

**ADOPTED REGULATION OF
THE BOARD OF THE PUBLIC EMPLOYEES’
BENEFITS PROGRAM**

LCB File No. R101-13

Effective May 1, 2014

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

AUTHORITY: §§1 and 2, NRS 287.043 and 42 U.S.C. §300gg-7.

A REGULATION relating to the Public Employees’ Benefits Program; revising the date of eligibility of certain persons to participate in the Program to conform with federal law; and providing other matters properly relating thereto.

Section 1. Chapter 287 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2 of NRS 287.045, every state officer or employee is eligible to participate in the Program on the first day of the month following the completion of 60 days of full-time employment.

2. Every officer or employee who is employed by a participating local governmental agency on a permanent and full-time basis on the date on which the participating local governmental agency enters into an agreement to participate in the Program pursuant to paragraph (a) of subsection 1 of NRS 287.025, and every officer or employee who commences employment with that participating local governmental agency after that date, is eligible to participate in the Program on the first day of the month following the completion of 60 days of full-time employment, unless that officer or employee is excluded pursuant to subparagraph (III) of subparagraph (2) of paragraph (h) of subsection 2 of NRS 287.043.

3. Every member of the Senate and Assembly is eligible to participate in the Program on the first day of the month following the 60th day after the member's initial term of office begins.

Sec. 2. This regulation becomes effective on May 1, 2014.

**INFORMATIONAL STATEMENT
FOR
PROPOSED REGULATION
FOR THE
PUBLIC EMPLOYEES' BENEFITS PROGRAM
LCB File No. R101-13**

The following statement is submitted for adopted amendments to Nevada Administrative Code chapter 287.

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

The Public Employees' Benefits Program is revising the date of eligibility of certain persons to participate in the Program to conform to the federal law regarding The Patient Protection and Affordable Care Act ("ACA").

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

One workshop and an adoption hearing were held. Public comment was solicited by sending notices of the workshop and the adoption hearing to the Nevada State Library, all Nevada county libraries, Nevada State Library and Archives, Legislative Counsel Bureau in Carson City and Capitol Police in Las Vegas plus the Legislative Counsel Bureau & PEBP websites and all persons who requested these notices.

**October 3, Workshop was held during the PEBP Board Meeting (agenda attached)
There were no oral or written comments**

**January 16, 2014 Public Hearing
There were no oral or written comments**

3. The number of public attendees (persons other than PEBP Board & staff members) who:

- (a) Attended October 3, 2013 workshop: 39 in Carson City and 7 in Las Vegas**
- (b) Attended January 16, 2014 adoption hearing in 18 in Carson City and 7 in Las Vegas**
- (c) Testified at the October 3 adoption hearing: 0**
- (d) Submitted to the agency written comments: 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:

People who Testified: None

People who submitted written comments: None

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

See response to number 1 above.

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.

R-101-13 was not amended by the Board at the adoption hearing.

7. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

(a) No adverse or beneficial effects:

The proposed regulation allows newly hired employees to enroll in health insurance coverage earlier than what is currently allowed. It presents no reasonably foreseeable or anticipated adverse economic effects to businesses or to the general public.

(b) No immediate or long term effects.

PEBP does not believe there will be any other immediate or long-term effects of this regulation.

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

The agency does not foresee any additional cost to enforce the proposed regulation.

9. A description of any regulations of the 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.

NRS 287.045 currently allows newly hired employees to enroll in health insurance coverage effective on the first day of the month following 90 days of full-time employment. This conflicts with the federal Patient Protection and Affordable Care Act (“ACA”) which requires employers to provide health insurance coverage to new employees within 90 days. This regulation will provide for compliance with the ACA.

There are no other known state or government agency regulations that the proposed regulation duplicates.

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

The Public Employees' Benefits Program is revising the date of eligibility of certain persons to participate in the Program to conform to the ACA.

11. If the regulation establishes a new fee or increases an existing fee, a statement indicating 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 increase an existing fee.