

Amendment No. 169

Assembly Amendment to Assembly Bill No. 8

(BDR 38-315)

Proposed by: Assembly Committee on Health and Human Services**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

EWR/RBL



Date: 4/9/2013

A.B. No. 8—Makes various changes to provisions governing public welfare.

(BDR 38-315)



ASSEMBLY BILL NO. 8—COMMITTEE ON
HEALTH AND HUMAN SERVICES(ON BEHALF OF THE DIVISION OF WELFARE
AND SUPPORTIVE SERVICES)

PREFILED DECEMBER 19, 2012

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes to provisions governing public welfare.
(BDR 38-315)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; revising provisions governing the duties of the Division of Health Care Financing and Policy and the Division of Welfare and Supportive Services of the Department of Health and Human Services; repealing certain programs relating to Medicaid and public assistance; **abolishing the State Board of Welfare and Supportive Services;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1, 2, 4-11, 15, 16 and 30 of this bill make various changes to remove some of the overlap between the chapters governing the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Division of Welfare and Supportive Services of the Department to reflect more clearly the duties of each division. (Chapters 422 and 422A of NRS) With these changes, chapter 422 of NRS, which concerns health care financing and policy, concentrates on the duties of the Division of Health Care Financing and Policy with respect to Medicaid and the Children's Health Insurance Program and chapter 422A of NRS, which concerns welfare and supportive services, concentrates on the duties of the Division of Welfare and Supportive Services with respect to all programs that provide public assistance.

Section 30 of this bill repeals various provisions of existing law relating to Medicaid, the Children's Health Insurance Program and other programs which provide public assistance to accomplish that separation. **Sections 1 and 15** of this bill reenact some of those repealed provisions in the appropriate chapter based upon which Division is responsible. (NRS 232.354, 422.29308) In addition, **sections 4-9 and 11** of this bill limit certain provisions which are within the duties of the Division of Health Care Financing and Policy so that they apply only to Medicaid and the Children's Health Insurance Program. **Section 16** of this bill adds a section to the chapter concerning welfare and supportive services that duplicates a similar provision which, as amended in **section 11**, applies only to Medicaid and the Children's Health Insurance Program to continue to allow the Division of Welfare and

Supportive Services to recover from recipients of public assistance or their estates certain amounts which were incorrectly paid to the recipients. (NRS 422.29304)

Sections 3, 20 and 24 of this bill replace the term “alien” with “person who is not a citizen or national of the United States” in provisions concerning the eligibility of persons who are not citizens or nationals of the United States for Medicaid and welfare programs. (NRS 422.065, 422A.085, 422A.265)

Sections 18, 19 and 23 of this bill replace references to the federal Food Stamp Program with references to the Supplemental Nutrition Assistance Program for consistency with current federal law. (7 U.S.C. §§ 2011 et seq.)

Section 21 of this bill removes the requirement that the Administrator of the Division of Welfare and Support Services be a college graduate with a degree in a field of social science, public administration, business administration or a related field and instead requires the Director to give preference to a person who has such a degree when appointing the Administrator. (NRS 422A.155)

Section 30 of this bill abolishes the State Board of Welfare and Supportive Services, which, under existing law, makes recommendations concerning the administration of public assistance. (NRS 422A.010, 422A.110-422A.135, 422A.165) **Section 30** also repeals provisions of chapter 422A of NRS concerning certain family planning and prenatal care programs that are duplicated in chapter 422 of NRS. (NRS ~~422.284, 422.287,~~ 422A.310, 422A.315)

Section 29 of this bill makes permanent the authorization in existing law for the Department to contract with certain motor carriers to transport recipients of services pursuant to the Children’s Health Insurance Program who travel to and from providers of services. (NRS 422.2705; Section 2 of Chapter 392, Statutes of Nevada 2011, at p. 2470)

~~Section 20 of this bill repeals existing law that requires the Division of Welfare and Supportive Services to identify and refer recipients of public assistance who are victims of domestic violence. (NRS 422A.350) Section 20 further repeals provisions requiring recipients of public assistance to ensure that dependent children are properly vaccinated and attending school as a condition to receipt of public assistance. (NRS 422A.355, 422A.360)~~

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 Department, with respect to the State Plan for Medicaid and the Children’s Health Insurance Program, shall report every rate of reimbursement for physicians which is provided on a fee-for-service basis and which is lower than the rate provided on the current Medicare fee schedule for care and services provided by physicians.

2. The Director shall post on an Internet website maintained by the Department a schedule of such rates of reimbursement.

3. The Director shall, on or before February 1 of each year, submit a report concerning the schedule of such rates of reimbursement to the Director of the Legislative Counsel Bureau for transmittal to the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 2. NRS 422.050 is hereby amended to read as follows:

422.050 ~~“Public assistance” includes:~~
~~—(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; and~~

~~(g) Benefits provided pursuant to any other public welfare program administered by the Division pursuant to such additional federal legislation as is not inconsistent with the purposes of this chapter.~~

~~2. The term does not include the Children's Health Insurance Program.] has the meaning ascribed to it in NRS 422A.065.~~

Sec. 3. NRS 422.065 is hereby amended to read as follows:

422.065 1. Notwithstanding any other provision of state or local law, a person or governmental entity that provides a state or local public benefit:

(a) Shall comply with the provisions of 8 U.S.C. § 1621 regarding the eligibility of ~~an alien~~ *a person who is not a citizen or national of the United States* for such a benefit.

(b) Is not required to pay any costs or other expenses relating to the provision of such a benefit after July 1, 1997, to ~~an alien~~ *a person who is not a citizen or national of the United States* who, pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

2. Compliance with the provisions of 8 U.S.C. § 1621 must not be construed to constitute any form of discrimination, distinction or restriction made, or any other action taken, on the basis of national origin.

3. As used in this section, "state or local public benefit" has the meaning ascribed to it in 8 U.S.C. § 1621.

Sec. 4. NRS 422.240 is hereby amended to read as follows:

422.240 1. Money to carry out the provisions of this chapter, including, without limitation, any federal money allotted to the State of Nevada pursuant to the ~~[program to provide Temporary Assistance for Needy Families and the Program for Child Care and Development,] State Plan for Medicaid, the Children's Health Insurance Program or any other program for which the Division is responsible~~ must, except as otherwise provided in NRS 422.3755 to 422.379, inclusive, and 439.630, be provided by appropriation by the Legislature from the State General Fund.

2. Disbursements for the purposes of this chapter must, except as otherwise provided in NRS 422.3755 to 422.379, inclusive, and 439.630, be made upon claims duly filed and allowed in the same manner as other money in the State Treasury is disbursed.

Sec. 5. NRS 422.265 is hereby amended to read as follows:

422.265 If Congress passes any law increasing the participation of the Federal Government in ~~the Nevada program for public assistance,~~ *any program for which the Division is responsible*, whether relating to eligibility for assistance or otherwise:

1. The Director may accept, with the approval of the Governor, the increased benefits of such congressional legislation; and

2. The Administrator may adopt any regulations required by the Federal Government as a condition of acceptance.

Sec. 6. 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.~~
Medicaid and the Children's Health Insurance Program.

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.~~ **Medicaid and the Children's Health Insurance Program.**

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.~~ **Medicaid and the Children's Health Insurance Program** and in increasing the efficiency of ~~welfare programs.~~ **Medicaid and the Children's Health Insurance Program** 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 **for Medicaid and the Children's Health Insurance Program** 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.~~ **Medicaid** 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.~~

~~7. 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. 7. NRS 422.276 is hereby amended to read as follows:

422.276 1. Subject to the provisions of subsection 2, if an application for ~~public assistance.~~ **Medicaid or the Children's Health Insurance Program** or a claim for ~~services.~~ **benefits from either program** is not acted upon by the ~~Department.~~ **Division** within a reasonable time after the filing of the application or claim for ~~services.~~ **benefits**, or is denied in whole or in part, or if any ~~grant of public assistance or.~~ claim for ~~services.~~ **benefits** is reduced, suspended or terminated, the applicant ~~for.~~ or recipient ~~of public assistance or services.~~ may appeal to the ~~Department.~~ **Division** and may be represented in the appeal by counsel or other representative chosen by the applicant or recipient.

2. Upon the initial decision to deny, reduce, suspend or terminate ~~public assistance or services.~~ **benefits**, the ~~Department.~~ **Division** shall notify that applicant or recipient of its decision, the regulations involved and the right to request a hearing within a certain period. If a request for a hearing is received within that period, the ~~Department.~~ **Division** shall notify that person of the time, place and nature of the hearing. The ~~Department.~~ **Division** shall provide an opportunity for a hearing of that appeal and shall review the case regarding all matters alleged in that appeal.

3. The ~~Department.~~ **Division** is not required to grant a hearing pursuant to this section if the request for the hearing is based solely upon the provisions of a federal law or a law of this State that requires an automatic adjustment to the ~~amount of public assistance or services.~~ **benefits** that may be received by an applicant or recipient.

Sec. 8. NRS 422.277 is hereby amended to read as follows:

422.277 1. At any hearing held pursuant to the provisions of subsection 2 of NRS 422.276, opportunity must be afforded all parties to respond and present evidence and argument on all issues involved.

2. Unless precluded by law, informal disposition may be made of any hearing by stipulation, agreed settlement, consent order or default.

3. The record of a hearing must include:

(a) All pleadings, motions and intermediate rulings.

(b) Evidence received or considered.

(c) Questions and offers of proof and objections, and rulings thereon.

(d) Any decision, opinion or report by the hearing officer presiding at the hearing.

4. Oral proceedings, or any part thereof, must be transcribed on request of any party seeking judicial review of the decision.

5. Findings of fact must be based exclusively on substantial evidence.

6. Any employee or other representative of the ~~{Department}~~ *Division* who investigated or made the initial decision to deny, modify or cancel ~~{a grant of public assistance or services}~~ *benefits provided pursuant to Medicaid or the Children's Health Insurance Program* shall not participate in the making of any decision made pursuant to the hearing.

Sec. 9. NRS 422.2785 is hereby amended to read as follows:

422.2785 1. A decision or order issued by a hearing officer must be in writing. A final decision must include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory or regulatory language, must be accompanied by a concise and explicit statement of the underlying facts supporting the findings. A copy of the decision or order must be delivered by certified mail to each party and to the attorney or other representative of each party.

2. The ~~{Department}~~ *Division* or an applicant for or recipient of ~~{public assistance or services}~~ *benefits provided pursuant to Medicaid or the Children's Health Insurance Program* may, at any time within 90 days after the date on which the written notice of the decision is mailed, petition the district court of the judicial district in which the applicant for or recipient of ~~{public assistance or services}~~ *benefits provided pursuant to Medicaid or the Children's Health Insurance Program* resides to review the decision. The district court shall review the decision on the record of the case before the hearing officer. The decision and record must be certified as correct and filed with the clerk of the court by the ~~{Department}~~ *Division*.

Sec. 10. NRS 422.29301 is hereby amended to read as follows:

422.29301 The Director:

1. Shall administer the provisions of NRS 422.29302 ~~{to 422.29308, inclusive}~~, *422.29304 and 422.29306*;

2. May adopt such regulations as are necessary for the administration of those provisions; and

3. May invoke any legal, equitable or special procedures for the enforcement of those provisions.

Sec. 11. NRS 422.29304 is hereby amended to read as follows:

422.29304 1. Except as otherwise provided in this section, the Department shall, to the extent that it is not prohibited by federal law, recover from a recipient of ~~{public assistance, the estate of the recipient}~~ *Medicaid* the undivided estate of a recipient of Medicaid or a person who signed the application for ~~{public assistance}~~ *Medicaid* or for admission to a nursing facility on behalf of the recipient an amount not to exceed the amount ~~{of public assistance}~~ incorrectly paid ~~{to}~~ *on behalf of* the recipient, if the person who signed the application:

(a) Failed to report any required information to the Department or the nursing facility that the person knew at the time the person signed the application;

(b) Refused to provide financial information regarding the recipient's income and assets, including, without limitation, information regarding any transfers or assignments of income or assets;

(c) Concealed information regarding the existence, transfer or disposition of the recipient's income and assets with the intent of enabling a recipient to meet any eligibility requirement for ~~public assistance;~~ **Medicaid;**

(d) Made any false representation regarding the recipient's income and assets, including, without limitation, any information regarding any transfers or assignments of income or assets; or

(e) Failed to report to the Department or the nursing facility within the period allowed by the Department any required information that the person obtained after the person filed the application.

2. Except as otherwise provided in this section, a recipient of ~~incorrectly paid public assistance;~~ **Medicaid**, the undivided estate of a recipient of Medicaid or a person who signed the application for ~~public benefits;~~ **Medicaid** or ~~for~~ admission to a nursing facility on behalf of the recipient shall reimburse the Department or appropriate state agency for the value of ~~the false~~ amount incorrectly paid ~~public assistance;~~ **on behalf of the recipient.**

3. The Director or a person designated by the Director may, to the extent that it is not prohibited by federal law, determine the amount of, and settle, adjust, compromise or deny a claim against a recipient of ~~public assistance, the estate of the recipient;~~ **Medicaid**, the undivided estate of a recipient of Medicaid or a person who signed the application for ~~public assistance;~~ **Medicaid** or ~~for~~ admission to a nursing facility on behalf of the recipient.

4. The Director may, to the extent that it is not prohibited by federal law, waive the repayment of ~~public assistance~~ amounts incorrectly paid ~~to a recipient~~ **on behalf of a recipient of Medicaid** if the incorrect payment was not the result of an intentional misrepresentation or omission by the recipient and if repayment would cause an undue hardship to the recipient. The Director shall, by regulation, establish the terms and conditions of such a waiver, including, without limitation, the circumstances that constitute undue hardship.

Sec. 12. NRS 422.410 is hereby amended to read as follows:

422.410 1. Unless a different penalty is provided pursuant to NRS 422.361 to 422.369, inclusive, or 422.450 to 422.590, inclusive, a person who knowingly and designedly, by any false pretense, false or misleading statement, impersonation, misrepresentation, or concealment, transfer, disposal or assignment of money or property obtains or attempts to obtain monetary or any other public assistance, or money, property, medical or remedial care or any other service provided pursuant to the Children's Health Insurance Program, having a value of \$100 or more, whether by one act or a series of acts, with the intent to cheat, defraud or defeat the purposes of this chapter or to enable a person to meet or appear to meet any requirements of eligibility prescribed by state law or by rule or regulation adopted by the Department for a grant or an increase in a grant of any type of public assistance is guilty of a category E felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. For the purposes of subsection 1, whenever a recipient of Temporary Assistance for Needy Families pursuant to the provisions of ~~this chapter and~~ chapter 422A of NRS receives an overpayment of benefits for the third time and the overpayments have resulted from a false statement or representation by the recipient or from the failure of the recipient to notify the Division of Welfare and

Supportive Services of the Department of a change in circumstances which would affect the amount of assistance the recipient receives, a rebuttable presumption arises that the payment was fraudulently received.

3. For the purposes of ~~subsection 1, "public"~~ *this section:*

(a) "Public assistance" includes any money, property, medical or remedial care or any other service provided pursuant to a state plan.

(b) "Temporary Assistance for Needy Families" has the meaning ascribed to it in NRS 422A.080.

Sec. 13. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 14, 15 and 16 of this act.

Sec. 14. "Health Division" means the Health Division of the Department of Health and Human Services.

Sec. 15. Each application for Medicaid must include a statement that:

1. Any assistance paid on behalf of a recipient may be recovered in an action filed against the estate of the recipient or the spouse of the recipient; and

2. Any person who signs an application for Medicaid and fails to report to the Department:

(a) Any required information which the recipient knew at the time the recipient signed the application; or

(b) Within the period allowed by the Department, any required information which the recipient obtained after the recipient filed the application, may be personally liable for any money incorrectly paid to the recipient.

Sec. 16. 1. Except as otherwise provided in this section, the Department shall, to the extent that it is not prohibited by federal law, recover from a recipient of public assistance, the estate of the recipient or a person who signed the application for public assistance on behalf of the recipient an amount not to exceed the amount of public assistance incorrectly paid to the recipient, if the person who signed the application:

(a) Failed to report any required information to the Department that the person knew at the time the person signed the application;

(b) Refused to provide financial information regarding the recipient's income and assets, including, without limitation, information regarding any transfers or assignments of income or assets;

(c) Concealed information regarding the existence, transfer or disposition of the recipient's income and assets with the intent of enabling a recipient to meet any eligibility requirement for public assistance;

(d) Made any false representation regarding the recipient's income and assets, including, without limitation, any information regarding any transfers or assignments of income or assets; or

(e) Failed to report to the Department or the nursing facility within the period allowed by the Department any required information that the person obtained after the person filed the application.

2. Except as otherwise provided in this section, a recipient of incorrectly paid public assistance or a person who signed the application for public benefits on behalf of the recipient shall reimburse the Department or appropriate state agency for the value of the incorrectly paid public assistance.

3. The Director or a person designated by the Director may, to the extent that it is not prohibited by federal law, determine the amount of, and settle, adjust, compromise or deny a claim against a recipient of public assistance, the estate of the recipient or a person who signed the application for public assistance on behalf of the recipient.

4. The Director may, to the extent that it is not prohibited by federal law, waive the repayment of public assistance incorrectly paid to a recipient if the

incorrect payment was not the result of an intentional misrepresentation or omission by the recipient and if repayment would cause an undue hardship to the recipient. The Director shall, by regulation, establish the terms and conditions of such a waiver, including, without limitation, the circumstances that constitute undue hardship.

5. As used in this section, "public assistance" does not include Medicaid.

Sec. 17. NRS 422A.001 is hereby amended to read as follows:

422A.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 422A.005 to 422A.080, inclusive, *and section 15 of this act* have the meanings ascribed to them in those sections.

Sec. 18. NRS 422A.040 is hereby amended to read as follows:

422A.040 ~~["Food Stamp"]~~ *"Supplemental Nutrition Assistance"* means the program established to provide persons of low income with an opportunity to ~~obtain~~ *purchase* a more nutritious diet ~~through the issuance of coupons~~ pursuant to the Food Stamp Act of 1977, 7 U.S.C. §§ 2011 et seq., as amended.

Sec. 19. NRS 422A.065 is hereby amended to read as follows:

422A.065 1. "Public assistance" includes:

- (a) State ~~Supplemental~~ *Supplementary* Assistance;
- (b) Temporary Assistance for Needy Families;
- (c) Medicaid;
- (d) ~~Food Stamp Assistance;~~ *Supplemental Nutrition Assistance;*
- (e) Low-Income Home Energy Assistance;
- (f) The Program for Child Care and Development;
- (g) Benefits provided pursuant to any other public welfare program administered by the Division pursuant to such additional federal legislation as is not inconsistent with the purposes of this chapter; and
- (h) Benefits provided pursuant to any other public welfare program administered by the Division of Health Care Financing and Policy pursuant to chapter 422 of NRS.

2. The term does not include the Children's Health Insurance Program.

Sec. 20. NRS 422A.085 is hereby amended to read as follows:

422A.085 1. Notwithstanding any other provision of state or local law, a person or governmental entity that provides a state or local public benefit:

(a) Shall comply with the provisions of 8 U.S.C. § 1621 regarding the eligibility of ~~an alien~~ *a person who is not a citizen or national of the United States* for such a benefit.

(b) Is not required to pay any costs or other expenses relating to the provision of such a benefit after July 1, 1997, to ~~an alien~~ *a person who is not a citizen or national of the United States* who, pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

2. Compliance with the provisions of 8 U.S.C. § 1621 must not be construed to constitute any form of discrimination, distinction or restriction made, or any other action taken, on the basis of national origin.

3. As used in this section, "state or local public benefit" has the meaning ascribed to it in 8 U.S.C. § 1621.

Sec. 21. NRS 422A.155 is hereby amended to read as follows:

422A.155 1. The Administrator must:

~~1. (a) Be selected on the basis of his or her training, experience, capacity and interest in public welfare services.~~

~~2. Be a graduate from an accredited college or university. In appointing the Administrator, the Director shall, to the extent practicable, give preference to a person who has a degree in a field of social science, public administration, business administration or a related field.~~

~~3-1~~ (b) Have not less than 3 years of demonstrated successful experience in the administration of a public agency, with responsibility for general direction of programs of the public agency and determination of policies for the implementation of programs of the public agency, or any equivalent combination of training and experience.

~~14-1~~ (c) Possess qualities of leadership.

2. In appointing the Administrator, the Director shall, to the extent practicable, give preference to a person who has a degree in a field of social science, public administration, business administration or a related field.

Sec. 22. NRS 422A.165 is hereby amended to read as follows:

422A.165 The Administrator shall make:

1. Such reports, subject to approval by the Director, as will comply with the requirements of federal legislation and this chapter.

~~2. Reports to the Board.~~

~~3-1~~ A biennial report to the Director on the condition, operation and functioning of the Division.

Sec. 23. NRS 422A.255 is hereby amended to read as follows:

422A.255 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~~ *Supplemental Nutrition* 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.

7. 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.

1 **Sec. 24.** NRS 422A.265 is hereby amended to read as follows:

2 422A.265 1. The Department shall provide public assistance pursuant to:

3 (a) The program established to provide Temporary Assistance for Needy
4 Families;

5 (b) Medicaid; or

6 (c) Any program for which a grant has been provided to this State pursuant to
7 42 U.S.C. §§ 1397 et seq.,

8 ➤ to a qualified ~~alien~~ *person who is not a citizen or national of the United States*
9 who complies with the requirements established by the Department pursuant to
10 federal law and this chapter for the receipt of benefits pursuant to that program.

11 2. ~~As used in this section, "qualified alien" has the meaning ascribed to it in~~
12 *A person who is not a citizen or national of the United States is considered*
13 *"qualified" for the purposes of subsection 1 if the person meets the requirements*
14 *of 8 U.S.C. § 1641(b).*

15 **Sec. 24.5.** **NRS 422A.360 is hereby amended to read as follows:**

16 422A.360 1. ~~As a condition to the receipt of public assistance, a~~ 4
17 recipient who has control or charge of a child who is not less than 7 years of age,
18 but is less than 12 years of age, must comply with the provisions of NRS 392.040
19 with respect to that child.

20 2. If the head of a household that is receiving benefits pursuant to the program
21 to provide Temporary Assistance for Needy Families has control or charge of a
22 child who is not less than 7 years of age, but is less than 12 years of age, the head of
23 the household shall take every reasonable action to ensure that the child is not at
24 risk of failing to advance to the next grade level in school.

25 3. If the head of a household that is receiving benefits pursuant to the program
26 to provide Temporary Assistance for Needy Families has control or charge of a
27 child who is not less than 7 years of age, but is less than 12 years of age and:

28 (a) The head of the household does not comply with the provisions of NRS
29 392.040 with respect to that child; or

30 (b) That child is at risk of failing to advance to the next grade level in school,
31 ➤ the Division shall require the head of the household to review with the Division
32 the personal responsibility plan signed by the head of household pursuant to NRS
33 422A.535 and revise the plan as necessary to assist the head of the household in
34 complying with the provisions of NRS 392.040 and helping the child to improve his
35 or her academic performance.

36 **Sec. 25.** ~~NRS 422A.600 is hereby amended to read as follows:~~

37 ~~422A.600 Notwithstanding any other provision of this chapter, if the Division~~
38 ~~determines that:~~

39 ~~1. The head of a household is a victim of domestic violence ; [pursuant to~~
40 ~~NRS 422A.350.] and~~

41 ~~2. Requiring the head of the household to comply with the requirements of~~
42 ~~this chapter or the regulations adopted pursuant thereto may endanger or threaten~~
43 ~~the physical safety of the head of the household;~~

44 ~~the Division may waive these requirements for such a period as it deems~~
45 ~~appropriate.] (Deleted by amendment.)~~

46 **Sec. 26.** NRS 21.090 is hereby amended to read as follows:

47 21.090 1. The following property is exempt from execution, except as
48 otherwise specifically provided in this section or required by federal law:

49 (a) Private libraries, works of art, musical instruments and jewelry not to
50 exceed \$5,000 in value, belonging to the judgment debtor or a dependent of the
51 judgment debtor, to be selected by the judgment debtor, and all family pictures and
52 keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed \$12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed \$4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed \$10,000 in value.

(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any mining operations and the mining claim actually worked by the miner or prospector, not exceeding \$4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed \$15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

1 (k) All money, benefits, privileges or immunities accruing or in any manner
2 growing out of any life insurance.

3 (l) The homestead as provided for by law, including a homestead for which
4 allodial title has been established and not relinquished and for which a waiver
5 executed pursuant to NRS 115.010 is not applicable.

6 (m) The dwelling of the judgment debtor occupied as a home for himself or
7 herself and family, where the amount of equity held by the judgment debtor in the
8 home does not exceed \$550,000 in value and the dwelling is situated upon lands not
9 owned by the judgment debtor.

10 (n) All money reasonably deposited with a landlord by the judgment debtor to
11 secure an agreement to rent or lease a dwelling that is used by the judgment debtor
12 as his or her primary residence, except that such money is not exempt with respect
13 to a landlord or the landlord's successor in interest who seeks to enforce the terms
14 of the agreement to rent or lease the dwelling.

15 (o) All property in this State of the judgment debtor where the judgment is in
16 favor of any state for failure to pay that state's income tax on benefits received
17 from a pension or other retirement plan.

18 (p) Any vehicle owned by the judgment debtor for use by the judgment debtor
19 or the judgment debtor's dependent that is equipped or modified to provide
20 mobility for a person with a permanent disability.

21 (q) Any prosthesis or equipment prescribed by a physician or dentist for the
22 judgment debtor or a dependent of the debtor.

23 (r) Money, not to exceed \$500,000 in present value, held in:

24 (1) An individual retirement arrangement which conforms with the
25 applicable limitations and requirements of section 408 or 408A of the Internal
26 Revenue Code, 26 U.S.C. §§ 408 and 408A;

27 (2) A written simplified employee pension plan which conforms with the
28 applicable limitations and requirements of section 408 of the Internal Revenue
29 Code, 26 U.S.C. § 408;

30 (3) A cash or deferred arrangement which is a qualified plan pursuant to
31 the Internal Revenue Code;

32 (4) A trust forming part of a stock bonus, pension or profit-sharing plan
33 which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue
34 Code, 26 U.S.C. §§ 401 et seq.; and

35 (5) A trust forming part of a qualified tuition program pursuant to chapter
36 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS
37 and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is
38 deposited after the entry of a judgment against the purchaser or account owner or
39 the money will not be used by any beneficiary to attend a college or university.

40 (s) All money and other benefits paid pursuant to the order of a court of
41 competent jurisdiction for the support, education and maintenance of a child,
42 whether collected by the judgment debtor or the State.

43 (t) All money and other benefits paid pursuant to the order of a court of
44 competent jurisdiction for the support and maintenance of a former spouse,
45 including the amount of any arrearages in the payment of such support and
46 maintenance to which the former spouse may be entitled.

47 (u) Payments, in an amount not to exceed \$16,150, received as compensation
48 for personal injury, not including compensation for pain and suffering or actual
49 pecuniary loss, by the judgment debtor or by a person upon whom the judgment
50 debtor is dependent at the time the payment is received.

51 (v) Payments received as compensation for the wrongful death of a person
52 upon whom the judgment debtor was dependent at the time of the wrongful death,

1 to the extent reasonably necessary for the support of the judgment debtor and any
2 dependent of the judgment debtor.

3 (w) Payments received as compensation for the loss of future earnings of the
4 judgment debtor or of a person upon whom the judgment debtor is dependent at the
5 time the payment is received, to the extent reasonably necessary for the support of
6 the judgment debtor and any dependent of the judgment debtor.

7 (x) Payments received as restitution for a criminal act.

8 (y) Payments received pursuant to the federal Social Security Act, including,
9 without limitation, retirement and survivors' benefits, supplemental security income
10 benefits and disability insurance benefits.

11 (z) Any personal property not otherwise exempt from execution pursuant to
12 this subsection belonging to the judgment debtor, including, without limitation, the
13 judgment debtor's equity in any property, money, stocks, bonds or other funds on
14 deposit with a financial institution, not to exceed \$1,000 in total value, to be
15 selected by the judgment debtor.

16 (aa) Any tax refund received by the judgment debtor that is derived from the
17 earned income credit described in section 32 of the Internal Revenue Code, 26
18 U.S.C. § 32, or a similar credit provided pursuant to a state law.

19 (bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as
20 set forth in that section.

21 (cc) Regardless of whether a trust contains a spendthrift provision:

22 (1) A distribution interest in the trust as defined in NRS 163.4155 that is a
23 contingent interest, if the contingency has not been satisfied or removed;

24 (2) A distribution interest in the trust as defined in NRS 163.4155 that is a
25 discretionary interest as described in NRS 163.4185, if the interest has not been
26 distributed;

27 (3) A power of appointment in the trust as defined in NRS 163.4157
28 regardless of whether the power has been exercised;

29 (4) A power listed in NRS 163.5553 that is held by a trust protector as
30 defined in NRS 163.5547 or any other person regardless of whether the power has
31 been exercised; and

32 (5) A reserved power in the trust as defined in NRS 163.4165 regardless of
33 whether the power has been exercised.

34 (dd) If a trust contains a spendthrift provision:

35 (1) A distribution interest in the trust as defined in NRS 163.4155 that is a
36 mandatory interest as described in NRS 163.4185, if the interest has not been
37 distributed; and

38 (2) Notwithstanding a beneficiary's right to enforce a support interest, a
39 distribution interest in the trust as defined in NRS 163.4155 that is a support
40 interest as described in NRS 163.4185, if the interest has not been distributed.

41 (ee) Proceeds received from a private disability insurance plan.

42 (ff) Money in a trust fund for funeral or burial services pursuant to NRS
43 689.700.

44 (gg) Compensation that was payable or paid pursuant to chapters 616A to
45 616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205.

46 (hh) Unemployment compensation benefits received pursuant to NRS 612.710.

47 (ii) Benefits or refunds payable or paid from the Public Employees' Retirement
48 System pursuant to NRS 286.670.

49 (jj) Money paid or rights existing for vocational rehabilitation pursuant to NRS
50 615.270.

51 (kk) Public assistance provided through the Department of Health and Human
52 Services pursuant to NRS ~~422.291~~ 422A.325.

53 (ll) Child welfare assistance provided pursuant to NRS 432.036.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 27. NRS 115.090 is hereby amended to read as follows:

115.090 Nothing in this chapter exempts any real or personal property from any statute of this State that authorizes the recovery of money owed to the Department of Health and Human Services as a result of the payment of benefits from Medicaid through the imposition or foreclosure of a lien against the property of a recipient of Medicaid in the manner set forth in NRS 422.29302 ~~to 422.29308, inclusive~~, 422.29304 and 422.29306.

Sec. 28. NRS 217.180 is hereby amended to read as follows:

217.180 1. Except as otherwise provided in subsection 2, in determining whether to make an order for compensation, the compensation officer shall consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim, the prior case or social history, if any, of the victim, the need of the victim or the dependents of the victim for financial aid and other relevant matters.

2. If the case involves a victim of domestic violence or sexual assault, the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim.

3. If the applicant has received or is likely to receive an amount on account of the applicant's injury or the death of another from:

(a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender;

(b) Insurance;

(c) The employer of the victim; or

(d) Another private or public source or program of assistance,

the applicant shall report the amount received or that the applicant is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Board the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

4. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

5. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Public source or program of assistance" means:

(1) Public assistance, as defined in NRS ~~422.050 and~~ 422A.065;

(2) Social services provided by a social service agency, as defined in NRS 430A.080; or

(3) Other assistance provided by a public entity.

(c) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

1 **Sec. 29.** Section 2 of chapter 392, Statutes of Nevada 2011, at page 2470, is
2 hereby amended to read as follows:

3 Sec. 2. This act becomes effective upon passage and approval . ~~and~~
4 ~~expires by limitation on June 30, 2013.~~

5 **Sec. 30.** NRS 232.354, 422.042, 422.045, 422.048, 422.0525, 422.053,
6 422.0535, 422.245, 422.2716, ~~422.284, 422.287,~~ 422.291, 422.29308, 422A.010,
7 422A.110, 422A.115, 422A.120, 422A.125, 422A.130, 422A.135, 422A.310 ~~,~~
8 ~~and~~ 422A.315 ~~, 422A.350, 422A.355, 422A.360 and 422A.370,~~ are hereby
9 repealed.

10 **Sec. 31.** This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

232.354 State Plan for Medicaid and Children's Health Insurance
Program: Department to report certain rates of reimbursement for
physicians; duties of Director.

422.042 "Food Stamp Assistance" defined.

422.045 "Low-Income Home Energy Assistance" defined.

422.048 "Program for Child Care and Development" defined.

422.0525 "State Supplementary Assistance" defined.

422.053 "Supplemental Security Income Program" defined.

422.0535 "Temporary Assistance for Needy Families" defined.

422.245 Deposit of money received for certain programs in appropriate
accounts of Division in State General Fund.

422.2716 Provision of public assistance to qualified aliens.

~~422.284 Family planning service; birth control.~~

~~422.287 Provision of prenatal care to pregnant women who are indigent;
provision of information concerning availability of prenatal care; regulations.~~

422.291 Assistance not assignable or subject to process or bankruptcy
law.

422.29308 Application for Medicaid: Statements regarding action for
recovery and civil liability of recipient.

422A.010 "Board" defined.

422A.110 Creation; appointment of members.

422A.115 Qualifications and removal of members.

422A.120 Meetings; quorum; notice of meetings; minutes; audio
recordings or transcripts.

422A.125 Officers.

422A.130 Compensation of members and employees.

422A.135 Powers and duties.

422A.310 Family planning service; birth control.

422A.315 Provision of prenatal care to pregnant women who are
indigent; provision of information concerning availability of prenatal care;
regulations.

~~422A.350 Identification and referral of victims of domestic violence;
restricted disclosure of determination.~~

~~422A.355 Recipients of public assistance: Immunization of dependent
children.~~

~~422A.360 Recipients of public assistance: Attendance of children at school
and assistance with their academic performance.~~

~~422A.370 — Expedited application for treatment or services for certain persons.~~