

SENATE BILL NO. 183—SENATOR MATHEWS

FEBRUARY 20, 2003

JOINT SPONSOR: ASSEMBLYWOMAN GIBBONS

Referred to Committee on Commerce and Labor

SUMMARY—Requires certain policies of health insurance and health care plans to provide coverage for colorectal cancer screening under certain circumstances. (BDR 57-726)

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

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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 insurance; requiring certain policies of health insurance and health care plans to provide coverage for colorectal cancer screening under certain circumstances; 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.** Chapter 689A of NRS is hereby amended by
2 adding thereto a new section to read as follows:
3 ***1. A policy of health insurance that provides coverage for the***
4 ***treatment of colorectal cancer must provide coverage for***
5 ***colorectal cancer screening in accordance with:***
6 ***(a) The guidelines concerning colorectal cancer screening***
7 ***which are published by the American Cancer Society; or***
8 ***(b) Other guidelines or reports concerning colorectal cancer***
9 ***screening which are published by nationally recognized***
10 ***professional organizations and which include current or***
11 ***prevailing supporting scientific data.***
12 ***2. A policy of health insurance subject to the provisions of***
13 ***this chapter that is delivered, issued for delivery or renewed on or***



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1 *after October 1, 2003, has the legal effect of including the*
2 *coverage required by this section, and any provision of the policy*
3 *that conflicts with the provisions of this section is void.*

4 **Sec. 2.** NRS 689A.330 is hereby amended to read as follows:

5 689A.330 If any policy is issued by a domestic insurer for
6 delivery to a person residing in another state, and if the insurance
7 commissioner or corresponding public officer of that other state has
8 informed the Commissioner that the policy is not subject to approval
9 or disapproval by that officer, the Commissioner may by ruling
10 require that the policy meet the standards set forth in NRS 689A.030
11 to 689A.320, inclusive ~~H~~, *and section 1 of this act.*

12 **Sec. 3.** Chapter 689B of NRS is hereby amended by adding
13 thereto a new section to read as follows:

14 *1. A policy of group health insurance that provides coverage*
15 *for the treatment of colorectal cancer must provide coverage for*
16 *colorectal cancer screening in accordance with:*

17 *(a) The guidelines concerning colorectal cancer screening*
18 *which are published by the American Cancer Society; or*

19 *(b) Other guidelines or reports concerning colorectal cancer*
20 *screening which are published by nationally recognized*
21 *professional organizations and which include current or*
22 *prevailing supporting scientific data.*

23 *2. A policy of group health insurance subject to the*
24 *provisions of this chapter that is delivered, issued for delivery or*
25 *renewed on or after October 1, 2003, has the legal effect of*
26 *including the coverage required by this section, and any provision*
27 *of the policy that conflicts with the provisions of this section is*
28 *void.*

29 **Sec. 4.** Chapter 695B of NRS is hereby amended by adding
30 thereto a new section to read as follows:

31 *1. A policy of health insurance issued by a hospital or*
32 *medical service corporation that provides coverage for the*
33 *treatment of colorectal cancer must provide coverage for*
34 *colorectal cancer screening in accordance with:*

35 *(a) The guidelines concerning colorectal cancer screening*
36 *which are published by the American Cancer Society; or*

37 *(b) Other guidelines or reports concerning colorectal cancer*
38 *screening which are published by nationally recognized*
39 *professional organizations and which include current or*
40 *prevailing supporting scientific data.*

41 *2. A policy of health insurance subject to the provisions of*
42 *this chapter that is delivered, issued for delivery or renewed on or*
43 *after October 1, 2003, has the legal effect of including the*
44 *coverage required by this section, and any provision of the policy*
45 *that conflicts with the provisions of this section is void.*



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1 **Sec. 5.** Chapter 695C of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. A health care plan issued by a health maintenance***
4 ***organization that provides coverage for the treatment of colorectal***
5 ***cancer must provide coverage for colorectal cancer screening in***
6 ***accordance with:***

7 ***(a) The guidelines concerning colorectal cancer screening***
8 ***which are published by the American Cancer Society; or***

9 ***(b) Other guidelines or reports concerning colorectal cancer***
10 ***screening which are published by nationally recognized***
11 ***professional organizations and which include current or***
12 ***prevailing supporting scientific data.***

13 ***2. An evidence of coverage for a health care plan subject to***
14 ***the provisions of this chapter that is delivered, issued for delivery***
15 ***or renewed on or after October 1, 2003, has the legal effect of***
16 ***including the coverage required by this section, and any provision***
17 ***of the evidence of coverage that conflicts with the provisions of***
18 ***this section is void.***

19 **Sec. 6.** NRS 695C.050 is hereby amended to read as follows:

20 695C.050 1. Except as otherwise provided in this chapter or
21 in specific provisions of this title, the provisions of this title are not
22 applicable to any health maintenance organization granted a
23 certificate of authority under this chapter. This provision does not
24 apply to an insurer licensed and regulated pursuant to this title
25 except with respect to its activities as a health maintenance
26 organization authorized and regulated pursuant to this chapter.

27 2. Solicitation of enrollees by a health maintenance
28 organization granted a certificate of authority, or its representatives,
29 must not be construed to violate any provision of law relating to
30 solicitation or advertising by practitioners of a healing art.

31 3. Any health maintenance organization authorized under this
32 chapter shall not be deemed to be practicing medicine and is exempt
33 from the provisions of chapter 630 of NRS.

34 4. The provisions of NRS 695C.110, 695C.170 to 695C.200,
35 inclusive, 695C.250 and 695C.265 do not apply to a health
36 maintenance organization that provides health care services through
37 managed care to recipients of Medicaid under the State Plan for
38 Medicaid or insurance pursuant to the Children's Health Insurance
39 Program pursuant to a contract with the Division of Health Care
40 Financing and Policy of the Department of Human Resources. This
41 subsection does not exempt a health maintenance organization from
42 any provision of this chapter for services provided pursuant to any
43 other contract.

44 5. The provisions of NRS 695C.1694 and 695C.1695 ***and***
45 ***section 5 of this act*** apply to a health maintenance organization that



1 provides health care services through managed care to recipients of
2 Medicaid under the State Plan for Medicaid.

3 **Sec. 7.** NRS 695C.330 is hereby amended to read as follows:

4 695C.330 1. The Commissioner may suspend or revoke any
5 certificate of authority issued to a health maintenance organization
6 pursuant to the provisions of this chapter if he finds that any of the
7 following conditions exist:

8 (a) The health maintenance organization is operating
9 significantly in contravention of its basic organizational document,
10 its health care plan or in a manner contrary to that described in and
11 reasonably inferred from any other information submitted pursuant
12 to NRS 695C.060, 695C.070 and 695C.140, unless any amendments
13 to those submissions have been filed with and approved by the
14 Commissioner;

15 (b) The health maintenance organization issues evidence of
16 coverage or uses a schedule of charges for health care services
17 which do not comply with the requirements of NRS 695C.170 to
18 695C.200, inclusive, or 695C.1694, 695C.1695 or 695C.207 ~~or~~ *or*
19 *section 5 of this act;*

20 (c) The health care plan does not furnish comprehensive health
21 care services as provided for in NRS 695C.060;

22 (d) The State Board of Health certifies to the Commissioner that
23 the health maintenance organization:

24 (1) Does not meet the requirements of subsection 2 of NRS
25 695C.080; or

26 (2) Is unable to fulfill its obligations to furnish health care
27 services as required under its health care plan;

28 (e) The health maintenance organization is no longer financially
29 responsible and may reasonably be expected to be unable to meet its
30 obligations to enrollees or prospective enrollees;

31 (f) The health maintenance organization has failed to put into
32 effect a mechanism affording the enrollees an opportunity to
33 participate in matters relating to the content of programs pursuant to
34 NRS 695C.110;

35 (g) The health maintenance organization has failed to put into
36 effect the system for complaints required by NRS 695C.260 in a
37 manner reasonably to dispose of valid complaints;

38 (h) The health maintenance organization or any person on its
39 behalf has advertised or merchandised its services in an untrue,
40 misrepresentative, misleading, deceptive or unfair manner;

41 (i) The continued operation of the health maintenance
42 organization would be hazardous to its enrollees; or

43 (j) The health maintenance organization has otherwise failed to
44 comply substantially with the provisions of this chapter.



1 2. A certificate of authority must be suspended or revoked only
2 after compliance with the requirements of NRS 695C.340.

3 3. If the certificate of authority of a health maintenance
4 organization is suspended, the health maintenance organization shall
5 not, during the period of that suspension, enroll any additional
6 groups or new individual contracts, unless those groups or persons
7 were contracted for before the date of suspension.

8 4. If the certificate of authority of a health maintenance
9 organization is revoked, the organization shall proceed, immediately
10 following the effective date of the order of revocation, to wind up its
11 affairs and shall conduct no further business except as may be
12 essential to the orderly conclusion of the affairs of the organization.
13 It shall engage in no further advertising or solicitation of any kind.
14 The Commissioner may by written order permit such further
15 operation of the organization as he may find to be in the best interest
16 of enrollees to the end that enrollees are afforded the greatest
17 practical opportunity to obtain continuing coverage for health care.

18 **Sec. 8.** Chapter 695G of NRS is hereby amended by adding
19 thereto a new section to read as follows:

20 1. *A health care plan issued by a managed care organization*
21 *that provides coverage for the treatment of colorectal cancer must*
22 *provide coverage for colorectal cancer screening in accordance*
23 *with:*

24 (a) *The guidelines concerning colorectal cancer screening*
25 *which are published by the American Cancer Society; or*

26 (b) *Other guidelines or reports concerning colorectal cancer*
27 *screening which are published by nationally recognized*
28 *professional organizations and which include current or*
29 *prevailing supporting scientific data.*

30 2. *An evidence of coverage for a health care plan subject to*
31 *the provisions of this chapter that is delivered, issued for delivery*
32 *or renewed on or after October 1, 2003, has the legal effect of*
33 *including the coverage required by this section, and any provision*
34 *of the evidence of coverage that conflicts with the provisions of*
35 *this section is void.*

36 **Sec. 9.** Chapter 287 of NRS is hereby amended by adding
37 thereto a new section to read as follows:

38 *The governing body of any county, school district, municipal*
39 *corporation, political subdivision, public corporation or other*
40 *public agency of the State of Nevada that provides health*
41 *insurance through a plan of self-insurance shall provide coverage*
42 *for colorectal cancer screening in accordance with:*

43 1. *The guidelines concerning colorectal cancer screening*
44 *which are published by the American Cancer Society; or*



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- 1 2. *Other guidelines or reports concerning colorectal cancer*
- 2 *screening which are published by nationally recognized*
- 3 *professional organizations and which include current or*
- 4 *prevailing supporting scientific data.*

