

**NOTICE OF INTENT TO ACT UPON REGULATION
AND
HEARING AGENDA**

Notice of Hearing for the Adoption, Amendment or Repeal of Regulations of
The Department of Business and Industry, Division of Insurance

The State of Nevada, Department of Business and Industry, Division of Insurance (“Division”), (775) 687-0700, will hold a public hearing at **2:00 p.m.**, on **October 15, 2019**, in the 1st Floor Hearing Room, 1818 East College Parkway, Suite 103, Carson City, Nevada 89706. Interested persons may also participate through a simultaneous videoconference conducted in the 4th Floor Tahoe Room at the Nevada State Business Center / Division of Insurance, 3300 West Sahara Avenue, Suite 275, Las Vegas, Nevada 89102. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment or repeal of regulations pertaining to chapter 690B of the Nevada Administrative Code (“NAC”).

The following information is provided pursuant to the requirements of Nevada Revised Statutes (“NRS”) 233B.0603:

LCB File No. R050-19.

Repeal of Medical Professional Liability Settlement Filings.

A regulation relating to insurance; eliminating the requirement for insurers offering professional liability insurance to certain licensed medical professionals to notify the Commissioner of Insurance of certain settlements and judgments that exceed the coverage limits provided by the insurance policy; and providing other matters properly relating thereto.

- (1) Why is the regulation necessary and what is its purpose?

In Senate Bill 86, the 2019 Nevada Legislature repealed NRS 690B.340, which required the Commissioner of Insurance to review certain medical professional liability settlements. NAC 690B.515 requires insurers to report those settlements to the Commissioner for review. As the statute has been repealed, the regulation is no longer necessary.

- (2) What are the terms or substance of the proposed regulation?

This proposed regulation repeals NAC 690B.515. Since the Commissioner of Insurance is no longer required to review certain medical professional liability settlements, this proposed regulation removes an unnecessary reporting requirement on insurance carriers that currently have these reporting requirements.

- (3) What is the anticipated impact of the regulation on the problem(s)?

The impact of this proposed regulation will be to reduce a regulatory reporting burden on medical professional liability insurers.

- (4) Do other regulations address the same problem(s)?

There are no other regulations addressing this issue.

- (5) Are alternate forms of regulation sufficient to address the problem(s)?

There are no alternate forms of regulations that address this issue.

- (6) What value does the regulation have to the public?

This proposed regulation will slightly reduce the overhead of medical professional liability insurers by eliminating a current reporting requirement. Reduced carrier expenses tend to possibly benefit consumers through the pricing of the product.

- (7) What is the anticipated economic benefit of the regulation?

a. Public

1. Immediate: None
2. Long Term: None

b. Insurance Business

1. Immediate: Should slightly reduce expenses of medical professional liability carriers due to removal of a reporting requirement.
2. Long Term: Should slightly reduce expenses of medical professional liability carriers due to removal of a reporting requirement.

c. Small Businesses

1. Immediate: None
2. Long Term: None

d. Small Communities

1. Immediate: None
2. Long Term: None

e. Government Entities

1. Immediate: Small benefit to the Division of Insurance, as staff time will no longer need allocated to receiving and reviewing a report.
2. Long Term: Small benefit to the Division of Insurance, as staff time will no longer need allocated to receiving and reviewing a report.

- (8) What is the anticipated adverse impact, if any?

a. Public

1. Immediate: None
2. Long Term: None

b. Insurance Business

1. Immediate: None
2. Long Term: None

- c. Small Businesses
 - 1. Immediate: None
 - 2. Long Term: None
- d. Small Communities
 - 1. Immediate: None
 - 2. Long Term: None
- e. Government Entities
 - 1. Immediate: None
 - 2. Long Term: None

(9) What is the anticipated cost of the regulation, both direct and indirect?

- a. Enactment: None directly or indirectly.
- b. Enforcement: None directly or indirectly.
- c. Compliance: None directly or indirectly.

(10) Does the regulation establish a new fee or increase an existing fee?

This regulation does not impose a new fee or increase an existing fee.

(11) Provide a statement which identifies the methods used by the agency in determining the impact of the proposed regulation on a small business, prepared pursuant to subsection 3 of NRS 233B.0608.

This regulation was analyzed by the Product Compliance Section of the Nevada Division of Insurance. Since the proposed regulation repeals a requirement that insurers report certain settlements to the Commissioner, as the statute requiring the Commissioner to review such settlements was repealed by the Nevada Legislature. The proposed regulation does not impose any new requirements on any Nevada small business, and the DOI analysis determined this change does not provide any expected impacts on small businesses, other than the potential to positively impact the pricing of medical professional liability insurance in this state.

(12) Provide a description of any regulations of other state or local governmental 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, state the name of the regulating federal agency.

There is no overlap between this proposed regulation and any other local, state or federal regulation.

(13) If the regulation is required pursuant to federal law, provide a citation and description of the federal law.

This regulation is not required pursuant to federal law.

(14) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, provide a summary of such provisions.

This regulation does not include provisions more stringent than federal regulation.

Persons wishing to comment upon the proposed actions of the Division may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Division, 1818 East College Parkway, Suite 103, Carson City, Nevada 89706. **Written submissions must be received by the Division on or before September 27, 2019.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted, amended or repealed will be on file at the State Library, 100 North Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation will be available at the offices of the Division, 1818 East College Parkway, Suite 103, Carson City, Nevada 89706, and 3300 West Sahara Avenue, Suite 275, Las Vegas, Nevada 89102, 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. This notice and the text of the proposed regulation are 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://leg.state.nv.us/register/>. Copies of this notice and the proposed regulation will be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. This does not apply to a public body subject to the Open Meeting Law.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

Notice of the hearing was provided via electronic means to all persons on the agency's e-mail list for administrative regulations, and this Notice of Intent to Act Upon Regulation was posted to the agency's Internet Web site at <http://doi.nv.gov/> and was provided to or posted at the following locations:

Nevada Division of Insurance
1818 East College Parkway, Suite 103
Carson City, Nevada 89706

Nevada Division of Insurance
3300 West Sahara Avenue, Suite 275
Las Vegas, Nevada 89102

Legislative Building
401 South Carson Street
Carson City, Nevada 89701

Nevada State Business Center
3300 West Sahara Avenue
Las Vegas, Nevada 89102

Blasdel Building

Grant Sawyer Building

209 East Musser Street
Carson City, Nevada 89701

555 East Washington Avenue
Las Vegas, Nevada 89101

Capitol Building Main Floor
101 North Carson Street
Carson City, Nevada 89701

Nevada Department of Employment,
Training and Rehabilitation
2800 E. Saint Louis Avenue
Las Vegas, NV 89104

Nevada State Library & Archives
100 North Stewart Street
Carson City, Nevada 89701

Carson City Library
900 North Roop Street
Carson City, Nevada 89701

Churchill County Library
553 South Main Street
Fallon, Nevada 89406

Douglas County Public Library
1625 Library Lane
P.O. Box 337
Minden, Nevada 89423-0337

Elko County Library
720 Court Street
Elko, Nevada 89801

Goldfield Public Library/Esmeralda
County
Corner of Crook Ave. and Fourth St.
P.O. Box 430
Goldfield, Nevada 89013

Eureka Branch Library
80 S. Monroe Street
P.O. Box 293
Eureka, Nevada 89316-0293

Humboldt County Library
85 East 5th Street
Winnemucca, Nevada 89445

Lander County Library
625 S. Broad Street
P.O. Box 141
Battle Mountain, Nevada 89820

Las Vegas-Clark County Library District
7060 W. Windmill Lane
Las Vegas, NV 89113

Lincoln County Library
63 Main Street
P.O. Box 330
Pioche, Nevada 89043-0330

Lyon County Library
20 Nevin Way
Yerington, Nevada 89447

Mineral County Public Library
110 1st Street
P.O. Box 1390
Hawthorne, Nevada 89415

Pershing County Library
1125 Central Avenue
P.O. Box 781
Lovelock, Nevada 89419

Storey County Clerk
26 S. B Street
P.O. Drawer D
Virginia City, Nevada 89440

Tonopah Public Library
167 S. Central Street
P.O. Box 449
Tonopah, Nevada 89049

Downtown Reno Library/Washoe County

White Pine County Library

301 S. Center Street
P.O. Box 2151
Reno, Nevada 89505-2151

950 Campton Street
Ely, Nevada 89301

Members of the public who would like additional information about the proposed regulation may contact Susan Bell, Legal Secretary, at (775) 687-0704, or via e-mail to suebell@doi.nv.gov.

Members of the public who are disabled and require special accommodations or assistance at the hearing are requested to notify the Commissioner's secretary, in writing, no later than five (5) working days before the hearing: 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, or suebell@doi.nv.gov.

DATED this __4th__ day of September, 2019.

/s/
BARBARA D. RICHARDSON
Commissioner of Insurance

HEARING AGENDA

State of Nevada Department of Business and Industry
Division of Insurance

October 15, 2019 • 2:00 p.m.

Location of Hearing:

Nevada Division of Insurance
1818 E. College Pkwy., 1st Floor Hearing Room
Carson City, NV 89706
(Division Offices located in Suite 103)

Available via Videoconference at:

Nevada Division of Insurance
3300 W. Sahara Ave., 4th Floor Tahoe Room
Las Vegas, NV 89102
(Division Offices located in Suite 275)

1. Open Hearing: R050-19.
2. Presentation, Discussion and Adoption of Proposed Regulation. (For Possible Action)

LCB File No. R050-19.

Repeal of Medical Professional Liability Settlement Filings.

A regulation relating to insurance; eliminating the requirement for insurers offering professional liability insurance to certain licensed medical professionals to notify the Commissioner of Insurance of certain settlements and judgments that exceed the coverage limits provided by the insurance policy; and providing other matters properly relating thereto.

3. Public Comment.

4. Close Hearing: R050-19.

Supporting public material for this hearing may be requested from Susan Bell, Legal Secretary, Nevada Division of Insurance, 1818 E. College Parkway, Carson City, Nevada 89706, (775) 687-0704, or suebell@doi.nv.gov.

Note: Any agenda item may be taken out of order; items may be combined for consideration by the public body; items may be pulled or removed from the agenda at any time; and, discussion relating to an item may be delayed or continued at any time. The Hearing Officer, within his/her discretion, may allow for public comment on individual agenda items. Public comment may be limited to three minutes per speaker.

Members of the public are encouraged to submit written comments for the record.

We are pleased to make reasonable accommodations for attendees with disabilities. Please notify the Commissioner's secretary, in writing, no later than five (5) working days before the hearing: 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, or suebell@doi.nv.gov.

NOTICES FOR THIS HEARING HAVE BEEN POSTED IN ACCORDANCE WITH NRS 241 AT THE FOLLOWING LOCATIONS:

Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706

Nevada Division of Insurance, 3300 W. Sahara Avenue, Suite 275, Las Vegas, Nevada 89102

Nevada State Business Center, 3300 W. Sahara Avenue, Las Vegas, Nevada 89102

Nevada State Legislative Building, 401 S. Carson Street, Carson City, Nevada 89701

Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, Nevada 89101

Blasdel State Office Building, 209 E. Musser Street, Carson City, Nevada 89701

Nevada State Capitol, 101 N. Carson Street, Carson City, Nevada 89701

Nevada Dept. of Employment, Training and Rehabilitation, 2800 E. Saint Louis Avenue, Las Vegas, Nevada 89104

The State of Nevada Website (www.nv.gov)

The Nevada State Legislature Website (www.leg.state.nv.us)

The Nevada Division of Insurance Website (www.doi.nv.gov)