
ASSEMBLY BILL NO. 99—ASSEMBLYWOMAN BROWN-MAY

PREFILED FEBRUARY 1, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing Medicaid rates of reimbursement. (BDR 38-564)

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 take any action necessary to increase certain federally approved rates under certain circumstances; providing for the annual consideration of cost-of-living increases to rates of reimbursement under Medicaid; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Department of Health and Human Services to
2 administer the Medicaid program. (NRS 422.270) As a condition of receiving
3 federal financial participation in the Medicaid program of a state, existing federal
4 law requires the state to obtain the approval of the United States Secretary of
5 Health and Human Services of the state plan for Medicaid. (42 U.S.C. § 1396a)
6 **Section 1** of this bill requires the Director of the Department, upon approving an
7 increase in the rate of reimbursement paid for a service or item under Medicaid to
8 an amount greater than the maximum reimbursement rate approved by the
9 Secretary for that service or item, to take any action necessary to obtain a
10 corresponding increase in the maximum federally approved reimbursement rate for
11 that service or item. **Section 1** also requires that the Division of Health Care
12 Financing and Policy of the Department annually consider cost-of-living increases
13 to Medicaid rates of reimbursement. **Section 2** of this bill makes a conforming
14 change to indicate the proper placement of **section 1** in the Nevada Revised
15 Statutes.



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. If the Director approves an increase in the rate of**
4 **reimbursement for a service or item provided under the State Plan**
5 **for Medicaid to an amount that is greater than the maximum rate**
6 **of reimbursement approved by the Secretary of Health and**
7 **Human Services for that service or item, the Director shall take**
8 **any action necessary, including, where applicable, applying to**
9 **amend a federal waiver, to increase the maximum rate of**
10 **reimbursement approved by the Secretary to an amount equal to**
11 **or greater than the rate of reimbursement approved by the**
12 **Director.**

13 **2. The Division shall annually review whether the rate of**
14 **reimbursement for each service or item provided under the State**
15 **Plan for Medicaid should be increased to compensate for an**
16 **increase in the cost of living.**

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

18 232.320 1. The Director:

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

22 (1) The Administrator of the Aging and Disability Services
23 Division;

24 (2) The Administrator of the Division of Welfare and
25 Supportive Services;

26 (3) The Administrator of the Division of Child and Family
27 Services;

28 (4) The Administrator of the Division of Health Care
29 Financing and Policy; and

30 (5) The Administrator of the Division of Public and
31 Behavioral Health.

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



1 (c) Shall administer any state program for persons with
2 developmental disabilities established pursuant to the
3 Developmental Disabilities Assistance and Bill of Rights Act of
4 2000, 42 U.S.C. §§ 15001 et seq.

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

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

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

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

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

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

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

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

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

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

38 **Sec. 3.** This act becomes effective on July 1, 2023.

