

SENATE BILL NO. 45—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE NEVADA SILVER
HAIRED LEGISLATIVE FORUM)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Health and Human Services

SUMMARY—Establishes the amount for the personal needs allowance provided to certain recipients of Medicaid. (BDR 38-295)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to Medicaid; establishing the amount of the personal needs allowance provided to certain recipients of Medicaid who reside in facilities for skilled nursing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal and state law requires the Department of Health and Human Services to develop and administer a State Plan for Medicaid which includes a list of specific medical and medically related services that are required to be provided to Medicaid recipients. (42 U.S.C. § 1396a; NRS 422.063, 422.270) Existing federal law requires that the State Plan for Medicaid provide for an institutionalized person to retain a personal needs allowance of at least \$30 per month for clothing and other personal needs. (42 U.S.C. § 1396a(q)) **Sections 1 and 3** of this bill require that beginning on January 1, 2024, the monthly personal needs allowance for a resident of a facility for skilled nursing be not less than the similar monthly personal needs allowance provided to certain recipients of Medicaid who reside in residential facilities for groups. **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 a requirement that the monthly personal needs allowance described in 42 U.S.C. § 1396a(q) for each institutionalized person who resides in a facility for skilled nursing must be not less than the monthly personal needs allowance provided for residents of residential facilities for groups who, under the State Plan for Medicaid, receive home and community-based services.

2. As used in this section:

(a) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.

(b) "Institutionalized person" has the meaning ascribed to the term "institutionalized individual or couple" in 42 U.S.C. § 1396a(q)(1)(B).

(c) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.

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 is not responsible for the clinical activities of the Division of Public



1 and Behavioral Health or the professional line activities of the other
2 divisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (a) Upon passage and approval for the purpose of performing
44 any preparatory administrative tasks that are necessary to carry out
45 the provisions of this act; and



1 (b) On January 1, 2024, for all other purposes.

③

