

SENATE BILL NO. 95—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE SUBCOMMITTEE TO CONDUCT
A STUDY OF POSTACUTE CARE)

PREFILED JANUARY 30, 2017

Referred to Committee on Health and Human Services

SUMMARY—Requires an analysis of the adequacy of Medicaid reimbursement rates for personal care services. (BDR S-368)

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; requiring the Division of Health Care Financing and Policy of the Department of Health and Human Services to study the adequacy of Medicaid reimbursement rates for personal care services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Federal law establishes the Medicaid program to provide assistance for part or
2 all of the cost of medical and certain related care rendered on behalf of indigent
3 persons. Providers of health care and certain related services to recipients of
4 Medicaid are authorized to receive reimbursements from the Federal and State
5 Government for part or all of the cost of that care or those services. (42 U.S.C. §§
6 1396 et seq.) This bill requires the Division of Health Care Financing and Policy of
7 the Department of Health and Human Services to study the adequacy of rates of
8 reimbursement paid under the State Plan for Medicaid for personal care services. If
9 the Division finds that a rate of reimbursement for such services does not accurately
10 reflect the actual cost of providing those services, this bill requires the Division to
11 include in the report of the findings of the study an adjusted rate that accurately
12 reflects that cost.



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Division of Health Care Financing and Policy of the Department of Health and Human Services shall study the rates of reimbursement paid under the State Plan for Medicaid for personal care services, including, without limitation, such services provided in the residences of recipients, assisted living facilities, other residential facilities for groups and facilities for the care of adults during the day. The study must determine whether those rates of reimbursement accurately reflect the actual cost of providing personal care services. In making this determination, the Division must consider, without limitation:

(a) Reasonable assessments of the actual cost of providing personal care services performed by providers of such services in this State;

(b) The Consumer Price Index for medical care published by the Bureau of Labor Statistics of the United States Department of Labor;

(c) The rates of reimbursement provided under Medicaid for personal care services in states that are demographically similar to Nevada; and

(d) The actual cost of labor performed in the direct provision of personal care services.

2. On or before March 1, 2018, the Division shall submit a report of its findings to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care and the Interim Finance Committee. If the Division determines that any rate of reimbursement for personal care services does not accurately reflect the actual cost of providing those services, the report must include a recommendation for an adjusted rate of reimbursement that accurately reflects the actual cost of providing those services.

3. As used in this section:

(a) "Assisted living facility" has the meaning ascribed to it in NRS 422.3962.

(b) "Facility for the care of adults during the day" has the meaning ascribed to it in NRS 449.004.

(c) "Personal care services" means:

(1) Any medical services authorized pursuant to NRS 629.091; and

(2) Nonmedical services related to personal care provided to elderly persons or persons with disabilities to assist those persons with activities of daily living, including, without limitation:



- 1 (I) The elimination of wastes from the body;
- 2 (II) Dressing and undressing;
- 3 (III) Bathing;
- 4 (IV) Grooming;
- 5 (V) The preparation and eating of meals;
- 6 (VI) Laundry;
- 7 (VII) Shopping;
- 8 (VIII) Cleaning;
- 9 (IX) Transportation; and
- 10 (X) Any other minor needs related to the maintenance of
- 11 personal hygiene.
- 12 (d) “Residential facility for groups” has the meaning ascribed to
- 13 it in NRS 449.017.
- 14 **Sec. 2.** This act becomes effective on July 1, 2017.



