

LCB File No. R184-07

**PROPOSED REGULATION OF THE HEARINGS DIVISION
OF THE DEPARTMENT OF ADMINISTRATION**

**NOTICE OF INTENT TO ACT ON PROPOSED REGULATIONS
(NOTICE OF PUBLIC HEARING)**

The Department of Administration, Hearings Division is proposing the permanent adoption, amendment or repeal of regulations pertaining to Chapter 616C of the Nevada Administrative Code in order to meet Legislative requirements, and to update and/or improve upon current regulations in effect. A public hearing has been scheduled to discuss/address these proposed changes.

The public workshop will be conducted, via videoconference, at 9:00 a.m., Friday, May 23, 2008 at the following locations:

Grant Sawyer Building
555 East Washington Avenue
Room 4412
Las Vegas, Nevada

Legislative Building
401 South Carson Street
Room 2134
Carson City, Nevada

The Division is providing the following information pertaining to the public hearing on the proposed regulations.

The need and purpose of the proposed regulations: The Division is proposing regulations necessary to meet Legislative requirements (Assembly Bill 496), and to clarify, update and refine current regulations already in effect.

Description of the issues involved:

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| ❖ Code of conduct for hearing and appeals officers | Per Assembly Bill 496 |
| ▪ Impartial and diligent performance of official duties | |
| ▪ Minimizing the risk of conflict with official obligations | |
| ❖ Written Complaint to the senior appeals officer | Per Assembly Bill 496 |
| ❖ Notice of determination to accept or deny claim | NAC 616C.091,
NAC616C.091(2)(b) |
| ❖ Hearing Officer Training | Per Assembly Bill 496 |
| ❖ Appeal to Hearing Officer | NAC 616C.270 |
| ❖ Submission of determination letter | New |
| ❖ Form requesting hearing before Hearing Officer or for notice of appeal; information required to be provided by insurer or third-party administrator | NAC 616C.274(2)(c)(2)(III) |

❖ Unanswered written requests	New
❖ Hearing on decision concerning accident benefits made organization for managed care	NAC 616C.2745
❖ Appeals Officer Training	Per Assembly Bill 496
❖ Procedure for submission of contested claim directly to Appeals Officer; objection to submission	NAC 616C.275(2)(a), NAC 616C.275(2)(b)(II) NAC 616C.275(3)
❖ Assistance in interpreting English language during proceeding	NAC 616C.2755(1),(2) & (3)
❖ Repealed and re-enacted under NAC 616C.277	NAC 616C.276
❖ Scheduling of prehearing conferences by Appeals Officer	NAC 616C.277(2)
❖ Failure of party to appear	NAC 616C.279(2)
❖ Failure to comply with regulations	NAC 616C.282 NAC 616C.282(4),(5) & (6)
❖ Repealed	NAC 616C.288
❖ Filing and service of documents	NAC 616C.(1)
❖ Requirements for filing and service of information	NAC 616C.297(2)(e)
❖ Papers and documents	NAC 616C.303(5),(6) & (7)
❖ Request or application to permit discovery by deposition or interrogatories	NAC 616C.305(1) & (2)
❖ Evidence recorded on videotape, digital recording, or other electronic media	NAC 616C.307(1),(2) & 3(a) & (b)
General requirements for motions	NAC 616C.312(3),(4),(5),(6) & (7)
❖ Consolidation of cases before the Appeals Officer	New
❖ Stay of decision of Hearing Officer	NAC 616C.315(1),(2),(3) & (4)
❖ Retention of files when Judicial Review is sought	New
❖ Records of Hearings & Appeals	NAC 616C.330(1),(2) & (3)

The estimated economic effect of the proposed regulations on (a) regulated businesses and (b) the public, including, stated separately (i) adverse and beneficial effects, and (ii) immediate and long-term effects: The Division does not estimate any immediate adverse economic effect of the proposed regulations on regulated businesses; the long-term economic effect is the same. The Division does not estimate any immediate adverse economic effect of the proposed regulations on the public. The long-term effect is the same. The Division estimates the immediate beneficial effects on both regulated businesses and the public is the needed additions, clarifications and updates of the proposed regulations already in effect.

The estimated cost to the Division for enforcement of the proposed regulations: The Division estimates that the cost of implementation and enforcement to be minimal if any costs are incurred at all. The Division already enforces substantially similar regulations. These regulations do not appear to place a significant economic burden on the Division.

A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary: In reference to our proposed amendments to NAC 616C.091, Notice of determination to accept or deny claim, the Division has received comments from the Division of Industrial Relations, Department of Business and Industry in that there is a question on whether this provision is within the jurisdiction of the Hearings Division or the Division of Industrial Relations. We ask the Legislative Council Bureau for clarification on this matter. The proposed regulations are not required by federal law, they are, however, more stringent than federal law; there is no equivalent federal law.

Persons wishing to comment upon the proposed action of the Department of Administration, Hearings Division are invited to appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Patti Fox, Department of Administration, Hearings Division, 2200 S. Rancho Drive, Suite 220, Las Vegas, Nevada, 89102 on or before May 16, 2008. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Administration, Hearings Division may proceed immediately to act upon any written submissions.

Persons with disabilities who require special accommodations or assistance at the public hearing are requested to notify Patti Fox in writing, at least three (3) working days prior to the hearing, at the Department of Administration, Hearings Division, 2200 S. Rancho Drive, Suite 220, Las Vegas, Nevada, 89102.

A copy of this notice and the regulations to be adopted, amended and repealed 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 regulations to be adopted, amended and repealed will be posted at the following:

Department of Administration, Hearings Division
2200 S. Rancho Drive, Suites 210 & 220, Las Vegas Nevada

Department of Administration, Hearings Division
1050 E. Williams Street, Suites 400 & 450, Carson City Nevada

Grant Sawyer State Office Building
555 E. Washington Avenue, Las Vegas, Nevada

Blasdel Building
209 E. Musser Street, Carson City, Nevada

Legislative Building
401 S. Carson Street, Carson City, Nevada

Capitol Building, Main Floor
101 N. Carson Street, Carson City, Nevada

All Nevada County Public Libraries for inspection and copying by members of the public during business hours.

The Department of Administration Website <http://hearings.state.nv.us/>

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. Copies of this notice and the proposed regulations will also be mailed/e-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 Division, 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.

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
HEARINGS DIVISION
SMALL BUSINESS IMPACT STATEMENT

This statement was prepared to comply with NRS 233B.0608 and 233B.0609. This statement addresses the fiscal impact of the possible regulations stemming from legislative changes made during the 2007 session, and related matters.

To determine whether these regulatory matters are likely to have an impact on small businesses, the Hearings Division considered the purpose and scope of the proposed and potential regulations in conjunction with existing regulations. Based on this review, the Hearings Division determined that the possible regulations are not likely to have an adverse affect on small businesses.

The division does not anticipate that adopting regulations to address the Senate and Assembly bills under discussion on July 12, 2007, and other matters necessary to clarify, refine or amend Chapter 616C of the Nevada Administrative Code, will have any adverse or beneficial economic effect, either immediate or long-term on small businesses (i.e. insurers, healthcare providers, etc.).