

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; 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15 bill reenact some of those repealed provisions in the appropriate chapter based upon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**
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 concerning certain family planning
42 and prenatal care programs. (NRS 422.284, 422.287, 422A.310, 422A.315)

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

48 **Section 30** of this bill repeals existing law that requires the Division of Welfare
49 and Supportive Services to identify and refer recipients of public assistance who are
50 victims of domestic violence. (NRS 422A.350) **Section 30** further repeals
51 provisions requiring recipients of public assistance to ensure that dependent
52 children are properly vaccinated and attending school as a condition to receipt of
53 public assistance. (NRS 422A.355, 422A.360)

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.*



1 **3. The Director shall, on or before February 1 of each year,**
2 **submit a report concerning the schedule of such rates of**
3 **reimbursement to the Director of the Legislative Counsel Bureau**
4 **for transmittal to the Legislature in odd-numbered years or to the**
5 **Legislative Committee on Health Care in even-numbered years.**

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

7 422.050 ~~{H}~~ "Public assistance" ~~includes:~~

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

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

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

21 422.065 1. Notwithstanding any other provision of state or
22 local law, a person or governmental entity that provides a state or
23 local public benefit:

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

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

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

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

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

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



1 to 422.379, inclusive, and 439.630, be provided by appropriation by
2 the Legislature from the State General Fund.

3 2. Disbursements for the purposes of this chapter must, except
4 as otherwise provided in NRS 422.3755 to 422.379, inclusive, and
5 439.630, be made upon claims duly filed and allowed in the same
6 manner as other money in the State Treasury is disbursed.

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

8 422.265 If Congress passes any law increasing the
9 participation of the Federal Government in ~~the Nevada program for~~
10 ~~public assistance,~~ **any program for which the Division is**
11 **responsible**, whether relating to eligibility for assistance or
12 otherwise:

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

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

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

18 422.270 The Department shall:

19 1. Administer ~~all public welfare programs of this State;~~
20 ~~including:~~

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

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

23 ~~—(c) Medicaid;~~

24 ~~—(d) Food Stamp Assistance;~~

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

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

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

28 ~~—(h) The Children's Health Insurance Program; and~~

29 ~~—(i) Other welfare activities and services provided for by the laws~~
30 ~~of this State.] Medicaid and the Children's Health Insurance~~
31 **Program.**

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

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



1 4. Observe and study the changing nature and extent of
2 ~~{welfare}~~ needs *for Medicaid* and develop through tests and
3 demonstrations effective ways of meeting those needs and employ
4 or contract for personnel and services supported by legislative
5 appropriations from the State General Fund or money from federal
6 or other sources.

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

10 ~~{6. — Make such agreements with the Federal Government as
11 may be necessary to carry out the Supplemental Security Income
12 Program.~~

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

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

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

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

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



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

2 422.277 1. At any hearing held pursuant to the provisions of
3 subsection 2 of NRS 422.276, opportunity must be afforded all
4 parties to respond and present evidence and argument on all issues
5 involved.

6 2. Unless precluded by law, informal disposition may be made
7 of any hearing by stipulation, agreed settlement, consent order or
8 default.

9 3. The record of a hearing must include:

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

11 (b) Evidence received or considered.

12 (c) Questions and offers of proof and objections, and rulings
13 thereon.

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

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

18 5. Findings of fact must be based exclusively on substantial
19 evidence.

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

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

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

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



1 **Sec. 10.** NRS 422.29301 is hereby amended to read as
2 follows:

3 422.29301 The Director:

4 1. Shall administer the provisions of NRS 422.29302 ~~to~~
5 ~~422.29308, inclusive;~~, **422.29304 and 422.29306;**

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

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

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

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

21 (a) Failed to report any required information to the Department
22 or the nursing facility that the person knew at the time the person
23 signed the application;

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

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

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

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

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



1 3. The Director or a person designated by the Director may, to
2 the extent that it is not prohibited by federal law, determine the
3 amount of, and settle, adjust, compromise or deny a claim against a
4 recipient of ~~{public assistance, the estate of the recipient,}~~ *Medicaid*,
5 the undivided estate of a recipient of Medicaid or a person who
6 signed the application for ~~{public assistance}~~ *Medicaid* or *for*
7 admission to a nursing facility on behalf of the recipient.

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

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

18 422.410 1. Unless a different penalty is provided pursuant to
19 NRS 422.361 to 422.369, inclusive, or 422.450 to 422.590,
20 inclusive, a person who knowingly and designedly, by any false
21 pretense, false or misleading statement, impersonation,
22 misrepresentation, or concealment, transfer, disposal or assignment
23 of money or property obtains or attempts to obtain monetary or any
24 other public assistance, or money, property, medical or remedial
25 care or any other service provided pursuant to the Children's Health
26 Insurance Program, having a value of \$100 or more, whether by one
27 act or a series of acts, with the intent to cheat, defraud or defeat the
28 purposes of this chapter or to enable a person to meet or appear to
29 meet any requirements of eligibility prescribed by state law or by
30 rule or regulation adopted by the Department for a grant or an
31 increase in a grant of any type of public assistance is guilty of a
32 category E felony and shall be punished as provided in NRS
33 193.130. In addition to any other penalty, the court shall order the
34 person to pay restitution.

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

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



1 (a) "Public assistance" includes any money, property, medical
2 or remedial care or any other service provided pursuant to a state
3 plan.

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

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

8 Sec. 14. "Health Division" means the Health Division of the
9 Department of Health and Human Services.

10 Sec. 15. Each application for Medicaid must include a
11 statement that:

12 1. Any assistance paid on behalf of a recipient may be
13 recovered in an action filed against the estate of the recipient or
14 the spouse of the recipient; and

15 2. Any person who signs an application for Medicaid and
16 fails to report to the Department:

17 (a) Any required information which the recipient knew at the
18 time the recipient signed the application; or

19 (b) Within the period allowed by the Department, any required
20 information which the recipient obtained after the recipient filed
21 the application,

22 ↪ may be personally liable for any money incorrectly paid to the
23 recipient.

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

31 (a) Failed to report any required information to the
32 Department that the person knew at the time the person signed the
33 application;

34 (b) Refused to provide financial information regarding the
35 recipient's income and assets, including, without limitation,
36 information regarding any transfers or assignments of income or
37 assets;

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

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



1 (e) Failed to report to the Department or the nursing facility
2 within the period allowed by the Department any required
3 information that the person obtained after the person filed the
4 application.

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

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

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

24 5. As used in this section, "public assistance" does not
25 include Medicaid.

26 **Sec. 17.** NRS 422A.001 is hereby amended to read as follows:

27 422A.001 As used in this chapter, unless the context otherwise
28 requires, the words and terms defined in NRS 422A.005 to
29 422A.080, inclusive, *and section 15 of this act* have the meanings
30 ascribed to them in those sections.

31 **Sec. 18.** NRS 422A.040 is hereby amended to read as follows:

32 422A.040 ~~Food Stamp~~ "Supplemental Nutrition
33 Assistance" means the program established to provide persons of
34 low income with an opportunity to ~~obtain~~ purchase a more
35 nutritious diet ~~through the issuance of coupons~~ pursuant to the
36 Food Stamp Act of 1977, 7 U.S.C. §§ 2011 et seq., as amended.

37 **Sec. 19.** NRS 422A.065 is hereby amended to read as follows:

38 422A.065 1. "Public assistance" includes:

39 (a) State ~~Supplemental~~ Supplementary Assistance;

40 (b) Temporary Assistance for Needy Families;

41 (c) Medicaid;

42 (d) ~~Food Stamp Assistance;~~ Supplemental Nutrition
43 Assistance;

44 (e) Low-Income Home Energy Assistance;

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



1 (g) Benefits provided pursuant to any other public welfare
2 program administered by the Division pursuant to such additional
3 federal legislation as is not inconsistent with the purposes of this
4 chapter; and

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

8 2. The term does not include the Children's Health Insurance
9 Program.

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

11 422A.085 1. Notwithstanding any other provision of state or
12 local law, a person or governmental entity that provides a state or
13 local public benefit:

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

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

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

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

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

28 422A.155 1. The Administrator must:

29 ~~1-1~~ (a) Be selected on the basis of his or her training,
30 experience, capacity and interest in public welfare services.

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

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

42 ~~4-1~~ (c) Possess qualities of leadership.

43 2. *In appointing the Administrator, the Director shall, to the*
44 *extent practicable, give preference to a person who has a degree in*



1 *a field of social science, public administration, business*
2 *administration or a related field.*

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

4 422A.165 The Administrator shall make:

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

7 2. ~~Reports to the Board.~~

8 ~~—3.—~~ A biennial report to the Director on the condition, operation
9 and functioning of the Division.

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

11 422A.255 The Department shall:

12 1. Administer all public welfare programs of this State,
13 including:

14 (a) State Supplementary Assistance;

15 (b) Temporary Assistance for Needy Families;

16 (c) Medicaid;

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

18 (e) Low-Income Home Energy Assistance;

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

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

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

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

24 2. Act as the single state agency of the State of Nevada and its
25 political subdivisions in the administration of any federal money
26 granted to the State of Nevada to aid in the furtherance of any of the
27 services and activities set forth in subsection 1.

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

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

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

43 6. Make such agreements with the Federal Government as may
44 be necessary to carry out the Supplemental Security Income
45 Program.



1 7. *As used in this section, "Program for the Enforcement of*
2 *Child Support" means the program established to locate absent*
3 *parents, establish paternity and obtain child support pursuant to*
4 *Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et*
5 *seq., and any other provisions of that act relating to the*
6 *enforcement of child support.*

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

8 422A.265 1. The Department shall provide public assistance
9 pursuant to:

10 (a) The program established to provide Temporary Assistance
11 for Needy Families;

12 (b) Medicaid; or

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

15 ↳ to a qualified ~~alien~~ *person who is not a citizen or national of*
16 *the United States* who complies with the requirements established
17 by the Department pursuant to federal law and this chapter for the
18 receipt of benefits pursuant to that program.

19 2. ~~As used in this section, "qualified alien" has the meaning~~
20 ~~ascribed to it in~~ *A person who is not a citizen or national of the*
21 *United States is considered "qualified" for the purposes of*
22 *subsection 1 if the person meets the requirements of* 8 U.S.C. §
23 ~~1641.~~ *1641(b).*

24 **Sec. 25.** NRS 422A.600 is hereby amended to read as follows:

25 422A.600 Notwithstanding any other provision of this chapter,
26 if the Division determines that:

27 1. The head of a household is a victim of domestic violence ;
28 ~~pursuant to NRS 422A.350;~~ and

29 2. Requiring the head of the household to comply with the
30 requirements of this chapter or the regulations adopted pursuant
31 thereto may endanger or threaten the physical safety of the head of
32 the household,

33 ↳ the Division may waive those requirements for such a period as it
34 deems appropriate.

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

36 21.090 1. The following property is exempt from execution,
37 except as otherwise specifically provided in this section or required
38 by federal law:

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

43 (b) Necessary household goods, furnishings, electronics,
44 wearing apparel, other personal effects and yard equipment, not to
45 exceed \$12,000 in value, belonging to the judgment debtor or a



1 dependent of the judgment debtor, to be selected by the judgment
2 debtor.

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

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

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

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

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

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

31 (2) "Earnings" means compensation paid or payable for
32 personal services performed by a judgment debtor in the regular
33 course of business, including, without limitation, compensation
34 designated as income, wages, tips, a salary, a commission or a
35 bonus. The term includes compensation received by a judgment
36 debtor that is in the possession of the judgment debtor,
37 compensation held in accounts maintained in a bank or any other
38 financial institution or, in the case of a receivable, compensation
39 that is due the judgment debtor.

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

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



1 (j) All courthouses, jails, public offices and buildings, lots,
2 grounds and personal property, the fixtures, furniture, books, papers
3 and appurtenances belonging and pertaining to the courthouse, jail
4 and public offices belonging to any county of this State, all
5 cemeteries, public squares, parks and places, public buildings, town
6 halls, markets, buildings for the use of fire departments and military
7 organizations, and the lots and grounds thereto belonging and
8 appertaining, owned or held by any town or incorporated city, or
9 dedicated by the town or city to health, ornament or public use, or
10 for the use of any fire or military company organized under the laws
11 of this State and all lots, buildings and other school property owned
12 by a school district and devoted to public school purposes.

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

15 (l) The homestead as provided for by law, including a
16 homestead for which allodial title has been established and not
17 relinquished and for which a waiver executed pursuant to NRS
18 115.010 is not applicable.

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

24 (n) All money reasonably deposited with a landlord by the
25 judgment debtor to secure an agreement to rent or lease a dwelling
26 that is used by the judgment debtor as his or her primary residence,
27 except that such money is not exempt with respect to a landlord or
28 the landlord's successor in interest who seeks to enforce the terms of
29 the agreement to rent or lease the dwelling.

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

34 (p) Any vehicle owned by the judgment debtor for use by the
35 judgment debtor or the judgment debtor's dependent that is
36 equipped or modified to provide mobility for a person with a
37 permanent disability.

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

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

41 (1) An individual retirement arrangement which conforms
42 with the applicable limitations and requirements of section 408 or
43 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;



1 (2) A written simplified employee pension plan which
2 conforms with the applicable limitations and requirements of section
3 408 of the Internal Revenue Code, 26 U.S.C. § 408;

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

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

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

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

20 (t) All money and other benefits paid pursuant to the order of a
21 court of competent jurisdiction for the support and maintenance of a
22 former spouse, including the amount of any arrearages in the
23 payment of such support and maintenance to which the former
24 spouse may be entitled.

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

30 (v) Payments received as compensation for the wrongful death
31 of a person upon whom the judgment debtor was dependent at the
32 time of the wrongful death, to the extent reasonably necessary for
33 the support of the judgment debtor and any dependent of the
34 judgment debtor.

35 (w) Payments received as compensation for the loss of future
36 earnings of the judgment debtor or of a person upon whom the
37 judgment debtor is dependent at the time the payment is received, to
38 the extent reasonably necessary for the support of the judgment
39 debtor and any dependent of the judgment debtor.

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

41 (y) Payments received pursuant to the federal Social Security
42 Act, including, without limitation, retirement and survivors'
43 benefits, supplemental security income benefits and disability
44 insurance benefits.



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

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

11 (bb) Stock of a corporation described in subsection 2 of NRS
12 78.746 except as set forth in that section.

13 (cc) Regardless of whether a trust contains a spendthrift
14 provision:

15 (1) A distribution interest in the trust as defined in NRS
16 163.4155 that is a contingent interest, if the contingency has not
17 been satisfied or removed;

18 (2) A distribution interest in the trust as defined in NRS
19 163.4155 that is a discretionary interest as described in NRS
20 163.4185, if the interest has not been distributed;

21 (3) A power of appointment in the trust as defined in NRS
22 163.4157 regardless of whether the power has been exercised;

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

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

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

29 (1) A distribution interest in the trust as defined in NRS
30 163.4155 that is a mandatory interest as described in NRS 163.4185,
31 if the interest has not been distributed; and

32 (2) Notwithstanding a beneficiary's right to enforce a support
33 interest, a distribution interest in the trust as defined in NRS
34 163.4155 that is a support interest as described in NRS 163.4185, if
35 the interest has not been distributed.

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

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

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

42 (hh) Unemployment compensation benefits received pursuant to
43 NRS 612.710.

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



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

3 (kk) Public assistance provided through the Department of
4 Health and Human Services pursuant to NRS ~~422.291~~ 422A.325.

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

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

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

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

15 115.090 Nothing in this chapter exempts any real or personal
16 property from any statute of this State that authorizes the recovery
17 of money owed to the Department of Health and Human Services as
18 a result of the payment of benefits from Medicaid through the
19 imposition or foreclosure of a lien against the property of a recipient
20 of Medicaid in the manner set forth in NRS 422.29302 ~~to~~
21 ~~422.29308, inclusive~~, 422.29304 and 422.29306.

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

23 217.180 1. Except as otherwise provided in subsection 2, in
24 determining whether to make an order for compensation, the
25 compensation officer shall consider the provocation, consent or any
26 other behavior of the victim that directly or indirectly contributed to
27 the injury or death of the victim, the prior case or social history, if
28 any, of the victim, the need of the victim or the dependents of the
29 victim for financial aid and other relevant matters.

30 2. If the case involves a victim of domestic violence or sexual
31 assault, the compensation officer shall not consider the provocation,
32 consent or any other behavior of the victim that directly or indirectly
33 contributed to the injury or death of the victim.

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

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

38 (b) Insurance;

39 (c) The employer of the victim; or

40 (d) Another private or public source or program of assistance,
41 → the applicant shall report the amount received or that the
42 applicant is likely to receive to the compensation officer. Any of
43 those sources that are obligated to pay an amount after the award of
44 compensation shall pay the Board the amount of compensation that
45 has been paid to the applicant and pay the remainder of the amount



1 due to the applicant. The compensation officer shall deduct the
2 amounts that the applicant has received or is likely to receive from
3 those sources from the applicant's total expenses.

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

7 5. As used in this section:

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

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

10 (1) Public assistance, as defined in NRS ~~422.050 and~~
11 422A.065;

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

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

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

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

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

21 **Sec. 30.** NRS 232.354, 422.042, 422.045, 422.048, 422.0525,
22 422.053, 422.0535, 422.245, 422.2716, 422.284, 422.287, 422.291,
23 422.29308, 422A.010, 422A.110, 422A.115, 422A.120, 422A.125,
24 422A.130, 422A.135, 422A.310, 422A.315, 422A.350, 422A.355,
25 422A.360 and 422A.370 are hereby repealed.

26 **Sec. 31.** This act becomes effective upon passage and
27 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.

422.284 Family planning service; birth control.



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

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.

422A.350 Identification and referral of victims of domestic violence; restricted disclosure of determination.

422A.355 Recipients of public assistance: Immunization of dependent children.

422A.360 Recipients of public assistance: Attendance of children at school and assistance with their academic performance.

422A.370 Expedited application for treatment or services for certain persons.

