

PROPOSED REGULATION OF THE PUBLIC EMPLOYEES' BENEFITS PROGRAM

LCB File No. R047-13

(This regulation was previously adopted as LCB File No. E002-13)

Explanation – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 122A.100 and 287.043.

A REGULATION relating to allowing individuals previously covered under a permanent legal guardianship to continue health insurance coverage after the permanent legal guardianship terminates up to the age of 26 consistent with the coverage of children.

Section 1. NAC 287.312 (as amended by adopted Regulation R002-12) is hereby amended as follows:

1. To determine whether the child of a participant or his or her spouse or domestic partner who is incapable of self-support because of a physical or mental disability continues to be eligible for coverage by the Program, the Executive Officer or his or her designee:

(a) Shall require submission by a physician who provides care to the child of a written statement on a form prescribed by the Board indicating that the child has a mental or physical impairment which causes the child to be incapable of self-sustaining employment and to depend on the participant or his or her spouse or domestic partner primarily for support. The written statement required by this paragraph must be prepared by the physician within 90 days before the statement is provided to the Program.

(b) May require:

(1) Submission of periodic updates regarding the physical or mental disability of the child by the participant or his or her spouse or domestic partner;

(2) Submission of the child to a mental or physical examination conducted by a physician selected by and at the expense of the Program; and

(3) Any other documentation required by the Program that demonstrates financial support of the child by the participant or his or her spouse or domestic partner.

2. Children eligible for coverage as a dependent may include:

(a) biological children; ~~and~~

(b) adopted children; ~~and~~

(c) children placed in the residence of the participant for adoption; ~~and~~

(d) stepchildren; ~~and~~

(e) any other child who is related to the participant or his or her spouse or domestic partner if the participant or his or her spouse or domestic partner is legally responsible for the child and the child is financially dependent on the participant or his or her spouse or domestic partner for care and support; *and*

(f) an individual who would otherwise qualify pursuant to paragraph (e) except for the condition of legal responsibility who was covered by the Program at the time his or her guardianship terminated pursuant to NRS 159.191(d), or a similar law from another

jurisdiction, who has not reached the age at which a similarly situated child under paragraphs (a)-(d) would not otherwise be eligible to receive coverage under the Program.

3. A foster child of a participant or his or her spouse or domestic partner is not eligible for coverage as a dependent.