

Amendment No. 412

Assembly Amendment to Assembly Bill No. 122	(BDR 38-100)
<b>Proposed by:</b> Assembly Committee on Health and Human Services	
<b>Amends:</b> Summary: Yes 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

EWR/RBL



Date: 4/20/2019

A.B. No. 122—Requires the Department of Health and Human Services to seek a federal waiver so that certain care for persons who are aged, infirm or disabled may be included in the State Plan for Medicaid. (BDR 38-100)





ASSEMBLY BILL NO. 122—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE COMMITTEE TO STUDY THE NEEDS RELATED TO THE  
BEHAVIORAL AND COGNITIVE CARE OF OLDER PERSONS)

FEBRUARY 11, 2019

Referred to Committee on Health and Human Services

SUMMARY—Requires the Department of Health and Human Services to ~~seek a federal waiver so that certain care for persons who are aged, infirm or disabled may be included in the State Plan for Medicaid;~~ study the feasibility of establishing certain assisted living facilities in rural areas of this State. (BDR ~~[38-100]~~ S-100)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

~

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

AN ACT relating to ~~[Medicaid;]~~ assisted living facilities; requiring the Department of Health and Human Services to ~~seek a waiver from federal requirements so that certain care provided at a rural facility operated by the Department may be included as medical assistance in the State Plan for Medicaid; requiring certain reports concerning the waiver to be made;~~ study the feasibility of establishing assisted living facilities in rural areas that also provide certain other services; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law ~~requires the Department of Health and Human Services to apply to the United States Secretary of Health and Human Services for a waiver from federal requirements that authorizes the Department to amend the State Plan for Medicaid to authorize the Department to include certain community-based services for persons with physical disabilities as medical assistance under the State Plan. (NRS 422.396) Section 1 of this bill requires the Department to apply for a similar waiver to include as medical assistance under the State Plan adult day care, assisted living and respite care services provided by at least one facility: (1) operated by the Department; and (2) located in certain smaller counties (currently all counties other than Clark and Washoe Counties). Section 2 of this bill makes a conforming change. Section 3 of this bill requires the Director of the Department to submit to the Legislature reports consisting of certain information relating to the application for and implementation of the waiver.]~~ establishes separate licensing categories for assisted living facilities and facilities for the care of adults during the day. (NRS 449.004, 449.017) This bill requires the Department of Health and Human Services to study the feasibility of establishing

and operating in rural areas of this State assisted living facilities that also provide respite care and the services of a facility for the care of adults during the day.

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 shall apply to the Secretary of Health and Human Services for any waiver from federal law or regulation necessary to authorize the Department to amend the State Plan for Medicaid adopted by the Director pursuant to NRS 422.063 to authorize the Department to include as medical assistance under the State Plan the services described in subsection 2 provided by at least one facility that is:~~

~~(a) Operated by the Department; and~~  
~~(b) Located in a county whose population is less than 100,000.~~  
~~2. To the extent authorized by the waiver, the services included as medical assistance under the State Plan pursuant to subsection 1 must consist of:~~

~~(a) The services of a facility for the care of adults during the day;~~  
~~(b) The services of an assisted living facility; and~~  
~~(c) Respite care.~~

~~3. As used in this section:~~  
~~(a) "Assisted living facility" has the meaning ascribed to it in NRS 422.3962.~~  
~~(b) "Facility for the care of adults during the day" has the meaning ascribed to it in NRS 449.004.~~

~~(c) "Respite care" means care for a person who is aged, infirm or disabled that provides a respite for the primary caregiver from the stresses and responsibilities that result from the daily care of the person.] (Deleted by amendment.)~~

**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, 422.010 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.] (Deleted by amendment.)~~

~~**Sec. 3.** [The Director of the Department of Health and Human Services shall: 1. On or before December 1, 2019, March 1, 2020, June 1, 2020, and September 1, 2020, report to the Interim Finance Committee concerning the status of the application for a waiver from federal law or regulation submitted pursuant to section 1 of this act.~~

~~2. On or before December 1, 2020, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report which must include, without limitation:~~

~~(a) An update concerning the status of the application for a waiver from federal law or regulation submitted pursuant to section 1 of this act; and~~

~~(b) Any recommendations for legislation necessary to implement the waiver, including, without limitation, recommendations for legislative appropriations.] (Deleted by amendment.)~~

**Sec. 3.5. On or before October 1, 2020, the Department of Health and Human Services shall:**

**1. Study the feasibility of establishing and operating in rural areas of this State assisted living facilities that also provide respite care and the services of a facility for the care of adults during the day, as defined in NRS 449.004. The study must include, without limitation:**

**(a) An analysis of the feasibility of creating a single license for such a facility;**

1 (b) Identification of the manner in which such a facility would receive  
2 reimbursements from Medicaid;

3 (c) An analysis of the feasibility of recruiting adequate staff to operate  
4 such a facility;

5 (d) An analysis of the economic viability of and payment structure of such  
6 a facility;

7 (e) Identification of technical, economic and legal barriers to the  
8 establishment and operation of such a facility; and

9 (f) A possible timeline for creating a pilot program to establish such  
10 facilities.

11 2. Present the study at a meeting of the Legislative Committee on Senior  
12 Citizens, Veterans and Adults with Special Needs; and

13 3. Submit a written report of the study to the Director of the Legislative  
14 Counsel Bureau for transmittal to the Legislative Committee on Senior  
15 Citizens, Veterans and Adults with Special Needs.

16 **Sec. 4.** This act becomes effective on July 1, 2019.