
ASSEMBLY BILL NO. 42—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 19, 2024

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the adoption of regulations for the administration of certain programs of public assistance. (BDR 38-289)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the public welfare; revising requirements governing notice of the intent to adopt, amend or repeal certain regulations or policies; authorizing the retroactive application of certain regulations or policies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Administrator of the Division of Health Care
2 Financing and Policy of the Department of Health and Human Services to provide
3 at least 30 days’ notice before adopting, amending or repealing any regulation for
4 the administration of a program of public assistance or other program for which the
5 Division is responsible. (NRS 422.2369) This bill authorizes the Administrator to
6 adopt, amend or repeal a regulation or policy with 3 business days’ notice if the
7 intended action: (1) is required to ensure compliance with federal or state law; or
8 (2) will result in an expansion of services or benefits. This bill additionally
9 authorizes the Administrator to adopt a regulation or policy, or an amendment or
10 repeal of a prior regulation or policy, that applies retroactively if such retroactivity
11 is necessary to ensure compliance with federal or state law and is clearly stated in
12 the regulation or policy, or the amendment or repeal of a prior regulation or policy.



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

1 **Section 1.** NRS 422.2369 is hereby amended to read as
2 follows:

3 422.2369 1. Before adopting, amending or repealing any
4 regulation *or policy* for the administration of a program of public
5 assistance or any other program for which the Division is
6 responsible, the Administrator must give ~~fat~~:

7 *(a) At least 3 business days' notice of the intended action, if*
8 *the intended action:*

9 *(1) Is required to ensure the Division remains in*
10 *compliance with federal or state law; or*

11 *(2) Will result in an expansion of services or benefits; or*

12 *(b) At least 30 days' notice of the intended action ~~fat~~, for all*
13 *intended actions not described in paragraph (a).*

14 2. *The Administrator may adopt a regulation or policy, or an*
15 *amendment or repeal thereof, that applies retroactively for the*
16 *administration of a program of public assistance or any other*
17 *program for which the Division is responsible if:*

18 *(a) Retroactive application of the regulation or policy is*
19 *necessary to ensure compliance with federal or state law; and*

20 *(b) The regulation or policy, or amendment or repeal thereof,*
21 *clearly states that it will be applied retroactively and the date to*
22 *which it will be applied retroactively.*

23 3. The notice of intent to act upon a regulation *or policy* must:

24 (a) Include a statement of the need for and purpose of the
25 proposed regulation ~~fat~~ *or policy, or the amendment or repeal*
26 *thereof*, and either the terms or substance of the proposed regulation
27 *or policy, or amendment or repeal thereof*, or a description of the
28 subjects and issues involved, and of the time when, the place where
29 and the manner in which interested persons may present their views
30 thereon.

31 (b) Include a statement identifying the entities that may be
32 financially affected by the proposed regulation *or policy, or*
33 *amendment or repeal thereof*, and the potential financial impact, if
34 any, upon local government.

35 (c) State each address at which the text of the proposed
36 regulation *or policy, or amendment or repeal thereof*, may be
37 inspected and copied.

38 (d) Be mailed to all persons who have requested in writing that
39 they be placed upon a mailing list, which must be kept by the
40 Administrator for that purpose.

41 ~~fat~~ 4. All interested persons must be afforded a reasonable
42 opportunity to submit data, views or arguments upon a proposed



1 regulation ~~[4]~~ *or policy, or amendment or repeal thereof*, orally or
2 in writing. The Administrator shall consider fully all oral and
3 written submissions relating to the proposed regulation ~~[4]~~ *or policy,*
4 *or amendment or repeal thereof.*

5 ~~[4.]~~ 5. The Administrator shall keep, retain and make available
6 for public inspection written minutes and an audio recording or
7 transcript of each public hearing held pursuant to this section in the
8 manner provided in NRS 241.035. A copy of the minutes or audio
9 recordings must be made available to a member of the public upon
10 request at no charge pursuant to NRS 241.035.

11 ~~[5.]~~ 6. An objection to any regulation *or policy, or amendment*
12 *or repeal thereof*, on the ground of noncompliance with the
13 procedural requirements of this section may not be made more than
14 2 years after its effective date.

15 **Sec. 2.** This act becomes effective upon passage and approval.



