

SENATE BILL NO. 93—SENATOR SETTELMAYER

FEBRUARY 3, 2021

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to Medicaid. (BDR 38-193)

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; authorizing a recipient of Medicaid to receive reimbursements for personal care services; suspending eligibility for Medicaid of a person who is incarcerated to the extent possible; making an appropriation; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the Department of Health and Human Services to  
2 administer Medicaid. (NRS 422.270) Existing law also requires Medicaid to cover  
3 certain home and community-based services for persons with physical disabilities,  
4 including supported personal care. (NRS 422.396) **Section 2** of this bill requires the  
5 Director of the Department to include in the State Plan for Medicaid authorization  
6 for a recipient of Medicaid to directly receive reimbursements for personal care  
7 services provided by a personal care assistant or an agency to provide personal care  
8 services in the home and paid for by the recipient.

9 **Section 3** of this bill provides that, to the extent possible: (1) the eligibility of a  
10 person for Medicaid must be suspended, rather than terminated, when a person is  
11 incarcerated; and (2) if a recipient of Medicaid is incarcerated, the eligibility of the  
12 person for and coverage under Medicaid must be reinstated as soon as possible  
13 upon his or her release.

14 **Section 4** of this bill makes a conforming change to provide that the provisions  
15 of **sections 2 and 3** would be administered by the same agency that administers  
16 existing law governing Medicaid.

17 **Section 4.5** of this bill makes an appropriation to the Division of Health Care  
18 Financing and Policy of the Department of Health and Human Services for the  
19 State’s share of the costs of personal care services for recipients of Medicaid under  
20 the self-directed model required by **section 2** of this bill.



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 the provisions set forth as sections 2 and 3 of this act.

3       **Sec. 2. 1.** *To the extent authorized by federal law, the*  
4 *Director shall include in the State Plan for Medicaid authorization*  
5 *for a recipient of Medicaid to be deemed a provider of services for*  
6 *the purposes of allowing the recipient to receive reimbursements*  
7 *for personal care services covered by Medicaid and use that money*  
8 *to pay for services provided by a personal care assistant acting*  
9 *pursuant to NRS 629.091 or an agency to provide personal care*  
10 *services in the home using a self-directed model.*

11       2. *As used in this section:*

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

14       (b) *“Personal care services” means the services described in*  
15 *NRS 449.1935.*

16       **Sec. 3. 1.** *To the extent not prohibited by federal law, the*  
17 *Department shall:*

18       (a) *Suspend, rather than terminate, the eligibility for Medicaid*  
19 *of a person who is incarcerated for the amount of time authorized*  
20 *by regulation pursuant to subsection 2; and*

21       (b) *Reinstate the person’s eligibility for and coverage under*  
22 *Medicaid as soon as possible upon his or her release from*  
23 *incarceration if the person otherwise meets the requirements to be*  
24 *eligible for Medicaid at that time.*

25       2. *The Department may adopt any regulations necessary to*  
26 *carry out the provisions of this section, including, without*  
27 *limitation, regulations that prescribe the amount of time that the*  
28 *eligibility of a person for Medicaid may be suspended pursuant to*  
29 *this section before being terminated.*

30       **Sec. 4.** NRS 232.320 is hereby amended to read as follows:

31       232.320 1. The Director:

32       (a) Shall appoint, with the consent of the Governor,  
33 administrators of the divisions of the Department, who are  
34 respectively designated as follows:

35       (1) The Administrator of the Aging and Disability Services  
36 Division;

37       (2) The Administrator of the Division of Welfare and  
38 Supportive Services;

39       (3) The Administrator of the Division of Child and Family  
40 Services;

41       (4) The Administrator of the Division of Health Care  
42 Financing and Policy; and



1 (5) The Administrator of the Division of Public and  
2 Behavioral Health.

3 (b) Shall administer, through the divisions of the Department,  
4 the provisions of chapters 63, 424, 425, 427A, 432A to 442,  
5 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS  
6 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and*  
7 *sections 2 and 3 of this act*, 422.580, 432.010 to 432.133, inclusive,  
8 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive,  
9 and 445A.010 to 445A.055, inclusive, and all other provisions of  
10 law relating to the functions of the divisions of the Department, but  
11 is not responsible for the clinical activities of the Division of Public  
12 and Behavioral Health or the professional line activities of the other  
13 divisions.

14 (c) Shall administer any state program for persons with  
15 developmental disabilities established pursuant to the  
16 Developmental Disabilities Assistance and Bill of Rights Act of  
17 2000, 42 U.S.C. §§ 15001 et seq.

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

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

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

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

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

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

36 (6) Contain any other information necessary for the  
37 Department to communicate effectively with the Federal  
38 Government concerning demographic trends, formulas for the  
39 distribution of federal money and any need for the modification of  
40 programs administered by the Department.

41 (e) May, by regulation, require nonprofit organizations and state  
42 and local governmental agencies to provide information regarding  
43 the programs of those organizations and agencies, excluding  
44 detailed information relating to their budgets and payrolls, which the



1 Director deems necessary for the performance of the duties imposed  
2 upon him or her pursuant to this section.

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

4 2. Notwithstanding any other provision of law, the Director, or  
5 the Director’s designee, is responsible for appointing and removing  
6 subordinate officers and employees of the Department.

7 **Sec. 4.5.** 1. There is hereby appropriated from the State  
8 General Fund to the Division of Health Care Financing and Policy  
9 of the Department of Health and Human Services to pay the State’s  
10 share of the costs of personal care services for recipients of  
11 Medicaid under the self-directed model required by section 2 of this  
12 act the following sums:

13	For the Fiscal Year 2021-2022 .....	\$50,895
14	For the Fiscal Year 2022-2023 .....	\$104,354

15 2. The sums appropriated by subsection 1 are available for  
16 either fiscal year. Any remaining balance of those sums must not be  
17 committed for expenditure after June 30, 2023, by the entity to  
18 which the appropriation is made or any entity to which money from  
19 the appropriation is granted or otherwise transferred in any manner,  
20 and any portion of the appropriated money remaining must not be  
21 spent for any purpose after September 15, 2023, by either the entity  
22 to which the money was appropriated or the entity to which the  
23 money was subsequently granted or transferred, and must be  
24 reverted to the State General Fund on or before September 15, 2023.

25 **Sec. 5.** 1. This section becomes effective upon passage and  
26 approval.

27 2. Sections 1, 2, 4 and 4.5 of this act become effective on  
28 July 1, 2021.

29 3. Section 3 of this act becomes effective:

30 (a) Upon passage and approval for the purposes of adopting any  
31 regulations and performing any other preparatory administrative  
32 tasks that are necessary to carry out the provisions of this act; and

33 (b) On January 1, 2023, for all other purposes.

