

(Reprinted with amendments adopted on April 18, 2019)

FIRST REPRINT

S.B. 370

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 ~~omitted 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:

1 This bill requires the Director of the Department of Health and Human Services
2 to include in the State Plan for Medicaid and the Children's Health Insurance
3 Program a requirement that the State pay the nonfederal share of expenditures
4 incurred for screening and treatment of fetal alcohol spectrum disorders for certain
5 persons.

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

1 **Section 1.** Chapter 422 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The Director shall include in the State Plan for Medicaid a*
4 *requirement that the State pay the nonfederal share of*
5 *expenditures incurred for screening for and diagnosis of fetal*
6 *alcohol spectrum disorders and for treatment of fetal alcohol*



* S B 3 7 0 R 1 *

1 *spectrum disorders to persons under the age of 19 years or, if*
2 *enrolled in high school, until the person reaches the age of 22*
3 *years.*

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

12 *3. A managed care organization shall cover medically*
13 *necessary treatment of a fetal alcohol spectrum disorder.*

14 *4. Treatment of a fetal alcohol spectrum disorder must be*
15 *identified in a treatment plan and must include medically*
16 *necessary habilitative or rehabilitative care, prescription care,*
17 *psychiatric care, psychological care, behavioral therapy or*
18 *therapeutic care that is:*

19 *(a) Prescribed for a person diagnosed with a fetal alcohol*
20 *spectrum disorder by a licensed physician or licensed psychologist;*
21 *and*

22 *(b) Provided for a person diagnosed with a fetal alcohol*
23 *spectrum disorder by a licensed physician, licensed psychologist,*
24 *licensed behavior analyst or other provider that is supervised by*
25 *the licensed physician, psychologist or behavior analyst.*

26 *↳ A managed care organization may request a copy of and review*
27 *a treatment plan created pursuant to this subsection.*

28 *5. Nothing in this section shall be construed as requiring a*
29 *managed care organization to provide reimbursement to a school*
30 *for services delivered through school services.*

31 *6. As used in this section:*

32 *(a) "Applied behavior analysis" means the design,*
33 *implementation and evaluation of environmental modifications*
34 *using behavioral stimuli and consequences to produce socially*
35 *significant improvement in human behavior, including, without*
36 *limitation, the use of direct observation, measurement and*
37 *functional analysis of the relations between environment and*
38 *behavior.*

39 *(b) "Behavioral therapy" means any interactive therapy*
40 *derived from evidence-based research, including, without*
41 *limitation, discrete trial training, early intensive behavioral*
42 *intervention, intensive intervention programs, pivotal response*
43 *training and verbal behavior provided by a licensed psychologist,*
44 *licensed behavior analyst, licensed assistant behavior analyst,*



1 registered behavior technician or state certified behavior
2 interventionist.

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

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

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

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

15 (g) "Licensed assistant behavior analyst" means a person who
16 holds current certification as a Board Certified Assistant Behavior
17 Analyst issued by the Behavior Analyst Certification Board, Inc.,
18 or any successor in interest to that organization, who is licensed as
19 an assistant behavior analyst by the Aging and Disability Services
20 Division of the Department of Health and Human Services and
21 who provides behavioral therapy under the supervision of a
22 licensed behavior analyst or psychologist.

23 (h) "Licensed behavior analyst" means a person who holds
24 current certification as a Board Certified Behavior Analyst issued
25 by the Behavior Analyst Certification Board, Inc., or any
26 successor in interest to that organization, and is licensed as a
27 behavior analyst by the Aging and Disability Services Division of
28 the Department.

29 (i) "Managed care organization" has the meaning ascribed to
30 it in NRS 695G.050.

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

35 (1) Provided in accordance with generally accepted
36 standards of medical practice;

37 (2) Clinically appropriate for the type, frequency, extent,
38 location and duration;

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

41 (4) Required to improve a specific health condition of the
42 patient or to preserve the existing state of health of the patient;
43 and

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



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

(l) “Psychiatric care” means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(m) “Psychological care” means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(n) “Registered behavior technician” has the meaning ascribed to it in NRS 437.050.

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

(p) “State certified behavior interventionist” has the meaning ascribed to it in NRS 437.055.

(q) “Therapeutic care” means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

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

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

