

Amendment No. 576

Senate Amendment to Senate Bill No. 370 First Reprint	(BDR 38-966)
Proposed by: Senator Ohrenschall	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

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.





SENATE BILL NO. 370—SENATORS OHRENSCHALL, PARKS, CANCELA, SPEARMAN;  
BROOKS, DONDERO LOOP, WASHINGTON AND WOODHOUSE

MARCH 20, 2019

JOINT SPONSOR: ASSEMBLYWOMAN MARTINEZ

Referred to Committee on Health and Human Services

SUMMARY—Revises the State Plan for Medicaid and the Children's Health Insurance Program. (BDR 38-966)

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 ~~fomitted-material~~ is material to be omitted.

AN ACT relating to health care; requiring the State Plan for Medicaid to provide certain benefits for screening and treatment of fetal alcohol spectrum disorders; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

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 a requirement that the State pay the nonfederal share of expenditures incurred for screening and treatment of fetal alcohol spectrum disorders for certain persons.

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 Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for screening for and diagnosis of fetal alcohol spectrum disorders and for treatment of fetal alcohol spectrum disorders to persons under the age of 19 years or, if enrolled in high school, until the person reaches the age of ~~22~~ 21 years.*

*2. A managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division, which provides coverage for outpatient care shall not require a longer waiting period for coverage for outpatient care related to fetal alcohol spectrum disorders than is required for other outpatient care covered by the plan.*

1       3. A managed care organization shall cover medically necessary treatment  
2 of a fetal alcohol spectrum disorder.

3       4. Treatment of a fetal alcohol spectrum disorder must be identified in a  
4 treatment plan and must include medically necessary habilitative or rehabilitative  
5 care, prescription care, psychiatric care, psychological care, behavioral therapy  
6 or therapeutic care that is:

7       (a) Prescribed for a person diagnosed with a fetal alcohol spectrum disorder  
8 by a licensed physician or licensed psychologist; and

9       (b) Provided for a person diagnosed with a fetal alcohol spectrum disorder by  
10 a licensed physician, licensed psychologist, licensed behavior analyst or other  
11 provider that is supervised by the licensed physician, psychologist or behavior  
12 analyst.

13       ↪ A managed care organization may request a copy of and review a treatment  
14 plan created pursuant to this subsection.

15       5. Nothing in this section shall be construed as requiring a managed care  
16 organization to provide reimbursement to a school for services delivered through  
17 school services.

18       6. As used in this section:

19       (a) "Applied behavior analysis" means the design, implementation and  
20 evaluation of environmental modifications using behavioral stimuli and  
21 consequences to produce socially significant improvement in human behavior,  
22 including, without limitation, the use of direct observation, measurement and  
23 functional analysis of the relations between environment and behavior.

24       (b) "Behavioral therapy" means any interactive therapy derived from  
25 evidence-based research, including, without limitation, discrete trial training,  
26 early intensive behavioral intervention, intensive intervention programs, pivotal  
27 response training and verbal behavior provided by a licensed psychologist,  
28 licensed behavior analyst, licensed assistant behavior analyst, registered behavior  
29 technician or state certified behavior interventionist.

30       (c) "Evidence-based research" means research that applies rigorous,  
31 systematic and objective procedures to obtain valid knowledge relevant to fetal  
32 alcohol spectrum disorders.

33       (d) "Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS  
34 432B.0655.

35       (e) "Habilitative or rehabilitative care" means counseling, guidance and  
36 professional services and treatment programs, including, without limitation,  
37 applied behavior analysis, that are necessary to develop, maintain and restore, to  
38 the maximum extent practicable, the functioning of a person.

39       (f) "Health maintenance organization" has the meaning ascribed to it in  
40 NRS 695C.030.

41       (g) "Licensed assistant behavior analyst" means a person who holds current  
42 certification as a Board Certified Assistant Behavior Analyst issued by the  
43 Behavior Analyst Certification Board, Inc., or any successor in interest to that  
44 organization, who is licensed as an assistant behavior analyst by the Aging and  
45 Disability Services Division of the Department of Health and Human Services  
46 and who provides behavioral therapy under the supervision of a licensed  
47 behavior analyst or psychologist.

48       (h) "Licensed behavior analyst" means a person who holds current  
49 certification as a Board Certified Behavior Analyst issued by the Behavior  
50 Analyst Certification Board, Inc., or any successor in interest to that  
51 organization, and is licensed as a behavior analyst by the Aging and Disability  
52 Services Division of the Department.

1       (i) *"Managed care organization" has the meaning ascribed to it in NRS*  
2 *695G.050.*

3       (j) *"Medically necessary" means health care services or products that a*  
4 *prudent physician or psychologist would provide to a patient to prevent, diagnose*  
5 *or treat an illness, injury or disease, or any symptoms thereof, that are necessary*  
6 *and which are:*

7       (1) *Provided in accordance with generally accepted standards of medical*  
8 *practice;*

9       (2) *Clinically appropriate for the type, frequency, extent, location and*  
10 *duration;*

11       (3) *Not primarily provided for the convenience of the patient, physician,*  
12 *psychologist or other provider of health care;*

13       (4) *Required to improve a specific health condition of the patient or to*  
14 *preserve the existing state of health of the patient; and*

15       (5) *The most clinically appropriate level of health care that may be safely*  
16 *provided to the patient.*

17       (k) *"Prescription care" means medications prescribed by a licensed*  
18 *physician and any health-related services deemed medically necessary to*  
19 *determine the need or effectiveness of the medications.*

20       (l) *"Psychiatric care" means direct or consultative services provided by a*  
21 *psychiatrist licensed in the state in which the psychiatrist practices.*

22       (m) *"Psychological care" means direct or consultative services provided by a*  
23 *psychologist licensed in the state in which the psychologist practices.*

24       (n) *"Registered behavior technician" has the meaning ascribed to it in NRS*  
25 *437.050.*

26       (o) *"Screening for and diagnosis of fetal alcohol spectrum disorders" means*  
27 *medically appropriate assessments, evaluations or tests to screen and diagnose*  
28 *whether a person has a fetal alcohol spectrum disorder.*

29       (p) *"State certified behavior interventionist" has the meaning ascribed to it*  
30 *in NRS 437.055.*

31       (q) *"Therapeutic care" means services provided by licensed or certified*  
32 *speech-language pathologists, occupational therapists and physical therapists.*

33       (r) *"Treatment plan" means a plan to treat a fetal alcohol spectrum disorder*  
34 *that is prescribed by a licensed physician or licensed psychologist and may be*  
35 *developed pursuant to a comprehensive evaluation in coordination with a*  
36 *licensed behavior analyst.*

37       **Sec. 2.** This act becomes effective upon passage and approval.