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FIRST REPRINT

A.B. 138

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; making an appropriation and authorizing certain expenditures; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the Department of Health and Human Services to develop  
2 and administer a State Plan for Medicaid which includes a list of specific medical  
3 services required to be provided to Medicaid recipients. (NRS 422.063, 422.270; 42  
4 U.S.C. § 1396a) **Section 1** of this bill requires such covered medical services to  
5 include behavioral health services that are delivered through evidence-based,  
6 behavioral health integration models. **Section 2** of this bill makes a conforming  
7 change to indicate that the provisions of **section 1** will be administered in the same  
8 manner as the provisions of existing law governing the State Plan for Medicaid.  
9 **Section 3** of this bill makes an appropriation to the Division of Health Care  
10 Financing and Policy of the Department and authorizes certain related expenditures  
11 to carry out the provisions of **section 1**.



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 Director shall include in the State Plan for Medicaid a***  
4 ***requirement that the State must pay the nonfederal share of***  
5 ***expenditures incurred for behavioral health services, including,***  
6 ***without limitation, mental health services and services for the***  
7 ***treatment of a substance use disorder, that are delivered through***  
8 ***evidence-based, behavioral health integration models, including,***  
9 ***without limitation, collaborative care management services.***

10       **2. *As used in this section:***

11       ***(a) "Behavioral health integration model" means a model of***  
12 ***delivering behavioral health services that integrates such services***  
13 ***with primary care. The term includes, without limitation, the***  
14 ***delivery of behavioral health services using collaborative care***  
15 ***management services.***

16       ***(b) "Collaborative care management services" means a***  
17 ***combination of services and structured care management with***  
18 ***regular assessments directed and provided by a team of providers***  
19 ***of primary care and providers of behavioral health care.***

20       **Sec. 2.** NRS 232.320 is hereby amended to read as follows:

21       232.320 1. The Director:

22       (a) Shall appoint, with the consent of the Governor,  
23 administrators of the divisions of the Department, who are  
24 respectively designated as follows:

25       (1) The Administrator of the Aging and Disability Services  
26 Division;

27       (2) The Administrator of the Division of Welfare and  
28 Supportive Services;

29       (3) The Administrator of the Division of Child and Family  
30 Services;

31       (4) The Administrator of the Division of Health Care  
32 Financing and Policy; and

33       (5) The Administrator of the Division of Public and  
34 Behavioral Health.

35       (b) Shall administer, through the divisions of the Department,  
36 the provisions of chapters 63, 424, 425, 427A, 432A to 442,  
37 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS  
38 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and***  
39 ***section 1 of this act,*** 422.580, 432.010 to 432.133, inclusive,  
40 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive,  
41 and 445A.010 to 445A.055, inclusive, and all other provisions of  
42 law relating to the functions of the divisions of the Department, but



1 is not responsible for the clinical activities of the Division of Public  
2 and Behavioral Health or the professional line activities of the other  
3 divisions.

4 (c) Shall administer any state program for persons with  
5 developmental disabilities established pursuant to the  
6 Developmental Disabilities Assistance and Bill of Rights Act of  
7 2000, 42 U.S.C. §§ 15001 et seq.

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

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

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

18 (3) Provide for communication and the coordination of those  
19 services among nonprofit organizations, agencies of local  
20 government, the State and the Federal Government;

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

23 (5) Set forth sufficient information to assist the Department  
24 in providing those services and in the planning and budgeting for the  
25 future provision of those services; and

26 (6) Contain any other information necessary for the  
27 Department to communicate effectively with the Federal  
28 Government concerning demographic trends, formulas for the  
29 distribution of federal money and any need for the modification of  
30 programs administered by the Department.

31 (e) May, by regulation, require nonprofit organizations and state  
32 and local governmental agencies to provide information regarding  
33 the programs of those organizations and agencies, excluding  
34 detailed information relating to their budgets and payrolls, which the  
35 Director deems necessary for the performance of the duties imposed  
36 upon him or her pursuant to this section.

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

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

41 **Sec. 3.** 1. There is hereby appropriated from the State  
42 General Fund to the Division of Health Care Financing and Policy  
43 of the Department of Health and Human Services for system  
44 modifications and to pay the nonfederal share of expenditures



1 incurred for the services described in section 1 of this act the  
2 following sums:

3	For the Fiscal Year 2023-2024 .....	\$4,760
4	For the Fiscal Year 2024-2025 .....	\$207,313

5 2. Any balance of the sums appropriated by subsection 1  
6 remaining at the end of the respective fiscal years must not be  
7 committed for expenditure after June 30 of the respective fiscal  
8 years by the entity to which the appropriation is made or any entity  
9 to which money from the appropriation is granted or otherwise  
10 transferred in any manner, and any portion of the appropriated  
11 money remaining must not be spent for any purpose after  
12 September 20, 2024, and September 19, 2025, respectively, by  
13 either the entity to which the money was appropriated or the entity  
14 to which the money was subsequently granted or transferred, and  
15 must be reverted to the State General Fund on or before  
16 September 20, 2024, and September 19, 2025, respectively.

17 3. Expenditure of \$14,280 not appropriated from the State  
18 General Fund or the State Highway Fund is hereby authorized  
19 during Fiscal Year 2023-2024 by the Division of Health Care  
20 Financing and Policy of the Department of Health and Human  
21 Services for the same purposes as set forth in subsection 1.

22 4. Expenditure of \$428,275 not appropriated from the State  
23 General Fund or the State Highway Fund is hereby authorized  
24 during Fiscal Year 2024-2025 by the Division of Health Care  
25 Financing and Policy of the Department of Health and Human  
26 Services for the same purposes as set forth in subsection 1.

27 **Sec. 4.** 1. This section becomes effective upon passage and  
28 approval.

29 2. Section 3 of this act becomes effective on July 1, 2023.

30 3. Sections 1 and 2 of this act become effective:

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

34 (b) On July 1, 2024, for all other purposes.

