

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS INFORMATIONAL STATEMENT AS REQUIRED BY NRS 233B.066

LCB FILE NO. R122-24

The following statement is submitted by the State of Nevada, Department of Business and Industry, Division of Insurance (“Division”) for adopted amendments to Nevada Administrative Code (“NAC”) Chapter(s) 687B.

1. A clear and concise explanation of the need for the adopted regulation.

The regulation is necessary to carry out the provisions of subsection 1 of Nevada Revised Statutes (“NRS”) 687B.355 and provide additional clarification as to the type of information required to be provided to the policyholder upon request. This will ensure that the information provided is consistent between insurers.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

- (a) A description of how public comment was solicited:

Public comment was solicited by emailing the proposed regulation, notice of workshop, notice of intent to act upon the regulation, and small business impact statement to persons on the Division’s mailing list requesting notification of proposed regulations. The regulation and templates were developed by a sub-committee of the Commissioner’s Life and Health Advisory Committee and input was also solicited from Association Health Plan carriers who may use the Excel templates in the future. The documents were also made available on the website of the Division, <http://doi.nv.gov/>, the website of the Nevada Legislature, <http://www.leg.state.nv.us>, and the Nevada Public Notice website, <http://www.notices.nv.gov>. The documents were also emailed, or mailed where no email address was available, to the main library for each county in Nevada.

Public comment was also solicited at the workshop held on November 12, 2024, and at the hearing held on November 26, 2024. The public workshop and hearing took place virtually via Webex and in person at the Division’s offices located at 1818 E. College Pkwy, Carson City, Nevada 89706 and 3300 W. Sahara Ave., Las Vegas, Nevada 89102.

- (b) A summary of the public response:

Brokers supported the more specific information requested in the Excel templates referenced in the regulation, while carriers thought it went to far and disclosed too much personal health information.

- (c) An explanation of how other interested persons may obtain a copy of the summary:

The summary in part 2(b) above reflects the public comments and testimony that transpired

with regard to regulation R122-24. A copy of said summary may be obtained by contacting regs@doi.nv.gov.

3. The number of persons who:

- (a) Attended the hearing: 21
- (b) Testified at the hearing: 1
- (c) Submitted to the agency written statements: 7

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in parts 3(b) and (c), as provided to the agency:

Testified at the hearing:

Name	Entity/Organization Represented	Business Address	Telephone No./ Business Telephone No.	E-Mail Address
Alexis White	Hometown Health	10315 Professional Cir., Reno, NV 89521	(775) 982-3712	alexis.white@hometownhealth.com

Submitted to the agency written statements:

Name	Entity/Organization Represented	Business Address	Telephone No./ Business Telephone No.	E-Mail Address
Frank Nolimal	Acrisure	5740 S. Arville, Ste. 204, Las Vegas, NV 89118	(702) 798-3700	fnolimal@acrisure.com
Jonathan Johnson	Alera Group	9555 Hillwood Dr., Ste. 140, Las Vegas, NV 89134	(702) 874-3052	jonathan.johnson@alera-group.com
Heidi J. Sterner	NABIP	N/A	(702) 328-9763	heidijsterner@gmail.com
Marc Fish	Alera Group	9555 Hillwood Dr., Ste. 140, Las Vegas, NV 89134	(702) 874-3053	marc.fish@alera-group.com
Odette Kattak	N/A	N/A	N/A	okattak@jns-corp.com
Michael Dillon	OneDigital	6053 Fort Apache, Ste. 140, Las Vegas, NV 89148	(775) 560-7006 (702) 217-1619	mike.dillon@onedigital.com
Alexis White	Hometown Health	10315 Professional Cir., Reno, NV 89521	(775) 982-3712	alexis.white@hometownhealth.com

5. A description of how comments were solicited from affected businesses, a summary of their responses, and an explanation of how other interested persons may obtain a copy of the summary.

(a) A description of how comments were solicited from affected businesses:

Comments were solicited from affected businesses in the same manner as they were solicited from the public. Please see the description provided above in response to part 2(a).

(b) A summary of the responses from affected businesses:

Brokers supported the more specific information requested in the Excel templates referenced in the regulation, while carriers thought it went too far and disclosed too much personal health information.

(c) An explanation of how other interested persons may obtain a copy of the summary:

The summary in part 5(b) above reflects the public comments and testimony that transpired with regard to regulation R122-24. A copy of said summary may be obtained by email request to regs@doi.nv.gov.

6. If after consideration of public comments, the regulation was adopted without changing any part of the proposed regulation, provide a summary of the reasons for adopting the regulation without change.

The Division considered each of the arguments provided by industry representatives who were opposed to various aspects of the proposed regulation. Ultimately, the Division chose to adopt the proposed regulation without any changes, for the reasons explained below.

(a) Response to the allegations regarding that the Excel templates exposing member's Personal Health Information ("PHI"): Carriers already provide much more detailed claims information on groups going down to five members, so providing this information for groups of 50-99 lives should be less of an issue and make it less possible to identify PHI.

(b) Response to concerns regarding Association Health Plans (AHPs) filling out the large group template. Legally, an AHP is defined as a large group, so the Division is following the law and will require AHPs to fill out the large group template.

(c) Response regarding the justification for statutory authority: Some industry representatives have challenged the Division's statutory authority to issue this regulation. The Division holds that it has authority stemming from multiple statutes. The discussion below is not exhaustive, and other sources of statutory authority exist beyond those mentioned here: Claims experience is already required by NRS 687B.355. This regulation merely specifies exactly what information needs to be provided to provide an even playing field for insurance carriers and make sure policyholders get the information they need for a renewal quote.

7. (a) The estimated economic effect of the adopted regulation on the business which it is to regulate:

(1) Both adverse and beneficial effects:

i. Beneficial: Carriers will know exactly what information to provide based on the size of the group.

ii. Adverse: Carriers are already required to provide claims information; however, there could possibly be a slight cost increase to them if the Excel templates require more information than what they were already providing.

(2) Both immediate and long-term effects:

i. Immediate: Insurers will know exactly what information to provide, allowing a more efficient response when receiving such requests.

ii. Long-Term: Insurers will know exactly what information to provide, allowing a more efficient response when receiving such requests.

(b) The estimated economic effect of the adopted regulation on the public:

(1) Both adverse and beneficial effects:

i. Beneficial: The public may get lower health insurance quotes as a result of brokers getting better information for renewal quotes.

ii. Adverse: There are no adverse effects on the public due to this regulation.

(2) Both immediate and long-term effects:

i. Immediate: The public may get lower health insurance quotes as a result of brokers getting better information for renewal quotes.

ii. Long-Term: The public may get lower health insurance quotes as a result of brokers getting better information for renewal quotes.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the Division for enforcement of the adopted regulation.

9. A description of any regulations of other state or government 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, the name of the regulating federal agency.

There is no regulation of other state or government agencies which the proposed regulation overlaps or duplicates.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of those provisions.

There is no federal regulation which regulates the same activity.

11. If the regulation establishes a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not establish a new fee or increase an existing fee.