

ASSEMBLY BILL NO. 158—ASSEMBLYWOMAN DIAZ

FEBRUARY 21, 2013

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the Advisory Council on the State Program for Fitness and Wellness. (BDR 40-455)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public health; renaming the Advisory Council on the State Program for Fitness and Wellness as the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease; expanding the membership of the Advisory Council; revising the duties of the Advisory Council and the Health Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Health Division of the Department of Health and
2 Human Services is required to establish, within the limits of available money, the
3 State Program for Fitness and Wellness and the Advisory Council on the State
4 Program for Fitness and Wellness. The purpose of the Advisory Council is to
5 advise and make recommendations to the Health Division concerning the Program.
6 (NRS 439.517, 439.518) **Section 3** of this bill changes the name of the Program to
7 the State Program for Wellness and the Prevention of Chronic Disease, and **section**
8 **4** of this bill makes the corresponding change to the name of the Advisory Council.
9 **Section 4** also increases the membership of the Advisory Council by adding two
10 additional representatives of organizations committed to the prevention and
11 treatment of chronic diseases, one representative of a local health authority and one
12 representative of the Nevada System of Higher Education. (NRS 439.518) **Section**
13 **5** of this bill limits the service of the members of the Advisory Council to not more
14 than two additional, consecutive terms of 2 years each. (NRS 439.519) **Section 6** of
15 this bill revises the duties of the Health Division in various ways, including
16 requiring the Health Division, with the advice and recommendations of the
17 Advisory Council, to prepare burden reports that quantify the impact of certain
18 health problems and chronic diseases on Nevada. (NRS 439.521)



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 439.515 is hereby amended to read as follows:
2 439.515 “Advisory Council” means the Advisory Council on
3 the State Program for ~~{Fitness and}~~ Wellness ~~{}~~ *and the Prevention*
4 *of Chronic Disease.*

5 **Sec. 2.** NRS 439.516 is hereby amended to read as follows:
6 439.516 “Program” means the State Program for ~~{Fitness and}~~
7 Wellness ~~{}~~ *and the Prevention of Chronic Disease.*

8 **Sec. 3.** NRS 439.517 is hereby amended to read as follows:
9 439.517 Within the limits of available money, the Health
10 Division shall establish the State Program for ~~{Fitness and}~~
11 Wellness *and the Prevention of Chronic Disease* to increase public
12 knowledge and raise public awareness relating to ~~{physical fitness~~
13 ~~and}~~ wellness *and chronic diseases* and to educate the residents of
14 this State ~~{on matters relating to physical fitness and wellness;~~
15 ~~including, without limitation:}~~ *about:*

16 1. ~~{Programs for physical fitness;~~
17 ~~—2.— Nutrition; and~~
18 ~~—3.—~~ *Wellness, including, without limitation, behavioral health,*
19 *proper nutrition, maintaining oral health, increasing physical*
20 *fitness, preventing obesity and tobacco use; and*

21 2. The prevention of ~~{obesity,}~~ chronic diseases ~~{and other~~
22 ~~diseases,}~~ *including, without limitation, asthma, cancer, diabetes,*
23 *cardiovascular disease and oral disease.*

24 **Sec. 4.** NRS 439.518 is hereby amended to read as follows:
25 439.518 1. Within the limits of available money, the Health
26 Division shall establish the Advisory Council on the State Program
27 for ~~{Fitness and}~~ Wellness *and the Prevention of Chronic Disease*
28 to advise and make recommendations to the Health Division
29 concerning the Program.

30 2. The Administrator shall appoint to the Advisory Council the
31 following ~~{nine}~~ *13* voting members:

32 (a) The State Health Officer or the designee of the State Health
33 Officer;

34 (b) The Superintendent of Public Instruction or the designee of
35 the Superintendent;

36 (c) One representative of the health insurance industry;

37 (d) One provider of health care;

38 (e) One representative of the Nevada Association for Health,
39 Physical Education, Recreation and Dance or its successor
40 organization;



1 (f) ~~One representative~~ *Three representatives* of ~~an~~
2 ~~organization~~ *organizations* committed to the prevention *and*
3 *treatment* of chronic diseases;

4 (g) One registered dietitian;

5 (h) One representative who is a member of a racial or ethnic
6 minority group appointed from a list of persons submitted to the
7 Administrator by the Advisory Committee of the Office of Minority
8 Health within the Office for Consumer Health Assistance of the
9 Department; ~~and~~

10 (i) One representative of private employers in this State who has
11 experience in matters relating to employment and human resources
12 ~~+~~;

13 *(j) One representative of a local health authority; and*

14 *(k) One representative of the Nevada System of Higher*
15 *Education from a list of persons submitted to the Administrator by*
16 *the Board of Regents of the University of Nevada.*

17 3. The Legislative Commission shall appoint to the Advisory
18 Council the following two voting members:

19 (a) One member of the Senate; and

20 (b) One member of the Assembly.

21 4. A majority of the voting members of the Advisory Council
22 may appoint nonvoting members to the Advisory Council.

23 **Sec. 5.** NRS 439.519 is hereby amended to read as follows:

24 439.519 1. The members of the Advisory Council serve
25 terms of 2 years. A member may be reappointed ~~+~~ *to serve not*
26 *more than two additional, consecutive terms.*

27 2. A majority of the voting members of the Advisory Council
28 shall select a Chair and a Vice Chair of the Advisory Council.

29 3. A majority of the voting members of the Advisory Council
30 may:

31 (a) Appoint committees or subcommittees to study issues
32 relating to ~~physical fitness and~~ wellness ~~+~~ *and the prevention of*
33 *chronic disease.*

34 (b) Remove a nonlegislative member of the Advisory Council
35 for failing to carry out the business of, or serve the best interests of,
36 the Advisory Council.

37 4. The Health Division shall, within the limits of available
38 money, provide the necessary professional staff and a secretary for
39 the Advisory Council.

40 5. A majority of the voting members of the Advisory Council
41 constitutes a quorum to transact all business, and a majority of those
42 voting members present, physically or via telecommunications, must
43 concur in any decision.

44 6. The Advisory Council shall, within the limits of available
45 money, meet at the call of the Administrator, the Chair or a majority



1 of the voting members of the Advisory Council quarterly or as is
2 necessary.

3 7. The members of the Advisory Council serve without
4 compensation, except that each member is entitled, while engaged in
5 the business of the Advisory Council and within the limits of
6 available money, to the per diem allowance and travel expenses
7 provided for state officers and employees generally.

8 **Sec. 6.** NRS 439.521 is hereby amended to read as follows:

9 439.521 To carry out the provisions of NRS 439.514 to
10 439.525, inclusive, the Health Division shall, within the limits of
11 available money, and with the advice and recommendations of the
12 Advisory Council:

13 1. ~~Establish a solid scientific database of the most current~~
14 ~~information on~~ *Periodically prepare burden reports concerning*
15 *health problems and diseases, including, without limitation, a lack*
16 *of physical fitness, poor nutrition ~~and the prevention of~~, tobacco*
17 *use and exposure to tobacco smoke, obesity, chronic diseases and*
18 *other diseases, as determined by the Health Division, using the*
19 *most recent* information obtained through surveillance,
20 epidemiology and research. ~~and use the database in carrying out~~
21 ~~the Program.~~ *As used in this subsection, "burden report" means a*
22 *calculation of the impact of a particular health problem or chronic*
23 *disease on this State, as measured by financial cost, mortality,*
24 *morbidity or other indicators specified by the Health Division.*

25 2. Identify, ~~and~~ review ~~and~~ *and encourage*, in coordination
26 with the Department of Education, *the Nevada System of Higher*
27 *Education and other appropriate state agencies*, existing *evidence-*
28 *based* programs related to nutrition, ~~and~~ physical fitness ~~and~~
29 *tobacco prevention and cessation*, including, without limitation,
30 programs of state and local governments, educational institutions,
31 businesses and the general public.

32 3. ~~Encourage local community efforts to increase~~
33 ~~opportunities for physical fitness.~~

34 ~~4.~~ Develop, *promote* and coordinate ~~and~~ *recommendations for*
35 model ~~program for proper~~ *and evidence-based programs that*
36 *contribute to reductions in the incidence of chronic disease in this*
37 *State. The programs should encourage:*

38 (a) *Proper* nutrition, physical fitness and health ~~for~~
39 ~~implementation by state employees and agencies.~~

40 ~~5.~~ ~~Develop and coordinate, in cooperation with the Department~~
41 ~~of Education, recommendations for model programs to encourage~~
42 ~~proper nutrition, physical fitness and health in the schools of this~~
43 ~~State, including, without limitation, physical fitness testing which~~
44 ~~can be administered through the schools.~~



~~6. Develop and coordinate recommendations for model programs that would encourage proper nutrition, physical fitness and health~~ among the residents of this State, including, without limitation, parents and children, senior citizens , *high-risk populations* and persons with special needs †

~~7.† ; and~~

(b) Work-site wellness policies that include, without limitation, tobacco-free and breast feeding-friendly environments, healthy food and beverage choices and physical activity opportunities in schools, businesses and public buildings.

4. Assist on projects within this State as requested by, and in coordination with, the President's Council on ~~{Physical}~~ Fitness , ~~{and}~~ Sports †

~~8.† and Nutrition.~~

5. Identify and review methods for reducing health care costs associated with *tobacco use and exposure to tobacco smoke*, obesity, chronic diseases and other diseases †

~~9. Identify and review methods for increasing the effectiveness and efficiency of the workforce of this State.~~

~~10.† , as determined by the Health Division.~~

6. Maintain a website to provide information *and resources* on nutrition, physical fitness, health, wellness and the prevention of obesity and chronic diseases.

~~11. Provide educational materials and information on research concerning matters relating to physical fitness, wellness, and the prevention of obesity, chronic diseases and other diseases, including, without limitation, materials and information concerning programs and services available to the public and strategies for achieving and maintaining physical fitness and preventing obesity, chronic diseases and other diseases.~~

~~12.†~~ 7. Solicit information from and, to the extent feasible, coordinate its efforts with:

(a) Other governmental agencies;

(b) National health organizations and their local and state chapters;

(c) Community and business leaders;

(d) Community organizations;

(e) Providers of health care;

(f) Private schools; and

(g) Other persons who provide services relating to *tobacco use and exposure*, physical fitness and wellness and the prevention of obesity, chronic diseases and other diseases.

8. *Establish, maintain and enhance statewide chronic disease surveillance systems.*



1 **9. Translate surveillance, evaluation and research**
2 **information into press releases, briefs, community education and**
3 **advocacy materials and other publications that highlight chronic**
4 **diseases and the key risk factors of those diseases.**

5 **10. Identify, assist and encourage the growth of, through**
6 **funding, training, resources and other support, the community's**
7 **capacity to assist persons who have a chronic disease.**

8 **11. Encourage relevant community organizations to**
9 **effectively recruit key population groups to receive clinical**
10 **preventative services, including, without limitation:**

11 **(a) Screening and early detection of breast, cervical and**
12 **colorectal cancer, diabetes, high blood pressure and obesity;**

13 **(b) Oral screenings; and**

14 **(c) Tobacco cessation counseling.**

15 **12. Promote positive policy, system and environmental**
16 **changes within communities and the health care system based on,**
17 **without limitation, the Chronic Care Model developed by the**
18 **MacColl Center for Health Care Innovation and the Patient-**
19 **Centered Medical Home Recognition Program of the National**
20 **Committee for Quality Assurance.**

21 **13. Review and revise the Program as needed.**

22 **Sec. 7.** NRS 439.522 is hereby amended to read as follows:

23 439.522 The Health Division may, within the limits of
24 available money, hold public hearings at such times and places as it
25 determines necessary to provide the general public and
26 representatives of governmental agencies and organizations
27 interested in the Program or issues affecting ~~physical fitness and~~
28 wellness **and the prevention of chronic disease** an opportunity to
29 present relevant information and recommendations.

30 **Sec. 8.** Notwithstanding the provisions of subsection 1 of NRS
31 439.519, as amended by section 5 of this act:

32 1. The term of the member of the Advisory Council on the
33 State Program for Fitness and Wellness appointed pursuant to
34 paragraph (f) of subsection 2 of NRS 439.518 before July 1, 2013,
35 expires on that date.

36 2. As soon as practicable after July 1, 2013, the Administrator
37 of the Health Division of the Department of Health and Human
38 Resources shall appoint to the Advisory Council on the State
39 Program for Wellness and the Prevention of Chronic Disease:

40 (a) Two members pursuant to paragraph (f) of subsection 2 of
41 NRS 439.518, as amended by section 4 of this act, to initial terms of
42 4 years;

43 (b) One member pursuant to paragraph (f) of subsection 2 of
44 NRS 439.518, as amended by section 4 of this act, to an initial term
45 of 2 years;



1 (c) One member pursuant to paragraph (j) of subsection 2 of
2 NRS 439.518, as amended by section 4 of this act, to an initial term
3 of 2 years; and

4 (d) One member pursuant to paragraph (k) of subsection 2 of
5 NRS 439.518, as amended by section 4 of this act, to an initial term
6 of 4 years.

7 **Sec. 9.** This act becomes effective on July 1, 2013.

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