

ASSEMBLY BILL NO. 8—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE DIVISION OF WELFARE
AND SUPPORTIVE SERVICES)

PREFILED DECEMBER 19, 2012

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes to provisions governing public welfare. (BDR 38-315)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 public welfare; revising provisions governing the duties of the Division of Health Care Financing and Policy and the Division of Welfare and Supportive Services of the Department of Health and Human Services; repealing certain programs relating to Medicaid and public assistance; abolishing the State Board of Welfare and Supportive Services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Sections 1, 2, 4-11, 15, 16 and 30** of this bill make various changes to remove
2 some of the overlap between the chapters governing the Division of Health Care
3 Financing and Policy of the Department of Health and Human Services and the
4 Division of Welfare and Supportive Services of the Department to reflect more
5 clearly the duties of each division. (Chapters 422 and 422A of NRS) With these
6 changes, chapter 422 of NRS, which concerns health care financing and policy,
7 concentrates on the duties of the Division of Health Care Financing and Policy with
8 respect to Medicaid and the Children’s Health Insurance Program and chapter 422A
9 of NRS, which concerns welfare and supportive services, concentrates on the duties
10 of the Division of Welfare and Supportive Services with respect to all programs
11 that provide public assistance.

12 **Section 30** of this bill repeals various provisions of existing law relating to
13 Medicaid, the Children’s Health Insurance Program and other programs which
14 provide public assistance to accomplish that separation. **Sections 1 and 15** of this
15 bill reenact some of those repealed provisions in the appropriate chapter based upon
16 which Division is responsible. (NRS 232.354, 422.29308) In addition, **sections 4-9**



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17 **and 11** of this bill limit certain provisions which are within the duties of the
18 Division of Health Care Financing and Policy so that they apply only to Medicaid
19 and the Children’s Health Insurance Program. **Section 16** of this bill adds a section
20 to the chapter concerning welfare and supportive services that duplicates a similar
21 provision which, as amended in **section 11**, applies only to Medicaid and the
22 Children’s Health Insurance Program to continue to allow the Division of Welfare
23 and Supportive Services to recover from recipients of public assistance or their
24 estates certain amounts which were incorrectly paid to the recipients.
25 (NRS 422.29304)

26 **Sections 3, 20 and 24** of this bill replace the term “alien” with “person who is
27 not a citizen or national of the United States” in provisions concerning the
28 eligibility of persons who are not citizens or nationals of the United States for
29 Medicaid and welfare programs. (NRS 422.065, 422A.085, 422A.265)

30 **Sections 18, 19 and 23** of this bill replace references to the federal Food Stamp
31 Program with references to the Supplemental Nutrition Assistance Program for
32 consistency with current federal law. (7 U.S.C. §§ 2011 et seq.)

33 **Section 21** of this bill removes the requirement that the Administrator of the
34 Division of Welfare and Support Services be a college graduate with a degree in a
35 field of social science, public administration, business administration or a related
36 field and instead requires the Director to give preference to a person who has such a
37 degree when appointing the Administrator. (NRS 422A.155)

38 **Section 30** of this bill abolishes the State Board of Welfare and Supportive
39 Services, which, under existing law, makes recommendations concerning the
40 administration of public assistance. (NRS 422A.010, 422A.110-422A.135,
41 422A.165) **Section 30** also repeals provisions of chapter 422A of NRS concerning
42 certain family planning and prenatal care programs that are duplicated in chapter
43 422 of NRS. (NRS 422A.310, 422A.315)

44 **Section 29** of this bill makes permanent the authorization in existing law for the
45 Department to contract with certain motor carriers to transport recipients of services
46 pursuant to the Children’s Health Insurance Program who travel to and from
47 providers of services. (NRS 422.2705; Section 2 of Chapter 392, Statutes of
48 Nevada 2011, at p. 2470)

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. The Department, with respect to the State Plan for*
4 *Medicaid and the Children’s Health Insurance Program, shall*
5 *report every rate of reimbursement for physicians which is*
6 *provided on a fee-for-service basis and which is lower than the*
7 *rate provided on the current Medicare fee schedule for care and*
8 *services provided by physicians.*

9 *2. The Director shall post on an Internet website maintained*
10 *by the Department a schedule of such rates of reimbursement.*

11 *3. The Director shall, on or before February 1 of each year,*
12 *submit a report concerning the schedule of such rates of*
13 *reimbursement to the Director of the Legislative Counsel Bureau*



1 *for transmittal to the Legislature in odd-numbered years or to the*
2 *Legislative Committee on Health Care in even-numbered years.*

3 **Sec. 2.** NRS 422.050 is hereby amended to read as follows:

4 422.050 ~~{1.}~~ "Public assistance" ~~{includes:~~

- 5 ~~—(a) State Supplementary Assistance;~~
6 ~~—(b) Temporary Assistance for Needy Families;~~
7 ~~—(c) Medicaid;~~
8 ~~—(d) Food Stamp Assistance;~~
9 ~~—(e) Low Income Home Energy Assistance;~~
10 ~~—(f) The Program for Child Care and Development; and~~
11 ~~—(g) Benefits provided pursuant to any other public welfare~~
12 ~~program administered by the Division pursuant to such additional~~
13 ~~federal legislation as is not inconsistent with the purposes of this~~
14 ~~chapter.~~

15 ~~2. The term does not include the Children's Health Insurance~~
16 ~~Program.} *has the meaning ascribed to it in NRS 422A.065.*~~

17 **Sec. 3.** NRS 422.065 is hereby amended to read as follows:

18 422.065 1. Notwithstanding any other provision of state or
19 local law, a person or governmental entity that provides a state or
20 local public benefit:

21 (a) Shall comply with the provisions of 8 U.S.C. § 1621
22 regarding the eligibility of ~~{an alien}~~ *a person who is not a citizen*
23 *or national of the United States* for such a benefit.

24 (b) Is not required to pay any costs or other expenses relating to
25 the provision of such a benefit after July 1, 1997, to ~~{an alien}~~ *a*
26 *person who is not a citizen or national of the United States* who,
27 pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

28 2. Compliance with the provisions of 8 U.S.C. § 1621 must not
29 be construed to constitute any form of discrimination, distinction or
30 restriction made, or any other action taken, on the basis of national
31 origin.

32 3. As used in this section, "state or local public benefit" has the
33 meaning ascribed to it in 8 U.S.C. § 1621.

34 **Sec. 4.** NRS 422.240 is hereby amended to read as follows:

35 422.240 1. Money to carry out the provisions of this chapter,
36 including, without limitation, any federal money allotted to the State
37 of Nevada pursuant to the ~~{program to provide Temporary~~
38 ~~Assistance for Needy Families and the Program for Child Care and~~
39 ~~Development.}~~ *State Plan for Medicaid, the Children's Health*
40 *Insurance Program or any other program for which the Division*
41 *is responsible* must, except as otherwise provided in NRS 422.3755
42 to 422.379, inclusive, and 439.630, be provided by appropriation by
43 the Legislature from the State General Fund.

44 2. Disbursements for the purposes of this chapter must, except
45 as otherwise provided in NRS 422.3755 to 422.379, inclusive, and



1 439.630, be made upon claims duly filed and allowed in the same
2 manner as other money in the State Treasury is disbursed.

3 **Sec. 5.** NRS 422.265 is hereby amended to read as follows:

4 422.265 If Congress passes any law increasing the
5 participation of the Federal Government in ~~fa Nevada program for~~
6 ~~public assistance,] any program for which the Division is~~
7 **responsible,** whether relating to eligibility for assistance or
8 otherwise:

9 1. The Director may accept, with the approval of the Governor,
10 the increased benefits of such congressional legislation; and

11 2. The Administrator may adopt any regulations required by
12 the Federal Government as a condition of acceptance.

13 **Sec. 6.** NRS 422.270 is hereby amended to read as follows:

14 422.270 The Department shall:

15 1. Administer ~~fall public welfare programs of this State,;~~
16 **including:**

17 ~~—(a) State Supplementary Assistance;~~

18 ~~—(b) Temporary Assistance for Needy Families;~~

19 ~~—(c) Medicaid;~~

20 ~~—(d) Food Stamp Assistance;~~

21 ~~—(e) Low Income Home Energy Assistance;~~

22 ~~—(f) The Program for Child Care and Development;~~

23 ~~—(g) The Program for the Enforcement of Child Support;~~

24 ~~—(h) The Children’s Health Insurance Program; and~~

25 ~~—(i) Other welfare activities and services provided for by the laws~~
26 ~~of this State.] Medicaid and the Children’s Health Insurance~~
27 **Program.**

28 2. Act as the single state agency of the State of Nevada and its
29 political subdivisions in the administration of any federal money
30 granted to the State of Nevada to aid in the furtherance of ~~any of~~
31 ~~the services and activities set forth in subsection 1.] Medicaid and~~
32 **the Children’s Health Insurance Program.**

33 3. Cooperate with the Federal Government in adopting state
34 plans, in all matters of mutual concern, including adoption of
35 methods of administration found by the Federal Government to be
36 necessary for the efficient operation of ~~welfare programs,]~~
37 **Medicaid and the Children’s Health Insurance Program** and in
38 increasing the efficiency of ~~welfare programs]~~ **Medicaid and the**
39 **Children’s Health Insurance Program** by prompt and judicious use
40 of new federal grants which will assist the Department in carrying
41 out the provisions of this chapter.

42 4. Observe and study the changing nature and extent of
43 ~~welfare]~~ needs **for Medicaid and the Children’s Health Insurance**
44 **Program** and develop through tests and demonstrations effective
45 ways of meeting those needs and employ or contract for personnel



1 and services supported by legislative appropriations from the State
2 General Fund or money from federal or other sources.

3 5. Enter into reciprocal agreements with other states relative to
4 ~~{public assistance, welfare services}~~ **Medicaid** and institutional care,
5 when deemed necessary or convenient by the Director.

6 ~~{6. Make such agreements with the Federal Government as~~
7 ~~may be necessary to carry out the Supplemental Security Income~~
8 ~~Program.~~

9 ~~7. As used in this section, "Program for the Enforcement of~~
10 ~~Child Support" means the program established to locate absent~~
11 ~~parents, establish paternity and obtain child support pursuant to Part~~
12 ~~D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq.,~~
13 ~~and any other provisions of that act relating to the enforcement of~~
14 ~~child support.]~~

15 **Sec. 7.** NRS 422.276 is hereby amended to read as follows:

16 422.276 1. Subject to the provisions of subsection 2, if an
17 application for ~~{public assistance}~~ **Medicaid or the Children's**
18 **Health Insurance Program** or a claim for ~~{services}~~ **benefits from**
19 **either program** is not acted upon by the ~~{Department}~~ **Division**
20 within a reasonable time after the filing of the application or claim
21 for ~~{services,}~~ **benefits**, or is denied in whole or in part, or if any
22 ~~{grant of public assistance or}~~ claim for ~~{services}~~ **benefits** is
23 reduced, suspended or terminated, the applicant ~~{for}~~ or recipient ~~{of~~
24 ~~public assistance or services}~~ may appeal to the ~~{Department}~~
25 **Division** and may be represented in the appeal by counsel or other
26 representative chosen by the applicant or recipient.

27 2. Upon the initial decision to deny, reduce, suspend or
28 terminate ~~{public assistance or services,}~~ **benefits**, the ~~{Department}~~
29 **Division** shall notify that applicant or recipient of its decision, the
30 regulations involved and the right to request a hearing within a
31 certain period. If a request for a hearing is received within that
32 period, the ~~{Department}~~ **Division** shall notify that person of the
33 time, place and nature of the hearing. The ~~{Department}~~ **Division**
34 shall provide an opportunity for a hearing of that appeal and shall
35 review the case regarding all matters alleged in that appeal.

36 3. The ~~{Department}~~ **Division** is not required to grant a hearing
37 pursuant to this section if the request for the hearing is based solely
38 upon the provisions of a federal law or a law of this State that
39 requires an automatic adjustment to the ~~{amount of public assistance~~
40 ~~or services}~~ **benefits** that may be received by an applicant or
41 recipient.

42 **Sec. 8.** NRS 422.277 is hereby amended to read as follows:

43 422.277 1. At any hearing held pursuant to the provisions of
44 subsection 2 of NRS 422.276, opportunity must be afforded all



1 parties to respond and present evidence and argument on all issues
2 involved.

3 2. Unless precluded by law, informal disposition may be made
4 of any hearing by stipulation, agreed settlement, consent order or
5 default.

6 3. The record of a hearing must include:

7 (a) All pleadings, motions and intermediate rulings.

8 (b) Evidence received or considered.

9 (c) Questions and offers of proof and objections, and rulings
10 thereon.

11 (d) Any decision, opinion or report by the hearing officer
12 presiding at the hearing.

13 4. Oral proceedings, or any part thereof, must be transcribed on
14 request of any party seeking judicial review of the decision.

15 5. Findings of fact must be based exclusively on substantial
16 evidence.

17 6. Any employee or other representative of the ~~{Department}~~
18 *Division* who investigated or made the initial decision to deny,
19 modify or cancel ~~{a grant of public assistance or services}~~ *benefits*
20 *provided pursuant to Medicaid or the Children's Health Insurance*
21 *Program* shall not participate in the making of any decision made
22 pursuant to the hearing.

23 **Sec. 9.** NRS 422.2785 is hereby amended to read as follows:

24 422.2785 1. A decision or order issued by a hearing officer
25 must be in writing. A final decision must include findings of fact
26 and conclusions of law, separately stated. Findings of fact, if set
27 forth in statutory or regulatory language, must be accompanied by a
28 concise and explicit statement of the underlying facts supporting the
29 findings. A copy of the decision or order must be delivered by
30 certified mail to each party and to the attorney or other
31 representative of each party.

32 2. The ~~{Department}~~ *Division* or an applicant for or recipient of
33 ~~{public assistance or services}~~ *benefits provided pursuant to*
34 *Medicaid or the Children's Health Insurance Program* may, at any
35 time within 90 days after the date on which the written notice of the
36 decision is mailed, petition the district court of the judicial district in
37 which the applicant for or recipient of ~~{public assistance or services}~~
38 *benefits provided pursuant to Medicaid or the Children's Health*
39 *Insurance Program* resides to review the decision. The district
40 court shall review the decision on the record of the case before the
41 hearing officer. The decision and record must be certified as correct
42 and filed with the clerk of the court by the ~~{Department.}~~ *Division.*

43 **Sec. 10.** NRS 422.29301 is hereby amended to read as
44 follows:

45 422.29301 The Director:



1 1. Shall administer the provisions of NRS 422.29302 ~~to~~
2 ~~422.29308, inclusive;~~, *422.29304 and 422.29306;*

3 2. May adopt such regulations as are necessary for the
4 administration of those provisions; and

5 3. May invoke any legal, equitable or special procedures for
6 the enforcement of those provisions.

7 **Sec. 11.** NRS 422.29304 is hereby amended to read as
8 follows:

9 422.29304 1. Except as otherwise provided in this section,
10 the Department shall, to the extent that it is not prohibited by federal
11 law, recover from a recipient of ~~public assistance, the estate of the~~
12 ~~recipient;~~ *Medicaid* the undivided estate of a recipient of Medicaid
13 or a person who signed the application for ~~public assistance;~~
14 *Medicaid* or *for* admission to a nursing facility on behalf of the
15 recipient an amount not to exceed the amount ~~of public assistance;~~
16 incorrectly paid ~~to~~ *on behalf of* the recipient, if the person who
17 signed the application:

18 (a) Failed to report any required information to the Department
19 or the nursing facility that the person knew at the time the person
20 signed the application;

21 (b) Refused to provide financial information regarding the
22 recipient's income and assets, including, without limitation,
23 information regarding any transfers or assignments of income or
24 assets;

25 (c) Concealed information regarding the existence, transfer or
26 disposition of the recipient's income and assets with the intent of
27 enabling a recipient to meet any eligibility requirement for ~~public~~
28 ~~assistance;~~ *Medicaid;*

29 (d) Made any false representation regarding the recipient's
30 income and assets, including, without limitation, any information
31 regarding any transfers or assignments of income or assets; or

32 (e) Failed to report to the Department or the nursing facility
33 within the period allowed by the Department any required
34 information that the person obtained after the person filed the
35 application.

36 2. Except as otherwise provided in this section, a recipient of
37 ~~incorrectly paid public assistance;~~ *Medicaid,* the undivided estate
38 of a recipient of Medicaid or a person who signed the application for
39 ~~public benefits;~~ *Medicaid* or *for* admission to a nursing facility on
40 behalf of the recipient shall reimburse the Department or appropriate
41 state agency for the value of the *amount* incorrectly paid ~~public~~
42 ~~assistance;~~ *on behalf of the recipient.*

43 3. The Director or a person designated by the Director may, to
44 the extent that it is not prohibited by federal law, determine the
45 amount of, and settle, adjust, compromise or deny a claim against a



1 recipient of ~~{public assistance, the estate of the recipient,}~~ *Medicaid*,
2 the undivided estate of a recipient of Medicaid or a person who
3 signed the application for ~~{public assistance}~~ *Medicaid* or *for*
4 admission to a nursing facility on behalf of the recipient.

5 4. The Director may, to the extent that it is not prohibited by
6 federal law, waive the repayment of ~~{public assistance}~~ *amounts*
7 incorrectly paid ~~{to a recipient}~~ *on behalf of a recipient of Medicaid*
8 if the incorrect payment was not the result of an intentional
9 misrepresentation or omission by the recipient and if repayment
10 would cause an undue hardship to the recipient. The Director shall,
11 by regulation, establish the terms and conditions of such a waiver,
12 including, without limitation, the circumstances that constitute
13 undue hardship.

14 **Sec. 12.** NRS 422.410 is hereby amended to read as follows:

15 422.410 1. Unless a different penalty is provided pursuant to
16 NRS 422.361 to 422.369, inclusive, or 422.450 to 422.590,
17 inclusive, a person who knowingly and designedly, by any false
18 pretense, false or misleading statement, impersonation,
19 misrepresentation, or concealment, transfer, disposal or assignment
20 of money or property obtains or attempts to obtain monetary or any
21 other public assistance, or money, property, medical or remedial
22 care or any other service provided pursuant to the Children's Health
23 Insurance Program, having a value of \$100 or more, whether by one
24 act or a series of acts, with the intent to cheat, defraud or defeat the
25 purposes of this chapter or to enable a person to meet or appear to
26 meet any requirements of eligibility prescribed by state law or by
27 rule or regulation adopted by the Department for a grant or an
28 increase in a grant of any type of public assistance is guilty of a
29 category E felony and shall be punished as provided in NRS
30 193.130. In addition to any other penalty, the court shall order the
31 person to pay restitution.

32 2. For the purposes of subsection 1, whenever a recipient of
33 Temporary Assistance for Needy Families pursuant to the
34 provisions of ~~{this chapter and}~~ chapter 422A of NRS receives an
35 overpayment of benefits for the third time and the overpayments
36 have resulted from a false statement or representation by the
37 recipient or from the failure of the recipient to notify the Division of
38 Welfare and Supportive Services of the Department of a change in
39 circumstances which would affect the amount of assistance the
40 recipient receives, a rebuttable presumption arises that the payment
41 was fraudulently received.

42 3. For the purposes of ~~{subsection 1, "public}~~ *this section:*

43 (a) *"Public assistance"* includes any money, property, medical
44 or remedial care or any other service provided pursuant to a state
45 plan.



1 ***(b) "Temporary Assistance for Needy Families" has the***
2 ***meaning ascribed to it in NRS 422A.080.***

3 **Sec. 13.** Chapter 422A of NRS is hereby amended by adding
4 thereto the provisions set forth as sections 14, 15 and 16 of this act.

5 **Sec. 14. "Health Division" means the Health Division of the**
6 ***Department of Health and Human Services.***

7 **Sec. 15. Each application for Medicaid must include a**
8 ***statement that:***

9 ***1. Any assistance paid on behalf of a recipient may be***
10 ***recovered in an action filed against the estate of the recipient or***
11 ***the spouse of the recipient; and***

12 ***2. Any person who signs an application for Medicaid and***
13 ***fails to report to the Department:***

14 ***(a) Any required information which the recipient knew at the***
15 ***time the recipient signed the application; or***

16 ***(b) Within the period allowed by the Department, any required***
17 ***information which the recipient obtained after the recipient filed***
18 ***the application,***

19 ***↪ may be personally liable for any money incorrectly paid to the***
20 ***recipient.***

21 **Sec. 16. 1. Except as otherwise provided in this section, the**
22 ***Department shall, to the extent that it is not prohibited by federal***
23 ***law, recover from a recipient of public assistance, the estate of the***
24 ***recipient or a person who signed the application for public***
25 ***assistance on behalf of the recipient an amount not to exceed the***
26 ***amount of public assistance incorrectly paid to the recipient, if the***
27 ***person who signed the application:***

28 ***(a) Failed to report any required information to the***
29 ***Department that the person knew at the time the person signed the***
30 ***application;***

31 ***(b) Refused to provide financial information regarding the***
32 ***recipient's income and assets, including, without limitation,***
33 ***information regarding any transfers or assignments of income or***
34 ***assets;***

35 ***(c) Concealed information regarding the existence, transfer or***
36 ***disposition of the recipient's income and assets with the intent of***
37 ***enabling a recipient to meet any eligibility requirement for public***
38 ***assistance;***

39 ***(d) Made any false representation regarding the recipient's***
40 ***income and assets, including, without limitation, any information***
41 ***regarding any transfers or assignments of income or assets; or***

42 ***(e) Failed to report to the Department or the nursing facility***
43 ***within the period allowed by the Department any required***
44 ***information that the person obtained after the person filed the***
45 ***application.***



1 2. *Except as otherwise provided in this section, a recipient of*
2 *incorrectly paid public assistance or a person who signed the*
3 *application for public benefits on behalf of the recipient shall*
4 *reimburse the Department or appropriate state agency for the*
5 *value of the incorrectly paid public assistance.*

6 3. *The Director or a person designated by the Director may,*
7 *to the extent that it is not prohibited by federal law, determine the*
8 *amount of, and settle, adjust, compromise or deny a claim against*
9 *a recipient of public assistance, the estate of the recipient or a*
10 *person who signed the application for public assistance on behalf*
11 *of the recipient.*

12 4. *The Director may, to the extent that it is not prohibited by*
13 *federal law, waive the repayment of public assistance incorrectly*
14 *paid to a recipient if the incorrect payment was not the result of an*
15 *intentional misrepresentation or omission by the recipient and if*
16 *repayment would cause an undue hardship to the recipient. The*
17 *Director shall, by regulation, establish the terms and conditions of*
18 *such a waiver, including, without limitation, the circumstances*
19 *that constitute undue hardship.*

20 5. *As used in this section, "public assistance" does not*
21 *include Medicaid.*

22 **Sec. 17.** NRS 422A.001 is hereby amended to read as follows:
23 422A.001 As used in this chapter, unless the context otherwise
24 requires, the words and terms defined in NRS 422A.005 to
25 422A.080, inclusive, *and section 15 of this act* have the meanings
26 ascribed to them in those sections.

27 **Sec. 18.** NRS 422A.040 is hereby amended to read as follows:
28 422A.040 ~~“Food—Stamp”~~ *“Supplemental Nutrition*
29 *Assistance”* means the program established to provide persons of
30 low income with an opportunity to ~~obtain~~ *purchase* a more
31 nutritious diet ~~through the issuance of coupons~~ pursuant to the
32 Food Stamp Act of 1977, 7 U.S.C. §§ 2011 et seq., as amended.

33 **Sec. 19.** NRS 422A.065 is hereby amended to read as follows:
34 422A.065 1. “Public assistance” includes:
35 (a) State ~~Supplemental~~ *Supplementary* Assistance;
36 (b) Temporary Assistance for Needy Families;
37 (c) Medicaid;
38 (d) ~~Food—Stamp—Assistance;~~ *Supplemental Nutrition*
39 *Assistance;*
40 (e) Low-Income Home Energy Assistance;
41 (f) The Program for Child Care and Development;
42 (g) Benefits provided pursuant to any other public welfare
43 program administered by the Division pursuant to such additional
44 federal legislation as is not inconsistent with the purposes of this
45 chapter; and



1 (h) Benefits provided pursuant to any other public welfare
2 program administered by the Division of Health Care Financing and
3 Policy pursuant to chapter 422 of NRS.

4 2. The term does not include the Children's Health Insurance
5 Program.

6 **Sec. 20.** NRS 422A.085 is hereby amended to read as follows:

7 422A.085 1. Notwithstanding any other provision of state or
8 local law, a person or governmental entity that provides a state or
9 local public benefit:

10 (a) Shall comply with the provisions of 8 U.S.C. § 1621
11 regarding the eligibility of ~~an alien~~ *a person who is not a citizen*
12 *or national of the United States* for such a benefit.

13 (b) Is not required to pay any costs or other expenses relating to
14 the provision of such a benefit after July 1, 1997, to ~~an alien~~ *a*
15 *person who is not a citizen or national of the United States* who,
16 pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

17 2. Compliance with the provisions of 8 U.S.C. § 1621 must not
18 be construed to constitute any form of discrimination, distinction or
19 restriction made, or any other action taken, on the basis of national
20 origin.

21 3. As used in this section, "state or local public benefit" has the
22 meaning ascribed to it in 8 U.S.C. § 1621.

23 **Sec. 21.** NRS 422A.155 is hereby amended to read as follows:

24 422A.155 1. The Administrator must:

25 ~~1-1~~ (a) Be selected on the basis of his or her training,
26 experience, capacity and interest in public welfare services.

27 ~~1-2. Be a graduate from an accredited college or university. In~~
28 ~~appointing the Administrator, the Director shall, to the extent~~
29 ~~practicable, give preference to a person who has a degree in a field~~
30 ~~of social science, public administration, business administration or a~~
31 ~~related field.~~

32 ~~3-1~~ (b) Have not less than 3 years of demonstrated successful
33 experience in the administration of a public agency, with
34 responsibility for general direction of programs of the public agency
35 and determination of policies for the implementation of programs of
36 the public agency, or any equivalent combination of training and
37 experience.

38 ~~1-4~~ (c) Possess qualities of leadership.

39 2. *In appointing the Administrator, the Director shall, to the*
40 *extent practicable, give preference to a person who has a degree in*
41 *a field of social science, public administration, business*
42 *administration or a related field.*

43 **Sec. 22.** NRS 422A.165 is hereby amended to read as follows:

44 422A.165 The Administrator shall make:



1 1. Such reports, subject to approval by the Director, as will
2 comply with the requirements of federal legislation and this chapter.

3 ~~2. Reports to the Board.~~

4 ~~3.~~ A biennial report to the Director on the condition, operation
5 and functioning of the Division.

6 **Sec. 23.** NRS 422A.255 is hereby amended to read as follows:

7 422A.255 The Department shall:

8 1. Administer all public welfare programs of this State,
9 including:

10 (a) State Supplementary Assistance;

11 (b) Temporary Assistance for Needy Families;

12 (c) Medicaid;

13 (d) ~~Food Stamp~~ *Supplemental Nutrition* Assistance;

14 (e) Low-Income Home Energy Assistance;

15 (f) The Program for Child Care and Development;

16 (g) The Program for the Enforcement of Child Support;

17 (h) The Children's Health Insurance Program; and

18 (i) Other welfare activities and services provided for by the laws
19 of this State.

20 2. Act as the single state agency of the State of Nevada and its
21 political subdivisions in the administration of any federal money
22 granted to the State of Nevada to aid in the furtherance of any of the
23 services and activities set forth in subsection 1.

24 3. Cooperate with the Federal Government in adopting state
25 plans, in all matters of mutual concern, including adoption of
26 methods of administration found by the Federal Government to be
27 necessary for the efficient operation of welfare programs, and in
28 increasing the efficiency of welfare programs by prompt and
29 judicious use of new federal grants which will assist the Department
30 in carrying out the provisions of this chapter.

31 4. Observe and study the changing nature and extent of welfare
32 needs and develop through tests and demonstrations effective ways
33 of meeting those needs and employ or contract for personnel and
34 services supported by legislative appropriations from the State
35 General Fund or money from federal or other sources.

36 5. Enter into reciprocal agreements with other states relative to
37 public assistance, welfare services and institutional care, when
38 deemed necessary or convenient by the Director.

39 6. Make such agreements with the Federal Government as may
40 be necessary to carry out the Supplemental Security Income
41 Program.

42 7. *As used in this section, "Program for the Enforcement of*
43 *Child Support" means the program established to locate absent*
44 *parents, establish paternity and obtain child support pursuant to*
45 *Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et*



1 *seq., and any other provisions of that act relating to the*
2 *enforcement of child support.*

3 **Sec. 24.** NRS 422A.265 is hereby amended to read as follows:

4 422A.265 1. The Department shall provide public assistance
5 pursuant to:

6 (a) The program established to provide Temporary Assistance
7 for Needy Families;

8 (b) Medicaid; or

9 (c) Any program for which a grant has been provided to this
10 State pursuant to 42 U.S.C. §§ 1397 et seq.,

11 ➔ to a qualified ~~alien~~ *person who is not a citizen or national of*
12 *the United States* who complies with the requirements established
13 by the Department pursuant to federal law and this chapter for the
14 receipt of benefits pursuant to that program.

15 2. ~~As used in this section, "qualified alien" has the meaning~~
16 ~~ascribed to it in~~ *A person who is not a citizen or national of the*
17 *United States is considered "qualified" for the purposes of* 8 U.S.C. §
18 *subsection 1 if the person meets the requirements of* ~~8 U.S.C. §~~
19 ~~1641~~ *1641(b).*

20 **Sec. 24.5.** NRS 422A.360 is hereby amended to read as
21 follows:

22 422A.360 1. ~~As a condition to the receipt of public~~
23 ~~assistance, a~~ *A* recipient who has control or charge of a child who is
24 not less than 7 years of age, but is less than 12 years of age, must
25 comply with the provisions of NRS 392.040 with respect to that
26 child.

27 2. If the head of a household that is receiving benefits pursuant
28 to the program to provide Temporary Assistance for Needy Families
29 has control or charge of a child who is not less than 7 years of age,
30 but is less than 12 years of age, the head of the household shall take
31 every reasonable action to ensure that the child is not at risk of
32 failing to advance to the next grade level in school.

33 3. If the head of a household that is receiving benefits pursuant
34 to the program to provide Temporary Assistance for Needy Families
35 has control or charge of a child who is not less than 7 years of age,
36 but is less than 12 years of age and:

37 (a) The head of the household does not comply with the
38 provisions of NRS 392.040 with respect to that child; or

39 (b) That child is at risk of failing to advance to the next grade
40 level in school,

41 ➔ the Division shall require the head of the household to review
42 with the Division the personal responsibility plan signed by the head
43 of household pursuant to NRS 422A.535 and revise the plan as
44 necessary to assist the head of the household in complying with the



1 provisions of NRS 392.040 and helping the child to improve his or
2 her academic performance.

3 **Sec. 25.** (Deleted by amendment.)

4 **Sec. 26.** NRS 21.090 is hereby amended to read as follows:

5 21.090 1. The following property is exempt from execution,
6 except as otherwise specifically provided in this section or required
7 by federal law:

8 (a) Private libraries, works of art, musical instruments and
9 jewelry not to exceed \$5,000 in value, belonging to the judgment
10 debtor or a dependent of the judgment debtor, to be selected by the
11 judgment debtor, and all family pictures and keepsakes.

12 (b) Necessary household goods, furnishings, electronics,
13 wearing apparel, other personal effects and yard equipment, not to
14 exceed \$12,000 in value, belonging to the judgment debtor or a
15 dependent of the judgment debtor, to be selected by the judgment
16 debtor.

17 (c) Farm trucks, farm stock, farm tools, farm equipment,
18 supplies and seed not to exceed \$4,500 in value, belonging to the
19 judgment debtor to be selected by the judgment debtor.

20 (d) Professional libraries, equipment, supplies, and the tools,
21 inventory, instruments and materials used to carry on the trade or
22 business of the judgment debtor for the support of the judgment
23 debtor and his or her family not to exceed \$10,000 in value.

24 (e) The cabin or dwelling of a miner or prospector, the miner's
25 or prospector's cars, implements and appliances necessary for
26 carrying on any mining operations and the mining claim actually
27 worked by the miner or prospector, not exceeding \$4,500 in total
28 value.

29 (f) Except as otherwise provided in paragraph (p), one vehicle if
30 the judgment debtor's equity does not exceed \$15,000 or the
31 creditor is paid an amount equal to any excess above that equity.

32 (g) For any workweek, 75 percent of the disposable earnings of
33 a judgment debtor during that week, or 50 times the minimum
34 hourly wage prescribed by section 6(a)(1) of the federal Fair Labor
35 Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the
36 time the earnings are payable, whichever is greater. Except as
37 otherwise provided in paragraphs (o), (s) and (t), the exemption
38 provided in this paragraph does not apply in the case of any order of
39 a court of competent jurisdiction for the support of any person, any
40 order of a court of bankruptcy or of any debt due for any state or
41 federal tax. As used in this paragraph:

42 (1) "Disposable earnings" means that part of the earnings of
43 a judgment debtor remaining after the deduction from those earnings
44 of any amounts required by law to be withheld.



* A B 8 R 1 *

1 (2) "Earnings" means compensation paid or payable for
2 personal services performed by a judgment debtor in the regular
3 course of business, including, without limitation, compensation
4 designated as income, wages, tips, a salary, a commission or a
5 bonus. The term includes compensation received by a judgment
6 debtor that is in the possession of the judgment debtor,
7 compensation held in accounts maintained in a bank or any other
8 financial institution or, in the case of a receivable, compensation
9 that is due the judgment debtor.

10 (h) All fire engines, hooks and ladders, with the carts, trucks and
11 carriages, hose, buckets, implements and apparatus thereunto
12 appertaining, and all furniture and uniforms of any fire company or
13 department organized under the laws of this State.

14 (i) All arms, uniforms and accouterments required by law to be
15 kept by any person, and also one gun, to be selected by the debtor.

16 (j) All courthouses, jails, public offices and buildings, lots,
17 grounds and personal property, the fixtures, furniture, books, papers
18 and appurtenances belonging and pertaining to the courthouse, jail
19 and public offices belonging to any county of this State, all
20 cemeteries, public squares, parks and places, public buildings, town
21 halls, markets, buildings for the use of fire departments and military
22 organizations, and the lots and grounds thereto belonging and
23 appertaining, owned or held by any town or incorporated city, or
24 dedicated by the town or city to health, ornament or public use, or
25 for the use of any fire or military company organized under the laws
26 of this State and all lots, buildings and other school property owned
27 by a school district and devoted to public school purposes.

28 (k) All money, benefits, privileges or immunities accruing or in
29 any manner growing out of any life insurance.

30 (l) The homestead as provided for by law, including a
31 homestead for which allodial title has been established and not
32 relinquished and for which a waiver executed pursuant to NRS
33 115.010 is not applicable.

34 (m) The dwelling of the judgment debtor occupied as a home for
35 himself or herself and family, where the amount of equity held by
36 the judgment debtor in the home does not exceed \$550,000 in value
37 and the dwelling is situated upon lands not owned by the judgment
38 debtor.

39 (n) All money reasonably deposited with a landlord by the
40 judgment debtor to secure an agreement to rent or lease a dwelling
41 that is used by the judgment debtor as his or her primary residence,
42 except that such money is not exempt with respect to a landlord or
43 the landlord's successor in interest who seeks to enforce the terms of
44 the agreement to rent or lease the dwelling.



1 (o) All property in this State of the judgment debtor where the
2 judgment is in favor of any state for failure to pay that state's
3 income tax on benefits received from a pension or other retirement
4 plan.

5 (p) Any vehicle owned by the judgment debtor for use by the
6 judgment debtor or the judgment debtor's dependent that is
7 equipped or modified to provide mobility for a person with a
8 permanent disability.

9 (q) Any prosthesis or equipment prescribed by a physician or
10 dentist for the judgment debtor or a dependent of the debtor.

11 (r) Money, not to exceed \$500,000 in present value, held in:

12 (1) An individual retirement arrangement which conforms
13 with the applicable limitations and requirements of section 408 or
14 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

15 (2) A written simplified employee pension plan which
16 conforms with the applicable limitations and requirements of section
17 408 of the Internal Revenue Code, 26 U.S.C. § 408;

18 (3) A cash or deferred arrangement which is a qualified plan
19 pursuant to the Internal Revenue Code;

20 (4) A trust forming part of a stock bonus, pension or profit-
21 sharing plan which is a qualified plan pursuant to sections 401 et
22 seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

23 (5) A trust forming part of a qualified tuition program
24 pursuant to chapter 353B of NRS, any applicable regulations
25 adopted pursuant to chapter 353B of NRS and section 529 of the
26 Internal Revenue Code, 26 U.S.C. § 529, unless the money is
27 deposited after the entry of a judgment against the purchaser or
28 account owner or the money will not be used by any beneficiary to
29 attend a college or university.

30 (s) All money and other benefits paid pursuant to the order of a
31 court of competent jurisdiction for the support, education and
32 maintenance of a child, whether collected by the judgment debtor or
33 the State.

34 (t) All money and other benefits paid pursuant to the order of a
35 court of competent jurisdiction for the support and maintenance of a
36 former spouse, including the amount of any arrearages in the
37 payment of such support and maintenance to which the former
38 spouse may be entitled.

39 (u) Payments, in an amount not to exceed \$16,150, received as
40 compensation for personal injury, not including compensation for
41 pain and suffering or actual pecuniary loss, by the judgment debtor
42 or by a person upon whom the judgment debtor is dependent at the
43 time the payment is received.

44 (v) Payments received as compensation for the wrongful death
45 of a person upon whom the judgment debtor was dependent at the



1 time of the wrongful death, to the extent reasonably necessary for
2 the support of the judgment debtor and any dependent of the
3 judgment debtor.

4 (w) Payments received as compensation for the loss of future
5 earnings of the judgment debtor or of a person upon whom the
6 judgment debtor is dependent at the time the payment is received, to
7 the extent reasonably necessary for the support of the judgment
8 debtor and any dependent of the judgment debtor.

9 (x) Payments received as restitution for a criminal act.

10 (y) Payments received pursuant to the federal Social Security
11 Act, including, without limitation, retirement and survivors'
12 benefits, supplemental security income benefits and disability
13 insurance benefits.

14 (z) Any personal property not otherwise exempt from execution
15 pursuant to this subsection belonging to the judgment debtor,
16 including, without limitation, the judgment debtor's equity in any
17 property, money, stocks, bonds or other funds on deposit with a
18 financial institution, not to exceed \$1,000 in total value, to be
19 selected by the judgment debtor.

20 (aa) Any tax refund received by the judgment debtor that is
21 derived from the earned income credit described in section 32 of the
22 Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided
23 pursuant to a state law.

24 (bb) Stock of a corporation described in subsection 2 of NRS
25 78.746 except as set forth in that section.

26 (cc) Regardless of whether a trust contains a spendthrift
27 provision:

28 (1) A distribution interest in the trust as defined in NRS
29 163.4155 that is a contingent interest, if the contingency has not
30 been satisfied or removed;

31 (2) A distribution interest in the trust as defined in NRS
32 163.4155 that is a discretionary interest as described in NRS
33 163.4185, if the interest has not been distributed;

34 (3) A power of appointment in the trust as defined in NRS
35 163.4157 regardless of whether the power has been exercised;

36 (4) A power listed in NRS 163.5553 that is held by a trust
37 protector as defined in NRS 163.5547 or any other person regardless
38 of whether the power has been exercised; and

39 (5) A reserved power in the trust as defined in NRS 163.4165
40 regardless of whether the power has been exercised.

41 (dd) If a trust contains a spendthrift provision:

42 (1) A distribution interest in the trust as defined in NRS
43 163.4155 that is a mandatory interest as described in NRS 163.4185,
44 if the interest has not been distributed; and



1 (2) Notwithstanding a beneficiary's right to enforce a support
2 interest, a distribution interest in the trust as defined in NRS
3 163.4155 that is a support interest as described in NRS 163.4185, if
4 the interest has not been distributed.

5 (ee) Proceeds received from a private disability insurance plan.

6 (ff) Money in a trust fund for funeral or burial services pursuant
7 to NRS 689.700.

8 (gg) Compensation that was payable or paid pursuant to
9 chapters 616A to 616D, inclusive, or chapter 617 of NRS as
10 provided in NRS 616C.205.

11 (hh) Unemployment compensation benefits received pursuant to
12 NRS 612.710.

13 (ii) Benefits or refunds payable or paid from the Public
14 Employees' Retirement System pursuant to NRS 286.670.

15 (jj) Money paid or rights existing for vocational rehabilitation
16 pursuant to NRS 615.270.

17 (kk) Public assistance provided through the Department of
18 Health and Human Services pursuant to NRS ~~422.2914~~ **422A.325**.

19 (ll) Child welfare assistance provided pursuant to NRS 432.036.

20 2. Except as otherwise provided in NRS 115.010, no article or
21 species of property mentioned in this section is exempt from
22 execution issued upon a judgment to recover for its price, or upon a
23 judgment of foreclosure of a mortgage or other lien thereon.

24 3. Any exemptions specified in subsection (d) of section 522 of
25 the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to
26 property owned by a resident of this State unless conferred also by
27 subsection 1, as limited by subsection 2.

28 **Sec. 27.** NRS 115.090 is hereby amended to read as follows:

29 115.090 Nothing in this chapter exempts any real or personal
30 property from any statute of this State that authorizes the recovery
31 of money owed to the Department of Health and Human Services as
32 a result of the payment of benefits from Medicaid through the
33 imposition or foreclosure of a lien against the property of a recipient
34 of Medicaid in the manner set forth in NRS 422.29302 ~~to~~
35 ~~422.29308, inclusive,~~ **422.29304 and 422.29306.**

36 **Sec. 28.** NRS 217.180 is hereby amended to read as follows:

37 217.180 1. Except as otherwise provided in subsection 2, in
38 determining whether to make an order for compensation, the
39 compensation officer shall consider the provocation, consent or any
40 other behavior of the victim that directly or indirectly contributed to
41 the injury or death of the victim, the prior case or social history, if
42 any, of the victim, the need of the victim or the dependents of the
43 victim for financial aid and other relevant matters.

44 2. If the case involves a victim of domestic violence or sexual
45 assault, the compensation officer shall not consider the provocation,



1 consent or any other behavior of the victim that directly or indirectly
2 contributed to the injury or death of the victim.

3 3. If the applicant has received or is likely to receive an amount
4 on account of the applicant's injury or the death of another from:

5 (a) The person who committed the crime that caused the
6 victim's injury or from anyone paying on behalf of the offender;

7 (b) Insurance;

8 (c) The employer of the victim; or

9 (d) Another private or public source or program of assistance,

10 ↪ the applicant shall report the amount received or that the
11 applicant is likely to receive to the compensation officer. Any of
12 those sources that are obligated to pay an amount after the award of
13 compensation shall pay the Board the amount of compensation that
14 has been paid to the applicant and pay the remainder of the amount
15 due to the applicant. The compensation officer shall deduct the
16 amounts that the applicant has received or is likely to receive from
17 those sources from the applicant's total expenses.

18 4. An order for compensation may be made whether or not a
19 person is prosecuted or convicted of an offense arising from the act
20 on which the claim for compensation is based.

21 5. As used in this section:

22 (a) "Domestic violence" means an act described in NRS 33.018.

23 (b) "Public source or program of assistance" means:

24 (1) Public assistance, as defined in NRS ~~422.050 and~~
25 422A.065;

26 (2) Social services provided by a social service agency, as
27 defined in NRS 430A.080; or

28 (3) Other assistance provided by a public entity.

29 (c) "Sexual assault" has the meaning ascribed to it in
30 NRS 200.366.

31 **Sec. 29.** Section 2 of chapter 392, Statutes of Nevada 2011, at
32 page 2470, is hereby amended to read as follows:

33 Sec. 2. This act becomes effective upon passage and
34 approval. ~~and expires by limitation on June 30, 2013.~~

35 **Sec. 30.** NRS 232.354, 422.042, 422.045, 422.048, 422.0525,
36 422.053, 422.0535, 422.245, 422.2716, 422.291, 422.29308,
37 422A.010, 422A.110, 422A.115, 422A.120, 422A.125, 422A.130,
38 422A.135, 422A.310 and 422A.315 are hereby repealed.

39 **Sec. 31.** This act becomes effective upon passage and
40 approval.



LEADLINES OF REPEALED SECTIONS

232.354 State Plan for Medicaid and Children's Health Insurance Program: Department to report certain rates of reimbursement for physicians; duties of Director.

422.042 "Food Stamp Assistance" defined.

422.045 "Low-Income Home Energy Assistance" defined.

422.048 "Program for Child Care and Development" defined.

422.0525 "State Supplementary Assistance" defined.

422.053 "Supplemental Security Income Program" defined.

422.0535 "Temporary Assistance for Needy Families" defined.

422.245 Deposit of money received for certain programs in appropriate accounts of Division in State General Fund.

422.2716 Provision of public assistance to qualified aliens.

422.291 Assistance not assignable or subject to process or bankruptcy law.

422.29308 Application for Medicaid: Statements regarding action for recovery and civil liability of recipient.

422A.010 "Board" defined.

422A.110 Creation; appointment of members.

422A.115 Qualifications and removal of members.

422A.120 Meetings; quorum; notice of meetings; minutes; audio recordings or transcripts.

422A.125 Officers.

422A.130 Compensation of members and employees.

422A.135 Powers and duties.

422A.310 Family planning service; birth control.

422A.315 Provision of prenatal care to pregnant women who are indigent; provision of information concerning availability of prenatal care; regulations.

