

Senate Bill No. 154—Committee on
Health and Human Services

CHAPTER.....

AN ACT relating to Medicaid; requiring the Department of Health and Human Services to apply for a waiver to receive federal funding for coverage of the treatment of the substance use disorder of a person in an institution for mental diseases; authorizing the Department to apply for a waiver to receive federal funding for coverage of the treatment of certain mental health conditions of persons in an institution for mental diseases; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing state law requires the Director of the Department of Health and Human Services to develop and adopt a State Plan for Medicaid which includes, without limitation, a list of specific medical services required to be provided to Medicaid recipients. (NRS 422.063, 422.270-422.27495) Existing law authorizes the Director of the Department, under certain circumstances, to seek a waiver of certain provisions of federal law governing Medicaid to enable the State to receive federal funding for certain Medicaid coverage. (NRS 422.270-422.27495) Existing federal law prohibits federal payment for services provided to patients residing in an institution for mental diseases. (42 U.S.C. § 1396d) **Section 1** of this bill requires the Department to apply for a waiver to receive federal funding for coverage of the treatment of the substance use disorder of a person in an institution for mental diseases. **Section 1** also authorizes the Department to apply for a waiver to receive federal funding for coverage of the treatment of an adult with a serious mental illness or a child with a serious emotional disturbance in an institution for mental diseases. **Section 2** of this bill makes a conforming change to indicate that **section 1** of this bill will be administered in the same manner as existing law governing Medicaid.

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

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 Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 that authorizes the Department to receive federal funding to include in the State Plan for Medicaid coverage for the treatment of the substance use disorder of a person who is in an institution for mental diseases.



2. *The Department may apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 that authorizes the Department to receive federal funding to include in the State Plan for Medicaid coverage for the treatment of an adult with a serious mental illness or a child with a serious emotional disturbance in an institution for mental diseases.*

3. *The Department shall cooperate with the Federal Government in obtaining:*

(a) *A waiver pursuant to subsection 1; and*

(b) *Any waiver for which the Department applies pursuant to subsection 2.*

4. *As used in this section:*

(a) *“Adult with a serious mental illness” means a person who is at least 18 years of age and has been diagnosed within the immediately preceding 12 months as having a mental, behavioral or emotional disorder as defined in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, other than an addictive disorder, intellectual or developmental disability, irreversible dementia or a substance use disorder, which interferes with or limits one or more major life activities of the person.*

(b) *“Child with a serious emotional disturbance” means a person who is less than 18 years of age and has been diagnosed within the immediately preceding 12 months as having a mental, behavioral or emotional disorder as defined in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, other than a disorder designated as a Code V disorder in the Manual, a developmental disability or a substance use disorder, which substantially interferes with or limits the person from developing social, behavioral, cognitive, communicative or adaptive skills or his or her activities relating to family, school or community. The term does not include a person with a disorder which is temporary or is an expected response to a stressful event.*

(c) *“Developmental disability” has the meaning ascribed to it in NRS 435.007.*

(d) *“Institution for mental diseases” has the meaning ascribed to it in 42 U.S.C. § 1396d(i).*

(e) *“Intellectual disability” has the meaning ascribed to it in NRS 435.007.*

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

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

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

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

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

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

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



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

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the 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. 3. This act becomes effective on July 1, 2021.

