

ASSEMBLY BILL NO. 182—ASSEMBLYMEN MCCLAIN, PARKS,
ALLEN, ARBERRY, ATKINSON, BOBZIEN, CLABORN,
CONKLIN, DENIS, GERHARDT, GRADY, HORNE, KIHUEN,
KIRKPATRICK, KOIVISTO, LESLIE, MANENDO, MARVEL,
MUNFORD, OHRENSCHALL, PARNELL, PIERCE, SEGERBLOM,
SMITH AND WOMACK

FEBRUARY 27, 2007

Referred to Concurrent Committees on
Health and Human Services and Ways and Means

SUMMARY—Makes various changes concerning the Fund for a
Healthy Nevada. (BDR 40-158)

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 public health; revising the percentages of and
the manner of allocating money in the Fund for a Healthy
Nevada for certain programs; removing the requirement
that certain allocations from the Fund be approved by the
Interim Finance Committee; revising provisions
governing the subsidies from the Fund for the cost of
prescription drugs, pharmaceutical services and certain
other benefits; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the Task Force for the Fund for a Healthy Nevada allocates
2 itself, or reserves for allocation or expenditure by the Department of Health and
3 Human Services or the Aging Services Division of that Department, certain
4 percentages of money in the Fund for a Healthy Nevada for certain programs and
5 services. (NRS 439.630) **Section 3** of this bill eliminates the role of the Aging
6 Services Division in making allocations of money from the Fund concerning
7 programs relating to senior citizens and requires the Task Force to make such
8 allocations itself.



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Section 3 of this bill revises the percentages of revenues deposited in the Fund that are required to be allocated for prescription drugs, pharmaceutical services and other benefits for senior citizens and for prescription drugs and pharmaceutical services for persons with disabilities, from 30 percent and 2.5 percent, respectively, to a combined total of 25 percent. **Section 3** also revises the percentages of revenues deposited in the Fund that are required to be expended for programs to assist senior citizens and persons with disabilities to live independently from 30 percent (minus \$350,000) and 7.5 percent, respectively, to a combined total of 50 percent (minus \$200,000).

Section 3 of this bill reduces from 20 percent to 10 percent the revenues allocated for programs relating to tobacco use and requires that the money be expended with a particular emphasis on programs that prevent the use of tobacco by children. **Section 3** also requires the Task Force to allocate 5 percent of the revenues deposited in the Fund to collect data, conduct research, perform assessments of needs and conduct evaluations concerning the allocations made by the Task Force. The remaining 10 percent of the revenues deposited in the Fund is allocated under existing law for programs that improve health services for children, and **section 3** requires that the money be expended with a particular emphasis on oral health.

Finally, **section 3** of this bill removes the requirement that the Interim Finance Committee approve a proposed allocation from the Fund which would be used to expand or augment an existing state program.

Existing law establishes a program to provide subsidies for senior citizens and persons with disabilities for the cost of prescription drugs and pharmaceutical services and, for senior citizens, other benefits, including, without limitation, dental and vision benefits. (NRS 439.635-439.690, 439.705-439.795) **Sections 4 and 5** of this bill specifically add hearing aids and other hearing devices to the list of benefits available for both senior citizens and persons with disabilities pursuant to these programs. **Section 5** also makes persons with disabilities eligible for the same additional benefits for which senior citizens are currently eligible under existing law, including, without limitation, dental and vision benefits. This bill also allows veterans to receive such benefits if they qualify as a senior citizen or person with a disability even if the veteran receives benefits or services for the same purpose from another source.

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

Section 1. 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



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1 entered into by the State of Nevada and a manufacturer of tobacco
2 products and all money recovered by the State of Nevada from a
3 judgment in a civil action against a manufacturer of tobacco
4 products be dedicated solely toward the achievement of the
5 following goals:

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

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

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

14 (d) Assisting senior citizens *and persons with disabilities* who
15 have modest incomes in purchasing prescription drugs,
16 pharmaceutical services and ~~[, to the extent money is available,]~~
17 other services, including, without limitation, dental and vision
18 services ~~[,]~~ *and hearing aids or other devices that enhance the*
19 *ability to hear*, and assisting those senior citizens *and persons with*
20 *disabilities* in meeting their needs related to health care, home care,
21 respite care and their ability to live independent of institutional care;
22 and

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

25 **Sec. 2.** NRS 439.620 is hereby amended to read as follows:

26 439.620 1. The Fund for a Healthy Nevada is hereby created
27 in the State Treasury. The State Treasurer shall deposit in the Fund:

28 (a) Fifty percent of all money received by this State pursuant to
29 any settlement entered into by the State of Nevada and a
30 manufacturer of tobacco products; and

31 (b) Fifty percent of all money recovered by this State from a
32 judgment in a civil action against a manufacturer of tobacco
33 products.

34 2. The State Treasurer shall administer the Fund. As
35 administrator of the Fund, the State Treasurer:

36 (a) Shall maintain the financial records of the Fund;

37 (b) Shall invest the money in the Fund as the money in other
38 state funds is invested;

39 (c) Shall manage any account associated with the Fund;

40 (d) Shall maintain any instruments that evidence investments
41 made with the money in the Fund;

42 (e) May contract with vendors for any good or service that is
43 necessary to carry out the provisions of this section; and

44 (f) May perform any other duties necessary to administer the
45 Fund.



3. The interest and income earned on the money in the Fund must, after deducting any applicable charges, be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.

4. Upon receiving a request from the State Treasurer or the Department for an allocation for administrative expenses from the Fund pursuant to this section, the Task Force for the Fund for a Healthy Nevada shall consider the request within 45 days after receipt of the request. If the Task Force approves the amount requested for allocation, the Task Force shall notify the State Treasurer of the allocation. If the Task Force does not approve the requested allocation within 45 days after receipt of the request, the State Treasurer or the Department, as applicable, may submit its request for allocation to the Interim Finance Committee. Except as otherwise limited by this subsection, the Interim Finance Committee may allocate all or part of the money so requested. The annual allocation for administrative expenses from the Fund, whether allocated by the Task Force or the Interim Finance Committee must not exceed:

(a) ~~Not more~~ **More** than 2 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the State Treasurer to administer the Fund;

(b) ~~Not more~~ **More** than 2.025 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department ~~[, including, without limitation, the Aging Services Division of the Department,]~~ to carry out its duties set forth in NRS 439.625 and 439.630;

(c) ~~Not more~~ **More** than 1.5 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department to administer the provisions of NRS 439.635 to 439.690, inclusive; and

(d) ~~Not more~~ **More** than 0.125 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department to administer the provisions of NRS 439.705 to 439.795, inclusive.

➤ For the purposes of this subsection, the amount of money available for allocation to pay for the administrative costs must be calculated at the beginning of each fiscal year based on the total amount of money anticipated by the State Treasurer to be deposited in the Fund during that fiscal year.

5. The money in the Fund remains in the Fund and does not revert to the State General Fund at the end of any fiscal year.

6. All money that is deposited or paid into the Fund is hereby appropriated to the Department and ~~[, except as otherwise provided in paragraphs (c) to (f), inclusive, and (j) of subsection 1 of~~



~~NRS 439.630,]~~ may only be expended pursuant to an allocation made by the Task Force for the Fund for a Healthy Nevada. Money expended from the Fund ~~[for a Healthy Nevada]~~ must not be used to supplant existing methods of funding that are available to public agencies.

Sec. 3. 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]~~ *Allocate* not more than ~~[30]~~ **25** 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, pharmaceutical services and ~~[, to the extent money is available,]~~ other benefits, including, without limitation, dental and vision benefits *and hearing aids or other devices that enhance the ability to hear*, for senior citizens pursuant to NRS 439.635 to 439.690, inclusive ~~[,]~~ *, and persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive.* From the money ~~[reserved]~~ *allocated* to the Department pursuant to this paragraph, the Department may subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and ~~[, to the extent money is available,]~~ other benefits, including, without limitation, dental and vision benefits *and hearing aids or other devices that enhance the ability to hear*, to senior citizens pursuant to NRS 439.635 to 439.690, inclusive ~~[,]~~ *, and persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive.* 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,]~~ **439.795**, inclusive. The Department shall submit a quarterly report to the Governor, the Task Force ~~[for the Fund for a~~



1 ~~Healthy Nevada~~] and the Interim Finance Committee regarding the
2 general manner in which expenditures have been made pursuant to
3 this paragraph and the status of the program.

4 (d) ~~[Reserve]~~ *Allocate, by contract or grant, for expenditure*
5 not more than ~~[30]~~ 50 percent minus ~~[\$350,000]~~ \$200,000 of all
6 revenues deposited in the Fund ~~[for a Healthy Nevada]~~ each year
7 ~~[for allocation by the Aging Services Division of the Department in~~
8 ~~the form of grants]~~ for existing or new programs that assist senior
9 citizens *and persons with disabilities* with independent living,
10 including, without limitation, programs that provide:

11 (1) Respite care or relief of family caretakers;

12 (2) Transportation to new or existing services to assist senior
13 citizens *and persons with disabilities* in living independently; ~~[and]~~

14 (3) *Assistance with living safely and independently in the*
15 *community outside of an institutional setting; and*

16 (4) Care in the home which allows senior citizens *and*
17 *persons with disabilities* to remain at home instead of in
18 institutional care.

19 ~~[→ The Aging Services Division of the Department shall consider~~
20 ~~recommendations from the Task Force for the Fund for a Healthy~~
21 ~~Nevada concerning the independent living needs of senior citizens.~~

22 ~~—(e) Reserve]~~

23 (e) *Allocate* not more than \$200,000 of all revenues deposited in
24 the Fund ~~[for a Healthy Nevada]~~ each year for ~~[allocation]~~ *direct*
25 *expenditure* by the Director to:

26 (1) Provide guaranteed funding to finance assisted living
27 facilities that satisfy the criteria for certification set forth in NRS
28 319.147; and

29 (2) Fund assisted living facilities that satisfy the criteria for
30 certification set forth in NRS 319.147 and assisted living supportive
31 services that are provided pursuant to the provisions of the home
32 and community-based services waiver which are amended pursuant
33 to NRS 422.2708.

34 → The Director shall develop policies and procedures for ~~[allocating~~
35 ~~money which is reserved]~~ *distributing the money allocated* pursuant
36 to this paragraph.

37 (f) ~~[Reserve \$150,000 of all revenues deposited in the Fund for a~~
38 ~~Healthy Nevada each year, if available, for allocation by the Aging~~
39 ~~Services Division of the Department in the form of contracts or~~
40 ~~grants for existing or new programs that provide dental benefits to~~
41 ~~persons who are domiciled in this State and are 62 years of age or~~
42 ~~older;~~

43 ~~—(1) Who satisfy the residency requirement set forth in~~
44 ~~subsection 2 of NRS 439.665; and~~



~~— (2) Whose incomes are not over the amounts set forth in subsection 2 of NRS 439.665, as adjusted pursuant to the provisions of that section.~~

~~— (g) Allocate, by contract or grant, for expenditure not more than [20] 10 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 [~~

~~(h)] , with particular emphasis on programs that prevent the use of tobacco by children.~~

~~(g) 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 [~~

~~(i) 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.~~

~~(j) 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 subsidize any portion of the cost of providing prescription drugs and pharmaceutical services to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive. The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in carrying out the provisions of NRS 439.705 to 439.795, inclusive.~~

~~— (k)] , with particular emphasis on programs that improve the oral health of children.~~

(h) Allocate, by contract or grant, for expenditure not more than 5 percent of all revenues deposited in the Fund each year to collect data, conduct research, perform assessments of needs and conduct evaluations concerning the money allocated pursuant to this section.

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



~~{(l)}~~ (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.

~~{(m)}~~ (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, state colleges 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.

~~{(n)}~~ (l) To make the allocations required by paragraphs (d), (f) and (g) : ~~{, (h) and (i)}~~

- (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.

~~{(o)}~~ (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 paragraphs (d) and (f) 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, contracts 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 allocations made by the Aging Services Division pursuant to paragraphs (d) and (f) of subsection 1 to the Governor and the Interim Finance Committee.~~

~~5. The Aging Services Division of the Department shall submit each proposed grant or contract which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant or contract 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 providing prescription drugs and pharmaceutical services to senior citizens pursuant to NRS 439.635 to 439.690, inclusive, or to subsidize any portion of the cost of providing prescription drugs and pharmaceutical services to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive.~~

~~—6. The Department, on behalf of the Task Force, shall submit each allocation proposed pursuant to paragraph (g), (h) or (i) 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.] A veteran may receive benefits or other services which are available from the money allocated pursuant to this section for senior citizens or persons with disabilities and which are in addition to any other benefits or services provided to the veteran for the same purpose if the veteran qualifies for the benefits or services as a senior citizen or a person with a disability, or both.~~

Sec. 4. NRS 439.665 is hereby amended to read as follows:

439.665 1. The Department may:

(a) Enter into contracts with private insurers who transact health insurance in this State to subsidize the cost of prescription drugs, pharmaceutical services and ~~[, to the extent money is available,]~~ other benefits, including, without limitation, dental and vision benefits ~~[,]~~ *and hearing aids or other devices that enhance the ability to hear*, for senior citizens by arranging for the availability, at a reasonable cost, of policies of health insurance that provide coverage to senior citizens for prescription drugs, pharmaceutical services and ~~[, to the extent money is available,]~~ other benefits, including, without limitation, dental and vision benefits ~~[,]~~ *and hearing aids or other devices that enhance the ability to hear*; or

(b) Subsidize the cost of prescription drugs, pharmaceutical services and ~~[, to the extent money is available,]~~ other benefits, including, without limitation, dental and vision benefits ~~[,]~~ *and hearing aids or other devices that enhance the ability to hear*, for senior citizens in any other manner.

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 subsidy that is made available pursuant to subsection 1 is entitled to an annual grant from the Fund



1 to subsidize the cost of prescription drugs, pharmaceutical services
2 and ~~[, to the extent money is available,]~~ other benefits, including,
3 without limitation, dental and vision benefits ~~[,]~~ *and hearing aids or*
4 *other devices that enhance the ability to hear,* if he has been
5 domiciled in this State for at least 1 year immediately preceding the
6 date of his application and ~~[,]~~ *except as otherwise provided in*
7 *subsection 5:*

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

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

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

17 3. The subsidy granted pursuant to this section must not exceed
18 the annual cost of prescription drugs, pharmaceutical services and
19 other benefits , *including, without limitation, dental and vision*
20 *benefits and hearing aids or other devices that enhance the ability*
21 *to hear,* provided to the senior citizen.

22 4. A subsidy that is made available pursuant to subsection 1
23 must provide for:

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

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

30 5. The Department may waive the eligibility requirement set
31 forth in subsection 2 regarding household income upon written
32 request of the applicant or enrollee based on one or more of the
33 following circumstances:

34 (a) Illness;

35 (b) Disability; or

36 (c) Extreme financial hardship, when considering the current
37 financial circumstances of the applicant or enrollee.

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

41 6. If the Federal Government provides any coverage for:

42 (a) Prescription drugs and pharmaceutical services; or

43 (b) Other benefits, including, without limitation, dental or vision
44 benefits ~~[,]~~ *or hearing aids or other devices that enhance the*
45 *ability to hear,*



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

12 7. The provisions of subsections 1 to 5, inclusive, do not apply
13 to the extent that the Department provides assistance *with*
14 *prescription drugs, pharmaceutical services and other benefits,*
15 *including, without limitation, dental and vision benefits and*
16 *hearing aids or other devices that enhance the ability to hear*, for
17 senior citizens pursuant to subsection 6.

18 8. *A veteran may receive assistance with prescription drugs,*
19 *pharmaceutical services and other benefits, including, without*
20 *limitation, dental and vision benefits and hearing aids or other*
21 *devices that enhance the ability to hear, pursuant to this section*
22 *which are in addition to any other services or benefits provided to*
23 *the veteran for the same purpose if the veteran qualifies for the*
24 *assistance as a senior citizen.*

25 **Sec. 5.** NRS 439.745 is hereby amended to read as follows:
26 439.745 1. The Department may:

27 (a) Enter into contracts with private insurers who transact health
28 insurance in this State to subsidize the cost of prescription drugs ,
29 ~~[and]~~ pharmaceutical services *and other benefits, including,*
30 *without limitation, dental and vision benefits and hearing aids or*
31 *other devices that enhance the ability to hear*, for persons with
32 disabilities by arranging for the availability, at a reasonable cost, of
33 policies of health insurance that provide coverage to persons with
34 disabilities for prescription drugs , ~~[and]~~ pharmaceutical services ~~[;~~
35 *and other benefits, including, without limitation, dental and vision*
36 *benefits and hearing aids or other devices that enhance the ability*
37 *to hear; or*

38 (b) Subsidize the cost of prescription drugs , ~~[and]~~
39 pharmaceutical services *and other benefits, including, without*
40 *limitation, dental and vision benefits and hearing aids or other*
41 *devices that enhance the ability to hear*, for persons with
42 disabilities in any other manner.

43 2. Within the limits of the money available for this purpose in
44 the Fund for a Healthy Nevada, a person with a disability who is not
45 eligible for Medicaid and who is eligible for a subsidy for the cost of



1 prescription drugs , ~~and~~ pharmaceutical services *and other*
2 *benefits, including, without limitation, dental and vision benefits*
3 *and hearing aids or other devices that enhance the ability to hear*
4 that is made available pursuant to subsection 1 is entitled to an
5 annual grant from the Fund to subsidize the cost of prescription
6 drugs , ~~and~~ pharmaceutical services ~~and~~ *and other benefits,*
7 *including, without limitation, dental and vision benefits and*
8 *hearing aids or other devices that enhance the ability to hear,* if he
9 has been domiciled in this State for at least 1 year immediately
10 preceding the date of his application and ~~and~~ *except as otherwise*
11 *provided in subsection 5:*

12 (a) If the person with a disability is single, his income is not
13 over \$21,500; or

14 (b) If the person with a disability is married, his household
15 income is not over \$28,660.

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

21 3. The subsidy granted pursuant to this section must not exceed
22 the annual cost of prescription drugs , ~~and~~ pharmaceutical services
23 *and other benefits, including, without limitation, dental and vision*
24 *benefits and hearing aids or other devices that enhance the ability*
25 *to hear,* provided to the person with a disability.

26 4. A subsidy that is made available pursuant to subsection 1
27 must provide for:

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

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

34 5. The Department may waive the eligibility requirement set
35 forth in subsection 2 regarding household income upon written
36 request of the applicant or enrollee based on one or more of the
37 following circumstances:

38 (a) Illness;

39 (b) Disability; or

40 (c) Extreme financial hardship, when considering the current
41 financial circumstances of the applicant or enrollee.

42 ➔ An applicant or enrollee who requests such a waiver shall include
43 with that request all medical and financial documents that support
44 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 or hearing aids or other devices that enhance the ability to hear,*

↳ for persons with disabilities 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 439.705 to 439.795, inclusive, and otherwise provide assistance with prescription drugs , ~~and~~ pharmaceutical services *and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,* for persons with disabilities 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 the Department provides assistance with prescription drugs , ~~and~~ pharmaceutical services *and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,* for persons with disabilities pursuant to subsection 6.

8. *A veteran may receive assistance with prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, pursuant to this section which are in addition to any other services or benefits provided to the veteran for the same purpose if the veteran qualifies for the assistance as a person with a disability.*

Sec. 6. NRS 218.6827 is hereby amended to read as follows:

218.6827 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, and 353.335, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.620, ~~439.630,~~ 445B.830 and 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the



1 Chairman of the Interim Finance Committee to determine the action
2 of the Interim Finance Committee as a whole.

3 **Sec. 7.** 1. Any money allocated or reserved for direct
4 expenditure pursuant to paragraph (f) or (j) of subsection 1 of NRS
5 439.630 on or before June 30, 2008, that is unspent and returned
6 must be allocated, on and after July 1, 2008, in accordance with the
7 amendatory provisions of paragraph (c) of subsection 1 of
8 NRS 439.630.

9 2. Any money allocated pursuant to paragraph (i) of subsection
10 1 of NRS 439.630 on or before June 30, 2008, that is unspent and
11 returned must be allocated, on and after July 1, 2008, in accordance
12 with the amendatory provisions of paragraph (d) of subsection 1 of
13 NRS 439.630.

14 **Sec. 8.** 1. This section and section 7 of this act become
15 effective on July 1, 2007.

16 2. Sections 1 to 6, inclusive, of this act become effective on
17 July 1, 2008.

