

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

**Notice Of Workshop To Solicit Comments On Proposed Regulation**

The Public Employees' Benefits Program, 901 S. Stewart Street, Suite 1001, Carson City Nevada 89701 (775) 684-7000 or (800) 326-5496, is proposing the adoption, amendment, and repeal of regulations pertaining to chapter 287 of the Nevada Administrative Code. A workshop has been set for 9:00 a.m., on **October 6, 2005**, at the Legislative Building, 401 South Carson Street, Room 1214, Carson City, Nevada, and videoconference to the Grant Sawyer State Office Building, 555 E. Washington Avenue, Room 4401, Las Vegas, Nevada.

The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

- 1. Implementation of legislation that was enacted during the 2005 Legislative Session***
- 2. Topics included on the attached document; and***
- 3. Other related matters.***

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Public Employees' Benefits Program, 901 S. Stewart Street, Suite 1001, Carson City Nevada 89701, (775) 684-7000 or (800) 326-5496. A reasonable fee for copying may be charged. You may also access the information at Public Employees' Benefits Program's web site at <http://www.pebp.state.nv.us>.

This notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

NEVADA STATE LIBRARY; LEGISLATIVE COUNSEL BUREAU, BLASDEL BUILDING, 209 East Musser Street, Carson City; PUBLIC EMPLOYEES' BENEFITS PROGRAM, 901 South Stewart Street, Suite 1001, Carson City, Nevada; MOTOR VEHICLES & PUBLIC SAFETY BLDG., 305 Galetti Way, Reno; GOVERNOR'S OFFICE-LAS VEGAS, 555 E. Washington Ave. Suite 5100, Las Vegas; MOTOR VEHICLES & PUBLIC SAFETY, 2701 E. Sahara Ave., Las Vegas; UNLV - HUMAN RESOURCES OFFICE, 4505 Maryland Parkway, Las Vegas; UNR - ARTEMESIA BUILDING, 70 Artemesia Way, Reno; LEGISLATURE BUILDING, 401 South Carson Street, Carson City. In addition, the notice was mailed to all State agencies and to groups and individuals as requested.

**NOTICE OF INTENT TO ACT UPON  
A PROPOSED PERMANENT REGULATION**

**Notice of Hearing for the Adoption, Amendment, and Repeal of Regulations  
of the Public Employees' Benefits Program**

The Board of the Public Employees' Benefits Program will hold a public hearing at 9:30 a.m., on October 6, 2005, at the Legislative Building, 401 South Carson Street, Room 1214, Carson City, Nevada, videoconference to the Grant Sawyer State Office Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, and repeal of regulations that pertain to chapter 287 of the Nevada Administrative Code. This regulation is identified as LCB File No. R089-05.

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

1. The need for and the purpose of the proposed regulation.  
*(a) Implementation of legislation that was enacted during the 2005 Legislative Session*  
*(b) Topics included on the attached document; and*  
*(c) Other related matters.*
2. Either the terms or the substance of the regulations to be adopted or a description of the subjects and issues involved.  
*See attached proposed regulation.*
3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:  
*(a) Both adverse and beneficial effects; and*  
*Adverse effects: None known at this time*  
*Beneficial effects: None known at this time*  
*(b) Both immediate and long term effects:*  
*None.*
4. The estimated cost to the agency for enforcement of the proposed regulation.  
*None.*
5. 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.  
*None.*
6. If the regulation is required pursuant to federal law, a citation and description of the federal law.  
*Not applicable.*

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.  
*Not applicable.*
8. Whether the proposed regulation establishes a new fee or increases an existing fee.  
*No.*

Persons wishing to comment upon the proposed action of Public Employees' Benefits Program may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Public Employees' Benefits Program, Attention: Vicki Smerdon, 901 South Stewart Street, Suite 1001, Carson City, Nevada 89701. Written submissions must be received by the Public Employees' Benefits Program on or before Wednesday, October 5, 2005. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Public Employees' Benefits Program may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted, amended and repealed will be available at the Public Employees' Benefits Program, 901 South Stewart Street, Suite 1001, Carson City, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are 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 on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. This information is also available at Public Employees' Benefits Program's web site at <http://www.leg.state.nv.us>.

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

This notice of hearing has been posted at the following locations:

NEVADA STATE LIBRARY, LEGISLATIVE COUNSEL BUREAU, BLASDEL BUILDING, 209 East Musser Street, Carson City; PUBLIC EMPLOYEES' BENEFITS PROGRAM, 901 South Stewart Street, Carson City; MOTOR VEHICLES & PUBLIC SAFETY BLDG., 305 Galetti Way, Reno; GOVERNOR'S OFFICE-LAS VEGAS, 555 E. Washington Ave. Suite 5100, Las Vegas; MOTOR VEHICLES & PUBLIC SAFETY, 2701 E. Sahara Ave., Las Vegas; UNLV - HUMAN RESOURCES OFFICE, 4505 Maryland Parkway, Las Vegas; UNR - ARTEMESIA BUILDING, 70 Artemesia Way, Reno. In addition, the notice was mailed to all State agencies and to groups and individuals as requested.

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

**NAC CHAPTER 287 - PROGRAMS FOR PUBLIC EMPLOYEES  
Proposed Changes Based on Regulation Workshop Held August 2, 2005**

**New Section:** *The Program provides health care coverage through a self funded plan that provides coverage for non managed health care as managed health care is defined in NRS 695G.040.*

**New Section:** *A participant is presumed to have received notification from PEBP whenever PEBP mails a notice first class mail to the last address on file for the participant.*

**New Section:** *It is the responsibility of the participant to keep his address current in his PEBP file by notifying PEBP within 30 days of any change.*

**New Section:** *Documents due in the PEBP office on a specific date must be received in the PEBP office by 5 pm on the due date.*

**New Section:** *“Family”, as used in specifying a coverage tier, means two or more dependents, one of whom is the spouse.*

**New Section:** *“Coverage Tier” means a benefit coverage category indicating the Program Coverage Unit used to describe dependent(s) associated with the participant and the resulting rate or contribution.*

**New Section:** *Active Legislator is a Senator or Assemblyman that currently holds office.*

**New Section:** *Individuals who were an Active Legislator who no longer hold office and who do not meet the definition of a retired officer or employee per section NAC 287.135 are not eligible to participate in the plan.*

**New Section: Meetings:**

**A. Chair**

- 1. Is designated by the Governor.*
- 2. Shall preside at all meetings of the Board.*
- 3. Shall call for meetings of the Board.*
- 4. Shall approve the meeting agenda.*
- 5. The Chair is not required to, but may in his or her own discretion, vote on any matter that comes before the Board. In the absence of a vote by the Chair, it will be presumed that the Chair voted with the prevailing majority of the Board members on that action. In the event of a tie vote by Board members, the Chair must vote.*

**B. Vice Chair**

1. *At its first meeting of each Plan year, the Board shall elect a Vice Chair.*
2. *The Vice Chair shall act as Chair in the Chair's absence.*
3. *The Vice Chair shall be governed under the same rules as to voting as the Chair, when acting as Chair.*

**C. Board**

1. *A quorum shall exist with the presence of a simple majority of filled Board member seats.*
2. *A majority vote of the Board members in attendance is necessary for a motion to pass.*
3. *A tie vote kills a motion.*
4. *Motions require a second.*
5. *Unless specifically provided otherwise, the Board will adhere to Robert's Rules of Order on issues of parliamentary law.*
6. *Any Board member may request that a matter be placed on the agenda. This request should be made directly to the Executive Officer or, in his absence, to the Operations Officer. The Executive Officer, or in his absence, the Operations Officer will be responsible to draft all meeting agendas for the Chair's consideration.*
7. *Minutes of each Board meeting shall be distributed to each Board member.*

**New Section: Procedures and Forms:**

1. *Participants are notified of the procedures and forms to be used in writing through open enrollment, new hire employee benefit orientation, and retiree benefit orientation materials*
2. *PEBP's internal procedures and forms are to be posted to PEBP's intranet web site. PEBP employees are to be notified in writing or by e-mail of updates to those procedures and forms.*
3. *Agency representatives of all participating agencies are notified of the PEBP procedures and forms through the PEBP enrollment information system and through instructor-led classes held by PEBP staff specifically for agency representatives.*

**New Section:** *"Biennial Plan" means the health care plan chosen by a state employee working during a session of the Legislature not less than 4 months or more than 6 months.*

**New Section:** 1. *Except as otherwise provided in subsection 3, a person may request that the Executive Officer issue an advisory opinion concerning the applicability of a statute or regulation.*

2. *A request for an advisory opinion must be in writing and set forth:*
  - (a) *The name and address of the person requesting the advisory opinion;*
  - (b) *A clear and concise statement of the specific question for which the advisory opinion is being sought; and*
  - (c) *A statement of the facts that support the advisory opinion being sought.*
3. *A person may not request an advisory opinion concerning a question or matter that is an issue in a benefit claims appeal, a pending administrative, civil or criminal proceeding in which the person is a party or otherwise involved.*

*4. The Executive Officer will review a request for an advisory opinion and issue a response within 30 days after receiving the request.*

*5. An advisory opinion issued by the Executive Officer will be limited to the facts and circumstances set forth in the request.*

*6. The Executive Officer will not render an oral advisory opinion to a request for an advisory opinion. An oral response, including, without limitation, a response given over the telephone or by email, by a member of the staff or a Board member is not a decision or an official advisory opinion of the Program.*

*7. Advisory opinions of the Executive Officer are appealable to the PEBP Board in the same manner as any other appealable decision.*

**New Section:** *1. Except as otherwise provided in subsection 3, a person may file a petition with the Executive Officer requesting that the PEBP Board issue a declaratory order concerning the applicability of a statute or regulation of the Board.*

*2. A petition for a declaratory order must include:*

*(a) The name and address of the petitioner;*

*(b) The reason for requesting the declaratory order;*

*(c) A statement of the facts that support the petition for a declaratory order; and*

*(d) A clear and concise statement of the question or matter to be decided by the PEBP Board.*

*3. A person may not file a petition for a declaratory order concerning a question or matter that is an issue in a benefit claims appeal, a pending administrative, civil or criminal proceeding in which the person is a party.*

*4. The Executive Officer shall notify the Board Chairman of the petition for declaratory order within 10 days of receipt.*

*5. The Board may:*

*(a) Conduct a hearing to determine issues of fact or to hear arguments relating to a petition for a declaratory order and may enter reasonable orders that govern the conduct of the hearing.*

*(b) Consider relevant actions that have been taken by the Board or any other entity which apply or interpret the statute or regulation in question.*

*(c) Consider any other information it determines is relevant to the question or matter to be acted upon by the Board.*

*(d) Request that the petitioner provide additional information or arguments relating to the petition, or*

*(e) Issue a declaratory order based on the contents of the petition and any material submitted with the petition*

*6. The petitioner shall be notified of the Board's action on the petition for declaratory order in writing within 10 days after such action is taken concerning the petition.*

**New Section:** *1. Any person who wishes to petition for the adoption, filing, amendment or repeal of a regulation of the Program must file a petition with the Executive Officer.*

*2. A petition for the adoption, filing, amendment or repeal of a regulation must include:*

*(a) The name and address of the petitioner;*

*(b) A clear and concise statement, including, if applicable, the proposed language, of the regulation to be adopted, filed, amended or repealed;*

*(c) The reason for petitioning for the adoption, filing, amendment or repeal of the regulation; and*

*(d) The statutory authority for the adoption, filing, amendment or repeal of the regulation.*

*3. The Executive Officer may refuse to act upon a petition for the adoption, filing, amendment or repeal of a regulation if the petition does not contain the information required by subsection 2.*

*4. The Executive Officer will notify the petitioner in writing of his decision with regard to the petition within 30 days after the petition is filed. A copy of the notification will be sent to the Board Chair.*

**New Section:** *For purposes of NRS 287.0415 as amended by SB 421 (2005), the Board shall post minutes for a period of 6 months. After that time, these minutes will be available from PEBP. During the time the minutes are posted on PEBP's internet website, the minutes will not be available from PEBP without charge.*

**New Section:** *For purposes of NRS 287.045, each eligible participant shall, upon initiation of coverage, provide the following information on a form prescribed by PEBP: name, address, social security number, plan selection, names and social security numbers of dependents, if any, and other information as required by PEBP. Social security numbers are required for federal tax reporting of possible pre tax deductions of contribution payments and to coordinate benefits for Medicare participants, if applicable.*

**New Section:** *The Executive Officer or his designee shall make all final determinations regarding eligibility of participants or dependents.*

**New Section:** *Co-mingling means the aggregation of benefit claims experience into a single risk pool and the adjustment of that risk pool for all appropriate actuarial contingencies. All cohorts in that risk pool shall have the same rates by coverage tier except as determined by plan design and benefit level and shall not be differentiated due to cohort experience level or primary/secondary plan integration.*

**New Section:** *If a retired participant returns to active full time employment with a participating entity, the normal 90 day waiting period shall be waived and the participant shall be deemed a reinstated employee for purposes of benefit coverage with the Program. Coverage will begin on the first day of the month concurrent with or following reinstatement of full time employment.*

**New Section:** *If a retired participant returns to active employment due to a critical labor shortage, the retiree will remain in a retiree coverage status during the normal 90 day waiting period. At the end of the 90 day waiting period, the retiree shall be deemed to be an active employee for purposes of benefit coverage with the Program. Coverage will begin on the first day of the month concurrent with or following 90 days of full-time employment.*



**The following sections are proposed for amendment or repeal:**

**NAC 287.011** “Certifying agency” means:

1. Except as otherwise provided in subsection 2, for officers and employees of the State and local governmental agencies, the Public Employees’ Retirement System.
2. For members of the professional staff of the ~~[University and Community College System of Nevada]~~ *Nevada System of Higher Education*, a retirement program for professional employees offered by or through the ~~[University and Community College System of Nevada]~~ *Nevada System of Higher Education*.

**NAC 287.095** “Participant” includes the following persons who are eligible to participate in the Program:

1. An officer or employee of a participating public agency;
  2. A retired officer or employee;
  3. A dependent of such an officer or employee or retired officer or employee;
  4. A survivor of a deceased officer or employee of a public employer if the deceased officer or employee had 10 years or more of service credit, as determined by the appropriate certifying agency, and is deemed to be retired pursuant to [NRS 286.676](#);
  5. A survivor of a deceased retired officer or employee;
  6. A surviving spouse of a police officer, fireman or official member of a volunteer fire department who was killed in the line of duty;
  7. A surviving child of a police officer, fireman or official member of a volunteer fire department who was killed in the line of duty;
  8. A state employee participating in a biennial plan ~~[that lasts not less than 4 months or more than 6 months]~~ who plans to return to the same or similar position in the next authorized biennial employment period if the state employee has timely enrolled, reenrolled, opted to continue coverage or insurance, or opted to join the Program pursuant to this chapter and [chapter 287](#) of NRS in any applicable group coverage or insurance offered by, through or in cooperation with the Program;
  9. A former member of the board of trustees of a school district pursuant to [NRS 287.024](#);
- and
10. A Legislator.

**NAC 287.135** “Retired officer or employee” means:

1. An officer or employee of a public employer who has met the requirements to receive, and is receiving any distribution of, benefits from:
  - (a) The Judges’ Retirement System;
  - (b) The Public Employees’ Retirement System (PERS);
  - (c) The Legislators’ Retirement System; or
  - (d) A long-term disability plan of the public employer.
2. An officer or employee of a public employer who:
  - (a) Has met the requirements to receive, and is receiving any distribution of, benefits from a retirement program for professional employees offered by or through the ~~[University and Community College System of Nevada]~~ *Nevada System of Higher Education*, including,



without limitation, a retirement plan alternative provided pursuant to [NRS 286.802](#), a tax sheltered annuity or a deferred compensation plan; and

(b) Has participated in the retirement program described in paragraph (a) for at least 5 years as a full-time employee or the equivalent of a full-time employee.

**NAC 287.314** 1. Except as otherwise provided in subsection 3, a participating public agency shall, upon appointing to the participating public agency a person who will be eligible to participate in the Program pursuant to [NRS 287.045](#), ensure that the employee attends an orientation program conducted by the Program within 60 days after he begins his employment with the participating public agency or, if the employee is unable to attend the orientation program, that the employee receives the packet of information in accordance with [NAC 287.317](#). The Program shall provide to the employee at the orientation program information concerning the benefits provided.

2. A participating state agency which is required to grant release time pursuant to [NAC 284.484](#) shall grant release time to such an employee to attend the orientation program.

3. The provisions of this section do not apply to any person who is employed by the ~~[University and Community College System of Nevada]~~ *Nevada System of Higher Education*.

**NAC 287.317** 1. The Program shall conduct the orientation program required pursuant to [NAC 287.314](#) each month at locations designated by the Program.

2. A participating public agency shall, upon appointing to the participating public agency a person who will be eligible to participate in the Program pursuant to [NRS 287.045](#), request that the Program register the employee for the orientation program at the location which is nearest to the employee's place of employment. The request must be in a format prescribed by the Program and submitted to the Program not later than 7 days after the employee's first day of employment with the participating public agency.

3. The participating public agency shall notify the employee that he must return to the participating public agency or the Program the completed enrollment forms and any supporting documents within 7 days after attending an orientation program prescribed by the Program pursuant to subsection 2. If the employee fails to submit an enrollment form and any supporting documents within 7 days after attending the orientation program, the employee only will be placed in the base plan of the self-funded plan.

4. If an employee cannot attend the orientation program, a complete packet with enrollment information must be provided to the employee. An employee has 60 days from his first day of employment to submit an enrollment form with his selections. If an employee fails to submit an enrollment form within the 60-day period, the employee only will be placed in the base plan of the self-funded plan.

5. If a member of the professional staff of the ~~[University and Community College System of Nevada]~~ *Nevada System of Higher Education* fails to submit an enrollment form within 30 days after his date of hire, as set forth in his contract, the member only will be placed in the base plan of the self-funded plan.

6. ~~[If an employee terminates his employment, the payroll center of the participating public agency which had employed the employee and the employee shall ensure that the Program is notified of the termination not later than 15 days after the date on which the employment was terminated.]~~ *An officer or employee of a participating public agency who terminates shall report his termination to the participating public agency that employs him. Within 15*

*calendar days after submitting the appropriate personnel action form to the Department of Personnel if employed within the Central Paycenter, or to the personnel department of the agency that employs him, the participating public agency shall notify the Program of the employee's termination.*

7. As used in this section, "base plan" means the plan designated by the Board as the default plan for the plan year, as described in the plan documents.

**NAC 287.359** 1. To apply to leave the Program in the next plan year, a group must submit an application to the Board on or after the 1st day of the 1st month of the current plan year but before the 1st day of the 4th month of the current plan year. If an application is received at any other time during the current plan year, the Board will return the application to the applicant.

2. If additional information is required to process any application, the Board will notify the applicant.

3. The Board will grant or deny each application received pursuant to subsection 1 not later than the 15th day of the 6th month of the current plan year.

4. The Board will notify each applicant of the date and time of the meeting during which the Board will render a decision on the application of the applicant.

*5. The applicant's representative shall present the application to the Board. Board members may question the applicant's representative on the application.*

*6. PEBP shall present facts to support or oppose the application. Board members may question the PEBP staff or consultants regarding these facts.*

**NAC 287.367** 1. A group whose application to leave the Program has been denied by the Board may file a request for reconsideration with the Board not later than 40 days after the denial. The request may include any additional information that the group determines is relevant to reconsideration. The Board will hold a reconsideration hearing and render its decision within 30 days after receiving the request.

*2. Groups for whom the PEBP Board has turned down an application to opt-out of the plan, may file an application to be considered by the Department of Administration Appeals Hearing Officer. The Hearing Officer shall follow the applicable sections in chapter NRS 233B dealing with judicial review. The Department of Administration Appeals Hearing Officer's decision regarding the application shall be considered final.*

**NAC 287.430** A person, other than a person who elects to continue coverage pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99-272, Title 10 § 10001) *as made applicable through Section 300bb of the Public Health Service Act*, who:

1. Enrolls, reenrolls, joins or is continuing coverage in the Program; and
2. Is responsible for the payment of the premium or contribution for group insurance directly to the Program or an insurer,

shall pay the premium or contribution to the Program or insurer, as appropriate, no later than the last day of the month of coverage. If the total amount of the premium or contribution is not received by the last day of the month, the coverage will be cancelled effective on the last day of the month that the coverage was fully paid unless the particular contract of coverage or insurance for which payment is being made otherwise provides.

**NAC 287.440** The following retired officers and employees may pay premiums or contributions for group coverage or insurance to the Program:

1. A retired officer or employee who is receiving retirement benefits, if the retirement benefit is less than the premium or contribution.

2. ~~[A retired officer or employee who was 55 years of age or older in 1977 and was precluded from participation in the Public Employees' Retirement System until 1979, if the officer or employee:~~

~~—(a) Has at least 5 years of service with the State or any other participating public agency;~~

~~—(b) Would have received a vested interest in retirement benefits but for the amendatory provisions of chapter 594, Statutes of Nevada 1977; and~~

~~—(c) Has reached the age when retirement benefits could have been received had he not been precluded from participation in the System.]~~

*A retired officer or employee who is receiving a benefit from a retirement program for professional employees offered by or through the Nevada System of Higher Education.*

**NAC 287.460** 1. An officer or employee of a participating public agency who:

(a) Is on leave because he was injured in the course of his employment;

(b) Receives compensation for a temporary total disability pursuant to [NRS 616C.475](#); and

(c) Was a participant in the Program at the time of the injury,

may continue coverage or insurance for himself and any of his eligible dependents if he pays the premium or contribution due for coverage or insurance to the participating public agency that employs him. The officer or employee shall report his change of status to the participating public agency that employs him when he takes leave and when he returns to work. Within 15 *calendar* days after *submitting the appropriate personnel action form to the Department of Personnel if employed within the Central Paycenter, or to the personnel department of the agency that employs him,* ~~[after notification of such a change of status of the officer or employee,]~~ the participating public agency shall notify the Program of the change of status of the officer or employee.

2. If the officer or employee does not pay for coverage or insurance for his dependent while he is on leave and returns to work within 1 year after the last day of his coverage from the Program, his dependent may be covered.

**NAC 287.480 – Repealed.**

**NAC 287.485** 1. To obtain or reinstate a subsidy on or after July 1, 2004, a retired officer or employee who has at least 5 years of service credit with at least one public employer and who joins or continues to participate in the Program upon retirement must report to the Program, on a form prescribed by the Program, each public employer with which he earned service credit and the period of service with each such public employer.

2. For the purpose of subsection 1, service credit:

(a) Must be computed in the manner set forth in [NRS 286.495](#) or [286.501](#), as applicable;

(b) Must include any service credit that has been restored by the repayment of contributions that the retired officer or employee had withdrawn from the Public Employees' Retirement System pursuant to [NRS 286.430](#); and

(c) Must not include any service credit that was purchased pursuant to [NRS 1A.310](#) or [286.300](#).

3. Except as otherwise provided in subsection 9, a public employer shall commence payment of its subsidy for a retired officer or employee on the first day of the month immediately following the date on which the Program receives a completed form from the retired officer or employee pursuant to subsection 1. A retired officer or employee will not be reimbursed for any subsidy for the period before his subsidy commences pursuant to this subsection.

4. If a public employer disputes the service credit which is reported to the Program by a retired officer or employee pursuant to subsection 1, as indicated on the bill for the subsidy for that retired officer or employee sent by the Program, the public employer may file an appeal with the Executive Officer *unless the total service credit reported was audited pursuant to subsection 6*. Such an appeal must:

(a) Be submitted in writing within 3 months after the commencement of the billing for the subsidy;

(b) Set forth the basis of the dispute; and

(c) Be accompanied by any applicable supporting documentation relating to the requirements for computing credit for service set forth in [NRS 286.495](#) or [286.501](#).

5. If an appeal is filed pursuant to subsection 4, the Executive Officer shall, within 14 days after receipt of the appeal, request an audit from the appropriate certifying agency to determine the years and months of service credit earned by the retired officer or employee with each public employer of the retired officer or employee.

6. If the total service credit reported to the Program by the retired officer or employee pursuant to subsection 1 does not correspond with the total service credit for that retired officer or employee that is contained in the records of the Program, the Executive Officer shall, within 14 days after receipt of the form from the retired officer or employee pursuant to subsection 1, request an audit from the appropriate certifying agency to determine the years and months of service credit earned by the retired officer or employee with each public employer of the retired officer or employee.

7. If an audit is requested pursuant to subsection 5 or 6, the Executive Officer shall forward all relevant materials relating to the disputed service credit to the appropriate certifying agency.

8. Until an audit requested pursuant to subsection 5 is completed by the certifying agency and submitted to the Program, the public employer of the retired officer or employee shall continue to pay the subsidy at an amount that is based on the service credit reported to the Program by the retired officer or employee pursuant to subsection 1.

9. Until an audit requested pursuant to subsection 6 is completed by the certifying agency and submitted to the Program, the Program shall not bill the subsidy for the retired officer or employee to any public employer.

10. The results of an audit conducted by a certifying agency is the final determination of the service credit earned by the retired officer or employee with each public employer of the retired officer or employee.

11. If the results of an audit conducted by a certifying agency require an adjustment of the amount of a subsidy for a retired officer or employee:

(a) For an audit requested pursuant to subsection 5, except as otherwise provided in this paragraph, the Program shall adjust the amount of the subsidy as of the first day of the month for which the appeal was filed. If the audit is not completed within 6 months after the first day of the month for which the appeal was filed, the Program shall adjust the amount of the subsidy as of the first day of the first month that is 6 months before the month in which the audit was completed.

(b) For an audit requested pursuant to subsection 6, except as otherwise provided in this paragraph, the Program shall adjust the amount of the subsidy as of the first day of the month following the date on which the retired officer or employee submitted a form pursuant to subsection 1. If the audit is not completed within 3 months after submission of the form, the Program shall adjust the amount of the subsidy as of the first day of the first month that is 3 months before the month in which the audit was completed.

**NAC 287.500** 1. If a seasonal employee returns to work with a participating public agency, the participating public agency shall determine if the employee participated in the Program or was eligible to participate during his previous employment with the participating public agency.

2. A seasonal employee who was eligible to participate in the Program during his previous employment with a participating public agency and who returns to work within 1 year after the termination of his employment is eligible to participate in the Program on the first day of the month following his return to work.

3. A seasonal employee who returns to work 1 year or more after the termination of his previous employment is eligible to participate in the Program on the first day of the month following the completion of 90 days of full-time employment.

4. An employee on a ~~[4 to 6 month]~~ biennial plan who was working for a participating state agency is not subject to any waiting period upon reenrollment if the employee:

(a) Plans to return, and does return, to the same or a similar position in the next authorized biennial employment period; and

(b) Continues to pay his full premium or contribution and allowable administrative fees as required by [NRS 287.0467](#) for the enrolled coverage between biennial employment periods.

**NAC 287.510** If a person returns to work for a participating public agency with which the person was previously employed within 1 year after leaving employment:

1. The person ~~[must]~~ *may* resume the coverage and insurance chosen before he left employment *or select new coverage provided by the Plan*, ~~[unless he is otherwise entitled to make a change because of a qualifying event, until the next open enrollment period for all participants or, if the employee is a seasonal employee and not eligible to make changes during the next open enrollment period, the next open enrollment period in which he is eligible to make changes];~~ and

2. Coverage and insurance for the person is effective on the effective date of his reemployment if that day is on the first day of the month or, if the effective date of reemployment is not on the first day of the month, on the first day of the month following the effective date of his reemployment, as appropriate.

**NAC 287.610** ~~[1 A claim made to the Program before March 22, 2004, must be submitted to the Claims Administrator of the Program no later than 15 months after the date on which the expense reported in the claim is incurred. A claim submitted after that time will not be paid.~~

~~—2.]~~ A claim made to the Program ~~[after March 22, 2004,]~~ must be submitted to the Claims Administrator of the Program no later than 1 year after the date on which the expense reported in the claim is incurred. A claim submitted after that time will not be paid.

**NAC 287.690** 1. If a participant in the Program is not satisfied with the decision of the Executive Officer or his designee on the appeal made by the participant, the participant may file an appeal with the Board for a review by the Board of the claim. The appeal must be filed within 35 days after the date on which the Executive Officer or his designee issues the written decision concerning the review.

2. Except as otherwise provided in this subsection, after the receipt of an appeal pursuant to this section, the Executive Officer or his designee shall present a report to the Board at its next meeting. If an appeal is received after the deadline for placing items on the agenda for the next meeting of the Board, the Executive Officer or his designee shall present the report to the Board at its next following meeting. The report presented to the Board must include the grounds for the appeal, supporting documentation, information concerning the claim and recommendations for action by the Board.

3. Not later than 10 days before the date of the meeting in which an appeal that was made by a participant pursuant to this section will be heard by the Board, the Executive Officer or his designee shall notify the participant in writing of the date, time and place of the meeting.

4. *The Executive Officer or his designee shall present the appeal to the Board.*

5. The participant may appear with counsel before the Board in a closed portion of an open meeting pursuant to [NRS 241.030](#) to review orally his claim and the reasons why he is not satisfied with the adjudication of the claim.

~~5~~6. *The Chair of the Board shall determine who may attend the closed portion of the meeting.*

7. *The Board may allow a representative from The Third Party Administrator to present the reasons why the claim was adjudicated as it was.*

~~6~~8. The Board may render a decision on the claim at that time during its open meeting or defer action to a future meeting if additional information is required for review.

~~6~~9. The Executive Officer or his designee shall mail to the participant by first-class mail notice of the decision of the Board within 15 days after the decision is rendered.

~~7~~10. A decision of the Board is final.