

## LCB File No. T041-01

### NOTICE OF WORKSHOPS TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

March 29, 2001

The Department of Business and Industry, Division of Insurance (Division) is proposing new regulations pertaining to continuing education, retention of records, and dental care. A workshop has been set for 10:00 a.m., on May 3, 2001, at the offices of the Division, 788 Fairview Drive, Suite 300, Carson City, Nevada 89701. The purpose of the workshop is to solicit comments from interested persons on the following general topics addressed in the proposed regulations.

- 1. Continuing Education: The proposed regulation amends current regulations to reduce the minimum hours for a course of continuing education from 2 hours to 1 hour; defines one hour as not less than 50 minutes of instruction; and eliminates the maximum number of hours that may be approved.**
- 2. Retention of Records: The proposed regulation establishes requirements for domestic insurers for the retention of records and includes provisions for micrographic, optical, magnetic and electronic media.**
- 3. Pediatric Dental Care: The proposed regulation requires an insurer that covers anesthesia in medical procedures to also cover anesthesia provided in certain dental procedures.**

Members of the insurance industry, business community, and the public are also invited to comment on any impact the proposed regulations may have on small businesses. The Division has reviewed the proposed regulations and determined that they are not likely to impose a direct or significant impact on a small business, or directly restrict the formation, operation, or expansion of a small business. Neither the regulation on continuing education nor the regulation on retention of records should have any adverse impact on small businesses.

A copy of this notice and the proposed regulations will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours.

Additional copies of the notice and the proposed regulations will be available at the offices of the Division, 788 Fairview Drive, Suite 300, Carson City, Nevada 89701, and 2501 East Sahara Avenue, Suite 302, Las Vegas, Nevada 89104, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at [www.leg.state.nv.us](http://www.leg.state.nv.us). Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

This Notice of Workshop to Solicit Comments on Proposed Regulations has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

Department of Business and Industry  
Division of Insurance  
788 Fairview Drive, Suite 300  
Carson City, NV 89701

Department of Business and Industry  
Division of Insurance  
2501 East Sahara Avenue, Suite 302  
Las Vegas, NV 89104

Legislative Counsel Bureau  
Capitol Complex  
Carson City, NV 89710

Blasdel Building  
Capitol Complex  
Carson City, NV 89710

State Capitol  
Capitol Complex  
Carson City, NV 89710

Capitol Press Room  
State Capitol Basement  
Carson City, NV 89710

County Clerk  
Courthouse  
Carson City, NV 89710

Nevada State Library & Archives  
Capitol Complex  
Carson City, NV 89710

Carson City Library  
900 North Roop Street  
Carson City, NV 89701

Churchill County Library  
553 South Maine Street  
Fallon, NV 89406

Las Vegas Library  
833 Las Vegas Blvd. North  
Las Vegas, NV 89101

Douglas County Library  
1625 Library Lane  
P.O. Box 337  
Minden, NV 89423

Elko County Library  
720 Court Street  
Elko, NV 89801

Goldfield Public Library  
Fourth & Cook Street  
P.O. Box 430  
Goldfield, NV 89013

Eureka Branch Library  
10190 Monroe Street  
P.O. Box 293

Humboldt County Library  
85 East 5<sup>th</sup> Street  
Winnemucca, NV 89445

Eureka, NV 89316  
Battle Mountain Branch Library  
P.O. Box 141  
Battle Mountain, NV 89820

Lincoln County Library  
93 Main Street  
P.O. Box 330  
Pioche, NV 89043

Lyon County Library  
20 Nevin Way  
Yerington, NV 89447

Mineral County Library  
First & A Street  
P.O. Box 1390  
Hawthorne, NV 89415

Tonopah Public Library  
171 Central Street  
P.O. Box 449  
Tonopah, NV 89049

Pershing County Library  
1125 Central Avenue  
P.O. Box 781  
Lovelock, NV 89419

Storey County Library  
95 South R Street

Washoe County Library  
301 South Center Street

P.O. Box 14  
Virginia City, NV 89440

White Pine County Library  
950 Campton Street  
Ely, NV 89301

P.O. Box 2151  
Reno, NV 89505

Clark County Library  
1401 East Flamingo Road  
Las Vegas, NV 89119

Members of the public who are disabled and require special accommodations or assistance at the hearing are requested to notify the Commissioner's secretary in writing at 788 Fairview Drive, Suite 300, Carson City, Nevada 89701, or by calling no later than 5 working days prior to the hearing, (702) 687-4270, extension 260.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

ALICE A. MOLASKY-ARMAN  
Commissioner of Insurance

## NOTICE OF INTENT TO ACT UPON REGULATIONS

Notice of Hearing for the Adoption of Regulations  
of the Department of Business and Industry, Division of Insurance

The Department of Business and Industry, Division of Insurance (Division) will hold a public hearing at 10:00 a.m., on May 3, 2001, immediately following a public workshop, at the offices of the Division, 788 Fairview Drive, Suite 300, Carson City, Nevada 89701. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations pertaining to dental care and health insurance.

### REGULATIONS CONCERNING DENTAL CARE

The following information is provided pursuant to the requirements of NRS 233B.060:

1. The proposed regulation is needed to clarify that anesthesia provided in certain dental procedures is a covered benefit under health insurance policies.
2. The proposed regulation states that a health insurance policy that provides coverage for anesthesia in a hospital or out-patient setting must also cover anesthesia provided during certain dental procedures.
3. Estimated economic effect of the regulation:  
On the business which it is to regulate:  
The proposed regulation may have both an immediate and long-term impact on the industry if the regulation results in an expansion of benefits currently provided by policies of health insurance.  
On the public:  
The proposed regulations may have an economic impact on the public if the cost of insurance is increased to cover an expansion of benefits.
4. The Division expects to incur some additional expense to enforce the proposed regulation.
5. The Division is not aware of any overlap or duplication of the regulation with any state, local or federal regulation.
6. The proposed regulation does not establish any new fees or increase an existing fee.

Persons wishing to comment upon the proposed action of the Division may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Division, 788 Fairview Drive, Suite 300, Carson City, Nevada 89701. Written submissions must be received by the Division on or before April 26, 2001. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the State Library, 100

Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the offices of the Division, 788 Fairview Drive, Suite 300, Carson City, Nevada 89701, and 2501 East Sahara Avenue, Suite 302, Las Vegas, Nevada 89104, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Department of Business and Industry  
Division of Insurance  
788 Fairview Drive, Suite 300  
Carson City, NV 89701

Department of Business and Industry  
Division of Insurance  
2501 East Sahara Avenue, Suite 302  
Las Vegas, NV 89104

Legislative Counsel Bureau  
Capitol Complex  
Carson City, NV 89710

Blasdel Building  
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Carson City, NV 89710

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P.O. Box 337  
Minden, NV 89423

Elko County Library  
720 Court Street  
Elko, NV 89801

Goldfield Public Library  
Fourth & Cook Street  
P.O. Box 430  
Goldfield, NV 89013

Eureka Branch Library  
10190 Monroe Street  
P.O. Box 293

Humboldt County Library  
85 East 5<sup>th</sup> Street

Eureka, NV 89316

Battle Mountain Branch Library  
P.O. Box 141  
Battle Mountain, NV 89820

Mineral County Library  
First & A Street  
P.O. Box 1390  
Hawthorne, NV 89415

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171 Central Street  
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White Pine County Library  
950 Campton Street  
Ely, NV 89301

Winnemucca, NV 89445

Lincoln County Library  
93 Main Street  
P.O. Box 330  
Pioche, NV 89043

Lyon County Library  
20 Nevin Way  
Yerington, NV 89447

Pershing County Library  
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P.O. Box 781  
Lovelock, NV 89419

Washoe County Library  
301 South Center Street  
P.O. Box 2151  
Reno, NV 89505

Clark County Library  
1401 East Flamingo Road  
Las Vegas, NV 89119

Members of the public who are disabled and require special accommodations or assistance at the hearing are requested to notify the Commissioner's secretary in writing at 788 Fairview Drive, Suite 300, Carson City, Nevada 89701, or by calling no later than 5 working days prior to the hearing, (702) 687-4270, extension 260.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

ALICE A. MOLASKY-ARMAN  
Commissioner of Insurance

STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INSURANCE

REGULATIONS CONCERNING DENTAL CARE AND  
POLICIES OF HEALTH INSURANCE

**Authority:** NRS 679B.130.

**Section 1.** Chapter 689A of NAC is hereby amended by adding thereto a new section to read as follows:

*1. A policy of health insurance subject to the provisions of this chapter that is delivered or issued for delivery in this state must provide coverage for a dependent child covered by that policy who is referred by a dentist to a hospital, a surgical center for ambulatory patients, an independent center for emergency medical care or a rural clinic, licensed pursuant to chapter 449 of NRS, for general anesthesia and associated dental care if the child is being referred because, in the opinion of the dentist, the child:*

*(a) Has a physical, mental or medically compromising condition;*

*(b) Has dental needs for which local anesthesia is ineffective because of an acute infection, an anatomic anomaly or an allergy;*

*(c) Is extremely uncooperative, unmanageable or anxious; or*

*(d) Has sustained extensive orofacial and dental trauma.*

*2. An insurer may:*

*(a) Require prior authorization for the provision of general anesthesia and for hospitalization or the use of a surgical center for ambulatory patients for dental procedures in the same manner that it requires prior authorization for hospitalization for the provision of general anesthesia for other diseases or conditions covered by the policy of health insurance;*

*(b) Require that the benefits paid be adjusted according to the policy of health insurance if the services are rendered by a provider who is not designated by or associated with the insurer, if applicable; and*

*(c) Restrict coverage to include only general anesthesia provided during procedures performed by:*

*(1) A qualified specialist in pediatric dentistry;*

*(2) A dentist who is qualified, by virtue of his education, in a recognized dental specialty for which hospital privileges are granted; or*

*(3) A dentist who is certified, by virtue of his completion of an accredited program of postgraduate hospital training, to be granted hospital privileges.*

*3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with the provisions of this section is void.*

**Sec. 2.** Chapter 689B of NAC is hereby amended by adding thereto a new section to read as follows:

*1. A policy of group or blanket health insurance subject to the provisions of this chapter that is delivered or issued for delivery in this state must provide coverage for a dependent child covered by that policy who is referred by a dentist to a hospital, a surgical center for ambulatory patients, an independent center for emergency medical care or a rural clinic, licensed pursuant to chapter 449 of NRS, for general anesthesia and associated dental care if the child is being referred because, in the opinion of the dentist, the child:*



*(a) Has a physical, mental or medically compromising condition;*

*(b) Has dental needs for which local anesthesia is ineffective because of an acute infection, an anatomic anomaly or an allergy;*

*(c) Is extremely uncooperative, unmanageable or anxious; or*

*(d) Has sustained extensive orofacial and dental trauma.*

*2. An insurer may:*

*(a) Require prior authorization for the provision of general anesthesia and for hospitalization or the use of a surgical center for ambulatory patients for dental procedures in the same manner that it requires prior authorization for hospitalization for the provision of general anesthesia for other diseases or conditions covered by the policy of group or blanket health insurance;*

*(b) Require that the benefits paid be adjusted according to the policy of group or blanket health insurance if the services are rendered by a provider who is not designated by or associated with the insurer, if applicable; and*

*(c) Restrict coverage to include only general anesthesia provided during procedures performed by:*

*(1) A qualified specialist in pediatric dentistry;*

*(2) A dentist who is qualified, by virtue of his education, in a recognized dental specialty for which hospital privileges are granted; or*

*(3) A dentist who is certified, by virtue of his completion of an accredited program of postgraduate hospital training, to be granted hospital privileges.*

*3. A policy of group or blanket health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, has the*

*legal effect of including the coverage required by this section, and any provision of the policy that conflicts with the provisions of this section is void.*

**Sec. 3.** Chapter 695B of NAC is hereby amended by adding thereto a new section to read as follows:

*1. A contract for hospital, medical or dental services subject to the provisions of this chapter that is delivered or issued for delivery in this state must provide coverage for a dependent child covered by that contract who is referred by a dentist to a hospital, a surgical center for ambulatory patients, an independent center for emergency medical care or a rural clinic, licensed pursuant to chapter 449 of NRS, for general anesthesia and associated dental care if the child is being referred because, in the opinion of the dentist, the child:*

*(a) Has a physical, mental or medically compromising condition;*

*(b) Has dental needs for which local anesthesia is ineffective because of an acute infection, an anatomic anomaly or an allergy;*

*(c) Is extremely uncooperative, unmanageable or anxious; or*

*(d) Has sustained extensive orofacial and dental trauma.*

*2. An insurer may:*

*(a) Require prior authorization for the provision of general anesthesia and for hospitalization or the use of a surgical center for ambulatory patients for dental procedures in the same manner that it requires prior authorization for hospitalization for the provision of general anesthesia for other diseases or conditions covered by the contract for hospital, medical or dental services;*

*(b) Require that the benefits paid be adjusted according to the contract for hospital, medical or dental services if the services are rendered by a provider who is not designated by*

*or associated with the insurer, if applicable; and*

*(c) Restrict coverage to include only general anesthesia provided during procedures performed by:*

*(1) A qualified specialist in pediatric dentistry;*

*(2) A dentist who is qualified, by virtue of his education, in a recognized dental specialty for which hospital privileges are granted; or*

*(3) A dentist who is certified, by virtue of his completion of an accredited program of postgraduate hospital training, to be granted hospital privileges.*

*3. A contract for hospital, medical or dental services subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, has the legal effect of including the coverage required by this section, and any provision of the contract that conflicts with the provisions of this section is void.*

**Sec. 4.** Chapter 695C of NAC is hereby amended by adding thereto a new section to read as follows:

*1. A health care plan subject to the provisions of this chapter that is delivered or issued for delivery in this state must provide coverage for a dependent child covered by that plan who is referred by a dentist to a hospital, a surgical center for ambulatory patients, an independent center for emergency medical care or a rural clinic, licensed pursuant to chapter 449 of NRS, for general anesthesia and associated dental care if the child is being referred because, in the opinion of the dentist, the child:*

*(a) Has a physical, mental or medically compromising condition;*

*(b) Has dental needs for which local anesthesia is ineffective because of an acute infection, an anatomic anomaly or an allergy;*

*(c) Is extremely uncooperative, unmanageable or anxious; or*

*(d) Has sustained extensive orofacial and dental trauma.*

*2. A health maintenance organization may:*

*(a) Require prior authorization for the provision of general anesthesia and for hospitalization or the use of a surgical center for ambulatory patients for dental procedures in the same manner that it requires prior authorization for hospitalization for the provision of general anesthesia for other diseases or conditions covered by the health care plan;*

*(b) Require that the benefits paid be adjusted according to the health care plan if the services are rendered by a provider who is not designated by or associated with the health maintenance organization; and*

*(c) Restrict coverage to include only general anesthesia provided during procedures performed by:*

*(1) A qualified specialist in pediatric dentistry;*

*(2) A dentist who is qualified, by virtue of his education, in a recognized dental specialty for which hospital privileges are granted; or*

*(3) A dentist who is certified, by virtue of his completion of an accredited program of postgraduate hospital training, to be granted hospital privileges.*

*3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, has the legal effect of including the coverage required by this section, and any provision of the health care plan that conflicts with the provisions of this section is void.*