

SENATE BILL NO. 306—SENATOR KIECKHEFER

MARCH 18, 2013

Referred to Committee on Health and Human Services

SUMMARY—Requires certain recipients of Medicaid to make copayments for certain services. (BDR 38-839)

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 health care; requiring certain recipients of Medicaid to make copayments for certain services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 The federal Patient Protection and Affordable Care Act allows states to extend
2 Medicaid to certain persons who were not previously eligible for Medicaid. (42
3 U.S.C. §§ 1396a(a)(10) and 1396d(y)) This bill requires the Director of the
4 Department of Health and Human Services to include in the State Plan for
5 Medicaid, to the extent authorized by federal law, a requirement that such newly
6 eligible recipients of Medicaid pay a copayment for certain services received under
7 Medicaid.

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

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

3 *1. The Director shall, to the extent authorized by federal law,*
4 *include in the State Plan for Medicaid a requirement that newly*
5 *eligible recipients of Medicaid pay to providers as a copayment for*
6 *a nonemergency visit to:*

7 *(a) A hospital emergency room, \$5.*

8 *(b) A facility for intermediate care or an independent center*
9 *for emergency medical care, \$2.*

10 *2. As used in this section:*



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1 (a) *“Facility for intermediate care” has the meaning ascribed*
2 *to it in NRS 449.0038.*

3 (b) *“Hospital” has the meaning ascribed to it in NRS 449.012.*

4 (c) *“Hospital emergency room” means that portion of a*
5 *hospital which has the primary purpose of providing emergency*
6 *services 24 hours each day.*

7 (d) *“Independent center for emergency medical care” has the*
8 *meaning ascribed to it in NRS 449.013.*

9 (e) *“Newly eligible” has the meaning ascribed to it in 42*
10 *U.S.C. § 1396d(y)(2)(A).*

11 (f) *“Nonemergency” means that no emergency services, as*
12 *defined in 42 C.F.R. § 438.114, are necessary.*

13 **Sec. 2.** NRS 232.320 is hereby amended to read as follows:

14 232.320 1. The Director:

15 (a) Shall appoint, with the consent of the Governor,
16 administrators of the divisions of the Department, who are
17 respectively designated as follows:

18 (1) The Administrator of the Aging and Disability Services
19 Division;

20 (2) The Administrator of the Health Division;

21 (3) The Administrator of the Division of Welfare and
22 Supportive Services;

23 (4) The Administrator of the Division of Child and Family
24 Services;

25 (5) The Administrator of the Division of Health Care
26 Financing and Policy; and

27 (6) The Administrator of the Division of Mental Health and
28 Developmental Services.

29 (b) Shall administer, through the divisions of the Department,
30 the provisions of chapters 63, 424, 425, 427A, 432A to 442,
31 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS
32 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and*
33 *section 1 of this act*, 422.580, 432.010 to 432.133, inclusive,
34 432B.621 to 432B.626, inclusive, 444.003 to 444.430, inclusive,
35 and 445A.010 to 445A.055, inclusive, and all other provisions of
36 law relating to the functions of the divisions of the Department, but
37 is not responsible for the clinical activities of the Health Division or
38 the professional line activities of the other divisions.

39 (c) Shall administer any state program for persons with
40 developmental disabilities established pursuant to the
41 Developmental Disabilities Assistance and Bill of Rights Act of
42 2000, 42 U.S.C. §§ 15001 et seq.

43 (d) Shall, after considering advice from agencies of local
44 governments and nonprofit organizations which provide social
45 services, adopt a master plan for the provision of human services in



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1 this State. The Director shall revise the plan biennially and deliver a
2 copy of the plan to the Governor and the Legislature at the
3 beginning of each regular session. The plan must:

4 (1) Identify and assess the plans and programs of the
5 Department for the provision of human services, and any
6 duplication of those services by federal, state and local agencies;

7 (2) Set forth priorities for the provision of those services;

8 (3) Provide for communication and the coordination of those
9 services among nonprofit organizations, agencies of local
10 government, the State and the Federal Government;

11 (4) Identify the sources of funding for services provided by
12 the Department and the allocation of that funding;

13 (5) Set forth sufficient information to assist the Department
14 in providing those services and in the planning and budgeting for the
15 future provision of those services; and

16 (6) Contain any other information necessary for the
17 Department to communicate effectively with the Federal
18 Government concerning demographic trends, formulas for the
19 distribution of federal money and any need for the modification of
20 programs administered by the Department.

21 (e) May, by regulation, require nonprofit organizations and state
22 and local governmental agencies to provide information regarding
23 the programs of those organizations and agencies, excluding
24 detailed information relating to their budgets and payrolls, which the
25 Director deems necessary for the performance of the duties imposed
26 upon him or her pursuant to this section.

27 (f) Has such other powers and duties as are provided by law.

28 2. Notwithstanding any other provision of law, the Director, or
29 the Director's designee, is responsible for appointing and removing
30 subordinate officers and employees of the Department, other than:

31 (a) The Executive Director of the Nevada Indian Commission
32 who is appointed pursuant to NRS 233A.055; and

33 (b) The State Public Defender of the Office of State Public
34 Defender who is appointed pursuant to NRS 180.010.

35 **Sec. 3.** This act becomes effective on July 1, 2013.

