

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Eighty-First Session
May 14, 2021**

The Committee on Health and Human Services was called to order by Chair Rochelle T. Nguyen at 1:30 p.m. on Friday, May 14, 2021, Online and in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Rochelle T. Nguyen, Chair
Assemblywoman Sarah Peters, Vice Chair
Assemblywoman Teresa Benitez-Thompson
Assemblywoman Annie Black
Assemblywoman Michelle Gorelow
Assemblyman Gregory T. Hafen II
Assemblywoman Lisa Krasner
Assemblyman Andy Matthews
Assemblyman David Orentlicher
Assemblywoman Shondra Summers-Armstrong
Assemblywoman Clara Thomas
Assemblywoman Robin L. Titus

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Patrick Ashton, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Nick Christie, Committee Manager
Joan Waldock, Committee Secretary
Melissa Loomis, Committee Assistant

Minutes ID: 1089



OTHERS PRESENT:

None

Chair Nguyen:

[Roll was called. Committee rules and protocol were explained.] Today, we have a work session. I am going to take the bills out of order, starting with Senate Bill 329 (1st Reprint).

Senate Bill 329 (1st Reprint): Revises provisions relating to competition in health care markets. (BDR 40-998)

Patrick Ashton, Committee Policy Analyst:

Senate Bill 329 (1st Reprint) was heard on May 5, 2021 [[Exhibit C](#)]. It requires hospitals and certain physician group practices to notify the Department of Health and Human Services (DHHS) of any merger, acquisition, or similar transaction in which they are involved. The Department must post the information contained in such notices on the Internet and publish an annual report based on the information. Additionally, the bill prohibits health care providers, including health care facilities, from entering into, offering to enter into, or soliciting a contract that prohibits a third-party insurer from steering covered persons to certain health care providers or placing health care providers in tiers; or places certain other restrictions on the insurer. Health care providers or insurers who violate these provisions are subject to a civil penalty and are guilty of a category D felony. Finally, the bill authorizes the attorney general to use certain fees to investigate prohibited contracting practices.

Senator Roberta Lange proposes the following amendments, which can be found attached to the work session document.

1. Revise section 1 to additionally require a person who owns all or substantially all of a physician group practice to report to DHHS any merger, acquisition, or similar transaction in which he or she is involved.
2. Revise section 20.9 to prohibit a provider of health care, including a facility that provides health care, from willfully entering into, willfully offering to enter into, or willfully soliciting a contract that:
 - prohibits a third-party insurer from steering covered persons to certain providers of health care or placing providers of health care in tiers; or
 - places certain other restrictions on the third-party insurer.
3. Revise sections 20.9 and 20.95 to make a provider of health care or third-party insurer who commits certain violations subject to a misdemeanor instead of a felony.

Chair Nguyen:

Do we have any questions?

Assemblywoman Peters:

I want to extend my appreciation to the people working on this bill for getting through some of the concerns that came up during the hearing. I would like to clarify one thing on the record. My question is for legal counsel. If a contract does not have prohibitive language that directs who is the provider in a network, it would not fall under the provisions of section 20.9, is that correct?

Karly O'Krent, Committee Counsel:

That is correct. Unless the contract expressly prohibits the third party from contracting with another provider, the contract will not violate the provisions of this bill.

Chair Nguyen:

Are there any other questions? [There were none.] I would entertain a motion to amend and do pass Senate Bill 329 (1st Reprint).

ASSEMBLYWOMAN PETERS MADE A MOTION TO AMEND AND DO
PASS SENATE BILL 329 (1ST REPRINT).

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE
MOTION.

Do we have any comments on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN BLACK, HAFEN,
KRASNER, MATTHEWS, AND TITUS VOTED NO.)

I will take the floor statement. We will begin the work session on Senate Bill 5 (1st Reprint).

Senate Bill 5 (1st Reprint): Makes changes relating to telehealth. (BDR 40-416)

Patrick Ashton, Committee Policy Analyst:

Senate Bill 5 (1st Reprint) was heard on May 7, 2021 [[Exhibit D](#)]. It makes various changes to telehealth. It clarifies that the definition of telehealth includes both synchronous and asynchronous interactions, and it adds audio-only interaction to the definition of telehealth, except as it relates to industrial insurance. This change effectively revises existing law that requires certain insurers and third-party payers to cover telehealth services to the same extent as if provided in person to also apply to services provided through audio-only interaction. The bill prohibits various third-party payers from refusing to pay for services provided through telehealth because of the technology used and categorizing telehealth services

differently than services provided in person for purposes related to coverage or reimbursement. In addition, S.B. 5 (R1) requires third-party payers to cover telehealth services in the same amount as services provided in person or by other means—except for services provided through audio-only interaction.

Senate Bill 5 (1st Reprint) expressly authorizes health care providers to establish a relationship with patients through telehealth and authorizes the State Board of Health to adopt regulations governing the establishment of a relationship in this manner. Finally, the bill requires the Department of Health and Human Services, to the extent money is available, to establish a data dashboard that allows for the analysis of data related to telehealth access.

Lindsay Knox, Vice President, Government Affairs and Advocacy, McDonald Carano, proposes to amend section 7 by removing from subsection 6, paragraph (d), of *Nevada Revised Statutes* 616C.730, the use of asynchronous system of storing and forwarding information as a form of telehealth delivery, thereby allowing only the use of synchronous audio-visual communication technology for telehealth services relating to industrial insurance (workers' compensation). Chair Rochelle Nguyen proposes to revise the payment parity requirements for telehealth services throughout the bill to expire one year after the date on which the public health emergency relating to the COVID-19 pandemic expires but no later than June 30, 2023. The amendment requires an exception for behavioral health services if the expiration date is before June 30, 2022. In this case behavioral health services provided through telehealth will continue to be reimbursed at the same rate as in-person services until June 30, 2023.

Chair Nguyen:

Are there any questions? [There were none.] I will entertain a motion to amend and do pass Senate Bill 5 (1st Reprint).

ASSEMBLYWOMAN PETERS MADE A MOTION TO AMEND AND DO
PASS SENATE BILL 5 (1ST REPRINT).

ASSEMBLYMAN HAFEN SECONDED THE MOTION.

Are there any comments on the motion?

Assemblywoman Krasner:

I appreciate the amendment; however, attorneys always get paid for their audio-only advice. I cannot imagine our asking them not to get paid for that. I feel this is bad policy, so I will be voting no.

Assemblywoman Ngyen:

Do we have any other comments on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN BENITEZ-THOMPSON,
BLACK, KRASNER, AND MATTHEWS VOTED NO.)

I will assign the floor statement to Assemblywoman Peters. We will move to our next bill.

Senate Bill 396 (1st Reprint): Revises provisions relating to the purchasing of prescription drugs. (BDR 38-443)

Patrick Ashton, Committee Policy Analyst:

Senate Bill 396 (1st Reprint) was heard on April 26, 2021 [[Exhibit E](#)]. It authorizes public agencies in Nevada to enter into agreements with private entities within or outside of this state for the purchase of prescription drugs, pharmaceutical services, or medical supplies and related services. In addition, it authorizes the Department of Health and Human Services (DHHS) to enter into such an agreement for the purchase of prescription drugs for Medicaid or the Children's Health Insurance Program (CHIP). The bill also exempts from certain transparency, rebate, and audit requirements certain Medicaid or CHIP contracts between DHHS and a pharmacy benefit manager or health maintenance organization entered pursuant to an agreement for the collaborative purchase of prescription drugs.

Senator Fabian Doñate proposes to revise section 2, subsection 2, paragraph (c), of *Nevada Revised Statutes* 422.4053 by removing provisions to exempt a contract between DHHS and a pharmacy benefit manager or health maintenance organization entered into pursuant to an agreement for the collaborative purchasing of prescription drugs from certain requirements concerning transparency, rebates and auditing. The amendment makes conforming changes throughout the bill. The conceptual amendment is attached to the work session document.

Chair Nguyen:

Are there any questions?

Assemblywoman Benitez-Thompson:

I would like to thank Senator Doñate. He met with our legislative auditor, Daniel L. Crossman, and spent some time talking with him. I am appreciative of any time we can keep our ability to trace and track our dollars in the state. I think it is part of good government and transparency. This is a lot of money, and we want to be able to follow and audit it.

Chair Nguyen:

Are there any questions? [There were none.] Do I have a motion?

ASSEMBLYWOMAN BENITEZ-THOMPSON MADE A MOTION TO AMEND AND DO PASS SENATE BILL 396 (1ST REPRINT).

ASSEMBLYWOMAN PETERS SECONDED THE MOTION.

Do we have further comments on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Thomas. We will go to our last bill, Senate Bill 188 (1st Reprint).

Senate Bill 188 (1st Reprint): Establishes programs for certain persons of low-income and persons in foster care. (BDR 38-711)

Patrick Ashton, Committee Policy Analyst:

Senate Bill 188 (1st Reprint) was heard on April 26, 2021 [[Exhibit F](#)]. It provides for the establishment of the Individual Development Account Program by the Office of the State Treasurer if sufficient money is obtained. The Program allows certain persons from low-income households to establish an individual development account (IDA) into which a person deposits money to save and use later for certain purposes. The State Treasurer may select one or more fiduciary organizations to administer the money in the program. To establish an account, an eligible person and the fiduciary organization must enter into an agreement in which the account holder deposits funds into a financial institution and the fiduciary organization matches the funds with not more than \$5 for each \$1 deposited by the account holder—up to \$3,000 of matching funds in any 12-month period. Money in an IDA may be withdrawn for specific purposes, including postsecondary education, job training, rental or purchase of a primary residence, establishing a small business, and retirement savings, among others. If the Department of Health and Human Services, a foster care licensing agency, or a housing authority receives funding from the State Treasurer, the entity must ensure instruction in financial literacy is provided to IDA account holders. These accounts may not be considered income when determining eligibility for Medicaid or for a housing project.

Senate Bill 188 (1st Reprint) also creates the Nevada Statewide Council on Financial Independence, which is responsible for:

1. developing statewide priorities and strategies for helping individuals who receive public assistance or social services to increase their financial independence;
2. coordinating with state agencies; and
3. overseeing the IDA Program.

Finally, the bill requires the State Treasurer to ensure that instruction and training in business opportunities are provided to tenants of housing authorities and certain nonprofits and to appoint and employ a deputy of financial literacy and security.

Senator Pat Spearman proposes amendments found attached to the work session document. The amendments would:

1. Revise the bill to additionally authorize a relative or fictive kin of a child placed in his or her care by an agency which provides child welfare services to:
 - qualify to become an IDA holder;
 - establish an IDA for a child placed in his or her care; and
 - deposit certain money received by him or her into the account.
2. Provide that money deposited in an IDA established by a relative or fictive kin of a child placed in his or her care is the property of the child and may be:
 - accessed by the child upon reaching 18 years of age; and
 - used for certain purposes.
3. Require an agency which provides child welfare services to ensure that instruction in financial literacy is provided to a child on whose behalf an IDA is established by a relative or fictive kin, to the extent that money is provided by the State Treasurer.
4. Replace individual definitions of “fictive kin” throughout *Nevada Revised Statutes* Chapter 432B with a chapter-wide definition of that term that is identical to the definition of the term currently used in individual sections of that chapter.
5. Authorize the State Treasurer in section 25, subsection 5, to adopt specific regulations relating to the administration of IDAs by fiduciary organizations, including, without limitation, regulations governing fees charged by fiduciary organizations.

Chair Nguyen:

There are a few amendments. I appreciate the members who reached out to make this bill better. Are there any questions regarding the amendments? Seeing none, I would entertain a motion to amend and do pass Senate Bill 188 (1st Reprint).

ASSEMBLYWOMAN PETERS MADE A MOTION TO AMEND AND DO
PASS SENATE BILL 188 (1ST REPRINT).

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

Do we have any comments on the motion?

Assemblyman Matthews:

While I believe the intent of this bill is good and even admirable, my belief is also this is something that does not belong within the purview of the state government. I will be a no on this today.

Assemblywoman Black:

I want to second my colleague's comments. I feel this is a better job for a nonprofit organization or something of that nature.

Assemblywoman Ngyen:

Are there any other comments on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN BLACK AND MATTHEWS
VOTED NO.)

I will assign the floor statement to Assemblywoman Summers-Armstrong. With that, we are done with our work session.

At this time, I will begin taking public comment. [There was none.] I will close public comment. Are there any comments from members? [There were none.]

That concludes our meeting for right now. I do not have a meeting scheduled for next Monday [May 17, 2021] but anticipate we will have things coming up next week; we will probably have other meetings. We will recess [at 1:47 p.m.]. [The meeting reconvened and adjourned at 6:03 p.m.]

RESPECTFULLY SUBMITTED:

Joan Waldock
Committee Secretary

APPROVED BY:

Assemblywoman Rochelle T. Nguyen, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for [Senate Bill 329 \(1st Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Senate Bill 5 \(1st Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Senate Bill 396 \(1st Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Senate Bill 188 \(1st Reprint\)](#), presented by Patrick Ashton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.