

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066**  
**Informational Statement**

**LCB File No. R028-16**

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

The Public Employees' Benefits Program (PEBP) established eligibility for participation with a reduced waiting period starting July 1, 2015. The original 90-day waiting period was in accordance with the Affordable Care Act (ACA), 42 U.S.C. § 300gg-7; however to meet all state agency eligibility requirements, PEBP needed to reduce the waiting period to the first day of the month if employment or reemployment was on the first day of the month or the first day of the month following the date of employment or reemployment if that date was after the first day of the month. Additionally, duplicative regulations will be repealed.

**2. 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.**

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail to all State agencies, groups and individuals who had specifically requested such notice. The documents were electronically mailed to all known participating agency representatives with a request that they forward the documents within their agencies. These documents were also made available at the Public Employees' Benefits Program's website at <http://www.pebp.state.nv.us>, mailed to the Nevada State Library and Archives, all county libraries in Nevada, and posted at the following locations:

The Legislative Building  
401 South Carson Street  
Carson City, NV 89701

The Blasdel Building  
209 East Musser Street, Suite 6  
Carson City, NV 89701

The Richard H. Bryan Building  
901 South Stewart Street, Suite 1001  
Carson City, NV 89701

The Grant Sawyer State Office Building  
555 East Washington Avenue, Suite 1000  
Las Vegas, NV 89101

**3. The number of persons who:**

- (a) Attended each hearing:** February 16, 2016 – 19; June 17, 2016 - 43
- (b) Testified at each hearing:** February 16, 2016 – 2; June 17, 2016 - 1
- (c) Submitted written comments:** February 16, 2016 – 0; June 17, 2016 - 0

**4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**

- (a) Name;**
- (b) Telephone number;**
- (c) Business address;**
- (d) Business telephone number;**
- (e) Electronic mail address; and**

**(f) Name of entity or organization represented.**

This information is provided in Exhibit A, attached to the Informational Statement.

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

PEBP does not believe any businesses are affected by this regulation change; however, businesses had the same opportunity as the public to provide comment at the posted workshop and hearing.

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

The regulation was ultimately adopted with revision by the PEBP Board.

**7. The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

**(a) Estimated economic effect on the businesses which they are to regulate.**

This regulation revises provisions governing the date on which certain public employees, judges and justices are eligible to participate in the Public Employees' Benefits Program, conforming the relevant provisions of the Nevada Administrative Code to those of statute. The regulation does not apply to any "small business" as defined in NRS 233B.0382 and consequently will not impose any economic burden on such a business, nor will it restrict the formation, operation or expansion of such a business.

**(b) Estimated economic effect on the public which they are to regulate.**

PEBP does not anticipate an economic effect on the public.

**8. The estimated cost to the agency for enforcement of the proposed regulation:**

PEBP does not anticipate the need for any additional resources to administer the regulation.

**9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

PEBP does not believe any other regulation at the State or Federal level overlaps or duplicates this regulation.

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

The ACA, 42 U.S.C. § 300gg-7, requires a waiting period of no more than 90 days from the date of hire for employees to participate in employer sponsored group health insurance plans. This regulation is more stringent as it reduces the 90 days to effectively no more than 30 days (on a month with 31 days in it) and as few as 0 days of waiting for enrollment (for those hired or reemployed on the first day of the month).

- 11. If the regulation provides 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.**

This regulation does not provide for a new fee or an increase to an existing fee.

**Exhibit A**  
**Informational Statement - LCB File No. R028-16**

**4. Additional information regarding persons identified in paragraphs (b) and (c) of number 3 of the Legislative Review of Adopted Regulations Informational Statement.**

**(b) Persons who testified at each hearing are identified below:**

**February 16, 2016 Workshop – 2 people**

**Peggy Lear Bowen**  
Retired PEBP Participant  
(775) 826-2793

**Brad Truax**  
Retired Public Employees of Nevada (RPEN)  
(775) 453-1414

**June 17, 2016 Public Hearing – 1 person**

**Peggy Lear Bowen**  
Retired PEBP Participant  
(775) 826-2793

**(c) Persons who submitted written comments at each hearing are identified below:**

**February 16, 2016 Workshop – 0**

There were no written comments submitted at this workshop.

**June 17, 2016 Public Hearing – 0**

There were no written comments submitted at this hearing.