

**PROPOSED TEMPORARY REGULATION OF THE
COMMISSIONER OF INSURANCE**

LCB File No. T002-12

**NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON
PROPOSED REGULATIONS**

The State of Nevada, Department of Business and Industry, Division of Insurance (“Division”), (775) 687-0700, is proposing the adoption, amendment or repeal of regulations pertaining to chapter(s) 681A, 688A, 689B and 695C of the Nevada Administrative Code (“NAC”). A workshop has been set for **9:30 a.m., on November 29, 2012**, at the Division’s office located at 1818 East College Parkway, 1st floor hearing room, Carson City, Nevada 89706. Interested parties may also participate through a simultaneous videoconference conducted at the Bradley Building, 2501 East Sahara Avenue, 2nd floor conference room, Las Vegas, Nevada 89104. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulation(s). Please submit any written comments no later than November 21, 2012.

LCB File No. R145-12. Preferred Mortality Tables.

A regulation relating to insurance; amending provisions relating to the use of certain mortality tables adopted by the National Association of Insurance Commissioners to establish minimum reserve liabilities for certain policies of life insurance; and providing other matters properly relating thereto.

LCB File No. R171-12. Inland Marine Insurance.

A regulation relating to insurance; repealing provisions pertaining to coverage of certain property and interests in improvements to property by policies of inland marine insurance; and providing other matters properly relating thereto.

LCB File No. T002-12 (Temporary¹). Critical Access Hospitals.

A regulation relating to insurance; adding provisions relating to critical access hospitals; and providing other matters properly relating thereto.

A copy of all materials relating to the proposal(s) may be obtained at the workshop or by contacting the Division, 1818 East College Parkway, Suite 103, Carson City, Nevada 89706, (775) 687-0700. A reasonable fee for copying may be charged.

¹ NRS 233B.063(3) An agency may adopt a temporary regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year without following the procedure required by this section and NRS 233B.064, but any such regulation expires by limitation on November 1 of the odd-numbered year. A substantively identical permanent regulation may be subsequently adopted.

Notice of the workshop(s) was provided via electronic means to all persons on the agency's e-mail list for administrative regulations, and this Notice of Workshop to Solicit Comments on Proposed Regulations was posted to the agency's Internet Web site at <http://doi.nv.gov/> and provided to or posted at the following locations:

Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, NV 89706

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

Capitol Press Room
Capitol Building Basement
Carson City, NV 89710

Donald W. Reynolds Press Center
102 North Curry Street
Carson City, NV 89701

Legislative Counsel Bureau
401 South Carson Street
Carson City, NV 89701

Office of the Attorney General
100 North Carson Street
Carson City, NV 89701

Blasdel Building
209 East Musser Street
Carson City, NV 89701

Nevada State Library & Archives
100 North Stewart Street
Carson City, NV 89701

Office of the Governor
Capitol Building
Carson City, NV 89710

Carson City Courthouse
885 East Musser Street
Carson City, NV 89701

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

Churchill County Library
553 South Main Street
Fallon, NV 89406

Clark County District Library
833 Las Vegas Boulevard North
Las Vegas, NV 89101

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

Elko County Library
720 Court Street
Elko, NV 89801

Esmeralda County Library
P.O. Box 430
Goldfield, NV 89013

Eureka Branch Library
P.O. Box 293
Eureka, NV 89316

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445

Lander County Library
P.O. Box 141
Battle Mountain, NV 89820

Lincoln County Library
P.O. Box 330
Pioche, NV 89043-0330

Lyon County Library
20 Nevin Way
Yerington, NV 89447

Mineral County Public Library
P.O. Box 1390
Hawthorne, NV 89415

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

Storey County Public Library
P.O. Box 14
Virginia City, NV 89440

Tonopah Public Library
P.O. Box 449
Tonopah, NV 89049

Washoe County Library
P.O. Box 2151
Reno, NV 89505-2151

White Pine County Library
950 Campton Street
Ely, NV 89301

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 1818 East College Parkway, Suite 103, Carson City, Nevada 89706, or by calling (775) 687-0700, no later than five (5) working days prior to the hearing.

DATED this _____ day of _____, 2012.

SCOTT J. KIPPER
Commissioner of Insurance

**PROPOSED TEMPORARY REGULATION OF THE
COMMISSIONER OF INSURANCE**

LCB File No. T002-12

NOTICE OF INTENT TO ACT UPON REGULATION

Notice of Hearing for the Adoption, Amendment or Repeal of Regulations of
The Department of Business and Industry, Division of Insurance

The State of Nevada Department of Business and Industry, Division of Insurance (“Division”), (775) 687-0700, will hold a public hearing at **9:30 a.m., on December 6, 2012**, at the Division’s office located at 1818 East College Parkway, 1st floor hearing room, Carson City, Nevada 89706. Interested persons may also participate through a simultaneous videoconference conducted at the Bradley Building, 2501 East Sahara Avenue, 2nd floor conference room, Las Vegas, Nevada 89104. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment or repeal of the regulation(s) that pertains to **chapter(s) 689B and 695C** of the Nevada Administrative Code (“NAC”).

The following information is provided pursuant to the requirements of Nevada Revised Statute (“NRS”) 233B.0603 and the directives of the Governor:

LCB File No. T002-12 (Temporary²). Critical Access Hospitals.

A regulation relating to insurance; adding provisions relating to critical access hospitals; and providing other matters properly relating thereto.

- (1) Why is the regulation necessary and what is its purpose? **The regulation addresses a threat to the future viability of certain preferred provider (in-network) rural hospitals designated by the Centers for Medicare & Medicaid Services (CMS) as “critical access hospitals” (Hospital).**
- (2) What are the terms or substance of the proposed regulation? **The regulation creates an opportunity for such a Hospital that is within 25 miles of another preferred provider (in-network) hospital that is a non-rural hospital to be reimbursed at an amount not less than the non-rural preferred provider (in-network) hospital for the same covered services. If there is more than one other preferred provider (in-network) hospital within 25 miles of such a Hospital the Hospital will be reimbursed at not less than the higher reimbursement schedule for the same covered services.**

2 NRS 233B.063(3) An agency may adopt a temporary regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year without following the procedure required by this section and NRS 233B.064, but any such regulation expires by limitation on November 1 of the odd-numbered year. A substantively identical permanent regulation may be subsequently adopted.

(3) What is the anticipated impact of the regulation on the problem(s)? **While the regulation provides the opportunity for comparable reimbursement it also provides a consumer safeguard such that, because the Hospital must be in-network, it cannot balance bill for those services.**

(4) Do other regulations address the same problem(s)? **No.**

(5) Are alternate forms of regulation sufficient to address the problem(s)? **No.**

(6) What value does the regulation have to the public? **The regulation ensures the future viability of rural critical access hospitals without permitting balance billing to consumers.**

(7) What is the anticipated economic benefit of the regulation?

a. Public

1. Immediate: **Continued access to critical access hospitals**
2. Long Term: **Continued access to critical access hospitals**

b. Insurance Business

1. Immediate: **Neutral**
2. Long Term: **Neutral**

c. Small Businesses

1. Immediate: **Neutral**
2. Long Term: **Neutral**

d. Small Communities

1. Immediate: **Continued access to critical access hospitals**
2. Long Term: **Continued access to critical access hospitals**

e. Government Entities

1. Immediate: **Neutral**
2. Long Term: **Neutral**

(8) What is the anticipated adverse impact, if any?

a. Public

1. Immediate: **Neutral**
2. Long Term: **Neutral**

b. Insurance Business

1. Immediate: **Neutral**
2. Long Term: **Neutral**

c. Small Businesses

1. Immediate: **Neutral**
 2. Long Term: **Neutral**
- d. Small Communities
1. Immediate: **Neutral**
 2. Long Term: **Neutral**
- e. Government Entities
1. Immediate: **Neutral**
 2. Long Term: **Neutral**
- (9) What is the anticipated cost of the regulation, both direct and indirect?
- a. Enactment - **Only LCB and workshop/hearing costs**
 - b. Enforcement - **Not Applicable**
 - c. Compliance - **Not Applicable**
- (10) Provide a statement indicating whether the regulation establishes a new fee or increases an existing fee. **Not Applicable**
- (11) Provide a statement which identifies the methods used by the agency in determining the impact of the proposed regulation on a small business, prepared pursuant to subsection 3 of NRS 233B.0608. **Not Applicable**
- (12) Provide a description of 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. If the regulation overlaps or duplicates a federal regulation, state the name of the regulating federal agency. **Neutral**
- (13) If the regulation is required pursuant to federal law, provide a citation and description of the federal law. **Not Applicable**
- (14) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, provide a summary of such provisions. **Not Applicable**

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, 1818 East College Parkway, Suite 103, Carson City, Nevada 89706. **Written submissions must be received by the Division on or before November 21, 2012.** 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 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 will be available at the offices of the Division, 1818 East College Parkway, Suite 103, Carson City, Nevada 89706, 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://leg.state.nv.us/register/>. Copies of this notice and the proposed regulation will be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. This does not apply to a public body subject to the Open Meeting Law.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall 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.

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Churchill County Library
553 South Main Street
Fallon, NV 89406

Clark County District Library
833 Las Vegas Boulevard North

Douglas County Library
P.O. Box 337

Las Vegas, NV 89101

Elko County Library
720 Court Street
Elko, NV 89801

Eureka Branch Library
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Eureka, NV 89316

Lander County Library
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Battle Mountain, NV 89820

Lyon County Library
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Yerington, NV 89447

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

Tonopah Public Library
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DATED this ____ day of _____, 2012.

SCOTT J. KIPPER
Commissioner of Insurance