

(Reprinted with amendments adopted on April 12, 2021)

FIRST REPRINT

A.B. 189

ASSEMBLY BILL NO. 189—ASSEMBLYWOMEN GORELOW, TITUS, BILBRAY-AXELROD, CARLTON, MONROE-MORENO; ANDERSON, BROWN-MAY, COHEN, CONSIDINE, DURAN, GONZÁLEZ, KRASNER, MARTINEZ, MARZOLA, BRITTNEY MILLER, NGUYEN, PETERS, SUMMERS-ARMSTRONG, THOMAS AND TORRES

MARCH 4, 2021

JOINT SPONSORS: SENATORS CANNIZZARO, DONDERO LOOP, D. HARRIS, LANGE AND SCHEIBLE

Referred to Committee on Health and Human Services

SUMMARY—Expands Medicaid coverage for postpartum care and other services for pregnant women. (BDR 38-130)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to Medicaid; requiring the Director of the Department of Health and Human Services to expand coverage under the State Plan for Medicaid for postpartum care and other services for pregnant women; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law requires the Department of Health and Human Services to develop
- 2 and administer a State Plan for Medicaid which includes a list of specific medical
- 3 services required to be provided to Medicaid recipients. (NRS 422.063, 422.270; 42
- 4 U.S.C. § 1396a) Existing law requires the Department to amend the State Plan for
- 5 Medicaid to seek a waiver of certain provisions of federal law for the purpose of
- 6 including certain services in the State Plan for Medicaid. (NRS 422.27247,
- 7 422.396, 422.3962) **Section 1** of this bill requires the Department to expand
- 8 coverage under the State Plan for Medicaid for pregnant women by: (1) providing
- 9 coverage for pregnant women whose household income is between 165 percent and
- 10 200 percent of the federally designated level signifying poverty; (2) providing that
- 11 pregnant women who are determined by certain entities to qualify for Medicaid are
- 12 presumptively eligible for Medicaid for a prescribed period of time, without
- 13 submitting an application for enrollment in Medicaid which includes additional



14 proof of eligibility; and (3) prohibiting the imposition of a requirement that a  
15 pregnant woman who is otherwise eligible for Medicaid must reside in the United  
16 States for a prescribed period of time before enrolling in Medicaid. **Section 1** also  
17 requires the Department to apply for a waiver of certain federal requirements so  
18 that the Department may expand coverage under Medicaid for a pregnant woman  
19 and her child from 60 days to 12 months following childbirth. **Section 2** of this bill  
20 makes a conforming change to indicate that **section 1** will be administered in the  
21 same manner as the provisions of existing law governing the State Plan for  
22 Medicaid.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 422 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *1. The Director shall, to the extent authorized by federal law,*  
4 *include in the State Plan for Medicaid authorization for:*

5 *(a) A pregnant woman whose household income is at or below*  
6 *200 percent of the federally designated level signifying poverty to*  
7 *enroll in Medicaid.*

8 *(b) A pregnant woman who is determined by a qualified*  
9 *provider to be presumptively eligible for Medicaid to enroll in*  
10 *Medicaid until the last day of the month immediately following the*  
11 *month of enrollment without submitting an application for*  
12 *enrollment in Medicaid which includes additional proof of*  
13 *eligibility.*

14 *2. Unless otherwise required by federal law, the Director*  
15 *shall not include in the State Plan for Medicaid a requirement that*  
16 *a pregnant woman who is otherwise eligible for Medicaid must*  
17 *reside in the United States for a prescribed period of time before*  
18 *enrolling in Medicaid.*

19 *3. The Department shall apply to the Secretary of the United*  
20 *States Department of Health and Human Services for a waiver*  
21 *granted pursuant to 42 U.S.C. § 1315 to authorize the Department*  
22 *to provide coverage under Medicaid to a pregnant woman and her*  
23 *child until 12 months after the date on which the child is born.*  
24 *The Department shall fully cooperate in good faith with the*  
25 *Federal Government during the application process to satisfy the*  
26 *requirements for the Federal Government for obtaining a waiver*  
27 *pursuant to this subsection.*

28 *4. As used in this section, "qualified provider" has the*  
29 *meaning ascribed to it in 42 U.S.C. § 1396r-1.*

30 **Sec. 2.** NRS 232.320 is hereby amended to read as follows:

31 232.320 1. The Director:



1 (a) Shall appoint, with the consent of the Governor,  
2 administrators of the divisions of the Department, who are  
3 respectively designated as follows:

4 (1) The Administrator of the Aging and Disability Services  
5 Division;

6 (2) The Administrator of the Division of Welfare and  
7 Supportive Services;

8 (3) The Administrator of the Division of Child and Family  
9 Services;

10 (4) The Administrator of the Division of Health Care  
11 Financing and Policy; and

12 (5) The Administrator of the Division of Public and  
13 Behavioral Health.

14 (b) Shall administer, through the divisions of the Department,  
15 the provisions of chapters 63, 424, 425, 427A, 432A to 442,  
16 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS  
17 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and*  
18 *section 1 of this act*, 422.580, 432.010 to 432.133, inclusive,  
19 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive,  
20 and 445A.010 to 445A.055, inclusive, and all other provisions of  
21 law relating to the functions of the divisions of the Department, but  
22 is not responsible for the clinical activities of the Division of Public  
23 and Behavioral Health or the professional line activities of the other  
24 divisions.

25 (c) Shall administer any state program for persons with  
26 developmental disabilities established pursuant to the  
27 Developmental Disabilities Assistance and Bill of Rights Act of  
28 2000, 42 U.S.C. §§ 15001 et seq.

29 (d) Shall, after considering advice from agencies of local  
30 governments and nonprofit organizations which provide social  
31 services, adopt a master plan for the provision of human services in  
32 this State. The Director shall revise the plan biennially and deliver a  
33 copy of the plan to the Governor and the Legislature at the  
34 beginning of each regular session. The plan must:

35 (1) Identify and assess the plans and programs of the  
36 Department for the provision of human services, and any  
37 duplication of those services by federal, state and local agencies;

38 (2) Set forth priorities for the provision of those services;

39 (3) Provide for communication and the coordination of those  
40 services among nonprofit organizations, agencies of local  
41 government, the State and the Federal Government;

42 (4) Identify the sources of funding for services provided by  
43 the Department and the allocation of that funding;



1 (5) Set forth sufficient information to assist the Department  
2 in providing those services and in the planning and budgeting for the  
3 future provision of those services; and

4 (6) Contain any other information necessary for the  
5 Department to communicate effectively with the Federal  
6 Government concerning demographic trends, formulas for the  
7 distribution of federal money and any need for the modification of  
8 programs administered by the Department.

9 (e) May, by regulation, require nonprofit organizations and state  
10 and local governmental agencies to provide information regarding  
11 the programs of those organizations and agencies, excluding  
12 detailed information relating to their budgets and payrolls, which the  
13 Director deems necessary for the performance of the duties imposed  
14 upon him or her pursuant to this section.

15 (f) Has such other powers and duties as are provided by law.

16 2. Notwithstanding any other provision of law, the Director, or  
17 the Director's designee, is responsible for appointing and removing  
18 subordinate officers and employees of the Department.

19 **Sec. 3.** This act becomes effective on July 1, 2021.

