

Amendment No. 100

Senate Amendment to Senate Bill No. 115	(BDR 38-560)
Proposed by: Senate Committee on Health and Human Services	
Amends: 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: 4/3/2019

S.B. No. 115—Requires the State Plan for Medicaid to include coverage for donor breast milk. (BDR 38-560)



SENATE BILL NO. 115—~~[SENATOR]~~ SENATORS HAMMOND ; CANCELA AND SPEARMAN

PREFILED JANUARY 28, 2019

Referred to Committee on Health and Human Services

SUMMARY—Requires the State Plan for Medicaid to include coverage for donor breast milk ~~and~~ and certain related products. (BDR 38-560)

FISCAL NOTE: Effect on Local Government: No.
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; requiring the inclusion in the State Plan for Medicaid of coverage for donor breast milk and human milk-based human milk fortifiers for certain infants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Plan for Medicaid to include certain medical coverage. (NRS 422.2717-422.27241) **Section 1** of this bill requires the State Plan to include coverage for donor breast milk and human milk-based human milk fortifiers prescribed or ordered by a physician, physician assistant or advanced practice registered nurse for certain infants who require nourishment from breast milk. **Section 2** of this bill makes a conforming change.

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:

The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for the cost of donor breast milk, including, without limitation, formulated human milk that is capable of being stored for long periods of time without spoiling ~~and~~ and for the cost of human milk-based human milk fortifiers, that:

1. ~~Has~~ Are approved for use by an appropriate state or federal governmental agency; and

2. ~~Has~~ Have been prescribed or ordered by a physician, physician assistant or advanced practice registered nurse for an infant who:

(a) *Has a birth weight of 1,500 grams or less;*

(b) *Has a congenital or acquired intestinal condition that causes a high risk of feeding intolerance, necrotizing enterocolitis or infection; or*

(c) *Otherwise requires nourishment from breast milk.*

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

2 232.320 1. The Director:

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

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

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

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

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

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

11 (b) Shall administer, through the divisions of the Department, the provisions of
12 chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A
13 and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410,
14 inclusive, **and section 1 of this act**, 422.580, 432.010 to 432.133, inclusive,
15 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to
16 445A.055, inclusive, and all other provisions of law relating to the functions of the
17 divisions of the Department, but is not responsible for the clinical activities of the
18 Division of Public and Behavioral Health or the professional line activities of the
19 other divisions.

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

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

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

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

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

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

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

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

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

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

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

1 **Sec. 3.** This act becomes effective on July 1, 2019.