
ASSEMBLY BILL NO. 390—ASSEMBLYMEN COBB, BEERS, ALLEN,
GOEDHART, GOICOECHEA, GRADY, MABEY, MARVEL,
SETTELMAYER, STEWART AND WEBER

MARCH 16, 2007

Referred to Committee on Health and Human Services

SUMMARY—Requires that the State Plan for Medicaid provide for allowing recipients of Medicaid greater control and flexibility in administering personal assistance services. (BDR 38-1113)

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

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

AN ACT relating to public welfare; requiring that the State Plan for Medicaid provide for allowing recipients of Medicaid greater control and flexibility in administering personal assistance services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides for the administration of many welfare programs
2 pursuant to federal law, including the plan commonly known as Medicaid. (Chapter
3 422 of NRS) This bill requires the Director of the Department of Health and
4 Human Services to include in the State Plan for Medicaid a program allowing
5 recipients of Medicaid discretion in self-directing personal assistance services if the
6 recipient qualifies for such services. Development of self-directed personal services
7 removes the State as a provider of personal assistance services. The Director is
8 required to exercise an option under federal law to allow a recipient of Medicaid to
9 use the person's individual budget to acquire items that increase independence or
10 substitute for human assistance, but he is prohibited from exercising the option
11 under federal law that allows a person to make payments to relatives who are
12 legally liable for the recipient as providers of services.



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

Section 1. Chapter 422 of NRS is hereby amended by adding
thereto a new section to read as follows:

*1. The Director shall include in the State Plan for Medicaid
the program of self-directed personal services authorized pursuant
to 42 U.S.C. § 1396n(j).*

2. The Director:

*(a) Shall exercise the option pursuant to 42 U.S.C. §
1396n(j)(4)(B)(ii) to allow a recipient of Medicaid to use the
recipient's budget to acquire items that increase independence or
substitute for human assistance, to the extent that expenditures
would otherwise be made for human assistance.*

*(b) Shall not exercise the option pursuant to 42 U.S.C. §
1396n(j)(4)(B)(i) to allow payment of legally liable relatives as
providers of the services.*

