

**Amendment No. 127**

Assembly Amendment to Assembly Bill No. 208	(BDR 38-297)
<b>Proposed by:</b> Assembly Committee on Health and Human Services	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DAN/EWR



Date: 4/13/2023

A.B. No. 208—Establishes a program to provide structured family caregiving to certain recipients of Medicaid. (BDR 38-297)





ASSEMBLY BILL NO. 208—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON SENIOR CITIZENS, VETERANS AND  
ADULTS WITH SPECIAL NEEDS)

FEBRUARY 21, 2023

Referred to Committee on Health and Human Services

SUMMARY—Establishes a program to provide structured family caregiving to  
certain recipients of Medicaid. (BDR 38-297)

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 a program to provide structured family  
caregiving to certain recipients of Medicaid; and providing other  
matters properly relating thereto.

**Legislative Counsel’s Digest:**

Federal law authorizes a state to apply for a waiver that allows the state to receive  
financial contributions from the Federal Government toward the cost of providing certain  
home and community-based services for recipients of Medicaid who are elderly or disabled.  
(42 U.S.C. § 1396n(c)) Existing law requires the Department of Health and Human Services  
to apply for such a waiver covering certain home and community-based services for recipients  
of Medicaid with physical disabilities. (NRS 422.396)

**Section 1** of this bill requires the Department to apply to the United States Secretary of  
Health and Human Services ~~to amend the~~ **for a** home and community-based services waiver  
to include structured family caregiving for recipients of Medicaid suffering from dementia.

**Section 1** requires that the Department include in its application ~~to amend~~ **for** the waiver:  
(1) an authorization for ~~the~~ **an applicant for or a** recipient of Medicaid to choose his or her  
caregiver and the residence where the recipient will receive the structured family caregiving;  
and (2) a requirement that the caregiver be or become an employee of an agency to provide  
personal care services in the home or an intermediary service organization and receive a daily  
stipend through that employer. **Section 1** also requires a caregiver to receive certain training.

**Section 2** of this bill makes a conforming change to indicate that **section 1** will be  
administered in the same manner as other 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:

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

3       1. *The Department shall apply to the Secretary of Health and Human*  
4 *Services ~~[to amend the]~~ for a home and community-based services waiver granted*  
5 *pursuant to 42 U.S.C. § 1396n(c). The waiver must ~~[be amended to]~~ authorize the*  
6 *Department to include structured family caregiving for persons suffering from*  
7 *dementia as medical assistance under Medicaid.*

8       2. *The ~~[amendment]~~ waiver must:*

9       (a) *Authorize an applicant for or a recipient of Medicaid suffering from*  
10 *dementia to choose any:*

11       (1) *Person, including, without limitation, a spouse or a person who is*  
12 *legally responsible for the recipient, to serve as his or her caregiver; and*

13       (2) *Appropriate residence in which to receive structured family*  
14 *caregiving;*

15       (b) *Require ~~[the]~~ a caregiver chosen by a recipient of Medicaid pursuant to*  
16 *paragraph (a), including, without limitation, a caregiver chosen by an applicant*  
17 *whose application is approved, to be or become an employee of an agency to*  
18 *provide personal care services in the home or an intermediary service*  
19 *organization;*

20       (c) *Establish a per diem rate to be paid to an agency to provide personal care*  
21 *services in the home or an intermediary service organization that employs a*  
22 *caregiver pursuant to paragraph (b);*

23       (d) *Require an agency to provide personal care services in the home or*  
24 *intermediary service organization that employs a caregiver pursuant to*  
25 *paragraph (b) to provide to the caregiver a daily stipend that is at least 65 percent*  
26 *of the per diem rate paid to the agency to provide personal care services in the*  
27 *home or intermediary service organization; and*

28       (e) *Require a caregiver chosen by a recipient of Medicaid pursuant to*  
29 *paragraph (a), including, without limitation, a caregiver chosen by an applicant*  
30 *whose application is approved, to complete any training the Aging and Disability*  
31 *Services Division of the Department determines to be necessary for the caregiver*  
32 *to provide adequate care to the recipient.*

33       3. *The Department shall:*

34       (a) *Cooperate with the Federal Government in ~~[amending the]~~ obtaining a*  
35 *waiver pursuant to this section;*

36       (b) *If the Federal Government approves the ~~[amendment to the]~~ waiver,*  
37 *adopt regulations necessary to carry out the provisions of this section, including,*  
38 *without limitation, the criteria to be used in determining eligibility for an*  
39 *applicant for or a recipient of Medicaid suffering from dementia to receive*  
40 *structured family caregiving pursuant to this section; and*

41       (c) *Implement the amendments to the waiver only to the extent that the*  
42 *amendments are approved by the Federal Government.*

43       4. *As used in this section:*

44       (a) *“Agency to provide personal care services in the home” has the meaning*  
45 *ascribed to it in NRS 449.0021.*

46       (b) *“Intermediary service organization” has the meaning ascribed to it in*  
47 *NRS 449.4304.*

1           (c) *“Structured family caregiving” means the provision of services to a*  
2 *person who resides in the same residence as the caregiver on a full-time basis.*  
3 *The services provided may include, without limitation:*

- 4           (1) *Case management services;*  
5           (2) *Personal care services;*  
6           (3) *Personal assistance;*  
7           (4) *Homemaker services; and*  
8           (5) *Health-related services, including, without limitation, home health*  
9 *aid services.*

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, administrators of the  
13 divisions of the Department, who are respectively designated as follows:

- 14           (1) The Administrator of the Aging and Disability Services Division;  
15           (2) The Administrator of the Division of Welfare and Supportive Services;  
16           (3) The Administrator of the Division of Child and Family Services;  
17           (4) The Administrator of the Division of Health Care Financing and  
18 Policy; and  
19           (5) The Administrator of the Division of Public and Behavioral Health.

20       (b) Shall administer, through the divisions of the Department, the provisions of  
21 chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A  
22 and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410,  
23 inclusive, *and section 1 of this act*, 422.580, 432.010 to 432.133, inclusive,  
24 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to  
25 445A.055, inclusive, and all other provisions of law relating to the functions of the  
26 divisions of the Department, but is not responsible for the clinical activities of the  
27 Division of Public and Behavioral Health or the professional line activities of the  
28 other divisions.

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

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

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

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

41           (3) Provide for communication and the coordination of those services  
42 among nonprofit organizations, agencies of local government, the State and the  
43 Federal Government;

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

46           (5) Set forth sufficient information to assist the Department in providing  
47 those services and in the planning and budgeting for the future provision of those  
48 services; and

49           (6) Contain any other information necessary for the Department to  
50 communicate effectively with the Federal Government concerning demographic  
51 trends, formulas for the distribution of federal money and any need for the  
52 modification of programs administered by the Department.

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

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

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

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

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

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

15 (b) On January 1, ~~2024~~ 2025, for all other purposes.