

SENATE BILL NO. 137—SENATOR HAMMOND

FEBRUARY 13, 2023

Referred to Committee on Health and Human Services

SUMMARY—Requires the State Plan for Medicaid to include coverage for donor breast milk and certain related products. (BDR 38-180)

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 Medicaid; requiring the State Plan for Medicaid to include 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:

1 Exiting law requires the Department of Health and Human Services to develop
2 and administer a State Plan for Medicaid which includes a list of specific medical
3 services that are required to be provided to Medicaid recipients. (NRS 422.063,
4 422.270-422.27495) This bill requires the State Plan to include coverage for
5 approved donor breast milk and human milk-based human milk fortifiers prescribed
6 or ordered by a physician, physician assistant or advanced practice registered nurse
7 for certain infants who require nourishment from breast milk.

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 ***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 the cost of donor breast milk, including,***
6 ***without limitation, formulated human milk that is capable of being***
7 ***stored for long periods of time without spoiling, and the cost of a***
8 ***human milk-based human milk fortifier if the donor breast milk or***
9 ***fortifier:***



1 *1. Has been approved for use by an appropriate state or*
2 *federal governmental agency; and*

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

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

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

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

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

11 232.320 1. The Director:

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

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

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

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

21 (4) The Administrator of the Division of Health Care
22 Financing and Policy; and

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

25 (b) Shall administer, through the divisions of the Department,
26 the provisions of chapters 63, 424, 425, 427A, 432A to 442,
27 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS
28 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and*
29 *section 1 of this act*, 422.580, 432.010 to 432.133, inclusive,
30 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive,
31 and 445A.010 to 445A.055, inclusive, and all other provisions of
32 law relating to the functions of the divisions of the Department, but
33 is not responsible for the clinical activities of the Division of Public
34 and Behavioral Health or the professional line activities of the other
35 divisions.

36 (c) Shall administer any state program for persons with
37 developmental disabilities established pursuant to the
38 Developmental Disabilities Assistance and Bill of Rights Act of
39 2000, 42 U.S.C. §§ 15001 et seq.

40 (d) Shall, after considering advice from agencies of local
41 governments and nonprofit organizations which provide social
42 services, adopt a master plan for the provision of human services in
43 this State. The Director shall revise the plan biennially and deliver a
44 copy of the plan to the Governor and the Legislature at the
45 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.

Sec. 3. This act becomes effective on July 1, 2023.

