

ASSEMBLY BILL NO. 435—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

MARCH 27, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing behavioral health.  
(BDR 39-653)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 behavioral health; authorizing the administration of a program to award grants to promote the establishment of programs that provide integrated treatment for co-occurring disorders; imposing requirements governing certain contracts for the provision of behavioral health services; providing for the establishment of metrics and incentives relating to the quality of behavioral health care; providing for the collection and use of information concerning the capacity to deliver certain behavioral health services to persons under 21 years of age in this State; authorizing certain administrative penalties; requiring Medicaid to cover certain behavioral health services and provide an enhanced rate of reimbursement for certain behavioral health services; requiring the compilation and submission of a report governing the implementation of certain provisions of this bill; providing for a study of certain rates of reimbursement under Medicaid; requiring the development of a plan to expand certain data collection; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law requires the Division of Public and Behavioral Health of the
- 2 Department of Health and Human Services to perform certain duties relating to the
- 3 provision of behavioral health services in this State. (NRS 433.331-433.374)
- 4 **Section 2** of this bill authorizes the Division to administer a program to award



5 grants to promote the establishment of programs that provide integrated treatment  
6 for co-occurring disorders.

7 Existing law creates the Commission on Behavioral Health within the  
8 Department. (NRS 232.361) Existing law requires the Commission to establish  
9 certain policies governing services and care for persons with mental illness, persons  
10 with intellectual disabilities, persons with developmental disabilities, persons with  
11 substance use disorders and persons with co-occurring disorders. (NRS 433.314)  
12 **Section 4** of this bill requires the Commission to: (1) establish metrics to measure  
13 the quality of behavioral health care in this State; and (2) make recommendations  
14 concerning incentives to improve the quality of behavioral health care in this State.

15 **Sections 3, 5-7, 10-19 and 23-25** of this bill require certain contracts and  
16 agreements entered into by governmental entities in this State for the provision of  
17 behavioral health care to align with the metrics established by the Commission.  
18 **Sections 3, 5-7, 10-19 and 23-25** also require such contracts and agreements to  
19 contain provisions to ensure that: (1) persons receive easy access to needed care;  
20 (2) care provided under such contracts or agreements is responsive to the needs of  
21 persons and communities served under the contract or agreement; and (3) such care  
22 will meaningfully improve the lives of persons served under the contract or  
23 agreement. **Section 26** of this bill makes a conforming change to indicate the  
24 proper placement of **section 23** in the Nevada Revised Statutes. **Section 27** of this  
25 bill requires the Department to report to the Joint Interim Standing Committee on  
26 Health and Human Services on or before August 1, 2024: (1) certain information  
27 concerning the implementation of the metrics prescribed by the Commission  
28 pursuant to **section 4** and the incentives recommended by the Commission pursuant  
29 to that section; and (2) certain other recommendations concerning the provision of  
30 behavioral health care in this State.

31 Existing law requires the Division of Child and Family Services of the  
32 Department to administer provisions governing mental health services for children.  
33 (Chapter 433B of NRS) Existing law requires the Department to establish an all-  
34 payer claims database of information relating to health insurance claims resulting  
35 from medical, dental or pharmacy benefits provided in this State. (NRS 439B.835)  
36 **Section 9** of this bill requires the Division to collect information from intensive  
37 behavioral health treatment facilities, the all-payer claims database and insurers to:  
38 (1) monitor and track the capacity of intensive behavioral health treatment facilities  
39 and other providers of behavioral health care to meet the needs of persons under 21  
40 years of age for high-acuity behavioral health services; (2) develop benchmarks and  
41 measures of performance for such capacity; and (3) conduct research and evaluate  
42 the continuum of behavioral health care for such persons in this State. **Section 9**  
43 provides for the imposition of an administrative penalty against a facility or insurer  
44 that fails to report such information to the Division. **Section 9** requires the Division  
45 to annually publish and submit to the Governor and the Legislature a report  
46 concerning the collection of such information and the findings resulting from the  
47 collection of such information. **Sections 9 and 21** of this bill provide for the  
48 confidentiality of personally identifiable information collected by the Division.  
49 **Section 29** of this bill requires the Division of Child and Family Services and the  
50 Division of Public and Behavioral Health to develop and present to the Joint  
51 Interim Standing Committee on Health and Human Services on or before August 1,  
52 2024, a plan to expand the data collection required by **section 9** to include: (1)  
53 providers of lower acuity behavioral health care for children; and (2) providers of  
54 behavioral health care for adults.

55 Existing law requires the Department to develop and administer the State Plan  
56 for Medicaid, which must include specific medical services required to be provided  
57 to recipients of Medicaid. (NRS 422.063, 422.270) **Section 22** of this bill requires  
58 the State Plan to, if federal financial participation is available for such coverage and  
59 services: (1) include coverage for tribal-based behavioral health practices; and (2)



60 provide an enhanced rate of reimbursement for services to treat co-occurring mental  
61 illness and substance use disorder. **Section 20** of this bill makes a conforming  
62 change to indicate the proper placement of **section 22** in the Nevada Revised  
63 Statutes. **Section 28** of this bill requires the Division of Health Care Financing and  
64 Policy of the Department to study, during the 2023-2024 interim, certain matters  
65 relating to the rates of reimbursement under Medicaid for behavioral health  
66 services.

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

1 **Section 1.** Chapter 433 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *To the extent that money is available for this*  
4 *purpose, the Division may administer a program to award grants*  
5 *to promote the establishment of programs that provide integrated*  
6 *treatment for co-occurring disorders.*

7 **2.** *If a program to award grants is established pursuant to*  
8 *subsection 1, the State Board of Health shall adopt any*  
9 *regulations necessary to implement the program, including,*  
10 *without limitation, regulations prescribing:*

11 *(a) The procedure to apply for a grant;*

12 *(b) The requirements necessary for a treatment program to*  
13 *receive a grant; and*

14 *(c) The criteria and procedures for awarding a grant.*

15 **Sec. 3.** *Any contract or agreement entered into pursuant to*  
16 *NRS 433.334, 433.344 or 433.354 must:*

17 **1.** *Align with the metrics to measure the quality of behavioral*  
18 *health care prescribed by the Commission pursuant to NRS*  
19 *433.314; and*

20 **2.** *Contain provisions to ensure that:*

21 *(a) Persons who receive care under the contract or agreement*  
22 *receive easy access to needed care; and*

23 *(b) Care provided under the contract or agreement:*

24 *(1) Is responsive to the needs of persons and communities*  
25 *served under the contract or agreement; and*

26 *(2) Will meaningfully improve the lives of persons served*  
27 *under the contract or agreement.*

28 **Sec. 4.** NRS 433.314 is hereby amended to read as follows:

29 433.314 1. The Commission shall:

30 (a) Establish policies to ensure adequate development and  
31 administration of services for persons with mental illness, persons  
32 with intellectual disabilities, persons with developmental  
33 disabilities, persons with substance use disorders or persons with co-  
34 occurring disorders, including services to prevent mental illness,



1 intellectual disabilities, developmental disabilities, substance use  
2 disorders and co-occurring disorders, and services provided without  
3 admission to a facility or institution;

4 (b) Set policies for the care and treatment of persons with mental  
5 illness, persons with intellectual disabilities, persons with  
6 developmental disabilities, persons with substance use disorders or  
7 persons with co-occurring disorders provided by all state agencies;

8 (c) *Establish metrics to measure the quality of behavioral*  
9 *health care in this State;*

10 (d) *Make recommendations to the Department, each Division*  
11 *thereof, the Governor, the Legislature, local governments and*  
12 *other persons and entities for incentives to improve the quality of*  
13 *behavioral health care in this State, including, without limitation,*  
14 *recommendations to:*

15 (1) *Improve timely access to behavioral health care;*

16 (2) *Reduce hospitalizations related to behavioral health;*

17 (3) *Reduce overdoses;*

18 (4) *Improve the integration of behavioral health care with*  
19 *physical health care; and*

20 (5) *Ensure that persons are able to receive behavioral*  
21 *health care in the least restrictive environment that meets their*  
22 *behavioral health needs;*

23 (e) If a data dashboard is established pursuant to NRS 439.245,  
24 use the data dashboard to review access by different groups and  
25 populations in this State to behavioral health services provided  
26 through telehealth, as defined in NRS 629.515, and evaluate policies  
27 to make such access more equitable;

28 ~~[(d)]~~ (f) Review the programs and finances of the Division;

29 ~~[(e)]~~ (g) Report at the beginning of each year to the Governor  
30 and at the beginning of each odd-numbered year to the Legislature:

31 (1) Information concerning the quality of the care and  
32 treatment provided for persons with mental illness, persons with  
33 intellectual disabilities, persons with developmental disabilities,  
34 persons with substance use disorders or persons with co-occurring  
35 disorders in this State and on any progress made toward improving  
36 the quality of that care and treatment; ~~[and]~~

37 (2) In coordination with the Department, any  
38 recommendations from the regional behavioral health policy boards  
39 created pursuant to NRS 433.429. The report must include, without  
40 limitation:

41 (I) The epidemiologic profiles of substance use disorders,  
42 addictive disorders related to gambling and suicide;

43 (II) Relevant behavioral health prevalence data for each  
44 behavioral health region created by NRS 433.428; and



1 (III) The health priorities set for each behavioral health  
2 region; and

3 ~~(h)~~ (h) Review and make recommendations concerning  
4 regulations submitted to the Commission for review pursuant to  
5 NRS 641.100, 641A.160, 641B.160 and 641C.200.

6 2. The Commission may employ an administrative assistant  
7 and a data analyst to assist the regional behavioral health policy  
8 boards created by NRS 433.429 in carrying out their duties.

9 **Sec. 5.** NRS 433.334 is hereby amended to read as follows:

10 433.334 The Division may, by contract with hospitals or other  
11 institutions having adequate facilities in the State of Nevada,  
12 provide for inpatient care of consumers with mental illness. *Any*  
13 *such contract must meet the requirements of section 3 of this act.*

14 **Sec. 6.** NRS 433.344 is hereby amended to read as follows:

15 433.344 The Division may contract with appropriate persons  
16 professionally qualified in the field of psychiatric mental health to  
17 provide inpatient and outpatient care for persons with mental illness  
18 when it appears that they can be treated best in that manner. *Any*  
19 *such contract must meet the requirements of section 3 of this act.*

20 **Sec. 7.** NRS 433.354 is hereby amended to read as follows:

21 433.354 1. For the purposes of chapters 433 to 433C,  
22 inclusive, of NRS, the Department through the Division may  
23 cooperate, financially or otherwise, and execute contracts or  
24 agreements with the Federal Government, any federal department or  
25 agency, any other state department or agency, a county, a city, a  
26 public district or any political subdivision of this state, a public or  
27 private corporation, an individual or a group of individuals. *Any*  
28 *such contract or agreement must, where applicable, meet the*  
29 *requirements of section 3 of this act.* Such contracts or agreements  
30 may include provisions whereby the Division will provide staff,  
31 services or other resources, or any combination thereof, without  
32 payment, to further the purposes of the contract or agreement. If the  
33 contract or agreement includes a provision whereby the Division is  
34 paid for the provision of staff, services or other resources, the  
35 payment will be reimbursed directly to the Division's budget.  
36 Cooperation pursuant to this section does not of itself relieve any  
37 person, department, agency or political subdivision of any  
38 responsibility or liability existing under any provision of law.

39 2. If the Administrator or the Administrator's designee enters  
40 into a contract or agreement pursuant to subsection 1 with a private  
41 nonprofit corporation, the contract or agreement may allow:

42 (a) The Division to enter and inspect any premises that are  
43 related to services provided under the contract or agreement and to  
44 inspect any records that are related to services provided under the  
45 contract or agreement to ensure the welfare of any consumer served



1 by the private nonprofit corporation under the contract or  
2 agreement;

3 (b) The Division and the private nonprofit corporation to share  
4 confidential information concerning any consumer served by the  
5 private nonprofit corporation under the contract or agreement; and

6 (c) The private nonprofit corporation to assign rights and  
7 obligations of the private nonprofit corporation under the contract or  
8 agreement to the Division.

9 3. The State, Department and Division do not waive any  
10 immunity from liability or limitation on liability provided by law by  
11 entering into a contract or agreement pursuant to this section and  
12 any such contract or agreement must include a provision to that  
13 effect.

14 **Sec. 8.** Chapter 433B of NRS is hereby amended by adding  
15 thereto the provisions set forth as sections 9 and 10 of this act.

16 **Sec. 9. 1.** *The Division shall collect information from*  
17 *intensive behavioral health treatment facilities, the all-payer*  
18 *claims database and, to the extent that necessary data is not*  
19 *available from those sources, insurers concerning the capacity of*  
20 *intensive behavioral health treatment facilities to provide*  
21 *behavioral health care to persons under 21 years of age in this*  
22 *State.*

23 **2.** *The Division, in consultation with the mental health*  
24 *consortia established by NRS 433B.333, shall use the data adopted*  
25 *pursuant to subsection 1 to:*

26 (a) *Monitor and track the capacity of intensive behavioral*  
27 *health treatment facilities and other providers of behavioral health*  
28 *care to meet the needs of persons under 21 years of age in this*  
29 *State for high-acuity behavioral health care.*

30 (b) *Identify gaps in the information collected pursuant to*  
31 *subsection 1 that prevent the accurate monitoring and tracking of*  
32 *the capacity of intensive behavioral health treatment facilities and*  
33 *other providers of behavioral health care to persons under 21*  
34 *years of age and develop a plan for addressing such gaps,*  
35 *including, without limitation, by:*

36 (1) *Providing assistance to intensive behavioral health*  
37 *treatment facilities concerning the reporting required by*  
38 *subsection 1; and*

39 (2) *Modifying the information that must be reported*  
40 *pursuant to subsection 1.*

41 (c) *Develop benchmarks and measures of performance for the*  
42 *capacity of intensive behavioral health treatment facilities and*  
43 *other providers of behavioral health care to meet the needs of*  
44 *persons under 21 years of age in this State for high-acuity*  
45 *behavioral health care.*



1 (d) Conduct research and evaluate the continuum of  
2 behavioral health care for persons under 21 years of age in this  
3 State.

4 3. The Division shall adopt such regulations as are necessary  
5 to carry out the provisions of this section. Those regulations must  
6 prescribe:

7 (a) The process for submitting information pursuant to  
8 subsection 1, the information that must be submitted and the  
9 frequency with which such information must be submitted. Such  
10 information must include, for intensive behavioral health  
11 treatment facilities, data concerning bed capacity and referrals  
12 received.

13 (b) An administrative penalty to be imposed against any  
14 intensive behavioral health treatment facility or insurer that fails  
15 to submit information as required by subsection 1, not to exceed  
16 \$5,000 for each day of such failure.

17 4. Any administrative penalty collected pursuant to the  
18 regulations adopted pursuant to subsection 3 must be deposited  
19 into a separate account maintained by the Division. The money in  
20 the account:

21 (a) Must be used to carry out the provisions of this section;  
22 and

23 (b) Does not revert to the State General Fund at the end of a  
24 fiscal year.

25 5. On or before August 1 of each even-numbered year, the  
26 Division shall compile a report of its activities and findings  
27 pursuant to this section and:

28 (a) Post the report on an Internet website maintained by the  
29 Division; and

30 (b) Submit the report to the Governor and the Director of the  
31 Legislative Counsel Bureau for transmittal to the Joint Interim  
32 Standing Committee on Health and Human Services.

33 6. Any personally identifiable information collected pursuant  
34 to this section is confidential, is not a public record and must not  
35 be included in the report compiled pursuant to subsection 5.

36 7. As used in this section:

37 (a) "All-payer claims database" means the all-payer claims  
38 database established pursuant to NRS 439B.835.

39 (b) "Health carrier" means an entity subject to the insurance  
40 laws and regulations of this State, or subject to the jurisdiction of  
41 the Commissioner of Insurance, that contracts or offers to  
42 contract to provide, deliver, arrange for, pay for or reimburse any  
43 of the costs of health care services, including, without limitation, a  
44 sickness and accident health insurance company, a health  
45 maintenance organization, a nonprofit hospital and health service



1 *corporation or any other entity providing a plan of health*  
2 *insurance, health benefits or health care services.*

3 (c) *“Insurer” means a health carrier, the Medicaid program, a*  
4 *governing body of a local governmental agency that provides*  
5 *health insurance through a self-insurance reserve fund pursuant*  
6 *to NRS 287.010 or the Public Employees’ Benefits Program.*

7 (d) *“Intensive behavioral health treatment facility” means any*  
8 *facility licensed pursuant to chapter 449 of NRS that provides*  
9 *inpatient psychiatric treatment, acute inpatient treatment or*  
10 *residential treatment for behavioral health conditions including,*  
11 *without limitation, substance use disorder.*

12 **Sec. 10.** *Any contract or agreement entered into pursuant to*  
13 *NRS 433B.210 or 433B.220 must:*

14 1. *Align with the metrics to measure the quality of behavioral*  
15 *health care prescribed by the Commission pursuant to NRS*  
16 *433.314; and*

17 2. *Contain provisions to ensure that:*

18 (a) *Consumers who receive care under the contract or*  
19 *agreement receive easy access to needed care; and*

20 (b) *Care provided under the contract or agreement:*

21 (1) *Is responsive to the needs of consumers and*  
22 *communities served under the contract or agreement; and*

23 (2) *Will meaningfully improve the lives of consumers*  
24 *served under the contract or agreement.*

25 **Sec. 11.** NRS 433B.210 is hereby amended to read as follows:

26 433B.210 1. The Division may:

27 ~~1.1~~ (a) *By contract with hospitals or other institutions having*  
28 *adequate facilities in this State, provide for inpatient care of*  
29 *consumers with mental illness.*

30 ~~1.2~~ (b) *Contract with appropriate persons professionally*  
31 *qualified in the field of psychiatric mental health to provide*  
32 *inpatient and outpatient care for children with mental illness when it*  
33 *appears that they can be treated best in that manner.*

34 2. *Any contract entered into pursuant to subsection 1 must*  
35 *meet the requirements of section 10 of this act.*

36 **Sec. 12.** NRS 433B.220 is hereby amended to read as follows:

37 433B.220 1. For the purposes of this chapter, the Department  
38 through the Division may cooperate, financially or otherwise, and  
39 execute contracts or agreements with the Federal Government, any  
40 federal department or agency, any other state department or agency,  
41 a county, a city, a public district or any political subdivision of this  
42 state, a public or private corporation, an individual or a group of  
43 individuals. *Any such contract or agreement must, where*  
44 *applicable, meet the requirements of section 10 of this act.* Such a  
45 contract or agreement may include provisions whereby the Division





1 will provide staff, services or other resources, or any combination  
2 thereof, without payment, to further the purposes of the contract or  
3 agreement. If the contract or agreement includes a provision  
4 whereby the Division is paid for the provision of staff, services or  
5 other resources, the payment will be reimbursed directly to the  
6 Division's budget. Cooperation pursuant to this section does not of  
7 itself relieve any person, department, agency or political subdivision  
8 of any responsibility or liability existing under any provision of law.

9 2. If the Administrator or the Administrator's designee enters  
10 into a contract or agreement pursuant to subsection 1 with a private  
11 nonprofit corporation, the contract or agreement may allow:

12 (a) The Division to enter and inspect any premises which are  
13 related to services provided under the contract or agreement and to  
14 inspect any records which are related to services provided under the  
15 contract or agreement to ensure the welfare of any consumer served  
16 by the private nonprofit corporation under the contract or  
17 agreement;

18 (b) The Division and the private nonprofit corporation to share  
19 confidential information concerning any consumer served by the  
20 private nonprofit corporation under the contract or agreement; and

21 (c) The private nonprofit corporation to assign rights and  
22 obligations of the private nonprofit corporation under the contract or  
23 agreement to the Division.

24 3. The State, Department and Division do not waive any  
25 immunity from liability or limitation on liability provided by law by  
26 entering into a contract or agreement pursuant to this section and  
27 any such contract or agreement must include a provision to that  
28 effect.

29 **Sec. 13.** NRS 433C.230 is hereby amended to read as follows:

30 433C.230 The county director may, with the approval of a  
31 majority of the governing body, contract for services and facilities  
32 with any hospital, clinic, laboratory or other similar institution. *Any*  
33 *such contract must:*

34 1. *Align with the metrics to measure the quality of behavioral*  
35 *health care prescribed by the Commission pursuant to NRS*  
36 *433.314; and*

37 2. *Contain provisions to ensure that:*

38 (a) *Persons who receive care under the contract receive easy*  
39 *access to needed care; and*

40 (b) *Care provided under the contract:*

41 (1) *Is responsive to the needs of persons and communities*  
42 *served under the contract; and*

43 (2) *Will meaningfully improve the lives of persons served*  
44 *under the contract.*



1     **Sec. 14.** Chapter 435 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3     *Any contract or agreement entered into pursuant to NRS*  
4 *435.455, 435.460 or 435.465 must:*

5     1. *Align with the metrics to measure the quality of behavioral*  
6 *health care prescribed by the Commission pursuant to NRS*  
7 *433.314; and*

8     2. *Contain provisions to ensure that:*

9     (a) *Persons who receive care under the contract or agreement*  
10 *receive easy access to needed care; and*

11     (b) *Care provided under the contract or agreement:*

12     (1) *Is responsive to the needs of persons and communities*  
13 *served under the contract or agreement; and*

14     (2) *Will meaningfully improve the lives of persons served*  
15 *under the contract or agreement.*

16     **Sec. 15.** NRS 435.010 is hereby amended to read as follows:

17     435.010 1. The boards of county commissioners of the  
18 various counties shall make provision for the support, education and  
19 care of the children with intellectual disabilities and children with  
20 developmental disabilities of their respective counties.

21     2. For that purpose, they are empowered to make all necessary  
22 contracts and agreements to carry out the provisions of this section  
23 and NRS 435.020 and 435.030. Any such contract or agreement  
24 may be made with any responsible person or facility in or without  
25 the State of Nevada. *Any such contract or agreement must:*

26     (a) *Align with the metrics to measure the quality of behavioral*  
27 *health care prescribed by the Commission pursuant to NRS*  
28 *433.314; and*

29     (b) *Contain provisions to ensure that:*

30     (1) *Children who receive care under the contract or*  
31 *agreement receive easy access to needed care; and*

32     (2) *Care provided under the contract or agreement:*

33     (I) *Is responsive to the needs of children and*  
34 *communities served under the contract or agreement; and*

35     (II) *Will meaningfully improve the lives of children*  
36 *served under the contract or agreement.*

37     3. The provisions of this section and NRS 435.020 and 435.030  
38 supplement the services which other political subdivisions or  
39 agencies of the State are required by law to provide, and do not  
40 supersede or relieve the responsibilities of such political  
41 subdivisions or agencies.

42     **Sec. 16.** NRS 435.333 is hereby amended to read as follows:

43     435.333 1. The Administrator shall adopt regulations  
44 governing supported living arrangement services, including, without  
45 limitation, regulations that set forth:



1 (a) Standards for the provision of quality care by providers of  
2 supported living arrangement services;

3 (b) The requirements for the issuance and renewal of a  
4 certificate to provide supported living arrangement services; and

5 (c) The rights of consumers of supported living arrangement  
6 services, including, without limitation, the right of a consumer to  
7 file a complaint and the procedure for filing such a complaint.

8 2. The Division may enter into such agreements with public  
9 and private agencies as it deems necessary for the provision of  
10 supported living arrangement services. ***Any such agreement must:***

11 (a) ***Align with the metrics to measure the quality of behavioral***  
12 ***health care prescribed by the Commission pursuant to NRS***  
13 ***433.314; and***

14 (b) ***Contain provisions to ensure that:***

15 (1) ***Persons who receive services under the agreement***  
16 ***receive easy access to needed services;***

17 (2) ***Services provided under the agreement are responsive to***  
18 ***the needs of persons and communities served under the***  
19 ***agreement; and***

20 (3) ***Services provided under the agreement will***  
21 ***meaningfully improve the lives of persons served under the***  
22 ***agreement.***

23 3. For each regulation adopted pursuant to NRS 435.3305 to  
24 435.339, inclusive, and submitted to the Legislative Counsel  
25 pursuant to NRS 233B.067 for review by the Legislative  
26 Commission, the Division shall set forth in the informational  
27 statement prepared pursuant to NRS 233B.066 that accompanies the  
28 regulation any supported living arrangement services that the  
29 regulation authorizes persons to provide pursuant to NRS 632.316  
30 when the persons would otherwise be prohibited from providing  
31 such services pursuant to NRS 632.315.

32 **Sec. 17.** NRS 435.455 is hereby amended to read as follows:

33 435.455 The Division may, by contract with hospitals or other  
34 institutions having adequate facilities in the State of Nevada,  
35 provide for inpatient care of persons with intellectual disabilities or  
36 persons with developmental disabilities. ***Any such contract must***  
37 ***meet the requirements of section 14 of this act.***

38 **Sec. 18.** NRS 435.460 is hereby amended to read as follows:

39 435.460 The Division may contract with appropriate persons  
40 professionally qualified in the field of psychiatric mental health to  
41 provide inpatient and outpatient care for persons with intellectual  
42 disabilities or persons with developmental disabilities when it  
43 appears that they can be treated best in that manner. ***Any such***  
44 ***contract must meet the requirements of section 14 of this act.***



1     **Sec. 19.** NRS 435.465 is hereby amended to read as follows:  
2     435.465 For the purposes of this chapter, the Department  
3 through the Division may cooperate, financially or otherwise, and  
4 execute contracts or agreements with the Federal Government, any  
5 federal department or agency, any other state department or agency,  
6 a county, a city, a public district or any political subdivision of this  
7 state, a public or private corporation, an individual or a group of  
8 individuals. *Any such contract or agreement must meet the*  
9 *requirements of section 14 of this act.* Such contracts or agreements  
10 may include provisions whereby the Division will render services,  
11 the payment for which will be reimbursed directly to the Division's  
12 budget. Cooperation pursuant to this section does not of itself  
13 relieve any person, department, agency or political subdivision of  
14 any responsibility or liability existing under any provision of law.

15     **Sec. 20.** NRS 232.320 is hereby amended to read as follows:  
16     232.320 1. The Director:

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

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

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

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

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

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

30     (b) Shall administer, through the divisions of the Department,  
31 the provisions of chapters 63, 424, 425, 427A, 432A to 442,  
32 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS  
33 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and*  
34 *section 22 of this act*, 422.580, 432.010 to 432.133, inclusive,  
35 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive,  
36 and 445A.010 to 445A.055, inclusive, and all other provisions of  
37 law relating to the functions of the divisions of the Department, but  
38 is not responsible for the clinical activities of the Division of Public  
39 and Behavioral Health or the professional line activities of the other  
40 divisions.

41     (c) Shall administer any state program for persons with  
42 developmental disabilities established pursuant to the  
43 Developmental Disabilities Assistance and Bill of Rights Act of  
44 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. 21.** NRS 239.010 is hereby amended to read as follows:

35 239.010 1. Except as otherwise provided in this section and  
36 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,  
37 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,  
38 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,  
39 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,  
40 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,  
41 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,  
42 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,  
43 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,  
44 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,  
45 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,



1 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,  
2 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,  
3 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,  
4 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,  
5 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,  
6 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,  
7 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,  
8 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570,  
9 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105,  
10 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,  
11 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,  
12 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,  
13 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,  
14 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,  
15 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,  
16 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,  
17 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,  
18 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,  
19 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,  
20 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,  
21 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,  
22 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,  
23 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,  
24 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,  
25 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,  
26 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,  
27 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,  
28 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,  
29 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,  
30 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,  
31 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,  
32 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,  
33 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,  
34 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,  
35 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,  
36 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,  
37 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,  
38 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,  
39 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,  
40 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,  
41 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,  
42 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,  
43 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,  
44 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,  
45 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,



1 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,  
2 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,  
3 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,  
4 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,  
5 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,  
6 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,  
7 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,  
8 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,  
9 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,  
10 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,  
11 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,  
12 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,  
13 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,  
14 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,  
15 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,  
16 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,  
17 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,  
18 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,  
19 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,  
20 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,  
21 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,  
22 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,  
23 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,  
24 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,  
25 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,  
26 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,  
27 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,  
28 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,  
29 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,  
30 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,  
31 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,  
32 711.600  *and section 9 of this act*, sections 35, 38 and 41 of  
33 chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391,  
34 Statutes of Nevada 2013 and unless otherwise declared by law to be  
35 confidential, all public books and public records of a governmental  
36 entity must be open at all times during office hours to inspection by  
37 any person, and may be fully copied or an abstract or memorandum  
38 may be prepared from those public books and public records. Any  
39 such copies, abstracts or memoranda may be used to supply the  
40 general public with copies, abstracts or memoranda of the records or  
41 may be used in any other way to the advantage of the governmental  
42 entity or of the general public. This section does not supersede or in  
43 any manner affect the federal laws governing copyrights or enlarge,  
44 diminish or affect in any other manner the rights of a person in any  
45 written book or record which is copyrighted pursuant to federal law.



1 2. A governmental entity may not reject a book or record  
2 which is copyrighted solely because it is copyrighted.

3 3. A governmental entity that has legal custody or control of a  
4 public book or record shall not deny a request made pursuant to  
5 subsection 1 to inspect or copy or receive a copy of a public book or  
6 record on the basis that the requested public book or record contains  
7 information that is confidential if the governmental entity can  
8 redact, delete, conceal or separate, including, without limitation,  
9 electronically, the confidential information from the information  
10 included in the public book or record that is not otherwise  
11 confidential.

12 4. If requested, a governmental entity shall provide a copy of a  
13 public record in an electronic format by means of an electronic  
14 medium. Nothing in this subsection requires a governmental entity  
15 to provide a copy of a public record in an electronic format or by  
16 means of an electronic medium if:

17 (a) The public record:

18 (1) Was not created or prepared in an electronic format; and

19 (2) Is not available in an electronic format; or

20 (b) Providing the public record in an electronic format or by  
21 means of an electronic medium would:

22 (1) Give access to proprietary software; or

23 (2) Require the production of information that is confidential  
24 and that cannot be redacted, deleted, concealed or separated from  
25 information that is not otherwise confidential.

26 5. An officer, employee or agent of a governmental entity who  
27 has legal custody or control of a public record:

28 (a) Shall not refuse to provide a copy of that public record in the  
29 medium that is requested because the officer, employee or agent has  
30 already prepared or would prefer to provide the copy in a different  
31 medium.

32 (b) Except as otherwise provided in NRS 239.030, shall, upon  
33 request, prepare the copy of the public record and shall not require  
34 the person who has requested the copy to prepare the copy himself  
35 or herself.

36 **Sec. 22.** Chapter 422 of NRS is hereby amended by adding  
37 thereto a new section to read as follows:

38 ***1. The Director shall include in the State Plan for Medicaid a***  
39 ***requirement that, to the extent that federal financial participation***  
40 ***is available, the State must pay the nonfederal share of***  
41 ***expenditures incurred for:***

42 ***(a) Tribal-based behavioral health practices; and***

43 ***(b) Providing an enhanced rate of reimbursement for services***  
44 ***to treat co-occurring mental illness and substance use disorder***  
45 ***which is based on:***





1           (1) *The use of existing billing codes for the treatment of co-*  
2 *occurring disorders;*

3           (2) *Clinical complexity; and*

4           (3) *The level of education of the provider of services.*

5           2. *As used in this section, "mental illness" has the meaning*  
6 *ascribed to it in NRS 433.164.*

7           **Sec. 23.** Chapter 458 of NRS is hereby amended by adding  
8 thereto a new section to read as follows:

9           *Any contract entered into pursuant to NRS 458.035 or 458.080*  
10 *must, to the extent applicable:*

11           1. *Align with the metrics to measure the quality of behavioral*  
12 *health care prescribed by the Commission pursuant to NRS*  
13 *433.314; and*

14           2. *Contain provisions to ensure that:*

15           (a) *Persons who receive care under the contract receive easy*  
16 *access to needed care; and*

17           (b) *Care provided under the contract:*

18           (1) *Is responsive to the needs of persons and communities*  
19 *served under the contract; and*

20           (2) *Will meaningfully improve the lives of persons served*  
21 *under the contract.*

22           **Sec. 24.** NRS 458.035 is hereby amended to read as follows:

23           458.035 1. The Division may contract with any appropriate  
24 public or private agency, organization or institution to carry out the  
25 provisions of this chapter.

26           2. *To the extent applicable, any contract entered into*  
27 *pursuant to this section must meet the requirements of section 23*  
28 *of this act.*

29           **Sec. 25.** NRS 458.080 is hereby amended to read as follows:

30           458.080 The Division may, by contracting with organized  
31 groups, render partial financial assistance for treatment providers  
32 established by these groups. Each such contract must **[contain]** :

33           1. *Contain* a provision allowing for an audit of all accounts,  
34 books and other financial records of the organization with which the  
35 agency contracts.

36           2. *Meet the requirements of section 23 of this act.*

37           **Sec. 26.** NRS 458.110 is hereby amended to read as follows:

38           458.110 In addition to the activities set forth in NRS 458.025  
39 to 458.115, inclusive, *and section 23 of this act*, the Division may  
40 engage in any activity necessary to effectuate the purposes of this  
41 chapter.

42           **Sec. 27.** On or before August 1, 2024, the Department of  
43 Health and Human Services shall develop, submit to the Joint  
44 Interim Standing Committee on Health and Human Services and  
45 present at a meeting of the Committee a report of:



1 1. Changes made to contracts or agreements subject to the  
2 amendatory provisions of sections 3, 5, 6, 7, 10 to 19, inclusive, 23,  
3 24 and 25 of this act to comply with those provisions;

4 2. Changes to contracts or agreements subject to the  
5 amendatory provisions of sections 3, 5, 6, 7, 10 to 19, inclusive, 23,  
6 24 and 25 of this act that are necessary to comply with those  
7 provisions and have not yet been made;

8 3. Barriers to the implementation of the metrics developed by  
9 the Commission on Behavioral Health pursuant to NRS 433.314, as  
10 amended by section 4 of this act, and the incentives recommended  
11 by the Commission pursuant to that section;

12 4. Any legislation or amendments to the State Plan for  
13 Medicaid necessary to implement the metrics and incentives  
14 described in subsection 3;

15 5. Any data infrastructure necessary to implement the metrics  
16 and incentives described in subsection 3;

17 6. Recommendations for improving the process for referrals to  
18 all levels of care provided by intensive behavioral health treatment  
19 facilities, as defined in section 9 of this act; and

20 7. Recommendations for additional ways for counties to share  
21 in the cost of providing behavioral health care in this State.

22 **Sec. 28.** 1. During the 2023-2024 interim, the Division of  
23 Health Care Financing and Policy of the Department of Health and  
24 Human Services shall study the rates of reimbursement under  
25 Medicaid for:

26 (a) The treatment of co-occurring disorders, including, without  
27 limitation, intellectual disabilities, developmental disabilities and  
28 addictive disorders related to gambling that co-occur with other  
29 disorders;

30 (b) Behavioral health services, as compared with the rates of  
31 reimbursement for physical health services; and

32 (c) Services for the treatment of addictive disorders, as  
33 compared with the rates of reimbursement under Medicaid for  
34 mental health services where the providers have the same level of  
35 education and training.

36 2. On or before August 1, 2024, the Division of Health Care  
37 Financing and Policy of the Department of Health and Human  
38 Services shall present the findings of the study conducted pursuant  
39 to subsection 1 and the recommendations described in subsection 4  
40 at a meeting of the Joint Interim Standing Committee on Health and  
41 Human Services.

42 3. On or before February 1, 2025, the Division of Health Care  
43 Financing and Policy of the Department of Health and Human  
44 Services shall:



1 (a) Compile a report of the findings of the study conducted  
2 pursuant to subsection 1 and the recommendations described in  
3 subsection 4; and

4 (b) Submit the report to the Director of the Legislative Counsel  
5 Bureau for transmittal to the 83rd Session of the Legislature.

6 4. The presentation conducted pursuant to subsection 2 and the  
7 report compiled pursuant to subsection 3 must include, without  
8 limitation, recommendations for:

9 (a) Achieving a living wage for all providers of behavioral  
10 health care, including, without limitation, providers of treatment,  
11 peer recovery support specialists, peer recovery support specialist  
12 supervisors and providers of services to support the families of  
13 persons with behavioral health conditions; and

14 (b) Providing more equitable wages for providers of behavioral  
15 health care, as compared to the wages paid to providers of physical  
16 health care.

17 5. As used in this section:

18 (a) "Developmental disability" has the meaning ascribed to it in  
19 NRS 433.069.

20 (b) "Intellectual disability" has the meaning ascribed to it in  
21 NRS 433.099.

22 (c) "Peer recovery support specialist" has the meaning ascribed  
23 to it in NRS 433.627.

24 (d) "Peer recovery support specialist supervisor" has the  
25 meaning ascribed to it in NRS 433.629.

26 **Sec. 29.** 1. On or before August 1, 2024, the Division of  
27 Public and Behavioral Health of the Department of Health and  
28 Human Services and the Division of Child and Family Services of  
29 the Department shall develop, submit to the Joint Interim Standing  
30 Committee on Health and Human Services and present at a meeting  
31 of the Committee:

32 (a) A plan for expanding the collection of information pursuant  
33 to section 9 of this act to include the collection of information  
34 concerning:

35 (1) The capacity of providers of behavioral health services,  
36 other than intensive behavioral health treatment facilities, to meet  
37 the behavioral health needs of children under 21 years of age in this  
38 State; and

39 (2) The capacity of providers of behavioral health services  
40 for adults to meet the behavioral health needs of adults in this State.

41 (b) Recommendations for legislation necessary to carry out the  
42 plan described in paragraph (a).

43 2. As used in this section:

44 (a) "Department" means the Department of Health and Human  
45 Services.



1 (b) "Intensive behavioral health treatment facility" has the  
2 meaning ascribed to it in section 9 of this act.

3 **Sec. 30.** The amendatory provisions of sections 3, 5, 6, 7, 10  
4 to 19, inclusive, 23, 24 and 25 of this act do not apply to any  
5 contract or agreement existing on January 1, 2024, but apply to any  
6 renewal of such a contract.

7 **Sec. 31.** The provisions of subsection 1 of NRS 218D.380 do  
8 not apply to any provision of this act which adds or revises a  
9 requirement to submit a report to the Legislature.

10 **Sec. 32.** 1. This section and section 4 of this act become  
11 effective upon passage and approval.

12 2. Section 28 of this act becomes effective on July 1, 2023.

13 3. Sections 1, 2, 3, 5 to 27, inclusive, 29, 30 and 31 of this act  
14 become effective:

15 (a) Upon passage and approval for the purpose of adopting any  
16 regulations and performing any other preparatory administrative  
17 tasks that are necessary to carry out the provisions of this act; and

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

