

SENATE BILL NO. 452—COMMITTEE ON FINANCE

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Health and Human Services

SUMMARY—Eliminates the Medicaid waiver carried out pursuant to the Health Insurance Flexibility and Accountability demonstration initiative. (BDR 38-1198)

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 welfare; eliminating the requirement that the Director of the Department of Health and Human Services apply for a Medicaid waiver pursuant to the Health Insurance Flexibility and Accountability demonstration initiative; requiring the transfer of certain money that is set aside for the costs of carrying out the program established pursuant to the waiver; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the Director of the Department of Health and Human
2 Services is required to apply to the Federal Government for a Medicaid waiver
3 pursuant to the Health Insurance Flexibility and Accountability demonstration
4 initiative or any succeeding program. The waiver provides limited health care
5 benefits through Medicaid and the Children's Health Insurance Program to certain
6 persons who are otherwise ineligible for Medicaid. (NRS 422.2726-422.2729)
7 **Sections 1-4** of this bill eliminate the requirement for the waiver as of
8 November 30, 2011, and revise appropriate statutory provisions to remove
9 references to the waiver. **Section 5** of this bill provides a limitation on the period in
10 which claims against the Health Insurance Flexibility and Accountability Holding
11 Account may be submitted and provides for the transfer of money in the Account to
12 the State General Fund and the Fund for Hospital Care for Indigent Persons in
13 equal amounts.



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

1 **Section 1.** NRS 422.240 is hereby amended to read as follows:
2 422.240 1. Money to carry out the provisions of this chapter,
3 including, without limitation, any federal money allotted to the State
4 of Nevada pursuant to the program to provide Temporary Assistance
5 for Needy Families and the Program for Child Care and
6 Development, must, except as otherwise provided in NRS
7 ~~[422.2726 to 422.2729, inclusive,]~~ 422.3755 to 422.379, inclusive,
8 and 439.630, be provided by appropriation by the Legislature from
9 the State General Fund.

10 2. Disbursements for the purposes of this chapter must, except
11 as otherwise provided in NRS ~~[422.2726 to 422.2729, inclusive,]~~
12 422.3755 to 422.379, inclusive, and 439.630, be made upon claims
13 duly filed and allowed in the same manner as other money in the
14 State Treasury is disbursed.

15 **Sec. 2.** NRS 428.275 is hereby amended to read as follows:
16 428.275 1. The board of county commissioners of a county
17 shall before July 1, 1985, by ordinance, create in the county treasury
18 a fund to be designated as the fund for medical assistance to
19 indigent persons.

20 2. The money in the fund must be used in the manner set forth
21 in NRS 428.295 . ~~[and to fund, in part, the waiver obtained pursuant~~
22 ~~to NRS 422.2726 and any program established pursuant to~~
23 ~~NRS 422.2728.]~~

24 3. All money collected or recovered pursuant to this section
25 and NRS 428.285, and the interest earned on the money in the fund
26 must be deposited for credit to the fund. Claims against the fund
27 must be paid on claims approved by the board of county
28 commissioners. Any money remaining in the fund at the end of any
29 fiscal year does not revert to the county general fund.

30 **Sec. 3.** NRS 428.305 is hereby amended to read as follows:
31 428.305 1. The Supplemental Account for Medical
32 Assistance to Indigent Persons is created in the Fund for Hospital
33 Care for Indigent Persons. The interest earned on the money in the
34 Supplemental Account must be deposited for credit to the
35 Supplemental Account.

36 2. ~~[Beginning with the fiscal year that begins on July 1, 2005,~~
37 ~~at the end of each quarter of a fiscal year, the balance in the~~
38 ~~Supplemental Account must be transferred to the Health Insurance~~
39 ~~Flexibility and Accountability Holding Account in the State General~~
40 ~~Fund in an amount not to exceed the amount of any appropriation~~
41 ~~provided by the Legislature to fund a program established pursuant~~
42 ~~to NRS 422.2728.]~~



1 ~~—3.]~~ Any money remaining in the ~~[Health Insurance Flexibility~~
2 ~~and Accountability Holding]~~ **Supplemental** Account at the end of
3 each fiscal year reverts to the Fund for Hospital Care to Indigent
4 Persons and to the State General Fund in equal amounts.

5 **Sec. 4.** NRS 422.2726, 422.2727, 422.2728 and 422.2729 are
6 hereby repealed.

7 **Sec. 5.** 1. A person shall not provide services or care for
8 reimbursement from a program carried out pursuant to a Medicaid
9 waiver pursuant to the Health Insurance Flexibility and
10 Accountability demonstration initiative on or after November 30,
11 2011.

12 2. Any claim against the Health Insurance Flexibility and
13 Accountability Holding Account must be submitted to the Director
14 of the Department of Health and Human Services or a designee of
15 the Director on or before December 31, 2011.

16 3. Any money in the Health Insurance Flexibility and
17 Accountability Holding Account on November 30, 2011, must not
18 be committed for expenditure on or after January 31, 2012.

19 4. As soon as practicable on or after February 1, 2012, the
20 State Controller shall transfer any money remaining in the Health
21 Insurance Flexibility and Accountability Holding Account which is
22 not committed for expenditure in equal amounts to the State General
23 Fund and the Fund for Hospital Care for Indigent Persons.

24 **Sec. 6.** This act becomes effective on November 30, 2011.

LEADLINES OF REPEALED SECTIONS

422.2726 Medicaid waiver pursuant to Health Insurance Flexibility and Accountability demonstration initiative: Application by Director; consideration of recommendations from certain entities.

422.2727 Medicaid waiver pursuant to Health Insurance Flexibility and Accountability demonstration initiative: Requirements of application.

422.2728 Medicaid waiver pursuant to Health Insurance Flexibility and Accountability demonstration initiative: Establishment of program to implement waiver; regulations; quarterly report.



422.2729 Medicaid waiver pursuant to Health Insurance Flexibility and Accountability demonstration initiative: Funding of program.

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