

ASSEMBLY BILL NO. 501—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE DEPARTMENT OF HUMAN  
RESOURCES, DIRECTOR'S OFFICE)

MARCH 24, 2003

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Referred to Committee on Health and Human Services

SUMMARY—Makes various changes to provisions governing  
welfare and other programs of public assistance.  
(BDR 38-516)

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.

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AN ACT relating to public assistance; revising provisions governing meetings of the State Welfare Board; transferring certain duties relating to the State Program for Medicaid to the Department of Human Resources and the Director of the Department; revising provisions governing the program to provide temporary assistance for needy families; requiring the Welfare Division of the Department of Human Resources to adopt regulations establishing a schedule of penalties for failure to comply with the terms of a plan for personal responsibility; revising provisions governing the determination of eligibility of qualifying relatives in a program to assist relatives with legal guardianship of children; and providing other matters properly relating thereto.

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

- 1     **Section 1.** NRS 422.110 is hereby amended to read as follows:  
2     422.110 1. The members of the Board shall meet *at least*  
3 twice each calendar year to consider any issues related to public



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1 assistance and other programs for which the Welfare Division is  
2 responsible that may be of importance to members of the general  
3 public, the Governor or the Welfare Division, at such places as the  
4 Board, the Chairman of the Board, the State Welfare Administrator  
5 or the Director deems appropriate.

6 2. Four members of the Board constitute a quorum, and a  
7 quorum may exercise all the power and authority conferred on the  
8 Board.

9 3. The Board shall:

10 (a) At least ~~[45]~~ 14 days before the date it holds a meeting,  
11 provide public notice of the date, time and location of the meeting,  
12 in addition to the notice required pursuant to NRS 241.020.

13 (b) Keep minutes of all meetings of the Board, which must  
14 include records of testimony and written comments presented to the  
15 Board, and file the minutes with the Welfare Division. The minutes  
16 must be maintained as public records.

17 **Sec. 2.** NRS 422.215 is hereby amended to read as follows:

18 422.215 1. The State Welfare Administrator or his designated  
19 representative may administer oaths and take testimony thereunder  
20 and issue subpoenas requiring the attendance of witnesses before the  
21 Welfare Division at a designated time and place and the production  
22 of books, papers and records relative to ~~[-~~

23 ~~-(a) Eligibility]~~ *eligibility* or continued eligibility for public  
24 assistance. ~~[- and~~

25 ~~-(b) Verification of treatment and payments to a provider of~~  
26 ~~medical care, remedial care or other services pursuant to the State~~  
27 ~~Plan for Medicaid.]~~

28 2. *The Director or his designated representative may*  
29 *administer oaths and take testimony thereunder and issue*  
30 *subpoenas requiring the attendance of witnesses before the*  
31 *Department at a designated time and place and the production of*  
32 *books, papers and records relative to verification of treatment and*  
33 *payments to a provider of medical care, remedial care or other*  
34 *services pursuant to the State Plan for Medicaid.*

35 3. If a witness fails to appear or refuses to give testimony or to  
36 produce books, papers and records as required by ~~[the subpoena -]~~ *a*  
37 *subpoena issued pursuant to this section*, the district court of the  
38 county in which the investigation is being conducted may compel  
39 the attendance of the witness, the giving of testimony and the  
40 production of books, papers and records as required by the  
41 subpoena.

42 **Sec. 3.** NRS 422.222 is hereby amended to read as follows:

43 422.222 The State Welfare Administrator may adopt such  
44 regulations as are necessary for the administration of NRS 422.160  
45 to ~~[422.2345,]~~ *422.230*, inclusive, 422.2931 to 422.2936, inclusive,



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1 and 422.310 to 422.3754, inclusive, and any program of the Welfare  
2 Division.

3 **Sec. 4.** NRS 422.230 is hereby amended to read as follows:  
4 422.230 The State Welfare Administrator shall:

5 1. Supply the Director with material on which to base proposed  
6 legislation.

7 2. Cooperate with the Federal Government and state  
8 governments for the more effective attainment of the purposes of  
9 this chapter.

10 3. Coordinate the activities of the Welfare Division with other  
11 agencies, both public and private, with related or similar activities.

12 4. Keep a complete and accurate record of all proceedings,  
13 record and file all bonds and contracts, and assume responsibility for  
14 the custody and preservation of all papers and documents pertaining  
15 to his office.

16 5. Inform the public in regard to the activities and operation of  
17 the Welfare Division, and provide other information which will  
18 acquaint the public with problems relating to welfare.

19 6. Conduct studies into the causes of the social problems with  
20 which the Welfare Division is concerned.

21 7. Provide leadership in the community in order that all welfare  
22 activities are pointed toward the single goal of improving the public  
23 welfare.

24 8. Invoke any legal, equitable or special procedures for the  
25 enforcement of his orders or the enforcement of the provisions of  
26 NRS 422.160 to ~~422.2345,~~ 422.230, inclusive, 422.2931 to  
27 422.2936, inclusive, and 422.310 to 422.3754, inclusive.

28 9. Exercise any other powers that are necessary and proper for  
29 the standardization of state work, to expedite business, to ensure fair  
30 consideration of applications for aid, and to promote the efficiency  
31 of the service provided by the Welfare Division.

32 **Sec. 5.** NRS 422.2345 is hereby amended to read as follows:

33 422.2345 1. The ~~{State-Welfare-Administrator}~~ *Director or*  
34 *his designated representative* shall:

35 (a) Promptly comply with a request from the Unit for access to  
36 and free copies of any records or other information in the possession  
37 of the ~~{Welfare-Division}~~ *Department* regarding a provider; and

38 (b) Refer to the Unit all cases in which he suspects that a  
39 provider has committed an offense pursuant to NRS 422.540 to  
40 422.570, inclusive.

41 2. As used in this section:

42 (a) "Provider" means a person who has applied to participate or  
43 who participates in the State Plan for Medicaid as the provider of  
44 goods or services.



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1 (b) "Unit" means the Medicaid Fraud Control Unit established  
2 in the Office of the Attorney General pursuant to NRS 228.410.

3 **Sec. 6.** NRS 422.287 is hereby amended to read as follows:

4 422.287 1. As part of the health and welfare programs of this  
5 state, the ~~{Welfare Division or the}~~ Division of Health Care  
6 Financing and Policy *or any other division designated by the*  
7 *Director* may provide prenatal care to pregnant women who are  
8 indigent, or may contract for the provision of that care, at public or  
9 nonprofit hospitals in this state.

10 2. The ~~{Welfare Division or the}~~ Division of Health Care  
11 Financing and Policy *or any other division designated by the*  
12 *Director* shall provide to each person licensed to engage in social  
13 work pursuant to chapter 641B of NRS, each applicant for Medicaid  
14 and any other interested person, information concerning the prenatal  
15 care available pursuant to this section.

16 3. The ~~{Welfare Division or the}~~ Division of Health Care  
17 Financing and Policy *or any other division designated by the*  
18 *Department* shall adopt regulations setting forth criteria of  
19 eligibility and rates of payment for prenatal care provided pursuant  
20 to the provisions of this section, and such other provisions relating  
21 to the development and administration of the Program for Prenatal  
22 Care as the ~~{State Welfare Administrator}~~ *Director* or the  
23 Administrator of the Division of Health Care Financing and Policy,  
24 as applicable, deems necessary.

25 **Sec. 7.** NRS 422.2931 is hereby amended to read as follows:

26 422.2931 The State Welfare Administrator and the Welfare  
27 Division shall administer the provisions of NRS 422.160 to  
28 ~~{422.2345,}~~ *422.230*, inclusive, 422.2931 to 422.2936, inclusive,  
29 and 422.310 to 422.3754, inclusive, subject to administrative  
30 supervision by the Director.

31 **Sec. 8.** NRS 422.29314 is hereby amended to read as follows:

32 422.29314 1. The ~~{Welfare Division}~~ *Department* shall  
33 provide public assistance pursuant to:

34 (a) The program established to provide Temporary Assistance  
35 for Needy Families;

36 (b) Medicaid; or

37 (c) Any program for which a grant has been provided to this  
38 state pursuant to 42 U.S.C. §§ 1397 et seq.,  
39 to a qualified alien who complies with the requirements established  
40 by the ~~{Welfare Division}~~ *Department* pursuant to federal law and  
41 this chapter for the receipt of benefits pursuant to that program.

42 2. As used in this section, "qualified alien" has the meaning  
43 ascribed to it in 8 U.S.C. § 1641.



1     **Sec. 9.** (Deleted by amendment.)

2     **Sec. 10.** NRS 422.2932 is hereby amended to read as follows:

3     422.2932 1. Except as otherwise provided in subsection 3, as  
4 a condition to the receipt of public assistance, a recipient must:

5     (a) Ensure that each dependent child for whom the recipient is  
6 receiving assistance has received the standard immunizations  
7 established for children by the regulations adopted pursuant to  
8 NRS 439.550.

9     (b) Within 6 months after the determination of his eligibility for  
10 public assistance, submit to the Welfare Division, in the manner  
11 specified in NRS 432A.230 and 432A.260 for admission to a child  
12 care facility, proof that each dependent child for whom the recipient  
13 is receiving assistance has received those standard immunizations.

14     2. The Welfare Division shall advise each recipient of the  
15 availability of those standard immunizations through clinics for the  
16 immunization of children held pursuant to NRS 439.535.

17     3. The Welfare Division shall waive the requirements of  
18 subsection 1 if the failure to immunize a dependent child is because  
19 of a religious belief or medical condition and the recipient submits  
20 to the Welfare Division a written statement of that fact in the  
21 manner specified in NRS 432A.240 or 432A.250 for admission to a  
22 child care facility.

23     4. A head of a household that is receiving benefits pursuant to  
24 the program to provide Temporary Assistance for Needy Families  
25 who does not comply with the requirements of this section:

26     (a) Shall be deemed to have failed to comply with the terms of  
27 the plan for personal responsibility signed by the head of the  
28 household pursuant to NRS 422.3724; and

29     (b) Is subject to the penalties prescribed ~~[(in)]~~ *by the Welfare*  
30 *Division pursuant to* NRS 422.3736 for failing to comply with the  
31 terms of that plan.

32     **Secs. 11-14.** (Deleted by amendment.)

33     **Sec. 15.** NRS 422.362 is hereby amended to read as follows:

34     422.362 "Cardholder" means the person named on the face of a  
35 Medicaid card to whom or for whose benefit the Medicaid card is  
36 issued by the ~~[Welfare Division]~~ *Department*.

37     **Sec. 16.** NRS 422.363 is hereby amended to read as follows:

38     422.363 "Medicaid card" means any instrument or device  
39 evidencing eligibility for receipt of Medicaid benefits that is issued  
40 by the ~~[Welfare Division]~~ *Department* for the use of a cardholder in  
41 obtaining the types of medical and remedial care for which  
42 assistance may be provided under the Plan.

43     **Sec. 17.** NRS 422.366 is hereby amended to read as follows:

44     422.366 1. A person who:



1 (a) Steals, takes or removes a Medicaid card from the person,  
2 possession, custody or control of another without the cardholder's  
3 consent; or

4 (b) With knowledge that a Medicaid card has been so taken,  
5 removed or stolen, receives the Medicaid card with the intent to  
6 circulate, use or sell it or to transfer it to a person other than the  
7 ~~{Welfare Division}~~ *Department* or the cardholder,  
8 is guilty of a category D felony and shall be punished as provided in  
9 NRS 193.130. In addition to any other penalty, the court shall order  
10 the person to pay restitution.

11 2. A person who possesses a Medicaid card without the  
12 consent of the cardholder and with the intent to circulate, use, sell or  
13 transfer the Medicaid card with the intent to defraud is guilty of a  
14 category D felony and shall be punished as provided in NRS  
15 193.130. In addition to any other penalty, the court shall order the  
16 person to pay restitution.

17 3. A person who has in his possession or under his control two  
18 or more Medicaid cards issued in the name of another person is  
19 presumed to have obtained and to possess the Medicaid cards with  
20 the knowledge that they have been stolen and with the intent to  
21 circulate, use, sell or transfer them with the intent to defraud. The  
22 presumption established by this subsection may be rebutted by clear  
23 and convincing evidence. The presumption does not apply to the  
24 possession of two or more Medicaid cards if the possession is with  
25 the consent of the ~~{Welfare Division}~~ *Department*.

26 **Sec. 18.** NRS 422.3722 is hereby amended to read as follows:

27 422.3722 1. The Welfare Division shall ~~{not provide benefits~~  
28 ~~to an applicant therefor until it makes}~~ *make* an assessment of the  
29 skills, prior work experience and employability of each member of  
30 the applicant's household.

31 2. The assessment required pursuant to subsection 1 must  
32 include ~~{a determination}~~ *an evaluation* of whether the members of  
33 the household ~~{require}~~ *need additional services, including, without*  
34 *limitation*, job training, child care, treatment for the abuse of alcohol  
35 or drugs, mental health services or any other services . ~~{deemed~~  
36 ~~necessary by the Welfare Division}~~

37 3. The applicant must, as a condition to the receipt of those  
38 benefits, cooperate with the Welfare Division in making the  
39 assessment required pursuant to subsection 1.

40 4. If the assessment required pursuant to subsection 1 indicates  
41 that a member of the household may require mental health services,  
42 the Welfare Division shall refer that member of the household to a  
43 person professionally qualified in the field of psychiatric mental  
44 health.



1       5. As used in this section, "person professionally qualified in  
2 the field of psychiatric mental health" has the meaning ascribed to it  
3 in NRS 433.209.

4       **Sec. 19.** NRS 422.3724 is hereby amended to read as follows:

5       422.3724 1. The Welfare Division shall, with the  
6 participation of the head of a household who is applying for  
7 benefits, establish a written plan for personal responsibility for the  
8 household. The plan for personal responsibility must be based on the  
9 assessment made pursuant to NRS 422.3722 ~~[ ]~~ and 42 U.S.C. §  
10 **608.**

11       2. In addition to the requirements set forth in 42 U.S.C. § 608,  
12 the plan required pursuant to subsection 1 must:

13       (a) Identify the role of each member of the household and his  
14 obligations pursuant to the plan;

15       (b) Be signed by the head of the household within 60 days after  
16 he is determined to be eligible for benefits; and

17       (c) Specify a date, not later than 24 months after the date the  
18 plan becomes effective, upon which the plan will expire.

19       3. The Welfare Division shall **periodically** review the plan  
20 required pursuant to subsection 1 ~~[not less than once every 6~~  
21 ~~months]~~ to determine whether the needs of the household have  
22 changed. The Welfare Division may, with the participation of the  
23 head of the household, amend the plan as it deems appropriate.

24       4. If a member of the household is an unmarried parent who is  
25 less than 18 years of age, the plan required pursuant to subsection 1  
26 must include a provision which:

27       (a) Requires the head of the household to ensure that the  
28 unmarried parent attends training to learn the skills necessary to care  
29 for the child; and

30       (b) Encourages the head of the household to ensure that the  
31 unmarried parent participates in a program which provides mentors  
32 for unmarried parents who are less than 18 years of age.

33       **Sec. 20.** NRS 422.3732 is hereby amended to read as follows:

34       422.3732 1. Subject to the provisions of 42 U.S.C. § 607(e),  
35 the Welfare Division shall require each head of a household who is  
36 not suffering from a hardship described in subsection 7 of NRS  
37 422.374 to perform work:

38       (a) Within a reasonable time after the Welfare Division  
39 determines that the head of the household is capable of finding and  
40 performing work; or

41       (b) Not later than the date on which the head of the household  
42 has received benefits for 24 months, regardless of whether those  
43 months are consecutive or cumulative,  
44 whichever occurs earlier.



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1       2. A head of a household who does not comply with the  
2 requirements of this section:

3       (a) Shall be deemed to have failed to comply with the terms of  
4 the plan for personal responsibility signed by him pursuant to NRS  
5 422.3724; and

6       (b) Is subject to the penalties prescribed ~~and~~ *by the Welfare*  
7 *Division pursuant to* NRS 422.3736 for the failure to comply with  
8 the terms of that plan.

9       3. The State Welfare Administrator shall adopt regulations  
10 setting forth the activities that will constitute work for the purposes  
11 of this section.

12       **Sec. 21.** NRS 422.3734 is hereby amended to read as follows:

13       422.3734 1. ~~and~~ *Except as otherwise provided in this*  
14 *section, if* the plan for personal responsibility signed by the head of  
15 a household pursuant to NRS 422.3724 includes a requirement that  
16 the head of the household complete a program of job training, the  
17 Welfare Division may exempt the head of the household from that  
18 requirement upon determining that:

19       (a) The head of the household:

20           (1) Is ill or physically incapacitated;

21           (2) Must care for an ill or incapacitated member of his  
22 household;

23           (3) Is receiving payments or is awaiting approval for the  
24 receipt of payments pursuant to the Supplemental Security Income  
25 Program;

26           (4) Is a single custodial parent of a child who is less than 1  
27 year of age;

28           (5) Is not a recipient of benefits but receives benefits on  
29 behalf of a member of his household who is a dependent;

30           (6) Is a person who is:

31               (I) Sixty years of age or older;

32               (II) The caretaker of a child; and

33               (III) A relative, other than a parent, of that child; or

34           (7) Is pregnant and has been deemed unable to work by her  
35 physician; or

36       (b) Any other good cause exists to exempt the head of the  
37 household from the requirement to complete the program of job  
38 training.

39       2. A head of a household may not claim the exemption  
40 prescribed in subparagraph (4) of paragraph (a) of subsection 1 for  
41 more than 12 months during his lifetime, regardless of whether  
42 those months are consecutive or cumulative.

43       **3. *The Welfare Division shall not exempt a head of a***  
44 ***household pursuant to this section if the exemption would violate***



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1 *a requirement of federal law or a condition to the receipt of*  
2 *federal money.*

3 **Sec. 22.** NRS 422.3736 is hereby amended to read as follows:  
4 422.3736 1. Except as otherwise provided in this section:

5 (a) If the Welfare Division determines that the head of a  
6 household has not complied with the terms of the plan for personal  
7 responsibility signed by the head of the household pursuant to NRS  
8 422.3724 or the agreement of cooperation signed by the head of the  
9 household pursuant to NRS 422.3726, the Welfare Division shall  
10 notify him that if his failure to comply does not cease within 30 days  
11 after he is notified of the failure to comply, the benefits provided to  
12 his household will be reduced pursuant to paragraph (b).

13 (b) The Welfare Division shall ~~[-~~:

14 ~~—— (1) If the failure to comply has not ceased within the period~~  
15 ~~prescribed in paragraph (a), reduce for 1 month the total amount of~~  
16 ~~the benefits provided to the household by one third or by an amount~~  
17 ~~equal to the total amount of the benefits provided to the household~~  
18 ~~divided by the number of members of the household, whichever is~~  
19 ~~greater;~~

20 ~~—— (2) If the failure to comply has not ceased by the end of the~~  
21 ~~period of reduction required by subparagraph (1), reduce for 1~~  
22 ~~month the total amount of benefits provided to the household by~~  
23 ~~two thirds or by an amount equal to the total amount of the benefits~~  
24 ~~provided to the household divided by the number of members of the~~  
25 ~~household, whichever is greater; and~~

26 ~~—— (3) If the failure to comply has not ceased by the end of the~~  
27 ~~period of reduction required by subparagraph (2), discontinue~~  
28 ~~providing benefits to the household for 3 months or until the failure~~  
29 ~~to comply ceases, whichever occurs last.~~

30 ~~—— (c) If the Welfare Division resumes providing benefits to a~~  
31 ~~household whose benefits were discontinued pursuant to~~  
32 ~~subparagraph (3) of paragraph (b), and the Welfare Division later~~  
33 ~~determines that the head of the household has again failed to comply~~  
34 ~~with the terms of the plan for personal responsibility or the~~  
35 ~~agreement of cooperation, the Welfare Division shall:~~

36 ~~—— (1) Reduce for 1 month the total amount of the benefits~~  
37 ~~provided to the household by one third or by an amount equal to the~~  
38 ~~total amount of the benefits provided to the household divided by~~  
39 ~~the number of members of the household, whichever is greater;~~

40 ~~—— (2) If the failure to comply has not ceased by the end of the~~  
41 ~~period of reduction required by subparagraph (1), reduce for 1~~  
42 ~~month the total amount of benefits provided to the household by~~  
43 ~~two thirds or by an amount equal to the total amount of the benefits~~  
44 ~~provided to the household divided by the number of members of the~~  
45 ~~household, whichever is greater; and~~



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1 ~~—— (3) If the failure to comply has not ceased by the end of the~~  
2 ~~period of reduction required by subparagraph (2), discontinue~~  
3 ~~providing benefits to the household for 6 months or until the failure~~  
4 ~~to comply ceases, whichever occurs last.~~

5 ~~—— (d) If the Welfare Division resumes providing benefits to a~~  
6 ~~household whose benefits were discontinued pursuant to~~  
7 ~~subparagraph (3) of paragraph (c), and the Welfare Division later~~  
8 ~~determines that the head of the household has again failed to comply~~  
9 ~~with the terms of the plan for personal responsibility or the~~  
10 ~~agreement of cooperation, the Welfare Division shall:~~

11 ~~—— (1) Reduce for 1 month the total amount of the benefits~~  
12 ~~provided to the household by one half; and~~

13 ~~—— (2) If the failure to comply has not ceased by the end of the~~  
14 ~~period of reduction required by subparagraph (1), permanently~~  
15 ~~terminate the household's benefits.] adopt regulations establishing~~  
16 ~~a schedule of progressive penalties pursuant to which the benefits~~  
17 ~~to the household will be reduced or terminated because of the~~  
18 ~~failure of the head of the household to comply with the terms of~~  
19 ~~the plan.~~

20 2. The Welfare Division shall not reduce, discontinue or  
21 terminate any benefits pursuant to this section if the reduction,  
22 discontinuance or termination would violate a requirement of  
23 federal law or a condition to the receipt of federal money.

24 **Sec. 23.** NRS 422.392 is hereby amended to read as follows:

25 422.392 1. The Department, through a division of the  
26 Department designated by the Director, shall establish and  
27 administer a program to provide supportive assistance to qualifying  
28 relatives of children who provide care for and obtain the legal  
29 guardianship of those children.

30 2. As a condition to the provision of any supportive assistance  
31 pursuant to this section:

32 (a) The child must:

33 (1) Have been placed in the care of his qualifying relative for  
34 not less than 6 months; and

35 (2) If he is 14 years of age or older, consent to the legal  
36 guardianship; *and*

37 (b) The qualifying relative must:

38 (1) Reside in this state;

39 (2) Have attained such a minimum age as the Department  
40 specifies by regulation;

41 (3) Verify his relationship to the child; and

42 (4) File for and obtain court approval of the legal  
43 guardianship and comply with any requirements imposed by the  
44 court. ~~[-and~~



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1 ~~—(c) The Department must determine that the personal and~~  
2 ~~criminal history of the qualifying relative is satisfactory.]~~

3 3. The supportive assistance provided pursuant to this section  
4 must include, within the limitations of available funding:

5 (a) Reimbursement of all or a portion of the legal fees incurred  
6 by the qualifying relative to establish the legal guardianship;

7 (b) Payments of not more than the amount that the Department  
8 would provide to a foster parent if the child had been placed in  
9 foster care;

10 (c) Assistance with:

11 (1) Child care;

12 (2) Respite care; and

13 (3) Transportation; and

14 (d) Any other assistance the Department deems appropriate.

15 4. The Department shall adopt such regulations as are  
16 necessary to carry out the provisions of this section.

17 *5. As used in this section, unless the context otherwise*  
18 *requires, “qualifying relative” means a person specified in 45*  
19 *C.F.R. § 233.90(c)(1)(v)(A).*

20 **Secs. 24-28.** (Deleted by amendment.)

21 **Sec. 29.** NRS 228.410 is hereby amended to read as follows:

22 228.410 1. The Attorney General has primary jurisdiction to  
23 investigate and prosecute violations of NRS 422.540 to 422.570,  
24 inclusive, and any fraud in the administration of the Plan or in the  
25 provision of medical assistance pursuant to the Plan. The provisions  
26 of this section notwithstanding, the ~~[Welfare Division]~~ *Department*  
27 *of Human Resources* and the Division of Health Care Financing  
28 and Policy of the Department of Human Resources shall enforce the  
29 Plan and any regulations adopted pursuant thereto.

30 2. For this purpose, the Attorney General shall establish within  
31 his office the Medicaid Fraud Control Unit. The Unit must consist  
32 of a group of qualified persons, including, without limitation, an  
33 attorney, an auditor and an investigator who, to the extent  
34 practicable, have expertise in nursing, medicine and the  
35 administration of medical facilities.

36 3. The Attorney General, acting through the Medicaid Fraud  
37 Control Unit:

38 (a) Is the single state agency responsible for the investigation  
39 and prosecution of violations of NRS 422.540 to 422.570, inclusive;

40 (b) Shall review reports of abuse or criminal neglect of patients  
41 in medical facilities which receive payments under the Plan and,  
42 when appropriate, investigate and prosecute the persons responsible;

43 (c) May review and investigate reports of misappropriation of  
44 money from the personal resources of patients in medical facilities



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1 that receive payments under the Plan and, when appropriate, shall  
2 prosecute the persons responsible;

3 (d) Shall cooperate with federal investigators and prosecutors in  
4 coordinating state and federal investigations and prosecutions  
5 involving fraud in the provision or administration of medical  
6 assistance pursuant to the Plan, and provide those federal officers  
7 with any information in his possession regarding such an  
8 investigation or prosecution; and

9 (e) Shall protect the privacy of patients and establish procedures  
10 to prevent the misuse of information obtained in carrying out the  
11 provisions of this section.

12 4. When acting pursuant to NRS 228.175 or this section, the  
13 Attorney General may commence his investigation and file a  
14 criminal action without leave of court, and he has exclusive charge  
15 of the conduct of the prosecution.

16 5. As used in this section:

17 (a) "Medical facility" has the meaning ascribed to it in  
18 NRS 449.0151.

19 (b) "Plan" means the State Plan for Medicaid established  
20 pursuant to NRS 422.271.

21 **Sec. 30.** NRS 422.391 and 422.393 are hereby repealed.

22 **Sec. 31.** A Medicaid card issued by the Welfare Division of  
23 the Department of Human Resources before October 1, 2003, shall  
24 be deemed to have been issued by the Department of Human  
25 Resources.

26 **Sec. 32.** (Deleted by amendment.)

27 **Sec. 33.** This act becomes effective upon passage and approval  
28 for the purpose of adopting regulations and on October 1, 2003, for  
29 all other purposes.

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#### TEXT OF REPEALED SECTIONS

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**422.391 "Qualifying relative" defined.** As used in this section and NRS 422.392 and 422.393, unless the context otherwise requires, "qualifying relative" means a person specified in 45 C.F.R. § 233.90(c)(1)(v)(A).

**422.393 Applicant to supply fingerprints; exchange of information; report from Federal Bureau of Investigation.**

1. An applicant for the receipt of supportive assistance provided pursuant to NRS 422.392 shall submit to the Department a complete set of his fingerprints and written permission authorizing the Department to forward those fingerprints to the Central



\* A B 5 0 1 R 1 \*

Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the Department to determine whether the criminal history of the applicant is satisfactory.

2. The Department may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

3. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the Department.

