

SENATE BILL NO. 86—SENATOR HAMMOND

FEBRUARY 3, 2021

Referred to Committee on Health and Human Services

SUMMARY—Requires the State Plan for Medicaid to include coverage for donor breast milk and certain related products. (BDR 38-28)

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 inclusion in the State Plan for Medicaid of coverage for donor breast milk and human milk-based human milk fortifiers for certain infants; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the State Plan for Medicaid to include certain medical  
2 coverage. (NRS 422.2717-422.27241) This bill requires the State Plan to include  
3 coverage for approved donor breast milk and human milk-based human milk  
4 fortifiers prescribed or ordered by a physician, physician assistant or advanced  
5 practice registered nurse for certain infants who require nourishment from breast  
6 milk.

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 *The Director shall include in the State Plan for Medicaid a*  
4 *requirement that the State pay the nonfederal share of*  
5 *expenditures incurred for the cost of donor breast milk, including,*  
6 *without limitation, formulated human milk that is capable of being*  
7 *stored for long periods of time without spoiling, and the cost of a*  
8 *human milk-based human milk fortifier if the donor breast milk or*  
9 *fortifier:*



1 *1. Has been approved for use by an appropriate state or*  
2 *federal governmental agency; and*

3 *2. Has been prescribed or ordered by a physician, physician*  
4 *assistant or advanced practice registered nurse for an infant who:*

5 *(a) Has a birth weight of 1,500 grams or less;*

6 *(b) Has a congenital or acquired intestinal condition that*  
7 *causes a high risk of feeding intolerance, necrotizing enterocolitis*  
8 *or infection; or*

9 *(c) Otherwise requires nourishment from breast milk.*

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

15 (1) The Administrator of the Aging and Disability Services  
16 Division;

17 (2) The Administrator of the Division of Welfare and  
18 Supportive Services;

19 (3) The Administrator of the Division of Child and Family  
20 Services;

21 (4) The Administrator of the Division of Health Care  
22 Financing and Policy; and

23 (5) The Administrator of the Division of Public and  
24 Behavioral Health.

25 (b) Shall administer, through the divisions of the Department,  
26 the provisions of chapters 63, 424, 425, 427A, 432A to 442,  
27 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS  
28 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and*  
29 *section 1 of this act*, 422.580, 432.010 to 432.133, inclusive,  
30 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive,  
31 and 445A.010 to 445A.055, inclusive, and all other provisions of  
32 law relating to the functions of the divisions of the Department, but  
33 is not responsible for the clinical activities of the Division of Public  
34 and Behavioral Health or the professional line activities of the other  
35 divisions.

36 (c) Shall administer any state program for persons with  
37 developmental disabilities established pursuant to the  
38 Developmental Disabilities Assistance and Bill of Rights Act of  
39 2000, 42 U.S.C. §§ 15001 et seq.

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



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

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

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

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

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

13 (6) Contain any other information necessary for the  
14 Department to communicate effectively with the Federal  
15 Government concerning demographic trends, formulas for the  
16 distribution of federal money and any need for the modification of  
17 programs administered by the Department.

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

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

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

28 **Sec. 3.** This act becomes effective on July 1, 2021.



