

CHAPTER.....

AN ACT relating to public welfare; requiring the Director of the Department of Health and Human Services to authorize certain children to enroll in Medicaid and the Children's Health Insurance Program; authorizing the Director to reduce or eliminate benefits provided to such children under those programs in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law provides generally that an alien is not eligible for any Federal means-tested public benefit for a period of 5 years beginning on the date of the alien's entry into the United States. (8 U.S.C. § 1613) Federal law contains an exemption that authorizes a state to elect to allow children under 21 years of age who are lawfully residing in the United States and have resided in the United States for less than 5 years to enroll in Medicaid and the Children's Health Insurance Program. (42 U.S.C. § 1396b(v)(4)(A)(ii)) This bill requires the Director of the Department of Health and Human Services to include in the State Plan for Medicaid and the Children's Health Insurance Program authorization for such children who are under 19 years of age to enroll in Medicaid and the Children's Health Insurance Program. This bill also authorizes the Director to reduce or eliminate benefits available for those children under those programs in response to certain changes in federal law.

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

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. Except as otherwise provided in subsection 2, the Director shall:

(a) To the extent authorized by federal law, include in the State Plan for Medicaid and in the Children's Health Insurance Program authorization for a child less than 19 years of age who is described in 42 U.S.C. § 1396b(v)(4)(A)(ii) to enroll in Medicaid and the Children's Health Insurance Program; and

(b) Take any action necessary to comply with the requirements of the Centers for Medicare and Medicaid Services and any other applicable federal law to carry out the requirements of paragraph (a).

2. The Director may reduce or eliminate any benefits available pursuant to subsection 1 if:



(a) The provision of such benefits is no longer authorized by federal law; or

(b) The federal medical assistance percentage calculated pursuant to 42 U.S.C. § 1396d(b) is significantly reduced below the percentage existing on July 1, 2017.

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

232.320 1. The Director:

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

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

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 1 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:



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

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

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

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

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

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

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

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

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

Sec. 3. This act becomes effective on July 1, 2017.

