

Amendment No. 36

Assembly Amendment to Assembly Bill No. 189	(BDR 38-130)
Proposed by: Assembly Committee on Health and Human Services	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



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—~~[Establishes presumptive]~~ Expands Medicaid ~~[eligibility for certain]~~ 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 ~~[, to the extent authorized by federal law,]~~ the Director of the Department of Health and Human Services to ~~[include in the State Plan for Medicaid presumptive Medicaid eligibility for certain]~~ 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 and
2 administer a State Plan for Medicaid which includes a list of specific medical services
3 required to be provided to Medicaid recipients. (NRS 422.063, 422.270; 42 U.S.C. § 1396a)
4 Existing law requires the Department to amend the State Plan for Medicaid to seek a
5 waiver of certain provisions of federal law for the purpose of including certain services
6 in the State Plan for Medicaid. (NRS 422.27247, 422.396, 422.3962) Section 1 of this bill
7 requires the ~~[Director of the]~~ Department ~~[, to the extent authorized by federal law, to include~~
8 ~~in the State Plan a provision]~~ to expand coverage under the State Plan for Medicaid for
9 pregnant women by: (1) providing coverage for pregnant women whose household
10 income is between 165 percent and 200 percent of the federally designated level
11 signifying poverty; (2) providing that pregnant women who are determined by certain
12 entities to qualify for Medicaid are presumptively eligible for Medicaid for a prescribed
13 period of time, without submitting an application for enrollment in Medicaid which includes
14 additional proof of eligibility ~~[;]~~ ; and (3) prohibiting the imposition of a requirement that
15 a 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 that
 18 the Department may expand coverage under Medicaid for a pregnant woman and her
 19 child from 60 days to 12 months following childbirth. Section 2 of this bill makes a
 20 conforming change to indicate that **section 1** will be administered in the same manner as the
 21 provisions of existing law governing the State Plan for Medicaid.

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 thereto a new
 2 section to read as follows:

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

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

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

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

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

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

25 **Sec. 2.** NRS 232.320 is hereby amended to read as follows:
 26 232.320 1. The Director:

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

- 29 (1) The Administrator of the Aging and Disability Services Division;
- 30 (2) The Administrator of the Division of Welfare and Supportive Services;
- 31 (3) The Administrator of the Division of Child and Family Services;
- 32 (4) The Administrator of the Division of Health Care Financing and
- 33 Policy; and
- 34 (5) The Administrator of the Division of Public and Behavioral Health.

35 (b) Shall administer, through the divisions of the Department, the provisions of
 36 chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A
 37 and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410,
 38 inclusive, and section 1 of this act, 422.580, 432.010 to 432.133, inclusive,
 39 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to
 40 445A.055, inclusive, and all other provisions of law relating to the functions of the
 41 divisions of the Department, but is not responsible for the clinical activities of the
 42 Division of Public and Behavioral Health or the professional line activities of the
 43 other divisions.

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

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

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

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

13 (3) Provide for communication and the coordination of those services
14 among nonprofit organizations, agencies of local government, the State and the
15 Federal Government;

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

18 (5) Set forth sufficient information to assist the Department in providing
19 those services and in the planning and budgeting for the future provision of those
20 services; and

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

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

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

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

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