

**ADOPTED REGULATION OF THE
COMMISSIONER OF INSURANCE**

LCB File No. R119-16

Effective December 21, 2016

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

AUTHORITY: §§1 and 3, NRS 679B.130 and 686A.015; §2, NRS 679B.130, 679B.138 and 686A.015.

A REGULATION relating to insurance; revising provisions relating to the forms which must be accepted by a payer for dental claims submitted under a contract for health insurance; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Commissioner of Insurance to adopt regulations relating to insurance, including regulations which adopt uniform claim forms. (NRS 679B.130, 679B.138) Existing regulations require a payer of a claim under a contract for health insurance to accept a claim that: (1) is submitted on a form approved by the United States Department of Health and Human Services; and (2) contains certain required and necessary information. (NAC 686A.288) **Section 2** of this regulation: (1) requires instead that such a payer accept a claim that is submitted on a form approved by the Commissioner; (2) expands the list of approved claim forms to include a claim form published by the American Dental Association or another form approved by the Commissioner for claims submitted by dentists or other persons entitled to reimbursement; and (3) adopts by reference the CDT 2016: Dental Procedure Codes, published by the American Dental Association, for use in the completion of such a claim form.

Sections 1 and 3 of this regulation make conforming changes to existing regulations as necessary to incorporate claims submitted by dentists and other persons entitled to reimbursement using the claim form published by the American Dental Association or another form approved by the Commissioner for that purpose.

Section 1. NAC 686A.282 is hereby amended to read as follows:

686A.282 A “clean claim” means a claim:

1. That contains the information required to be included for the applicable use of a form prescribed in NAC 686A.288; and

2. For which any additional information that has been requested pursuant to subsection 2 of NRS 683A.0879, 689A.410, 689B.255, 689C.485, 695B.2505 , ~~for~~ 695C.185 *or 695D.215* because of any particular or unusual circumstances that would have impeded the payer from paying the claim has been received.

Sec. 2. NAC 686A.288 is hereby amended to read as follows:

686A.288 1. The payer of a claim under a contract for health insurance:

(a) Shall accept a claim submitted on a form that:

(1) Has been approved by the ~~{United States Department of Health and Human Services}~~ *Commissioner* for the filing of a claim under a contract for health insurance; and

(2) Contains the information necessary to constitute a clean claim.

(b) Shall not require the completion of any other form for the purpose of processing the claim.

2. For the purposes of this section, a “form that has been approved by the ~~{United States Department of Health and Human Services}~~ *Commissioner*” means:

(a) For claims submitted by a hospital or other institutional provider, Centers for Medicare and Medicaid Services Form CMS-1450, which is commonly referred to as UB-04, or its successor form; ~~and~~

(b) For claims submitted by a health care practitioner or other person entitled to reimbursement, Centers for Medicare and Medicaid Services Form CMS-1500, or its successor form ~~H~~; *and*

(c) For claims submitted by a dentist or other person entitled to reimbursement, American Dental Association Form J430D, or its successor form, or another form approved by the Commissioner for that purpose, which has been completed using the Code on Dental

Procedures and Nomenclature set forth in the CDT 2016: Dental Procedure Codes, as adopted by reference in this section.

3. Form CMS-1450, also known as the UB-04 claim form, published by the National Uniform Billing Committee, is available from ~~the American Hospital Association~~ *Briggs Healthcare* on the Internet at ~~http://aha.org/, by telephone at (800) 242-2626, or by mail at 155 North Wacker Drive, Chicago, Illinois 60606,~~ <http://www.briggscorp.com>, at the price of ~~for members and \$56 for nonmembers.~~ **\$20.40**. Copies of the form may also be available through office supply stores.

4. Form CMS-1500, published by the National Uniform Claim Committee, is available from the United States Government Printing Office on the Internet website ~~http://bookstore.gpo.gov,~~ <https://bookstore.gpo.gov/>, or by mail at P.O. Box 979050, St. Louis, Missouri 63197-9000, ~~or by toll-free telephone at (866) 512-1800,~~ at the price of ~~\$29.~~ **\$32**. Copies of the form may also be available through local printing companies and office supply stores.

5. *Form ADA-J430D, published by the American Dental Association, is available from the American Dental Association on the Internet website <http://www.adacatalog.org>, at the price of \$19.95 for members and \$29.95 for nonmembers.*

6. *For purposes of this section, the CDT 2016: Dental Procedure Codes, published by the American Dental Association, is hereby adopted by reference. A copy of the publication may be obtained from the American Dental Association on the Internet website <http://www.adacatalog.org>, at the price of \$39.95 for members and \$59.95 for nonmembers.*

Sec. 3. NAC 686A.290 is hereby amended to read as follows:

686A.290 The time for a payer to adjudicate and pay claims pursuant to NRS 683A.0879, 689A.410, 689B.255, 689C.485, 695B.2505, ~~and~~ 695C.185 *and 695D.215* begins when the payer receives a clean claim.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
INFORMATIONAL STATEMENT AS REQUIRED BY NRS 233B.066**

LCB FILE NO. R119-16

The following statement is submitted by the State of Nevada, Department of Business and Industry, Division of Insurance (“Division”) for adopted amendments to Nevada Administrative Code (“NAC”) Chapter(s) 686A.

1. A clear and concise explanation of the need for the adopted regulation.

The Commissioner of Insurance is required to promulgate regulations to require the use of uniform claim forms. NRS 679B.138.1. Nevada Administrative Code (“NAC”) 686A.288 prescribes the claims form that claims payers must use. In 2015, SB 137 was enacted requiring the coordination of benefits between dental insurance and health insurance. In order to maintain claim form uniformity and ensure the coordination of benefits, claim forms must be added or updated to accommodate the use of the American Dental Association’s Code on Dental Procedures and Nomenclature.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

- (a) A description of how public comment was solicited:

Public comment was solicited by e-mailing the proposed regulation, notice(s) of workshop, notice(s) of intent to act upon the regulation, and small business impact statement to persons on the Division’s mailing list requesting notification of proposed regulations. The documents were also made available on the website of the Division, <http://doi.nv.gov/>, mailed to the main library for each county in Nevada, and posted at the following locations:

Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, Nevada 89706

Department of Business and Industry
Division of Insurance
2501 East Sahara Avenue, Suite 302
Las Vegas, Nevada 89104

Legislative Building
401 South Carson Street
Carson City, Nevada 89701

Grant Sawyer Building
555 East Washington Avenue
Las Vegas, Nevada 89101

Blasdel Building
209 East Musser Street
Carson City, Nevada 89701

Capitol Building
101 North Carson Street
Carson City, Nevada 89701

Nevada Department of Employment,
Training and Rehabilitation
2800 E. Saint Louis Avenue
Las Vegas, Nevada 89104

Public comment was also solicited at the workshop(s) held on September 21, 2016, and at the hearing(s) held on October 11, 2016 and December 12, 2016. The public meetings took place at the offices of the Division, 1818 East College Parkway, Carson City, Nevada 89706, with simultaneous videoconferencing to the Bradley Building, 2501 East Sahara Avenue, Las Vegas, Nevada 89104.

(b) A summary of the public response:

The Division received both written and oral comments. The comments centered on two areas:

- 1) Claim processing and whether requiring the use of a standardized form improved the claim process. A comment was received that stated the current process was appropriate and did not cause delays in claim processing. The comments indicated that the information submitted was more important than the form it was submitted on.
- 2) The CDT 2016: Dental Procedure Codes adopted by reference. A comment was received that indicated that the referenced codes can change annually and that the reference should be to the most current version to avoid making the regulation out of date.

(c) An explanation of how other interested persons may obtain a copy of the summary:

The summary in part 2(b) above reflects the comments and testimony that transpired with regard to regulation R119-16. A copy of said summary may be obtained by contacting Kim Everett, Acting Chief Insurance Examiner for the Life and Health Section, at (775) 687-0700 or keverett@doi.nv.gov. This summary will also be made available by e-mail request to insinfo@doi.nv.gov.

3. The number of persons who:

- (a) Attended each hearing:

September 21, 2016:	3
October 11, 2016:	0
December 12, 2016:	1
- (b) Testified at each hearing:

September 21, 2016:	3
October 11, 2016:	1
December 12, 2016:	1
- (c) Submitted to the agency written statements: 2

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3 (b) and (c), as provided to the agency:

September 21, 2016 Workshop – Persons who testified:

Name	Entity/Organization Represented	Business Address	Telephone No./ Business Telephone No.	E-Mail Address
Jeremy Gladstone	Nevada Division of Insurance	1818 College Pkwy. Carson City, NV 89706	775-687-0729	jgladstone@doi.nv.gov
Joanna Jacob	Ferrari Public Affairs for NV Dental Association	4741 Caughlin Parkway Suite 2 Reno, NV 89519	775-351-8978	joanna@ferraripa.com
James L. Wadhams	Fennemore Craig	300 S. Fourth Street Suite 1400 Las Vegas, NV 89101	702-692-8039	jwadhams@fclaw.com

October 11, 2016 Hearing – Persons who testified:

Name	Entity/Organization Represented	Business Address	Telephone No./ Business Telephone No.	E-Mail Address
Jeremy Gladstone	Nevada Division of Insurance	1818 College Pkwy. Carson City, NV 89706	775-687-0729	jgladstone@doi.nv.gov

December 12, 2016 Hearing – Persons who testified:

Name	Entity/Organization Represented	Business Address	Telephone No./ Business Telephone No.	E-Mail Address
Jeremy Gladstone	Nevada Division of Insurance	1818 College Pkwy. Carson City, NV 89706	775-687-0729	jgladstone@doi.nv.gov

Persons who provided written statements:

Name	Entity/Organization Represented	Business Address	Telephone No./ Business Telephone No.	E-Mail Address
Tracy Woods	Anthem Blue Cross Blue Shield	9133 W. Russel Road Las Vegas, NV 89148	(775) 386-3725	Tracey.Woods@anthe m.com
Sunshine Moore	America's Health Insurance Plans (AHIP)	601 Pennsylvania Ave., NW Suite 500 Washington, DC 20004	(916) 996-2376	smoore@ahip.org

5. A description of how comment was solicited from affected businesses, a summary of their responses, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. Please see the description, summary and explanation provided above in response to question #2.

6. If after consideration of public comment the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Division received a comment requesting more general language in adopting the CDT codes referenced in the regulation; however, the Division concluded that under Nevada state law more specificity is required when referencing an external document within a regulation.

7. (a) The estimated economic effect of the adopted regulation on the business which it is to regulate:

(1) Both adverse and beneficial effects: Health insurers who also provide dental insurance will be able to review dental claims and coordinate the coverage with the health coverage to provide timely payment of claims. The forms also allow insurers to meet timelines for processing and paying claims. Dental providers will benefit from improved coordination as compensation for their services will be more timely processed. There is no anticipated adverse impact created by this regulation.

(2) Both immediate and long-term effects: Medical and dental claims will be handled in a more efficient manner allowing insurers to settle claims promptly. Health insurers who also provide dental insurance will be able to review dental claims and coordinate the coverage with the health coverage to provide timely payments for claims. The forms also allow insurers to meet timelines for processing and paying claims.

(b) The estimated economic effect of the adopted regulation on the public:

(1) Both adverse and beneficial effects: Consumers can clearly identify the forms permitted for dental claims. Consumers' dental claims will be more timely processed and paid as the forms provide for better coordination with health insurance. There is no anticipated adverse impact created by this regulation.

(2) Both immediate and long-term effects: Consumers can clearly identify the forms permitted for dental claims. Consumers' dental claims will be more timely processed and paid as the forms provide for better coordination with health insurance. In the long-term the health insurance system will benefit as the coordination of claims adjudication and payment will be more efficient.

8. The estimated cost to the agency for enforcement of the adopted regulation.

The Division does not anticipate additional cost for enforcement of the adopted regulation.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other regulations that overlap or duplicate the proposed amendments to the existing regulations.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of those provisions.

There are no federal regulations that address the requirements in the proposed amendments to the existing regulations.

11. If the regulation establishes a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The regulation does not create a new fee or increase an existing fee.