

SENATE BILL NO. 241—SENATORS TITUS,
GOICOECHEA, HANSEN; AND KRASNER

MARCH 9, 2023

JOINT SPONSORS: ASSEMBLYMEN HAFEN; AND KOENIG

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to Medicaid.
(BDR 38-971)

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 provide coverage for certain services provided by a critical access hospital; prescribing the rate of reimbursement for such services under Medicaid; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Health and Human Services to develop and the Department to administer a State Plan for Medicaid, which includes a list of specific medical services required to be provided to Medicaid recipients. (NRS 422.063, 422.270) **Section 1** of this bill requires the Director to include in the State Plan for Medicaid, to the extent that federal financial participation is available, a requirement that the State pay the nonfederal share of expenditures for outpatient services and swing-bed services provided at a critical access hospital. **Section 1** also requires Medicaid to reimburse a critical access hospital for such services at a rate equal to the actual cost of providing the services or the amount charged by the critical access hospital for the services, whichever is less. **Section 2** of this bill makes a conforming change to indicate that the provisions of **section 1** will be administered in the same manner as the provisions of existing law governing the State Plan for Medicaid.



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, to the extent that federal financial participation is available, a requirement that the State must:

(a) Pay the nonfederal share of expenditures for outpatient services and swing-bed services provided by a critical access hospital; and

(b) Reimburse a critical access hospital for the services described in paragraph (a) at a rate equal to the actual cost to the critical access hospital of providing the services or the amount charged by the critical access hospital for the services, whichever is less.

2. As used in this section:

(a) "Critical access hospital" means a hospital which has been certified as a critical access hospital by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).

(b) "Swing-bed services" means services as described in 42 C.F.R. § 482.58.

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

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 1 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but



1 is not responsible for the clinical activities of the Division of Public
2 and Behavioral Health or the professional line activities of the other
3 divisions.

4 (c) Shall administer any state program for persons with
5 developmental disabilities established pursuant to the
6 Developmental Disabilities Assistance and Bill of Rights Act of
7 2000, 42 U.S.C. §§ 15001 et seq.

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

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

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

18 (3) Provide for communication and the coordination of those
19 services among nonprofit organizations, agencies of local
20 government, the State and the Federal Government;

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

23 (5) Set forth sufficient information to assist the Department
24 in providing those services and in the planning and budgeting for the
25 future provision of those services; and

26 (6) Contain any other information necessary for the
27 Department to communicate effectively with the Federal
28 Government concerning demographic trends, formulas for the
29 distribution of federal money and any need for the modification of
30 programs administered by the Department.

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

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

38 2. Notwithstanding any other provision of law, the Director, or
39 the Director's designee, is responsible for appointing and removing
40 subordinate officers and employees of the Department.

41 **Sec. 3.** 1. This section becomes effective upon passage and
42 approval.

43 2. Sections 1 and 2 of this act become effective:



- 1 (a) Upon passage and approval for the purpose of performing
- 2 any preparatory administrative tasks that are necessary to carry out
- 3 the provisions of this act; and
- 4 (b) On January 1, 2024, for all other purposes.

