

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R054-17

- 1. A clear and concise explanation of the need for the adopted regulation.**
The PEBP Board's subrogation efforts are governed by NRS 287.043 and NRS 287.0465. These statutes do not detail the differences between 1st party and 3rd party subrogation efforts. The proposed regulation seeks to further define and emplace a process for subrogation to any and all tort, contractual or other liability for the cost of a member's medical services that are payable by the PEBP Board's plan of self-insurance.

- 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.**

A workshop was held August 28, 2017 to solicit public comment and comments from interested persons.

A copy of all materials relating to the proposal was made available at the workshop or by accessing the information at Public Employees' Benefits Program's web site at <http://www.pebp.state.nv.us>. The information was also available by contacting the Public Employees' Benefits Program, 901 South Stewart Street, Suite 1001, Carson City, Nevada 89701, (775) 684-7000 or (800) 326-5496. The Notice of Workshop to Solicit Comments on Proposed Permanent Regulation was posted at the following locations:

NEVADA STATE LIBRARY 201 S. Stewart, Carson City; BLASDEL BUILDING, 209 East Musser Street, Carson City; PUBLIC EMPLOYEES' BENEFITS PROGRAM, 901 South Stewart Street, Suite 1001, Carson City, Nevada; THE LEGISLATIVE BUILDING, 401 South Carson Street, Carson City. By fax to THE GRANT SAWYER STATE OFFICE BUILDING, 555 E. Washington Ave Las Vegas Nevada and electronically posted on PEBP website, the Legislative Counsel Bureau and the Administrative Notice sites. In addition, the notice was mailed to all Nevada County Libraries and to groups and individuals as requested.

A copy of the notice and the regulation to be adopted, amended and repealed on November 30th, 2017 was held on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business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 Additional copies of the notice and the regulation to be adopted, amended and repealed will be available at the Public Employees' Benefits Program, 901 South Stewart Street, Suite 1001, Carson City, Nevada, and in all counties in which an office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. The notice and the text of the proposed regulation were 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 the notice and the proposed regulation were also mailed to members of the public upon request. This information was also made available at Public Employees' Benefits Program's web site at <http://www.pebp.state.nv.us>.

The notice of the hearing was posted at the following locations: The Nevada State Library and Archives, 100 North Stewart Street, Carson City, Nevada; The Legislative Building, 401 South Carson Street, Carson City, Nevada; The Blasdel Building, 209 East Musser Street, Carson City, Nevada; The Public Employees' Benefits Program, 901 South Stewart Street, Suite 1001, Carson City, Nevada; and The Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, Nevada. In addition, the notice was mailed to all State agencies and to groups and individuals as requested. In addition, the notice was posted on <https://www.leg.state.nv.us/App/Notice/A/> and <https://pebp.state.nv.us/meetings-events/board-meetings/> and <https://nv.notice.gov>

A summary of public response was made available on our website at the following link <https://pebp.state.nv.us/meetings-events/board-meetings/november-30-2017-board-meeting/> under Item 3. and was included in the Complete Board Packet. The information was also available by contacting the Public Employees' Benefits Program, 901 South Stewart Street, Suite 1001, Carson City, Nevada 89701, (775) 684-7000 or (800) 326-5496.

See Exhibit A (Subrogation Presentation) for a summary of public response.

- 3. The number of persons who:**
- (a) Attended each hearing:** August 28, 2017 – 4; November 30, 2017 - 26
 - (b) Testified at each hearing:** August 28, 2017 – 4; November 30, 2017 - 1
 - (c) Submitted written comments:** August 28, 2017 – 0; November 30, 2017 – 1

See Exhibit B for Written Public Comment.

- 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:**

Names and provided information

- (a) Name;** Peggy Lear Bowen
- (b) Telephone number;** 775-826-2793

- (a) Name;** Ruth H Hart
- (b) Telephone number;** 775-972-1561

- (a) Name;** Kent Ervin
- (b) Name of entity or organization represented.** Nevada Faculty Alliance

- (a) Name;** Patrick Leverty
- (b) Telephone number;** 775-322-6636
- (c) Name of entity or organization represented.** Nevada Justice Association

- (a) Name;** Priscilla Maloney
- (b) Name of entity or organization represented.** AFSCME retirees

- 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. There was no response by businesses.

- 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 adopted as recommended with no need for revisions.

- 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.**

PEBP does not anticipate an economic effect on businesses.

- (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.**

PEBP does not believe any provisions are more stringent than a federal regulation.

- 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.