

Assembly Bill No. 127–Committee on Health
and Human Services

CHAPTER.....

AN ACT relating to public health; making various changes concerning the duties of the State Dental Health Officer and the State Public Health Dental Hygienist; providing subsidies from the Fund for a Healthy Nevada for the coverage of certain additional benefits, including dental and vision benefits, within the program of subsidies for the provision of prescription drugs and pharmaceutical services to senior citizens; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the appointment of a State Dental Health Officer and a State Public Health Dental Hygienist, each of whom is required to devote all of his time to the business of his office, except that each may engage in academic instruction, research and studies in a program of the University and Community College System of Nevada. (NRS 439.272, 439.279)

This bill removes the exception so that the State Dental Health Officer and the State Public Health Dental Hygienist are required to devote all of their time to the business of their respective offices and are not authorized to engage in academic instruction, research and studies.

Existing law authorizes the Department of Human Resources to provide subsidies from the Fund for a Healthy Nevada to pay for prescription drugs and pharmaceutical services for senior citizens. (NRS 439.630) The Fund is created from money received by the State from the settlement of litigation and judgments in civil actions with tobacco manufacturers. (NRS 439.620) Existing law further authorizes the Department to enter into contracts with private health insurers to arrange for the availability of health insurance policies for prescription drugs and pharmaceutical services for senior citizens. (NRS 439.665)

This bill expands those provisions to include certain additional benefits, including dental and vision benefits, to the extent that money is available to pay for such additional benefits. Thus, this bill authorizes the Department of Human Resources to enter into contracts with private health insurers to provide coverage for the additional benefits, including dental and vision benefits, for senior citizens under certain circumstances. In addition, money deposited in the Fund for a Healthy Nevada may be used to subsidize those benefits.

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

Section 1. NRS 439.272 is hereby amended to read as follows:
439.272 1. The Health Division shall appoint a State Dental Health Officer, who is in the unclassified service of the State. The State Dental Health Officer must:

- (a) Be a resident of this State;
- (b) Hold a current license to practice dentistry issued pursuant to chapter 631 of NRS; and

(c) Be appointed on the basis of his education, training and experience and his interest in public dental health and related programs.

2. The State Dental Health Officer shall:

(a) Determine the needs of the residents of this State for public dental health;

(b) Provide the Health Division with advice regarding public dental health;

(c) Make recommendations to the Health Division and the Legislature regarding programs in this State for public dental health;

(d) Supervise the activities of the State Public Health Dental Hygienist; and

(e) Seek such information and advice from a dental school of the University and Community College System of Nevada as necessary to carry out his duties.

3. ~~Except as otherwise provided in this subsection, the~~ The State Dental Health Officer shall devote all of his time to the business of his office and shall not pursue any other business or vocation or hold any other office of profit. ~~Notwithstanding the provisions of NRS 281.127 and 284.143, the State Dental Health Officer may engage in academic instruction, research and studies at a dental school of the University and Community College System of Nevada.~~

4. The Health Division may solicit and accept gifts and grants to pay the costs associated with ~~the position of State Dental Health Officer.~~ oral health programs.

Sec. 2. NRS 439.279 is hereby amended to read as follows:

439.279 1. The Health Division shall appoint a State Public Health Dental Hygienist, who is in the unclassified service of the State. The State Public Health Dental Hygienist must:

(a) Be a resident of this State;

(b) Hold a current license to practice dental hygiene issued pursuant to chapter 631 of NRS with a special endorsement issued pursuant to NRS 631.287; and

(c) Be appointed on the basis of his education, training and experience and his interest in public health dental hygiene and related programs.

2. The State Public Health Dental Hygienist:

(a) Shall assist the State Dental Health Officer in carrying out his duties; and

(b) May:

(1) Make recommendations to the Health Division regarding programs in this State for public health dental hygiene; and

(2) Perform any acts authorized pursuant to NRS 631.287.

3. ~~Except as otherwise provided in this subsection, the~~ The State Public Health Dental Hygienist shall devote all of his time to

the business of his office and shall not pursue any other business or vocation or hold any other office of profit. ~~[Notwithstanding the provisions of NRS 281.127 and 284.143, the State Public Health Dental Hygienist may engage in academic instruction, research and studies in a program of the University and Community College System of Nevada.]~~

4. The Health Division may solicit and accept gifts and grants to pay the costs associated with the position of State Public Health Dental Hygienist.

Sec. 3. NRS 439.600 is hereby amended to read as follows:

439.600 1. The Legislature hereby declares that its priorities in expending the proceeds to the State of Nevada from settlement agreements with and civil actions against manufacturers of tobacco products are:

(a) To increase the number of Nevada students who attend and graduate from Nevada institutions of higher education; and

(b) To assist Nevada residents in obtaining and maintaining good health.

2. To further these priorities, the Legislature hereby declares that it is in the best interest of the residents of this State that all money received by the State of Nevada pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products and all money recovered by the State of Nevada from a judgment in a civil action against a manufacturer of tobacco products be dedicated solely toward the achievement of the following goals:

(a) Increasing the number of Nevada residents who enroll in and attend a university, college or community college in the State of Nevada;

(b) Reducing and preventing the use of tobacco products, alcohol and illegal drugs, especially by children;

(c) Expanding the availability of health insurance and health care for children and adults in this State, especially for children and for adults with disabilities;

(d) Assisting senior citizens who have modest incomes in purchasing prescription drugs , *pharmaceutical services and, to the extent money is available, other services, including, without limitation, dental and vision services*, and assisting those senior citizens in meeting their needs related to health care, home care, respite care and their ability to live independent of institutional care; and

(e) Promoting the general health of all residents of the State of Nevada.

Sec. 4. NRS 439.630 is hereby amended to read as follows:

439.630 1. The Task Force for the Fund for a Healthy Nevada shall:

(a) Conduct public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

- (1) Promote public health;
- (2) Improve health services for children, senior citizens and persons with disabilities;
- (3) Reduce or prevent the use of tobacco;
- (4) Reduce or prevent the abuse of and addiction to alcohol and drugs; and
- (5) Offer other general or specific information on health care in this State.

(b) Establish a process to evaluate the health and health needs of the residents of this State and a system to rank the health problems of the residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities.

(c) Reserve not more than 30 percent of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Department to pay for prescription drugs , ~~and~~ pharmaceutical services *and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits* for senior citizens pursuant to NRS 439.635 to 439.690, inclusive, and to fund in whole or in part any program established pursuant to NRS 422.274 or 422.2745. From the money reserved to the Department pursuant to this paragraph, the Department may subsidize all of the cost of policies of health insurance that provide coverage to senior citizens for prescription drugs , ~~and~~ pharmaceutical services *and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits* pursuant to NRS 439.635 to 439.690, inclusive, and fund in whole or in part any program established pursuant to NRS 422.274 or 422.2745. The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in carrying out the provisions of NRS 439.635 to 439.690, inclusive, and administering any program established pursuant to NRS 422.274 or 422.2745. The Department shall submit a quarterly report to the Governor, the Task Force for the Fund for a Healthy Nevada and the Interim Finance Committee regarding the general manner in which expenditures have been made pursuant to this paragraph and the status of the program.

(d) Reserve not more than 30 percent of all revenues deposited in the Fund for a Healthy Nevada each year for allocation by the Aging Services Division of the Department in the form of grants for existing or new programs that assist senior citizens with independent living, including, without limitation, programs that provide:

- (1) Respite care or relief of family caretakers;
- (2) Transportation to new or existing services to assist senior citizens in living independently; and
- (3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

↳ The Aging Services Division of the Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada concerning the independent living needs of senior citizens.

(e) Allocate, by contract or grant, for expenditure not more than 20 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco.

(f) Allocate, by contract or grant, for expenditure not more than 10 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that improve health services for children.

(g) Allocate, by contract or grant, for expenditure not more than 7.5 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the Task Force shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite for persons caring for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

(h) Reserve not more than 2.5 percent of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Department to fund in whole or in part any program established pursuant to NRS 422.2745. The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in administering any program established pursuant to NRS 422.2745.

(i) Maximize expenditures through local, federal and private matching contributions.

(j) Ensure that any money expended from the Fund for a Healthy Nevada will not be used to supplant existing methods of funding that are available to public agencies.

(k) Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities and community colleges. A condition of

any such contract or grant must be that not more than 8 percent of the contract or grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

(l) To make the allocations required by paragraphs (e), (f) and (g):

- (1) Prioritize and quantify the needs for these programs;
- (2) Develop, solicit and accept applications for allocations;
- (3) Conduct annual evaluations of programs to which allocations have been awarded; and

(4) Submit annual reports concerning the programs to the Governor and the Interim Finance Committee.

(m) Transmit a report of all findings, recommendations and expenditures to the Governor and each regular session of the Legislature.

2. The Task Force may take such other actions as are necessary to carry out its duties.

3. The Department shall take all actions necessary to ensure that all allocations for expenditures made by the Task Force are carried out as directed by the Task Force.

4. To make the allocations required by paragraph (d) of subsection 1, the Aging Services Division of the Department shall:

(a) Prioritize and quantify the needs of senior citizens for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens upon approval of the Interim Finance Committee;

(d) Award grants or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the grant program to the Governor and the Interim Finance Committee.

5. The Aging Services Division of the Department shall submit each proposed grant which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The Aging Services Division of the Department shall not expend or transfer any money allocated to the Aging Services Division pursuant to this section to subsidize any portion of the cost of policies of health insurance that provide coverage to senior citizens for prescription drugs and pharmaceutical services pursuant to NRS 439.635 to 439.690, inclusive, or to pay for any program established pursuant to NRS 422.274 or 422.2745.

6. The Department, on behalf of the Task Force, shall submit each allocation proposed pursuant to paragraph (e), (f) or (g) of subsection 1 which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the contract or grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money.

Sec. 5. NRS 439.665 is hereby amended to read as follows:

439.665 1. The Department may enter into contracts with private insurers who transact health insurance in this State to arrange for the availability, at a reasonable cost, of policies of health insurance that provide coverage to senior citizens for prescription drugs, ~~and~~ pharmaceutical services ~~and~~ *and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits.*

2. Within the limits of the money available for this purpose in the Fund for a Healthy Nevada, a senior citizen who is not eligible for Medicaid and who is eligible for a policy of health insurance that is made available pursuant to subsection 1 is entitled to an annual grant from the Fund to subsidize the cost of that insurance, including premiums and deductibles, if he has been domiciled in this State for at least 1 year immediately preceding the date of his application and:

(a) If the senior citizen is single, his income is not over \$21,500; or

(b) If the senior citizen is married, his household income is not over \$28,660.

➡ The monetary amounts set forth in this subsection must be adjusted for each fiscal year by adding to each amount the product of the amount shown multiplied by the percentage increase in the Consumer Price Index from December 2002 to the December preceding the fiscal year for which the adjustment is calculated.

3. The subsidy granted pursuant to this section must not exceed the annual cost of insurance that ~~provides coverage for prescription drugs and pharmaceutical services,~~ *is made available pursuant to subsection 1,* including premiums and deductibles.

4. A policy of health insurance that is made available pursuant to subsection 1 must provide for:

(a) A copayment of not more than \$10 per prescription drug or pharmaceutical service that is generic as set forth in the formulary of the insurer; and

(b) A copayment of not more than \$25 per prescription drug or pharmaceutical service that is preferred as set forth in the formulary of the insurer.

5. The Department may waive the eligibility requirement set forth in subsection 2 regarding household income upon written

request of the applicant or enrollee based on one or more of the following circumstances:

- (a) Illness;
- (b) Disability; or
- (c) Extreme financial hardship, when considering the current financial circumstances of the applicant or enrollee.

↳ An applicant or enrollee who requests such a waiver shall include with that request all medical and financial documents that support his request.

6. If the Federal Government provides any coverage ~~[of prescription]~~ for:

(a) *Prescription* drugs and pharmaceutical services ; or

(b) *Other benefits, including, without limitation, dental or vision benefits,*

↳ for senior citizens who are eligible for a subsidy pursuant to subsections 1 to 5, inclusive, the Department may, upon approval of the Legislature, or the Interim Finance Committee if the Legislature is not in session, change any program established pursuant to NRS 439.635 to 439.690, inclusive, and otherwise provide assistance with prescription drugs , ~~[and]~~ pharmaceutical services *and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits* for senior citizens within the limits of the money available for this purpose in the Fund for a Healthy Nevada.

7. The provisions of subsections 1 to 5, inclusive, do not apply ~~[if]~~ *to the extent that* the Department provides assistance ~~[with prescription drugs and pharmaceutical services]~~ for senior citizens pursuant to subsection 6.

Sec. 6. This act becomes effective on July 1, 2005.