

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

LCB File No. R047-13

August 20, 2013

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

AUTHORITY: §§1 and 2, NRS 287.043.

A REGULATION relating to public employees; revising provisions relating to the eligibility of certain persons for coverage as a dependent under the Public Employees' Benefits Program; and providing other matters properly relating thereto.

Section 1. NAC 287.035 is hereby amended to read as follows:

287.035 “Dependent” includes, without limitation:

1. One spouse from a marriage pursuant to law or one domestic partner as defined in NRS 122A.030; and

2. Any ~~child~~ *person* described in NAC 287.312,

↳ who is determined to be eligible for coverage pursuant to NAC 287.313.

Sec. 2. NAC 287.312 is hereby amended to read as follows:

287.312 1. To determine whether the child of a participant or his or her spouse or domestic partner who is incapable of self-support because of a physical or mental disability continues to be eligible for coverage by the Program, the Executive Officer or his or her designee:

(a) Shall require submission by a physician who provides care to the child of a written statement on a form prescribed by the Board indicating that the child has a mental or physical impairment which causes the child to be incapable of self-sustaining employment and to depend

on the participant or his or her spouse or domestic partner primarily for support. The written statement required by this paragraph must be prepared by the physician within 90 days before the statement is provided to the Program.

(b) May require:

(1) Submission of periodic updates regarding the physical or mental disability of the child by the participant or his or her spouse or domestic partner;

(2) Submission of the child to a mental or physical examination conducted by a physician selected by and at the expense of the Program; and

(3) Any other documentation required by the Program that demonstrates financial support of the child by the participant or his or her spouse or domestic partner.

2. ~~Children~~ *Persons who are* eligible for coverage as a dependent may include ~~biological~~ :

(a) *Biological* children ~~adopted~~ ;

(b) *Adopted* children ~~children~~ ;

(c) *Children* placed in the residence of the participant for adoption ~~stepchildren and any~~ ;

(d) *Stepchildren; and*

(e) *Any* other ~~child~~ *person* who ~~is related to~~ :

(1) *Bears a relationship described in 26 U.S.C. § 152(c)(2) to* the participant or his or her spouse or domestic partner ~~if the participant or his or her spouse or domestic partner is legally responsible for the child and the child is financially~~ ;

(2) *Is unmarried;*

(3) *Has not attained the age set forth in 45 C.F.R. § 147.120(a);*

(4) Either resides with the participant or is enrolled in a program of secondary education or an independently accredited program of postsecondary education, including, without limitation, a college, university, community or junior college, graduate school or accredited trade or business school, on a full-time basis;

(5) Satisfies one of the following conditions:

(I) Is currently under a permanent legal guardianship of the participant or his or her spouse or domestic partner pursuant to chapter 159 of NRS; or

(II) Was eligible to be claimed as a dependent on the federal income tax return of the participant or his or her spouse or domestic partner for ~~care and support.~~ the immediately preceding calendar year; and

(6) Is in a relationship with the participant or his or her spouse or domestic partner that is similar to a child-parent relationship. The participant or his or her spouse or domestic partner must complete and submit to the Program an affidavit attesting to the fact of the relationship.

3. A foster child of a participant or his or her spouse or domestic partner is not eligible for coverage as a dependent.