

ASSEMBLY BILL NO. 138—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE JOINT INTERIM STANDING COMMITTEE
ON HEALTH AND HUMAN SERVICES)

FEBRUARY 9, 2023

Referred to Committee on Health and Human Services

SUMMARY—Provides Medicaid coverage for certain types of behavioral health integration services. (BDR 38-332)

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

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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 Medicaid; requiring the State Plan for Medicaid to include coverage for certain behavioral health integration services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Department of Health and Human Services to develop and administer a State Plan for Medicaid which includes a list of specific medical services required to be provided to Medicaid recipients. (NRS 422.063, 422.270; 42 U.S.C. § 1396a) **Section 1** of this bill requires such covered medical services to include behavioral health services that are delivered through evidence-based, behavioral health integration models. **Section 2** of this bill makes a conforming change to indicate that the provisions of **section 1** will be administered in the same manner as the provisions of existing law governing the State Plan for Medicaid.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:
1. The Director shall include in the State Plan for Medicaid a requirement that the State must pay the nonfederal share of



1 *expenditures incurred for behavioral health services, including,*
2 *without limitation, mental health services and services for the*
3 *treatment of a substance use disorder, that are delivered through*
4 *evidence-based, behavioral health integration models, including,*
5 *without limitation, collaborative care management services.*

6 2. *As used in this section:*

7 (a) *“Behavioral health integration model” means a model of*
8 *delivering behavioral health services that integrates such services*
9 *with primary care. The term includes, without limitation, the*
10 *delivery of behavioral health services using collaborative care*
11 *management services.*

12 (b) *“Collaborative care management services” means a*
13 *combination of services and structured care management with*
14 *regular assessments directed and provided by a team of providers*
15 *of primary care and providers of behavioral health care.*

16 **Sec. 2.** NRS 232.320 is hereby amended to read as follows:
17 232.320 1. The Director:

18 (a) Shall appoint, with the consent of the Governor,
19 administrators of the divisions of the Department, who are
20 respectively designated as follows:

21 (1) The Administrator of the Aging and Disability Services
22 Division;

23 (2) The Administrator of the Division of Welfare and
24 Supportive Services;

25 (3) The Administrator of the Division of Child and Family
26 Services;

27 (4) The Administrator of the Division of Health Care
28 Financing and Policy; and

29 (5) The Administrator of the Division of Public and
30 Behavioral Health.

31 (b) Shall administer, through the divisions of the Department,
32 the provisions of chapters 63, 424, 425, 427A, 432A to 442,
33 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS
34 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and*
35 *section 1 of this act*, 422.580, 432.010 to 432.133, inclusive,
36 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive,
37 and 445A.010 to 445A.055, inclusive, and all other provisions of
38 law relating to the functions of the divisions of the Department, but
39 is not responsible for the clinical activities of the Division of Public
40 and Behavioral Health or the professional line activities of the other
41 divisions.

42 (c) Shall administer any state program for persons with
43 developmental disabilities established pursuant to the
44 Developmental Disabilities Assistance and Bill of Rights Act of
45 2000, 42 U.S.C. §§ 15001 et seq.



1 (d) Shall, after considering advice from agencies of local
2 governments and nonprofit organizations which provide social
3 services, adopt a master plan for the provision of human services in
4 this State. The Director shall revise the plan biennially and deliver a
5 copy of the plan to the Governor and the Legislature at the
6 beginning of each regular session. The plan must:

7 (1) Identify and assess the plans and programs of the
8 Department for the provision of human services, and any
9 duplication of those services by federal, state and local agencies;

10 (2) Set forth priorities for the provision of those services;

11 (3) Provide for communication and the coordination of those
12 services among nonprofit organizations, agencies of local
13 government, the State and the Federal Government;

14 (4) Identify the sources of funding for services provided by
15 the Department and the allocation of that funding;

16 (5) Set forth sufficient information to assist the Department
17 in providing those services and in the planning and budgeting for the
18 future provision of those services; and

19 (6) Contain any other information necessary for the
20 Department to communicate effectively with the Federal
21 Government concerning demographic trends, formulas for the
22 distribution of federal money and any need for the modification of
23 programs administered by the Department.

24 (e) May, by regulation, require nonprofit organizations and state
25 and local governmental agencies to provide information regarding
26 the programs of those organizations and agencies, excluding
27 detailed information relating to their budgets and payrolls, which the
28 Director deems necessary for the performance of the duties imposed
29 upon him or her pursuant to this section.

30 (f) Has such other powers and duties as are provided by law.

31 2. Notwithstanding any other provision of law, the Director, or
32 the Director's designee, is responsible for appointing and removing
33 subordinate officers and employees of the Department.

34 **Sec. 3.** 1. This section becomes effective upon passage and
35 approval.

36 2. Sections 1 and 2 of this act become effective:

37 (a) Upon passage and approval for the purpose of performing
38 any preparatory administrative tasks that are necessary to carry out
39 the provisions of this act; and

40 (b) On January 1, 2024, for all other purposes.

