

SENATE BILL NO. 325—SENATORS CANCELA, SEGERBLOM,  
WOODHOUSE, SPEARMAN, PARKS; CANNIZZARO, DENIS  
AND FARLEY

MARCH 20, 2017

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing medical assistance to  
certain children. (BDR 38-941)

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 public welfare; requiring the Director of the  
Department of Health and Human Services to authorize  
certain children to enroll in Medicaid and the Children’s  
Health Insurance Program; authorizing the Director to  
reduce or eliminate benefits provided to such children  
under those programs in certain circumstances; and  
providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing federal law provides generally that an alien is not eligible for any  
2 Federal means-tested public benefit for a period of 5 years beginning on the date of  
3 the alien’s entry into the United States. (8 U.S.C. § 1613) Federal law contains an  
4 exemption that authorizes a state to elect to allow children under 21 years of age  
5 who are lawfully residing in the United States and have resided in the United States  
6 for less than 5 years to enroll in Medicaid and the Children’s Health Insurance  
7 Program. (42 U.S.C. § 1396b(v)(4)(A)(ii)) This bill requires the Director of the  
8 Department of Health and Human Services to include in the State Plan for  
9 Medicaid and the Children’s Health Insurance Program authorization for such  
10 children who are under 19 years of age to enroll in Medicaid and the Children’s  
11 Health Insurance Program. This bill also authorizes the Director to reduce or  
12 eliminate benefits available for those children under those programs in response to  
13 certain changes in federal law.



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. *Except as otherwise provided in subsection 2, the Director*  
4       *shall:*

5       (a) *To the extent authorized by federal law, include in the State*  
6       *Plan for Medicaid and in the Children's Health Insurance*  
7       *Program authorization for a child less than 19 years of age who is*  
8       *described in 42 U.S.C. § 1396b(v)(4)(A)(ii) to enroll in Medicaid*  
9       *and the Children's Health Insurance Program; and*

10       (b) *Take any action necessary to comply with the requirements*  
11       *of the Centers for Medicare and Medicaid Services and any*  
12       *other applicable federal law to carry out the requirements of*  
13       *paragraph (a).*

14       2. *The Director may reduce or eliminate any benefits*  
15       *available pursuant to subsection 1 if:*

16       (a) *The provision of such benefits is no longer authorized by*  
17       *federal law; or*

18       (b) *The federal medical assistance percentage calculated*  
19       *pursuant to 42 U.S.C. § 1396d(b) is significantly reduced below*  
20       *the percentage existing on July 1, 2017.*

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

22       232.320 1. The Director:

23       (a) Shall appoint, with the consent of the Governor,  
24       administrators of the divisions of the Department, who are  
25       respectively designated as follows:

26       (1) The Administrator of the Aging and Disability Services  
27       Division;

28       (2) The Administrator of the Division of Welfare and  
29       Supportive Services;

30       (3) The Administrator of the Division of Child and Family  
31       Services;

32       (4) The Administrator of the Division of Health Care  
33       Financing and Policy; and

34       (5) The Administrator of the Division of Public and  
35       Behavioral Health.

36       (b) Shall administer, through the divisions of the Department,  
37       the provisions of chapters 63, 424, 425, 427A, 432A to 442,  
38       inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS  
39       127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and*  
40       *section 1 of this act*, 422.580, 432.010 to 432.133, inclusive,  
41       432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive,  
42       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, other than  
42 the State Public Defender of the Office of State Public Defender  
43 who is appointed pursuant to NRS 180.010.



1     **Sec. 3.**   This act becomes effective on July 1, 2017.

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