

**STATE OF NEVADA  
DIVISION OF INSURANCE**

**INFORMATIONAL STATEMENT  
PURSUANT TO NRS 233B.066.1(a), (g)–(k) and (2)<sup>1</sup>  
RE: EMERGENCY REGULATION**

October 6, 2017

The following statement is submitted for the emergency regulation amending Nevada Administrative Code section 695F.500.

1. NRS 233B.066.1(a): A clear and concise explanation of the need for the adopted regulation:

*The recent tragedy in Las Vegas has greatly impacted the community and the demand for counseling and mental health support services. Many Nevada employers rely upon counseling services for employees and family members provided through Employee Assistance Programs (“EAPs”). Existing Nevada regulation, Nevada Administrative Code 695F.500, limits the number of counseling sessions under an EAP to no more than three within a six-month period. It has been determined that additional mental health services to employees and family members are needed to ensure employees and family members can receive the support services they need until they are able to transition into mental health care, if needed, through their insurance plan.*

*This emergency regulation will allow additional support sooner to restore health and functionality of employees and family members in Las Vegas, and allow these employees and family members to re-engage in the community. Adoption of this emergency regulation will allow EAPs to provide more frequent interventions to help employees and family members heal from pain inflicted by this most disturbing and despicable assault on our community.*

2. NRS 233B.066.1(g): 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:

- (1) On Business:

*Beneficial effects: The effects of a catastrophic event on employees can negatively impact business operations. This regulation provides flexibility to allow more frequent mental health interventions in the workplace following catastrophic events, which will have a beneficial economic impact on businesses by helping restore the health and functionality of*

---

<sup>1</sup> The requirements of NRS 233B.066.1 paragraphs (b) to (f), inclusive, do not apply to emergency regulations. NRS 233B.066.2.

*employees and family members to re-engage in the community and resume business operations.*

Adverse effects: *None anticipated.*

(2) On the Public:

*Beneficial effects: Employees and family members will benefit from more access to mental health counseling provided through Employee Assistance Programs (EAPs) immediately following a catastrophic event until they are able to transition to services through their insurance plan. When employees and family members are re-engaged in the community, a community can more easily move toward recovery.*

Adverse effects: *None anticipated.*

(b) Both immediate and long-term effects:

(1) On Business:

*Immediate effects: Following the mass shooting in Las Vegas, carriers would like to offer additional mental health services to employees and family members to ensure they are coping properly until they are able to transition into more regular mental health care, if needed, through their insurance plan. The current regulation limits the number of services to three. Very recently, the Division had initiated the rulemaking process to amend the three-visit limit to six visits. However, this regulation will not be in effect soon enough to address the immediate mental health care need for employees in Las Vegas, and it does not allow for additional services if circumstances so require. This emergency regulation will provide help sooner to restore health and functionality of employees and family members, and allow them to re-engage in the community.*

*Long-term effects: This regulation provides flexibility to allow more frequent mental health interventions in the workplace following catastrophic events, which will have a long-term beneficial impact on businesses by helping restore the health and functionality of employees and family members to re-engage in the community and resume business operations.*

(2) On the Public

*Immediate effects: Increasing the limits to access mental health counseling provided through EAPs will allow employees to access the amount of support they need so that they may resume their engagement in the workplace. A resilient workforce helps the community heal, which, in turn, restores business operations and helps the public re-engage in the community.*

Long-term effects: *Through increased limits to access mental health counseling provided through EAPs, employees can access the amount of support they need and be better prepared to handle catastrophic events in the future.*

3. NRS 233B.066.1(h): The estimated cost to the agency for enforcement of the proposed regulation.

*There would be little or no cost to the Division for enforcement of this regulation.*

4. NAC 233B.066.1(i): A description of any regulations of other 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:

*This emergency regulation does not overlap or duplicate any other regulation.*

5. NAC 233B.066.1(j): If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions:

*Not applicable.*

6. NAC 233B.066.1(k): 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:

*Not applicable.*