

ASSEMBLY BILL NO. 1—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF CLARK COUNTY)

PREFILED DECEMBER 19, 2012

Referred to Committee on Health and Human Services

SUMMARY—Requires the Director of the Department of Health and Human Services to include certain requirements in the State Plan for Medicaid. (BDR 38-392)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; providing for the inclusion in the State Plan for Medicaid of emergency care, including dialysis, for patients with kidney failure; providing for the presumptive eligibility for Medicaid of certain applicants for assistance under the Supplemental Security Income Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires the Director of the Department of Health and Human Services to include in the State Plan for Medicaid a requirement that the State cover certain costs of emergency care, including dialysis, provided to patients with kidney failure.

Existing federal law stipulates that persons with disabilities who receive assistance pursuant to the Supplemental Security Income Program are also eligible for Medicaid coverage. (42 U.S.C. § 1396a(a)(10)(II)(aa)) **Section 3** of this bill requires the Director of the Department to include in the State Plan for Medicaid a program to provide a preliminary determination of eligibility for a person with a disability who applies for assistance under the Supplemental Security Income Program. **Section 3** also provides that if a preliminary determination is made that the person is eligible for the Supplemental Security Income Program, the person must be made eligible for Medicaid.



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 the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The Director shall include in the State Plan for Medicaid a requirement that the State shall pay the nonfederal share of expenses incurred in the administration of dialysis that is provided to stabilize a patient with kidney failure and further emergency care necessary for the treatment of such kidney failure.*

2. For the purposes of this section, "dialysis" means the method by which a dissolved substance is removed from the body of a patient by diffusion, osmosis and convection from one fluid compartment to another fluid compartment across a semipermeable membrane.

Sec. 3. 1. *The Director shall include in the State Plan for Medicaid:*

(a) A program for making a preliminary determination about whether an applicant who is a person with a disability is eligible for assistance under the Supplemental Security Income Program; and

(b) A requirement that a person for whom a preliminary determination has been made that the person is eligible for assistance under the Supplemental Security Income Program is eligible for Medicaid.

2. If a person is made eligible for Medicaid pursuant to subsection 1, the person remains eligible for Medicaid if there is a final determination that he or she is eligible for the Supplemental Security Income Program. If it is determined that the person is not eligible for the Supplemental Security Income Program, he or she is no longer eligible for Medicaid.

3. A person who is determined not eligible for the Supplemental Security Income Program must not be required to reimburse Medicaid for any expenses incurred by Medicaid in providing coverage to the person pending that determination.

Sec. 4. NRS 422.270 is hereby amended to read as follows:

422.270 The Department shall:

1. Administer all public welfare programs of this State, including:

- (a) State Supplementary Assistance;
- (b) Temporary Assistance for Needy Families;
- (c) Medicaid;
- (d) Food Stamp Assistance;
- (e) Low-Income Home Energy Assistance;
- (f) The Program for Child Care and Development;



(g) The Program for the Enforcement of Child Support;
(h) The Children's Health Insurance Program; and
(i) Other welfare activities and services provided for by the laws of this State.

2. Act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the State of Nevada to aid in the furtherance of any of the services and activities set forth in subsection 1.

3. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of welfare programs, and in increasing the efficiency of welfare programs by prompt and judicious use of new federal grants which will assist the Department in carrying out the provisions of this chapter.

4. Observe and study the changing nature and extent of welfare needs and develop through tests and demonstrations effective ways of meeting those needs and employ or contract for personnel and services supported by legislative appropriations from the State General Fund or money from federal or other sources.

5. Enter into reciprocal agreements with other states relative to public assistance, welfare services and institutional care, when deemed necessary or convenient by the Director.

6. Make such agreements with the Federal Government as may be necessary to carry out the Supplemental Security Income Program **††**, *including, without limitation, any agreement which may be necessary to carry out the provisions of section 3 of this act.*

➤ As used in this section, "Program for the Enforcement of Child Support" means the program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and any other provisions of that act relating to the enforcement of child support.

Sec. 5. This act becomes effective on July 1, 2013.

