

**EMERGENCY REGULATION OF THE
COMMISSIONER OF INSURANCE**

LCB FILE NO. E004-17A

**The following document is an emergency regulation submitted
by the agency on 10/9/2017**

EMERGENCY REGULATION OF THE
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EXPLANATION – Matter in underline is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-2, NRS 679B.130, 695F.040, 695F.300 and 233B.0613.

A REGULATION relating to insurance; defining exemption under certain circumstances of program for abuse of alcohol or other substances.

Section 1. NAC 695F.500 is hereby amended as follows:

695F.500 For the purposes of NRS 695F.040, “limited health service” does not include a program which, pursuant to a contract with an employer or labor union, provides for consultations with employees or the members of employees’ families to identify problems regarding their physical or mental health or the abuse of alcohol or other substances, and for the referral of those persons to providers of health care or other resources in the community for counseling, therapy or treatment, if:

1. The purpose of the contract, as it relates to the provision of those services, is to maintain or improve the efficiency of employees by assisting in the alleviation of personal problems affecting their performance.
2. The contract does not authorize the provision of counseling, therapy or treatment for problems regarding physical or mental health or the abuse of alcohol or other substances.
3. The contract does not require any employee, member of an employee’s family or other person eligible for services under the contract to pay, directly or indirectly, any prepaid or periodic charge, copayment or other fee for any services under the contract for the alleviation of problems regarding physical or mental health or the abuse of alcohol or other substances, unless such a payment is:

(a) Part of the regular union dues of an employee; or

(b) A benefit provided by an employer on behalf of an employee and

members of the employee's family, which does not affect the amount of compensation or other benefits to which the employee is entitled.

4. No individual employee or member of an employee's family consults with a representative of the program to receive services pursuant to the contract on more than ~~three~~ six occasions within any period of 6 months, or as otherwise approved by the Commissioner.

5. The operator of the program, at least once every 24 months, meets the burden of proof set forth in NAC 695F.510.

The Commissioner of Insurance has made a finding that an emergency affecting the health and safety of the public exists, and that adoption of the Emergency Regulation is appropriate.

Dated this _____ day of October, 2017.

Barbara D. Richardson
Commissioner of Insurance

I, Governor Brian Sandoval, endorse the Statement of Emergency presented by Commissioner of Insurance, Barbara D. Richardson.

Dated this _____ day of October, 2017.

Brian Sandoval
Governor