



**JOE LOMBARDO**  
*Governor*



STATE OF NEVADA  
**PUBLIC EMPLOYEES' BENEFITS PROGRAM**  
3427 Goni Road, Suite 109 | Carson City, Nevada 89706  
Telephone 775-684-7000 | 702-486-3100 | 1-800-326-5496  
<https://pebp.nv.gov>

**CELESTENA GLOVER**  
*Executive Officer*

**JACK ROBB**  
*Board Chair*

**NOTICE OF INTENT TO ACT UPON A REGULATION**  
**AND HEARING AGENDA**

Notice of Hearing on the Adoption of Permanent Regulations  
of the Nevada Public Employees' Benefits Program

**LCB File No. R047-24**

Please note that the Nevada Public Employees' Benefits Program will conduct a public hearing to receive comments from all interested persons regarding the adoption of proposed permanent regulations amending Chapter 287 of the Nevada Administrative Code (NAC). Members of the public may attend and participate as follows:

- Name of Organization: Public Employees' Benefits Program
- Date and Time of Hearing: May 9, 2024 1:30 p.m.
- Place of Hearing: 3427 Goni Rd Ste. 117 Carson City, NV 89706
- Video Conferencing: This meeting will be available by means of a remote technology system pursuant to NRS 241.023 using video- and tele-conference. Instructions for both options are below. This meeting can be viewed live over the Internet on the PEBP YouTube channel at <https://www.youtube.com/watch?v=DGoLKPYIRWc>

To submit written public comment, please upload your document to the *Public Comment Upload Form* located under *Contact Us* on the PEBP website, <https://pebp.nv.gov>, no later than 9 a.m. on May 9, 2024.

To listen to and view the hearing, please click on the YouTube Link located in "Video Conferencing" field above.

There are two agenda items designated for public comment. If you wish to provide verbal public comment during those agenda items, please follow the instructions below:

- Option #1** Join the webinar as an attendee <https://us06web.zoom.us/j/84173651663>  
This link is only for those who want to make public comment. If you are just listening to the webinar, please use the YouTube Link located in the "Video Conferencing" field above.
- Option #2** Dial: (669) 900-6833. When prompted to provide your Meeting ID, please enter: 841 7365 1663 then press #. When prompted for a Participant ID, please enter #.

**Participants that call in will be muted until it is time for public comment. A moderator will then unmute callers one at a time for public comment.**

**To resolve any issues related to dialing in to provide public comment for this meeting, please call (775) 684-7020 or email [jcrane@peb.nv.gov](mailto:jcrane@peb.nv.gov)**

**Hearing materials can be accessed here: <https://pebp.nv.gov/Meetings/current-board-meetings/>**

### **INFORMATIONAL STATEMENT**

The following information is provided pursuant to the requirements of NRS 233B.0603:

**1. The need for and purpose of the proposed regulation or amendment.**

In accordance with Executive Order 2023-003, which, in part, required executive agencies to review their regulations and recommend regulations that could be removed from the Nevada Administrative Code, the Board of the Public Employees' Benefits Program (PEBP) proposed consolidation of essential Board procedures into a single regulation and the repeal of several regulations whose provisions were otherwise addressed in statute or more appropriately addressed in agency documents.

**2. If the proposed regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended, or repealed, or a description of the subjects and issues involved.**

The proposed regulation is not a temporary regulation.

**3. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.**

The text of the proposed regulation is attached to this notice. Additionally, copies of this Notice and the proposed regulation are available at PEBP's office at 3427 Goni Road, Suite 109, Carson City, Nevada 89706, for inspecting and copying by members of the public during business hours, and on PEBP's website, <https://pebp.nv.gov/>. This Notice and the text of the proposed regulation is also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and available on the Internet at: <https://www.leg.state.nv.us/register/>. Copies of this Notice and the proposed regulation will also be mailed or emailed to members of the public at no charge upon request to [jcrane@peb.nv.gov](mailto:jcrane@peb.nv.gov) or 775-684-7020. Requests should specify LCB File No. R047-24.

**4. The estimated economic effect of the regulation on the business which it is to regulate and on the public, stated separately; and each including (a) both adverse and beneficial effects; and (2) both immediate and long-term effects.**

- **Adverse/beneficial economic effects and immediate/long-term effects on regulated business:**

The proposed regulation does not regulate a business, rather, it addresses the procedures of PEBP and the meetings of its Board. Accordingly, PEBP anticipates no immediate or long-term effects, either adverse or beneficial, on any business.

- **Adverse/beneficial economic effects and immediate/long-term effects on public:**

PEBP anticipates no immediate or long-term economic effects, either adverse or beneficial, on the public from the proposed regulation.

**5. The methods used by the agency in determining the impact on a small business.**

PEBP prepared a letter explaining the proposed amendments and requested input as to whether the proposed amendments had a direct and significant burden upon small businesses or directly restrict the formation, operation, or expansion of small businesses within Nevada. The letter was posted on PEBP's website and also sent to the Nevada State Medical Association, Capitol Reporters, the Las Vegas Metro Chamber of Commerce, the Reno Sparks Chamber of Commerce, and the Rural Nevada Development Corporation. To date, PEBP has received no responses indicating that the proposed regulations will affect small businesses.

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

The proposed regulations do not contemplate "enforcement" other than complying with the meeting procedures consolidated into a single new regulation. Carrying out these provisions will not result in an increased cost to PEBP.

**7. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

To PEBP's knowledge, the proposed regulations do not overlap or duplicate the regulations of other state or local governmental agencies or any federal regulations.

**8. If the regulation is required pursuant to federal law, a citation and description of the federal law.**

The proposed regulations are not required pursuant to federal law.

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

To PEBP's knowledge, the proposed regulations are not duplicative or more stringent than any federal regulation.

**10. Whether the proposed regulation establishes a new fee or increases an existing fee.**

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

Persons wishing to comment upon PEBP's potential adoption of the proposed regulation may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to: Jessica Crane, Public Employees' Benefits Program, 3427 Goni Road Suite 109, Carson City, Nevada 89706 or by uploading a document to the [Public Comment Upload Form](#) located under [Contact Us](#) on the PEBP website, <https://pebp.nv.gov>. Written submissions must be received on or before 9 a.m. on May 9, 2024.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Public Employees' Benefits Program may proceed immediately to act upon any written submissions.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

### **HEARING AGENDA**

1. Call to Order; Introductions
2. Public Comment

Public comment will be taken during this agenda item. No action may be taken on any matter raised under this item unless the matter is included on a future agenda as an item on which action may be taken. Public comments to the Public Employees' Benefits Program (PEBP) will be taken under advisement but will not be answered during the meeting. Comments may be limited to three minutes per person at the discretion of the PEBP Executive Officer or her designee. The total time allotted to public comment may be limited to one hour at the discretion of the PEBP Executive Officer or her designee. As noted above, members of the public may make public comment by using the call-in number provided above. Persons unable to attend the meeting in person or by telephone and persons whose comments may extend past the three-minute time limit may submit their public comment in writing by uploading a document to the [Public Comment Upload Form](#) located under [Contact Us](#) on the PEBP website, <https://pebp.nv.gov>, no later than 9 a.m. on the day of the meeting. Persons making public comment need to state and spell their name for the record at the beginning of their comment.

3. Public Hearing on LCB File No. R047-24 (Celestena Glover, Executive Officer)  
(Information/Discussion)

Public comment regarding LCB File No. R047-24 is welcomed. Any written comments received by 9 a.m. on May 9, 2024, will be read into the record.

4. Public Comment

Public comment will be taken during this agenda item. Comments may be limited to three minutes per person at the discretion of the PEBP Executive Officer or her designee. Persons making public comment need to state and spell their name for the record at the beginning of their testimony.

5. Adjournment

The supporting material to this agenda is available, at no charge, on the PEBP website at <https://pebp.nv.gov/Meetings/current-board-meetings/> (under the hearing date referenced above). Contact Jessica Crane at PEBP, 3427 Goni Rd, Suite 109, Carson City NV 89706 (775) 684-7020 or (800) 326-5496.

We are pleased to make reasonable efforts to assist and accommodate persons with physical disabilities who wish to participate in the meeting. If special arrangements for the meeting are necessary, please notify the PEBP in writing, at 3427 Goni Rd, Suite 109, Carson City, NV 89706, or call Jessica Crane at (775) 684-7020 or (800) 326-5496, as soon as possible so that reasonable efforts can be made to accommodate the request.

Notice of this meeting was posted at least 30 days before the meeting at the following locations: PUBLIC EMPLOYEES' BENEFITS PROGRAM, 3427 Goni Road, Suite 109, Carson City and posted on the PEBP website at <https://pebp.nv.gov>; on the Nevada Public Notice Website at <https://notice.nv.gov>; and on the Nevada Legislature's "Administrative Regulation Notices Meetings and Workshops Page" at <https://leg.state.nv.us>. In addition, the agenda was mailed to groups and individuals as requested.

**PROPOSED REGULATION OF THE BOARD OF THE  
PUBLIC EMPLOYEES' BENEFITS PROGRAM**

**LCB File No. R047-24**

March 25, 2024

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

AUTHORITY: §§ 1 and 2, NRS 287.043; § 3, NRS 287.0415, 287.043 and 287.045.

A REGULATION relating to public employees; revising provisions relating to the Board of the Public Employees' Benefits Program; repealing certain regulations relating to Board meetings; eliminating certain provisions relating to enrollment in benefits and coverage; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Board of the Public Employees' Benefits Program to establish and carry out the Public Employees' Benefits Program relating to insurance and benefits for participants. (NRS 287.043) Existing law further requires the: (1) Governor to designate one of the members of the Board to serve as the Chair; and (2) Board to meet quarterly and at other times upon the call of the Chair. (NRS 287.0415) Existing regulations require the Board to elect from its members a Vice Chair at the first meeting of each plan year. (NAC 287.172). **Section 1** of this regulation reorganizes certain provisions of existing regulations relating to the Chair, Vice Chair and motions for consideration. **Section 3** of this regulation eliminates certain requirements and provisions relating to Board meetings, enrollment in the Program and coverage for a person or a retired participant returning to work in certain circumstances. **Section 2** of this regulation makes a conforming change to remove a reference to a section repealed by **section 3**.

**Section 1.** NAC 287.172 is hereby amended to read as follows:

1. *The Chair shall:*

(a) *Determine the agenda of a meeting of the Board; and*

(b) *Preside over the meetings of the Board.*

2. At the first meeting of each plan year, the Board will elect from its members a Vice Chair

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~~2. The Vice Chair~~ who shall serve as the Chair in the absence of the Chair.

*3. Any member of the Board may submit to the Executive Officer, or in the absence of the Executive Officer, the Operations Officer of the Program, a request for a matter to be placed on the agenda of a meeting of the Board.*

*4. Any motion made by a member of the Board requires a second to the motion for consideration of the motion by the Board.*

**Sec. 2.** NAC 287.311 is hereby amended to read as follows:

1. Except as otherwise provided in NAC 287.312, a participant who desires or is required to enroll or disenroll a person in the Program as a dependent as a result of a life event that qualifies the participant to amend his or her coverage outside the period of open enrollment must, within 60 days after the date on which the dependent becomes eligible to participate or loses his or her eligibility to participate in the Program:

(a) Execute a declaration of enrollment electronically through the Internet website of the Board ~~for by submitting a form prescribed by the Program pursuant to NAC 287.318.~~ under penalty of perjury and subject to the provisions of NRS 686A.290 and 686A.291.

(b) Submit copies of any supporting documentation required to establish or terminate the dependent's eligibility to participate in the Program as a dependent as requested by the Program.

2. Except as otherwise provided in subsections 3 and 4, if a participant fails to enroll or disenroll a person in the Program as a dependent within 60 days after the date on which the dependent becomes eligible to participate or loses his or her eligibility to participate in the Program, the participant may not enroll or disenroll the person in the Program as a dependent until the next period of open enrollment.

3. The Program will enroll a person as a dependent of a participant in accordance with an order to obtain health insurance for his or her child pursuant to NRS 31A.350.

4. The Program will disenroll a person as a dependent of a participant on the date on which the dependent becomes deceased.

**Sec. 3.** NAC 287.170, 287.174, 287.176, 287.178, 287.3125, 287.318, 287.319, 287.510 and 287.515 are hereby repealed.

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### TEXT OF REPEALED SECTIONS

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**287.170 Chair: Duty; voting. (NRS 287.043)**

1. The Chair shall preside over the meetings of the Board.
2. Unless the Chair is required to abstain from voting or is otherwise disqualified from participating in a matter before the Board:
  - (a) If the Chair does not vote on the matter, it will be presumed that the Chair voted with the prevailing majority of members of the Board who voted on the matter.
  - (b) The Chair shall vote in the case of a tie.

**287.174 Meetings: Agenda. (NRS 287.043)**

1. The Chair shall determine the agenda of a meeting of the Board.
2. Any member of the Board may submit to the Executive Officer, or in his or her absence, the Operations Officer of the Program appointed pursuant to NRS 287.0426, a request for a matter to be placed on the agenda of a meeting of the Board.



**287.176 Meetings: Approval of actions; motions; rules of conduct. (NRS 287.043)**

1. All action by the Board must be approved by a majority of the members of the Board who are present at the meeting. A tie vote constitutes a rejection of the question or matter before the Board.
2. Any motion made by a member of the Board requires a second to the motion for consideration of the motion by the Board.
3. *Robert's Rules of Order* govern the general conduct of meetings of the Board.

**287.178 Meetings: Minutes; transcript. (NRS 287.0415, 287.043)**

1. The minutes of each meeting of the Board must be distributed to each member of the Board.
2. A transcript of a meeting posted to the Internet website of the Board pursuant to NRS 287.0415 will remain posted on the Internet website of the Board for at least 6 months after posting. During the period in which the transcript of the meeting is posted on the Internet website of the Board, a person may request a hard copy of the transcript.
3. The Board may charge the person a fee for the transcript that does not exceed the actual cost of the Board to provide the copy of the transcript.

**287.3125 Dependents: Terms and conditions of certain changes. (NRS 287.043)**

Except during a period of open enrollment, the right to change coverage or insurance for a dependent or to add or change dependents is governed by the terms and conditions of any applicable plan, insurance policy or law.

**287.318 Enrollment forms: Required information. (NRS 287.043)** Enrollment forms that are submitted to the Program must include, without limitation:

1. The name, address, social security number, if any, and signature of the person who is enrolling in the Program; and
2. The name and social security number, if any, of any dependent that the person chooses to cover under the Program.

**287.319 Notification of change of address by participant to Program. (NRS 287.043)**

A participant shall notify the Program within 30 days after a change of address of the participant.

**287.510 Coverage of persons returning to work with previous employer within 1 year after leaving employment. (NRS 287.043, 287.045)** If a person other than a retired officer or employee returns to work for a participating public agency with which the person was previously employed within 1 year after leaving employment:

1. The person may select any coverage and insurance offered to participants in the Program at the time that the person returns to work; and
2. Coverage and insurance for the person is effective:
  - (a) If the effective date of reemployment is on the first day of a month, on the effective date of reemployment; or
  - (b) If the effective date of reemployment is not on the first day of a month, on the first day of the month immediately following the effective date of reemployment.

**287.515 Coverage of retired participants upon reemployment with participating public agency. (NRS 287.043, 287.045)**

1. Except as otherwise provided in this section, a person who participates in the Program as a retired officer or employee and who returns to full-time employment with a participating public agency is eligible to participate in the Program as an active officer or employee:

(a) If the effective date of reemployment is on the first day of a month, on the effective date of reemployment; or

(b) If the effective date of reemployment is not on the first day of a month, on the first day of the month immediately following the effective date of reemployment.

2. If a person who participates in the Program as a retired justice or judge accepts reemployment as a justice of the Supreme Court or district judge pursuant to NRS 1A.370, the person is eligible to participate in the Program as an active justice or judge, as applicable:

(a) If the effective date of reemployment is on the first day of a month, on the effective date of reemployment; or

(b) If the effective date of reemployment is not on the first day of a month, on the first day of the month immediately following the effective date of reemployment.

3. Except as otherwise required by federal law, a retired officer or employee who returns to full-time employment with a participating public agency to fill a position which has been designated as a position for which there is a critical labor shortage pursuant to NRS 286.523 and who continues to receive allowances under the retirement system of which he or she is a member is eligible to participate in the Program in the same manner as he or she participated before returning to full-time employment. Except for a retired officer or employee who was enrolled in the Program on November 30, 2008, and continues his or her participation in the Program, coverage of a retired officer or employee who returns to full-time employment with a participating local governmental agency pursuant to this subsection terminates on the date on which the participating local governmental agency terminates its participation in the Program.

4. A retired officer or employee who returns to full-time employment with a participating state agency to fill a position which has been designated as a position for which there is a critical

labor shortage pursuant to NRS 286.523 and who discontinues receiving allowances under the retirement system of which he or she is a member is eligible to participate in the Program as an active officer or employee:

(a) If the effective date of reemployment is on the first day of a month, on the effective date of reemployment; or

(b) If the effective date of reemployment is not on the first day of a month, on the first day of the month immediately following the effective date of reemployment.

5. A retired officer or employee who returns to full-time employment with a participating local governmental agency to fill a position which has been designated as a position for which there is a critical labor shortage pursuant to NRS 286.523 and who discontinues receiving allowances under the retirement system of which he or she is a member is eligible to participate in the Program as an active officer or employee:

(a) If the effective date of reemployment is on the first day of a month, on the effective date of reemployment; or

(b) If the effective date of reemployment is not on the first day of a month, on the first day of the month immediately following the effective date of reemployment.

↪ Except for a retired officer or employee who was enrolled in the Program on November 30, 2008, and continues his or her participation in the Program, coverage of a retired officer or employee pursuant to this subsection terminates on the date on which the participating local governmental agency with which the retired officer or employee returns to full-time employment terminates its participation in the Program.