

Amendment No. 208

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| Assembly Amendment to Assembly Bill No. 256  | (BDR 38-849) |
| <b>Proposed by:</b> Assembly Committee on Health and Human Services                  |              |
| <b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes |              |

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| Adoption of this amendment will REMOVE the 2/3s majority vote requirement from A.B. 256. |
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| 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. 256—ASSEMBLYMEN SUMMERS-ARMSTRONG, GONZÁLEZ; ANDERSON, BILBRAY-AXELROD, FLORES, MARZOLA, BRITNEY MILLER, C.H. MILLER, ORENTLICHER AND THOMAS

MARCH 12, 2021

Referred to Committee on Health and Human Services

SUMMARY—Provides for Medicaid coverage of doula services. (BDR 38-849)

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 State Plan for Medicaid to provide coverage of doula services to the extent authorized by federal law; requiring the Department of Health and Human Services to apply for a waiver or State Plan amendment to receive federal funding for coverage of doula services; requiring any person who desires to provide doula services to a recipient of Medicaid to ~~register~~ enroll with the Division of Health Care Financing and Policy of the Department; requiring ~~a registered~~ an enrolled doula to report the abuse of certain persons; 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 the State Plan for Medicaid, which must include specific medical services required  
3 to be provided to recipients of Medicaid. (NRS 422.063, 422.270) Existing law requires: (1)  
4 the Director of the Department to include in the State Plan a requirement that the State pay the  
5 nonfederal share of expenditures for certain medical services; and (2) the Department to apply  
6 to the United States Department of Health and Human Services for a waiver of certain  
7 provisions of federal law or an amendment of the State Plan to authorize the receipt of federal  
8 funding to provide certain medical services to recipients of Medicaid. (NRS 422.270-  
9 422.27495) **Section 1** of this bill requires the Director to include in the State Plan a  
10 requirement that the State pay certain costs for doula services provided to Medicaid recipients.  
11 **Section 1** also requires the Department to apply for a waiver of federal Medicaid requirements  
12 or request to amend the State Plan to receive federal funding to provide coverage of doula  
13 services. Finally, **section 1** requires a doula who desires to provide doula services for a  
14 recipient of Medicaid to ~~register~~ enroll with the Division of Health Care Financing and  
15 Policy of the Department. **Section 4** of this bill makes a conforming change by including the  
16 duties listed in **section 1** among the duties the Director of the Department is required to fulfill.  
17 Existing law requires certain persons in their professional or occupational capacity to  
18 report the suspected abuse, neglect, exploitation, isolation or abandonment of older or  
19 vulnerable persons or the suspected abuse or neglect of a child. (NRS 200.5093, 432B.220)  
20 **Sections 2 and 3** of this bill expand these reporting requirements to ~~a registered~~ an enrolled  
21 doula.

1 WHEREAS, The process of childbirth poses mortal risk to both the mother and  
 2 her child; and

3 WHEREAS, Doulas provide physical and emotional support, accurate  
 4 information concerning pregnancy, childbirth and the care of newborns and  
 5 unwavering advocacy to women during pregnancy, labor, childbirth and the post-  
 6 partum period; and

7 WHEREAS, Low-income women rarely have access to the essential services  
 8 provided by doulas; and

9 WHEREAS, To reduce the risk posed to a mother and her child by the process of  
 10 childbirth, it is necessary to expand access to nonmedical doula services; now,  
 11 therefore,

12  
 13 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
 14 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:  
 15

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

18 *1. The Director shall, to the extent authorized by federal law, include in the*  
 19 *State Plan for Medicaid a requirement that the State pay the nonfederal share of*  
 20 *expenditures incurred for doula services provided by ~~[(a) registered]~~ an enrolled*  
 21 *doula.*

22 *2. The Department shall apply to the Secretary of Health and Human*  
 23 *Services for a waiver granted pursuant to 42 U.S.C. § 1315 or apply for an*  
 24 *amendment of the State Plan for Medicaid that authorizes the Department to*  
 25 *receive federal funding to include in the State Plan for Medicaid coverage of*  
 26 *doula services provided by ~~[(a) registered]~~ an enrolled doula. The Department shall*  
 27 *fully cooperate in good faith with the Federal Government during the application*  
 28 *process to satisfy the requirements of the Federal Government for obtaining a*  
 29 *waiver or amendment pursuant to this section.*

30 *3. A person who wishes to receive reimbursement through the Medicaid*  
 31 *program for doula services provided to a recipient of Medicaid must submit to the*  
 32 *Division:*

33 *(a) An application for ~~[(registration)]~~ enrollment in the form prescribed by the*  
 34 *Division; and*

35 *(b) Proof that he or she possesses the required training and qualifications*  
 36 *prescribed by the Division pursuant to subsection 4. ~~[(f) and~~*

37 ~~*[(c) Any fee for registration prescribed by the Division.]*~~

38 *4. The Division, in consultation with community-based organizations that*  
 39 *provide services to pregnant women in this State, shall ~~[(adopt regulations~~*  
 40 *~~prescribing)]~~ prescribe the required training and qualifications for ~~[(registration as~~*  
 41 *~~a)]~~ enrollment pursuant to subsection 3 to receive reimbursement through*  
 42 *Medicaid for doula ~~[(pursuant to this section.)]~~ services.*

43 *5. As used in this section:*

44 *(a) “Doula services” means services to provide education and support*  
 45 *relating to childbirth, including, without limitation, emotional and physical*  
 46 *support provided during pregnancy, labor, birth and the postpartum period.*

47 *(b) ~~[(“Registered”)]~~ “Enrolled doula” means a doula who is ~~[(registered]~~*  
 48 *enrolled with the Division ~~[(f)]~~ pursuant to this section to receive reimbursement*  
 49 *through Medicaid for doula services.*

1       **Sec. 2.** NRS 432B.220 is hereby amended to read as follows:

2       432B.220 1. Any person who is described in subsection 4 and who, in his or  
3 her professional or occupational capacity, knows or has reasonable cause to believe  
4 that a child has been abused or neglected shall:

5       (a) Except as otherwise provided in subsection 2, report the abuse or neglect of  
6 the child to an agency which provides child welfare services or to a law  
7 enforcement agency; and

8       (b) Make such a report as soon as reasonably practicable but not later than 24  
9 hours after the person knows or has reasonable cause to believe that the child has  
10 been abused or neglected.

11       2. If a person who is required to make a report pursuant to subsection 1 knows  
12 or has reasonable cause to believe that the abuse or neglect of the child involves an  
13 act or omission of:

14       (a) A person directly responsible or serving as a volunteer for or an employee  
15 of a public or private home, institution or facility where the child is receiving child  
16 care outside of the home for a portion of the day, the person shall make the report to  
17 a law enforcement agency.

18       (b) An agency which provides child welfare services or a law enforcement  
19 agency, the person shall make the report to an agency other than the one alleged to  
20 have committed the act or omission, and the investigation of the abuse or neglect of  
21 the child must be made by an agency other than the one alleged to have committed  
22 the act or omission.

23       3. Any person who is described in paragraph (a) of subsection 4 who delivers  
24 or provides medical services to a newborn infant and who, in his or her professional  
25 or occupational capacity, knows or has reasonable cause to believe that the  
26 newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal  
27 substance use disorder or has withdrawal symptoms resulting from prenatal  
28 substance exposure shall, as soon as reasonably practicable but not later than 24  
29 hours after the person knows or has reasonable cause to believe that the newborn  
30 infant is so affected or has such symptoms, notify an agency which provides child  
31 welfare services of the condition of the infant and refer each person who is  
32 responsible for the welfare of the infant to an agency which provides child welfare  
33 services for appropriate counseling, training or other services. A notification and  
34 referral to an agency which provides child welfare services pursuant to this  
35 subsection shall not be construed to require prosecution for any illegal action.

36       4. A report must be made pursuant to subsection 1 by the following persons:

37       (a) A person providing services licensed or certified in this State pursuant to,  
38 without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636,  
39 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C or  
40 653 of NRS.

41       (b) Any personnel of a medical facility licensed pursuant to chapter 449 of  
42 NRS who are engaged in the admission, examination, care or treatment of persons  
43 or an administrator, manager or other person in charge of such a medical facility  
44 upon notification of suspected abuse or neglect of a child by a member of the staff  
45 of the medical facility.

46       (c) A coroner.

47       (d) A member of the clergy, practitioner of Christian Science or religious  
48 healer, unless the person has acquired the knowledge of the abuse or neglect from  
49 the offender during a confession.

50       (e) A person employed by a public school or private school and any person  
51 who serves as a volunteer at such a school.

1 (f) Any person who maintains or is employed by a facility or establishment that  
2 provides care for children, children's camp or other public or private facility,  
3 institution or agency furnishing care to a child.

4 (g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster  
5 home.

6 (h) Any officer or employee of a law enforcement agency or an adult or  
7 juvenile probation officer.

8 (i) Except as otherwise provided in NRS 432B.225, an attorney.

9 (j) Any person who maintains, is employed by or serves as a volunteer for an  
10 agency or service which advises persons regarding abuse or neglect of a child and  
11 refers them to persons and agencies where their requests and needs can be met.

12 (k) Any person who is employed by or serves as a volunteer for a youth shelter.  
13 As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS  
14 244.427.

15 (l) Any adult person who is employed by an entity that provides organized  
16 activities for children, including, without limitation, a person who is employed by a  
17 school district or public school.

18 *(m) Any person who is ~~registered~~ enrolled with the Division of Health Care*  
19 *Financing and Policy of the Department of Health and Human Services to*  
20 *provide doula services to recipients of Medicaid pursuant to section 1 of this act.*

21 5. A report may be made by any other person.

22 6. If a person who is required to make a report pursuant to subsection 1 knows  
23 or has reasonable cause to believe that a child has died as a result of abuse or  
24 neglect, the person shall, as soon as reasonably practicable, report this belief to an  
25 agency which provides child welfare services or a law enforcement agency. If such  
26 a report is made to a law enforcement agency, the law enforcement agency shall  
27 notify an agency which provides child welfare services and the appropriate medical  
28 examiner or coroner of the report. If such a report is made to an agency which  
29 provides child welfare services, the agency which provides child welfare services  
30 shall notify the appropriate medical examiner or coroner of the report. The medical  
31 examiner or coroner who is notified of a report pursuant to this subsection shall  
32 investigate the report and submit his or her written findings to the appropriate  
33 agency which provides child welfare services, the appropriate district attorney and a  
34 law enforcement agency. The written findings must include, if obtainable, the  
35 information required pursuant to the provisions of subsection 2 of NRS 432B.230.

36 7. The agency, board, bureau, commission, department, division or political  
37 subdivision of the State responsible for the licensure, certification or endorsement  
38 of a person who is described in subsection 4 and who is required in his or her  
39 professional or occupational capacity to be licensed, certified or endorsed in this  
40 State shall, at the time of initial licensure, certification or endorsement:

41 (a) Inform the person, in writing or by electronic communication, of his or her  
42 duty as a mandatory reporter pursuant to this section;

43 (b) Obtain a written acknowledgment or electronic record from the person that  
44 he or she has been informed of his or her duty pursuant to this section; and

45 (c) Maintain a copy of the written acknowledgment or electronic record for as  
46 long as the person is licensed, certified or endorsed in this State.

47 8. The employer of a person who is described in subsection 4 and who is not  
48 required in his or her professional or occupational capacity to be licensed, certified  
49 or endorsed in this State must, upon initial employment of the person:

50 (a) Inform the person, in writing or by electronic communication, of his or her  
51 duty as a mandatory reporter pursuant to this section;

52 (b) Obtain a written acknowledgment or electronic record from the person that  
53 he or she has been informed of his or her duty pursuant to this section; and

1 (c) Maintain a copy of the written acknowledgment or electronic record for as  
2 long as the person is employed by the employer.

3 9. Before a person may serve as a volunteer at a public school or private  
4 school, the school must:

5 (a) Inform the person, in writing or by electronic communication, of his or her  
6 duty as a mandatory reporter pursuant to this section and NRS 392.303;

7 (b) Obtain a written acknowledgment or electronic record from the person that  
8 he or she has been informed of his or her duty pursuant to this section and NRS  
9 392.303; and

10 (c) Maintain a copy of the written acknowledgment or electronic record for as  
11 long as the person serves as a volunteer at the school.

12 10. As used in this section:

13 (a) "Private school" has the meaning ascribed to it in NRS 394.103.

14 (b) "Public school" has the meaning ascribed to it in NRS 385.007.

15 **Sec. 3.** NRS 200.5093 is hereby amended to read as follows:

16 200.5093 1. Any person who is described in subsection 4 and who, in a  
17 professional or occupational capacity, knows or has reasonable cause to believe that  
18 an older person or vulnerable person has been abused, neglected, exploited, isolated  
19 or abandoned shall:

20 (a) Except as otherwise provided in subsection 2, report the abuse, neglect,  
21 exploitation, isolation or abandonment of the older person or vulnerable person to:

22 (1) The local office of the Aging and Disability Services Division of the  
23 Department of Health and Human Services;

24 (2) A police department or sheriff's office; or

25 (3) A toll-free telephone service designated by the Aging and Disability  
26 Services Division of the Department of Health and Human Services; and

27 (b) Make such a report as soon as reasonably practicable but not later than 24  
28 hours after the person knows or has reasonable cause to believe that the older  
29 person or vulnerable person has been abused, neglected, exploited, isolated or  
30 abandoned.

31 2. If a person who is required to make a report pursuant to subsection 1 knows  
32 or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or  
33 abandonment of the older person or vulnerable person involves an act or omission  
34 of the Aging and Disability Services Division, another division of the Department  
35 of Health and Human Services or a law enforcement agency, the person shall make  
36 the report to an agency other than the one alleged to have committed the act or  
37 omission.

38 3. Each agency, after reducing a report to writing, shall forward a copy of the  
39 report to the Aging and Disability Services Division of the Department of Health  
40 and Human Services and the Unit for the Investigation and Prosecution of Crimes.

41 4. A report must be made pursuant to subsection 1 by the following persons:

42 (a) Every physician, dentist, dental hygienist, chiropractor, optometrist,  
43 podiatric physician, medical examiner, resident, intern, professional or practical  
44 nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS,  
45 perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical  
46 professional counselor, clinical alcohol and drug counselor, alcohol and drug  
47 counselor, music therapist, athletic trainer, driver of an ambulance, paramedic,  
48 licensed dietitian, holder of a license or a limited license issued under the  
49 provisions of chapter 653 of NRS or other person providing medical services  
50 licensed or certified to practice in this State, who examines, attends or treats an  
51 older person or vulnerable person who appears to have been abused, neglected,  
52 exploited, isolated or abandoned.

1 (b) Any personnel of a hospital or similar institution engaged in the admission,  
2 examination, care or treatment of persons or an administrator, manager or other  
3 person in charge of a hospital or similar institution upon notification of the  
4 suspected abuse, neglect, exploitation, isolation or abandonment of an older person  
5 or vulnerable person by a member of the staff of the hospital.

6 (c) A coroner.

7 (d) Every person who maintains or is employed by an agency to provide  
8 personal care services in the home.

9 (e) Every person who maintains or is employed by an agency to provide  
10 nursing in the home.

11 (f) Every person who operates, who is employed by or who contracts to  
12 provide services for an intermediary service organization as defined in NRS  
13 449.4304.

14 (g) Any employee of the Department of Health and Human Services, except  
15 the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and  
16 any of his or her advocates or volunteers where prohibited from making such a  
17 report pursuant to 45 C.F.R. § 1321.11.

18 (h) Any employee of a law enforcement agency or a county's office for  
19 protective services or an adult or juvenile probation officer.

20 (i) Any person who maintains or is employed by a facility or establishment that  
21 provides care for older persons or vulnerable persons.

22 (j) Any person who maintains, is employed by or serves as a volunteer for an  
23 agency or service which advises persons regarding the abuse, neglect, exploitation,  
24 isolation or abandonment of an older person or vulnerable person and refers them to  
25 persons and agencies where their requests and needs can be met.

26 (k) Every social worker.

27 (l) Any person who owns or is employed by a funeral home or mortuary.

28 (m) Every person who operates or is employed by a peer support recovery  
29 organization, as defined in NRS 449.01563.

30 (n) Every person who operates or is employed by a community health worker  
31 pool, as defined in NRS 449.0028, or with whom a community health worker pool  
32 contracts to provide the services of a community health worker, as defined in NRS  
33 449.0027.

34 *(o) Every person who is ~~registered~~ enrolled with the Division of Health*  
35 *Care Financing and Policy of the Department of Health and Human Services to*  
36 *provide doula services to recipients of Medicaid pursuant to section 1 of this act.*

37 5. A report may be made by any other person.

38 6. If a person who is required to make a report pursuant to subsection 1 knows  
39 or has reasonable cause to believe that an older person or vulnerable person has  
40 died as a result of abuse, neglect, isolation or abandonment, the person shall, as  
41 soon as reasonably practicable, report this belief to the appropriate medical  
42 examiner or coroner, who shall investigate the cause of death of the older person or  
43 vulnerable person and submit to the appropriate local law enforcement agencies, the  
44 appropriate prosecuting attorney, the Aging and Disability Services Division of the  
45 Department of Health and Human Services and the Unit for the Investigation and  
46 Prosecution of Crimes his or her written findings. The written findings must include  
47 the information required pursuant to the provisions of NRS 200.5094, when  
48 possible.

49 7. A division, office or department which receives a report pursuant to this  
50 section shall cause the investigation of the report to commence within 3 working  
51 days. A copy of the final report of the investigation conducted by a division, office  
52 or department, other than the Aging and Disability Services Division of the



1 Department of Health and Human Services, must be forwarded within 30 days after  
2 the completion of the report to the:

- 3 (a) Aging and Disability Services Division;  
4 (b) Repository for Information Concerning Crimes Against Older Persons or  
5 Vulnerable Persons created by NRS 179A.450; and  
6 (c) Unit for the Investigation and Prosecution of Crimes.

7 8. If the investigation of a report results in the belief that an older person or  
8 vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging  
9 and Disability Services Division of the Department of Health and Human Services  
10 or the county's office for protective services may provide protective services to the  
11 older person or vulnerable person if the older person or vulnerable person is able  
12 and willing to accept them.

13 9. A person who knowingly and willfully violates any of the provisions of  
14 this section is guilty of a misdemeanor.

15 10. As used in this section, "Unit for the Investigation and Prosecution of  
16 Crimes" means the Unit for the Investigation and Prosecution of Crimes Against  
17 Older Persons or Vulnerable Persons in the Office of the Attorney General created  
18 pursuant to NRS 228.265.

19 **Sec. 4.** NRS 232.320 is hereby amended to read as follows:

20 232.320 1. The Director:

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

- 23 (1) The Administrator of the Aging and Disability Services Division;  
24 (2) The Administrator of the Division of Welfare and Supportive Services;  
25 (3) The Administrator of the Division of Child and Family Services;  
26 (4) The Administrator of the Division of Health Care Financing and  
27 Policy; and  
28 (5) The Administrator of the Division of Public and Behavioral Health.

29 (b) Shall administer, through the divisions of the Department, the provisions of  
30 chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A  
31 and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410,  
32 inclusive, *and section 1 of this act*, 422.580, 432.010 to 432.133, inclusive,  
33 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to  
34 445A.055, inclusive, and all other provisions of law relating to the functions of the  
35 divisions of the Department, but is not responsible for the clinical activities of the  
36 Division of Public and Behavioral Health or the professional line activities of the  
37 other divisions.

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

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

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

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

50 (3) Provide for communication and the coordination of those services  
51 among nonprofit organizations, agencies of local government, the State and the  
52 Federal Government;

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

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

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

10 (e) May, by regulation, require nonprofit organizations and state and local  
11 governmental agencies to provide information regarding the programs of those  
12 organizations and agencies, excluding detailed information relating to their budgets  
13 and payrolls, which the Director deems necessary for the performance of the duties  
14 imposed 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 the Director's  
17 designee, is responsible for appointing and removing subordinate officers and  
18 employees of the Department.

19 **Sec. 5.** 1. This section becomes effective upon passage and approval.

20 2. Sections 1 to 4, inclusive, of this act become effective:

21 (a) Upon passage and approval for the purpose of adopting any regulations and  
22 performing any other preparatory administrative tasks that are necessary to carry  
23 out the provisions of this act; and

24 (b) On January 1, 2022, for all other purposes.