

Amendment No. 906

Assembly Amendment to Assembly Bill No. 208 First Reprint (BDR 38-297)

Proposed by: Assembly Committee on Ways and Means

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will ADD an appropriation where one does not currently exist in A.B. 208 R1.

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: 6/2/2023

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; making appropriations to and authorizing expenditures by certain divisions of the Department of Health and Human Services; 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 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 for the waiver: (1) an authorization for 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 Medicaid. Section 2.3 of this bill makes appropriations to, and authorizes expenditures by, the Division of Health Care Financing and Policy of the Department for costs relating to including such structured family caregiving as medical assistance under Medicaid. Section 2.6 of this bill makes appropriations to, and authorizes expenditures by, the Division of Welfare and Supportive Services of the Department for costs relating to system modifications to implement this bill.

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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 for a home and community-based services waiver granted pursuant to 42*
5 *U.S.C. § 1396n(c). The waiver must authorize the Department to include*
6 *structured family caregiving for persons suffering from dementia as medical*
7 *assistance under Medicaid.*

8 2. *The 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 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 obtaining a waiver pursuant*
35 *to this section;*

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

(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. 2.3. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the costs of including structured family caregiving for persons suffering from dementia as medical assistance under Medicaid pursuant to section 1 of this act and for personnel, travel, operating, equipment, information services expenses and system costs for changes to the Medicaid Management Information System associated with carrying out the provisions of this act the following sums:

For the Fiscal Year 2023-2024 \$50,662

For the Fiscal Year 2024-2025 \$100,400

2. Expenditure of the following sums not appropriated from the State General Fund or the 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 \$85,382

For the Fiscal Year 2024-2025 \$223,781

3. 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.

Sec. 2.6. 1. There is hereby appropriated from the State General Fund to the Division of Welfare and Supportive Services of the Department of Health and Human Services the sum of \$72,240 for system modifications to implement the provisions of this act.

2. Expenditure of the sum of \$650,160 during Fiscal Year 2023-2024 not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Welfare and Supportive Services of the Department of Health and Human Services for the same purpose as set forth in subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, 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 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or

1 transferred, and must be reverted to the State General Fund on or before
2 September 19, 2025.

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

4 2. Sections 2.3 and 2.6 of this act become effective on July 1, 2023.

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

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

9 (b) On January 1, 2025, for all other purposes.