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FIRST REPRINT

S.B. 45

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.

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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; establishing the amount of the personal needs allowance provided to certain recipients of Medicaid who reside in facilities for skilled nursing; authorizing certain expenditures; making an appropriation; 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. **Section 2.5** of this bill makes an appropriation to the Division of Health Care Financing and Policy of the Department and authorizes certain expenditures for the costs of



16 increasing the monthly personal needs allowance for recipients of Medicaid who
17 reside in facilities for skilled nursing pursuant to **section 1**.

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 monthly personal needs allowance described***
5 ***in 42 U.S.C. § 1396a(q) for each institutionalized person who***
6 ***resides in a facility for skilled nursing must be not less than the***
7 ***monthly personal needs allowance provided for residents of***
8 ***residential facilities for groups who, under the State Plan for***
9 ***Medicaid, receive home and community-based services.***

10 ***2. As used in this section:***

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

13 ***(b) "Institutionalized person" has the meaning ascribed to the***
14 ***term "institutionalized individual or couple" in 42 U.S.C. §***
15 ***1396a(q)(1)(B).***

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

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

19 232.320 1. The Director:

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

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

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

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

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

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

33 (b) Shall administer, through the divisions of the Department,
34 the provisions of chapters 63, 424, 425, 427A, 432A to 442,
35 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS
36 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and***
37 ***section 1 of this act***, 422.580, 432.010 to 432.133, inclusive,
38 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive,
39 and 445A.010 to 445A.055, inclusive, and all other provisions of



1 law relating to the functions of the divisions of the Department, but
2 is not responsible for the clinical activities of the Division of Public
3 and Behavioral Health or the professional line activities of the other
4 divisions.

5 (c) Shall administer any state program for persons with
6 developmental disabilities established pursuant to the
7 Developmental Disabilities Assistance and Bill of Rights Act of
8 2000, 42 U.S.C. §§ 15001 et seq.

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

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

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

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

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

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

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

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

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

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

42 **Sec. 2.5.** 1. There is hereby appropriated from the State
43 General Fund to the Division of Health Care Financing and Policy
44 of the Department of Health and Human Services for the costs of
45 increasing the monthly personal needs allowance provided to



institutionalized persons who are recipients of Medicaid and reside in a facility for skilled nursing the following sums:

For the Fiscal Year 2023-2024..... \$309,374

For the Fiscal Year 2024-2025..... \$635,388

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

3. Expenditure of the following sums not appropriated from the State General Fund or State Highway Fund is hereby authorized by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purpose as set forth in subsection 1:

For the Fiscal Year 2023-2024..... \$975,792

For the Fiscal Year 2024-2025..... \$1,948,139

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

2. Section 2.5 of this act becomes effective on July 1, 2023.

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

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

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

