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FIRST REPRINT

S.B. 234

SENATE BILL NO. 234—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON HEALTH CARE)

FEBRUARY 21, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to the participation of providers of health care in network plans of insurers. (BDR 57-527)

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 health care; requiring the Commissioner of Insurance to develop a form letter to provide certain notice to providers of health care relating to participation in the network of a health carrier; requiring the Commissioner of Insurance to publish an annual report concerning certain trends relating to the participation of providers of health care in the network of a health carrier; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the Commissioner of Insurance to enforce the Nevada
2 Insurance Code and investigate insurance matters as he or she deems proper. (NRS
3 679B.120) **Section 26** of this bill requires the Commissioner to develop a form
4 letter that a health carrier must use to notify a provider of health care and the
5 Commissioner of the denial of an application by the provider of health care to be
6 included in the health carrier's network of providers. **Sections 26 and 27.3** of this
7 bill provide for the confidentiality of such form letters that are submitted to the
8 Commissioner. **Section 26** also requires the Commissioner to compile, publish and
9 submit to the Governor and the Legislature an annual report concerning trends in
10 the denial of applications of providers of health care to be included in the network
11 of providers of a health carrier.



* S B 2 3 4 R 1 *

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. Chapter 679B of NRS is hereby amended by adding
thereto a new section to read as follows:

1. The Commissioner shall:

(a) Develop, prescribe and make available on an Internet website maintained by the Division a form letter that a health carrier must use to notify a provider of health care of the denial of his or her application to be included in the network of providers of the health carrier. The form letter must include, without limitation, a place for the health carrier to explain the reason for the denial of the application.

(b) Hold hearings to solicit public input when developing the form letter described in paragraph (a) and consider such input when developing the form letter.

2. A health carrier shall submit to the Commissioner a copy of each form letter sent to a provider of health care pursuant to subsection 1 at the same time the letter is sent to the provider of health care. Except as otherwise provided in subsection 3, the



forms submitted pursuant to the Commissioner pursuant to this subsection and the information contained therein are confidential.

3. The Commissioner shall:

(a) Annually compile a report using aggregated data from the forms collected pursuant to subsection 2 concerning trends in the denial of applications of providers of health care to be included in the network of providers of a health carrier. The report must include, without limitation, the number of total denials, the number of denials for different types of providers of health care, the number of denials by different carriers and the reasons for such denials.

(b) Post the report on an Internet website maintained by the Division.

(c) Submit the report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

4. As used in this section, "health carrier" means an entity subject to the insurance laws and regulations of this State, or subject to the jurisdiction of the Commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including, without limitation, a sickness and accident health insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health care services.

Sec. 27. (Deleted by amendment.)

Sec. 27.3. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105,



1 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
2 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030,
3 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
4 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,
5 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685,
6 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438,
7 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
8 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510,
9 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
10 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
11 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,
12 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
13 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495,
14 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
15 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035,
16 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,
17 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698,
18 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
19 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
20 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
21 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
22 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
23 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,
24 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
25 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
26 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
27 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
28 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
29 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
30 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,
31 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
32 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
33 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
34 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
35 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
36 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
37 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
38 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
39 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
40 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
41 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
42 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
43 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
44 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
45 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,



1 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
2 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
3 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
4 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
5 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
6 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
7 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
8 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
9 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
10 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 26*
11 *of this act*, sections 35, 38 and 41 of chapter 478, Statutes of
12 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013
13 and unless otherwise declared by law to be confidential, all public
14 books and public records of a governmental entity must be open at
15 all times during office hours to inspection by any person, and may
16 be fully copied or an abstract or memorandum may be prepared
17 from those public books and public records. Any such copies,
18 abstracts or memoranda may be used to supply the general public
19 with copies, abstracts or memoranda of the records or may be used
20 in any other way to the advantage of the governmental entity or of
21 the general public. This section does not supersede or in any manner
22 affect the federal laws governing copyrights or enlarge, diminish or
23 affect in any other manner the rights of a person in any written book
24 or record which is copyrighted pursuant to federal law.

25 2. A governmental entity may not reject a book or record
26 which is copyrighted solely because it is copyrighted.

27 3. A governmental entity that has legal custody or control of a
28 public book or record shall not deny a request made pursuant to
29 subsection 1 to inspect or copy or receive a copy of a public book or
30 record on the basis that the requested public book or record contains
31 information that is confidential if the governmental entity can
32 redact, delete, conceal or separate the confidential information from
33 the information included in the public book or record that is not
34 otherwise confidential.

35 4. A person may request a copy of a public record in any
36 medium in which the public record is readily available. An officer,
37 employee or agent of a governmental entity who has legal custody
38 or control of a public record:

39 (a) Shall not refuse to provide a copy of that public record in a
40 readily available medium because the officer, employee or agent has
41 already prepared or would prefer to provide the copy in a different
42 medium.

43 (b) Except as otherwise provided in NRS 239.030, shall, upon
44 request, prepare the copy of the public record and shall not require



1 the person who has requested the copy to prepare the copy himself
2 or herself.

3 **Sec. 27.5.** The provisions of subsection 1 of NRS 218D.380
4 do not apply to any provision of this act which adds or revises a
5 requirement to submit a report to the Legislature.

6 **Sec. 28.** This act becomes effective on July 1, 2019.

