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JACK ROBB
Board Chair

AGENDA ITEM

Action Item

Information Only

Date: March 3, 2023
Item Number: III
Title: Legislative Tracking Report

This report addresses current proposed legislation that PEBP found to have an impact on PEBP. As of March 1, 2023, PEBP staff is currently tracking an additional 112 Bill Draft Requests.

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**PEBP Legislative Tracking
2023 82nd Legislative Session**

(BDR 57-161)

Bill Number & Description	Impact to PEBP	Bill Status			
<p>Revises provisions related to health care.</p> <p>AN ACT relating to health care; revising requirements for certain health insurance plans to provide certain benefits for preventative health care relating to breast cancer; requiring health insurance offered through plans of self-insurance by local governmental agencies of this State to provide certain benefits for preventative health care relating to breast cancer; and providing other matters properly relating thereto.</p> <p>Senator Lange</p> <p>Effective Date: Upon passage and approval.</p>	<p>Removes cost sharing for diagnostic mammograms, ultrasounds and MRI's and extends coverage to all members regardless of age or gender.</p> <p>PEBP would be unable to remove cost sharing for those members enrolled in the CDHP when billed as diagnostic services per IRS regulations.</p> <tr> <td data-bbox="1094 743 1535 781">Board Position</td> <td data-bbox="1094 781 1535 857"></td> </tr> <tr> <td data-bbox="1094 857 1535 894">Fiscal Note</td> <td data-bbox="1094 894 1535 1078"> <p>\$150k in FY 24 and \$300k in FY25 and subsequent years</p> </td> </tr>	Board Position		Fiscal Note	<p>\$150k in FY 24 and \$300k in FY25 and subsequent years</p>
Board Position					
Fiscal Note	<p>\$150k in FY 24 and \$300k in FY25 and subsequent years</p>				

**PEBP Legislative Tracking
2023 82nd Legislative Session**

(BDR 40-330)

Bill Number & Description	Impact to PEBP	Bill Status
<p>Revises provisions relating to pharmacy benefit managers</p> <p>AN ACT relating to insurance; requiring a pharmacy benefit manager to obtain a license from the Department of Health and Human Services; authorizing the Department to take certain actions to regulate pharmacy benefit managers; enacting certain requirements concerning the operation of a pharmacy benefit manager; prohibiting a pharmacy benefit manager or health carrier from taking certain actions against a pharmacy that participates in a certain federal program; removing the requirement that a pharmacy benefit manager obtain from the Commissioner of Insurance a certificate of registration as an administrator; prohibiting an insurer or pharmacy benefit manager from taking certain adverse action against a pharmacy; providing a penalty; and providing other matters properly relating thereto.</p> <p>Joint Interim Standing Committee on Health and Human Services</p> <p>Effective Date: Upon passage and approval.</p>	<p>Although PEBP cannot provide a specific fiscal impact, it is reasonable to assume that certain sections of this bill could lead to higher costs for PEBP. The additional requirements placed on PBM's in Section 19 and 27 may result in some PBM's choosing to bypass the Nevada market, which could lead to less competition and therefore, higher drug costs for PEBP.</p> <p>Additionally, Section 31 places restrictions on the revenue/income received by PBM's. Currently PBM's receive other fees from drug manufacturers on a national level. If these fees cannot be applied to Nevada contracts, then PEBP may end up paying more to offset this.</p> <p>Section 31 also requires that rebates be applied at the point of sale, which could reduce member costs but increases PEBP costs for \$0 claims or where coinsurance should be collected. While this can be a positive short-term impact on members, ultimately, the higher costs get pushed back on to the consumer through premiums.</p> <p>Lastly, Section 12 provides DHHS authority over PEBP for PBM contracting. This not only conflicts with the PEBP Board statutory authority to approve contracts, it also requires DHHS to determine reasonableness of pricing, which is</p>	<p>BDR</p>

**PEBP Legislative Tracking
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	subjective and would typically be achieved through a competitive procurement process.	
	Board Position	
	Fiscal Note	
	Unable to determine.	

**PEBP Legislative Tracking
2023 82nd Legislative Session**

[SB 119 \(BDR S-336\)](#)

Bill Number & Description	Impact to PEBP	Bill Status
<p>Provides for the continuation of certain requirements governing insurance coverage of telehealth services.</p> <p>AN ACT relating to health care; providing for the continuation of a requirement that certain third-party payers cover services provided through telehealth, except for services provided through audio-only interaction, in the same amount as services provided in person or through other means; and providing other matters properly relating thereto.</p> <p>Senate Committee on Health and Human Services</p> <p>Effective Date: Upon passage and approval and applies retroactively on and after May 20, 2023.</p>	<p>Continues current telehealth benefits enacted during COVID-19, indefinitely.</p>	<p>Feb 08, 2023 Read first time. Referred to Committee on Health and Human Services. To printer.</p>
	<p>Board Position</p>	<p>Feb 09, 2023</p>
	<p>Fiscal Note</p>	<p>From printer. To committee.</p>
	<p>None Expected</p>	

**PEBP Legislative Tracking
2023 82nd Legislative Session**

[SB 134 \(BDR 57-642\)](#)

Bill Number & Description	Impact to PEBP	Bill Status
<p>Revises provisions relating to vision insurance.</p> <p>AN ACT relating to health care; prohibiting an insurer from entering into a contract with a provider of vision care that contains certain provisions; and providing other matters properly relating thereto.</p> <p>Senator Heidi Seevers Gansert Senator Pete Goicoechea Senator Robin Titus Senator Carrie Buck Senator Jeff Stone Assemblywoman Heidi Kasama Senator Skip Daly Senator Dallas Harris Senator Julie Pazina Assemblyman Brian Hibbetts Assemblyman Gregory Koenig</p> <p>Effective Date: The amendatory provisions of section 1 of this act do not apply to any contract existing on October 1, 2023, between an insurer and a provider of vision care until the contract is renewed.</p>	<p>This bill prohibits an insurer from setting limits on the amount a vision provider can charge as well as requiring a vision provider to use specific labs. PEBP does not have a vision network nor does PEBP require that members use a certain lab to purchase ophthalmic devices (glasses, contacts, etc), so this legislation would not affect the program as it stands today. However, should PEBP want to require members to use certain lab(s) as a cost saving measure, it would not have the ability to do so.</p>	<p>Feb 13, 2023 Read first time. Referred to Committee on Commerce and Labor. To printer.</p> <p>Feb 14, 2023 From printer. To committee.</p>
	Board Position	
	Fiscal Note	
	None Expected	

**PEBP Legislative Tracking
2023 82nd Legislative Session**

[SB 146 \(BDR 40-462\)](#)

Bill Number & Description	Impact to PEBP	Bill Status
<p>Revises provisions relating to health care.</p> <p>AN ACT relating to health care; revising provisions governing the regulation of hospitals; prohibiting a health carrier from denying certain providers of health care from entering into a contract to join the network of the health carrier under certain circumstances; and providing other matters properly relating thereto.</p> <p>Senator Roberta Lange Senator Pat Spearman Senator Fabian Doñate</p> <p>Effective Date: Upon passage and approval.</p>	<p>This “any willing provider” bill only applies to university faculty and therefore would not impact PEBP. This bill is intended to remove barriers for UNR and UNLV medical schools to hire medical school physicians and, in turn, increase the number of medical school graduates.</p> <p>Board Position</p> <p></p> <p>Fiscal Note</p> <p>None Expected</p>	<p>Feb 14, 2023 Read first time. Referred to Committee on Health and Human Services. To printer.</p> <p>Feb 15, 2023 From printer. To committee</p> <p>Feb 23, 2023 Hearing with Senate Health and Human Services: Heard, no action.</p>

**PEBP Legislative Tracking
2023 82nd Legislative Session**

[SB 156 \(BDR 19-884\)](#)

Bill Number & Description	Impact to PEBP	Bill Status			
<p>Revises the Open Meeting Law</p> <p>AN ACT relating to governmental administration; setting forth certain requirements for a public body to conduct a meeting by means of a remote technology system during certain emergencies; and providing other matters properly relating thereto.</p> <p>Senator James Ohrenschall</p> <p>Effective Date: Upon passage and approval.</p>	<p>This bill adds certain requirements to hold a remote meeting while an emergency declaration is in effect. Actions taken during the meeting have the same effect as though the meeting was in person.</p> <p>Meeting must be contemporaneous for the public: no time delay. Remote meeting must have ADA assistance technology.</p> <p>Section 8 (7) remote meetings require a roll-call vote. (8) requires meeting minutes to include additional information.</p> <tr> <td data-bbox="1094 987 1535 1027">Board Position</td> <td data-bbox="1094 1027 1535 1101"></td> </tr> <tr> <td data-bbox="1094 1101 1535 1141">Fiscal Note</td> <td data-bbox="1094 1141 1535 1282">None Expected</td> </tr>	Board Position		Fiscal Note	None Expected
Board Position					
Fiscal Note	None Expected				

Feb 14, 2023
Read first time. Referred to Committee on Government Affairs. To printer.

Feb 15, 2023
From printer. To committee.

**PEBP Legislative Tracking
2023 82nd Legislative Session**

[SB 163 \(BDR 57-129\)](#)

Bill Number & Description	Impact to PEBP	Bill Status
<p>Requires certain health insurance to cover treatment of certain conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development.</p> <p>AN ACT relating to insurance; requiring certain health insurance to include coverage for the treatment of conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development; and providing other matters properly relating thereto.</p> <p>Senator Melanie Scheible Senator Dallas Harris Senator Pat Spearman Assemblywoman Cecelia González</p> <p>Effective Date: This act becomes effective on July 1, 2023.</p>	<p>PEBP already provides coverage in accordance to the provisions of this bill. . It does, however, expand coverage to children under 17, which PEBP doesn't currently provide coverage for. The expanded benefit isn't projected to impact the plan significantly enough to warrant a fiscal note.</p> <p>Board Position</p> <p></p> <p>Fiscal Note</p> <p>None Expected</p>	<p>Feb 15, 2023 Read first time. Referred to Committee on Commerce and Labor. To printer.</p> <p>Feb 16, 2023 From printer. To committee.</p>

**PEBP Legislative Tracking
2023 82nd Legislative Session**

[SB 167 \(BDR 57-81\)](#)

Bill Number & Description	Impact to PEBP	Bill Status				
<p>Prohibits the imposition of step therapy under certain circumstances.</p> <p>AN ACT relating to insurance; prohibiting the imposition of a step therapy protocol for a drug prescribed to treat a psychiatric condition under certain circumstances; and providing other matters properly relating thereto.</p> <p>Senator Marilyn Dondero Loop Senator Pat Spearman Senator Nicole Cannizzaro Senator Skip Daly Senator Dallas Harris Senator Lisa Krasner Senator Dina Neal Senator Rochelle Nguyen Senator James Ohrenschall Senator Julie Pazina Senator Melanie Scheible Assemblywoman Clara Thomas</p> <p>Effective Date: This act becomes effective on July 1, 2023.</p>	<p>This bill requires a plan to allow members prescribed certain psychiatric drugs to bypass step therapy.</p> <p>Currently, 6,805 members are taking at least one of the 29 impacted drugs.</p> <p>Step therapy exists to keep drug costs down by having patients try less expensive alternatives prior to moving to the more expensive drug. In 37% of cases, patients found the less expensive alternative was effective.</p> <table border="1" data-bbox="1094 950 1535 1250"> <thead> <tr> <th data-bbox="1094 950 1535 990">Board Position</th> </tr> </thead> <tbody> <tr> <td data-bbox="1094 990 1535 1063"> </td> </tr> <tr> <th data-bbox="1094 1063 1535 1104">Fiscal Note</th> </tr> <tr> <td data-bbox="1094 1104 1535 1250"> \$20,000/year; \$40,000/biennium </td> </tr> </tbody> </table>	Board Position		Fiscal Note	\$20,000/year; \$40,000/biennium	<p>Feb 16, 2023 Read first time. Referred to Committee on Commerce and Labor. To printer.</p> <p>Feb 17, 2023 From printer. To committee.</p>
Board Position						
Fiscal Note						
\$20,000/year; \$40,000/biennium						

**PEBP Legislative Tracking
2023 82nd Legislative Session**

[SB 194 \(BDR 57-885\)](#)

Bill Number & Description	Impact to PEBP	Bill Status
<p>Revises provisions relating to step therapy protocols.</p> <p>AN ACT relating to insurance; requiring certain insurers to use evidence-based guidelines when developing a step therapy protocol; requiring such insurers to create a process by which an attending practitioner and an insured are authorized to apply for an exemption from a step therapy protocol; requiring such insurers to grant such an exemption in certain circumstances; and providing other matters properly relating thereto.</p> <p>Senator James Ohrenschall Senator Edgar Flores Senator Lisa Krasner Senator Roberta Lange</p> <p>Effective Date: Upon passage and approval.</p>	<p>This bill requires the plan to establish an appeal/exemption process for step therapy. ESI already has a process in place so adhering to the requirements in this legislation would only require minor changes.</p> <p>Additionally, the bill requires the insurer to grant an exemption to step therapy if the provider submits justification and documentation to support the argument.</p> <p>PEBP currently estimates a savings of approximately 3.4M annually from the use of step therapy protocols. Step therapy exists to keep drug costs down by having patients try less expensive (but equal) alternatives prior to moving to the more expensive drug. In almost 40% of cases, patients found the less expensive alternative is an effective option. It is reasonable to assume that if step therapy can be bypassed, it would be</p>	<p>Feb 23, 2023 Read first time. Referred to Committee on Commerce and Labor. To printer.</p> <p>Feb 27, 2023 From printer.</p> <p>Mar 01, 2023 To committee.</p>

**PEBP Legislative Tracking
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	<p>bypassed approximately 40-50% of the time. This will drive utilization of more costly drugs.</p>	
	<p>Board Position</p>	
	<p></p>	
	<p>Fiscal Note</p> <p>\$1.5M annually based on current utilization, assuming step therapy protocols are bypassed 40-50% of the time.</p>	

**PEBP Legislative Tracking
2023 82nd Legislative Session**

[AB 6 \(BDR 40-380\)](#)

Bill Number & Description	Impact to PEBP	Bill Status
<p>Revises provisions relating to the cost of health care.</p> <p>AN ACT relating to health care; providing for the establishment of a health care cost growth benchmark for each year as a target for the maximum growth of total health care spending during that year; requiring certain state agencies to collaborate to develop and engage relevant persons and entities to implement strategies for meeting the health care cost growth benchmark; requiring certain insurers to report information relating to health care spending in this State; requiring the Director of the Department of Health and Human Services to publish an annual report concerning health care spending in this State; requiring the Patient Protection Commission within the Office of the Director to make certain recommendations concerning the health care cost growth benchmark and hold an annual informational public hearing concerning health care spending in this State; and providing other matters properly relating thereto.</p> <p>Patient Protection Commission/Assembly Committee on Health and Humans Services</p> <p>Effective Date: Upon passage and approval.</p>	<p>The implementation of a cap on healthcare costs will likely slow the growth of the cost of healthcare on the plan; however, there are concerns that this will also greatly impact the number of providers willing to practice in Nevada and therefore worsen the already critical provider shortage.</p> <p>Board Position</p> <p></p> <p>Fiscal Note</p> <p>None Expected</p>	<p>Nov 16, 2022 Prefiled. Referred to Committee on Health and Human Services. To printer.</p> <p>Dec 01, 2022 From printer.</p> <p>Feb 06, 2023 Read first time. To committee.</p> <p>Feb 23, 2023 Notice of eligibility for exemption.</p>

**PEBP Legislative Tracking
2023 82nd Legislative Session**

[AB 52 \(BDR 19-416\)](#)

Bill Number & Description	Impact to PEBP	Bill Status
<p>Makes various changes related to the Open Meeting Law.</p> <p>AN ACT relating to governmental administration; revising provisions relating to the determination of a quorum of a public body and the number of votes necessary for a public body to take action; clarifying the applicability of the Open Meeting Law to certain gatherings of the members of a public body; revising the notice requirements for certain meetings of a public body; revising provisions related to abstaining from voting by a member of a public body for certain conflicts of interest; creating exceptions to the Open Meeting Law for certain committees that prepare arguments relating to ballot measures; clarifying the applicability of the Open Meeting Law to certain foundations; and providing other matters properly relating thereto.</p> <p>Assembly Committee on Government Affairs</p> <p>Effective Date: This act becomes effective on July 1, 2023.</p>	<p>This bill updates the definition of a quorum and voting thresholds to be modified based on positions net of vacancies and net of nonvoting members. This bill adds to the definition of a meeting that will require some level of deliberation to occur; otherwise, the meeting doesn't qualify under Open Meeting Law.</p> <p>Board Position</p> <p></p> <p>Fiscal Note</p> <p>None Expected</p>	<p>Nov 16, 2022 Prefiled. Referred to Committee on Government Affairs. To printer.</p> <p>Dec 01, 2022 From printer.</p> <p>Feb 06, 2023 Read first time. To committee.</p>

**PEBP Legislative Tracking
2023 82nd Legislative Session**

[AB 85 \(BDR 40-169\)](#)

Bill Number & Description	Impact to PEBP	Bill Status
<p>Establishes procedures to fix rates for certain health care goods and services.</p> <p>AN ACT relating to health care; creating the Independent Commission on Rates for Health Care Services; establishing procedures for fixing the rates charged by hospitals, independent centers for emergency medical care and surgical centers for ambulatory patients for certain goods and services; authorizing the imposition of a civil penalty and initiation of disciplinary action against such a facility that fails to comply with provisions concerning rate fixing; creating certain causes of action to enforce those provisions; and providing other matters properly relating thereto.</p> <p>Assemblyman David Orentlicher</p> <p>Effective Date: Upon passage and approval.</p>	<p>This bill establishes fixed rates on <u>facility</u> charges and establishes an independent commission to oversee rates. Approved rates allow facilities to earn fair and reasonable profit and provide fair and adequate compensation to employees.</p> <p>This legislation would eliminate balance billing by facilities and likely result in reduced costs to PEBP. However, this could also be perceived as unfavorable market conditions in the provider industry and further strained the provider shortage in Nevada.</p>	<p>Jan 30, 2023 Prefiled. Referred to Committee on Health and Human Services. To printer.</p> <p>Feb 02, 2023 From printer.</p> <p>Feb 06, 2023 Read first time. To committee.</p> <p>Feb 16, 2023 Notice of eligibility for exemption.</p> <p>Upcoming Hearing: Assembly Health and Human Services Mar 03, 2023</p>
	Board Position	
	Fiscal Note	
	None Expected	

**PEBP Legislative Tracking
2023 82nd Legislative Session**

[AB 147 \(BDR 54-74\)](#)

Bill Number & Description	Impact to PEBP	Bill Status
<p>Revises provisions relating to dentistry.</p> <p>AN ACT relating to dentistry; requiring dental hygienists and dental therapists to comply with certain requirements governing the provision of health care; requiring certain providers of dental care to receive training on teledentistry; prescribing certain requirements relating to the secure storage of electronic records; providing for the issuance of special endorsements for a dentist, dental hygienist or dental therapist to administer immunizations; imposing certain requirements relating to the administration of immunizations by the holder of such an endorsement; deeming certain conduct by a provider of dental care to be unprofessional conduct; authorizing the imposition of disciplinary action against a dentist, dental hygienist or dental therapist for certain violations; requiring hospitals and issuers of Medicaid managed care plans to take certain measures to ensure access by recipients of Medicaid to teledentistry; requiring a public or private school or child care facility to accept a dental examination, screening or assessment provided through teledentistry for certain purposes; imposing certain requirements relating to the provision of services through teledentistry; providing a penalty; and providing other matters properly relating thereto</p> <p>Assemblywoman Elaine Marzola</p> <p>Effective Date: Upon passage and approval.</p>	<p>This bill amends NRS 287.04335 to remove the end date for teledentistry under the Declaration of Emergency for COVID-19 and requires teledentistry to be covered by PEBP. Prior to the pandemic, PEBP did not cover teledentistry.</p> <p>Board Position</p> <p></p> <p>Fiscal Note</p> <p>None Expected</p>	<p>Feb 13, 2023 Read first time. Referred to Committee on Commerce and Labor. To printer.</p> <p>Feb 14, 2023 From printer. To committee.</p> <p>Feb 24, 2023 Meeting Cancelled (weather related)</p>

**PEBP Legislative Tracking
2023 82nd Legislative Session**

[AB 155 \(BDR 40-305\)](#)

Bill Number & Description	Impact to PEBP	Bill Status
<p>Establishes provisions relating to biomarker testing.</p> <p>AN ACT relating to health care; establishing the Task Force on Precision Medicine and Biomarker Testing; prescribing the membership and duties of the Task Force; establishing March as Precision Medicine and Biomarker Testing Awareness Month; requiring policies of health insurance to include coverage of biomarker testing in certain circumstances; establishing certain conditions relating to such required coverage; making an appropriation; providing for a study of certain matters relating to precision medicine and biomarker testing; and providing other matters properly relating thereto.</p> <p>Assemblywoman Sarah Peters Assemblyman David Orentlicher</p> <p>Effective Date: Upon passage and approval.</p>	<p>Biomarker testing is already covered under current plan rules for medical necessity, therefore this would not require PEBP to make any changes.</p> <p>Board Position</p> <p></p> <p>Fiscal Note</p> <p>None Expected</p>	<p>Feb 13, 2023 Read first time. Referred to Committee on Health and Human Services. To printer.</p> <p>Feb 14, 2023 From printer. To committee.</p> <p>Feb 21, 2023 Notice of eligibility for exemption.</p>

**PEBP Legislative Tracking
2023 82nd Legislative Session**

[AB 219 \(BDR 19-781\)](#)

Bill Number & Description	Impact to PEBP	Bill Status			
<p>Makes various changes to the Open Meeting Law.</p> <p>AN ACT relating to governmental administration; requiring, under certain circumstances, a public body to have an additional period devoted to public comment when a public meeting is continued to another day; prohibiting, with certain exceptions, a public body from considering any item that is not set forth on the original agenda for the meeting if a meeting is continued to a day other than the date set forth on the agenda for the meeting; requiring, under certain circumstances, a public body to post a copy of the notice of a meeting at the building in which the meeting is to be held; requiring, under certain circumstances, a meeting agenda to include clear and complete instructions for a member of the general public to call into a meeting to provide public comment; requiring a member of a public body to attend a certain number of meetings of the public body in person at a physical location; requiring, under certain circumstances, instructions for a member of the general public to call into a meeting to provide public comment to be read verbally verbatim before each period devoted to public comment begins; and providing other matters properly relating thereto.</p> <p>Assemblywoman Venicia Considine</p> <p>Effective Date: This act becomes effective on July 1, 2023</p>	<p>This bill reorganizes the public comment periods in an open meeting.</p> <p>Agendas with virtual meetings must include instructions for the general public to provide public comment.</p> <p>Prior to public comment, instructions must be verbally read, verbatim before each period devoted to public comment.</p> <p>Finally, each member must attend at least 25% of all meetings in person. For PEBP this is at least 2 meetings/year.</p> <tr> <td data-bbox="1094 1019 1535 1060">Board Position</td> <td data-bbox="1094 1060 1535 1141"></td> </tr> <tr> <td data-bbox="1094 1141 1535 1182">Fiscal Note</td> <td data-bbox="1094 1182 1535 1317">None Expected</td> </tr>	Board Position		Fiscal Note	None Expected
Board Position					
Fiscal Note	None Expected				

Feb 23, 2023
Read first time. Referred to Committee on Government Affairs. To printer.

Feb 27, 2023
From printer. To committee.