reminder for others. Being a non-White individual creates disparities in everything we do.

The CRA requires federal regulators to rate banks' performance and engagement in qualifying activities in moderate to low-income communities. Banks with assets of \$250 million or less are usually rated every four to five years.

There are four federal bank supervisory agencies: Federal Deposit Insurance Corporation (FDIC), Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System and Office of Thrift Supervision. These institutions periodically evaluate a financial institution's record to identify whether the institution is meeting the credit needs of its entire community. Not every financial institution is evaluated by all four federal agencies; banks have a primary federal supervisor based on their chartering authority.

In Nevada, most financial institutions are doing their best to make sure they are honest with CRA activities. We also know every organization is not perfect. While most of the banks in Nevada are participating, some are not.

Ultimately, CRA is an important tool in holding banks publicly accountable to expand financial opportunity and equity to BIPOC communities. This bill is a vehicle to educate Nevadans of the activities and investments of local banks.

Making a bank's CRA rating publicly available will provide social pressure to avoid discrimination in lending programs, take steps to reduce historic patterns of discrimination and increase access to opportunities to those whom it has been denied.

To answer Senator Settelmeyer's question, this bill is necessary to elevate the awareness of CRA for the community. This bill also provides an opportunity for financial institutions to do even more because of the pandemic.

This bill will raise awareness in much the same way well-known businesses, such as McDonald's, still advertise.

KELCEY A. WEST (Nehemiah Ministries Christian Church):

I was unaware of CRA before becoming involved with this legislation. As a pastor and community leader, I understand the misconception we are in a relationship with a bank because we have an account. We find the relationship is not as strong as we need it to be when we apply for funding.

Those of us in BIPOC communities are not always allowed the same opportunities as others. This bill will inform us and help us ensure fair lending practices are met.

As we come out of the pandemic, I represent people looking to move forward economically. This bill is important in helping my community.

SENATOR SPEARMAN:

Community partners and financial institutions are working together to help communities adversely affected by the pandemic.

SENATOR PICKARD:

Is public access available to find an institution's CRA rating? If not, will this bill allow public access, and if so, are we the first in the Nation to enact this legislation?

SENATOR SPEARMAN:

Pastor West testified he was unaware of CRA until he became involved with this legislation. This is true for approximately 90 percent of our community organizations. You can go to the Federal Deposit Insurance Corporation website and find the CRA rating of an institution.

This bill is a way for us to elevate the information. It is also a way to serve notice to those institutions not doing what they should be doing in their communities.

We were the first state to resurrect the Equal Rights Amendment and the first state with a female majority Legislature two sessions in a row. I am not sure if we would be the first state to enact legislation regarding CRA. If we are, people will see Nevada as a leader in many ways.

This bill elevates the awareness of CRA, helps banks already doing their part receive recognition and serves notice to those banks not doing their best.

I am receiving more calls from pastors and community organizers since this legislation was brought forward. When I was in Texas, the area outside my church looked like a wasteland. The church was in a low- to moderate-income neighborhood.

We used CRA and partnered with a nearby bank to help small businesses get loans to rebuild the neighborhood. The bank also helped residents by conducting a home-buyers workshop. The bank reduced mortgage interest rates by 0.25 percent for those who completed the program.

SENATOR SETTELMAYER:

Since CRA only affects banks, what percentage of lenders will be captured by this bill?

SENATOR SPEARMAN:

I do not have specific information on the percentages; our research department may be able to get that information for us.

Credit unions in Nevada are involved with their communities. Banks regulated by FDIC need to report under CRA guidelines. If someone is looking for a way to say we do not need this bill, I will remind you this bill is needed because it elevates awareness.

SENATOR SETTELMAYER:

My question was to gain the full picture of financial institutions in our State as it relates to CRA.

VICE CHAIR NEAL:

Are you considering a future goal to educate the public on CRA? This education could help the public access the website, understand rule making and make comments.

SENATOR SPEARMAN:

I had not thought about this, and it is an excellent suggestion. It could be phrased as a friendly amendment and would put community organizations in contact with banks. The workshops are a wonderful idea. Community organizers would be responsible for the workshops and ask banks to partner with them.

GILLIAN BLOCK (Nevada Coalition of Legal Service Providers):

This bill promotes accountability by ensuring FDIC, the Legislature and the public are aware of the progress each financial institution has made in expanding assets to low-income Nevadans.

Legal service providers see the consequences of inequities when our clients fall victim to predatory lenders who have filled the gaps left by mainstream financial institutions.

Many institutions have made progress, and this bill will give them the credit they deserve. Other institutions will get much needed encouragement to think

more inclusively and increase efforts to reach out to historically excluded Nevadans.

On behalf of our clients who deserve to have access to mainstream financial services, we support S.B. 145.

TESS OPFERMAN (Nevada Women's Lobby):

It is a top priority of the Nevada Women's Lobby to support legislation which helps minority and low-income women and families. We ask you to support this bill.

PHYLLIS GURGEVICH (Nevada Bankers Association):

Banks are the only lenders subject to CRA requirements and examinations. Banks are proud of the contributions they make to the community and also appreciate opportunities to share these contributions.

All our members are proud to have satisfactory or above ratings. More than one-third of the banks in Nevada have outstanding ratings.

SENATOR SPEARMAN:

There is no fiscal note associated with S.B. 145 because all information is transmitted electronically. This bill allows us to map our assets.

The proceeds from the "Divine 9" license plates will go to the United Negro College Fund. Pastor West sponsors a bus tour of historically Black colleges and universities. This tour is an opportunity for banks to partner with this community organization.

VICE CHAIR NEAL:

We will close the hearing on S.B. 145.

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CHAIR SPEARMAN:  
We will adjourn the hearing at 9:50 a.m.

RESPECTFULLY SUBMITTED:

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Kim Cadra-Nixon,  
Committee Secretary

APPROVED BY:

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Senator Pat Spearman, Chair

DATE: \_\_\_\_\_



EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
S.B. 181	B	1	Sarah Adler / Vitality Unlimited; New Frontier	Presentation
S.B. 181	C	1	Sarah Adler / Vitality Unlimited; New Frontier	Proposed Amendment
S.B. 181	D	1	Lana Robards / New Frontier	Support Testimony