

ASSEMBLY BILL NO. 36—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE DIVISION OF HEALTH CARE  
FINANCING AND POLICY OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES)

PREFILED NOVEMBER 15, 2024

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to Medicaid.  
(BDR 38-291)

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 ~~for mitted material~~ is material to be omitted.

AN ACT relating to Medicaid; revising provisions relating to certain hearings concerning actions taken against a provider of services under the State Plan for Medicaid; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing federal and state law requires the Department of Health and Human  
2 Services to develop and administer a State Plan for Medicaid. (42 U.S.C. § 1396a;  
3 NRS 422.063, 422.270) Existing federal law requires a State Plan to include  
4 provisions for the oversight of providers of services under the State Plan. (42  
5 U.S.C. § 1396a) Existing state law: (1) authorizes a provider of services to  
6 request a hearing with the Division of Health Care Financing and Policy of the  
7 Department concerning an action taken against the provider; and (2) requires the  
8 Division to adopt regulations prescribing the procedures for such a hearing. (NRS  
9 422.306) Existing regulations: (1) establish the actions taken against a provider for  
10 which the provider may request a hearing; and (2) require, with certain exceptions,  
11 that a provider submit a request for a hearing to the Division such that the Division  
12 receives the request not later than 90 calendar days after the date of the notice of  
13 the action for which a hearing is requested. (*Medicaid Services Manual* 3105.1)  
14 **Section 1** of this bill requires a provider to request a hearing not later than 90  
15 calendar days after the date of the notice of an action against the provider, unless  
16 the Division determines that extenuating circumstances exist. **Section 1**  
17 additionally requires the Division to adopt regulations prescribing: (1) the actions  
18 on which a provider may request a hearing; and (2) the circumstances that  
19 constitute extenuating circumstances and which justify the submission of a request



20 for a hearing later than 90 calendar days after the provider receives notice of an  
21 action against him or her. **Section 2** of this bill requires the provisions of **section 1**,  
22 and any regulations adopted pursuant to **section 1**, to apply prospectively only to  
23 hearings requested on or after January 1, 2026.

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

1 **Section 1.** NRS 422.306 is hereby amended to read as follows:  
2 422.306 1. Upon receipt of a request for a hearing *that*  
3 *complies with the provisions of this section and any regulations*  
4 *adopted pursuant thereto*, from a provider of services under the  
5 State Plan for Medicaid, the Division shall appoint a hearing officer  
6 to conduct the hearing. Any employee or other representative of the  
7 Division who investigated or made the initial decision regarding the  
8 action taken against a provider of services may not be appointed as  
9 the hearing officer or participate in the making of any decision  
10 pursuant to the hearing.

11 2. *Unless the Division determines that extenuating*  
12 *circumstances exist pursuant to the regulations adopted pursuant*  
13 *to subsection 3, a provider of services must request a hearing*  
14 *pursuant to subsection 1 not later than 90 calendar days after the*  
15 *date of the notice of the action being taken against the provider*  
16 *that is the subject of the hearing.*

17 3. The Division shall adopt regulations prescribing the  
18 ~~{procedures}~~ :

19 (a) *Procedures* to be followed at the hearing ~~{}~~ ;

20 (b) *Actions on which a provider of services may request a*  
21 *hearing; and*

22 (c) *Circumstances that constitute extenuating circumstances*  
23 *and which justify the submission of a request for a hearing after*  
24 *the expiration of the time period prescribed by subsection 2.*

25 ~~{3}~~ 4. The decision of the hearing officer is a final decision.  
26 Any party, including the Division, who is aggrieved by the decision  
27 of the hearing officer may appeal that decision to the District Court  
28 in and for Carson City by filing a petition for judicial review within  
29 30 days after receiving the decision of the hearing officer.

30 ~~{4}~~ 5. A petition for judicial review filed pursuant to this  
31 section must be served upon every party within 30 days after the  
32 filing of the petition for judicial review.

33 ~~{5}~~ 6. Unless otherwise provided by the court:

34 (a) Within 90 days after the service of the petition for judicial  
35 review, the Division shall transmit to the court the original or a  
36 certified copy of the entire record of the proceeding under review,



1 including, without limitation, a transcript of the evidence resulting  
2 in the final decision of the hearing officer;

3 (b) The petitioner who is seeking judicial review pursuant to this  
4 section shall serve and file an opening brief within 40 days after the  
5 Division gives written notice to the parties that the record of the  
6 proceeding under review has been filed with the court;

7 (c) The respondent shall serve and file an answering brief within  
8 30 days after service of the opening brief; and

9 (d) The petitioner may serve and file a reply brief within 30 days  
10 after service of the answering brief.

11 ~~6.~~ 7. Within 7 days after the expiration of the time within  
12 which the petitioner may reply, any party may request a hearing.  
13 Unless a request for hearing has been filed, the matter shall be  
14 deemed submitted.

15 ~~7.~~ 8. The review of the court must be confined to the record.  
16 The court shall not substitute its judgment for that of the hearing  
17 officer as to the weight of the evidence on questions of fact. The  
18 court may affirm the decision of the hearing officer or remand the  
19 case for further proceedings. The court may reverse or modify the  
20 decision if substantial rights of the appellant have been prejudiced  
21 because the administrative findings, inferences, conclusions or  
22 decisions are:

23 (a) In violation of constitutional or statutory provisions;

24 (b) In excess of the statutory authority of the Division;

25 (c) Made upon unlawful procedure;

26 (d) Affected by other error of law;

27 (e) Clearly erroneous in view of the reliable, probative and  
28 substantial evidence on the whole record; or

29 (f) Arbitrary or capricious or characterized by abuse of  
30 discretion or clearly unwarranted exercise of discretion.

31 **Sec. 2.** The amendatory provisions of section 1 of this act do  
32 not apply to a hearing requested pursuant to subsection 1 of NRS  
33 422.306 before January 1, 2026.

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 adopting any  
38 regulations and performing any other preparatory administrative  
39 tasks that are necessary to carry out the provisions of this act; and

40 (b) On January 1, 2026, for all other purposes.



